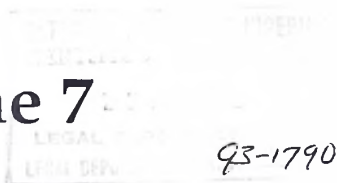




# Seven Years of IBB

Volume 7



## *The Transition*

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ISBN. 978 - 2171 - 02 - 6

978 - 2171 - 03 - 4

**PUBLISHED BY**  
**The Daily Times of Nigeria PLC Lagos Nigeria**

## FOREWORD

Seven years of IBB is to my mind a most commendable attempt to undertake a comprehensive and detailed assessment of the work and achievements of an incumbent head of state and government. The seven volume work with a picturesque compendium analyses virtually every initiative undertaken by the Babangida administration since coming to power in August 1985.

The contributors to the work have presented a well researched and analytical appreciation of the regime's bold effort at restructuring of the economy; its imaginative political initiatives designed to usher in lasting democracy and the administration's creative reorientation programmes intended to inculcate a new political culture conducive to the survival of democracy, and to the democratic way of life. They have also proffered suggestions on how to remedy the lapses they observed and identified.

The volumes cover Politics and the Transition, The Economy, Foreign Policy, Labour and Social Development, Arts and Culture, Education and Rural Development, and New Political Culture.

The editors have rightly observed that the Babangida Administration more than most embarked on a number of radical reforms in its seven years of existence. "Each of the reforms embarked on by the Babangida administration, for example, the Structural Adjustment Programme, or the Transition Programme is major enough to occupy the full time of any administration. Yet the administration had made commendable efforts in realising the objectives of the reforms. The reforms became necessary as a result of the down- turn of the economy since the late seventies and due to the changing political landscape during that time! What must be remembered is that the political environment in the early 1960's soon after independence, was a period of consolidating Nigeria's independence politically and economically rather than indulging in any reform exercise at the time which would not have been acceptable. That is why, understandably, the first civilian political leadership was too preoccupied with maintaining a fragile political system to contemplate introducing anything radically different from what was bequeathed to it by

the colonial regime. Inevitably, the unstable condition brought about a political change early in the life of the nation through military intervention for the first time.

Successive governments, especially our government after the civil war, did try to embark on reforms aimed at building a more united and economically strong and less dependent Nigeria where our economy is controlled by our nationals. The Economic Development Plan, the series of projects we executed and reforms we introduced in the early 1970's for example, our immediate post-war initiative at reconciliation and reintegration, rehabilitation and reconstruction, the 3R's, the Universal Free Primary Education and the Economic Enterprises Indigenization Policy were all attempts to address some of the questions that the Babangida administration, to his credit, took up with so much courage and decisiveness than his predecessors. Other governments too did recognize the need for reforms and in fact pursued policies meant to realize the objectives of the reforms. Little, however, has been recorded about the contribution of these governments other than what government-sponsored publications have done.

It is in this regard that I find the initiative of the publishers of this very comprehensive study very encouraging. It is an acknowledgement of the great contribution made by a leader to the socio-economic and political development of our fatherland. I hope that similar studies will be undertaken on the tenure of our leaders so that our future leaders will be encouraged to strive to do their very best being conscious of the fact that history is recording them even as they are still on the saddle.

Seven Years of IBB is an essential reading for any understanding of where Nigeria is today and from the foundation laid, what we hope it will be in the 21st Century. My congratulations to the Authors / Editors for a comprehensive work well done.



(Gen. Dr. Chief F. Gowon)  
The Rare Ajagunda of Life

## AWAITING THE VERDICT OF HISTORY

History is a product of continuous interaction between man and environment. Seven years is nothing much in the life of a nation particularly one with the size and complexity of Nigeria. But a seven year period during which fundamental assumptions were challenged and modified, when phenomenal changes were effected in Nigeria's social, economic and political scene, and during which issues hitherto reserved for the esoteric class, corporate bodies, and campus eggs heads became subjected to public debate and reactions deserve to be carefully documented and rationally analysed. The 1985-92 period is one that will be a fascinating subject in Nigeria's history books. Historians and social scientists will find the sheer weight and volume of decisions taken, their immediate and lasting effect on the country's outlook, economy and body politic too attractive to ignore. Even before the Babangida regime signs off, the men who captained the ship of state the policies they enunciated, the manner of implementation, the intended and accidental consequences are already being studied.

There has so far been a tendency towards an approach that is essentially biographical; one that seeks to explain the actions of the regime in the light of the vision of the leader.<sup>1</sup> In the **Prince of the Niger**; Chidi Amuta analysed the 1985-92 period from the background of the knowledge of General Babangida's biographical condition because according to Chidi it is by so doing that we may be able to appreciate the deeper roots of the decisions that he had to make and policies he had to pursue. The Orphan at fourteen who through dint of hard work and persevearance came to occupy for seven years the highest position in the country's political hierarchy knows the difference between poverty and wealth, ignorance and knowledge, opportunity and the lack of it. Babangida was said to have for a long time been deeply concerned with the problems of Nigeria out of a patriotic commitment and consulted widely even before coming to power with those who ought to know about the

multidimensional nature of Nigeria's socio-economic and political problems. These along with his personal experience must have influenced his attitude and policies. Events in the life of a nation are no doubt shaped by the perception of the leaders. These perceptions are in themselves influenced by personal experiences.

But it will be misleading to assume that the Babangida factor was the sole determinant of events in the 1985-92 period. Admittedly the regimented command structure of the armed forces compel instant obedience and does not leave much room for arguments and counter arguments particularly with superiors. But Babangida realised that the office of the Chief of Army Staff is not exactly like that of the President. In his maiden address Babangida denounced the Buhari-Idiagbon duo for disregarding the principle of discussion, consultation and cooperation. There was the Armed Forces Ruling Council, the Council of States, the Council of Ministers and the Presidential Advisory Council all of which were consultative bodies at different levels. Even though Babangida left no one in doubt as to who was in charge, the occasional change in aspects of policy formulation and implementation were clearly the result of inputs of individuals and groups to whose opinion Babangida deferred.

There were frequent changes in key personnel of government during the seven year period. But there were a few individuals such as Abacha, Aikhomu, Akilu, Chu Okongwu, Olikoye Kuti, Olagunju and to a lesser extent Jubril Aminu, Alhaji Alhaji, and Bola Ajibola who made inputs into policy formulation and who have clearly influenced events to some degree. Thus if a biographical approach were to be adopted to the study of the 1985-92 period, it will certainly not be complete without a biographical study at least of Vice President Aikhomu and General Sani Abacha. These two individuals will share with Babangida the praise and blame for the successes and failures of the regime.

But whatever judgement is pronounced must be against the background of the circumstances in which Babangida and his team found Nigeria. It is the environment and circumstances that make the man

and the government. It needed a defeated Germany suffering from the implementation of the Versailles treaty to produce a Hitler. Without a regimented and classless society which existed in the Soviet Union, there would not have been any need for Gorbachev to bring about *Glasnost* or *Perestroika*. The Babangida era would not have had a "raison d'être" had the massive corruption and prostitution of democratic values of the Shagari era not been succeeded by the authoritarianism and lack of proper economic focus of Buhari.

The seven books on seven years of IBB seek to record and analyse the interaction between men, ideas, circumstances and environment in the effort to make Nigeria a better place. The approach here is factual and analytical. It is an attempt to document and interpret actions taken by individuals who believed that the objectives suitable to be pursued in the Nigeria of August 1985 are those economic reconstruction, social justice and self reliance. The emphasis on the Nigerian situation before Babangida is one of the central issues being stressed by the editors and contributors of this series. We believe that any attempt to interpret and analyse contemporary situations should begin with an insight into the past. The present is a product of the past." Any balanced analysis of the Babangida era must take cognisance of the Nigerian situation before August, 1985. We need to know where we are coming from in order to appreciate where we are. Some of the critics of Babangida regime conveniently ignore the fact that by August 1985, a combination of the fall in world oil prices, inadequate policies of the past, and rising debt obligation produced a difficult economic situation which adversely affected both external and fiscal balance, they demonstrate a lack of awareness of the fundamental flaw in the structure of the economy which although made worse by the corruption and incompetence of the 1979-83 era needed much more than the "tough-guy posture of Buhari-Idiagbon". The situation called for a fundamental restructuring of the one legged economy operating within the parameters designed by the Breton Woods institutions as a result of which by 1985 44% of the revenue had to be spent on debt servicing."

The Structural Adjustment Programme was adopted by the regime following public rejection of the proposed IMF loan. The programme

was aimed at solving Nigeria's economic problem at its roots. The administration was of course aware that the positive results of SAP might be long in coming while the immediate effect would bring pains to the populace thus making the government somehow unpopular. But the regime realised that it was necessary to plan for Nigeria's long term future beyond the usual four to five year term after which the "buck is passed on". The situation called for courage to take on the established class who benefitted from the existing flaws in the economic structure e.g. import license and even some elements of the lower and middle class who had been accustomed to the usual 'government by patronage and subvention'.

Babangida's worst critics will find it difficult to accuse him of lack of courage to take decisions "Posterity will forgive us for taking wring decisions but will not forgive us if we fail to take decisions". SAP had not been very popular with the populace. The regime however sees it as central to our national economic and political recovery on the long run. It was prepared to be unpopular in order to bequeath an enduring foundation to the future generation of Nigerians.

The manner of implementation of certain aspects of SAP has been a source of concern. Some of the unavoidable extra budgetary expenses have tended to limit the gains of the programme. The long term nature of the measures taken are such that the positive effects cannot be that much visible as of now. But it will be hard to deny the fact that there is already evidence of a radical change in our consumption habits, an inculcation of maintenance culture, an acceptance of the idea of self employment, an increase in food production, the increase in local sourcing of raw materials, and of fundamental reorientation in the psyche of the Nigerian citizenry.

The domestic and international environment during the end of 80's was such that the only realistic approach to the problems of Nigeria was the adoption of SAP. The state of the Nigerian economy in 1985 was similar to those of many African and third world countries. Between 1985, Africa's economic performance recorded an average annual growth rate of GDP of only 0.4 percent capital income which was already low at the end of the 1970 had steadily declined by about

2,6%. Social services and welfare especially education, public health and sanitation rapidly deteriorated. This is why by 1988 about 30 Africa countries had to adopt structural Adjustment Programmes with the support of the IMF and the World Bank. Moreover the mid 80's coincided with the global resurgence of conservative economic and political philosophy and the final act of communism; a period dominated by Margaret Thatcher and Ronald Reagan. The slogan then was and still is less government in business. What this means is privatisation of many government economic establishments which as has been rightly argued, are best left to the business class. If the former Soviet Union can now be talking of practising a free market economy, the Babangida regime must have right in refusing to get involved with un consequential commercial ventures. It was correct to see its role as that of maintaining law and order and thereby create an enabling environment that would protect investment and encourage productive planning on a sustained basis.

"One of the unavoidable consequences of SAP is the economic strain it brought on the middle and lower classes who had to pay higher rates and utility prices arising first from the liberalisation of foreign exchange which devalued the Naira, and secondly the commercialisation of some public parastatals." The government realised the human dimension and the need not to marginalize the greater majority of the population. Babangida was aware that weaker segments of our populace could perish under the yoke of the emergence of a free market regime hence the various ameliorative policies and programmes that they pursued. The President promised that deliberate efforts will be made to ensure that those reform measures that have been put in place to cushion the difficulties at both the urban and rural communities are fully implemented. "It was this concern for the welfare of the masses that brought about the establishment of programmes such as the Directorate of Foods, Roads, and Rural Infrastructures DFFRI, People's Bank, Community Bank, National Directorate of Employment and Better Life." Details of the manner of operation and effects of these establishments which have now become established aspects of our national life will be found in the volumes of this project. They constitute what can be described as the "Human Face of SAP" and to a considerable extent

an unconscious implementation of African alternative framework to structural adjustment programmes for socio-economic recovery and transformation as advocated by the United Nations Economic Commission for Africa ECA.

<sup>h</sup>The manner and style of Foreign policy implementation is one area in which the Babangida regime distinguished itself from its predecessors. While still retaining the essentially Afrocentric focus there has been a clear emphasis on the need to relate foreign policy to the domestic economic situation. The adoption of Economic diplomacy as the policy thrust meant that issues related to trade and investment came into sharp focus. While still placing emphasis on block unity, efforts were made to strengthen economic links with Africa and the diaspora.<sup>h</sup> The volume on foreign policy will show that foreign policy is one area in which it will be extremely difficult to contest Babangida's claim to success. "His performance and achievement as ECOWAS and OAU Chairman, and elections into the top positions at both the Commonwealth and United Nations are among the visible proofs." The technical aid corp programme (TAC) Introduced by the regime has brought so much goodwill to Nigeria in the receiving countries. There is virtually no programme that has ever positively projected Nigeria among the ordinary people in foreign countries. The positive contribution of TAC to the economic and social life of the receiving countries has reinforced Nigeria's image as the mecca for all black people and a country which means for all the black people what Israel means to the Jews.

The elaborate political transition programme is predicated on the belief that the Nigerian situation as at August 1985 was directly attributable accountability. Democracy as practised by absence of politicians of the first and second republics could not be described as the government the people, for the people. The administration pledged itself to the establishment of a new political order in which not only the letter but also the spirit of the constitution would be adhered to. There was the realisation that for the dreams of SAP to be realised, a stable political order was a necessity, "Our strategy" said General Babangida "has been to pursue a co-ordinated and multi. pronged approach to our developmental problems. Our

economic problems also have their political under currents. You cannot solve one without the other".

In seeking to create the new political order, there was clear obsession with getting the system rooted with the majority of Nigerians. Right from the establishment of the political bureau to the inauguration of the constituent assembly, the creation of new local governments and the elections held into the local governments, state and national assemblies, there was this apparent preference for power to be seen to be derived from the people. It was in reaction to the often repeated allegation that the essence of people's power was often lost in the irregularities that feature in the manner in which electoral votes were cast and counted, that the regime opted for the controversial open ballot system. It was also the desire, to ensure that there is no return to the ethnic politics of the past that the regime decreed the formation of two grass root based political parties after dissolving the 13 political associations formed because they were mere recreations of the first and second republics. With the two parties controlling an almost equal number of states and with neither of both parties having a two thirds majority at the national assembly. it is reasonable to expect that the politics of the third republic will be one of consensus and compromise since no side would be able to go it alone.

It is tempting to regard a publication of 7 years of IBB by the DAILY Times as a mere government propaganda. Such an attitude is understandable given the fact of the government's control of majority shares in the company. The editors and contributors of the present volume are aware of the fact that the sheer weight and volume of activities that took place within the past seven years are such that would normally attract observation and comments particularly after the regime might have handed over. This is not an attempt to whitewash the Babangida era.

What we have tried to do has been to present the facts and analyse them as rationally as possible. We believe that whatever criticisms one may have against the regime will have more to do with implementation than the formulation of policies.

It will be difficult to fault the objectives of SAP. It was the only rational option considering the state of Nigeria's economy in 1985. The fact that 30 African and third world countries are implementing structural adjustment policies attest to the inevitability of the programme given our circumstance. "The human face of SAP were the ameliorative programmes such as DFFRI, Better Life, NDE, People's Bank, Community Bank. Like all other aspects of SAP the manner of operation of some of these projects could have been better if not for the inconsiderate ambition and greed on the part of some Nigerians. The reckless manner in which loans were dispensed at the People's Bank, the unsubstantiated claims of DFFRI, the general attitude that government money is there for the taking limited the success of the implementation of some of these otherwise well-conceived programmes."

The chapter on DFFRI, while emphasising the revolutionary nature of the concept in articulating a national programme of rural transformation acknowledged the fact that actual implementation of the programmes had been flawed on several fronts and plagued by several implementation failure. But this, does not rule out the fact that DFFRI, established 25,000 ton storage facilities in selected urban locations, facilitated the procurement and distribution of fertilisers, constructed hundreds of thousand of feeder roads, and executed water supply projects. Despite its shortcomings DFFRI brought some of the good things of life to some elements of the rural community. The same goes for the much criticised Better Lifer for Rural Women Programme. The proposal to get it incorporated within the ambit of the National Commission for Women has the potential of depersonalising the programme and detaching it from the families of state and national political leaders. "Whatever might be its shortcomings, the programme has launched 7,635 cooperatives, 997 cottage industries, 1,751 new farms and gardens, 1187 new shops and markets, 419 women's centres and 163 social welfare programmes. Perhaps of more importance is its success in arousing the social and political consciousness of Nigeria's womenfolk." The award of the prize for the sustainable end of hunger to the first lady in August, 1991 accorded the programme the international recogni-

tion and justification that it deserves.

It is obvious that the downturn in the economy which is a world wide phenomenon has resulted in the decline of the quality of social services e.g health and education. Teaching hospitals despite some of them having been designated centres of excellence lack necessary equipments. Some Nigerians have since been in the habit of going abroad to receive medical treatment, Critics of the Babangida administration are inclined to emphasis only this aspect of health sector but will carefully ignore or refuse to mention the fact that the government has been quite successful in its primary health care programme which emphasises the provision of essential medical and health facilities to the community. The primary health care programme deals with diseases and ailments that afflict the majority of Nigerians who live in the rural communities. The teaching hospitals deal mainly with the diseases of the affluence. One is not attempting to justify or rationalise the decline in the quality of health care. What is being said is that the government had tired to focus more on the requirements on the wider populace within the limits of resources available.

The chapter on education makes it clear that the sector took some beating during the Babangida era. But as the editors and contributions of these volumes have pointed out, some the problems which the regime faced and which tended to ignite negative feelings were inherited. The politicisation of university education by which every State Governor wanted to be Visitor started during Shagari era. The Babangida regime regrettably did not arrest the trend. Even State governments that have Federal Universities located in their territories did not feel satisfied until they had their own. Then there came universities of technology and agriculture despite the existence of faculties of engineering and agriculture in the existing ones. Meanwhile the decline in the value of the Naira coupled with the army of competing demands made it difficult for the government to meet its obligation to the universities with regards to funding. Nigeria's best brains left their natural habitat (campuses) either for the private sector or "checked out" to other countries.

With the proliferation of merchant banks and the ease with which less educated Nigerians made money, the value and virtues in reading took a drive. It took a spirited and most constructive industrial action by Dr. Jega led Academic Staff Union of Universities to get the government agree to improve conditions of service of teachers and fund universities adequately.

The important thing is that by agreeing eventually to ASUU demands, the Babangida regime has laid a foundation for the survival of the country's university system. The drift from the country's universities to the other sectors is beginning to cease. As the opportunities for easy money begins to decline, the educated man is likely to get the appreciation that he deserves from the society. It may take some time before the impact of the agreement reached between ASUU and government is felt. This may perhaps be one of the positive effects of the Babangida administration that will take some time to manifest itself on the society.

The Babangida regime had its shortcomings. The situation in the mid 80's till now is such that no regime could do without. In confronting the situations that it met the regime exercised sound judgement particularly in the selection of personnel to face the challenges. With Olikoye Kuti in Health, Jubril Aminu in Education, Ajibola at the Justice Ministry, Kalu Idika Kalu in Finance, Babangida picked those who on paper seemed most qualified for the job. This is not to say that this attitude permeated every section of the public service. But with ministerial appointments Babangida seemed to have been a stickler for quality. As a systemsman, he left most of the implementation to his ministers who on some occasions even initiated policies. Some of the confusions that occurred in some national sectors such as the changing of school calendar, implementation of second tier and fuel distribution are more attributable to the ministers even though as President Babangida takes all the praises and blame.

It has not been an easy seven year period. The problem inherited were formidable. But equally formidable were the determination and resolve not only to overcome the problems but also to lay the

foundation for a greater tomorrow. The editors and contributors have attempted to present the problems and analyse efforts made to confront them. Whatever may be one's individual attitude to the personalities, it will be necessary to remember the magnitude of the problems which were largely inherited before one can be in a position to estimate the success of the efforts made to combat them. There is also the fact that because the regime chose to act with an eye for the distant future and plan for generations yet unborn, the effects of some of the measures it took are not yet discernible. The regime like all others before it will have to wait for the judgement of history.

*Prof Ade Adefuye*  
*Nigerian High Commission*  
*London . 1993.*

## PREFACE AND ACKNOWLEDGEMENT

It was ambitious in conception. Seven Books on Seven Years of President Ibrahim Badamasi Babangida, each having seven chapters, looked like an impossible order, especially when then Managing Director Chief Tola Adeniyi also directed that it be completed within four months.

The idea of the books had occurred to Chief Adeniyi, in London, early in 1992. Before he returned from that trip, his first as "Sole Administrator" of the Daily Times of Nigeria PLC, he had discussed the idea extensively with Professor Ade Adefuye, Deputy Nigerian High Commissioner to the United Kingdom. Extensive notes had been made, suggesting book subjects and chapters, as well as book editors and chapter writers. Professor Adefuye was, naturally appointed General Editor of the series. The first announcement of the project was made in the *Sunday Times* on March 1992.

I became involved in the project, when Chief Adeniyi, in a memo, asked me to take charge of the project. After discussions with our then Books Editor, Mr. Paul Akegwure, it was agreed that we needed to mobilise more fully the considerable intellectual power that resides in our Editorial Department, if the task was to be accomplished. A committee that included the Editor, *Daily Times* and most members of the Editorial Board, as well as the Books Editor and the Editor Times Home Studies, was set-up.

Then followed, in consultation with the General Editor, a somewhat drastic revision of book chapters, to cover more areas of the Babangida Revolution, and of Editors and writers on the basis of interest and ability to deliver. Then commissioning and re-commissioning, when some who had accepted failed to deliver. The Managing Director's fascination with the figure 7 was to prove somewhat problematic. But the committee persisted, cajoling contributors and Editors to submit copies, and looking for, and persuading new contributors, on the many occasions we had cause to re-commission chapters.

Co-ordinating this project has been a most educative experience for me. For that, I want to thank Chief Tola Adeniyi, Chairman/Chief Executive of Daily Times of Nigeria PLC for the opportunity. I should also thank our General Editor, Professor Adefuye for his keen interest and advice at every stage of the project. My thanks too to our contrib-

utors, and especially our Editors who had to attend several meetings in Lagos in the process of producing this series. His Excellency General Yakubu Gowon, at our request, wrote the Foreword. I thank him.

But perhaps this project might have been as impossible as it looked at the beginning without the exemplary commitment of members of the committee. Their enthusiasm was touching. So I must thank specially: Gbenga Odusanya and Dayo Alao who oversaw the production of the books; G. G. Darah, Omar F. Ibrahim, Ayo Olukotun, who wrote, edited and constantly revised theirs, and other contributors' copies; Tunji Okegbola, our brilliant and indefatigable Librarian who not only compiled the compendium, but also the indexes of all the books; Mallam Kabir for the cover design, staff of the Times Books & Periodicals Department, for industry and the numerous other colleagues who offered advice, suggestions and sometimes, sympathy.

For all of us who have participated in this project, this has been, I believe, a worthwhile experience. Believing that a good deal of the truly revolutionary programmes of the Babangida administration were either misunderstood or under-appreciated, we had set out to record and analyse the achievements of this period, in an attempt to place them in their proper perspective. It is perhaps indicative of the enthusiasm which developed, that we ended up with eight Books — The Seven Books, plus a Compendium.

It should, however, be stressed here that this is not a government information project. Although government officials, like many other citizens, knew about what we were doing, no government official asked for, or read any part of the series before they were published. Fully conscious that the debate about Babangida's place in history will rage for many years after the man has gone, we made efforts to invite contributors to write on subjects about which they are knowledgeable. What the contributors and the Editors have written represent, I believe, their observations and objective assessment of a period in Nigerian history, about which no patriot can be indifferent. This is our contribution to the prospective debate. I am assured by the General Editor, that Editors and contributors are prepared to bear sole responsibility for all errors of fact and judgement in this publication.

Onyema Ugochukwu,  
Chairman,  
Co-ordinating Committee.

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# Introduction

## INTRODUCTION

The Transition programme has, without doubt, been the most contentious issue of the Babangida administration. It remains contentious because it does not only define the range within which the administration would function, but structures the content of policies and their relationship with the past and the future.

Chemical Scientists have, indeed, often warned that "transition elements" generally exhibit high density, high melting point, magnetic properties, variable valence, and the formation of stable co-ordination complexes. So has the transition programme whose source and implications can only be appreciated through an understanding of past processes and the totality of the Nigerian experience in relation to the dream of the Nigerian nation and, in consequence, the type of speed that would move the nation from the past to the future.

In other words, transition in the Nigerian context is a human condition situated within the loom shuttle of movements through programmatic actions that serve as instruments for the realisation of some perceived goal(s).

By virtue of its nature and centrality to the essence of current military rule, as the real vehicle for transmitting the values of the regime and propelling its logic, the transition programme is crucial to the assessment of the Babangida years. This underscores the importance of this volume.

The seven essays in the volume do not, however, pretend to have covered all the basic issues of the transition, but they no doubt cover a wide range of issues which formed the totality of activities marking the transition from one pole of political existence to another and shaping, in the process, a new polity.

The volume begins with the Editor's examination of the military's transition politics, a succinct x-ray of the military in transition politics within the Nigerian context and ends with John Araka's review of Presidential aspirants who gun for the job held by President Ibrahim Badamasi Babangida.

Chapter 2 is a review of the process of lifting the ban on political activities and the formation of political associations before they were assessed and found to lack competence to function as Political parties. In Chapter 3, Ayo Olukotun presents an overview of the two political parties, the NRC, and the SDP. He recalls the antecedents, the programmes, ideology and Organisation with a concluding note on their problems and prospects.

Since elections have been proposed and accepted as the means through which power must change hands in the process of the transition, the phenomenon is made the focus of chapter 4. Here, Omar Farouk Ibrahim takes us through the essence of elections, the responsibilities of the National Electoral Commission (NEC), its relationship with the parties and the conduct of the various elections.

Sam Ijalana takes off from where Ibrahim signed off. On the principle that fairness and justice are not negotiable in a democratic polity, avenues were established through which aggrieved participants in the electoral process could seek redress. In chapter 5, we have a presentation of how election petitions were handled during the transition. The various laws governing the process are examined, selected cases are cited, the procedures stated and the salient issues are highlighted.

In chapter 6 we have "Diarchy in Practice", a situation in which the military shares powers with the civilian at different levels of governance with role relationships determined by decrees and sections of the Constitution. The volume is capped by Araka's summation of the struggle by those who want to actualize total civilian control of political authority.

Essentially, the seven chapters of this seventh volume on Babangida's seven years in office contain enduring glimpses into policies, processes and episodes which reveal vital aspects of the nature of the Babangida administration. They also show the complexity of Nigeria and the democratic option as well as the various forms of traps and wolves against which even lions and foxes would need protection. Above all, they point in the direction form which the Third Republic will take-off.

Tunde Adeniran  
Nov. 5, 1992.

# Chapter I

# THE MILITARY IN TRANSITION POLITICS

*By Tunde Adeniran*

*"Will They Ever Go?"* That was the critical scream that passed as the headline banner of a leading Nigerian weekly newsfeature magazine three years into the Babangida administration and a little over a year after the regime released its Transition Programme<sup>1</sup>. Among the quotations used to build the write-up were those of two retired but influential Generals. To one, "you cannot guarantee a stable government unless injustice is redressed" while the other did not think Nigeria would witness democracy in his lifetime<sup>2</sup>.

The foregoing are just but a few of the views widely expressed on the circumstance and possibilities of military rule. Such perspectives, sometimes conflicting and most of the time perplexing, were informed by the socio-psychological impetus that modulate the parameters of choice that are often at the reckoning of military rulers. These are either dictated by the self-regenerating propensity of specific dynamics and forces that made military incursion inevitable in the first place or by the resurgence of dysrhythmic factors which compound the ailing tissues of socio-political and economic relations, thus creating an atmosphere of unresolved contentious but engaging problems.

How much latitude of action a particular military regime has in any given circumstances depends on some constant factors and multiple variables. The experience of the past seven years has shown quite clearly, however, that the Nigerian context has not only coloured the character of the regime but has impacted upon the process of military disengagement in politics and its role in the politics of the process.

## **The Context**

While the foregoing point some perspectives on the military in politics, any serious analysis of the military in Nigerian Politics, and transition politics in particular, cannot but recall the centuries-old debate which pitched Heraclitus' thoughts against those of Parmenides

in ancient Greece. For Heraclitus, all things carried with them their opposites, being and not being were part of every whole and, therefore, the only possible real state was the transitional one of becoming. But not so with Parmenides whose method of reasoned proof for assertions led him to destroy, with dialectic argument, the possibility of generation, destruction, change, and motion. By his logic, all change and motion are illusions of the senses; everything is being and nothing ever changes.

The pattern and process of the continuity and change of the military in Nigerian politics, predicated by the propensity to intervene in government and the inclination to stay out of politics, compound thoughts on the military and the transition. If certain conditions had not prevailed as the dominant characteristics of the Nigerian economy, social tendencies and politics, the military would not have had rational justification for intervening in governance. Secondly, but for the military's intervention in politics, there would not have been "transition", and without military disengagement from politics, "transition" would not have marked the present phase of Nigeria's political process. Here, precisely, is the challenge before us as we undertake a short review of the nature of the military and that of transition politics and their inter-relationship within the context of Babangida's administration.

### **The Nigerian Military and Transition**

Fairly devoid of the satrapic orientation that is characteristic of some of their counterparts elsewhere (the Arab East, etc.) and the Praetorian and functionalist varieties, the Nigerian military has often had the opportunity for scheming either of two possibilities: the first is to become a "ruler regime" while the second is to become an arbitrator force. The ruler category perpetuates itself by prolonging its own control while the arbitrator fixes a time limit on military rule, organizes a hand-over of government to an acceptable civilian regime and returns to the barracks under an agenda that makes it the guardian of civilian authority and political direction.

When Major-General Ibrahim Badamasi Babangida assumed office

as President and Commander-in-Chief of the Armed Forces of Nigeria, he made it clear that his taking over was necessitated by the failure of Major-Generals Buhari and Idiagbon, who led the displaced regime, to be guided in the decision-making process by the principles of discussions, consultation and co-operation...<sup>3</sup>. This, and the often repeated promise, which almost became a refrain, that the administration would not stay a day longer than it is absolutely necessary<sup>4</sup> are suggestive of President Babangida's belief in the supremacy of democracy.

The setting up of the Political Bureau in January 1986, less than five months into the Babangida administration, was like issuing to Nigerians to explore promising pathways to democratic rule and the military's return to the barracks. Transition Politics<sup>5</sup> was subsequently born out of the Transition Programme<sup>5</sup>, a product of the Government's views on the Submission of the Political Bureau in March 1987. The programme was designed to ensure a smooth handover of power to civilians by 1992 and ensure sustenance of democracy and good government thereafter.

\* The objectives of the Transition Programme, graduated and rationally spaced and inter-related, include the following:

- (a) to facilitate meaningful disengagement through a Learning process;
- (b) to create an environment conducive to the growth and sustenance of democracy;
- (c) to establish democratic institutions and structures as well as effect institutional adjustments that could withstand the stresses and challenges of democratic (and anti-democratic) practices within the context of Nigeria's social and cultural realities; and
- (d) to promote democratic principles, internalize the practice of grassroots-oriented democracy and insure a new order democracy against collapse through self-sustaining and mutually reinforcing mechanisms within the political process.

In other words, the transition programme, as conceived, was an attempt to forestall continued military intervention in politics and democratic government and pave the way for genuine nation-building and national development. Two features can be brought out from this. The military as well as the civilian population have to be mobilized to accept and promote the virtues of democracy. Secondly, that value appreciation would be converted and invested into policies and actions which lead to development within a stable democratic process characterized by viable political structures and institutions that would not be subjected to easy manipulation or distortion.

When the disengagement programme was eventually released to the public, one striking feature of the transition was its pattern. A rejection of the **ruler regime** and the **arbitrator force** options seemed evident from the process of the transition and its pattern. While General Babangida has not allowed a transition to be consummated through counter-coup, he has also rejected the option of perpetuating himself in office through self-civilianisation. Indeed, the adoption of the constitutional-evolutionary path has compelled tortuous and bumpy institution-building, electoral innovation and structural political adjustments conditioned by confidence-building measures.

### **The Military in Transition Politics**

The sequence of events from 1985 to 1992 reflects Babangida's politics of transition and his regime's policy posture on transition politics. To some scholars, **transition politics** is nothing but **determination intrigue**; it is the politics of determining time of withdrawal, the determination of **inheritors** of power and the policies to be inherited.

For a military regime, therefore, Transition Politics begins with the attempt to justify and legitimize intervention in the political process of the nation and runs through the process of disengagement to the handing over of power. The political landscape of the Third World and other emergent democracies is littered with military take-overs of governments that attempted to justify their intrusion into governance by calling themselves **Corrective Regimes**. A fundamental implication of this label is the fact that since they are not ruler

regimes, a short or medium period of time is needed to **Correct** the anomalies identified as the cause of **taking over** the government. In effect, therefore, the politics of transition starts, in many cases, with the first pronouncements and announcements from a new military government; a broadcast which normally captures the mood of the country.

In virtually all cases, the attempt of the military to justify its intervention and thereby seek legitimacy for the coup usually marks the overt and obvious beginning of transition politics. This is because the coup plot manoeuvres that ushered the administration into office are **unknown** though they constitute some form of transition politics aimed at bringing about changes. From all indications, therefore, we need to begin our appreciation of the role of any military regime in transition politics from the first pronouncements made on assuming office within the context of the nation's socio-political realities. A cursory look at all the military regimes from Aguiyi Ironsi to the present Babangida administration clearly reveals that the maiden addresses of the respective regimes give the signal of some willingness to play transition politics. But a critical analysis of their approaches to the fundamental issues of the day also expose the limits of each regime's tendencies to effectively disengage.

At the centre of transition politics is the issue of time. The attempt to determine the life-span of a military regime, the attempt to keep to the promised time span or extend the time by fiat or by circumstances are all aspects of transition politics. So also is the restiveness of the civilian population with regard to how long a military regime should stay and the mode of handing over.

Indeed, it has been argued by many analysts that the Gowon administration lost its credibility and, subsequently, its power the moment he said that the 1976 hand-over date was **unrealistic**. Conversely, Jerry Rawlings became the most popular public figure in Ghana prior to his second coming simply because he religiously relinquished power to the civilians as promised. Late President Doe of Liberia as well as Idi Amin of Uganda became fatal victims of **time politics** when the transition to civilian democracy failed to

materialize as expected. The palace coup of Compaore against Thomas Sankara in Burkina Faso had recently been traced to the issue of time in transition politics between the two military men.

In Nigeria, time has been central to the Transition Programme and the various commentaries which the programme engendered. The Babangida administration erroneously pronounced 1990 as the departure date ever before settling down to determine the extent of corrective work to be done and the dimension of new foundations to be laid. But, as soon as the Political Bureau sensed the danger of premature military disengagement and the value of the learning process, the regime was compelled to accept the October 1992 proposition which was subsequently readjusted to January 1993 based on the time-table reorganisation by the National Electoral Commission [NEC] which is ever mindful of the constraints it faces in terms of logistics and overall capacity.

\* Next to the issue of time is the factor of succession. All schools of thought on Power agree that no ruler is completely disinterested in the issue of succession or power inheritance. From Machiavelli to the idealistic Jeremy Bentham, there is a unique agreement on the desire for power perpetuation either through self or through acknowledged surrogates. The military is, indeed, no exception to the politics of power inheritance, power sharing, class consolidation, elite formation and sub-structure exclusion. But there is some observable shift in the style and substance of Babangida's transition politics when gauged by the thermometer and radar of political self-preservation within the context of military rule and transition politics. He has never hesitated to ride the tiger but with fully fastened armours! Bala Takaya, in the Book - *The Kaduna Mafia* - has argued that the Obasanjo regime did not just instal its political preference, it also cultivated and entrenched the intellectual arm of the Kaduna mafia in strategic points of the polity, thereby ensuring its perennial influence in the government and governance of the nation.<sup>6</sup> The prominence of certain public officers in all the regimes and administrations of the nation cannot be successfully explained on account of coincidence, accident of history or sheer brilliance of the officers. Definitely, all the Nigerian administrations, including the military, have

consistently exhibited a desire to select successors. In 1991, however, at a crucial stage in the current administration's transition politics, President Babangida had to affirm that the regime did not know those who would succeed it but was conscious of those who would not.

The essence of the foregoing affirmation is reflected in the ban and disqualification of some people interested in political office and the subsequent review of the administration's decision to ban. Moreover, the preponderant powers granted NEC in Decree 29 of 1992 is a perfect testimony to the subtle desire to sanitize the polity, regulate power inheritance and ensure compulsory socialisation along lines determined by the military regime. The activities of the politicians, especially the presidential aspirants, further point to the fact that some unwritten and unstated laws are essential for observance if the aspirants are to be on course.

The military regime as **guardian** (if not **king-maker**) has become a factor in the political transition programme of every military regime, making persons identified as anti-military to be deemed as uniquely disadvantaged. In view of this and, perhaps, because of the fact that over 70% of self government had been done by the military, political romance with the military is considered an edge in socio-economic and political calculation. **Godfathers** have thus emerged from the military class. Indeed, there has also emerged a potent rivalry between other **godfathers** who feel threatened by the bold emergence of **military godfathers**. The interaction and responses between the military and other direct or indirect seekers of office have logically become the bone and meat of the politics of succession in a transitional government. While this relationship exists in the completely civilian democracies and some **military democracies** of the Third World, the Nigerian situation has been rather refined. The process of selecting and excluding inheritors of power have been through decrees while rivalry amongst the **political godfathers** has been a prominent feature of the transition programme.

To some scholars, the adjacent issue of value is, of course, a purely

academic matter. This discourse shall in no way attempt to determine the desirability of guiding the transition process. There has been sufficient debate on this between those who want the transition process left to political market forces and those who insist on the need to avoid chaos, the desirability of the government's involvement in the delivery process of a lasting democracy. The latter position continues to hinge its argument on the hypothesis that the military initiator of a transition programme is best placed to correctly decide the true path of democracy. This is germane to the politics of transition.

The next critical issue is that of policy preservation. Every administration - ranging from the active to the passive, from the forthright to the inept, from the West to the East, from the military to the civilian - is usually identified with a programme, policy or cause. The axiom is as true of democracy as it is of military rule.

In Nigeria, every administration has been identified with one programme or the other. For instance, Operation Feed the Nation [OFN] was the pet project/policy of the Obasanjo regime while Green Revolution belonged to the Shagari years. The popular WAI programme belonged more to the repressive years of Buhari/Idiagbon regime while the pursuit of the Structural Adjustment Programme is synonymous with the Babangida administration. While these programmes may have been the most popular for each respective regime, there are other supportive and auxilliary policies which each regime attempts to pass to succeeding governments. The scheming and manoeuvres involved in the bequeathing of these legacies to succeeding regimes and ensuring the continued retention of such programmes form integral parts of the politics of transition.

It is the outflow of the politics of transition which impacts on the presidential aspirants of 1992 to pledge continuation of the Structural Adjustment Programme, even if refined. To be politically conscious entails a high level of sensitivity - the kind of sensitivity which compels any serious presidential contender to decipher those policies and matters of state which the incumbent military administration would wish preserved. There is no doubt that the Obasanjo

regime placed high premium on the Operation Feed the Nation programme and the desire to avoid probes into military stewardship. The Shagari administration assured and ensured faithfulness to the issues. Today, there are indications to the effect that political promises from politicians are influenced by the desire not to displease the military, in spite of the freedom extended to political aspirants.

### **The Babangida Administration and Transition Politics**

The prevailing situation when the Babangida administration came on the scene in August 1985 was characterised by political apathy, social coercion and injustice, economic decay and dependence on external sources and, above all, a baffling tendency towards untamed dictatorship. It was this dangerous scenario that the administration sought to change. The Nigerian system was positively challenged to effect the required change by creating the necessary framework for:

- (i) increasing the authority and influence of the principal characters that could effect the required change for the better in the Nigerian polity; and
- (ii) instituting a concerted series of policy actions and establishing agencies to facilitate the required change.

The thrust of the change-oriented package of the Babangida administration policies was tagged the **Transition Programme**. As noted elsewhere<sup>7</sup> the government ensured that an inbuilt learning mechanism was incorporated in initiating the transition programme. Decree No. 12 of 1989 which makes up part of the 1989 Constitution states, inter alia, that:

*whereas in order that the Federal Military Government may achieve its objective of leaving an enduring Constitution to the Nation, and allow for a learning process, it is necessary during the transition period to enact certain DECREES by progression in order to bring into force the relevant provisions of the Constitution relative to each of the three tiers of Government.*

To give effect to this power and Constitutional arrangements, the

Federal Military Government has been monitoring each phase and has created an institutional adjustment programme to ensure flexibility and opportunity to cater for exigencies. Of the three tier framework, the third tier (the **Local Administration**) has recorded the highest number of adjustments. These have touched the core of the 1989 Constitution, the Military agenda itself and its operations. One example was the dissolution of the democratically elected Local Government Councils which had to be done to accommodate some factors in the transition.

In 1991, there was the creation of nine more States and additional Local Governments. These serious constitutional transformations, and the more recent disqualification of National Assembly aspirants as well as the cancellation of the first set of presidential primaries which were compelled by necessity, have fundamental and far reaching consequences for the economy, politics and social intercourse within the Nigerian Federation. In a way, the administration has also readjusted and restructured not only the face and structure of Nigeria but the Nigerian national psyche. As changes are normally always difficult to accept easily, doubts and apprehension were created in the minds of some sectors of the populace. They started probing the real intentions of the Government vis-a-vis the Transition Programme. The latent result was the prevalent rumour that the Military was creating a chaotic situation so as to perpetuate itself in power beyond 1992. This scenario has placed the administration in the defensive position of having to refute the rumour at almost all public functions it found itself.

The courage of the Babangida administration to take weighty decisions and make giant strides resulting in the magnitude of the transformation of the nation has compounded public perception of the march to 1992. It is apparent that this nation has never witnessed so much change, so fundamental and momentous in nature, in so short a period in Nigeria's thirty-two years of existence.

All along, the politics being played by the administration in the process of transitting has exhibited flexibility, the willingness to be sensitive to the implications of policy actions by blending formal, positional, decisional, reputational variables with the informal, given Nigeria's socio-political history, the realities of the moment and the

global challenges. However, the changes also took cognisance of the need to control the conditions of incumbency and the firm desire to ensure that the national polity moves along acceptable routes through a process of controlled socialisation. The professed aim has been to increase the level of patriotism, discipline and self-reliance as the vehicle for integrating the individual into the national system as an effective citizen.

Evidently, the fact that the current process of socialisation is inspired and controlled, monitored and constantly regulated through various mechanisms aptly testifies to the fact that this rather liberal military regime is, after all, involved in the politics and politicking that normally go with transition. But the crucial point to note is **WHY** the military government is interested in the politics of the Transition Programme and not the issue of **IF** it should be interested.

The Babangida administration, having accepted the views of Nigerians as presented by the Political Bureau, designed the Transition Programme and phased its execution. It further created agencies and avenues to ensure that the government is sensitive to the implications of the Transition Programme in a dynamic way. Conscious of the inalterable laws of historical dialectics, the regime has continued to react appropriately to developments within the Transition Programme since the programme represents the people's mandate within the context of military rule. Although some of the government reactions to the dictates of the programme led to initial public outcry and outright rebuke, today, most of these interventions are vindicated.

For instance, although the administration demanded **time-sequences for the transition to be achieved by October 1, 1990**,<sup>8</sup> the Political Bureau's submissions compelled the Government to accept the view of a 1992 withdrawal by which time aspects of the nation's socio-political and economic crises would have been resolved and the foundation for a new political culture laid. Indeed, the need for a proper learning process and the desire to adequately prepare for a participatory democracy informed the decision. That decision, no doubt, has been vindicated by the mid-1992 calls for an extension in the duration of the transition programme; for, by then, many had

become aware of what the government foresaw in 1987

The learning period, through which the people would acquire necessary cognitive skills for the political process and participate meaningfully in the affairs of the nation, no doubt ought to be carefully planned and logically implemented. As will be seen in chapter 3, another example is the 7th October, 1989 Declaration during which the two political parties (the NRC and the SDP) were established. The 13 political associations that filed in papers for registration were disqualified. It is now clear to most political actors that, but for that decision, the present political process would have been compromised, the old cleavages would have become sharper and the march towards an unstable Third Republic would have begun. The two political parties, to which all are joiners, have offered the nation a change for national integration, reduction of tension and a hope for a new beginning.

The foregoing analysis and the chapters contained in this **TRANSITION** volume, which is the seventh volume on the seven years of the Babangida administration, provide a window through which to view Babangida's regime as it transits. There are elements of being and non-being as the administration intervenes creatively to mediate the interaction of forces and processes, make and unmake so that things may never be the same again in the interest of a stable political system, a dynamic economy and new social intercourse conditioned by change and continuity. And while Heraclitus and Parmenides might disagree on the real state and purpose of the ongoing transition they, like the evidence before us, would attest to the foresight inherent in it and the architect's mastery of the art.

## END NOTES

1. **The African Guardian** (September 12, 1988)
2. Major-General David Ejoor and Lt-General T.Y. Danjuma (both former Chiefs of Army Staff). See **Ibid**, P. 21
3. See President Babangida's Maiden address to the nation on 27th August, 1985. Reproduced in **Portrait of a New Nigeria: Selected Speeches of IBB** (Precision Press, 1990) P. 21
4. See the President's budget speech of 1986 and the address at the inauguration of the Political Bureau at Abuja on 13th January, 1986
5. For a fairly detailed preliminary analysis of the programme, see Tunde Adeniran, **The Transition Programme , Quarterly Journal of Administration** Vol. XXIV, No. 3 (April 1990) PP. 259 - 267
6. Takaya, B.J. and Tyoden, S.G. **The Kaduna Mafia** (Jos: Jos University Press, 1987)
7. See Tunde Adeniran, **The Transition to Civil Rule Programme: The Role of the Military (Now and After)** . Paper delivered at the Nigerian Army Officers Training Week - November 1991; 3 Armoured Division, Jos: PP. 4-6
8. President Ibrahim Badamasi Babangida's Address at the inauguration of the Political Bureau at Abuja, 13th January, 1986. See **The Search for a New Political Order** in **Portrait of a New Nigeria**, *op cit*, P. 33

## Chapter 2

## THE EARLY PARTIES

*By Chika Onwudiegwu*

The early parties which in proper political nomenclature were better called "political associations" since they were never recognised as parties and never functioned as such, had their thrust from the "Newbreed" philosophy of the Babangida administration. The administration had stated as one of its missions the severance of the umbilical cord of the discredited politics of old from the new political era the administration said it was determined to bring into existence.

"This administration assures all Nigerians that the old brand of politics will not be permitted in our New Political Order", General Ibrahim Babangida said in his nationwide broadcast on July 3, 1987. In the same broadcast, Babangida also said that the political programme of his administration was aimed at establishing a gradual and graduated learning political process while establishing a new Political Culture.

Reflecting this thinking of the government, the Political Bureau had observed in its Report that there was great anxiety in the Nigerian Society about the failure of democratic institutions and process. The Bureau, however, stated that from its findings there was still deep-seated commitment to popular democracy and a desire to make it work. The Report of the Bureau said that there was a solid support by Nigerians for the institution of political parties in the new social order.

The rationale for this support, the report said, stems from the role of parties both as agents of political participation and mobilisation. Most importantly, parties serve as a veritable vehicle for the aggregation of demands and also as agents of national integration.

After a detailed examination of the merits and demerits of various types of party systems one party, multi-party, etc - the Bureau in its Report recommended a two-party system as that best suited for Nigeria at this point in time.

According to the recommendation, the two political parties shall

accept the national philosophy of government. The differences between the two parties shall be the priorities and strategies of implementation of the national objectives. The membership of the political parties shall be opened to every Nigerian irrespective of place of origin, sex, religion, or ethnic grouping. The national executive organ and the principal officers of each political party shall also reflect the federal character of Nigeria.

The Bureau also recommended that the two national parties shall be funded substantially by the state, and that the two parties could also raise additional funds from members, through registration fees; annual dues; and sale of party emblems, and that the amount realisable from these other sources must be severely limited.

The federal government fully accepted the Bureau's recommendations in regard to the formation of two nationally broad based parties. The government, however, added a qualifier to the effect that "those banned by any authority or order issued by the Federal Military Government" stand disqualified from membership of the two parties.

As regards the Bureau's recommendation on the funding of the two parties, the government said that it had noted the recommendation observing that the provisions of the electoral law should regulate the funding of political parties.

Following the lifting of the ban on partisan politics in the second quarter of 1989 (May) Nigerian politicians busied themselves with the formation of new political parties on the basis of the criteria enunciated by the government vis-a-vis the Bureau's recommendation. The process of forming the new parties was to terminate with the political associations applying for registration to the National Electoral Commission (NEC); the NEC would in turn screen the associations and recommend to the government for approval those associations that satisfied the laid down criteria. The two parties would then emerge from those recommended by NEC. The associations were given between May and July 1989 by NEC to organise themselves and file their applications for registration.

By the NEC's deadline of July 19, the following thirteen associations had filed their applications.

1. The People's Front of Nigeria (PFN).
2. Nigerian People's Welfare Party (NPWP).
3. Nigerian National Congress (NNC).
4. People's Solidarity Party (PSP).
5. Republican Party of Nigeria (RPN)
6. Nigeria Labour Party (NLP).
7. National Union Party (NUP).
8. Liberal Convention (LC).
9. Patriotic Nigerians' party (PNP).
10. Ideal Peoples party (IPP).
11. All Nigeria Peoples Party (ANPP).
12. Peoples Patriotic Party (PPP).
13. United Nigeria Democratic Party (UNDP).

### **The Profile of the associations:**

The National Electoral Commission (NEC) undertook a rigorous study of the political associations in order to establish which of the associations satisfied the criteria that would qualify them for registration as political parties. The associations are hereunder ex-rayed

### **The Liberal Convention:**

Liberal Convention started as a Liberal movement made up of a discussion group which styled itself the Liberals. This group used Kaduna as a spring board to mobilise political newbreeds from all over the Northern states and some states in the South, and another discussion group in the defunct Constituent Assembly in Abuja, called the New Movement.

At the lifting of the ban on political activities by the federal government, the two groups came together under one umbrella to form the Liberal Movement as a Political association. The inauguration of the association took place at the Hotel Eko Meridian, Lagos on May 6 1989. On June 23. 1989 the Liberal Movement merged with other

groups notably those that called themselves People's Convention Party, New Nigeria Party, the Nigeria Democratic Alliance, and the Republican Party. The product of the merger came to be known as the Liberal Convention.

### **Nigerian National Congress**

The origin of the Nigerian National Congress has been traced to the initiatives of Chief Emmanuel Iwuanyanwu of Imo State, Alhaji Ahmadu Kurfi of Katsina State, Reverend Hyde Onuaguluchi of Anambra State, Dr. Ahmadu Kusamatu of Osun State, Alhaji Umaru Shinkafi of Sokoto State, Ezekiel Akiga from Benue State, Dr. Aral Ademola Adebo of Ondo State, Alhaji Adeniran of Ogun State, and many other like-minded individuals from all the states of the federation.

These people met at No. 4 Rimi Drive, Kaduna, on May 8, 1989 and agreed to float a political party to be known as the Nigerian National Congress (NNC).

### **The People's Solidarity Party**

The People's Solidarity Party was an off-shoot of a discussion group in the defunct Constituent Assembly, Abuja, which went by the name "Assembly Progressives". At a meeting held at the Sheraton Hotel on May 3, 1989 of some members of the Assembly Progressives, and some like-minded individuals, it was decided to invite all those who share their ideals to Lagos for a meeting scheduled for May 9, 1989.

The members were to invite all those who share the same philosophy and aspirations whether or not they were members of the Constituent Assembly. They were also to ensure that all states of the Federation were invited. On May 11, 1989, the People's Solidarity Party (PSP) was formally inaugurated.

Leading members of the Assembly Progressives who initiated the formation of the People's Solidarity Party included Alhaji Muhammadu Arzika, Dr. Femi Adeganye, Barrister O. Jimilehin,

Nse Umoren, Mrs. Tokunbo Dosumu, Chief Segun Osoba, B.G. Mustapha, Chief A.S.N. Egbo, Lam Adesina, Alexis Anielo, Gaius Yaro, David Iornem, Mallam Abdullahi Koko, Mallam U.D. Bagudu and Dr. Chukwuemeka Ezeife.

Other Nigerians who were not members of the Constituent Assembly but who were the forces behind the formation of the People's Solidarity Party included Dr. Asikpo Essien Ibok, Mahmud Waziri, Idris Kusade, Dr. Ezekiel Izuogu, and Dr. Abel Ubeku. From the outset the association said its cardinal principle or ideological orientation was "welfarism".

### **The Nigeria Labour Party**

The prime movers of the Nigeria Labour Party were the leaders of Nigeria Labour Congress, the Senior Staff Consultative Association of Nigeria, and the Cooperative Movement. Concrete expression was given to the formation of the association at the two-day workshop organised by the Nigeria Labour Congress in Calabar on April 3 and 4, 1989.

At the first 1989 National Executive Council meeting of the Nigeria Labour Congress held in Calabar on April 5 1989, the Council considered the reports of the Congress Committee on Labour and Politics, and resolved to sponsor and support the formation of a Labour Party when the ban on politics was lifted. The Council also resolved that the envisaged Labour Party, must not in any way usurp and undermine the identity, corporate existence and authority of the NLC and the trade unions.

On April 26, 1989, Congress set up a Political Commission which started its work on May 8, 1989, after the lifting of the ban on politics. The Commission had preliminary discussions with various interests and thereafter the Labour Party was proclaimed on May 20, 1989, in Lagos and later at various dates at each state capital and most local government headquarters.

The inaugural meeting of the Labour Party was held on June 27, 1989 and in attendance were the 21 state Labour Political Committees. (The country had at the time a 21 state structure). On July 10, 1989 the inaugural congress of the party was held in Durbar Hotel (now FESTAC Hotel) Lagos.

### **The Republican Party of Nigeria.**

After the December 1987 local government elections on non-party basis, the elected chairmen and councillors started attending meetings to provide a common forum on which to exchange views on how best to run local government administration in the country.

By May 1989, after the ban on partisan politics had been lifted all chairmen and councillors who were opportuned to attend another meeting like the previous ones agreed to evolve a United Political Forum "for and on behalf of the masses of this country". The first meeting towards the formation of the Association was held at Uyo, Akwa Ibom State on May 8, 1989. That was the birth of the Republican Party as a political association.

The protem officers of the Association were elected at this inaugural meeting. Officers were zoned to reflect the federal character and ecological principles. The zones were: Lagos, Ogun, Oyo, Ondo and Bendel States comprising Zone One; Rivers, Cross River, Akwa Ibom, Anambra, and Imo States made up zone Two; Benue, Plateau, Gongola, Niger, Kwara States and the Abuja Federal Capital Territory, made up zone Three; while Kaduna, Kano, Sokoto, Bauchi; and Borno States composed Zone Four.

In the distribution of offices, the protem chairman was given to Zone Two, and through election Chief Basse Etim Akpah from Akwa Ibom State emerged the winner. The protem secretary came from Zone Four in the person of Barrister Adamu Umar from Sokoto State. The office of protem treasurer went to Major Agboola Deji (rtd) from Ondo State - Zone One, while Alhaji Abubaka Agaji from Niger State Zone Two - became protem publicity secretary.

## **The Patriotic Nigerians Party**

The drive for the formation of the Patriotic Nigerians Party began soon after the ban on political activities was lifted. Several Nigerians who saw patriotism as an abiding philosophy began contacts amongst themselves with a view to forming a political party. These contacts culminated in a meeting at the Agura Hotel, Abuja, on June 17, 1989. The purpose of the meeting was to deliberate on the crucial issues of the national question and to proffer solutions to them.

"After a long and careful deliberation as well as reflective survey of our great country's political landscape, we decided to form a political association, the Patriotic Nigerian Party. Those of us who met in Abuja believe that this is the best vehicle for offering a new political direction for the practical realisation of our country's greatness", the movers of the Association had stated.

The movers included Messrs Paul Unongo, Julius Okhaifo, Mrs Moina Fajemirokun, Sunday Ebekine, Chief Ebere Ekwezie, Austin Utuks, Alhaji Bature Daman, Terwase Orbunde, Adun Andrew Nnandum, Clement Manji, Mallam Taminu A. Ahmed, Prince Elusanmi O. Eludoyin, Barrister Manman Z. Jakounde and Mrs Stella R. Abel.

The Patriotic Nigerians party was a "meeting of the minds fired by the desire to participate in the politics of the Third Republic with a view to developing a new political culture".

## **The United Nigeria Democratic**

Before the ban on political activities was lifted a club had already come into existence with a view to metamorphosing into a political party later. The members of the club fired with the zeal on the need for Nigerians to unite irrespective of tribe, religion or political leaning met from time to time and they were all from different parts of the country. Along the line the club took a name "United Front".

With the lifting of the ban on politics, the club merged with another group called the Loyalist Movement to form the United Nigeria

Democratic Party. The formation took place at a meeting held on May 15, 1989 at Royal Palace Hotel Enugu.

Who were the prime movers of the Association? These personalities, among others, were the brain behind its formation: Alhaji Lanre Aliyu from Zaria, Mallam Muhammadu M. Salihu, Alhaji A.I. Waziri Sokoto, Prince E.E. Onyeka, Mallam Muhammadu Hassan, Captain Tunde Ajayi (rtd), Alhaji Ibrahim and Sunday Odumegwu.

### The Ideal Peoples Party

The major denominator which brought together the movers of Ideal Peoples Party as a political association was the urge to foster a stronger forum to minimise the suffering of the Nigerian masses who have for long suffered "undue political, economic, social, religious, and other woes coupled with the desire to "effect a permanent change of attitude in governance, whereby the ruling class will always be in the position to understand that governance is essentially equivalent to selfless services to the people without any recourse to undue exploitation."

Ideal Peoples Party emerged in Daula Hotel Kano on May 27, 1989 as a result of the merger of three political associations, namely: Ideal Party of Nigeria, Peoples Party of Nigeria; and Republican Peoples Party.

Before the merger each of them had its separate identity. The Ideal Party of Nigeria had its leader in the person of Alhaji Sani Shaban from Lagos, The Republican People's Party was led by Alhaji Buba Aliyu from Kano, and the People's Party of Nigeria was led by Dr. Peter Ighofose.

The formation of the Ideal Peoples Party from the above three separate groups was, in the main, the outcome of the spirited efforts of the following personalities and bodies: Alhaji Sani Shaban, Mazi Oguguo, Alhaji Buba Aliyu, Alhaji Rufai S. Hanga, Dr. Peter Ighofose, the Drewa Community of Lagos, Ibadan, Abeokuta and Ogbomoso, the Alaba Traders Union, the Maroko Traders Union, the Democratic Movement

of Imo State, the Farmers Association of Katsina and Kaduna.

### **The Nigeria People's Welfare Party**

The genesis of the Nigeria People's Welfare Party can be traced to the Second Republic Association formed by Chief G.B.A Akinyede but which was not registered as a political party by the defunct Federal Electoral Commission (FEDECO). The same Chief Akinyede in conjunction with Mr. Oluyomi Adewale resurrected the Second Republic unregistered association, and the Nigeria Peoples Welfare Party (NPWP) came into being again as a political association seeking recognition and registration by NEC as a political party in the Third Republic.

NPWP was launched on May 6, 1989 and publications on same were made in the Daily Times on May 6, 13, and June 21, 1989 and the National Concord of June 29 and July 27, 1989.

Chief Akinyede was the main force behind the Nigeria Peoples Welfare Party as a political association. The objective of the association was to seek the welfare of the people not in a few things but "in all things" and not some of the time but "at all times". The ideology of the association was welfarism. The association however was not socialist and not capitalist strictly defined. Welfarism, according to the association, was an alternative to socialism and check on capitalism.

### **All Nigeria Peoples Party**

Following the lifting of ban on political activities, and the broadcast by the President, General Ibrahim Babangida among other things inviting all patriotic Nigerians to come together to form political associations in preparation for the return to civil rule in 1992, the following initiated the formation of All Nigeria Peoples Party: Alhaji Garba Nautan Hamza, Chief Maduabuchi Azie, Alhaji Aliyu Ahmed, and Alhaji Ibrahim Shafi.

The philosophy of the association was Welfarism. The association

believed that it would be its bounden duty, if registered, to ensure that social measures were introduced in the country to improve the standard of living of all Nigerians. The association would work tirelessly towards the elimination of poverty from the Nigerian society.

It is interesting to note that between June and July 1989 the association went into series of merger talks with seven groups, namely: Nigeria Development Party, Civil Democratic Party, All Peoples Party, Federal Solidarity Party, Federal Republic party, Peoples Improvement Party, and Nigeria Corrective Party. These talks culminated in an agreement that all the groups should work together as one association under the banner and name of All Nigeria Peoples Party.

#### NEC's assessment of the associations and recommendations

In screening the 13 political associations, NEC stated that it adopted the following weighting formula:

- \*Number and spread of membership ... 50 points.
- \*Number of verified members ..... 25 points.
- \*Spread of verified members ..... 25 points.
- \* Number and spread of administrative organisation... 30 points
- \*Presence and Staff strength (Abuja and Local government head quarters) ... 15 points.
- \*Personnel spread (Federal/State/LG) ..... 15 points.
- \*Articulation of issues ..... 20 points.

The overall performance of the associations as stated by NEC showed that the Peoples Solidarity Party scored 43.90 out of 100 points to come first. Nigerian National Congress placed second with 42.60 points. Peoples Front of Nigeria took the third position with 41.20 points.

The fourth position was taken by Liberal Convention which scored 34.00 points. Nigerian Labour Party took the fifth position with 17.90 points. Sixth was Republican party of Nigeria which scored 17.00 points. All Nigeria Peoples Party came seventh with 11.77 points. The eighth position

was taken by Ideal People's Party with 9.48 points.

United Nigeria Democratic Party placed ninth by scoring 9.08 points. The tenth position was taken by National Union Party which had 7.93 points. Peoples Patriotic party placed eleventh with 6.83 points. Patriotic Nigerians party took the twelfth position with 3.46 points and Nigeria Peoples Welfare Party took the thirteenth position with 0.44 points.

Based on the above findings by NEC, the commission in its recommendation to the government stated that only six of the 13 associations best satisfied the conditions prescribed in the Main Guidelines.

The six associations were, in order of NEC's ranking (1) Peoples Solidarity Party (2) Nigeria National Congress, (3) Peoples Front of Nigeria, (4) Liberal Convention, (5) Nigerian Labour Party, and (6) Republican Party of Nigeria.

The NEC concluded in its report thus: "It is our great hope therefore that our humble contribution will assist the Armed Forces Ruling Council in making a historic decision that will not only usher in a new democratic political order but institutionalise a viable two-party system in the country".

The AFRC considered in the NEC's recommendations and in its (AFRC) historic meeting in Abuja October 1989 took the decision that NEC should not register any of six associations it recommended.

The AFRC was of the view that none of the recommended six associations met the criteria laid down in the guidelines for the formation of political parties. More importantly, the AFRC noted that all the associations had their umbilical cords rooted in the banned political parties of the First and Second Republics, and that registering any of them would defeat the aim of the present military administration to bring into being a new and healthy culture of democratic politics.

In a broadcast to the nation on Saturday October 7, 1989, President Babangida while informing Nigerians of the AFRC decision said:

"After a careful study by the AFRC of the various options, we have become convinced that further efforts should be made to enable all political groups and individuals re-enter the political arena with equal rights and opportunities. As of now, no political association has passed the tests as informed by our vision of a new political order..."

General Babangida told the nation that the AFRC had created two parties and which had no linkage with any of the thirteen political associations which stood disbanded the moment AFRC's decision was taken.

"Therefore in fulfilment of the Transition to Civil Rule Decree, the AFRC has approved two political parties with immediate effect. These two political parties shall be called: (a) Social Democratic Party (b) National Republican Convention", Babangida had stated.

So died the thirteen political associations or the "early parties", and the new two parties were born.

# Chapter 3

# SDP AND NRC: IDEOLOGY PROGRAMMES, AND ORGANISATION

## SECTION 1: A CONCEPTUAL OVERVIEW OF THE ISSUES

By Ayo Olukotun

Political parties are crucial to the smooth functioning of virtually all political systems in the modern era. Whether we are talking of totalitarian regimes where one party is the constitutional norm or of plural democracies where the existence of two or more parties is the rule, the efficacy of political parties in terms of providing the mechanism for governmental change as well as their mobilizational and value-alteration potentialities have long been recognised.

Apart from those mentioned above, political parties perform the following functions among others.

- (a) recruitment of candidates for public office
- (b) serving as linkage between the state and the people
- (c) aggregating and articulating a diversity of public interests and political tendencies
- (d) acting as a vehicle of mass mobilization and providing programmatic alternatives to those in power and thereby ensuring their accountability to the electorate
- (e) acting as agencies of national integration since they often cut across primordial, sectional and religious interests
- (f) serving as an intellectual resource bank for generating and collating ideas about national development

Interestingly the Political Bureau Report, a document painstakingly prepared by a committee of experts identifies some of the functions of political parties with particular reference to the Nigerian experience<sup>2</sup>.

As implied earlier, there are differences in the operation and character of parties depending on whether they are communist, fascist, National independence or liberal democratic parties. Some of these of course overlap and a party which starts out in a multi-party setting can upon gaining power metamorphose into a one-party mobilizational type as the classic case of Hitler in the German case showed.

Furthermore, parties functioning in liberal democracies may adopt in their format and organizational structure certain elements of fascist - type parties. This is more likely to be the case in parties cohered and structured around messianic leaderships. However the broad distinctions drawn earlier should be borne in mind.

Obviously, we are hereby concerned with parties - 2 of them - in the liberal democratic tradition which constitutionally prescribes a multiplicity of parties.

Sections 219 - 227 of the Constitution of the Federal Republic of Nigeria (1989) deals specifically with the regulations governing the conduct and operation of the prescribed 2 - party system.

Another point to bear in mind is that although the history of political parties in Nigeria go back to the early decades of this century, the two parties being scrutinized here are 'novel' in conception, design and antecedents. They are both less than three years old having begun their infant career properly speaking in 1990 following the disqualification of 13 political associations which applied to NEC for political party status. The first National Conventions were held in July, 1990. It will be recalled that in his historic October 7, 1989 broadcast to the Nation, General Babangida announced the 'resolve' of the AFRC, to institute a 'grassroots' two-party structure within a democratic system.

On that occasion, the General talked about providing a "grassroots basis for the emergence of political parties, give equal rights and opportunities to all Nigerians to participate in the political process irrespective of their wealth, religion, geopolitical and professional backgrounds; deemphasize the role of money in politics; and preclude the emergence of political alliances along the same lines as in the First and Second Republics and therefore give Nigerians a new political structure in which to operate.

These guidelines which are based on the Political Bureau report and the constitution drawn up by the constituent assembly can be regarded as the basis for the political and social engineering of the Babangida administration regarding the two-party system.

Although there are doubts as to whether and to what extent the administration has succeeded in translating these 'aspirations' into reality, given the persistence of old tendencies and divisions, it is important to bear them in mind in the subsequent discussion.

While the two parties have their constitutional manifestos as well as officials at National, State, local government and ward levels as well as secretariats corresponding to the above, it is true to say that their true character will emerge in time to come i.e. beyond the inauguration of a civilian president.

True, their shape and programme have firmed up a bit through their participation in and organization of the Local government (1990), gubernatorial and State Assembly (1991) and National Assembly (1992) elections. And even now their format and style are being further revealed by the on-going presidential primaries. Yet it is possible to say that their youthfulness warrants caution on the part of analysts and scholars of their trajectory thus far.

✓ In broad terms, the Social Democratic Party purveys a welfarist ideology which emphasizes the provision of social services by the state and an enhanced role for the state as a regulator of the market economy. This left-of-centre thrust may partially explain its dominance in South-Western Nigeria where residues of Awo's welfarist programmes maintain continuing fascination.

✓ Similarly, the NRC regarded rightly as 'right of centre' believes as stated in its manifesto in encouraging "individuals, groups and other institutions to participate actively in the Nation's development process."<sup>3</sup> Although they are both centrist parties and are agreed on the broad direction of state policy and economics, it can be argued that the NRC will tend to rely more on market forces to allocate resources while the SDP will in the words of its manifesto "emphasize active intervention by the state where necessary and desirable, to correct observed failures of market forces".<sup>4</sup> The rest of the chapter is divided into three sections: antecedents of party formation and constitutional structure; programmes, ideology and organization; and a concluding section which also takes a prospective look at the

parties beyond the termination of the current transition programme.

## SECTION II: ANTECEDENTS OF PARTY FORMATION AND CONSTITUTIONAL STRUCTURE

As remarked in the last section, it is important to understand the vision which propelled the political engineers of the 2 party system in order to grapple with their structure, ethos and ideological orientation as they have evolved so far in the last two years or so.

Although the advent of political parties or 'proto-parties' as professor B.J. Dudley called them go back as far as 1923 when Lagos and Calabar received the franchise following the inauguration of the Nigerian Legislative Council, parties in the modern sense of the word did not start to emerge until 1946 after the introduction of the Richardson constitution.<sup>5</sup> 'Proto-parties' referred to above began activity with the coming to life of the Nigerian National Democratic party in 1923 and the Nigerian Youth Movement a decade and a half later.<sup>6</sup>

As is well known, the earliest conventional parties were the NCNC, the A.G and the NPC which were all formed between 1946 and 1951 around regionally based elites who were led by Dr. Nnamdi Azikwe who succeeded Herbert Macaulay, Chief Obafemi Awolowo and Sir. Ahmadu Bello respectively. The subsequent development of these parties and their role in the history of the First Republic have been well documented elsewhere. It should be noted also that during the First Republic, smaller parties like the Northern Elements Progressive Union (NEPU), the United Middle Belt Congress (UMBC), and the Midwest Democratic Front (MDF), among others, thrived alongside the bigger parties mentioned above.<sup>7</sup>

It is pertinent to recall that the breakdown of the First Republic in 1966 following its overthrow in a military coup was occasioned partly by violent intra-party and inter-party struggles resulting in rigged elections, political victimization and the general breakdown of law and order.

In other words, the morass of the First Republic - the ostentation of

the politicians, their corruption and winner take all attitude - is very much bound up with the character of the regionally based parties and their excesses in the context of political competition. As O.B.C. Nwoliwe pointed out in a valuable essay on the Second Republic, "The political parties and the Electoral process"<sup>8</sup> the performance of the five parties of the Second Republic, - NPN, NPP, UPN, GNPP and PRP - fell far below the standard required in Section 201-209 of the 1979 constitution.

From disrespect for the rules of the game to severely uncompromising postures, from flagrant abuse of trust to the promotion of cronyism and mediocrity, all the parties in one respect or another failed to abide by the spirit of the constitutional requirements which governed the conduct of the parties. This background of failure and of poor performance with respect to previous political parties is necessary in order to provide a context for understanding the efforts at political and constitutional engineering embarked upon the Babangida administration which culminated in the present two-party structure.

The story of the formation of the two parties, SDP and NRC date back to president Babangida's 1986 budget speech where he promised to set up a Political Bureau with the objective of organizing a nationwide debate on the shape of Nigeria's political and constitutional future. This promise was fulfilled on January 13, 1986 with the inauguration of a 17 - member Political Bureau - 15 men and two women - charged with the task of searching for a new and viable political system for Nigeria. As President Babangida put it at the ceremony which symbolically took place at the Council Chambers in Abuja. "Indeed this morning's ceremony is intended to "kick off", as it were, the national debate on a viable future political ethos and structure for our dear country".<sup>9</sup> The president went on to make clear that this was the first step taken towards the transition to civilian rule.

Headed by Dr. S.J. Cooley, the Bureau comprised a number of University-based political scientists who were selected apparently in order to relate intelligently to memoranda submitted it. Reportedly, the Bureau set to work for the next 9 months, listening to memoranda

from a fairly wide stratum of the elite as well as representatives of Labour and other groups. It also conducted nationwide 'enlightenment' tours in order to generate discussion and submissions about the nation's political future in the course of this activity. After a further 5 months in which the Bureau shifted through the mass of memoranda and recommendations, it submitted its report to the Federal government on March 27, 1987. It is pertinent to mention that the bureau was charged with among other things the task of "providing a time - sequence for political transition by 1990 ....."<sup>10</sup>

The transition programme later identified as a 28 - step political engineering package owed much to the recommendations contained in P.226 of the report. In order to understand much of the design and engineering of the 2 - party structure as spelt out subsequently in sections 219-227 of the constitution of the Federal Republic of Nigeria (1989), it is necessary to consult the Political Bureau Report especially its Chapter VIII which is devoted to 'Political Parties: Their Formation, Administration and Funding'.

Among the submissions deliberated upon by the political Bureau was that for a zero-party option which argued that in view of the sad history of party politics in the country especially their predilection for bitter, divisive rivalries, politics in the Third Republic should ensue without parties. This option and that of a one-party system were rejected by the Bureau in the belief that both contain serious draw-backs which make them unsuitable for democratic Nigeria. In section 15, of Chapter 8 of the Report, it stated following an assessment of the evidence for and against - that"..... we have come to the conclusion that a two-party system is best for Nigeria at this time". The Report went on to suggest the conditions under which the two parties should operate.

These include 11

(a) the acceptance by both parties of "the national philosophy of government" while merely differing on "priorities and strategies" for achieving National objectives

(b) openness of membership to include "every citizen of Nigeria irrespective of place of origin, sex, religion or ethnic grouping"

Others include taking into account the 'federal character' of the

country in the choice of key officials and National executive and the establishment of the parties in "at least 2/3 of the local government areas in each of the states including the Federal Capital Territory (Abuja)." Another area touched upon by the Report is the recommendation to downgrade the role of "money politics" in party formation and sustenance by asking the state to substantially fund the parties and setting a ceiling on what they could obtain from other sources.

Following the submission of the Political Bureau Report, the Federal government - proceeded to implement step by step a number of their recommendations including the setting up of such bodies as Directorate for Social Mobilization, MAMSER, National Electoral Commission, Constitution Drafting Committee, National Population Council and a 563 member constituent Assembly in 1988 to deliberate on and fashion out a new constitution for the Third Republic under Justice Aniagolu's chairmanship. These prepared the way for the subsequent promulgation of the constitution Act in May 1989 and the lifting of the ban on politics on 3rd May 1989 amidst much talk of "newbreed politics" since the cream of past High office holders had been harred by Decree 25 of 1987 and the amendment of it by Decree No. 9 of 1989. The immediate antecedents of the formation of the S.D.P. and N.R.C. following the president's historic October 7, 1989 address to the nation were to be found in the rejection by government of 13 political Associations that applied to it for registration as political parties after about 5 months of political activity. Among the more prominent of these were "People's Solidarity Party (PSP) the Liberal Convention and the PFN (People's Front of Nigeria). Out of the 13, NEC recommended 6 for consideration by the AFRC with commentaries as to their organisation, origins, financing and the degree to which they sought to meet laid down criteria for registration.<sup>12</sup> It should be pointed out that in the opinion of NEC, none of the political associations really met laid down criteria as set out in its "Main guidelines for Registration". For example NEC commented in its memorandum to the Federal Government that "The top four associations in the overall ranking of the commission have deep roots in the party politics of the First and Second Republics, and in the context of the transition programme, important national figures affected by Decree No. 25 of 1987, as

amended by Decree No. 9 of 1989 have played and continue to play significant roles in their formation, consolidation, finance and organization".<sup>13</sup> The range of structures by NEC extended to such matters as depending "by and large on charity donations from undisclosed sources,<sup>14</sup> the neglect of grassroots participation by virtually all the associations, the presentation to NEC of inflated claims about true membership; factionalism and the spectre of thuggery which the 1989 constitution (section 225) had specifically forbidden.<sup>15</sup> In the president's speech, he particularly emphasized that the approval of any of those political associations will mean a resurgence of the acrimonious and amoral politics of the past two Republics which led the nation down the hill.

Some criticisms were made in the ensuing public discussion as to whether the associations had enough time to meet the conditions laid down by NEC which some criticized as stiff considering the fact that the parties had just 5 months to meet them.

Anyhow, the president proceeded to outline the structure of two new parties which more strictly correlates to the guidelines contained in the Political Bureau, the 1989 constitution and NEC statements on the subject. After putting forward seven options considered by the AFRC and discussing their relative merits, the President settled for the 7th option which he called "The Grassroots Two-Party option". Based on this choice, the President announced to the nation the registration of two parties! SDP and NRC. NEC was to proceed to synthesize the manifestoes of the political associations which tended to form around the centre of the political spectrum left and right of it. NEC was to hammer out draft constitutions from the earlier inputs which would be considered at a later date by the National Conventions of the respective parties and subject to approval by the AFRC.

Interestingly too, the two parties were to be funded by the Federal government and only those fund-raising activities as are specified subsequently by NEC will be permitted. Furthermore details relating to flag, party emblem and other badges of identification as well as the organization of national conventions ward registration and

guidelines for draft constitutions and manifestoes were to be worked out and subsequently published by NEC. The starting point of these two parties may be appropriately located therefore in the directives and guidelines given to NEC concerning the shape and organization, features and ideological orientation of the SDP and NRC.

### SECTION III: PROGRAMMES, IDEOLOGY AND ORGANIZATION

It was pointed out in the last section that the AFRC had ordered NEC to come up with a constitution and a manifesto for the two parties to be approved by the body.

It was made clear by the President that these manifestoes were to be a synthesis of those submitted by the rejected political associations<sup>16</sup>.

On November 3, 1989 NEC put in its submissions to government which after due study announced on December 4 the formation by fiat of the two parties based on the constitutions and manifestoes produced by NEC.

As earlier hinted, this directive approach to the formation of parties brought in sustained criticism and ridicule from the articulate public some of who dubbed the parties "government parastatals" to point up their direct parentage.

As earlier mentioned the two parties are agreed on the constitutional principles of "democracy, republicanism, presidentialism federalism, foreign policy goal, non-adoption of any state religion, fundamental rights, basic freedoms and the two party system."<sup>17</sup> The thrust of their programmatic leaning as centre parties and that congruence on many aspects of policy (differing merely in style or implementation) has similarly been noted.

Both parties are agreed on the desirability of the structural adjustment policies put in place by the Babangida administration. The SDP rather surprisingly given its leftist leanings promised to proceed in economics "from the ongoing reforms of the present administration

which are progressive in content and operation and which we believe will improve the lot of the generality of our people".<sup>18</sup>

The NRC more in character given its right - wing leanings promised to "continue with and strengthen the present reforms that have been put in place over the past few years".<sup>19</sup>

Since the manifestoes are a synthesis from those of the disapproved political associations, it is hardly surprising that some observers have noticed a resemblance between the NRC manifesto and those of the Republican Party (RP), Nigerian National Congress (NNC) and the Liberal Convention (LC)<sup>20</sup>. Similarly a rough correspondence was detected between those of the left - leaning PSP, the Labour Party and the SDP. The similarities in goals and objectives have been noted. These are further reflected in the semblance of policies on such matters as Energy with both parties promising to vitalize the National Energy commission; on mining and petrochemicals, on Iron and Steel, on transport and Communications, on foreign policy and even - despite a few divergencies - on social welfare policies. On most of the areas identified above, the manifestoes of the two parties read alike with the slight difference that the NRC manifesto emphasizes the encouragement of individual ownership. For example in IV(f) on the NRC manifesto on energy it promises to "encourage private organizations to go into research, production and distribution of energy to augment Government's effort and help to ensure adequate supply of energy for the nation"<sup>22</sup>.

The SDP manifesto has no such provision. The same tilt towards private ownership and its cultivation by the NRC is noticed on the section on mining and petrochemical industry. Here the NRC document states under strategy (1) that its winner held exclusive rights over oil mineral resources in the country although private individuals may be granted license to undertake mineral exploitation.<sup>23</sup> The SDP did not qualify its objective "to ensure that Government shall maintain exclusive rights over all mining activities in the country"<sup>24</sup>

Although one should not set too much store by these differences

given both parties' acceptance of capitalist development and the thrust of the structural adjustment, it does show that the SDP is likely to be more 'statist' via a welfare orientation and the NRC more individualist' via the free market.

Again under rural development, similar policies are purveyed but the NRC takes care to stress that it will encourage private large scale farmers to open up the rural areas for large scale farming" <sup>25</sup> In contrast, the SDP will rely on "community organizations for community development" <sup>26</sup> The differences referred to above becomes understandable in the light of their respective statements on economic direction.

The NRC says 'The central focus of our economic policy will be greater participation by Nigerians in the economic affairs of their nation by releasing individual creativeness and energies, and channelling them into productive processes"<sup>27</sup>. While the SDP declares that it will endeavour to build "a self - reliant economy" in which 'the state will play a leading role in the economy in order to achieve a self - reliant and just society"<sup>28</sup>.

It is these programmatic differences that are reflected throughout the manifestoes of the two parties.

In ideological terms, the terms 'left of centre' and 'right of centre' are helpful in understanding the colouration of the 2 parties. For they coalesce around the same broad objectives as the constitution makes clear while diverging on modalities and strategies of implementation.

In a way, the term 'non ideological politics' which implies the absence of fundamentalist divergencies based on class, regional or other interests is apposite. In a way the 'structuring' of the process has more or less discouraged those described as 'extremists' which may be a euphemism for a radical brand of politics<sup>29</sup>.

One of the tests of success will be the extent to which these two parties manage to absorb, different shades of opinion to the left of SDP in one case and the right of the NRC in the other.

Equally interesting is the manner in which the parties are funded. Mainly because of the objective of discouraging 'money politics' as stated in the president's October 7, 1989 broadcast, Federal government has provided funds for take-off, holding of national conventions, and running of the administration for the two parties.

Apart from monies provided for take-off, the African Concord in its edition of 21 September 1992 revealed that N11.7 million was given to the 2 parties for organizing their national conventions in July 1990.

In September 1990, the same source claimed that they received N269.99 million each to meet logistics and other problems.

In spite of government's statement that the parties have come of age, it made available to them N50 million each in May 1992 and a further N35 million each in August 1992 to underwrite the cost of the presidential primaries.

The short fall was generated from membership cards, nomination fees from aspirants and the like.

In general, there are complaints that the process of establishing the parties were too capital-intensive and the whole transition programme an expensive business.

Let us now turn to the organization of the parties as mandated in the constitution of the parties as well as in actual experience. In this respect, my interaction with some party officials including Mr. S.D. Olukotun<sup>30</sup> who was chairman of the SDP in Ejoku ward of Kogi state until late in 1991 when new Local Government state were created was helpful. Mr. Olukotun confirmed to me in an interview the great care taken by party officials to follow both the spirit and letter of the party constitutions with respect to election of officials at ward, Local Government and State levels. This of course is not to say there were no anomalies or hitches only that the directive hand of government and fear of retribution perhaps helped to ensure a high degree of faithfulness on the part of party officials.

The innovative aspects in Nigerian political terms of their format and

organization have to do with their insistence on 'grassroot participation' as the basis of party membership and electoral aspirations. Thus the Wards and the Local Governments represent the broad base of a structure which Tunde Adeniran compared to a Pyramid "narrowing up from the ward level to the national level".<sup>31</sup>

The main layers of party activity are the ward, the Local government, the state and the Federal.

Article 7 of the parties' constitution states clearly "the four levels of party organization" and the requirement that "each of these levels of the party organization shall have a functioning secretariat"<sup>32</sup>.

Article 8 goes on to list the Organs of the party as

- (i) The Ward Executive Committee
- (ii) The Ward Congress
- (iii) The Local Government Area executive committee
- (iv) The Local Government Area Congress
- (v) The Local Government Area conference
- (vi) The State Executive Committee
- (vii) The State Congress
- (viii) The State conference
- (ix) The National Executive Committee
- (x) The National Conference
- (xi) The National Convention.<sup>33</sup>

Articles 9 - 38 proceed to describe the respective functions and responsibilities of each of the organs listed above.

Equally interesting is Article 30 which lists the National Executive Committee and its principal officers while Article 31 states the requirement for the National Executive Committee to meet quarterly.

The novel aspects mainly concern the grassroot strength of the parties as represented by the Ward and the Local government as well as the requirement to (a) hold primaries for elective offices at local government, state and federal levels (b) to be sponsored at the 'bases' or grassroots' of the parties for gubernatorial and national elective

offices.

Equally interesting are the stipulations for ward congress, state congress and National Conventions which are meant to give content to party democracy. As Larry Diamond observed the rules press each party to construct and maintain a truly national ethnic base from sheer competitive need."<sup>34</sup>

The 'cutting across' nature of the parties at the National level was enhanced by each party having offices in the Federal capital, each state, each local government and each ward.

This fact was further reinforced at the inaugural national conventions of the 2 parties in Abuja in July 1990 where the National officers were elected in accordance with constitutional requirements.

At these conventions, Chief Tom Ikimi was elected chairman of NRC and Alhaji Baba Gana Kingibe was elected chairman of SDP.

The process of consolidation was helped by the successful mass recruitment drive of the 2 parties across the country and the December 1990 local government elections which brought a foretaste of electoral politics held in abeyance since 1983.

Similarly the fact that the NRC had 16 elected governors in the December 1991 elections and SDP 14 governors both cutting across ethnic and regional bases helped in the process of consolidation.

Similarly in the Federal Assembly elections the SDP emerged with a preponderance of legislators in both houses while NRC had the largest overall majority (numerically) showing that the parties are fairly evenly matched.

### CONCLUSION : PROBLEMS AND PROSPECTS

A number of criticisms have been made by scholars, analysts and others relating to the take-off and performance of the two parties so far.

Some queries were directed at the manner in which they were formed which some felt were too fiatistic, too directive leaving little to the free play of political and social forces. The criticism that the parties are like 'government parastatals' or "clones of Dodan Barracks' as one scholar acerbically described them seems to have persisted beyond their take-off.

In partial response to these charges, officials argue that the manifestoes, draft constitutions and rules relating to the two parties were a 'synthensis' of those submitted by the unregistered 13 political associations.

They also argue that the interventions made in the process of party formation in October 1989 by the AFRC were those required by the need to preserve the integrity of the process. Another stream of criticisms relate to the frequent adjustments made in the transition time-table and the powers conferred on NEC by various decrees governing the transition. The critique made by Richard Joseph seems typical.

"The twists and turns that President Babangida has introduced during his five years in office have left most observers unwilling to affirm that the new two-party system fostered from above, has a realistic chance of succeeding. Extreme political engineering in Nigeria ..... is beginning to raise doubts about whether it can eventually lead to the creation of a stable and democratic system"<sup>35</sup>.

It would appear however that the problem raised by Joseph and others is bound up with the interplay between military engineering and the emergence of democratic forces. In other words, can the military viably engineer and furnish a process that is antithetical to its own ethos and command character?

It is possible however that the reformist enthusiasm of the military leaders have led to unanticipated constructing consequences. Another group of critics complain about the resurgence of ethnic politics within the two parties and the return of the shabby and dirty money politics that proved the undoing of previous civilian regimes. Larry Diamond complained in his paper cited earlier that; 'Once

again, politics is also drowning in naira. At one of the party national Conventions in Abuja .... individual signatures on petitions for candidacy for national party office were selling for as much as 2,000 and "sponsors of one chairmanship candidate paid huge sums of money ranging from 200,000 to 250,000 to leaders of some state delegations"<sup>36</sup>.

The strains of vote buying, falsifications of results, thuggery and money politics dogged the primaries for the gubernatorial election and the presidential one. Indeed the cancellation of the first set of presidential primaries in 5 states by the party leaders was anchored on their severely flawed character due to malpractices.

The last set of criticisms concern the tendency for divisions to gather around the political fault-lines of religion, region and old political networks.

Although the process of engineering has been mainly directed at overcoming these handicaps, there are fears and possibilities that it will take time and persistence for these efforts to yield dividends.

The party outfits will be tested further by the presidential elections and the manner in which the 3rd Republic takes off and balances.

Given their relative infancy and the vicissitudes of the transition process, the parties performance so far is somewhat impressive.

Although Oyediran and Agbaje argue that :

*'In spite of investments made so far the NRC and the SDP remain fragile shallow, and weak like their predecessors in the First and Second Republics'*<sup>37</sup>, we are of the view that given the enormous odds they have been up against, they probably could not have done better in the short space of time since their take-off. A lot however will depend on the outcome of the presidential elections and successful take-off of the third Republic.

## END NOTES

1. For the literature on political parties, see for instance John D. Lees Richard Kimber (eds.); Political parties in modern Britain. An Organizational and Functional Guide. (London: Routledge and Kegan Paul, 1972) as well as the excellent but brief note on political parties in Contemporary political science in the USA and Western Europe (Moscow: progress publishers, 1982), PP 209 - 220).
2. See Report of The Political Bureau (Lagos: Federal Government printer, 1987), chapter VIII
3. See The Manifesto of the National Republican Convention (NRC): (Lagos: Federal Government printer, 1989), P. 6
4. See The Manifesto of The Social Democratic Party (SDP) (Lagos: Federal Government printer, 1989), P. 6
5. See Billy J. Dudley Introduction to Nigerian Government and politics London: Macmillian Press, 1982), P. 45
6. Ibid P. 46 - 47
7. Ibid P. 45 - 47
8. O.B.C. Nwolise, 'The political parties and the Electoral process' in Kayode Soremekun and Victor Ayeni (eds); Nigeria's Second Republic: Presidentialism, Politics and Administration in a Developing state (Lagos: Daily Times Press, 1988).
9. Cited in Newswatch (Lagos) April 13, 1987, p. 15
10. Ibid p. 15 - 16
11. Ibid p. 16 - 17
12. See Tunji Olagunju and Sam Oyovbaire (eds.), For Their Tomorrow we gave Today: selected speeches of IBB Vol. II (Ibadan Safari Books Limited; 1991) PP 2 - 25 for a text of the president's October 7 broadcast.  
See also Oyeleye Oyediran and Adigun Agbaje: Two - partyism and Democratic Transition in Nigeria, Journal of Modern African Studies (Cambridge) Vol. 29 No. 2, 1991, PP 213 - 234 The authors provide a full listing of the 49 political associations that came up between May and July 1989.
13. Olagunju and Oyovbaire OP cit: P. 4 - 6
14. Ibid: P. 46
15. Ibid: P. 4 - 6
16. See Newswatch (Lagos) December 18, 1989 PP 10 - 16
17. Ibid: P 13 and October 7 broadcast Op cit P. 21

18. Manifesto Op cit P. 5
19. Manifesto Op cit P. 5
20. Newswatch, Op cit P. 16
21. Ibid; P. 16
22. Manifesto Op cit P. 10
23. Ibid P.10
24. Manifesto; P 9
25. Manifesto P 10
26. Manifesto P 8
27. Manifesto; P 6
28. Manifesto; P 6
29. See Larry Diamond's paper, 'The Accountability Gap in The Transition to Democracy in Nigeria', paper presented to the 33rd Annual Meeting of The African Studies Association, Baltimore, November 14, 1990.
30. Interview with Chief S.D. Olukotun, party chairman, Ejuku ward of the SDP from inception until October 1991.
31. Tunde Adeniran, The Two - party system and the Federal political process in Publius: The Journal of Federalism 21 (fall, 1991.) PP 31 - 44
32. Social Democratic Party: The Constitution P. 8
33. Ibid P. 8
34. Diamond Op cit P. 6
35. Richard Joseph, 'The challenge of Democratization in Africa', in The Carter center, African Governance in the 1990's (Atlanta, 1990), as cited in Oyediran and Agbaje Op cit P. 214
36. Larry Diamond Op cit P. 11-12 Diamond's Observation was partly based on Newswatch August 6, 1990.
37. Oyediran and Agbaje Op cit P. 233

# Chapter 4

# ELECTIONS IN THE TRANSITION

By

*Omar Farouk Ibrahim*

## 1.1 Introduction

For the third time in Nigeria's political history a transition programme aimed at an orderly change of not just a government but a whole regime type is being consciously and assiduously pursued by an incumbent government. The first and second transition programmes were from a colonial regime to an independent democratic regime in the late fifties to October 1960, and from a military dictatorship to a democracy in the late seventies respectively. Neither attempt at establishing a lasting democracy succeeded beyond six years. The first attempt lasted from October 1960 to January 1966, while the second lasted from October 1979 to December 1983.

These two failures have been attributed to, among other factors, the failure of the receding governments to put in place adequate structures that would aid in the institutionalization of democracy, including the mores and values that are integral to it. It is this last point that informed the present administration's decision to introduce a transition programme that is both extensive (its time span is the longest in the history of transition programmes not just in Nigeria, but the African continent) and comprehensive (hardly any aspect of social, economic or political life is left untouched by the programme).

One of the aspects of the transition programme that has received the greatest attention is the mechanism of political succession. It has been argued in a number of studies that the conduct and outcome of the 1964 and the 1983 elections paved the way for the subsequent military interventions in 1966 and 1983.<sup>1</sup>

This chapter examines the conduct of the series of elections scheduled to usher in a new political leadership in a new political regime. It examines the measures taken, including structures established, to rid

the elections of the inadequacies that characterized the previous exercises. Secondly it examines the conduct and results of the local (councillors and chairmen), state (gubernatorial and house of assembly) and national (senate and house of representatives) elections held so far. It also examines the conduct of the twice aborted presidential primaries. What has the pattern of political alignment been in these elections? How different is it from that of previous elections? Will the same pattern be reproduced when another presidential primaries are conducted? And what do these portend for the future of the Third Republic? But before examining these issues we will briefly discuss the theoretical basis of elections in a democracy.

## 1.2 Elections in a democracy

The most popular definition of democracy is 'a government of the people, for the people and by the people'. There is inherent, in that definition, a problem of operationalization. While the first two prepositions, 'of' and 'for' are fairly clear and practicable, the last 'by' is much more difficult to establish. No political system has been able to evolve a system of government whereby the affairs of governance are conducted by all the people. What has happened throughout the history of democracy is that the whole people, or more precisely those enfranchised, choose or elect representatives from among themselves, and vest them with the authority to govern the polity. These representatives become THE people. Thus, the preposition 'by' refers not to the whole people, but their freely chosen or elected representatives.

For the representatives of the people to legitimately act on their behalf and take decisions that become binding on them, the people must be satisfied that the representatives are their own choice, which suffices if a majority of the people see them as such. The mechanism by which the people make that choice is election. Through it (election) the people participate in how their affairs are conducted.<sup>2</sup> As Rose and Mossawir argued, 'elections are among the most ubiquitous of contemporary political institutions, and voting is the single act of political participation undertaken by a majority of adults in a majority of the nations of the world today.'<sup>3</sup> But more than the

ritual of electing a representative, elections give the people a feeling, even if unreal, of being the bosses of their governors. This feeling prevails only where the people have confidence in the electoral system, and know that their individual votes matter a lot in deciding who becomes their representative. In a polity where people have lost confidence in the electoral system, elections lose their value and the people become alienated from the government because the former does not see the latter as its legitimate representative. In such political systems, the people withdraw their support of the government, or at best, become indifferent to its fate. Hence, at the slightest opportunity, such governments could be toppled without the people feeling any infringement of their sovereign right to choose who rules them.<sup>4</sup> It should therefore be clear by now that the stability of any democracy rests on the people's perception of fairness in the process of choosing that it is their choice that represents them in government, we could expect them to rise and defend those representatives at the onset of any illegal usurpation of their powers.<sup>5</sup> What structures have been established to ensure the successful performance of this crucial role in Nigeria's transition to democracy, and with how much success have they performed so far?

### 1.3 The National Electoral Commission (NEC)

In his maiden address to the nation as President, General Ibrahim Babangida promised to set up a machinery to return the country to constitutional government. Five months into his administration he inaugurated the Political Bureau which he charged with the responsibility of charting Nigeria's new course to democracy. After a very exciting and inclusive debate the Political Bureau submitted a Report to the government in April 1987.

The Political Bureau Report identified four prerequisites for the conduct of free and fair elections.<sup>6</sup> These are:

- a. an honest, competent, non-partisan administration to run elections;
- b. a general acceptance by the people of the rules of the game, winning is not made a do-or-die-affair;

- c. a developed system of political parties, programmes and candidates to choose between; and
- d. an independent judiciary to interpret electoral laws.

At the time the Bureau's Report was released (March 1987), none of the above four conditions existed in the country. The body charged with the responsibility of conducting elections in the aborted Second Republic, the Federal Electoral Commission (FEDECO), had been disbanded immediately after the December 31st 1983 coup. Similarly all the political parties of the Second Republic were proscribed. Although the judiciary existed, the tradition had been for specialized adjudication bodies to be established for electoral purposes. The 1979 constitution made provision for special Electoral Tribunals to interpret electoral laws. Those Tribunals were ad hoc. While the bulk of electoral petitions were resolved by these tribunals, provision was made for aggrieved persons to appeal the verdict of these tribunals to the High courts all the way to the supreme court, if necessary. Finally, the requirement for the existence of a value system that accepts the rules of the political game, where contestants and their supporters concede defeat and prepare for the next elections, was also lacking. Previous elections had been characterized by much bitterness on the part of the losers. And winners have generally been vindictive of constituencies regarded as strongholds of rival parties. Such constituencies were denied state - provided infrastructure like water, electricity, roads and medical facilities. Thus, there was the need to inculcate in Nigerians that spirit of 'give-and-take' characteristic of democracy.

The government set about providing these requirements with despatch beginning with the promulgation of Decree 23 of 1987 which established the National Electoral Commission (NEC). It was charged with, among others, the following responsibilities:

- (a) to organize, conduct and supervise all elections and matters pertaining to elections into all elected offices, providing rules which govern the qualifications to vote and be voted for;
- (b) to provide clear guidelines, rules and regulations for the emergence, recognition and registration of the political parties;

- (c) to register two political parties and determine their eligibility to sponsor candidates for elective offices;
- (d) to monitor the organization and conduct of the parties and their financing;
- (e) to monitor political campaigns, providing rules and regulations which shall govern the parties;
- (f) to recommend the amount of funds required for the organization and conduct of the parties, arrange annual examination and auditing of the funds;
- (g) to carry out delimitation of constituencies, the registration of voters and the preparation of voters' register.

That decree was meant to take care of the first prerequisite for the conduct of free and fair elections as identified by the Political Bureau.

To cleanse the political environment for a new beginning government promulgated the Participation in Politics and Elections (Prohibition) Decree 25 of 1987, later amended by Decree 9 of 1989. That decree barred certain persons who had held public office in the past from contesting elective offices either permanently in the politics of the nation or temporarily during the transition period. According to the President, General Ibrahim Babangida, that step was taken in order to allow for the emergence of a new breed of politicians, supposedly untainted by the decadence of the old breed.

And to awaken political consciousness and inculcate in the people a new political culture that sought to encourage the spirit of give-and-take government, in accordance with the political Bureau Report recommendations, established the Directorate of Social Mobilization (MAMSER) and later added the Centre for Democratic Studies

Barely four months after the NEC had been established, it faced its first serious challenge of organizing and conducting elections nationwide. The transition time table had provided for the conduct of local government elections on a non-party basis in the last quarter of 1987. Thus, on December 8, 1987 Nigerians went to the polls to elect chairmen and councillors to run the affairs of the nation's 301 local government councils. The elections were unique in the history

of local government election in the country in the sense that it was the first time a national electoral body (as opposed to a state or regional one) organized and conducted elections at the local government level. The previous two exercises (in the first republic and also in the transitional military government of General Obasanjo) were conducted by regional and state electoral commissions respectively.<sup>7</sup> The decision by the Babangida administration not to create state electoral commissions was informed by the abuse to which they were put by partisan regimes in the states, particularly in the Second Republic.<sup>8</sup>

In view of the relatively uncritical nature of that election to the future course of electoral politics in the country it suffices to only mention that it prepared the NEC for the more gargantuan task of organizing and conducting the subsequent party-based local government elections in 1990 and later the elections to offices at the state and national levels to which we will return shortly.<sup>9</sup> But before then a brief background of the two political parties and the tendencies they represent in the context of Nigerian politics.

#### **1.4 The Two Political Parties: National Republican Convention (NRC) and the Social Democratic Party (SDP)**

We noted earlier that the Political Bureau identified the existence of a developed system of political parties, programmes and candidates to choose between, as one of the four prerequisites for the conduct of free and fair elections. The same Bureau had also recommended the registration of only two political parties in the country.<sup>10</sup>

Towards meeting that requirement the federal government in May 1989 lifted the nearly five and half years ban on partisan politics. Immediately thereafter, political associations mushroomed. Guidelines stating the requirements for eligibility to be registered as a political party was released by NEC in a document titled: Main Guidelines: Formations of Political Parties. Among the highlights of the guidelines were the requirements for the payment of a non-refundable sum of N50,000 (fifty-thousand Naira) by any association seeking to be registered as a political party; an indication by the

political association of its administrative presence in terms of offices and personnel in all levels of government - local, state and federal, all over the country; and the submission of a list of registered members of the association who must have been issued with the association's membership identification card. These requirements were criticised by many people as too stringent and perhaps calculated to make no association eligible for registration as a political party.

Undaunted by NEC's difficult demands, 13 political associations submitted their applications and supporting documents to NEC for registration.<sup>11</sup> After a careful study of their submissions, followed by a verification exercise, NEC scored the political associations on the following: membership, which was further broken into size and spread; Administrative Organization, also broken into staff and spread; and manifesto. The ranking of the 13 associations is given in appendix 1. By NEC's assessment, none of the 13 political associations met even half of the requirements for registration as a political party. The highest total score was 43.90 per cent, while the lowest was 0.44 per cent.

Particularly worrisome to NEC was what it termed as 'foreboding signposts' during the verification exercise that it carried out. NEC noted six of such signposts which it said characterized all the associations. These were factionalism, rigging and falsification of claims, disregard of the guidelines for registration, poor organization, antecedents and money.<sup>12</sup>

The failure of any political association to meet NEC's criteria for registration as a political party led the government to found two new political parties that would meet those requirements. Thus, on October 7, 1989, the federal government decreed the birth of the Social Democratic Party (SDP) and the National Republican Convention (NRC), two parties in which "all members became joiners and none was a founder."

Government directed the NEC to 'use the manifestos already submitted (by the 13 associations) to synthesize two manifestos for the two political parties.' NEC was also directed to 'synthesize a party

constitution for the two political parties.' The manifestos should "reflect a party to the right and a party to the left of centre of the political spectrum." Having founded the two parties, the federal government appointed Adamu Fika and Stephen Agodo as national administrative secretaries for the SDP and NRC respectively. It also appointed administrators for the two parties in each of the 21 states of the federation. State governments were directed to appoint administrative secretaries for the two parties in each of the local governments in the states. The administrators, who were civil servants, were to firmly establish the structures of the parties at the three levels of government, register individuals interested in belonging to either of the two parties, and organize and conduct the first elections that would usher in the elected leaders of the two parties at the various levels of government. As civil servants, they were required to be a-political in the performance of their assigned functions. Government undertook to fund the establishment of all the necessary structures - two identical party offices in each of the 453 local government areas of the federation, two at each of the 21 state capitals and two at the national capital, one each for the two parties. Similarly, government undertook to provide all the stationery, office equipment and transport as well as the salaries and allowances of the staff of the two parties. It is difficult to have an accurate figure of the amount expended on the parties. However, an informed estimate has been made by the Nigerian Economist. The magazine puts the amount expended on vehicles for the two parties at N55.9 million, party secretariat building and furnishing at N1.01 billion, and party local government secretariats N1.3 billion.<sup>13</sup>

With the decreeing of only two political parties, a major attempt was made at undermining the tripod politics that characterized the First and, to some extent, Second Republics.<sup>14</sup> But the reality of dichotomy of North and South persisted as the politics of the election of the pioneer officers of the two parties later indicated.

### 1.5 Rooting the parties:

One of the stated objectives for founding completely new parties by the government was to sever all links with the politics of the past.

The new parties should not be identified with any regional or geo-ethnic group in the country. They should be national in character, and what should distinguish one from the other is its ideology, one a little to the left, and the other a little to the right.

By coincidence, the parties that emerged in the south-western part of the country in the First and Second Republics, the Action Group and the Unity Party of Nigeria respectively, espoused a left of center ideology, while the dominant party in the North in the First Republic, the Northern People's Congress, and later the National Party of Nigeria (which won five of its seven states in the North during the Second Republic) espoused a rightist ideology. Although there was an even more leftist oriented party in the North, the Northern Elements Progressive Union, which metamorphosed into the People's Redemption Party, in the Second Republic, politicians from the South-West part of the country quickly identified with the SDP which is a little to the left<sup>15</sup> and the North, split between the conservatives and the radicals, opted for the NRC and the SDP respectively. Similarly, in the East, a bloc or regional identification with either of the two parties was avoided. Instead, there was a split for the SDP and the NRC.

It appeared, for a while, that geo-ethnic and regional politics were giving way to the politics of issues and ideologies, at least in the East and the North.<sup>16</sup> However, the first national convention of the two parties brought to the fore, once again, the ghost of dichotomy in the politics of the nation.

Ideally, in any political association people would want to contest for the highest offices in the association. In the case of political parties, the highest position is the chairmanship. But in this instance, ambitious individuals and groups openly rejected the office of the chairman even when it was thrust to them. At the SDP national convention in Abuja in July 1990, the Yoruba elements in the party ensured that the Chairmanship did not go to the South. The Northern elements in the party had also tried, without success, to shun the office. Indeed, the politics of electing the Chairman of the SDP deserves a study of its own. Rival groups spent money and time to

ensure that somebody from the other group won. It was believed, by the different groups that comprised the political party, that whichever geo-political area got the office of chairman would forfeit the office of presidential candidate of the party to the other.<sup>17</sup> Thus, if the West wanted to produce the President of Nigeria's Third Republic, it should ensure that it did not take the office of chairman of the party. Eventually, Ambassador Baba Gana Kingibe, from the North, emerged as the chairman of the SDP.<sup>19</sup> It was widely believed that important Yoruba leaders including the Oni of Ife, Oba Okunade Sijuade Olubuse II, the spiritual head of the Yoruba people, influenced the election of Ambassador Kingibe as SDP chairman. This belief was anchored on the Oni's statement to the chairman of the SDP in November, 1990 when the latter paid the former a courtesy call at Ile-Ife, to the effect that the Yoruba race would solidly vote for the SDP. In return, Kingibe was requested to ensure that a Yoruba man was fielded as the SDP's presidential candidate.<sup>18</sup>

Perhaps to strengthen their case for the presidency, the Western states decided to vote massively for the SDP in the first partisan elections in the transition.

### 1.6 Local Government Election on Party Platform

By December 1990, when the first nation-wide local government election on party basis was held, the number of states in the federation had increased from 19 (when the military came to power) to 21, and the number of local governments from 301 to 453. It was the first test of the popularity of the two parties and their national spread. It was also the first test of how different the politics of the Third Republic was going to be from those of the past. Would the old regional dichotomy resurface?

Especially with the election of a southerner, Chief Tom Ikimi, as chairman of the NRC, and a northerner, Ambassador Kingibe as chairman of the SDP, a general impression was created that the SDP would field a southern presidential candidate, while the NRC would

field a northern candidate.

The National Electoral Commission performed creditably in its first outing with the two political parties. The conduct of the election was very peaceful and the incidence of rigging very minimal compared to the past,<sup>19</sup> although the voter turn-out, as the Daily Times noted, was lower than expected, with some places recording as low as four per cent of registered voters.<sup>20</sup>

However, unlike the 1987 election, the 1990 local government election was held under the Open Ballot System.<sup>21</sup> The results indicated that the SDP won 232 or 51.2% of the 453 local chairmanship positions, and 2,934 or 53.4% of the 5,492 total council seats. Also, its performance cut across regional boundaries. It captured well over two-thirds of the total chairmanship position of the Western states, comprising Lagos, Ogun, Ondo, and Oyo. In the Igbo states of Anambra and Imo, it got 54 per cent of the chairs, while in the Middle Belt states of Kwara, Niger, Plateau, Benue and Gongola, it captured 63 per cent of the chairs. In the far North states of Kano, Katsina, Sokoto, Bauchi, Borno, Kaduna, the ratio was 42 per cent SDP to 58 per cent NRC. Thus, but for the old Western Region, the voting pattern appeared to have changed significantly from what it was in the previous Republics as tables 1-3 indicate.

TABLE 1:

Presidential Election Results in Selected States

By Party, 1979 Elections

PARTY	EAST*	WEST**	NORTH***
GNPP	2.34%	4.58%	22.28%
NPP	84.77%	2.82%	2.52%
PRP	1.05%	0.32%	27.18%
NPN	11.15%	7.58%	45.35%
UPN	0.69%	88.80%	3.30%
TOTAL	100%	100%	100%

Notes: \*Comprised of Anambra and Imo State

\*\*Comprised of Lagos, Ondo, Ogun and Oyo States

\*\*\*Comprised of Kaduna, Kano, Sokoto, Bauchi and Borno States.

TABLE 2:

Gubernatorial Election Results in Selected States

By Party, 1991 Elections

PARTY	EAST+	WEST++	NORTH+++
SDP	54%	74%	41%
NRC	46%	26%	59%
TOTAL	100%	100%	100%

Note: +Comprised Anambra, Imo, Enugu, and Abia States

++Comprised Lagos, Oyo, Osun, Ondo, and Ogun States

+++Comprised Kano, Kaduna, Bauchi, Borno, Sokoto, Katsina, Jigawa and Yobe States.

**TABLE 3:**  
**Results of December 1990 Local Government Elections**  
**By State and By Party for Chair and Council Seats**

No.	States	CHAIRMAN		COUNCILLORS	
		NRC	SDP	NRC	SDP
01	Akwa Ibom	16	04	152	96
96					
02	Anambra	13	16	261	286
286					
03	Bauchi	18	2	177	32
04	Bendel	8	10	95	115
05	Benue	4	15	98	119
06	Borno	12	11	132	170
07	Cross River	4	3	60	52
08	Gongola	11	7	115	115
09	Imo	13	15	167	187
10	Kaduna	7	6	67	78
11	Kano	15	31	156	304
12	Katsina	5	14	72	125
13	Kwara	2	11	59	152
14	Lagos	2	9	43	138
15	Niger	6	3	64	47
16	Ogun	4	8	39	105
17	Ondo	6	15	85	164
18	Oyo	10	32	150	347
19	Plateau	4	10	88	154
20	Rivers	7	7	104	80
21	Sokoto	37	0	349	52
22	Abuja	2	2	29	16
	<b>TOTAL</b>	<b>206</b>	<b>232</b>	<b>2,558</b>	<b>2,934</b>

(I have used data from results of elections to different positions to illustrate change in voting pattern because of the absence of similar data over time. The only nation-wide local government elections Nigeria has had before the transition to the Third Republic was held in 1976, and it was a no-party elections. So the nearest elections on which there is ample data have been used. The pattern is not much different).

The conduct of the 1990 local government elections further prepared NEC for the tasks ahead in 1991. These tasks were not lessened by the introduction of new methods for choosing candidates to stand for elections on the parties' tickets as well as the new method of voting — the Open Ballot System OBS. We will discuss the OBS first.

### 1.7 The Open Ballot System

Unlike in 1987, the 1990 local government elections were held without ballot papers and without ballot boxes. The new system, called Open Ballot System, OBS, required all eligible voters to line up behind the picture of the candidate of their choice to be counted. Thus, immediately after the counting, the result for each polling station are made public and they are recorded and passed on to the ward, then local government for final collation. In justifying the introduction of the OBS, NEC Chairman, Humphrey Nwosu argued that, "all the past elections conducted through the secret ballot were discredited because of various malpractices." He added that it was a settled argument that the "demise of the first and second republics was to a considerable degree, due to electoral malpractices and behaviours that manifested in election results lacking the credence of quite a sizeable section of the Nigerian populace."<sup>22</sup>

The suggestion to introduce the OBS, first made during the Political Bureau Debate, met with serious opposition from many powerful groups in the country among them the Nigeria Labour Congress, some traditional rulers and academics.<sup>23</sup> Their arguments were that the system was archaic, and unfit for the modern era. But more importantly, they argued that the OBS would disenfranchise a lot of respectable men and women in the country. That, there are people

who, by virtue of their positions in society are not supposed to be seen to be partisan. Thus, if they heed the government's call to go and exercise their civic rights to vote, they would end up losing respectability which, in the main, hinges on the perception of their being fathers of all. This argument applied particularly to traditional rulers, justices of the law, and other public functionaries whose officers are supposed to be held with reverence by all the people.

But the case against the OBS was not limited to the privileged in the society. The underprivileged were also said to be negatively affected by it. It was argued that by denying the tenant, worker or job applicant the right to secretly make his choice, the OBS was going to compel him to vote for the landlord, the employer or the prospective employer if he wants to retain his house, his work or get a job. The poor, it was argued by opponents of the OBS, cannot openly oppose their benefactors even when they know those benefactors are not the best candidates in the race.<sup>24</sup>

NEC narrowed the debate to two options. The first was having a credible election devoid of rigging, stuffing of ballot boxes with ballot papers, or disappearance of ballot boxes on transit from polling booths to collation centres. The second option was disenfranchising some insignificantly small proportion of the electorate. By NEC's calculation, the bane of our electoral politics was not the disenfranchisement of some groups but the malpractices that had always characterized elections. Thus, it chose the OBS.

NEC was eventually vindicated in its choice. The first ever nationwide local government election conducted under the OBS proved to be a huge success. According to NewsWatch Magazine, "Everything... points to the direction of change, the most obvious being the general absence of electoral malpractices." The magazine also noted that "any election that receives a general acceptance from the population must be a welcome development in the nation's search for political stability. The December 8, election has so far received that general acceptance. This general absence of malpractices enabled people to vote the way they felt, subject to broad adherence to party affiliations. Voter preferences were not, for the first time in many

years, tinkered with by party machineries."<sup>25</sup>

\*The other innovation was the primaries for electing candidates to contest on the platform of the parties for each of the elective offices.

### 1.8 Primaries

Schedule Three of the constitutions of the two parties makes it mandatory for primaries to be held to determine who the party fields to contest any elective office. Participation in the primaries is open to all registered party members who are regular in the payment of their dues. This requirement was an innovation to what obtained in the first Two republics, particularly in the AG/UPN, NEPU/PRP, NCNC/NPP, NPC and the GNPP.

Even though the constitutions of the latter parties had stipulated legal-rational ways of selecting a candidate, the party leaders did not make any pretence of respecting those rules. Waziri Ibrahim, for example, left the Nigeria People's Party (a party he founded and funded) to found the Great Nigeria People's Party when he was told that he could not simply declare himself the presidential candidate of the party.<sup>26</sup> Similarly, it would have been unthinkable to expect anybody in either the AG and later UPN or the NEPU and later the PRP to contest with Chief Awolowo or Mallam Aminu Kano respectively for the presidential ticket of their parties in the First and Second Republics.<sup>27</sup> Thus, in both the First and Second Republics, the party leaders not only imposed themselves on their parties, they even imposed other candidates on the parties. To be sponsored by the UPN to contest the gubernatorial seat of Lagos State, for example, what an aspirant needed was not so much the support of the party members as the goodwill of Chief Awolowo. The situation was not much different in the PRP where Aminu Kano virtually dictated who was to stand for which elective office on the platform of the PRP in the 1979 elections. Sidi Hamidu Ali, a member of the PRP, who hailed from Kano city was, for example, put up as PRP candidate for Dambatta Federal constituency and he won.

Of the five parties that contested the 1979 elections only one - the National Party of Nigeria - made some attempt at conducting primaries to select its flagbearer.<sup>28</sup> It held a national convention at which elections were held to choose among the aspirants who the flagbearer should be, having already zoned the office to a particular geographical area of the country. The difference between what the NPN did in 1979 and what the parties of the Third Republic are required to do is that the former conducted indirect primaries, where a selected number of party men voted on behalf of all. Secondly, the former zoned offices to geo-political areas of the country. In the Third Republic, on the other hand, these primaries are direct, where all registered and due-paying members are allowed to vote. Zoning is not sanctioned.

To ensure the general acceptability of the aspirant who eventually emerges as candidate, the parties' constitutions make it mandatory for any aspirant to get one-third of the total votes cast in at least two-thirds of the units making up his or her constituency, in addition to scoring the highest number of votes. The units are states, local governments and wards for the presidency, gubernatorial and local government chairman positions respectively. Where no one candidate meets the two conditions the first two go for a run-off and whoever emerges with a simple majority wins.

But an impressive performance in the primaries did not guarantee an aspirant the candidature of his party. The National Electoral Commission had to be satisfied that such an aspirant met its catch-all criteria for eligibility to contest elections. The federal government, in its bid to weed the Third Republic of undesirable elements vested the NEC through a number of decrees, but particularly Decree 48 of 1991 as amended by Decree 6 of 1992, unchallengeable powers. The Commission was empowered to disqualify any candidate at any stage before, during or after the elections. And it was not required to offer reasons for the disqualification.

It was this catch-all powers that the Commission employed to disqualify 13 prominent candidates during the 1991 gubernatorial elections. Barely two weeks to the December 14, elections, NEC

disqualified eight SDP gubernatorial aspirants. These were Dapo Sarumi and Femi Agbalajobi (Lagos), Atiku Abubakar, and Bala Takaya (Adamawa), Okey Odunze (Anambra), Fabian Osuji (Imo), Sule Lamido (Jigawa), and Sargent Awuse (Rivers). Similarly four - NRC aspirants were disqualified. These were Joe Nwodo and Reverend Hyde Onuaguluchi (Enugu), Yusuf Sani (Jigawa), and Zebulon Abule (Rivers).

The effect of this late disqualification of prominent 'newbreed' politicians was that less well known, less popular, or in some cases, opponents of the prominent aspirants were fielded as candidates. And as we argue below concerning the results of the elections, parties won or lost gubernatorial elections depending on whether the prominent candidate disallowed by NEC endorsed the candidate later fielded by the party. In Jigawa state for example, the endorsement of Ali Sa'ad Birnin Kudu by Sule Lamido ensured Birnin Kudu's victory even though he was little known in the state. On the other hand, the withdrawal of support by Dr. Agbalajobi ensured the defeat of Yomi Edu in the Lagos State gubernatorial elections, even when the state was solidly SDP as the results of the State House of Assembly (where the SDP won 26 of the 30 seats) indicate.

Thus, the outcome of the December gubernatorial elections can best be understood from a much wider perspective - one that includes the ideological leanings of particular states of the country, the internal strife within the parties and NEC's last minute hammer on popular aspirants which gave the impression that unpopular candidates were being imposed on the parties.

### 1.9 Gubernatorial and House of Assembly Elections

The Gubernatorial and House of Assembly Elections of December 14, 1991, like the Local Government elections of the previous year, were also held under the OBS. The conduct of the exercise was generally peaceful across the country. But the results, in many states, went against general expectations. In at least four states - Kano, Katsina, Lagos and Benue - the results of the gubernatorial elections indicated that in politics no one factor can explain political behaviour. For,

before the elections, it was generally believed that the first three states, by virtue of their radical tradition in politics would vote in SDP governors whereas Benue, because of its identification with conservative tendencies in Nigerian politics, would vote in an NRC governor. This belief was supported, for instance, by the outcome of the first partisan elections (the December 8, 1991 local government election) contested by the two parties. As table 3 indicates, in that election, the Lagos electorate voted the NRC into only two of the 11 Local Government Council chairmanship positions in the state. Similarly, in Katsina State, the SDP took 15 of the 20 Chairs, and 32 of the 46 in Kano State. The result of Benue state was generally believed to have been greatly influenced by religion and that if the NRC could effectively distance itself from the label of "Northern" Republic Convention (which translates to the people of the Middle Belt as "Hausa/Fulani/Muslim Republican Party") it could succeed in getting back its 'rightful' state.<sup>29</sup>

Were the "break-throughs" made by the parties into territories previously considered "hostile" an indication of some fundamental change in the politics of the nation? Is that an indication that the Nigerian electorate is beginning to identify considerations? Were that the case, the Third Republic could be said to be beginning on a sounder political foundation than the previous ones. And that could pave the way for a more lasting Third Republic. But, as argued earlier, the outcome of the gubernatorial elections in those states that voted against prediction, was more the result of intra-party crises than any change in their political alliance. Those who casted protest votes remained party members, who still believed in the philosophies of their parties, but did not agree with the choice of the persons put forward to execute those policies.

Of the 30 gubernatorial election results declared by NEC, about a dozen were challenged by the losing contestants.<sup>30</sup> And in accordance with the provisions of the Transitions to Civil Rule Tribunal, Decree, 50 of 1991, the petitions were heard by the various Tribunals established for that purpose. The Tribunals upheld the verdicts of NEC in all the states but two. These were Jigawa and Edo. The Tribunals' verdict was challenged by the two governors at the

Appeal Court, where their (the governors') election was upheld. There was a case of a Lagos High Court ordering fresh gubernatorial elections at Imo State. But that order has not been complied with.<sup>31</sup>

It is instructive to note that quite a number of the complaints against NEC were not over the conduct of the elections *per se*. A large number of them were on the eligibility of the candidates to contest the elections. In two cases for instance, defeated candidates went to the Tribunal alleging that their victorious opponents had been treated in mental hospitals before. There was also the case of a defeated candidate alleging that a Member of the State House of Assembly elect did not possess the minimum educational qualification to contest for that office.

In general, the actual conduct of the elections were perceived by the electorate as free and fair. Even in Kano where the NRC candidate eventually emerged winner, the mass of the people admit that it was the intra-party crisis in the SDP that made it possible for the NRC to win. In other words, unlike in the past, the electorate blamed the victory of an otherwise unpopular candidate not on rigging or other electoral malpractices, but on intra-party conflict within their own parties. To the extent that the electorate did reason this way, it can be argued that NEC performed creditably and also there has been some qualitative change in the political culture of the people.

The pattern of voting in the gubernatorial elections shows a clear break from the politics of the past republics. Even in the Yoruba States where the tendency has always been to vote en bloc, the results of the gubernatorial elections in Oyo State, indicated that the governor won with only 57 per cent. Similarly in Osun state the ratio of total votes received was 57 to 43 in favour of the SDP. These results contrast with the near-total identification with the Action Group in the First Republic and later the UPN in the Second Republic. In the 1979 presidential elections for example, Lagos, Ogun, Ondo and Oyo on the average voted over 88 per cent for the UPN.<sup>32</sup> The break is even more pronounced in the results of Kano State where, unlike in the Second Republic where all but 15 of the 138 seats in the State Assembly was occupied by one party, the present Assembly is nearly evenly distributed with one party having 35 and the other 33. But for

Sokoto and Bauchi States where the voting pattern remained the same, with the electorate virtually identifying en-mass with only one party, the NRC, the trend portends well for the future of democracy in the country.

## 2.0 The National Assembly Elections, 1992

Having established democratic governments at the first two tiers of government-local and state- a major step was taken towards ushering in democracy at the center with the National Assembly elections of July 4, 1992. At stake were 91 Senatorial and 589 House of Representatives seats to be contested between the SDP and the NRC. As usual, aspirants for the various offices went through the primaries. However, whereas during the primaries that resulted in the emergence of the candidates in the December 14, 1991 elections to the Governorship and House of Assembly offices the coast was cleared for new breed politicians alone, courtesy of Decree 25 of 1987, the primaries to the National Assembly elections were conducted with all politicians, old and new breed participating. Immediately after the December 14 elections, the federal government repealed the Public Officers Participation in Politics (Prohibition) Decree thus opening the gates to all. This action of the government led to the emergence of very many old breed politicians who wanted to contest seats in the National Assembly. While opening the gates for all, the federal government at the same time, increased the already enormous powers of the NEC. It was empowered to disqualify any aspirant or candidate it deemed necessary. And it was not required to explain why it acted the way it did.

It was these powers that NEC used to disqualify 28 candidates from contesting the Senate and House of Representatives elections. Of the disqualified candidates for Senate six were from the SDP and four from the NRC. Similarly for the House of Representatives, the SDP had 10 to the NRC's eight.

Again the result of the elections followed the pattern set in the December 14, 1991 Gubernatorial and House of Assembly elections. This time however, the electoral fortunes of the parties changed. The

SDP won 51 of the 91 Senatorial seats as well as 314 of the 589 House of Representatives seats. In a number of states, where the NRC had formed government, it had failed to win all the Senatorial seats. In Kano State, for example, the NRC won only one of the three senatorial seats in the state, while in Lagos, it lost all to the SDP (See appendix 2, for the Results).

### Choosing the Presidential flag-bearers

The primaries to elect the presidential flag-bearers of the two parties were initially scheduled to be in six stages beginning on August 1, 1992. The first stage took place amidst complaints by virtually all the aspirants. The government therefore cancelled the results and asked the two parties and NEC to better prepare themselves. Another date was scheduled, September 12. This time, it was to be in three stages into which the 30 states and Abuja were divided. The first stage was held without much complaint on September 5. However, as the results of the second stage began to emerge, 9 of the 11 aspirants on the platform of the SDP met and demanded that the result of the second stage be cancelled. They threatened to boycott the rest of the elections if their demands were not agreed to. And when both the parties and NEC refused to concede to their demands, they called on their supporters to boycott the exercise.

That did not stop the exercise from going on. At the end of the three stage exercise, General Shehu Musa Yar'Adua of the SDP emerged winner having polled over two million votes and getting the mandatory one-third votes cast in at least two-thirds of the states of the federation. On the NRC platform, a clear winner could not emerge. Thus, following the provisions of the constitution of the party, a run-off was scheduled for Saturday October 10, 1992. However, on Tuesday, October 6, the Armed Forces Ruling Council after a lengthy deliberation on the conduct of the primaries announced the suspension of the results of the primaries. It also put the NRC run-off earlier scheduled for the following Saturday on hold. The AFRC further directed the NEC to investigate all the allegations of electoral malpractices levelled against the presidential aspirants. The commission was given one week to submit its findings. NEC immediately set out

to investigate the allegations by calling for memoranda and submissions from the general public and the parties. The commission also invited each and everyone of the aspirants for questioning. The commission was able to meet government's deadline. The AFRC deliberated for two days on the Report and concluded that all the 23 aspirants as well as the executives of the parties at all levels were guilty of electoral malpractices. As a consequence, the results of the primaries were cancelled.

Government also announced the dissolution of the executives of both parties at all levels of government - local, state and national. In the same broadcast in which government announced the dissolution of the executives of the parties and the cancellation of the suspended results, NEC was directed "to prescribe a relatively trouble-free selection process to produce a nationally acceptable President for the Federal Republic".

One week later, NEC submitted eight options to the government. These were:

A1. Selection through local government congress only

A2. Selection through state congress only

A3. Selection through National Convention only

A4. Selection of state flagbearers through ward, local government and state congress leading to National Convention.

A5. Selection from state and zonal flagbearers through ward, local government and state congresses leading to National Convention

A6. Selection from zonal flagbearers through state congresses and national convention

A7. Selection by members of the National and State Assemblies and Local Government Councils

A8. All aspirants to proceed directly to contest general election. (see appendix 3 for the case for and against the eight options submitted by NEC).

The AFRC finally decided on option A4. It went further to ban all the 23 presidential aspirants from contesting in the forthcoming presidential candidate election exercise. Resulting from all these was the decision of the government to extend the transition programme by

eight months. The Presidential election is now rescheduled to take place on June 12, 1993 and the swearing in of the new president in August 27, 1993, the eight anniversary of the IBB administration.

### Conclusions

What do the results of the various elections held so far portend for the political development of the nation and the stability, or otherwise, of the Third Republic? And does the performance of NEC so far, show that it can midwife the Third Republic to a successful birth and let it live?

To answer these questions, it is necessary to highlight the significant aspects of the results. Firstly, the performance of the two parties was not restricted to any one geographical area, ethnic group, religion or any of the numerous cleavages that in the past determined the electoral choice of the people. The NRC for example, won nine out of the 16 gubernatorial seats in the North. Similarly the SDP won seven of the 14 gubernatorial seats in the South.<sup>33</sup> Even in the Yoruba states, a gubernatorial seat was conceded to the NRC, a development that could not have been possible in the past. Furthermore, the SDP governors of Oyo and Osun states polled only 57 per cent of the votes to win the elections.

To the extent that a major fear was that of the disintegration of the nation as a result of the refusal of the major ethnic groups to share similar political ideals, we can say that the results portend good omen for the stability of the country. Parochial cleavages have been relegated to the background. It is therefore possible to find the Governor of Sokoto working out strategies with that of Lagos and Akwa Ibom to ensure that they fulfil the electoral promises of their party, the NRC. Similarly, the governors of Jigawa, Oyo and Anambra share a lot more in common with each other than each one of them does with his immediate neighbour, in terms of political aspirations. These developments indicate a step forward towards political development.

What is not quite clear, though, is the extent to which the absence of such political figures as Aminu Kano, Obafemi Awolowo, and Nnamdi Azikiwe (who has refused to be dragged into partisan politics in the Third Republic), helped in breaking the geo-ethnic barriers of political integration. To the extent that each party has been able to make itself accepted by the various groups in the country with

no one group seeing itself as a lesser member than another, it is safe to argue that there will be greater stability in the Third Republic. This is because every group will feel that it has a chance of producing the highest office holder of the state. After all, most of the disenchantment with the past attempts at democracy was the result of a feeling of alienation from the seat of power and the fear that particular groups cannot realistically hope to produce the nation's president in the near future.

On NEC, although it seems to have done well so far, there are many lapses that show the commission to be either not very conscientious or that it is under pressure from outside. Just one example. The members of the Commission are required to be people, who have been examined to be completely neutral in partisan politics. The Commission has the resources to cross-check information on individuals given to it. The commission is the only authority empowered to clear politicians to contest elective offices. To issue the clearance, the commission is required to verify all information such aspirants give to the commission as regards to his private and public life. The commission is believed to have the capability to do the verification. And it did so for thousands of aspirants. Yet this same organisation could not verify the partisanship or otherwise of a Commissioner it named for appointment. A few weeks after the new states were created in August 1991, the NEC decided to appoint NEC commissioners for the new states. Among the list of the new commissioners released by NEC was Dr. Ahmadu Usman Jalingo. Dr. Jalingo honourably declined the offer. And when the December elections were held, Dr. Jalingo was the Gubernatorial candidate of the NRC in Taraba State. Dr. Jalingo certainly did not jump into politics two weeks before the elections. That was only one case. There could be many. NEC has got to prove its neutrality beyond doubt. It must not only convince itself that it is neutral, it must be seen to be neutral. And that will be the beginning of the success of the Third Republic.

## ENDNOTES

1. See for example Larry Diamond 'The 1983 General Elections' in Ayeni and Soremekun, eds. Nigeria's Second Republic, (Lagos, Daily Times, 1988), Billy Dudley, An Introduction to Nigerian Government and Politics, (London, Macmillan, 1982), Report of the Political Bureau, Lagos, Government Printer, 1988, Leo Dare, "The 1964 Election and the collapse of the first Republic" in P.P. Ekeh et al eds. Nigeria since independence: politics and constitutions (Ibadan) among others.
2. There are many forms of representation as well as types of elections, which fall outside the scope of this chapter. On the role of elections in democracies see J. S. Mill's classic study on Representative Government, R. A. Dahl, Polyarchy: Participation and Opposition, (New Haven, Yale University Press, 1971)
- 3.R: Rose and H. Mossawir, 'Voting and Elections: A Functional Analysis' in Political Studies, xv, 2, 1967.
4. On the relationship between electoral fraud and military intervention in Nigeria in the two Republics see among others, Larry Diamond, op. cit. and Leo Dare, op cit.
5. Naomi Chazan et al make the same argument in Politics and Society in Contemporary Africa, (Boulder, Colorado, Lynne Rienner, 1988).
6. Report of the Political Bureau, (Lagos, Government Printer, 1987), Section on Election and Electoral Processes S. 8.045
7. It should be noted that in the First Republic there was little uniformity among the regions in the functions or powers of the local governments and no nationwide local government election were held.
8. See for example the Babalakin Report on FEDECO, A. Jinadu and T. Edoh, eds., The 1987-88 Local Government Elections in Nigeria, (Lagos National Electoral Commission, 1990).

9. While the no-party elections may have been intended to cultivate a new political leadership whose support is derived from the grassroots as opposed to identification with the political forces of the past, in reality most of those who contested and won the elections were sponsored by banned politicians. The significance of the local government elections to aspirants to national leadership lay in the fact that the local governments were to constitute the electoral college to elect Members of the Constituent Assembly who were to deliberate on the nation's new constitution. And given the fact that political alliances are formed in the CA, an influence in who gets there could be a great advantage.

10. For a thorough discussion of what informed the Political Bureau's recommendation see chapter viii of the Report of the Political Bureau (Lagos, Government Printer, 1987).

11. See appendix 1 for the names of the political associations as well as their ranking according to NEC.

12. For details of these see 'Grass-Roots Democratic Party System and the Dawn of a New Socio-Political Order' an address to the nation by President Ibrahim Babangida, on the occasion of the registration of the two political parties, 7 October, 1989, in Olagunju, T. and Oyovbaire, S., eds. For Their Tomorrow We Gave Our Today, Vol. ii, (Ibadan, Safari Books, 1991).

13. See The Nigerian Economist, Vol. 4, No. 25, of 16 September 1991.

14. I must point out that it is simplistic to analyse Second Republic politics and even to some extent the First Republic politics purely from a tripod perspective. In the Second Republic for instance, any talk about a Northern party ignores the formidable opposition that the NEPU, the BYM and the UMBC gave the NPC.

15. The identification of particular regions with some ideological labels - the South as progressives and the North as conservatives had its roots in the politics of decolonization. For a number of reasons outside the scope of this chapter, the dominant party in the North during the colonial era, the NPC, appeared more accommodating to colonial rule. Indeed, the party asked for a postponement of the date for granting colonial Nigeria its independence.

Although the NEPU was radical and progressive, indeed, more radical and progressive than either the two Southern-based parties, NCNC or the AG, its minority status in the North make its impact almost non-existent.

It is instructive to note that when the PRP, a reincarnation of the NEPU in the Second Republic came to power in two states, their governments aligned with the southern parties into the Progressive People's Alliance, and later the Progressive People's Party.

16. These two regions, unlike the West, were never really monoliths in politics even in two previous republics. In the First Republic, the NPC's monopoly in the North was challenged by the AG, the UMBC, and NEPU and the BYM.

17. I must point out here that although the federal government funded the two "completely new political parties", what emerged after the government appointed administrators had left the scene were two political parties comprising of the various political associations that were denied registration by NEC in 1989. Thus, within the SDP were to be found the PF, PSP and other factions. Similar factions, though not as pronounced, existed in the NRC.

18. See Newswatch December 24, 1990, Daily Times ed. December 1990

19. The number of registered voters was put at 74 million but after the 1991 census provisional results had been released, NEC cut 20 million names from the register arguing that if our population is 88.5 million, we could not possibly have 70 million registered voters.

20. Daily Times 12/12/90

21. See below for fuller discussion on the OBS.

22. Cited in Newswatch Magazine, December 24, 1990.

23. See for example, the Communique of the Nigerian Political Science Association, in Democrat, 3-10-91. See also Daily Times editorial of 8/19/90

24. See The Political Bureau Report, op. cit
25. Newswatch, December 24, 1990.
26. When he founded the Great Nigeria People's Party, he was declared unopposed to run for the presidency of Nigeria on the platform of the party. And again in the 1983 elections he was declared unopposed.
27. On how the Presidential candidates of the six political parties that contested the 1983 elections emerged see Elections 1983, (Lagos, Daily Times, Publications, n.d.)
28. Daily Times, editorial 5/8/92.
29. The NRC's case was not helped by the series of religious crises in the Northern parts of the country, Kano October, 1991, Bauchi May 1991 and Katsina, April 1991. In all these crises, non-Muslims from the Middle Belt have been targeted by their host population.
30. These included the results of Kano, Jigawa, Edo, Delta, Kaduna, Imo, Anambra, Borno, Osun and Katsina.
31. Neither the federal government nor NEC has thought it right to ensure obedience to the Lagos High Court Judges' ruling. According to the Chief Registrar of the Appeal Court, the High Court Judge erred in law by hearing the case. He was not competent to hear it. October 3, 1992. Personal discussion with A. Jega Chief Registrar Appeal Court, Lagos.
32. For the results of the 1979 elections.
33. This study has deliberately emphasized the integrative role of the party system among the major ethnic groups in the country, not because the minor groups are not a special focus, but more because in the 32 years of the nations independence, the question of national integration has consistently been discussed around these 3 groups. The minority groups have not seriously threatened our attempts at integration.

Appendix 20  
Gubernatorial Election 1991

<u>S. No.</u>	<u>State</u>	<u>Candidate</u>	<u>Parties</u>	<u>Votes</u>	<u>Result</u>
01	Abia	Ogbonnaya Onu	NRC	308,087	elected
		Sam Eke	SDP	116,408	
02	Adamawa	S. Michika	NRC	348,586	elected
		B. Mustapha	SDP	278,988	
03	Akwa Ibom	Akpan Isemin	NRC	596,840	elected
		Ekong Etuk	SDP	416,252	
04	Anambra	C. Ezeife	SDP	261,819	elected
		N. Eriobuna	NRC	244,486	
05	Bauchi	D. Mohammed	NRC	1,435,007	elected
		A. Bulkachuwa	SDP	204,001	
06	Benue	M. Adasu	SDP	461,049	elected
		I. Ayua	NRC	403,405	
07	Borno	M.M. Lawal	SDP	285,235	elected
		A.G. Terab	NRC	273,221	
08	C/Rivers	C. Ebri	NRC	287,519	elected
		M. Ojeng	SDP	248,955	
09	Delta	A. Ibru	SDP	479,311	elected
		Eric Opia	NRC	285,188	
10	Edo	J. Oyegun	SDP	260,442	elected
		L. Igbinedion	NRC	246,952	
11	Enugu	E. O. Nwodo	NRC	460,188	elected
		G.N. Gbazuagu	SDP	301,432	
12	Imo	Evans Ewerem	NRC	386,170	elected
		Alese Obi	SDP	271,724	
13	Jigawa	A.S. Birnin Kudu	SDP	239,410	elected
		Buba Aliyu	NRC	120,011	
14	Kaduna	M.D. Lere	NRC	608,550	elected
		Ango Abdullahi	SDP	525,460	
15	Kano	K.I. Gaya	NRC	325,145	elected
		M. Abdullahi	SDP	251,468	
16	Katsina	S. Barda	NRC	290,163	elected
		U. Yar' Adua	SDP	277,990	
17	Kebbi	A. Musa	NRC	296,966	elected
		A. Koko	SDP	102,543	
18	Kwara	M.S. Lafiagi	SDP	261,819	elected

		Rasheed Salman	NRC	109,755	
19.	Kogi	A. Audu	NRC	300,319	elected
		S. Achema	SDP	228,239	
20.	Lagos	M. Otedola	NRC	424,895	elected
		Y. Edu	SDP	355,725	
21.	Niger	M. Inuwa	NRC	288,674	elected
		E. Enagi	SDP	210,613	
22.	Ogun	S. Osoba	SDP	295,402	elected
		F. Coker	NRC	114,639	
23	Ondo	B. Olumiluwa	SDP	374,866	elected
		A. Ogunlade	NRC	187,665	
24.	Osun	I. Adeleke	SDP	250,638	elected
		A. Salami	NRC	191,213	
25	Oyo	K. Ishola	SDP	341,162	elected
		Y. Adejo	NRC	252,289	
26.	Plateau	F. Tapgun	SDP	775,101	elected
		B. Hirse	NRC	534,702	
27	Rivers	R. Ada-George	NRC	964,889	elected
		Eric Aso	SDP	891,569	
28.	Sokoto	Y. AbdulKarim	NRC	585,889	elected
		Z. Magiri	SDP	101,729	
29.	Taraba	J. Nyame	SDP	484,090	elected
		U. Jalingo	NRC	351,545	
30.	Yobe	B.A. Ibrahim	SDP	121,935	elected
	<b>Appendix 3</b>	Maina Sadiq	NRC	104,452	

#### Senatorial Elections Results

<u>S. No.</u>	<u>State</u>	<u>Candidates</u>	<u>Parties</u>	<u>Votes</u>
01	Abia	Mar Nwulu	SDP	65,939
		O. Okorafor	NRC	63,818
		E.C. Nwaka	NRC	75,967
02	Adamawa	P.W. Zintim	NRC	60,840
		H.B. Mohammed	NRC	94,854
		M.T.B. Daniel	NRC	103,048
03	Akwa-Ibom	Aniete Okon	NRC	107,471
		A.Ukpanah	NRC	120,487
		Etang Umoyo	NRC	138,079
04	Anambra	Chuba Okadigbo	SDP	68,575
		E. Ikeyina	SDP	77,770

		M.N. Chukwuma	SDP	102,409
05	Bauchi	Uba Ahmed	NRC	260,277
		M.B. Katagum	NRC	308,572
06	Benue	Ameh Ebute	SDP	125,995
		David Iornem	SDP	151,850
		Iyorchia Ayu	SDP	112,822
07	Borno	Ali Sheriff	NRC	91,432
		Abubakar Mahdi	SDP	87,825
		H.A. Sadiq	SDP	43,348
08	Delta	Dan Azinge	SDP	98,708
		W.O. Eradajaye	SDP	106,788
		F. S. Okpozo	SDP	24,249
09	Edo	J. Oriafio	SDP	73,936
		Prof. Iyahan	SDP	108,810
		A. Legogie	SDP	87,903
10	Enugu	Ben. C. Ndu	NRC	122,915
		P. Nwite	SDP	76,751
		Fidelis Okoro	NRC	130,776
11	C/Rivers	P. Ani	NRC	121,018
		Miyel Imoke	NRC	125,032
		Paul Ukpo	NRC	91,306

## Chapter 5

## DEMOCRACY AND THE JUDICIARY: ELECTION PETITIONS DURING IBB ADMINISTRATION

*By Sam O. Ijalana.*

Such is the integrality of elections to the practice of modern democracy that it is often believed (though erroneously) that the mere fact of holding regular elections would suffice to fulfill all the necessary conditions for the existence and survival of democracy. "Electoralism", as this faith has been called, cannot but remain at the level of fallacy, since experience both in traditional and developed democracies show that by mere holding of elections, political action will not *ipso facto* crystallise into peaceful contests among competitors for political offices; nor will it be sufficient to legitimise the success at the polls. The way such polls are conducted would still matter, as it may serve as a constraint to the winners, just as some other political realities might do.<sup>1</sup>

Thus, democracy is jeopardised in a situation where the standard of fairness in the conduct of elections derogates from what has been referred to as the "procedural minimal" necessary for the existence of modern democracy.<sup>2</sup>

In other words, while it is conceded that competition and conflict is the soul of democracy, there must be present a scale of reliefs, as an alternative to self-help, for political competitors who feel that the game had not been played according to the rules. And in an imbalanced political culture like ours, where, to anticipate Larry Diamond, "wealth, income, status and opportunities for upward mobility are.....functions of political power", people care quite intensely about politics and access to political offices.<sup>3</sup>

Tension becomes inevitable, violence, electoral fraud, undue use of money, and similar electoral malpractices obtain on a grand scale. These are among the situations that go into suspending or withdrawing legitimacy from the winners of election.

Modern democracies, through their constitutions and laws, provide the channel for the articulation of reservations or grievances by a

competitor over the conduct of elections in which he is involved. This is to ensure that the electoral process itself is not subverted; and where an election does not represent the will of the people, the aggrieved party is encouraged under the law to seek redress from the courts.

Under our Electoral Laws, the only way to question elections to any of the three tiers of government, and to the Legislatures is through the presentation of election petitions, complaining of an undue election or undue return.

And as succinctly amplified in JOHN ODIGIE OYEGUN V. LUCKY IGBINEDION & ORS (1992 2 NWLR 747 at 756).

*"in an election petition whether at the trial or on an appeal the court (does) its utmost best to understand exactly what happened in order to be able to decipher whether the electorate did agree with the rule of the game or whether certain circumstances happened which will make even the ordinary man say that the contest by the candidates was against the rule"*

(per NASIR, PCA (as he then was).

The Constitution of the Federal Republic of Nigeria, 1989 (hereinafter referred to as the 1989 Constitution) provides the fountain of the election petitions laws for the transitional phase of the Babaginda administration. The Constitution contains provisions which relate to the conduct of elections and of election petitions. The Constitution as a whole will not come into force until after a civilian President has been elected and sworn-in, but certain aspects of it, relate to elections at the Local Government, State Government, State Assemblies, and National Assemblies<sup>4</sup> have already come into force in consonance with the phased transition arrangement of the Federal Military Government.

Consequently, the following laws have come into existence:

- iThe Local Government (Basic Constitutional and Transitional Provisions Act Cap 213 Laws of the Federation, incorporating Decree No.15 of 1989, and all the amendments and further amendments there to up to 18th of November, 1991 (Decree No.45, 1991);
- iiThe State Government (Basic Constitutional and Transitional Provisions) Decree No.50, 1991;

iii The National Assembly Basic Constitutional and Transitional provisions Decree No.18 of 1st July, 1992.

iv Presidential Primary Elections (Basic Transitional Provisions Decree No.37, 1992 of 24th day of August, 1992.

Section 269 of the 1989 Constitution provides for the establishment, jurisdiction, and composition of election tribunals; these fall into three categories:-

(i) the Presidential Election Tribunal

(ii) the Governorship and Legislative Houses Election Tribunals;

and (iii) Local Government Election Tribunals.

Thus both our Constitution, and the election laws guarantee access to the courts in the search for redress over electoral wrongs.

The institutionalisation by the Babaginda administration of election tribunals to handle election petitions at initial stages, is indeed a realistic response to the avalanche of untoward events created by the arrangement in the Second Republic when such petitions were being handled at initial stages by the courts.

By its nature, a tribunal works faster, there is a relaxation of the rather strict rules of procedure and law of evidence, enabling the fact-finding tribunal to obtain the needed facts without being hindered by undue formalities and technicalities.<sup>5</sup>

A notable legal scholar, Professor P.A. Oluyede captures the dilemma and unenviable burden of the judiciary in the handling of election petitions in the Second Republic:

*It is believed in some quarters that the first and second Republic failed on account of alleged election rigging and the handling of election petitions by the courts.*

*.....the helplessness of the courts in this connection is because of the antiquated laws and rules of practice and procedure under which our courts operate. The result is that many of the elections petitions which many people thought should have been won are lost"*<sup>6</sup>

The reason in the words of an eminent Jurist, Dr. T. Akinola Aguda is:

*"What appears to be just in the layman's point of view does not coincide with what is just according to Law"*

It was like the judiciary was being blackmailed, as politicians warned that election petitions and the handling of them by the judiciary might save or sink Nigeria.

Under the Babaginda administration, elections tribunals were set up for each of the four electoral phases under the specific laws that were made in consonance with the transition to democratic rule.

But, again, it appears there is a political streak that runs through our electoral activities by which the judiciary seems destined to find itself as the whipping boy of the society. This, as is often found out, results from what Dr. Aguda alluded to as the ignorance of the society about the working machinery of the law; this often leads to wrong assumptions on the part of the society, further leading to their frustration and depression over the outcome of election petitions.

For instance, an avalanche of caustic criticisms greeted the reversal of many election results in favour of those who had petitioned the outcome of the last Local Government elections. Critics saw law as using its technicality to impose "unpopular" candidates on the people.

In two separate editorials,<sup>8</sup> the influential New Nigerian Newspaper, warned that *"the people's verdict should be allowed leadership it chooses. No more, no less"*.

The Presidential Election Tribunal, established by the 1989 constitution, is vested, to the exclusion of any court or tribunal, with original jurisdiction to, among other things, hear and determine petitions as whether any person has been validly elected to the office of President or Vice President.

The Governorship and Legislative Houses Election Tribunal established by the Constitution, for each state of the federation,<sup>10</sup> has, to the exclusion of any court or tribunal, the original jurisdiction to, among other things, hear and determine petitions as to whether any person has been a member of any Legislative house.<sup>11</sup>

It is to be noted here that it is constitutionally valid for any state in Nigeria to have more than one Governorship and Legislative Houses Election Tribunal.

Similarly, more than one Local Government Election Tribunal can constitutionally be established in any state in Nigeria.

Established under the Constitution<sup>12</sup> for each State of the country, a Local Government Election Tribunal has, to the exclusion of any court or tribunal, the original jurisdiction to among other things, hear and determine petitions as to whether any person has been validly elected as Chairman of a Local Government Council, or as Councilor.

#### ELECTION PETITION LAWS

Petition are inevitable in the electoral democratic process. For one thing, they represent the barometer by which we can measure the constitutional health of the nation. They are symptomatic of the robust existence of the right of the citizen to give vent to his due reservations, in a confident quest for justice, in the unalloyed faith that where there is a right there is a remedy.

To be sure, commentators have drawn attention to the propensity of some defeated politicians to abuse the process with complaint, some of which could be regarded as frivolous. But it is here submitted that the two political parties, SOCIAL DEMOCRATIC PARTY OF NIGERIA (SDP) and the NIGERIAN REPUBLICAN CONVENTION PARTY (NRC), established by the Babaginda administration as the Vanguard parties for the return to civil rule, contain admirably high level of resilience to cater for complaints arising from intra-party election; and the various electoral decrees promulgated the Admin-

istration similarly contain provisions whose practical applications would whittle down frivolities in election petitions.

For one thing, the grounds explicated by the various laws on which elections can be questioned are articulated, reasonably well enough, to leave no doubt in the mind of a would-be petitioner that a frivolous petition stands only a hair-breadth chance of succeeding.

Local Government (Basic Constitution and transitional Provisions) Act Cap 213, 1990

This electoral statute, the original Local Government (Basic Constitutional Transitional Provisions) Decree No.15 of 1989, make Basic constitutional and transitional provisions for the Local Government as a third tier of Government, and provide for the conduct of Local Government elections. It also provides for offences and the relevant penalties; and the determination of questions relating to Local Government elections.<sup>13</sup>

The Act stresses integrity with respect to the composition of the tribunal that hears and determines the petitions.

The Chairman and his two colleagues on the tribunal are required to be persons of unquestionable integrity who have not been involved in party politics.<sup>14</sup>

The Chairman must have held office as a High Court Judge, or at least he is also qualified to hold such an office.<sup>15</sup>

One of the members of the tribunal is required to be a legal practitioner with at least 5 years post-call background.

The third member of the tribunal shall not be a legal practitioner.

The appointment of the Chairman and other members of the tribunal is by Chief Judge of the State concerned.

To be able to file a petition on respect of Local Government election, the petitioner must be a person who voted at the election or who had a right so to do,<sup>16</sup> or alternatively he claimed to have had a right to be elected or returned at the election,<sup>17</sup> alleged himself to have been a candidate at the election.<sup>18</sup>

On grounds on which election may be challenged at the Local Government Tribunal, Section 73(1) of the Local Government (Basic Constitutional and Transitional Provisions) Act provides the following grounds:-

- (a) that the person whose elections was questioned was at the time of the election not qualified or was disqualified from being elected as a member of a Local Government Council; or
- (b) that the election was avoided by corrupt practices or offences against this Act, or
- (c) that the respondent was not duly elected by majority of lawful votes at the election, or
- (d) that the petitioner was validly nominated but was unlawfully excluded from the election.

Where the conduct of an election does not comply with the Act, but it complies substantially in accordance with the principle of the Act, an election into the Local Government would not be nugatory if it is shown that the non-compliance has not affected substantially the result of the election shall not be nullified.<sup>19</sup>

In a situation where there is a defect in the title of the person in actual possession of, or acting in the office which has not a ground for questioning the election itself.<sup>20</sup>

The decision of the Local Government Council Election Tribunal can be appealed against on any of the grounds on which election may be questioned.

The appeal may also lie in respect of whether the election of any person as Chairman, or any other member is valid. Such appeal lies to a competent High Court, which expression here

means the High Court of the State within which the Local Government Area concerned is situated.<sup>21</sup> The decision of the High Court is final.

To stop the disturbing trend whereby the candidate of a rival political party would automatically take over in case where the election of the incumbent office holder was annulled, the Act was amended, empowering the High Court, in determining an appeal, to order a bye-election, in all cases, as it may deem just democratic and reasonable.

Before this time, the law had been silent on what to do if an elected official was disqualified, leaving judges apparently to exercise their discretion in the matter.

And where, a Local Government Election Tribunal or a High Court nullifies the election of the Chairman and orders a bye-election, the President, Commander-in-Chief may on the recommendation of the Governor of the State, within which the Local Government concerned is situated, appoint a care-taker Chairman pending the holding of the bye-election to elect a new Chairman for the Local Government.

#### STATE GOVERNMENT (BASIC CONSTITUTIONAL AND TRANSITIONAL PROVISIONS

Popularly known as Decree 50, of 1991, this electoral law provides in its PART V(B) the determination of various questions with respect to Governorship and Legislative Houses of Assembly Elections, and at least one tribunal is established for each State to take petitions arising from the elections

To the exclusion of any court or tribunal, the election tribunal has original jurisdiction to hear and determine petitions as to whether any person has been validly elected to the office of Governor or Deputy Governor or as a member of any legislative house.<sup>23</sup>

Governorship and Legislative Houses Election Tribunal consists of the Chairman and four other members. Again, as in the case of the

Local Government Election Tribunal, emphasis is placed on unquestionable integrity on the character and background of the membership of the tribunal.

The five members (including the chairman) must not have been involved in party politics.

The Chairman is required to be a person who held or is qualified to hold the office of a judge of High Court of Appeal.

Two of the members must be persons who have held or are qualified to hold the office of a judge of a High Court.<sup>25</sup> The remaining members are non-lawyers.

All the member of this tribunal are appointed by the President of the Court of Appeal.<sup>26</sup>

In exercise of the powers so conferred on him by the Decree, the then President of the Court of Appeal, Mamman Nasir, PCA, issued on the 1st January, 1992, an appointment notice,<sup>27</sup> appointing Chairman and members of the tribunals from various parts of the country, and making them serve outside their states of origin or permanent residence. Such an arrangement was intended to reflect Federal character and assure the impartiality of the tribunals.

Under the notice, 5 members were appointed for each of the tribunals States; but with some tribunals being responsible to more than one state.

For instance, members of Election Tribunal assigned to Abia State are also responsible for Imo State. Other states with such arrangement of concurrent responsibilities are Akwa Ibom/Cross Rivers States; Anambra /Enugu States; Lagos/Ogun States and Osun/Oyo States.

By the State government (Basic Constitutional and Transitional Provisions (Amendment) Decree No. 1, 1992, Section 88(5) of Decree No. 50, 1991 was amended to provide for a new subsection (6) making the quorum of a Governorship and Legislative house Election Tribu-

nal, to constitute of the Chairman and two other members.

The class of persons who are competent to present an election petition is restricted to a person who voted at an election who had a right to vote, or a person who claims to have had a right to be elected or returned at the election. Thus, unlike the situation under the Local Government (Basic constitutional and Transitional Provisions) Act, the clause does not include a petitioner alleging himself to have been a candidate at the election.

The grounds to question an elections are nearly identical to those present under the Local Government Electoral Tribunal Provisions. Perhaps the only observation is the reduction from four to three grounds, whereby under Decree No.50 of 1991, a petition may not be presented to question an election on the ground that the petitioner was vialidly nominated but was unlawfully excluded from the election, as this ground was not expressly covered under the Decree.<sup>28</sup>

However, where it appears to be the court or tribunal that the election was conducted substantially in accordance with the principle of the Decree, non-compliance with it shall not invalidate the election, if the non-compliance did not affect substantially the result of the election.

The court or tribunal is empowered to order a bye-election, where, it finds that a candidate elected or nominated was not duly elected or nominated. The court or tribunal is expressly prohibited from doing more than just ordering bye-election.<sup>29</sup> Thus the court cannot declare the defeated candidate elected.

This undoubtedly is intended to put an end to the practice of unelected candidates securing elections, through technicalities of the judicial system.

An appeal lies to the Court of Appeal from decisions of Governorship and Legislative Houses Election Tribunal on questions relating to the validity of the elections of the Governor, Deputy governor, member of legislative house, and to the subsistence of the term of office or

vacancy of the seat of any such person.

The Court of Appeal is the final authority under the current law in the country, in respect of an election petition.<sup>30</sup>

**National Assembly (Basic Constitutional and Transitional Provisions) Decree No. 18, 1992**

Published 1st July, 1992, this Decree contains provisions under its PART B, section 38-44, for the establishment and composition of election tribunals of National Assembly elections; formalisation of election complaints, the modality of presentation of election petition, grounds in which election may be questioned, the consequence of non-compliance with certain provisions of the Decree, appeal from National Assembly Elections Tribunals, and action on decisions of tribunal where notice of appeal is given.

Essentially, provisions for the above stated areas are similar to provisions under same heading of Decree 50 of 1991.

In accordance with provisions of Section 38 of the Decree, which vest responsibility for naming chairmen and members of the National Assembly Tribunal on the President Court of Appeal, a total of 135 members were named for not fewer than 28 tribunals in September 1992 with the acting Court of Appeal President, Justice Mustapha Akanbi, prescribing for them a code of conduct at the inauguration.<sup>31</sup>

As it is the case with the Governorship and Legislative Houses Election Tribunals, no member of the National Assembly Election Tribunals was allowed to serve in his home state. All members serve outside their states of origin, in order to curb objections that may arise in respect of members serving in their home states.<sup>32</sup>

At the inauguration of the Tribunals the Acting President of the Court of Appeal was reported to have said that "if after the swearing-in any petition is received objecting to the inclusion of a particular member on a panel such petition will be dealt with on its own merit and the member may in appropriate case be asked to withdraw from serving".<sup>33</sup>

The emphasis on integrity of the tribunals and their members is

particularly instructive. It is a reflection of the strong resolve of the Babaginda Administration to put behind us the ugly incidents of our electoral past, in the determined march towards civil rule.

Indeed at the inauguration of the National Assembly Tribunals, the Acting President of the Court of Appeal reportedly disclosed that some of the original names on the Tribunals were dropped as a result of petitions received against the inclusion of their names.<sup>34</sup>

In conformity with the statutory provision which allows for more than one tribunal in a state, Anambra, Enugu, Plateau, Kaduna, Rivers and Kano, have two tribunals each. This may indicate that these six states have high numbers of petitions.

Pairing is done for six other states - Kogi/Kwara, Osun/Oyo; Lagos/Ogun; each pair has a tribunal.

Section 45 of Decree 18, 1992 provides for the rules of procedure to be adopted for an election petition, setting them out in Schedule 4 of the Decree.

Under the Schedule, tribunal is required to hear and determine election petitions in the case of election into the National Assembly within one month from the date of filing the petition.

And within this period, returns of petition received from the National Assembly Election Tribunals show the following breakdown.<sup>36</sup>

**Table 1 : NATIONAL ASSEMBLY ELECTION TRIBUNAL  
RETURNS OF PETITION RECEIVED**

STATES	NO OF HOUSE OF SENATE PETITION	NO OF HOUSE OF REPR. PETITION	TOTAL PETITION FILED
ABIA			6
ADAMAWA			2
AKWA IBOM			NIL
ANAMBRA	3	9	12
BAUCHI	-	1	1
BENUE			2
BORNO			4
CROSS RIVER	1	1	2
DELTA			4
EDO		2	2
ENUGU	3	4	7
IMO	1	8	9
JIGAWA	1	2	3
KADUNA	1	12	13
KANO		8	8
KATSINA	1	4	5
KEBBI			
KWARA		1	1
KOGI	1	6	7
LAGOS	-	-	NIL
NIGER			NIL
OGUN		2	2
ONDO		2	2
OSUN	1	3	4
OYO		1	1
PLATEAU	3	6	9
RIVERS	-	7	7
SOKOTO	-	1	1
TARABA			
YOBE			
ABUJA		1	1
			<b>115</b>

\*SOURCE: THE COURT OF APPEAL, IKOYI, LAGOS, SEPTEMBER, 1992

The table shows that in all, a number of 115 petitions were filed nation wide in respect of elections to the House of Senate and House of Representatives. This, without doubt, does not represent an alarming figure, judging by the total number of seats contested at both Houses nation wide at the last elections.

Of interest, however, are returns in respect of Senatorial seats from states like Anambra, Enugu and Plateau, where every senatorial election appeared to have been questioned.

### ELECTION PETITION PROCEDURES

Basic to the preception of the citizens in terms of the capacity of the judiciary to dispense justice in the line with democratic ideals is the question of the extent to which the rules of procedure at the election tribunals can hinder or facilitate the administration of justice.

What some critics describe as undue adherence to technical rules has been questioned as the bane of our judiciary, and the underlying factor for what they see as slow pace of work at the court.

And in the case of election petitions, "justice delayed" would not only be "justice denied", but undue delays in the administration of electoral justice could severely affect continuity of government.<sup>37</sup>

We would here attempt an assessment of the rules of procedure for election petition under the current laws, as we run through the salient features of some of the procedural rules adopted by the election tribunals.

In what would appear to be an attempt at stimulating an early disposition of electoral grievances, the time for the presentation of election petition in respect of election in any of the Local Government Elections, Governorship and Legislative Houses Elections, and National Assembly Elections is fixed at within one month after the date on which the election is held.<sup>35</sup>

Certainly a party who feels sufficiently aggrieved, should be able to make up his mind and effectively file his petition within this stipulated time limit.

Perhaps, it should likewise be easy with the time limit fixed for determination of some of the election petitions.

A tribunal hearing a petition in respect of Local Government elections has 3 months within which to hear and determine it, after the date on which the petition is filed.

The fairly long period would appear a substantial improvement on the time limit of one-month that could be allowed by the Electoral Act No.8 of 1982, (now Cap 105) in respect of any election.<sup>39</sup>

A period of 3 months is also allowed within which a competent High Court is to hear and determine an appeal from a decision of an election tribunal.

However, in the case of Governorship and Legislative House election, while an aggrieved party has one month after the elections, within which to file his election petition, he is faced with a relatively short period of just one month within which the Election Tribunal hearing him is to dispose of his petition.

A similar period of one month is allowed for the hearing and determination of the election petition in the case of election into the National Assembly, from the date of filing the petition.

From the history of many petition cases in previous elections particularly during the Second Republic that were lost, or abandoned as a result of the time constraint, it may be argued, as it was indeed done by a number of scholars and politicians, that one month is inadequate to gather materials, collate all evidence and arrange vital witnesses with which to successfully prosecute an election petition.<sup>40</sup>

The challenge becomes particularly daunting in a situation like that of a petition over a Senatorial seat. Practically, a Senatorial zone covers roughly one-third of an entire state. A Senatorial election petition may for instance require collating evidence from materials that have to be gathered from such a vast sector of a state.

Yet, the positive side of time-constraint in election petition must not

be missed. For it may provide the only disciplinary measure to check frivolous petitions that are conceived by the petitioner for mischief making (such as simply wanting to rattle the elected candidate) and are thus bound to waste the precious time of the tribunal or court.

However, a more fundamental issue has been raised, in respect of the constitutionality of statutorily imposing on the courts the time limit within which they must dispose of election petitions.

Calling the American case of *SCHARIA V. STATE* (1992) 105 Ohio St. 535, 138 N.E. 64 and *ANDREW KOSTAS V. JOHNSON* (1946) IND ALR 1118 at page 1123, in support, Oluyede is of the opinion that a court being an arm of the government, "cannot be directed, controlled, or compelled or impeded in its functions by any of the other arms of the government".<sup>41</sup> He argues that the doctrine of separation of powers, the security of human rights and the safety of democratic institutions would require the absolute integrity and free hands of the courts.

In the American case, the courts declared as an unreasonable and unconstitutional invasion of judicial power, and therefore void, a law which mandatorily required the court in the exercise of jurisdiction duly conferred on it, to hear and determine a "cause within 30 days".

To be sure, our own political circumstances may not permit us the pleasure of watching the time roll away idly while election petitions drag on indefinitely at our courts.

But there is a need to avoid a situation that may end up compelling a petitioner to call all his witnesses and conclude his case within a highly constrained time as this may not make for fair hearing. Practice directions issued by the courts may be the solution; as the rules therein could be made much realistic enough to combine the search for justice with speedy trials.

In any case, the Supreme Court in the case of *UNONGO V. AKU & SONS* (1983 2 SCNLR 332) and *KADIYA V. LAR* (1983 2 SCNLR 384)

has held that the imposition of time limits for the determination of petitions is a negation of the constitutional guarantee of fair hearing.

### Security for costs

It is instructive that the highest amount required by any of the electoral laws fashioned by the Babaginda Administration as security for costs in respect of any election does not go beyond N1,000.00 (One Thousand Naira). Security for costs is the security which a petitioner is required to give at the time of presenting an election petition, for all costs which may become payable by him to any witness that is summoned on his behalf or to any respondent.

A maximum sum of N200 is required as security for costs in Local Government election petition, N500 in Governorship and Legislative house election petition and N1,000 maximum in respect of National Assembly elections.

Now these amounts represent a major improvement over similar requirements in previous election laws; where the court was given the free hand to fix the amount for security, and some states election panels ended up fixing as much as N10,000 (Ten Thousand Naira) as security deposit.<sup>42</sup>

Under our electoral laws, every election petition must be tried in open court. The election tribunal is given the discretion to fix the time and place of the trial. Notice as to time and place is to be given at least 14 days before the days fixed for the trial. The practice and procedure of election tribunals relating to election petition is assimilated as nearly as possible to the practice and procedure of the High Court in the exercise of its civil jurisdiction i.e. High Court Procedure Rules or Civil Procedure Code, with necessary modifications.

An appeal to the Court of Appeal is determined in accordance with the practice and procedure relating to appeals in civil cases in that court.

An interesting feature of the Rule of Procedure at the election petition tribunals is in respect of a witness who answers truly all questions as required of him by the tribunal. Such a witness is entitled to receive

a certificate of indemnity under the hand of the Chairman of the tribunal, stating that such a witness has so answered.<sup>43</sup>

A person who is called as witness in any proceeding in the election petition tribunals is not excused from answering any question relating to or connected with any offence at such election, on the grounds that the answers thereto may incriminate or tend to incriminate himself. Similarly he cannot be so excused on the grounds of privilege.

To enhance the administration of justice, an enlargement or abridgement of time is allowed under the schedules attached to the election petition Decree.<sup>44</sup>

But such an order for enlargement or abridgement of time can only be applied for and granted after the expiration of the time appointed or allowed.

#### ISSUES IN ELECTION PETITION CASES

A bane of the courts as the watchdog of the democratic process, is the growing concern of the public about the level of integrity of the courts. Thus amidst public doubts regarding the capacity of the judiciary to rise up to their billing in the adjudication of electoral matters, the managerial approach of those charged with the responsibility of appointing and posting members of election petition tribunals speaks eloquently of a determination to shore up public confidence in the judiciary.

Petition against prospective petition tribunal members were promptly investigated, and dealt with.

Such strong resolve to see that justice reigns must have informed the action of the Chief Judge of one of the states in the country in removing an election tribunal Chairman after the Chief Judge had received a complaint written by a counsel to the petitioner that the Election Tribunal Chairman had himself earlier contested and failed the House of Assembly primaries.<sup>45</sup>

If any one lesson is learnt by any politician regarding the phenomenon of election petitions in contemporary Nigeria, it is that he can no longer wish away his past doings. There would always be somebody somewhere to squeal on him at the moment when it matters most.

A fervent desire to maintain his integrity led the chairman of the Plateau State Governorship and Legislative House elections sitting in Jos to warn petitioners seriously in February this year against visiting him at home.<sup>46</sup>

Apparently defending the integrity of election tribunal members, he reportedly point out: "we entertain no visitors on matters relating to the petition, the meeting point is in the open hall of the tribunal."

Indeed, the statutory provision which gives the court only the right to nullify a defective election where appropriate, and order a bye-election is a guarantee against arbitrary, court-imposed elections (or court-selections as critics would often refer to the phenomenon).

The issue of possible bias by the courts in election petitions is as old as Nigeria's electoral history. But this time around, it is one issue that the authorities boldly set out to tackle. Posting election-tribunal members to places outside their home states or their normal residences, is one sure way of dousing the flame.

One remarkable feature of election petitions in contemporary times is the fever-pitch to which anxieties rose on both sides of the political parties, among the S.D.P and N.R.C. as parties, and among politicians as individual contestants.

For instance, shortly after the Governorship and Legislative houses tribunals wound up nationwide in February this year, the S.D.P. and N.R.C. traded accusations and counter accusations of "underground moves during and after the sittings of the tribunals" to influence them.<sup>47</sup>

The issue is often pressed home that Nigerians take contests for elective offices as a do-or-die affair. Nothing perhaps better illustrates this view than the report about one of the parties to an election petitioner who became so desperate about winning that he had to hire

a witch-doctor to effect his desires - right at the tribunal premises.

A report in Daily Times edition of 7th February, 1992 reads:-

*"Policemen attached to the Akwa Ibom Governorship and Legislative House Election Tribunal in Uyo have arrested a middle-aged man for allegedly burying "dangerous charms" in the premises (of the tribunal). The incident occurred a few minutes before the tribunal resumed its session at 9.00 a.m. and caused a stampede among lawyers and members of the public. According to an eye-witness the suspect, described as a witch doctor, was apprehended while he was covering up a small hole in which he had placed the object, close to the tribunal's corridor. A Police Corporal said that the suspect "confessed" that he had been hired by a party in a petition before the tribunal".*

One observed trend in election petitions during this period of transition is that the details of the grounds of petition are as varied as the fertility of the imagination of the petitioner to frame all manners of grievances, or his capacity to take up as much materials as he can gather to support his move to win.

In a certain case, the petitioner was able to find out that the candidate who was declared winner in a State Assembly election, did not in fact resign her appointment within the period stipulated by law, but that the candidate had only gone ahead to obtain her employer's approval for a leave of absence without pay.

In another case, a petitioner dragged the elected candidate to the Cross River Governorship and House of Assembly Election Tribunals alleging that the elected candidate was not qualified to be a member of the assembly as he had allegedly failed to serve on the National Youth Service Corps Scheme on graduation.

But the tribunal found as true that the elected candidate was not required to serve on the scheme by law, as he was above the stipulated age of 30 year on his graduation.

## FINAL DECISIONS ON ELECTION PETITIONS APPEALS

In the politics of transition to civil rule, the Governorship Election petitions were trying moments for the Nigeria judiciary.

Some Election Petition Tribunal located in the States found several of the Governors not properly elected.

The general atmosphere became charged, engulfed in fear and uncertainty. But it is significant that the Court of Appeal sitting in their various Divisions, did not uphold nay of the decisions of the Election Petition Tribunals.

Two issues in particular served to create anxieties in the minds of the public who, all along, had believed that the purpose of election tribunal was to ensure compliance with fundamental conditions of a democratic purpose.

It was observed that the under lapse of time between the conclusion of elections and the hearing and determination of election petitions led to the "untidy situation of election verdicts being reversed after "victors" have been sworn".<sup>49</sup> The situation created frustration.

The charged atmosphere under which the courts operated during the Gubernational elections is best captured by this snippet from the Daily Times edition of 7th February, 1992, written after the nullification of the results of the Governorship elections of December 14, 1991 won by Chief John Oyegun of the Social Democratic Party:-

*"...the business of elections, especially in our volatile environment is much more than a simple political ritual. Enormous material and emotional resources are invested. An undue delay in settling disputes about election conduct is capable of provoking reactions that may be unwholesome for the new culture being nurtured".*

The frivolity of some of the complaints brought before the Election Petition Tribunals was another issue that engaged the attention of the public. The Court of Appeal found these frivolities despicable.

In Jigawa State for instance, the election of the SDP candidate as the Governor was nullified by the Election Petition Tribunal because his NRC opponent did not have "enough time to organise himself, his supporters, agents, and get his poster and electoral requirement for the election." What this amounted to was a punishment for the SDP candidate for the inability of his opponent to meet the deadline set by the National Electoral Commission.

The principles established in the judgements given in the various Governorship election appeals are indeed instructive and of enormous potentials in the development of public election law in this country.

The Governorship election appeal in respect of Jigawa State, featured the incumbent Governor Alhaji Ali Sa'ad Birnin Kudu of the SDP and Alhaji Baba Aliyu of the NRC. Being dissatisfied with the result of the December 14, 1991 Gubernatorial elections, Alhaji Aliyu filed an election petition, making allegations of diverse breaches of the rule governing the conduct of the election by the National Electoral Commission (NEC) and the Returning Officer. The petitioner did not pursue any particular allegation against Alhaji Birinin Kudu at the trial.

After a review of the evidence the Tribunal gave a decision in favour of the petitioner, nullified the election of the incumbent SDP Governor, and ordered NEC to conduct a fresh Gubernatorial election. Being dissatisfied with the decision of the tribunal, Alhaji Kudu took the matter to the Court of Appeal (Kaduna Division).

Unanimously allowing the appeal of Alhaji Ali Birinin Kudu (the incumbent SDP Governor) and setting aside the decision of the tribunal the court held, among other things, on the authority of *AKINFOSILE V. IJOSE* (1960) SCNLR 447; that "a petitioner who allege in his petition a particular non-compliance and avers that the non-compliance was substantial, must satisfy the court. (*KUDU V ALIYU* 1992 3 NWLR 615).

The court reiterated that the right to vote is a personal right which no

one can take away from any person. But where having full knowledge of the rights, interests, profits or benefits conferred or accruing to him by and under law, a person intentionally decides to give up all these or some of the rights, he cannot be heard to complain afterwards that he has not been permitted the exercise of his rights or that he has suffered by his not having exercised his rights. Such a person is therefore deemed to have waived those rights.

The general principle is that a person will generally not be allowed to complain of an irregularity he has himself accepted and condoned.

IN PROFESSOR ERIC AGUME OPIA V CHIEF FELIX OYUODOROYE IBRU, (1992 3 NWLR 658) two of the issues that came up for determination were whether non-compliance with provisions of Decree 50 of 1991 (State Government Basic Constitutional and Transitional Provisions) the effect of undue influence (which includes intimidations), or bribery on an election pursuant to Decree 50 of 1991.

In the case, the appellant (Professor Opia) having been dissatisfied with the result of the election for the office of the Governor of Delta State held on December 14, 1992, filed a petition on the 13th January 1992 challenging it before the Governorship and Legislative Houses election tribunal. The tribunal later dismissed the petition, leading to the appellant appealing against the decision of the tribunal, to the Court of Appeal Benin Division.

Unanimously dismissing the petition, the court, held among other things, that provisions of Decree 50 of 1991 deemphasised the role of technicalities in the determination of election petitions. Unlike the previous electoral acts, Decree 50, 1991 is a reminder to the courts of the pre-eminent role of substantial justice over technical justice.

Thus non-compliance with any rule of practice is no longer a ground "per se: for avoiding an election unless it amounts to corrupt process, or an offence against the Decree under section 91.50

The implication of this position taken by the court is that, for instance, a

failure to hold an election in a certain Local Government Area will not by that very fact only be enough to render void the elections in the entire state where the local government area is situated. The role of substantial justice over technical justice as enthroned in the Decree is thus simply an assurance of fair hearing, which is now constitutionally guaranteed.

The court also held that it would amount to a contradiction in terms for a petitioner to ask that an election be declared void and also ask that he be declared the winner; since logically speaking, if an election is void, there would be no winner, and the consequence would be a bye-election.

Where a petition is founded on allegation of corrupt practices, the petitioner in order to succeed, must prove beyond reasonable doubts that the respondent personally committed the corrupt act or aided, abetted, counselled, or procured the commission of the alleged act of corrupt practice.

Where the alleged act was committed through an agent, it must also be proven that the agent was authorised to act in that capacity or granted general authority.

The petitioner would also have the duty to prove the effect of the alleged corrupt practice or undue influence on the outcome of the election, that is, for example, that if the votes scored through the act of corrupt practice are deducted from the votes scored by the respondent, the result of the election would have changed; or he may have to prove that but for the undue pressure put on the electorates, the bulk of the voters would have cast their votes for the petitioner.

The court held that the proper order to make where an election tribunal finds that a candidate is not duly elected or nominated is a bye-election and no more.

The Governorship election appeal lodged by Professor Ignatius Ayua against the decision of an election tribunal, following his defeat at the December 14, 1991 Governorship elections was unanimously dismissed by the court of Appeal, Jos Division on 31st March, 1992.

Professor Ayua, an NRC candidate during the election had petitioned the election tribunal, giving as reasons for his defeat, allegations of diverse breaches of the provisions of the electoral law.

He specifically alleged that his successful opponent at the elections, Rev. Father Moses Adasu of the SDP, was not elected by a majority of lawful votes, and that his election was invalid by reason of corrupt practices.<sup>50</sup>

In their judgment, the Court of Appeal held that mere canvassing for a candidate in whose success one is interested is not sufficient to saddle the candidate with any unlawful act of the "canvassers" of which the candidate and election agent are ignorant (PROF IGNATIUS AYUA V REV FATHER MOSES O ADASU (1992,3NWLR 598)

It is the primary duty of a petitioner who alleges malpractices in an election or wrong doing to prove the allegations.

An election tribunal is competent to entertain complaints of offences against an electoral law, which offences may amount to crime.

Thus the jurisdiction of an election tribunal is not precluded by an allegation of crime in an election petition. It is important however that the allegation be proved beyond reasonable doubt.

Still at the Court of Appeal, Jos Division, the appeal lodged by Alhaji Abba Gana Terab against an earlier decision of the Governorship and Legislative House Tribunal of Borno State over his election petitions, was unanimously dismissed on 31st March 1992.

The petition of Alhaji Terab, an NRC candidate in the Governorship election of December 14, 1991, to the election tribunal had sought a nullification of the results which declared his SDP opponent Maina Ma'aji Lawan the winner.

The petitioner had alleged irregular voting at various polling stations, wards, and local government areas.

The Governorship and legislative House tribunal dismissed his petition.

In its judgement, the Court of Appeal, held among other things, that a situation where the votes scored by both parties at the election exceeded the number of the accredited voters on the queue is as much an electoral malpractice as the case of the total votes cast to both parties exceeding the number of accredited voters. But a petitioner would have to satisfactorily prove this.

(ALHAJI ABBA GANA TERABO V MAINA MA'AJI LAWAN 1992 3 NWLR 569)

Falsification of results at an election is a criminal offence; the standard of proof required here is that of proving beyond reasonable doubt.

Following his defeat in the gubernatorial elections of December 14, 1991, in Niger state, Alhaji Muhammadu Egba Enagi the SDP candidate, took Dr. Musa Inuwa, his successful NRC counterpart to the election tribunal, alleging that contrary to the requirement of Decree 50 of 1991, Dr. Inuwa was not a registered voter before he contested the election, and therefore his election was null and void.

He alleged that the final figures declared for the election were declared arbitrarily in favour of Dr. Inuwa. But Alhaji Enagi's petition was dismissed by the election tribunal. Being dissatisfied with this decision Alhaji Enagi appealed to the Court of Appeal, Kaduna Division.

Unanimously dismissing the appeal, the court, held that by virtue of the provision of Section 91 (a) of Decree No.50 of 1991, once the Chief Electoral Officer of the Federation or his delegate decides that the nomination or qualification of a candidate is in order, the qualification or disqualification of such candidate for an election cannot be a ground in a petition to question the result of that election.

(ALHAJI MUHAMMADU EGBA ENAGI V. DR. MUSA INWA 1992 3 NWLR 548).

Thus an election tribunal would have no jurisdiction to review the decision of the National Electoral Commission as to the qualification of a candidate to vie for an election.

It was the view of the court that the question that Dr. Inuwa was not qualified to contest the election because he was not a registered voter could not be enquired into by the tribunal having regards to the proviso to Section 91(1) (a) of Decree 50 of 1991.

The proviso to Section 91 (1) (a) was to the effect that the "power of the Chief Electoral Officer of the Federation or any officer delegated by him in that behalf as to the validity of nominations under paragraph 5(3) of schedule 5 to this Decree shall not be ground for such election petition".

The Governorship election petition by Mr. A. A. Maikori in Kaduna state was a unique one. It was a novelty. It was an unusual petition against the election and return of a candidate by somebody who himself did not contest but who thought he ought to have been the person qualified to have contested the election against the person declared as the winner of the election.

The petitioner, has gone to the election tribunal with a complaint that he, rather than his fellow-party man Professor Ango Abdulahi of the SDP should have contested the gubernatorial election of December 14, 1991 against Alhaji Dabo Mohammed Lere of the NRC.

The appellant had been involved in party and run-off elections with Professor Ango and Prof. Ango emerged over-all winner, and consequently picked as the flagbearer for the SDP to contest the gubernatorial election against Dabo Mohammed Lere. Mr. Maikori thus wanted the tribunal to declare the election and return of Dabo Lere null and void, and that he (Maikori) be declared validly sponsored and nominated by his party, SDP, to contest the election which had already been conducted and its result declared.

Maikori had no complaint against the NRC candidate Dabo Lere,

who won the gubernatorial election. The Election Tribunal dismissed the petition of Maikori.

Being dissatisfied with the decision of the tribunal Maikori took his case to the Court of Appeal, Kaduna Division.

And in the case: A. A. MAIKORI V. DABO MOHAMMED LERE (1992 3 NWLR 525) the court of Appeal on 30th March 1992, unanimously dismissed the appeal. It held that the appellant's complaints were only concerned with intra-party affairs, which do not form any of the grounds for questioning a Governorship or Legislative House of Assembly election. The complaint was therefore incompetent within the purview of Section 91(1)(a) of Decree 50, 1991.

When the results of the gubernatorial elections of December 14, 1991 held in Katsina State did not favour Alhaji Umaru Musa Yar'Adua of the SDP, he took his successful NRC counterpart, Alhaji Sa'idu Barda to the Election Tribunal, alleging diverse breaches of electoral laws.

In the case, at the election tribunal particulars furnished related to 133 polling stations out of a total 6,673 polling stations in respect of which particulars were sought. But the tribunal disallowed the appeal and from putting in evidence the Statement of Results of Poll (EC8A Forms) covering the remaining forms were similarly rejected, thus paralysing the petitioners case. The Election Tribunal dismissed the petition. The petitioner went on appeal.

At the Court of Appeal, Kaduna Division, the court, in the case, <sup>9</sup> ALHAJI UMARU MUSA YAR'ADUA V. ALHAJI SAIDU BARDA, 1992 2 NWLR 638) upheld the decision of the tribunal in allowing the admission in evidence of only Statement of Results of Poll which would disclose the votes scored at the polling stations of which the appellant gave full particulars. In the view of the court, to grant the petitioner's application on what had not been pleaded, the situation would have the effect of taking his adversary by surprise.

The court also held that the only way lawfulness of some of the votes cast at the election could be questioned was to have tendered in

evidence all the forms that were used. Witnesses would thus have to be called to testify as to the misapplication of the votes scored by individuals.

Diverse breaches of the electoral law were alleged by Dr. Ahmed Usman Jalingo, a candidate of the NRC at the gubernatorial elections in Taraba State on December 14, 1991, against the successful SDP candidate Rev. Jolly T. Nyame, in a petition filed by him before the Governorship and Legislative Houses Tribunal.

At the end of the trial, the petition was dismissed; whereupon, Dr. Jalingo went on appeal.

Whereas the appellant had alleged that there was no election in Wukari Local Government Area, the tribunal had found after considering the evidence that there was indeed an election.

On the authority of the case *OMOBORIOWO V. AJASIN* (1984 1 SCNLR 108) the Court of Appeal, Jos Division in the case (*DR. AHMED USMAN JALINGO V. REV. JOLLY T. NYAME* (1992 3 NWLR 538) held that "there is in law a rebuttable presumption that the result of any election declared by the Returning Officer is correct and authentic by virtue of Section 115, 148 (c) and 149(1) of the Evidence Act, and the burden is on the return to rebut the presumption" (per Bello JSC as he then was).

Thus a party alleging fraud of falsification of results of election must prove the allegation beyond reasonable doubts.

The Court of Appeal found no such proof of fraud satisfactorily or sufficiently given. The appeal was dismissed. In *CHEIF JOHNODIGIE OYEGUN V. LUCKYNOSA IGBINEDION* (1992 2 NWLR 747) the issue before the Court of Appeal, Benin Division was "whether a candidate can have his election nullified on the ground of corrupt practice when the person found to have been guilty of the corrupt practice was expressly found by the tribunal not to be an agent of the candidate and the conduct complained of was neither authorised prior to or subsequent to the conduct complained

of, and the candidate did not have knowledge (of the conduct)".

During the Governorship elections of December 14, 1991, in Edo State, Mr. Lucky Nosa Igbinedion of the NRC had contested with Chief John Odigie Oyegun of the SDP for the office of the Governor of the State; Chief Oyegun emerged winner.

Being dissatisfied with the result, Mr. Igbinedion filed an election petition before the Edo State Governorship Election Tribunal; at the trial, the main contention relied upon was an alleged radio broadcast on the election day by a certain Chief Nosakhare Isekhure, which the tribunal found offensive. The tribunal was however prepared to absolve Chief Oyegun of any blame in respect of the broadcast, holding that Chief Isekhure was never his agent for any purpose in the election.

Nonetheless, the tribunal held that by the "offensive" broadcast, the election had become tainted, and was not free and fair, holding that Chief Oyegun needed not be guilty himself of any corrupt practices before an election in which he was declared winner could be avoided. Consequently the tribunal nullified the election, and ordered a bye-election for the whole of Edo State.

Chief Oyegun appealed against the decision of the tribunal.

The Court of Appeal, Port Harcourt Division, held, in the case, FRANCIS DOUKPOLAGHA V. RUFUS ADA GEORGE (1992 4 NWLR 444) that an Election Tribunal does not have the power to conduct "all trials" in respect of elections. Similarly, preliminary matters before elections are held to fall outside the power of the tribunal.

The court reiterated that the issue of who is banned or disqualified from participating in election politics is vested in, and exclusively reserved for NEC, and cannot be a ground for election petition.

In DR. NNAMDI ERIOBUNA V. DR. CHUKWUEMEKAKA EZEIFE, (1992 4 NWLE 417) the appellant appealed to the Court of Appeal against the decision of the Anambra State Governorship and Legis-

lative Houses Election Tribunal which had dismissed his petition against the result of the gubernatorial election held in Anambra State on December 14, respondent, (an SDP candidate).

At the tribunal the appellant had alleged diverse breaches of the electoral law by the respondent. He sought that he be duly returned or elected or in the alternative the election be declared void.

The Court of Appeal, Enugu Division, held that non-compliance with Decree 50 of 1991 will not invalidate an election, except where the person who so alleges non-compliance can show that the non-compliance affected substantially the result of the election.

The same Decree would not allow the Court of Appeal to do more than ordering a bye-election in the event of its finding that a candidate elected was not duly elected.

Thus the Court of appeal rejected the prayer of the appellant that he be declared duly elected.

Alleging falsification of results in an election petition may not be a simple matter, after all.

The Court of appeal, Enugu Division held on 26th March 1992 that to prove falsification of results, there must be in existence at least two results, one claimed to be genuine, the other false. (ARCHITECT EKONG EGUK V. OBONG AKPAN ISEMIN 1992 4 NWLR 405).

In the case, the appellant (of the SDP) who had lost the gubernatorial elections of December 14, 1991 in Akwa Ibom State, to the respondent had petitioned the election tribunal, alleging diverse breaches of the electoral law. At the end of the trial, the tribunal dismissed the petition; and upheld the election of the respondent (of the NRC) as the Governor of Akwa Ibom State. The appellant then appealed against the decision.

In unanimously dismissing the appeal, the Court of Appeal held that a petitioner who had allowed himself to be voted for at a polling station which he is challenging to be unauthorised is stopped from complaining,

since he has acquiesced.

Judicial principles similar to those espoused at the various Governorship Election Petition Appeals were established or applied heard and determined about this time.

Such appeals included:

DR. ROMANUS EZIKE V. ENGINEER ANTHONY EZEUGWU (1992 4 NWLR 462)  
SALISU ALI BASHEER V. POLYCARP SAME (1992 4 NWLR 491);  
FEMI IKUOMOLA V. ALHAJI GANIYU ALANIIGE (1992 4 NWLR 511) and  
OLATUNDE ADEGBITE V. SABITU ABIOLA RAJI (1992 4 NWLR 478)

### LOCAL GOVERNMENT ELECTION PETITIONS

Local Government Election Petitions heard and determined under the Local Government Elections Decree of 1987 (No. 37) were considered under provisions for petition that differ significantly from provisions under Local Government (Basic Constitution and Transitional Provisions) Act of 1989, now Cap 213 of 1990.

Under the 1987 Act which was repealed by the 1989 Act, it was the High Court that exercised original jurisdiction to hear and determine questions in respect of Local Government Elections. There was a provision for appeal to the Court of Appeal.<sup>52</sup>

Two cases of Local Government elections came up for determination recently under the provisions of Cap 213 of 1990. They are particularly illuminating.

In one of the cases **JAMES BAKAM V. ALHAJI YAKUBU ABUBAKAR** (1991 6 NWLR 564) two issues were formulated by the appellant for determination in the appeal.

(i) whether, notwithstanding the provisions of Section 6(6) (6) and 236 of the 1979 Constitution, the High Court lacks jurisdiction to entertain the suit because the power and right to nominate and sponsor candidates to an election are the exclusive domestic affair of

a political party and the court should not dictate or compel a political party to nominate or sponsor a particular candidate or candidates.

(ii) whether the High Court lacks jurisdiction to compel NEC or direct it as to the way and manner it should exercise or discharge the statutory powers and functions conferred upon it by the statute establishing it".

The Court of Appeal (Kaduna Division) held that the High Court lacks jurisdiction to dabble into the domestic affair of a political party.

It also held that the court lacks jurisdiction to compel NEC as to how it should exercise its statutory powers.

The Court of Appeal (Enugu Division) hearing the case of THE RESIDENT ELECTORAL COMMISSIONER FOR ANAMBRA STATE V. CHIEF DONATUS OBINOZIE NWOCHA (1991 2 NWLR 732) seized the opportunity of the case to clear the air as to the status of election petition tribunal.

It is a concurrent court with a High Court, though with separate jurisdiction.

*"But it is certainly a derogation of the tribunal as constituted under our present constitution to refer to it as an inferior tribunal..... The competent High Court which takes appeals from High Court as far as the Local Government elections are concerned, the judges who sit in the enormous responsibilities placed on their shoulders in this regard and discharge them with the utmost sense of responsibility and dedication of a final court".*

(per Uwaifo, JCA at pp. 748-749).

## CONCLUSIONS

The question has been raised whether justice can be done where the courts, given their statutorily-imposed time constraint do not have sufficient time to look deeply into all the issues involved in the election petitions brought before them.<sup>53</sup>

And assuming that the courts would be able to consider all the issues,

it is to be expected that this would not happen without taking some toll on their health.

Our electoral law on/this aspect of election petitions appears unrealistic and frustrating even to members of the highest court in the land who sit as final authorities in election petition matters.

Kolawole JCA expressed his anguish in no uncertain language in the case MAIKORI V. LERE (Supra); and it is best reproduced "in extenso":-

"We have heard three Election Petition Appeals today. Pursuant to para. 1(3) of schedule 6 of Decree No. 50 1991, an election petition must be heard and determined within one month from the date of filing of notice of appeal. The appeal on this matter was filed on 28th February 1992. Judgement, ought to have been delivered on 29th March 1992 but yesterday was Sunday and so today is the last day when judgement must be delivered. It seems that justices of the Court of Appeal and the election tribunals have been strained without exception.

It appears the position has not improved from what Aniagolu JSC said in OJUKWO V. ONWUDIWE (1984) 15 NSCC 172; (1984) 1 SCNLR 247 where he observed:-

*During the 1983 election and the petition that followed all judges in Nigeria without exception were strained to the utmost by reason of pressure of urgency which the then State of law put on the judges. All courts, seized with election petition versed round the clock to beat the deadline resulting in some court sitting late hour in the night, and delivering judgements immediately after closure of address of counsel, no matter how late it was in the day or in the night.*

That is exactly what we have done today. Aniagolu JSC says that this is an intolerable burden for the effective discharge of which the judiciary deserved. Justices of the Court of Appeal have been involved all this country, the president of the court leading the team.

I am of the view that the lawmakers ought to look at this rush of dispensation of justice particularly in election petition matters afresh.

There is need to give adequate time to all courts to hear cases

in a manner conducive to proper administration of justice without any health hazard to the judges" (per Kolawole JCA) at pages 535-536).

On the time constraints imposed on courts in cases of election petitions, AKANBI JCA too has this to say:-

*" it would be idle to pretend not to know that there are serious time constraints in the prosecution of election cases; for unlike what obtains in the regular courts with regard to the handling of normal civil or criminal cases, the hearing and final determination of gubernatorial election cases must perforce be concluded within one month from the date of filing the petition.....*

*Evidently therefore, apart from the need to be fair and just the tribunal has to act with speed and dispatch if it has to deliver its judgements within the time allowed by law. That is the reality of the situation which all those who are called upon to enforce the Decree (unpleasant though it may be) must come to terms with"*  
(per AKANBI JCA in YARDUA V. BARDA Supra page 655)

But it is remarkable that in spite of these pressures so far most if not all the courts and tribunals have applied themselves to the challenging tasks with so much dedication, impartiality, integrity and profound professionalism.

Perharps the greatest challenge facing the administration of justice in our society is the opinion of the public about the judiciary. The public needs to know that all the judiciary is doing is the interpretation of existing laws, and the pursuit of fairness and justice between parties, according to law.

Where this is not so appreciated, we may have comments as the ones carried by New Nigerian Newspaper in its edition of Tuesday, July 23 1991 in an article by one Cyril Ahaneku:-

*The election tribunals have created more problems than benefits for 'he country.....The first casualty of the election tribunals is democracy. The voters choice of a candidate is often quashed and replaced by the verdict of the tribunals.*

Candidates rejected at the polls are declared winners by some technical reason. This view misrepresents the Judiciary.

It must be admitted though, that it is in nature of views like the one above that progressive changes are effected in a nations legal system. For instance it was to stop the trend of the so-called court selection candidate, that the electoral law was amended to give the tribunal only the power to order bye-elections in cases of nullified elections.

The structure of the election tribunals as constituted today gives hope for intergrity at the bench.

An arrangement which allows Governors-elect to be tried by an election tribunal after they might have been sworn in, would need to be avoided in the future, as this generates public disenchantment.

The various electoral laws on Election Petitions as formulated under the Babaginda administration have, after the necessary adjustments must have been made as to time constraint, the enormous potentials to enhance the administration of electoral justice.

Happily, the courts have freed themselves from the narrow or technical interpretation or application of these laws, and the result has been a chance of being able to ascertain the voters will.

The search for electoral justice is an ever continuing process. There should be no stopping in reviewing our Constitution, our electoral laws and practices in perfecting our democratic mandate of enshrining free, orderly, honest and credible elections.

We would for ever be turning to our courts for doctrine and dicta, and for possibly descernible trends.

The vibrant use to which petitioners have put our election tribunals speaks eloquently of a high democratic culture. It shows the presence of confidence in the nations judiciary. Our tribunals and courts therefore have a duty to continue to live up to this trust and faith. To do otherwise, is to turn loose the frustrated politician whose only

alternative would be self-help, synonymous with political violence and liquidation of the opponent.

However, as the democratic culture of fairplay matures, and the political parties themselves demonstrate sufficient credibility and develop their own structure and institutions for fair arbitration, we may begin to see more more cases settled out of court or tribunals; that is, within the confines of the parties itself.

Thus, providing the avenue for venting electoral grievances in the form of guaranteed access to election tribunals may not be all that is required to prevent those disruptive electoral dispositions that end up threatening the nation's political stability. A bigger responsibility lies with the political parties themselves. They would appear to need men and women and institutions that demonstrate a strong commitment to democracy, justice, and good conscience.

## ENDNOTES

1. See: Philippe C. Schmitter and Terry Lynn Karl, 'What Democracy is ... and is not' in Journal of Democracy (Summer 1991): 75 - 88.

See also Terry Karl, 'Imposing Consent Electoralism versus Democratisation in El Salvador' in Elections and Democratisation in Latin America 1980 - 1985 eds. Paul Drake and Eduardo Silva (San Diego: Centre for Iberian and Latin American Studies, Centre for US/Mexican Studies, University of California, San Diego 1986) 9 - 36.

2. See Robert Dahl, Dilemmas of Pluralist Democracy (New Haven: Yale University Press, 1982, 11. Dahl refers to modern political democracy as 'Polyarchy'.

3. See Larry Diamond, 'Three Paradoxes of Democracy' in Journal of Democracy, (Summer 1990) 48-60.

4. Sections 63; 64; 104; 105; 129; 130; 132; 175; 176; 182; 185; 286; 287; 288; 299; 300; 302.

5. See the brilliant piece by Professor P.A. Oluyede in Nigeria Current Legal Problems (Vol. 1, 1985) 1-17.

6. P.A. Oluyede; 'An Appraisal of Election Petition Procedure', Supra at 21-22.

7. Aguda: Daily Sketch, Monday, November 7, 1983, p.1.

8. New Nigerian, March 25, and April 2, 1991.

9. S.269(1)(a).

10. S.269(2).

11.S.269(2)(a)

12.S.269(3).

13.Part VIII of the Act

14.S. 70(2)

15.S.70(3) By the provisions of Sections 229(1) and 235(3) of the 1979 Constitution of the Federal Republic of Nigeria; Section 248(2) and 254(3) of the 1989 Constitution of the Federal Republic of Nigeria, a person cannot be appointed a judge of a High Court unless he is qualified to practise as a legal practitioner in Nigeria, and has been so-qualified for a period of not less than 10 years

16.S.72(1)(a)

17.S.72(1)(b)

18.S.72(1)(c)

19.S.74(1).

20.S.74(2).

21.S.75(4).

22.S.75A See Local Government (Basic Constitutional and Transitional Provisions (Amendment) (No.3) Decree 1991, S.5.

23. See Note 10 infra.

24. To be appointed a justice of a Court of Appeal a person must be qualified to practise as a legal practitioner in Nigeria, and must have been so qualified for a period of not less than 12 years. S.218(3) Constitution of the Federal Republic of Nigeria, 1979; S.237(3) Constitution of the Federal Republic of Nigeria, 1989.

25. See note 15 infra

26. S.88(5).

27. Cited as the Governorship and Legislative Houses Election Tribunals (Appointment) Notice, 1992.

28. See S.91(1)

29. S.92(3)

30. S.93(2)

31. Guardian, August, 1992.

32. ibid

33. ibid

34. ibid

35. S.38(1) of Decree No.18, 1992.

36. This writer is grateful to Mallam Jega of the Court of Appeal for his assistance in securing this analysis.

37. See P.A. Oluyede: 'An Appraisal of Election Petition Procedures' Supra p.2

38. Fifth schedule rule 2(1) (Local Government Basic Constitution and Transitional Provisions) Act (Cap. 213); Schedule 6 rule 1(1) Decree 5, 191, schedule 4 rule 1(1) Decree 18, 1992.

39. See s.40(2) of the 1982 Act, s.127(3) of Cap. 105. See also the comments of Dr. T.A. Aguda as to time-limited on the presentation of petition in the 1983 elections, in THE JUDICIARY AND THE 1983 ELECTIONS (Lagos, the Nigerian Institute of Advanced Legal Studies 1983) page 11.

40. A thoroughly descriptive account of the frustration of time-constraint in election petition in the 2nd republic is given in P.A. Oluyede, supra.

41. ibid p.3

42. ibid p.13

43. Decree 18, 1992 schedule 4 rule 36(2); Cap 213, FNL 5th schedule 42(2); Decree 50, 1991, schedule 6 rule 42(2).

44. For instance Decree 50, 1991 schedule 6 rule 44; Cap. 213 FNL 5th schedule rule 44(1) and Decree 18, 1992 schedule 4 rule 38(1) - all subject to certain statutory provisions.

45. Daily Times (17-2-92)

46. Daily Times (20-2-92)

47. Sunday Times 16-2-92

48. Daily Times 28-2-92

49. Daily Times 7-2-92

50. Section 91 of Decree 50 of 1991, contains provisions on grounds on which an election may be questioned.

51. See also Webber G. Egbe V. Gabriel Etchie 1955-56 WRNLR 134 Oyegun v. Igbinedion & Ors (1992 2 NWLR 747)

52. Local Government Election Petitions Appeals cases included: Chief Christopher N. Ezeobi v. Lawrence Nzeka (1989 1 NWLR 478); Tajudeen Ola Oladipo v. George Oyelami 1989 5 NWLR 210) Cosmos C. Chukwu v. M.O.B. Igwe (1988 4 NWLR 609); Sikiru Ikuogbogun v. Chief Adleke Rabi G.B. (1989 4 NWLR 110) Isreal Olaniyonu v. Professor Awa (1989 5 NWLR 493) Anthony Okokhue v. Joseph Obadan (1989 5 NWLR 185) James G. Oruba v. NEC (1988 5 NWLR 323)

53. Oluyede, P. op. cit p.2

## Chapter 6

# DIARCHY IN PRACTICE: CIVILIAN GOVERNORS UNDER IBB

By  
*Segun Ayobolu*

## INTRODUCTION: THE CONCEPT OF DIARCHY

It is virtually impossible to discuss the concept of diarchy in Nigerian government and politics without reference to the great elder states man and nationalist, Dr. Nnamdi Azikiwe, who popularised its usage.

Dr. Azikiwe first proposed diarchy as the most appropriate form of government for the country at the Samuel Jereton Marriere Inaugural lecture which he delivered at the college of medicine Hall, University of Lagos on 27 October 1972.

In his lecture, titled "Stability In Nigeria After Military Rule: An Analysis of political Theory", Dr. Azikiwe defined diarchy succinctly as "a civilian based parliamentary democracy invigilated by the heads of the armed and security forces." It is significant to keep at the back of our minds that Dr. Azikiwe gave this lecture against the background of then head of state, General Yakubu Gowon's promise to handover power to a democratically elected government in 1974.

Expounding on his proposed model of governance, Dr. Azikiwe suggested that "the heads of the Nigerian Army, the Nigerian Air Force, the Nigerian Navy, and the Nigerian Police should become ex-officio members of the council of ministers, whose secretary should be a top-ranking civil servant. Provided that in any matter affecting the rule of law, the democratic process, the right of dissent, and the instrument of veto, if the four heads of the armed and security forces are unanimous in stating that, in their opinion, any policy in respect of the above subjects, intended to be formulated by the federal government, brought before the council of ministers for approval, would endanger the stability of Nigeria, then such unanimous

opinion shall be deemed to be a vote on such policy, and it shall be withdrawn by the prime minister without debate."

Dr. Azikiwe argued that in addition to the tripartite arms of government, the executive, legislature and judiciary, the institutional (custodians) of the instruments and techniques of violence be constituted into a fourth arm since "it is a fact of life that without the active cooperation of the armed and security forces, neither of the three arms of the state would function effectively in the government of human beings."

Giving the rationale for his proposal of diarchy, Dr. Azikiwe was "of the considered opinion that from a purely political standpoint, until the developing countries of Africa, Asia and South America have had sufficient experience and maturity in handling human problems with reason and with finesse, and until they have become disciplined in their personal lives, community living, and the exercise of political rights and privileges, and in order to ensure good government, the safest solution to the problem of military revolution in Africa or elsewhere is to consider the advisability of incorporating the military hierarchy on a more active basis in a civilian - based administration, to make it stable".

As expected, Dr. Azikiwe's lecture generated widespread interest and debate in journalistic and scholarly circles. It should be noted, however, that the form of diarchy advocated by the elder statesman was not just any kind of military-civilian government. He referred specifically to an elected civilian parliamentary democracy in which the military would constitutionally be recognised as the fourth arm of government for a period of five years. After this period, he was optimistic that the country would be ripe for full-scale parliamentary democracy.

Responding to some criticisms of his proposal, Dr. Azikiwe debunked misconceptions of the model of government he had elaborated on in his lecture. According to him, "my lecture did not advocate continued military rule in Nigeria after 1976, democratic dictatorship by civilians under military surveillance; the imposition

of a handful of military and police heads to dominate an elected Nigerian government in the exercise of executive, legislative and judicial powers; the over ruling of 15 or more federal ministers by four heads of disciplined forces; and prolonged and indefinite civilian-military diarchy".

He explained positively that he suggested a five year experimentation with diarchy as a way of avoiding the ills that brought about the collapse of the country's first attempt at liberal democracy by checking the excesses of the civilians. In his words: "In this connection, I suggested that federal ministers with portfolio should exercise executive powers with four members of the disciplined forces as ministers without portfolio. In matters relating to fundamental rights, which I defined, the latter should have reserved powers in the form of a veto should the former introduce any policy, which in the unanimous opinion of the latter, derogates from the fundamental rights of citizen."

Some analysts contend that the collapse of the Second Republic in 1983, largely as a result of the same evils that plagued the First Republic to death was a consequence of the failure of the Murtala/Obasanjo regime to heed Dr. Azikiwe's 'words of wisdom' in the execution of its transition programme which ushered in the Second Republic.

Adherents of this school of thought are of the firm belief that if the military had been given a more active role in the process of governance in the first five years of the Second Republic, in line with Dr. Azikiwe's theory, the excesses of the civilians would most probably have been checked and thereby heightening the chances of our second attempt at liberal democracy enduring.

It was perhaps as a result of this that diarchy featured prominently as a proposed form of government for the country in the nationwide political debate organised by political bureau in 1986. According to the Report of the Bureau, proponents of diarchy as the best form of government for the Third Republic predicated their suggestion on two major planks as follows:-

The march towards diarchy by the Babangida administration commenced with elections into local government councils on a non-partisan basis in 1987. Elected local government Chairmen and Councilors thus had to learn to co-exist with the military controlled Federal and State governments. This new experiment understandably generated some tension leading in one prominent example to the removal from office by the Federal Government of Sam Orji, Chairman of Enugu Local Government for 'constituting himself into a security risk by his actions, utterances and activities'.

In 1989, the elected local government councils were dissolved by military fiat and state governors empowered to appoint officials to run the affairs of the councils pending fresh elections. This was certainly a temporary set back for democratic governance at the grassroots. But the principle of participatory democracy was restored to the third tier of government with the holding of fresh local government elections, this time on competitive party basis, in 1990.

Another major step in the increased approximation of the diarchy model was taken by the Babangida regime with the successful conduct of state governorship and House of Assembly elections on December 14, 1991. With this development, popularly elected governments were in control at the local government and state levels while the military remained at the helm of affairs at the apex level of government. The Central Government had itself, however been considerably demilitarised since the Vice-President, Augustus Aikhomu and all other military officers serving as ministers had been retired from the armed forces.

President Ibrahim Babangida and members of the Armed Forces Ruling Council (AFRC) thus remained as the only remaining symbols of military rule. The successful holding of National Assembly elections on July 4, 1992, set the stage for further deepening of the content of diarchy in the Babangida administration. We shall, in the next section of this chapter, however focus on the practice of diarchy as it relates to the relationship between the elected state governments and the federal military government.

## LEGAL FRAMEWORK FOR THE PRACTICE OF DIARCHY

The powers, functions and duties of the democratically elected civilian governors and state Houses of Assembly as well as their relationship with the federal military government derive from the 1989 constitution as promulgated into law by the constitution of the Federal Republic of Nigeria (Promulgation) Decree 1989.

This decree states that "in order that the federal military government may achieve its objective of leaving an enduring constitution to the Nation, and allow for a learning process, it is necessary during the transition period to enact certain decrees by progression in order to bring into force the relevant provisions of the constitution relative to each of the three tiers of government."

It is in this respect that the decree provides for the promulgation by the federal military government of the following decrees for the continuance of the governance of the country during the transition period.

\*The Local Government (Basic Constitutional and Transitional Provisions) decree to guarantee the operation, composition and finance of as well as the functions to be transitionally performed by the democratically elected local governments as the third tier of government.

\*The State Government (Basic Constitutional and Transitional Provisions) decree to confer powers, functions and duties to be performed during the transition period by the democratically elected civilian governor of each state, the House of Assembly and their relationship with the federal military government.

\*Federal Government (Basic Constitutional and Transitional Provisions) decree to cater for other matters affecting the government of the federation during the transition period and its relationship with the states and local government areas.

Those portions of the 1989 constitution pertaining to the functioning of the three tiers of government are thus enabled to come into operation during this transition period. However, the constitution of the Federal Republic of Nigeria (promulgation) decree of 1988 makes

it clear that ultimate power, in this transition period, derives not from the constitution, but in the federal military government.

This fact is underscored by the decree which states that "it is imperative that the present military administration should continue to rule by the enactment of decree for the welfare, unity and progress of all the citizens of Nigeria, notwithstanding anything to the contrary in the provisions of the schedule to this decree".

The decree leaves no room whatsoever for any mistake as regards the final repository of power in the country in this period of transition when it declares further that "except as may be provided to the contrary, nothing in the schedule to this decree shall impede or derogate from the powers and functions exercisable by the federal military government under the constitution (suspension and modification Decree (1984) as amended and the federal military government (supremacy and enforcement of Powers) Decree (1984) during the transition period.

The State Government (Basic Constitutional and Transitional Provisions) Decree 50, 1991 which vests legislative and executive powers of a state in the House of Assembly and executive governor, respectively, came into effect on December 6, 1991.

Section 31 of the decree spells out the legislative powers of the state House of Assembly. It states as follows:

\*The legislative powers of a state of the federation shall be vested in the House of Assembly of the state.

\*The House of Assembly of a state shall have power to make laws for the peace, order and good government of the state or any part thereof with respect to the following matters, that is,-

- (a) any matter not included in the exclusive legislative list set out in part 1 of the second schedule to the constitution of the Federal Republic of Nigeria 1979, as amended;
- (b) any matter included in the concurrent legislative list set out in part 1 of the second schedule to the constitution of the Federal

Republic of Nigeria 1979, as amended;

(c) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this decree.

\*If any law enacted by the House of Assembly of a state is inconsistent with any Decree or with any Decree made to cover the field, the Decree shall prevail and the law made by the House of Assembly of the state shall to the extent of the inconsistency be void.

Section 48(1) of Decree 50, on the other hand, stipulates the Executive powers of the governor. In the words of this section:

\*Subject to the provisions of this decree, the executive powers of a state;

(a) Shall be vested in the governor of that state and may, subject as aforesaid and to the provisions of any law made by a House of Assembly, be exercised by him either directly or through the Deputy Governor or commissioners of the government of that state or other officers in the public service of the state; and

(b) shall extend to the execution and maintenance of this Decree, all laws made by the House of Assembly of that state and to all matters with respect to which the House of Assembly has for the time being power to make laws, but such executive powers shall be so exercised as not to impede or prejudice the exercise of the executive powers of the federation or to endanger the continuance of a federal system of government in Nigeria.

The gradual coming into being of aspects of the 1989 constitution as it relates to the different tiers of government during this transition period, therefore, serves as the legal basis for the co-existence of democratically elected governments at the local government and state levels with the military in control at the Federal level. This is no doubt a unique case of political/constitutional engineering which will engage the attention of analysts for some time to come.

## ELECTED STATE GOVERNMENTS, THE FEDERAL MILITARY GOVERNMENT AND DIARCHY IN PRACTICE

A number of political observers had anticipated a tension-soaked relationship between the federal military and elected state governors ever before the formal ascension of the latter to power. This view was partly informed by the somewhat strained relationship between some elected local government councils with the federal and/or state governments prior to the state governorship and House of Assembly election.

One such incident, as we noted earlier, led to the removal from office by military fiat of at least one local government chairman. Those who were sceptical of the possibility of harmonious relationship between elected state governments and the military state at the federal level argued that the state governors would be torn between loyalty to the electorate which voted them into office and the military umpires of the transition process who are the depositories of all power during the transition period.

It would, however, appear that such sceptics did not take into account, a number of pertinent factors. First, is that cases of conflictual relationship between elected local governments and the federal and/or state governments prior to the December 14 governorship election were few and far between. Such conflict was the exception rather than the rule.

Again, the sceptics probably ignored the fact that the regime through the participation in politics and elections (prohibition) Act, as amended and the participation in politics and election (miscellaneous provisions) Decree 1991 was able to a large extent to prevent those it was convinced could not operate smoothly within the framework of diarchy from contesting for public office during this transition period.

Those decrees empowered the National Electoral Commission (NEC) to disqualify any person from contesting for public office without having to give any reasons for its action. This was probably

in line with President Babangida's assertion that the regime does not know those who will succeed it but is well aware of those who will not. The president's statement is widely seen as another demonstration of the time-tested truism that no military regime can afford to be indifferent to the character of its successor.

Another reason why the relationship between democratically elected state government and the federal military government has not been as sour as anticipated by many sceptics may probably be because both the elected governors and the military at the federal level have learnt some useful lessons from the problems generated initially by the co-existence of elected local government councils and military governments in power at the state and federal levels.

The initial stage of the unfolding diarchical process could thus be perceived as some kind of learning process from which both the military and the civilian political class in power at the state level have profited from. The former, in its relationship with the state government, has shown a greater respect for the fact that the latter are ultimately responsible to the electorate who voted them into power.

This may have been responsible for President Babangida publicly stating, shortly before the December 14 governorship election that new civilian governors could revoke contracts awarded by their military predecessors if they thought it fit.

The governors, on the other hand, have been wise enough to realise that they are not yet operating in a perfectly democratic setting and that the federal military government, as author and umpire in the on-going transition process, calls the shots, at least for now.

Perhaps the most important theme in the relationship between the federal military government and the state governments under elected Chief Executives has to do with adequate funding of the second tier of government. Most of the civilian governors on assumption of office had cried out loudly that they inherited empty treasuries from their military predecessors.

A cursory look at the debt profile of some of these states as at the time when the civilian governors came to power shows vividly that those of them who expressed worry about the state of their treasuries were not simply crying wolf over nothing.

Governor Shaaba Lafiagi of Kwara State, for instance, inherited an external debt of nearly N3.5 billion accumulated over a six year period. Apart from this, the governor was also faced with the problem of settling an internal debt of about N200 million owed contractors who handled road and water projects in the state.

In Benue state, Rev. Father Moses Adasu, the state governor, met a debt of N673.4 million. To make matters worse, 20 per cent of the state's revenue was to be spent on servicing debts owed contractors. And the governors of Edo and Delta States, Chief John Oyegun and Felix Ibru had the burden of N1.8 billion external debt and N147.6 million internal commitments of the old Bendel State thrust on their shoulders.

The story was no different in Abia State where governor Ogonnaya Onu inherited internal and external debt burdens of N740 million and N3.77 billion respectively. In the same way, governor Nwodo of Enugu State publicly disclosed that the state was indebted to the tune of N3.7 billion externally and N200 million internally.

While Bauchi state governor Dahiru Mohammed inherited a debt burden of N2.9 billion, governors F. Fidelis Tapgun and Kolapo Ishola of Plateau and Oyo state met debts totalling N6.3 billion and N4 billion respectively.

This situation of unhealthy finances was the same in virtually every state. Yet, this did not deter the new governors from seeking to fulfil their ambitious campaign promises and programmes. In this respect, the governors of Ogun, Edo, Ondo, Oyo, Delta and Oshun states either abolished tuition fees or promised to offer full scholarships to students at all levels in their respective states immediately they assumed the mantle of leadership.

And while governor Shaaba Lafiagi introduced a free exercise book programme for post-primary school students in Kwara state, Dr. Ogbonnaya Onu announced the introduction of free medical attention to all pregnant women in Abia state.

Being unable to generate any significant amount of revenue internally, the states had to rely almost solely on their 25 per cent allocation from the revenue account paid on a quarterly basis. But for most of the states, even this was not enough to meet basic obligations such as paying teachers salaries and meeting the costs of implementing their promises to the electorate.

The situation was worsened for the states when, on June 6, 1992, Vice President Augustus **Aikhomu** announced that the revenue allocation to states had been reduced from 25 per cent to 24 per cent. Coincidentally, it was also at this time that the federal government announced new relief measures to workers and the states were expected to implement these measures for their own workers.

Clearly unable to meet their increased obligation, especially with the announced reduction in the revenue allocated to the states, the governors in June had a meeting with President Ibrahim Babangida in Abuja at which they made known their difficulties to the federal authorities.



*Anxious voters verifying their names in the register.*

At the end of the meeting, governor Segun Osoba who spoke to the press on behalf of the governors gave an indication that the governors had received a sympathetic hearing from the president although he didn't give details. According to him, "we are happy that the president listened to all the points that we came with and I can assure you that the 30 governors have come out of the meeting happier."

Governor Osoba explained that, the presidency had promised to take another look at the revenue allocation formula with a view to ameliorating the difficulties of the state.

Following from the consultation between the presidency and the governors, the Federal Government late in June 1992 directed the accountant-general of the federation to release an undisclosed but substantial account from the stabilisation account to states and local governments to facilitate the settlement of their internal debts and the execution of their programmes.

The federal government, however stated specifically what the funds were to be utilised for. While local governments were directed to pay arrears of teachers salaries, state governments were ordered to utilise theirs in paying their internal debts and invest the balance in productive ventures.

This kind of harmonious inter personal relationship between the governors and the president has become a notable hallmark of this diarchical dispensation. Many governors are known to enjoy a close personal rapport with the president, a situation which ensures them easy private access to him and consequent unobtrusive federal government aid to needy states in times of difficulty.

President Babangida's official visits to the states have also provided another opportunity of demonstrating the goodwill that exists between the president and the governors. While the state

governors are known to spare no effort to give the president a reception befitting his status on such occasions, the latter has also been known to announce new federal government projects to be initiated in the states and on many occasions, generous monetary donations to the affected states are announced during such presidential visits.

Another indication of the smooth relationship between the state Chief Executives and the presidency is the intervention by the latter in moderating the powers of the state Houses of assembly as regard exercise of executive power vested in the governors. Apparently responding to the allegation that the state legislators were utilising their constitutional powers to blackmail the executive, the federal government promulgated the state government (Basic constitutional and transitional provisions) (Amendment, etc). Decree 4 of 1992. This decree amended the state government (Basic constitutional and transitional Provisions) Decree 1991 to provide for the governor of a state to appoint the commissioners of the government of that state without recourse to the House of Assembly. Some high ranking officials of the federal government have publicly spoken in favour of amending the impeachment clause in the 1989 constitution to prevent its being abused by the legislative arm to the detriment of the executive.

It is perhaps as a result of the contentment of the governors with the current diarchical arrangement that, in the aftermath of the cancelled presidential primary elections, of September 12, 19 and 26 18 of the 30 governors called on the President not to hand over to a democratically elected government in "a situation of chaos." Although they stressed their commitment to the emergence of a democratically elected government at the national level, the governor's stance was widely seen as a call for the extension of the transition programme and the continuation of military rule. Ironically, many of the state governors were accused of utilising the apparatus of the state to perpetrate electoral fraud in the cancelled presidential primaries. While some commentators asked that the full weight of the law be brought to bear on such erring governors, by the federal government,

others urged caution pointing out that the legitimacy of the governors derive first and foremost from the electorate who voted them into power. This was perhaps one of the reasons why the axe of the federal government did not fall on such governors inspite of their indictment by the National Electoral Commission (NEC).

All said, it is evident that the relationship between the elected state governors and the federal military government has been one of harmony and mutual respect. While the federal government has sought as much as possible to allow the state operate as an autonomous tier of government, the governors have not lost sight of the fact that although they were elected by the people, ultimate power for now lies with the federal military government. A good measure of the harmony that exists between the state governments and the federal authorities, we have also seen, derives from the close personal rapport between president Babangida and most of the governors.

It would also appear that the diarchical scenario suits many of the governors who, through their access to the presidency have been able to secure extra monetary aid to their cash-strapped states through the federal government.

The fact that president Babangida does not belong to any of the two parties also makes it easier for all the governors to have smooth and unrestrained relations with the federal government .

If the experience of the second republic is anything to go by, one may make bold to say that it is unlikely that we see this kind of harmonious co-existence between on the one hand an elected civilian president belonging to one party and governors belonging to the opposing party.

In this regard, it will be recalled that in the second republic, the relationship between the NPN controlled federal government and states controlled by different parties was essentially conflictual to the detriment of the entire system.

Perhaps the high point of such conflictual relationship was the refusal of the UPN governor of Bendel state at the time, Professor Ambrose Alli, to allow President Shehu Shagari visit the state as requested by the latter. When Shagari decided to undertake the visit against the will of Alli, he was not officially hosted by the state government and the people of the state were told not to

come out to welcome the president.

Some political observers contend that in the light of such unhealthy political developments which drum up unnecessary tension and detract both the federal and state governments from focussing their attention on ameliorating the pressing problems of the populace, it would be in the national interest for the diarchical arrangement obtaining under the present dispensation to be maintained for a longer time. Opponents of this viewpoint however insist that the best option for the country is full fledged democratisation at all levels which is the aim of the transition to civil rule programme.

### **Conclusion : DIARCHY AND FEDERALISM IN NIGERIA**

There is no doubt that the experiment with diarchy has had a significant impact on the practice of federalism in Nigeria during the Babangida dispensation. For one, since the military which is an essentially unitary institution, is in control at the federal level, the degree of autonomy of the local and state governments though elected has been considerably whittled down.

In an constitution and are "equal and coordinate in their respective spheres of influence." But with the diarchical experiment under the Babangida regime, the coming into being of the elected local and state governments as well as their functions and powers derive from the military. For, those aspects of the 1989 constitution which have already come into force were set in motion by virtue of a decree promulgated by the military. And the implication is that they can also be suspended by military fiat.

It is also interesting to note that the military colouration of the diarchical dispensation has not left the civilian governors unaffected. Many of them were accused of behaving like military men when on assumption of office, they gave orders to be carried out "with immediate effect," dissolved boards of parastals or sacked administrators and directors-General inherited from their predecessors with military dispatch. Indeed, erstwhile SDP national chairman, Ambassador Babagana Kingibe, had cause to decry what he described as the "military behaviour" of some of the governors.

One glaring manifestation of the "military mentality" of the elected civilian governors is the ease with which many of them have resorted to summarily dissolving democratically elected local government councils. In this respect, the councils of Tafawa Belewa in Bauchi state Zangon-kataf in Kaduna state, Otukpo and Okpokwu in Benue state and Ndokwa East in Delta state were all dissolved and their elected officials removed from the office.

Some of the governors cited section 34 of the local government Basic Constitution and Provision act chapter 213 of the laws of the federal Republic (as amended) to justify their action. But some critics contend that as democratically elected public officers, the governors have not demonstrated sufficient sensitivity as regards the danger of removing by military-type fiat, elected officers at local government level. This type of action has helped to make nonsense of the autonomy of the Third tier of government and devalued the content of federalism in Nigeria.

From the point of view of advocates of a thorough going federalism for Nigeria, therefore, Diarchy can never produce a conducive environment for the successful practice of genuine federalism. For them full scale democratisation of all tiers of government is a necessary condition for effective federal practice. As the governors definitely enjoy their magnified powers under a diarchical arrangement however, a big question arises: will they adjust easily to their proper constitutional role once the military disengages at the national level and the 1989 constitution comes into full and effective force? Only time will tell.

# Chapter 7

# RACE FOR PRESIDENT IBRAHIM BABANGIDA'S JOB

*John Araka*

## INTRODUCTION:

Perhaps the underground manoeuvres by politicians to take-over the foremost political position in the country whenever the Military quits, predated the inception of President Ibrahim Babangida's regime on August 27, 1985. It is not inconceivable that those with Presidential ambition started dreaming of occupying the prestigious State House, a few hours after the ouster of President Shehu Shagari by the Military on December 31, 1983. That probably explains the rather embarrassing celebrations in some quarters when the echoes of the take-over martial music were still reverberating.

This group was, however, disappointed when it dawned on it that the stern-looking duo of Generals Muhammed Buhari and Tunde Idiagbon would neither hand-over the government through a Military fiat to anybody nor come up with an immediate time-table for transition to civilian rule. The stark reality of the period whittled down considerably the secret scheming for the plum job.

## POLITICAL TIME-TABLE:

The rather dormant political circle sprang into life once again when Dr. S.J. Cookey's political bureau submitted its report on March 27, 1987. The majority recommendation was that the Military should hand-over to a democratically elected government on October 1, 1990.

With this date in mind, politicians in the country started dusting up old political alliances and new ones started sprouting. At every stage during this political rejuvenation, some people with high political ambition played prominent roles in the organisation and financing of political associations.

They were, to a large extent, taken aback when the President on May 3, 1989, made a nation-wide broadcast which was based largely on

government's position on the Bureau's report. He said: "the AFRC decided to accept the minority view of the Cookey report that 1992 will be the final year of disengagement, all things being equal."

He added "Government is aware of the disappointment this date will cause for self-seeking politicians who have been running around the country investing resources and mobilising the public for leadership roles in a political system they had not yet known."

Although those eyeing Babangida's job were obviously disappointed about the shift of the hand-over date, they were nevertheless consoled by the fact that the President came up with a definite time-table for transition from Military to Civilian rule. The time-table stipulates that the transition starts immediately from the third quarter of 1987 and ends in the fourth quarter of 1992 with "Presidential Election, swearing in of new president and final disengagement by the Armed Forces. (see time-table I).

To demonstrate its commitment to the political programme the President said "for us the Armed Forces in general and the Armed Forces Ruling Council in particular, the journey towards a new political order has begun and we shall not allow ourselves to be distracted or dissuaded in our pursuit of our target."

Conscious of the possibility of the escalation of political activities which could militate against the 'smooth running' of the long-drawn transition time-table, the President warned: "Government does not recognise any sacred cow and would like to remind politicians that the ban on party or partisan politics is still very much in force."

The warning, no doubt, once again drove political activities underground. Potential presidential aspirants were somewhat content with using every for----- from the press to seminars--- to remind the military about the honour inherent in keeping strictly to the political time-table.

## LIFTING OF THE BAN ON POLITICS:

"It was a masterstroke typical of President Ibrahim Babangida. Suspense is his game; timing his forte. On May 3 (1989), a combination of the two elements showed the President at his best in his political gamesmanship. He lifted the ban on political activities, telling the nation in no uncertain terms that Nigerians other than those disqualified are now free to form and promote political associations, wrote the Newswatch.

As a confirmation of the massive political manoeuvring, going on all along, some 15 political associations emerged barely 10 days after the lifting of the ban on politics. Among them were the Liberal New Movement, Ideal Party of Nigeria, Movement of Nationalists and Dynamos, Oriental Progressive Party, Peoples Liberation Party, People's Front of Nigeria and Nigeria National Congress.

In the formation and subsequent alliances of all these political groupings, seekers after Babangida's position were at the forefront. Not quite surprisingly, most of the big wigs were old politicians who probably did not take seriously the much-talked about intention of the government to ban them.

Confirming the speculation on government intention, President Babangida on Wednesday September 23, 1987 went on the air to announce a long list of various categories of people banned from participating in the political leadership of 1992.

After dwelling on the political "sins" of old politicians, he said "The Military Government therefore cannot be expected to hand over power to the same people in the absence of any evidence, that there had been any change in the competence, integrity or the national commitment of that leadership."

The President's reason for lumping together both those found guilty and the saints in the exercise is, according to him, to facilitate "the emergence of a new political leadership which Nigeria desperately

needs.”

Those who thought that the new breed politicians would assert themselves and effectively take over the political leadership soon after the old domineering and influential political monguls had been swept off the scene were rather disappointed. Many of the new leaders lacked the courage to go it all alone. They therefore clinged tenaciously to the apron of the old politicians who treated them as no more than political stooges and dependants.

### **EMERGENCE OF TWO POLITICAL PARTIES:**

As part of government's plan to strengthen the political armoury of the new breed, and to ensure the emergence of truly national political parties, it decided to choose only two political associations from the myriad of political groupings that had emerged.

Prior to this, the government mandated the National Electoral Commission (NEC) to select the six most viable of the 13 political associations which applied for registration.

The commission using a set of criteria which includes national spread, staff strength, size and manifesto graded the various associations and the following six came tops:

- (1) People's Solidarity Party - 43.90
- (2) Nigerian National Congress - 42.60
- (3) People's Front of Nigeria - 41.20
- (4) Liberal Convention - 34.08
- (5) Nigerian Labour Party - 17.90
- (6) Republican Party of Nigeria - 17.00

Before the leaders of the most highly rated political associations, could finish celebrating their imminent registration, the government came up with two brand new political parties - The National Republican Convention (NRC) and The Social Democratic Party (SDP).

President Babangida's action jolted most of the presidential aspirants out of their wits. Infact, they were forced back to the drawing

board. All the political associations were disqualified. The reason according to the President was because they were either offshoots of defunct political parts or "surrogates of banned disqualified politicians."

Employing a culinary metaphor, he said "All we are saying is that we will not serve our people yesterday's food in glittering new plates."

The AFRC has therefore decided, "that all political associations and qualified political aspirants be given another chance," the President said "of forming and establishing virile party structures and cogent programme platforms for electoral competition."

The dilemma of the Presidential aspirants was worsened by the President's statement that all people were to be "equal founders and joiners" of the parties. And to further weaken the role of money bags, who could hijack the parties, the government decided to fund them.

The decreeing into existence of two political parties, created another opportunity for intensive political regrouping. As always, those with presidential ambition assumed high profile in subsequent alliances and in the establishment of grassroots presence of the parties in the country.

Recognising the need to establish strong foothold in different parts of the country, those nursing presidential ambition started sponsoring their supporters for elections both at the Local Government and State Levels as well as into the National Assembly.

The jostling for spheres of political influence among the presidential aspirants was most noticeable during the governorship elections of the last quarter of 1991.

In that election, presidential aspirants from the same political party worked treacherously against one another to ensure that their candidates won the primaries.

Chief Arthur Nzeribe, an SDP presidential hopeful, for instance, was accused by the former governor of Imo State, Chief Sam Mbakwe of being responsible for the failure of the party to win the governorship elections in most of the Eastern States. The reason, Chief Mbakwe gave for this was that Chief Nzeribe foisted his unpopular

candidates on the people through his CARIA State movement. Out of the seven states in the East, SDP won the governorship elections of only Anambra State where a non-Nzeribe candidate, Dr. Chukwuemeka Ezeife, won the primaries and went ahead to beat his NRC counterpart in the final contest.

The SDP also lost Lagos State, its strong hold, to the NRC in the governorship election because of the fierce battle between presidential candidates to install their surrogates.

The presidential aspirants did everything possible to ensure that not just their political party, but their political stooges won their states of origin during the governorship elections.

This was informed by the fear that those who failed to "deliver" their states of origin could be considered to have no political base, therefore, a liability as presidential candidates.

#### **RE - EMERGENCE OF OLD POLITICIANS IN THE RACE:**

In January 1992, President Ibrahim Babangida, again living up to his reputation of unpredictability, lifted the ban on old politicians; both civilian and military. And this, significantly changed the main actors in the political theatre.

Some of the unbanned politicians, who have all along worked surreptitiously emerged as the leading political contenders in both parties. Among them are Alhaji Lateef Jakande, former Governor of Lagos State, Major General Shehu Musa Yar'Adua, the second-in-command during the Obasanjo's regime, Chief Arthur Nzeribe, a Senator in the Second Republic and Dr. Olusola Saraki, Senate leader in the Second Republic. All these people joined the race on the platform of the SDP. From the NRC came Alhaji Adamu Ciroma, a prominent NPN stalwart and minister during the Second Republic, Alhaji Bamanga Tukur, a former NPN governor of defunct Gongola State and Alhaji Shehu Musa, former secretary to the Federal Government.

As should be expected the re-emergence of these influential politicians triggered off another round of political alliances and dislocations within the political parties. Some old political friends were, forced by the circumstance, to be pitted against each other.

A commonly cited example is the Ciroma/Shinkafi parting of ways. Before the unbanning of old politicians, Ciroma was said to have staunchly supported Shinkafi's bid for the state house. On his entry into the Presidential race, his relationship with Shinkafi was anything but cordial. This was because of the resentment of Shinkafi and his supporters of the idea that one of their dependable allies, Ciroma, had turned around to become a formidable opponent.

The Shinkafi camp was particularly incensed by the call from some quarters that their leader, who had started the race long ago, should step down for Alhaji Ciroma, a new entrant.

#### **SECTIONAL STRUGGLE FOR THE STATE HOUSE:**

Before the lifting of the ban on old politicians, there was a strong campaign for the formation of a concensus government at the centre. The campaign was spear-headed by the 13 prominent politicians who were detained for alleged interference with the transition programme. Among them were Alhaji Lateef Jakande, Major General Yar'Adua and Arthur Nzeribe.

The concept, essentially, was to bridge the political chasm between the two parties so that they could act in concert in fostering national unity.

In other words appointments were to be made across political divide, thereby reducing areas of frictions between the parties. The proponents of this idea felt that political bickering between parties was the main excuse for incessant military intervention in the country's politics. And that only a concensus government would eliminate that factor of political instability.

About the same time, too, there were strong moves by the various sections of the country to ensure that they produce Babangida's successor.

Among the sectional groupings were the Committee of Unity and Understanding (CUU) which, though masqueraded as a national body, was really no more than an organisation committed to the

installation of a Southern president, particularly a Yoruba head of State. There was also CARIA (Cross River, Anambra, Rivers, Imo and Akwa Ibom) whose main objective was to work for the emergence of a president from the Eastern States.

The Middle Belt Forum also was formed to ensure that one of their own becomes the number one citizen. The oil producing states, felt that as producers of over 90 per cent of the nations' wealth, it was only fair that they should be given the opportunity, at least for once, to determine the destiny of the country. The goal of this group was hardly distinguishable from that of the Southern Minority States which forged an alliance to produce the next president.

Of course, there was also the Northern Elders, who were working relentlessly, sometimes through the faceless Kaduna mafia, for the retention of political power by the core north. Their argument, as always is that the South, particularly the South-West, dominates the economy and the public service.

All these were eventually banned to stem their divisive tendencies. That, notwithstanding, there is still a strong under-current of sectionalism in the battle for Babangida's job.

Even in the conservative segment of the north, there is a strong campaign against Sokoto State producing another civilian head of state. The contention is that during the first republic, power actually resided with the Sardauna of Sokoto, Sir Ahmadu Bello who decided to appoint his Lieutenant, Sir Abubakar Tafawa Balewa to the centre as the Prime Minister. During the second republic, another Sokoto man, Alhaji Shehu Shagari was the President.

The enough-of-Sokoto-domination campaign is being used against Shinkafi in the NRC. The Mahmud Waziri's camp in the SDP has also campaigned against the idea of any state which had previously produced a head of state to get another chance. This is part of his strategy against Yar'Adua who is from Katsina State where General Muhammed Buhari, Babangida's predecessor, came from.

There is even a gender dimension to the struggle as well. The women, particularly the educated ones, have mounted a campaign for a woman president. Three women - Yetunde Braimah, Catherine Wayas and Sarah Jibril have shown interest in the race. And they are getting all the support from the National Council of Women Society which seems hellbent in ending the male domination of the nation's number one position.

Another potent force is religion. There is the fear that Christians would prefer a christian head of state just as muslims will overwhelmingly vote for one of their own.

### **PROLIFERATION OF PRESIDENTIAL CANDIDATES:**

It is incredible that about 65 Nigerians have shown interest in picking up President Babangida's job; between 40 and 45 of them are from the SDP while between 15 and 20 are from the NRC.

In fact, at the time of writing in August 1992, some people who had initially indicated their intention to become president were having a re-think because of the enormous amount of money demanded from aspirants by the political parties.

Dr. Fredrick Fasehun, one of the first persons to declare his interest in occupying the State House, for instance, has bowed out in protest against the N500,000 his party demanded from all presidential aspirants. He said he was bowing out on principle not because he could not pay the levy.

At the expiration of the deadline for payment - Monday, July 27, 1992 only 12 of the motley crowd of presidential aspirants in the SDP were able to pay the compulsory half-a-million naira levy.

Among those who paid were Chief Arthur Nzeribe, Alhaji Lateef Jakande, Major General Musa Yar'Adua (rtd), Dr. Olusola Saraki, Chief Olayiwola Balogun, Chief Olu Falae and Chief Olabiyi Durojaiye. Others were Dr. Ahmed Datti, Alhaji Mahmud Waziri, Dr. Abel Ubeku, Dr. Dele Cole and Professor Jerry Gana.

Four aspirants - Gbolabo Ogunsanwo, Paul Unongo, Chinedun Ezebuiro and Major General Olufemi Olutoye who were alleged to have paid their levy late were disqualified. Some of them, like Unongo, went to the court to contest their disqualification.

Mrs Sarah Jubril, the only woman who tried to pay the levy, also ran into financial crises. She was, however, hailed for her courage and given the role of mobilizing women for her party.

At the end of Friday, July 24, 1992 the deadline NRC gave its presidential aspirants to pay up their levy of N400,000 each, only 10 successfully met the demand.

They were Alhaji Bamanga Tukur, Alhaji Shehu Musa, Alhaji Umaru Shinkafi, Alhaji Ibrahim Dan Musa, Chief Emmanuel Iwuanyanwu, Chief Melford Okilo, Alhaji Inuwa Wada, Alhaji Saleh Jambo, Malam Adamu Ciroma and Alhaji Lema Jubrilu. After the party's screening of the candidates, Alhaji Inuwa Wada and Alhaji Ibrahim Dan Musa were dropped along with Major General Alfred Aduloju (rtd).

#### **PRIMARIES:**

The battle for Babangida's job came to a head on August 1, 1992 when the primaries of the parties were held in Group A, one of the six zones to which the country was divided.

Each zone had at least a cluster of five states. Group A had Borno, Kwara, Abia, Katsina and Delta. Group B was made up of Oyo, Jigawa, Edo, Sokoto and Anambra. Group C comprised of Kaduna, Osun, Yobe, Imo and Benue. Group D consisted of Kogi, Lagos, Adamawa, Cross Rivers, and Plateau. Group E covered Rivers, Kebbi, Enugu, Bauchi and Ondo while Group F was composed of Taraba, Akwa Ibom, Niger, Ogun, Kano and FCT, Abuja.

The calculation was that election would be held every consecutive Saturday as from August 1, 1992 until all the zones have been covered.

But this was not to be because of the massive electoral malpractices

that attended the Group A primaries. The elections were eventually cancelled and the entire exercise postponed to give room for further planning and consultations aimed at plugging the loopholes.

In the Group A primaries, the desire of every state of the Federation to produce Babangida's successor was quite evident. In all the five states the son-of-the-soil-must-be-president syndrome was quite manifest. The only exception was in the NRC results in Katsina state where Lema Jubrilu, an indigene, was beaten to the third position.

Seeing that he was the only odd person out he was quick to say: "the elections were rigged with the encouragement of the police. In some wards, they drove away most of my supporters and counted those of the candidates who were around. In fact, they were bribing people on the queue as the police, NEC and RECA officials looked on. It was even shown on television."

It was clear from the result that every effort was made in all the affected states to mobilise people to rig the election massively in favour of their sons, resulting in incredible gaps between the scores of the sons-of-the-soil and others.

Major General Yar'Adua, for instance, was said to have polled 657,485 votes in his home state of Katsina while the contender who came second in the state, Chief Olu Falae, got only 11,439.

In Abia State Chief Emmanuel Iwuanyanwu, an Igbo, garnered 210,931 votes in the NRC primaries while Bamaga Tukur came a distant second with 79,530 votes. The same phenomenon played itself out in the SDP elections of the state where another son-of-the-soil "Chief Arthur Nzeribe scored 396,511 votes to place first as against a paltry 25,502 votes got by Jerry Gana who was second (see table II).

In many of the wards, there were reported cases of the indigenes getting more scores than the number of registered voters. Lema Jubrilu alleged for instance, that in a ward where less than 2000 voters were accredited in Borno state, a candidate from the area was said to have recorded 10,000 votes.

Also in the two local government areas in Aba - Aba North and Aba South-where the NRC registered only 25,688 members, Iwuanyanwu alone polled over 57,000 votes.

Inflated figures were common in all the states. There was often a noticeable big difference between the number of voters recorded in previous elections - Governorship, Senate, House of Representatives and the ones scored during the primaries. While the average turn out during previous elections in Katsina state, for instance, was 40,538, the number of voters in presidential primaries in the state galloped to 994,082 (see table III).

The cancellation of the election once again triggered off another round of political manoeuvring in the two political parties to either present consensus candidates or trim down the number of contestants.

Fearing the divisive potential of the primaries and the effect on its chances, the SDP in particular organised a straw poll among the contenders. In the election, General Yar'Adua narrowly beat Falae to the second position. The objective of the forum which was to get consensus candidates failed as none of the 12 presidential hopefuls agreed to step down.

All of them would therefore go back on Saturday, September 12 to face another round of primaries. This time the country is divided into three instead of the former six zones. The primaries would hold on three consecutive Saturdays from that date.

Zone A is now made up of Ondo, Jigawa, Edo, Cross River, Plateau, Kebbi, Ogun, Taraba, Kogi and Imo. Zone B comprises Anambra, Katsina, Lagos, Bauchi, Akwa Ibom, Kaduna, Benue, Oyo, Rivers and Yobe. Group C consists of Kano, Niger, Enugu, Osun, Abia, Sokoto, Adamawa, Delta, Kwara, Borno and the Federal capital territory.

Although the elections were generally perceived to have taken off smoothly in several states of the Federation in Zone A on September 12, 1992, there were still pockets of accusation of malpractices.

The situation however changed drastically for the worse when the results of Zone B held on Saturday, September 19, 1992 were released. At this stage it was clear to all that Major General Yar'Adua would be elected on the first ballot, having got up to two-thirds of the votes cast in 15 out of the 20 states in which elections were contested in Zones A & B. All he needed to scale through was to get two-thirds in five of the remaining 10 states in Zone C.

The possibility of Yar'Adua getting the party's ticket did not go down well with majority of his challengers who alleged that he had used unfair means to win the elections. Specifically, they said that he was aided by the national executive of the party.

Consequently, nine of the 12 contestants in the SDP pulled out of the last round of the primaries. Those who withdrew were Chief Olu Falae, Dr. Olu Saraki, Alhaji Mahmud Waziri, Dr. Layi Balogun, Alhaji Lateef Jakande, Professor Jerry Gana, Alhaji Datti Ahmed, Chief Arthur Nzeribe and Olabisi Durojaiye.

A statement issued by the 10 aspirants stated: "There is a conspiracy to impose retired Major General Yar'Adua on the country by all fraudulent means. We will not be part of that conspiracy".

After calling for the dissolution of the national executive of the party, which they accused of supporting Major General Yar'Adua, they said "We hereby call on our co-ordinators, agents and supporters to withdraw forthwith from the field."

Despite their withdrawal, the election was still held as scheduled. Yar'Adua who was now left in the race with only Dr. Ubeku and Dr. Cole expectedly swept the polls. But the confusion created in the party by the withdrawal of the aspirants was so serious that it could have led to the split of the SDP if such option were available in the new political dispensation.

In the NRC the acrimony did not degenerate to mass boycott

perhaps because of the fact that a run-off election between Ciroma and Shinkafi was expected, and this would pave way for further political alliances.

The confusion that arose from the intra-party conflicts was what made the AFRC to order NEC on October 6, 1992 to investigate the allegations of fraud in the September Primaries.

In its 18-page report submitted to the AFRC on October 14, 1992, NEC identified 13 electoral "sins" committed during the primaries. These included: use of wealth by aspirants to buy votes or achieve undue advantage; use of state government machinery by some governors in favour of some aspirants, falsification of figures and allocation of votes where elections did not take place; non-serialisation of accreditation slips and late arrival of pre-accreditation materials.

Others were: non-conduct of primary elections as scheduled and arbitrary cancellation of results by returning officers to favour candidates; mutilation of election results; issuance of fake accreditation slips and voting by non-accredited persons as well as voting by non-party members."

#### CANCELLATION OF PRIMARIES

Based on the NEC recommendation and, perhaps, on the strong agitation of dissatisfied presidential aspirants and their supporters the President in a broadcast to the nation on October 16, 1992 said "All the suspended primaries are hereby cancelled. That the executives of the two parties at the national state and local government levels are dissolved immediately".

This development in just about two months to the proposed handover date of January 2, 1993, created its own problems among the generality of Nigerians who did not know whether the hand-over date was still realistic.

Perhaps, the President also conscious of the time constraint and the ill-feeling the new arrangement would engender said in the broadcast that "It would be catastrophic, after all that we had to undergo and endure in the historic political evolution of our great country, at this point in time, to allow time consciousness to override the preservation of the unity of our pluralistic society".

The Federal Government also gave NEC the task of coming up

with viable options that could resolve the political impasse, especially after the disqualification of the original 23 presidential aspirants. NEC came up with eight options and the AFRC adopted option A-4.

The President explained: "In this option, the ward, the local government and special delegates, state congresses shall be involved in selecting in the first instance, the state flag bearer of the party from among competing sons and daughters of the state. Thus, for each party, it is anticipated that there shall be up to 31 states flag bearers with one of each of the 30 states and one from the Federal Capital territory. Thereafter, a special delegates national convention of each party shall be convened to elect the national flagbearer of the party from among the 31 state flagbearers through the use of two rounds of balloting". Given this scenario, it was not quite unexpected that the handover date was extended to August 27, 1993 the eighth anniversary of this administration.

## NEW TIME - TABLE

Setting up of Caretaker Committees; taking over of assets and liabilities; and identification of logistics and training needs to

end on November 30, 1992.

November 23, - December 14, 1992: printing of party membership cards and registers

December 5, 1992 Inauguration of the National Assembly

December 15 - 23, 1992: Distribution of membership cards and registers.

December 24, 1992 January 3, 1993: Christmas Break

January 4 - 10, 1993: Registration of party members

January 11 - 17, 1992: Call for all prospective aspirant to submit applications to NEC through the National Caretaker Committees for screening.

January 18 - 31, 1993: Screening of all aspirants

February 6, 1993: Ward Congress

February 20, 1993: Local Government Congress

March 6, 1993: State Congress

March 7-26, 1993: State flag bearers campaign for National Convention

March 27 -29, 1993: National Convention (NRC and SDP)

March 30, - April 11, 1993 : Caretaker Committees handover

April 5 - May 18, 1993: Elected executives prepare for electioneering campaign.

April 19 - June 11, 1993: Electioneering campaign

June 12, 1993: Elections

June 13-20, 1993: Declaration of results

June 21 - August 26, 1993: Setting up of election tribunals and filing of petitions

Election tribunal sittings and judgements

Handover period

August 27 1993: Swearing in of the president

## CONCLUSION

At the time of going to print the nomination of the new candidates has not started. In effect, the race for President Ibrahim Babangida's job is yet to take off in earnest since the runners have not been known, let alone chosen.

**TABLE I**  
**POLITICAL TIME-TABLE**

The time-table for the political programme announced by President Babangida on July 1, 1987 is as follows:

**3rd QUARTER - 1987**

\* Establishment of the Directorate of Social Mobilization. \* Establishment of a National Electoral Commission. \* Establishment of a Constitution Drafting Committee.

**4th QUARTER - 1987**

\* Elections into the Local Governments on Non-party Basis.

**1st QUARTER - 1988**

\* Establishment of National Population Commission. \* Establishment of Code of Conduct Bureau. \* Establishment of Code of Conduct Tribunal. \* Establishment of Constituent Assembly. \* Inauguration of National Revenue Mobilization Commission.

**2nd QUARTER - 1988**

\* Termination of Structural Adjustment Programme (SAP)

**3rd QUARTER - 1988**

\* Consolidation of gains of Structural Adjustment Programme (SAP)

**4th QUARTER - 1988**

\* Consolidation of gains of Structural Adjustment Programme (SAP)

**1st QUARTER - 1989**

\* Promulgation of a New Constitution. \* Release of New Fiscal Arrangements.

**2nd QUARTER - 1989**

\* Lift of ban on Party Politics

**3rd QUARTER - 1989**

\* Announcement of two recognised and registered Political Parties.

**4th QUARTER - 1989**

\* Election into Local Governments on Political Party Basis.

**1st AND 2nd QUARTERS - 1990**

\* Election into State Legislatures and State Executives.

**3rd QUARTER - 1990**

\* Convening of State Legislatures.

**4th QUARTER - 1990**

- \* Swearing-in of State Executives.
- 1st QUARTER - 1991**
- \* Census
- 2nd QUARTER - 1991**
- \* Census
- 3rd QUARTER - 1991**
- \* Census
- 4th QUARTER - 1991**
- \* Local Government Elections
- 1st AND 2nd QUARTERS - 1992**
- \* Elections into Federal Legislatures, and convening of National Assembly.
- 3rd AND 4th QUARTERS - 1992**
- \* Presidential Election Swearing-in of New President and final disengagement by the Armed Forces.

**TABLE II**  
**SCORES FROM THE ODD PRIMARIES**

**SDP**

NAME	ABIA	DELTA	KWARA	BORNO	KATSINA	TOTAL
Yar Adua Musa	18,462	64,307	40,477	258,168	657,488	1,038,902
Nzeribe Arthur	396,511	26,247	22	4,370	45	427,200
Falae Olu	11,398	24,364	40,525	18,809	11,439	106,535
Ubeku abel	3,496	261,790	476	466	982	267,210
Gana Jerry	25,502	2,578	15	14,574	707	43,376
Waziri mahmud	4,081	3,530	8,059	16,874	6,150	38,694
Jakande Kayode	403	6,053	16,376	7,510	3,578	38,920
Balogun Layi	3,247	85	4,078	8,753	1,709	17,872
Datti Ahmed	273	1,266	3,310	5,445	2,394	12,688
Durujaife Biyi	2,592	532	173	417	52	3,766

**NRC**

NAME	ABIA	DELTA	KWARA	BORNO	KATSINA	TOTAL
Bamanaga Tukur	79,530	No result	34,855	61,131	87,317	262,833
Emmanuel Iwanyanwu	210,931	No result	3,723	7,037	7,100	228,791
Adamu Ciroma	20,748	No result	28,689	50,828	50,824	216,022
Umaru Shinkafi	47,826	No result	37,061	82,249	82,249	173,619
Lema Jubrilu	5,826	No result	19,558	54,746	54,746	104,354
Shehu Musa	15,076	No result	10,006	12,577	12,577	59,108
Melford Okilo	17,210	No result	422	5,489	5,489	26,207
Saleh Jambo	1,008	No result	481	1,679	1,679	8,075

TABLE III

FROM WHERE DID THE VOTES COME?

Votes cast in the August 1 presidential primaries, outstripped those registered in the governorship, and assembly general elections. The figures say it all.

State	Total Registered Votes	Governorship Votes	Senate Votes	House of Reps. Votes	Average National Assembly Votes	SDP Presidential Primaries	NRC Presidential Primaries	Presidential Grand Total
Katsina	1,661,132	568,612	346,083	470,993	408,538	692,101	301,981	994,082
Borno	1,222,533	557,456	402,520	402,081	402,300.5	382,316	303,977	686,292
Kwara	664,625	371,574	374,772	376,910	375,841	385,443	134,795	520,238
Abia	991,469	424,495	340,334	342,489	341,411.5	479,908	398,196	878,104
Delta	1,154,563	764,499	561,025	535,628	-	-	-	-

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