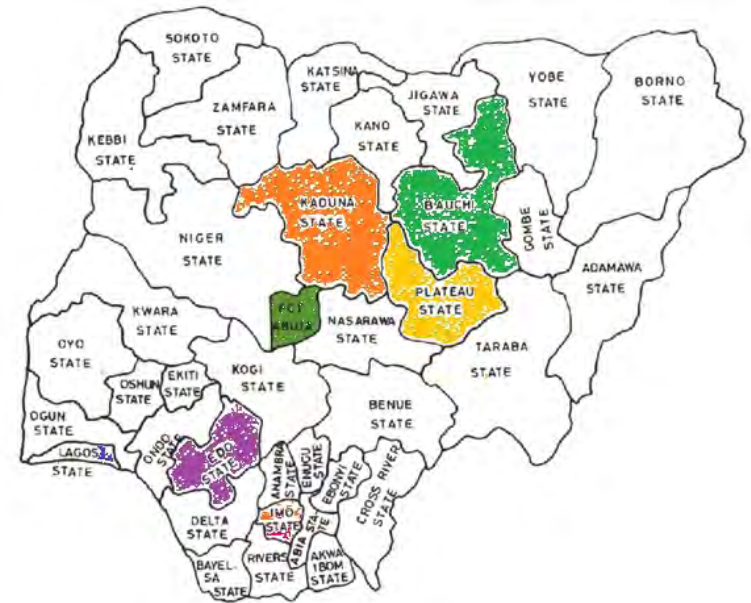


The State Independent Electoral Commissions in Nigeria:

A Study of

Bauchi, Edo, Imo, Kaduna, Lagos and Plateau States



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Contents

Preface	
Introduction	4-10
Chapter I Bauchi State Independent Electoral Commission Habu Galadima and Aisha Omar	7-61
Chapter II The Edo State Independent Electoral Commission Musa Abutudu	62-97
Chapter III The Imo State Independent Electoral Commission (SIEC) Chijioke K. Iwuamadi	98- 135
Chapter IV The Kaduna State Independent Electoral Commission Massoud Omar	136-159
Chapter V Lagos State State Independent Electoral Commission in F.A.R Adeleke	156-191
Chapter VI The Plateau State Independent Electoral Commission: Dung Pam Sha	192-240
Conclusion	241-242



List of Tables and Figures

Table 1.1	State of Residence	Table 1.21:	Commitment to Conduct of Credible Elections by SIEC
Table 1.2	Local Government Area	Table 1.22:	The procedure for the Appointment and Removal of the Electoral Commissioners
Table 1.3	Gender	Table 1.23:	Acceptability of the Voter Registration Exercise
Table 1.4	Age	Table 1.24:	Free and Fair Local Government Elections
Table 1.5	Marital Status	Table 1.25:	Transparency in the Conduct of Local Government Elections
Table 1.6	Occupation	Table 1.26:	Inclusion and Representation of Diverse Groups and Interests at Elections
Table 1.7	Awareness of SIEC's conduct of Local Government Elections	Table 1.27:	Adequacy of the Electoral Law in Managing Diversity at Local Government Elections
Table 1.8	Number of times Respondents Witness Elections Conducted by SIEC	Table 1.28:	Overall Performance of the Electoral Commission (SIEC)
Table 1.9	Adequate Preparations for Elections by SIEC	Table 1.29:	Role of Security Forces
Table 1.10:	Adequate Information about Voting	Table 1.30:	Local Government Election Disputes Resolution
Table 1.11:	Training of SIEC officials	Table 1.31:	The process of the Appointment and Removal of SIEC's Electoral Commissioners
Table 1.12:	Information about the Location of Polling Stations	Table 1.32:	Advertising the Position of SIEC's Electoral Commissioners
Table 1.13:	Problems Encountered in the Process of Exercising Franchise	Table 1.33:	Relative Autonomy of SIEC
Table 1.14:	The Most Important Problem	Table 2.1.	Local Government Chairmen Declared Elected by EDSIEC in the December 15, 2007 Election in Edo State
Table 1.15:	Improvement in the Way SIEC Conducted Elections Since 1999	Table 2.2	Are you aware that SIEC conduct's Local Government Elections?
Table 1.16:	Areas That SIEC Has Made Some Progress	Table 2.3:	How many times have you witnessed local government elections conducted by SIEC?
Table 1.17:	Areas That SIEC Has Made Some Progress		
Table 1.18:	Areas That SIEC Has Made Some Progress		
Table 1.19:	Areas That SIEC Has Made Some Progress		
Table 1.20:	Areas That SIEC Has Made Some Progress		

- Table 2.4: Do you believe that SIEC makes adequate preparations for elections?
- Table 2.5: Do you feel that you were adequately informed about how you can vote?
- Table 2.6: Do you think that SIEC officials are adequately trained?
- Table 2.7: Do you think that SIEC provided enough information about the location of polling stations in your locality?
- Table 2.8: Of all the issues you mentioned in Table 13, which one do you consider the most important problem?
- Table 2.9: Challenges to LG Elections: (Summary of Views from Personal Interviews and FGDs)
- Table 2.10: The State Independent Electoral Commission (SIEC) is independent and fully committed to conduct of credible elections
- Table 2.11: The procedure for the appointment and removal of the electoral commissioners is open, transparent and credible
- Table 2.12: The voter registration exercise is generally credible and accepted by all as being transparent and well conducted
- Table 2.13: Local government elections are considered to be free and fair
- Table 3.1: Senatorial zones in Imo State and their Local Governments
- Table 3.2: Past and Present Leaders of Imo State (1976 Date)
- Table 3.3: Distribution of Statutory Allocation of Imo State 27 Local Government Councils, April 2011 June 2012.
- Table 3.4: How many times have you witnessed local government elections conducted by SIEC?
- Table 3.5: Do you believe that SIEC makes adequate preparations for elections?
- Table 3.6: The State Independent Electoral Commission (SIEC) is independent and fully committed to conduct credible elections?
- Table 3.7: The procedure for the appointment and removal of the electoral commissioners is open, transparent and credible
- Table 3.8: The electoral system promotes inclusion and representativeness of diverse groups and interests at elections
- Table 3.9: The electoral law is adequate for managing diversity at local government elections
- Table 3.10: The process of the appointment and removal of SIEC's electoral commissioners should be handled by an independent non-partisan body
- Table 3.11: The position of SIEC's electoral commissioners should be advertised and competed for nationally
- Table 3.12a: The state independent electoral commission (SIEC) should enjoy relative autonomy in terms of political, administrative and financial independence
- Table 3.12b: The state independent electoral commission (SIEC) should enjoy relative autonomy in terms of political, administrative and financial independence
- Table 3.13: Of all the issues you mentioned which one do you consider the most important problem?
- Table 3.14: Local government elections are considered to be free and fair

- Table 3.15: Local government elections are considered to be generally transparent
- Table 3.16: Local government election disputes are usually well managed to the satisfaction of the political parties
- Table 3.17: The overall performance of the electoral commission (SIEC) is considered to be very good
- Table 3.18: Security forces are fair and non-partisan in their role in the local government electoral process
- Table 3.19: Do you feel that you were adequately informed about how you can vote?
- Table 3.20: Do you think that SIEC officials are adequately trained?
-
- Table 4.1: Are you aware that SIEC conduct's Local Government Elections?
- Table 4.2: How many times have you witnessed local government elections conducted by SIEC?
- Table 4.3: Do you believe that SIEC makes adequate preparations for elections?
- Table 4.4: How many times have you witnessed local government elections?
- Table 4.5: If believe that adequate preparations are made for the local government elections, why do you think so?
- Table 4.6: If you answer is no, in which areas did you observe poor preparations?
- Table 4.7: If you answer is no, in which areas did you observe poor preparations?
- Table 4.8: If you answer is no, in which areas did you observe poor preparations?
- Table 4.9: If you answer is no, in which areas did you observe poor preparations?

- Table 4.10: Do you feel that you were adequately informed about how you can vote?
-
- Figure 5.1: Gender of the Respondents
- Figure 5.2: Age of Respondents
- Figure 5.3: Occupation of Respondents
- Figure 5.4: LASIEC is independent and committed to credible elections
- Figure 5.5: Is the procedure for appointment and removal of EC, transparent, credible and open?
- Figure 5.6: Should the EC's appointment and removal be handled by an Independent and non-partisan body?
- Figure 5.7: ECs position should be advertised and competed nationally?
- Figure 5.8: Elections are considered free and fair, transparent
- Figure 5.9: SIEC performance is considered very good
- Figure 5.10: Security forces are considered fair and non-partisan in their role
- Figure 5.11: LG Elections petitions disputes are well managed
-
- Table 6.1: Distribution of questionnaires
- Table 6.2: Distribution of Respondents in the FGDs
- Table 6.3: Distribution of Respondents in the Interviews
- Chart 6.1: Frequencies showing the Distribution of Questionnaires in sampled LGAs
- Graph 6.1: - Gender Distribution of Respondents
- Chart 6.2: Qualification of Respondents
- Graph 6.2: Marital Status of Respondents
- Graph 6.3: Occupations of Respondents

- Table 6.4: SIECs Conduct of Elections
- Chart 6.3: Times Respondents Witnessed Elections
- Table 6.5: SIECs Preparation for Election
- Table 6.6: Positive Perception on SIECs Preparation for Elections
- Graph 6.4: Negative Perception of SIECs Preparation for Elections
- Chart 6.4: Training of SIECs
- Table 6.7: SIEC Provision of Information on Polling Stations
- Table 6.8: SIEC Provision of Information on Voting
- Graph 6.5: Respondents Problems in the exercising Franchise
- Table 6.9: Exercising Franchise
- Table 6.10: What problems did you encounter in the process of exercising your franchise? Cross tabulation
- Graph 6.6: Of all the problems you encountered in the process of exercising your franchise which one do you consider the most important problem?
- Table 6.11: Perception on Improvements in SIEC's conduct of elections
- Graph 6.7: In which areas would you say that SIEC has made some progress?
- Chart 6.5: The State Independent Electoral Commission (SIEC) is independent and fully committed to conduct of credible elections
- Table 6.12: The State Independent Electoral Commission (SIEC) is independent and fully committed to conduct of credible elections
- Graph 6.8: The procedure for the appointment and removal of the electoral commissioners is open, transparent and credible
- Table 6.13: Perception on Procedure of Appointment of Commissioners
- Chart 6.6: The position of SIEC's electoral commissioners should be advertised and competed for nationally
- Graph 6.9: The state independent electoral commission (SIEC) should enjoy relative autonomy in terms of political, administrative and financial independence
- Table 6.13: Credibility of Voter Register
- Chart 6.7: Local government elections are considered to be free and fair
- Table 6.14: Perception on the Transparent Nature of PLASIEC
- Graph 6.10: The electoral system promotes inclusion and representativeness of diverse groups and interests at elections
- Table 6.15: Inclusive Nature of the Electoral Law
- Table 6.16: Geographical/Gender Distribution of PLASIEC Members
- Graph 6.11: The overall performance of the electoral commission (SIEC) is considered to be very good
- Table 6.17: Security forces are fair and non-partisan in their role in the local government electoral process
- Table 6.18: Election Petition and Appeals
- Chart 6.8: Local government election disputes are usually well managed to the satisfaction of the political



Preface

The State Independent Electoral Commissions in Nigeria: A Study of Bauchi, Edo, Imo, Kaduna, Lagos and Plateau States emanated from a desire to develop a body of knowledge on elections management, practices and lessons on elections conducted into local governments. The history of local government elections in Nigeria has been chequered; there have been outcries on the deplorable state of elections conducted into local governments. This is mainly attributed to the lack of independence of the State Independent Electoral Commissions (SIEC), as constituted by the State governments. The 1999 constitution of Nigeria as amended mandates SIECs to organise, undertake and supervise elections into local government in the state using the voter register compiled by the Independent National Electoral Commission (INEC).

The problem of elections into local government has received little attention by all stakeholders. While there have been constitutional and electoral reforms to strengthen the Independent Electoral Commission (INEC), SIECs have not come up for mention despite the irregularities and lapses associated with elections into local government. This is worrisome particularly within the framework of local government as the significant tier of government through which the political and socio-economic aspirations of the people are to be met.

The lack of civil society engagement in local government elections has also affected the quality of elections, while the argument is

often premised on lack of resources or donor focus on funding initiatives surrounding local government elections. Poor security arrangements continues to occasion violence with huge casualties recorded as witnessed in the just concluded Kogi State Local government elections, in which four persons lost their lives with several property destroyed. Poor Media coverage amongst other electoral inadequacies have translated into a culture of bad governance at the local government level. All the aforementioned have contributed to voters apathy evidenced by the citizens' lack of participation in these elections.

This book is an outcome of six (6) months study of the operations and practices of the State Independent Electoral Commissions (SIECs) in the six states of Lagos, Imo, Kaduna, Edo, Bauchi and Plateau States. Methodologically, the study was rooted primarily in both qualitative and quantitative traditions. Through Key Informant Interview (KII) and Focus Group Discussions (FGDs), researchers were able to gather data from respondents drawn largely from electoral umpires including SIECs and INEC, civil society organizations (CSOs), Political parties Community Development Associations (CDAs), women and youth groups, faith-based organizations, security agents, and academia. Our results from the study provide useful insights into the unexplored world of local government elections administration in the country and proffers recommendations for strengthening State Independent Electoral Commissions in Nigeria within the confines of true federalism and decentralistion reforms ongoing in the country.

I will like to appreciate the support of OSIWA and AFRIMAP for funding this project particularly our Grant Officer, Mr. Peter Ocheikwu for his support, our six researchers, Prof. Habu Galidima, Dr. Massoud Omar, Dr.F.A.R Adeleke, Mr. Kelechi Iwuamadi, Prof. Pam Sha and Dr. Musa Abutudu. Special thanks to the CDD team led by Idayat Hassan who coordinated the project , Lawal Amodu, Terfa Hemen, Shamsudeen Yusuf, Uyoyo Ugherughe and Aisha Omar who all worked on the project.

We hope we have been able to effectively contribute to the debate on the need for a restructuring and strengthening of State Independent Electoral Commissions in Nigeria.

Jibrin Ibrahim *PhD*
Director CDD



Introduction

A system of local government built on democratic tenets, in which representatives into local councils are elected on the basis of free and fair elections, has eluded local governments in Nigeria from colonial times to the present. Right from the 1950s (when elections were first held in some local governments in Eastern Nigeria) till date, most of the elections conducted into local governments councils cannot be said to be credible. What usually takes place amounts to "selection" and "appointment" of chairmen and councilors rather than elections. The usual practice is that those in control of political power at the Regional or State levels use the incumbency factor to rig elections in favour of their preferred candidates. In situations where the local councils are controlled by the opposition parties, the councils are dissolved and caretaker committees, often made up of sympathisers of the ruling party, are appointed to run the affairs of the local government. The main reason for this state of affairs is that control of local governments ensures control of political power at the regional level (during the First Republic or State levels. Due to this reason, the political class in Nigeria has always considered control of local governments as very vital in their bid to capture power at the regional or state levels. This explains why in the years preceding independence, i.e. by 1954, the late Dr. Azikiwe, late Chief Awolowo and late Sir Ahmadu Bello became Ministers of Local Government in their respective regions in addition to being Premiers.

Elections into local councils were first organized in the late colonial period in which "natives" were allowed to participate in a bid to manage, or contain the growing tide of anti-colonial nationalism after the Second World War. Elections were mainly held over the period between 1950 and 1955 in Lagos, and in the Eastern and Western regions. The Local Government Law of 1950 introduced in the Eastern Region made it legally obligatory that elections be the means of representation into local councils. It provided for three basic types of authority- county, district and local councils, each autonomous of one another. However, the first five years after the introduction of the Law did not produce any change in terms of representativeness. It was not until 1955 that the Premier of the Eastern Region, Dr. Azikiwe, could promise the introduction of universal adult suffrage in one urban district as a pilot scheme (Gboyega 36:1987)

The Local Government Law of 1952 in the Western Region also provided for three basic types of council, the divisional, district and local councils. The Councils had three year tenure, and the instrument establishing each Council specified its composition, and fixed the time for its election. However, five years after the introduction of this reform, i.e. by 1957, it became clear that the expectations of operating a liberal representative local government system could not be realized due to political interference by the regional government controlled by the Action Group (AG). In 1963, the United People's Party (a faction of the Action Group) took control of the regional government as the senior partner in a coalition government with the National Council of Nigerian Citizens. The two parties fused to become the Nigerian National Democratic Party (NNDC). Having gained control of the

regional government, the NNDC proceeded to use the machinery of local government to solidify its control of the regional government. It dissolved all the elected councils and replaced them with Management Committees, packed with supporters of the party.

In the Northern Region, The Native Authority Law of 1954 did not attempt to make sweeping re-organisation of local government based on popular participation. Under the Native Authority Law, the Native Authority Council might have four different categories of members- personal member, ex-officio member, nominated member and elected member. The provision in the Law for elected councilors did not lead to elected majorities or even elected members. By 1966, only about twenty of the Native Authority Councils in the whole of the Northern Region had elected majorities. Most of the Native Authorities during this time operated under the Chief-in-Council system in which the Chief had most influence. The Chief presided at meetings and the procedures for conducting Council business were such that he could totally dominate the decision making. By the time the military made its first incursion into the political arena in January 1966, local governments all over the country were anything but representative, due to the constant interference by the Regional governments in the affairs of local councils.

As a prelude to the return to civilian rule in 1979, elections were conducted into local councils on non-party basis in 1976. However, under the Second Republic, civilian governors appointed and re-appointed "caretaker committees" made up of their party members. These councillors were replaced following the 1983 coup by military-appointed "sole administrators" In 1987, non-partisan

councils and local government chairmen were chosen, in elections generally perceived to be free and fair. The next rounds of local elections were scheduled for 1989 but were postponed to 1990 to accommodate the two-party system imposed by the Babangida regime. The councils elected in 1990 remained in office until all civilian institutions were terminated by Babangida's suspension of the 1989 constitution in 1993. Between November 1993 and April 1994, the administration of local governments was by the secretaries (Directors of Personnel Management) to the local governments under the directives of the State Military Administrators (MILADS). From April 1994 to March 1997, selected chairmen and four (4) supervisors (indigenes) appointed by the State Military Administrator for each local government ran the affairs of the councils throughout the country. The Abacha regime sponsored the registration of five new political parties to contest local council elections in March 1997. The elected councils of the 5 registered political parties under Abacha regime were in place between March 1997 and June 1998. Between July 1998 and May 1999, Sole Administrators (made up of civil servants) with 4 indigenes were selected as supervisors to run local government administration.

With the ushering in of democratic governance on 29th May 1999, one would expect that there would be orderly and regular conduct of free and fair elections at the local government level. The 1999 Constitution of the Federal Republic of Nigeria places a lot of emphasis on representative governance at the local level. Section 7 (1) of the Constitution states:

"The system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to Section 8 of this Constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils."

Section 3(6) of the 1999 Constitution provides for 768 Local Government Areas and 6 Area Councils in Nigeria. Section 7(4) states that the government of a state should ensure that every person who is eligible to vote and be voted for in a House of Assembly election is also given the right to vote and be voted for at a local government council election. Despite the fact that the 1999 Constitution places a heavy emphasis on representative governance in local government, not much has been achieved in this sphere. This is as a result of the unwillingness of State Governors to conduct credible elections in the local governments since the beginning of the current political dispensation. After the expiration of the term of elected local government chairmen and councilors in 2002, next council polls originally scheduled for early 2003 were postponed due to disputes over the dates for the elections, the need to review the voters register and allegations of bias on the part of the SIECs. Local government elections eventually took place across Nigeria on March 27, 2004 except in Anambra State. With the expiration of their tenure in 2006, the councils were dissolved and transition committees were appointed in their place.

In Osun State, elected councils have functioned for only four years from May 1999 to date. From May 2002 to May 2003, all the local councils were made up of Alliance for Democracy (AD) controlled caretaker committees appointed by Governor Bisi Akande. They were dissolved when Governor Oyinlola assumed power in May, 2003. Thus, for the period May, 2003 to April 2004, all the councils had PDP controlled caretaker committees. In April 2004 up to April 2007, the Governor retained all the 30 PDP Chairmen of the Caretaker Committees. He renamed them Acting Chairmen from April 2007 to January 2008. From January 2008 up-to-date, all the 30 councils have PDP "elected" chairmen and councillors. In Ogun State, there were AD controlled elected councils between May 1999 and May 2001. Between 2001 and 2003, AD caretaker committees were in place. These were replaced by the PDP controlled caretaker committees between 2004 and 2007. "Elected" PDP councils have been there since May 2007 up-to-date. The situation is similar in Oyo State. The State has not witnessed up to four (4) years of elected councils since 1999. When Governor Rashidi Ladoja was about to vacate office, he held elections into the local governments in Oyo State. The 33 elected Local Government Council Chairmen and their Councilors were sworn in¹. When governor Alao Akala succeeded Ladoja, he ordered the dissolution of the 33 Councils on 29th May, 2007. On 30th May 2007, a fresh list of Local Government Caretaker Committee Chairmen was approved by the new Governor². In Anambra State governor Peter Obi has refused to conduct local government election since he assumed office. In Imo state, successive governors have preferred

¹ The Nation, 25th May 2007

² The Nation Newspaper 31st May, 2007.

using appointees to run local governments as against constitutional provision for elected officers. Even where elections are held in most states across the federation, the ruling party always triumphs.

Below is a chronology of local government administration from 1976 to 2007.

- i. 1976-1979-Elected council on Zero Party basis
- ii. October 1979-December 1983 : handpicked (selected) Local Government Chairmen and Councilors
- iii. January 1984- August 1985: Sole Administrators/ Management Councils
- iv. August 1985-December 1987: Management Committee System with Civil Servants as Sole Administrators
- v. January 1988-July 1989: Elected Chairmen and Councilors. All elected on personal merit or recognition
- vi. August 1989-December 1990 Management Committees with Sole Administrators (Civil Servants) as Chairmen
- vii. January 1991-November 1993: Elected councils on party basis (Social Democratic Party and National Republican Convention
- viii. November 1993-April 1994: Administration of Local Government by Directors of Personnel Management (DPMs) under Military Administrators' Directives
- ix. April 1994-1997: Selected Chairmen and 4 Supervisors (indigenes) to run the affairs of the Councils
- x. 1997-June 1998 Elected Councils of the five registered political parties under the Abacha Regime

- xi. July 1998-May 1999: sole Administrators (Civil Servants) with 4 indigenes selected as Supervisors
- xii. June 1999-June 2002: Elected Council on political party basis
- xiii. June 2002-June 2003: Selected Councils by state governors called Transition Committees
- xiv. June 2003-March 2004 Transition Committees
- xv. March 2004-March 2007: Councils elected on party basis
- xvi. April 2007-March 2008 about half of the states had elected local government representatives while others were planning to do so before the middle of 2008.

The implication of this is that for 33 years, i.e. between 1976 and 2009, there have been 16 different forms of local government administration in the country, and out of these, only seven (i.e. less than half), were based on elections. Out of the seven elections, only two, the elections of 1976 held on zero party basis and that of January 1988 also held on zero party basis, were adjudged to have some semblance of credibility. All the other elections- January 1991, June 1997, June 1999, March 2004 and April 2007- have all been tainted by allegations of widespread irregularities such as inflated voter returns, ballot box stuffing, altered results and disenfranchisement of voters.

The Electoral Acts have been reviewed in 2001 and 2002, as well as in 2010. The reviews did not take into cognizance the issue of entrenching democracy in the local government councils. It can be argued that when democracy thrives at the local level, it would be more difficult to rig elections at the state and even federal levels. It is only when democratically elected local government councils are

in place that there can be some degree of transparency, accountability and responsiveness in how local communities are governed. To ensure this, the law establishing the State Independent Electoral Commissions (SIECS) need to be reviewed. The SIECS have the responsibility of conducting the local government elections but they are severely undermined in their capacity to deliver on free, fair and credible elections. This is mainly due to the present constitutional provision which gives state governors the power to appoint Chairmen and Commissioners of SIECs. Because the SIECS are under the control of the state governors, they are oftentimes denied administrative, financial and political autonomy, vital factors for ensuring free and fair elections. This situation, hardly creates the enabling environment for organising free, fair and credible elections. It is therefore a fundamental flaw to place Local Governments under the control of State governments as the 1999 Constitution does, and this has to be rectified if democracy is to be enshrined in our local governments.

The rationale for this research therefore is to objectively assess the capacity of the SIECs to conduct free and fair elections in the local governments. Six states were chosen for this research. These were; Bauchi, Edo, Imo, Kaduna, Lagos and Plateau States. Data for the research was collected through secondary and primary sources. Desk Research or literature review constituted the secondary aspect of data collection, while primary data was collected mainly through interviews and Focus Group Discussions (FGDs). In all the states, interviews were conducted with SIEC and Independent National Electoral Commission (INEC) officials, candidates who have contested local government elections (successfully and

unsuccessfully), members of the academia, Civil Society Organization/Community Based Organizations monitoring elections, members of the clergy (Muslim and Christian), civil servants members of state house of assemblies, law enforcement agents and journalists who have covered elections at local level.

There were also Focus Group Discussions with stakeholders. In each State, there was a minimum of 18 persons for the FGD. Three FGDs were conducted in selected local governments in each senatorial zone of each State. Local governments chosen for the FGD were categorised into urban, semi-urban and rural. Among the stakeholders for the FGDs included women groups, civil servants, youth groups, farmers, teachers and members of the clergy.

Data analyses from all the States suggest that local government elections are anything but free and fair. In Bauchi and Imo States for example, participants in the Focus Group Discussions (FGDs) identified shortage and late delivery of voting materials, creation of artificial scarcity of voting materials, intimidation and harassment of voters, ballot box snatching, and visible connivance of security agencies with some party agents to stuff ballot papers into boxes as some of the problems militating against free and fair local government elections. Problems of a similar nature were identified in Lagos, Kaduna Edo and Plateau States.

Other problems identified with SIEC include

- inadequate training of SIEC ad-hoc officials
- lack of financial autonomy
- Mode of appointment of chairpersons and commissioners of SIECs.

It can be argued that it would be more difficult to rig elections at the state and even federal levels when democracy thrives at the local level, and this is precisely why any change in the constitutional provision which will make the SIECS really independent is bound to face serious opposition from State governors.. The general picture which emerged from the analyses of data gathered from the six states, suggest that that local government elections fall far short of being free, fair, and credible. The research conducted in the six states sought to unearth how to strengthen the SIECs, make them functional and effective so as to enable them conduct credible elections at the local government level. It is only when democratically elected local government councils are in place that there can be some degree of transparency, accountability and responsiveness in how local communities are governed.

**THE BAUCHI STATE INDEPENDENT ELECTORAL
COMMISSION**

Habu Galadima and Aisha Omar³

INTRODUCTION

The conduct of elections at the local government level in Nigeria is often overlooked by scholars, given that high-quality polls are taken for granted in most of the States. Evidences from democratizing and semi-democratic states show that elections into local government councils are central to the establishment of accountable and representative institutions that command the confidence of the population. There has been limited analysis of the impact of several aspects of electoral management body design on democratic performance, but the focus has largely been on the independence of electoral commissions, and other aspects of their structure have been given less attention.

A declaration by 63 participants from 10 different countries at a Senior Policy Seminar on “Strengthening Electoral Administration in Africa” held in Accra, Ghana, in April 1993 under the auspices of

³ This chapter is a result of a systematic study of the Bauchi State Independent Electoral Commission that was undertaken by Professor Habu Galadima and Aisha Omar between May and June 2012 as part of a broader Study/Research by CDD and OSIWA of six State Independent Electoral Commissions in Nigeria.

the African Association for Public Administration and Management (AAPAM) and the Canadian International Development Agency (CIDA) advocates the following about systems for the management of elections:

- a permanent, independent and credible electoral agency should be responsible for organizing and conducting periodic free and fair elections;
- the mandate of the electoral agency should be defined in the Constitution and should include the method of conducting elections; voter and other civic education; constituency delimitation; registration of voters, parties and candidates; formulation of electoral policies and procedures; and settling disputes on electoral matters;
- the composition of the electoral agency should include a reasonable number of members; they should be non-partisan, enjoy security of tenure, and be appointed by the head of state, subject to approval by the parliament;
- the agency should be adequately funded, with all its expenses as a direct charge on the Consolidated Fund and be granted autonomy to establish its own accounting procedures and greater flexibility in procurement procedures than the government bureaucracy; and,
- Legal provision should be made to allow the electoral authority to mobilize additional staff and other resources during the conduct of elections (AAPAM, 1993).

(a) "to organize, undertake and supervise all elections to Local government Councils within the State";

(b) "To render such advice as it may deem necessary to the Independent National Electoral Commission on the

compilation of, and the register of voters in so far as that register is applicable to Local Government Elections in the State"

Elections, especially at the local government level are guided by principles which address the following major issues:

- a. the need for a comprehensive constitutional and legal framework;
- b. the importance of transparent and accessible pre-election procedures (including the delimitation process, voter registration and candidate nomination);
- c. the equitable use of the media and public resources and issues of political party finance;
- d. the organization and management of the election phase, including the location of polling stations, their layout, and access to them;
- e. the secrecy of the ballot, and the counting process;
- f. the post-election phase, including the settlement of election disputes and ways of ensuring that results are acceptable;
- g. The requirements for unhindered, credible, professional and impartial monitoring and observation of the electoral process.

It is imperative that if democracy will be consolidated in Nigeria, local government election, which is one of the weakest links in Nigeria's democracy today, must be taken seriously and given all the attention that it deserves. The review of the Electoral Acts 2001, 2002 and 2010 as well as the review of the 1999 Constitution did not

take into cognizance the issues of how Local Government Councils were to be constituted or elected into office. This has resulted in the cavalierly approach to the handling of local government elections in the country. The State Independent Electoral Commissions (SIECs) appeared to have become so dependent on their governors to the extent that they seem too distant from being truly independent. Many of the SIECs have not been able to conduct elections as scheduled due to non-availability of funds. Thus, arbitrary dissolution of the local government councils has now become fashionable in the country. Rather than conduct elections at the local government levels, the states find it more convenient to appoint sole administrators who can dance to their whims and caprices. Within this period however, many state governments sacked the elected local government officials and replaced them with their protégées.

The Governors have placed at their discretion when local government elections are to hold contrary to the provision of the law. The states of Abia, Adamawa, Anambra, Bauchi, Benue, Borno, Delta, Edo, Ekiti, Gombe, Imo, Kano, Kaduna, Katsina, Kebbi, Kogi, Nasarawa, Ogun, Ondo, Osun, Oyo, Plateau, Yobe and Zamfara are still run by caretaker committee chairmen. Akwalbom which only recently belonged to the group conducted its own election on June 9, 2012 and expectedly, the ruling PDP cleared the votes in all the 31 local government areas in the state.

In Bauchi State, the government appointed 20 local government sole administrators to for the councils in the state. The appointment followed the suspension of the chairmen, deputies and secretaries of the councils. The Chairmen were assured that as

soon as the House of Assembly concluded its investigations, and if they were cleared of the allegations levelled against them, they would be called back to office. They were not recalled.

The council chairmen instituted a legal action against Governor Yuguda and three others. In the originating summon filed before the court, the Chairmen sought the court to intervene and allow them to complete their tenures. They said they were elected to serve for a period of three years, hence they should be allowed to complete their tenures. Counsel to the chairmen, Mohammed Bashir Salihu, in an affidavit and motion expert told the court that they heard that the state government and the Bauchi State House of assembly had completed arrangements to sack them from office on 19th January 2011 and asked the court to stop the state governor.

The Bauchi State High Court has restrained Governor Isa Yuguda, Bauchi State House of Assembly, Bauchi State Independent Electoral Commission and the Commissioner of Justice from sacking the 20 local government chairmen in the state. In his ruling, the presiding judge who is currently the state Chief Judge, Justice Sabo Suleiman Carazo, said, "From the affidavit filed by the applicants before the court, the defendants are about to deliver judgment in a matter that is subjudice in an obvious disregard to the rule of law and obvious disrespect to the judiciary if it is true". Justice Sabo said to defend the rule of law and the independence of the judiciary as contained in Section 6 of the 1999 constitution as amended in 2011, he had to act to avoid the system of the administration of justice being ridiculed. All the defendants were accordingly restrained from removing the applicants from their

offices and the counsel are instructed to explain to the two arms of government. "This is an affront to the judiciary which should be resisted by me with all the constitutional powers vested in Section 6 of the 1999 constitution".

Local Governments are under the powers of the State and they are controlled by the Governors and without an attempt to separate their powers as was the case between the Federal and the States. This has made the Governors to have the say over the Councils and therefore rather than organize elections, they appoint their cronies and loyalists into the Chairmanship position in the various Councils. The Governors then gain total control of the allocations from the Federation Account to the local governments. The chairmen only receive the pittance given to them by the governors and do not have control over their funds.

The main objective of the research was to conduct an assessment of the systems for management of local government elections and practices in three local governments in three different senatorial districts within Bauchi state. A system-based approach helps to facilitate careful analysis of election administration at its various stages of operation. This study was necessitated by the many lapses that are becoming entrenched in the local government system, especially with the democratization at the local government level in the country. While the 1999 Constitution provided for a democratically elected local government council in section 7 of the constitution, it empowered the State Houses of Assembly to make laws with respect to election to a local government council. Section 197, (I) (b), Third Schedule, Part II of

the 1999 Constitution of the Federal Republic of Nigeria states that: "A State Independent Electoral Commission shall have power:

The report is structured into five sections, with the first section dealing with the Introduction. The second section dealt with the background and Statement of Problem and Research Objectives. The third section was the Methodology. This was followed by the fourth section which was about the discussion of findings. The fifth section was the conclusion and recommendations.

The organization of electoral management bodies is diverse, in terms of their composition, their structure, their competences, and their position in the broader structures of accountability of the state. Rafael López-Pintor (2000) has provided a useful typology that distinguishes between three broad approaches to electoral administration: (1) situations in which elections are run by the government (the civil service, accountable to elected politicians), (2) situations in which elections are run by the government but subject to scrutiny and supervision by an independent body, and (3) situations in which elections are run by wholly independent electoral commissions. In Nigeria, elections are managed by the Independent electoral commissions at national and state levels.

A second relevant aspect of EMB design is the manner of selecting members. There are two particularly significant aspects of electoral commission appointment: firstly, the number of branches of power that are involved in appointing commissioners, and secondly, whether political parties have a role in this process. It is common for the legislature to take the initiative in selecting electoral commissioners, though in some cases the lead is taken by the

executive or the judiciary. Very often more than one branch is involved in some aspect of the process; either choice has to be ratified by more than one branch of power, or different branches appoint certain numbers of commissioners.

As far as the role of parties is concerned, it is common that electoral commissioners themselves are not allowed to be party members (though this is not always the case). The relevant question is whether the commission is to be entirely independent of political influence, or whether it should seek to include appointees nominated by the main parties. Most scholars recognize that electoral commissions selected on a partisan basis are capable of performing their duties in a professional, non-partisan manner (López-Pintor, 2000; Massicotte et al., 2004). The multi-party approach is often viewed as preferable in situations where there is a high degree of political polarization in the state and low levels of confidence in the impartiality of the civil service.

A third area of EMB design that can be expected to be relevant in influencing the quality of electoral governance is the professional qualifications of commission members. Some commissions include legal professionals only (typically fairly high-level judges), whereas others choose to include people from a variety of backgrounds (civil servants, academics, etc.). However commission members are selected, the main principles behind effective electoral governance and the prevention of malpractice are independence, impartiality, and professionalism (Baxter, 1997). Independence means that the electoral commissions are not influenced by other organs of power; impartiality means that they apply the law evenly and are not biased in favour of one or more contestants; and professionalism

requires commission members to have training appropriate to the tasks required of them (which will of course differ from level to level). Impartiality is perhaps the most difficult goal to achieve, but also in many ways the most important.

BACKGROUND

Bauchi State, with capital at Bauchi, was created on 3rd February 1976. It is situated in the north-eastern part of the country and could be located between latitudes 9°3' and 12°3' north of the equator. Longitudinally, the state lies between 8°50' and 11° east of the Greenwich meridian.

In October 1996 Gombe State was carved out of the then Bauchi State, with eight LGAs (Akko, Balanga, Billiri, Dukku, Gombe, Kaltungo, Nafada and YamaituDeba) forming the new Gombe State and the remaining LGAs (Alkaleri, Bauchi, Darazo, Dass, Ganjuwa, Gamawa, Itas/Gadau, Jama'are, Katagun, Misau, Ningi, Shira, Tafawa Balewa, Toro and Zaki) forming the new Bauchi State. It is the fifth largest state in Nigeria with a total land area of 49,259 km² and is bordered by seven states. To the north, it is bordered by Kano and Jigawa, Taraba and Plateau to the south, Gombe and Yobe to the east and Kaduna to the west. The population of Bauchi State according to a recent estimate from the National Population Commission is at 4,653,066- Male: 2,369,266; Female: 2,283,800 which make it the eleventh most populous state in Nigeria.

According to the 1991 census figures, Bauchi State recorded a total of 3,295,337 people (or 3.7 per cent of Nigeria's total), made up of 1,448,526 males and 1,377,578 females. This is a sex ratio of 105 males to 100 females (or 100 males to 95.17 females); and a crude

density of 57.36 persons per sq.km in the state. As shown in Table 5.4, out of the twenty LGAs, Bauchi LGA which contains the state capital had, expectedly, the highest population (about 9.7 per cent of the state's total population). It was followed by Ningi (8.5 per cent), and Alkaleri (7.7 per cent) LGAs.

Bauchi state is ethnically heterogeneous and culturally diverse. Bauchi State has a total of 55 ethnic groups in which Hausa, Fulani, Gerawa, Sayawa, Jarawa, Bolewa, Kare-Kare, Kanuri, Warjawa, Zulawa, and Badawa are the main ethnic groups. There are many ethnic groups in the state. The major ones are the Gerawa, Ningawa (Tera Ningawa), Hausa, Fulani and the Tangale. Several smaller groups exist, including the Bajar people in Dass LGA; the Sawaya tribe in Tafawa Balewa LGA; the Ganji Makwi/Kare-Kare people in Misau LGA; the Badawa people in Gamawa LGA; the Zilawa and the Zarandawa peoples, both in Bauchi LGA.

These groups have their own languages, settlements, customs, festivals, historical backgrounds, occupational patterns, beliefs and many other features unique to each. There are nevertheless similarities in language, occupational practices and dress modes between the ethnic groups. There is a high degree of ethnic interaction, especially in marriage and economic activities. Bauchi State's population is 80 per cent Muslim, 15 per cent Christian and 5 per cent traditional worshippers.

Bauchi state is divided into 20 Local Government Areas (LGAs). The following are the local governments along with the area (km) and the Census 2006 Population figures.

LGA	Area (km2)	Census 2006 population
Bauchi	3,687	493,810
Tafawa Balewa	2,515	219,988
Dass	535	89,943
Toro	6,932	350,404
Bogoro	894	84,215
Ningi	4,625	387,192
Warji	625	114,720
Ganjuwa	5,059	280,468
Kirfi	2,371	147,618
Alkaleri	5,918	329,424
Darazo	3,015	251,597
Misau	1,226	263,487
Giade	668	156,969
Shira	1,321	234,014
Jama'are	493	117,883
Katagum	1,436	295,970
Itas/Gadau	1,398	229,996
Zaki	1,476	191,457
Gamawa	2,925	286,388
Damban	1,077	150,922

Bauchi state's diversity is formed on the basis of cultural, religious, and linguistic characteristics. While ethnic groups in the state are essentially defined and delineated by a shared identity, their uniting characteristics are not primordial. The ethnic groups that make up Southern Bauchi State are largely related with those of Plateau State; however, most of the ethnic groups, especially the Jarawa, Miya, Burra among others, have gradually been subsumed

by Hausa and the Islamic religion. The Seyawa, who are majority Christians, have not fully imbibed the Hausa culture.

Islamic religious norms are interwoven into the culture, making it difficult to separate the influences of religion from cultural norms of entrenched gender bias.

The state recorded a population of 4.3 million in 2004 and the state recorded a population of 4.3 million in 2004 and a growth rate of 3.0 per cent per annum. This represents 3.26 per cent of Nigeria's population. An important feature of the population is its balanced gender distribution with 50.5 per cent males and 49.5 per cent females.

Another important relevant feature of Bauchi State's population is its predominance of young people, with the age group 0 to 19 years making up 55.4 per cent of the population and the 20 to 64 age group, which constitutes the economically active population, making up 41.2 per cent of the population. Those aged 65 and over make up only 3.4 per cent of the population (Statistical Yearbook, 2006).

Large families are prevalent. Farmers claim that their children help them to farm. Many of the communities visited had families of 10 to 15, and a family household of 50 was also encountered. Early marriage is common, with age at first marriage between 12 and 15. Women have six to ten children. A woman who bore 14 children was encountered in one of the communities. Early marriage is attributed to a predetermined cultural mindset rather than to

religion. In most communities a large family is desirable, as it provides more hands on the farm.

Bauchi state spans two distinctive vegetation zones, namely, the Sudan savannah and the Sahel savannah. The southern part of the state has the Sudan savannah type of vegetation. The Sahel type of the savannah, which is also known as the semi-desert vegetation, becomes manifest from the middle of the state as one moves from the state's south to its north. This type of vegetation comprises isolated stands of thorny shrubs. On the other hand, the southwestern part of the state is mountainous as a result of the continuation of the Jos Plateau, while the northern part is generally sandy.

Agriculture, particularly irrigation agriculture and animal husbandry, employs a large segment of the population. The state also has several mineral deposits namely gold, cassiterite (tin ore), columbite, gypsum, wolfram, coal, limestone, lignite, and iron ore.

Bauchi state is known for its arts and crafts which include beautiful embroidered caps and gowns (known as babbanriga), fibre craft, and decorated calabashes. It is also very versatile in the production of metal works (such as weaponry), agricultural tools, pottery, and leather works. The leather works include the production of sitting poufs, bags, footwear, footballs. Mat weaving is also a common craft in several Local Government Areas like Zaki, Ningi, Misau, etc.

The population of the state is, however, predominantly rural and agricultural. About eighty percent of the people in most of the LGAs are still dependent on farming. Maize, rice, cassava, groundnut and

cotton cultivation is widespread, largely in small peasant farms, but also in some large farms owned by a few big farmers. In recent years, the Agricultural Development Project (ADP), established in the state through World Bank assistance, as well as the Hadejia-Jama'are River Valley project, has helped to increase agricultural production and rural development generally.

It was estimated that during the 1988/89 crop year, Bauchi State produced about 28,000 metric tons of maize, 5,000 metric tons of rice, and 5,000 metric tons of cassava. Of considerable importance in parts of the state, particularly Toro and Bauchi LGAs are tomatoes, potatoes, carrots and other market-gardening products, which are sent to markets within and outside the state.

Educational facilities at the different levels abound in the state. The state has several government general hospitals in each of the old LGA headquarters; Primary Health Centres (PHCs); Dispensaries; Urban Maternity Centres and Maternal and Child Health (MCH) Clinics; in particular, it is connected with and traversed by three main national trunk roads. The first is the A3, which stretches for about 230km within the state leading from Jos in Plateau State through Toro, Bauchi, Darazo and Kari towns in the state, and out to Potiskum and Maiduguri towns in Yobe and Borno states, respectively.

The others are the A237 trunk road which passes from Kari, through Misau, on to Birnin Kudu in Jigawa State and Kano, as well as the A345 trunk road which traverses Bauchi town, through Gombe and Kaltungo in Gombe State, to Numan and Yola in towns in Adamawa State.

Bauchi State is very rich in tourism and recreational facilities. The Yankari National Park/Game Reserve, opened to the public in December 1962, is situated at about 115km south-east of Bauchi town in Alkaleri LGA and covers an area of some 2,244 sq.km of gently undulating savannah woodland.

The major revenue sources in Bauchi State are agriculture and trade. A substantial part of the Hadejia-Jama'are river basin lies in Bauchi State, and this, along with various fadama areas, provide suitable land for agricultural activities such as fishing and crop and livestock production.

These are further supported by a number of dams meant for irrigation and other purposes such as the Gubi and Galala dams. Lakes like the Maladumba and Diya also provide the necessary conditions to support agriculture. The state contains many tourist attractions, including the Yankari Game Reserve (the biggest game reserve in West Africa) and rock paintings at Goji and Shira.

In spite of the huge revenue-generating potential of the state, the National Poverty Eradication Program (NAPEP) report shows that Bauchi State ranks fourth (with a poverty incidence of 86.3 per cent) of the ten states with the highest incidence of poverty in Nigeria. The effect of poverty is more pronounced on women and children. Of the 4.2 million people who live in Bauchi State, 2 million still live on under N50 a day, while 1 million live on N100 per day (BSMWASD, 2008a). According to the Bauchi State Economic Empowerment Development Strategy (BASEEDS, 2005), 1.5 million people have never had the chance to go to school; 3 out of every 5 who work full-time do not earn enough to keep their

families above the poverty level; almost 4 out of 5 children live in poverty; and only 2 out of 5 children go to school.

In Bauchi State, the role of women in agriculture is largely influenced by religion. In the Muslim-dominated communities married women are not allowed to engage in farming activities outside their homes because of religious and cultural restrictions, thus such women engage in agro-processing and trading at home. On the other hand, in mixed communities of Christians, Muslims and traditionalists women do participate in farming activities and even take their produce to market to sell. A similar pattern is observed in trading activities, which men carry out outside their homes while most women in the Muslim-dominated communities restrict their trading activities to their homes and send their children to hawk their goods about. In communities where women do not farm (where female seclusion is practiced, for example), trading is a major means of livelihood. Employment is not very remunerative for women of Bauchi State due to their low education and skill levels and low business capital. Access to agricultural resources is constrained due to the small proportion of women working in extension services. Child labour is widespread due to poverty and the women's limited mobility. In certain communities such as Gudum Musayawa, school drop-out has become endemic due to poverty and the need to accumulate bride price. Child marriage is also endemic due to cultural norms which remain unchanged.

Bauchi State is a state of average economy in the Nigerian context; the main sources of income are agriculture and trading. A substantial part of the Hadejia-Jama'are river basin runs through

Bauchi State and it and with various fadama areas provide suitable land for agricultural activities including fishing and crop and livestock production. These are further supported by a number of dams built for irrigation and other purposes such as the Gubi and Galala. Lakes like the Maladumba and Diya also provide the necessary conditions to support agriculture. Moreover, there is a substantial expanse of land suitable for farming purposes: a survey of the state's natural and mineral resources shows that it is arguably one of the most agriculturally-viable states in the north, with at least 65 per cent of its arable land regarded as very fertile and productive (Asante, 2004).

The state has industries in the area manufacturing iron and steel, water, ceramics, food and beverages etc. However, most of these, especially the government-owned companies, operate at very low levels and most are dormant. The Bauchi State government manages ten wholly-owned, subsidiary or associated companies with a combined government investment of nearly N2.5 billion. Five out of these ten companies are still jointly owned with Gombe State but most are not in production, thus compounding unemployment problem.

Bauchi State has many tourist attractions. It is home to the Yankari game reserve (the biggest in West Africa) and rock paintings at Goji and Shira. There is high potential for revenue from tourism, but this is yet to be exploited due to inadequate infrastructure and the low level of supporting industries to service tourist demand. The main source of state revenue therefore is the 14 federal allocations.

The 2006 Bauchi State Statistical Yearbook report clearly shows the state's declining revenue profile. Estimates of actual recurrent and capital expenditure between 1999 and 2004 show that revenue rose from N4.2 billion in 1999 to N19.2 billion in 2002, and fell to N11.1 billion in 2003. During this period, internally-generated revenue as a percentage of total recurrent revenue was between 3 and 6 per cent and financed only 7 to 16 per cent of total recurrent expenditure (BASEEDS, 2005). The revenue profile of Bauchi State for 2007 and 2008 presented in Table 1 shows the strong dependence of the state on federation account and low internally-generated revenue (IGR). The possible causes of the low levels of internally-generated revenue cannot be delinked from the low level of economic activities in the state and the low per capita income of the population, compounded by weak tax administration machinery.

Because the economy of Bauchi State is highly government-dependent, employment opportunities are static and new ones are not readily generated. Hence there is high poverty. The National Poverty Eradication Programme (NAPEP) report on the spread of poverty self-assessment status indicates that the northeast has about 81.8 per cent poverty prevalence and that the actual incidence of poverty accounts for 76.12 per cent, the highest in the country. Of the 10 states with the highest incidence of poverty, Bauchi ranked 4th with 86.3 per cent of its unemployment, especially among the youth. The effect of poverty is strongest on women and children.

Of the 4.3 million people in the state, two million still live on under N50 per day while one million live on N100 per day (BSMWASD, 2008). According to BASEEDS (2005), an estimated two million

citizens of Bauchi State go hungry every day; 1.5 million have never had the chance to go to school; three out of every five who work full-time do not earn enough to keep their families above the poverty level; almost four out of every five children live in poverty and only two out of every five go to school. Generally, hunger, malnutrition, disease and squalor are experienced in many homes and communities in the state.

ORIGIN AND COMPOSITION OF BAUCHI STATE INDEPENDENT ELECTORAL COMMISSION

The Bauchi State Independent Electoral Commission (BASIEC) was established on September 13, 2000 in accordance with the provisions of section 197 of the 1999 Constitution of the Federal Republic of Nigeria. BASIEC is composed of a Chairman and seven members. The Chairman is the Chief Executive and the Accounting officer of the Commission. The Chairman and Members of the Commission are appointed by the Governor and are confirmed by the resolution of the Bauchi State House of Assembly. To qualify for appointment into the Commission, a person needs to meet the same requirements as a Member of the State House of Assembly.

The Chairman and Members of the Commission hold office for a period of five years from the date of their appointment and may be eligible for re-appointment and may be eligible for re-appointment for another period of five years and no more. A Member can be removed from office by the Governor acting on a motion supported by two-thirds majority of the House of Assembly. Station, units; notice of elections.

There is a Bauchi State Electoral Law (2008), which is divided into five parts. Part 1 is about the establishment, composition and powers, membership of the Commission; removal of members and power and procedure; including the establishment of the BASIEC Fund. Part II is about the conduct of election; polling; among many others. Part III provides for electoral offences, while Part IV is about the determination of election petitions arising from elections under the law. Part V provides for the miscellaneous.

Section 7 of the BASIEC Electoral Law (2008) provides for the Commission to exercise the following powers:

- a) Organize, undertake and supervise all elections to Local Government Councils in the State;
- b) Render such advice as it may consider necessary to Independent National Electoral Commission on the compilation of the register of voters in so far as that register of voters is applicable to Local Government elections in the State.
- c) Organize, undertake and supervise all referenda to Local Government Councils in the State;
- d) Divide each local government area into wards, not being less than 10 (ten) or more than 20 (twenty) as the circumstances of each local government may require; and,
- e) Review the division of every local government area into Wards at interval of not less than 10 (ten) years, provided that the Commission may at any time carry out such a review and alter the wards to such extent as it considers necessary.

The Electoral Law (2008) provides for the Secretary to the Commission who is appointed by the Governor. The Secretary is responsible for making arrangements for meetings of the Commission, preparing the Agenda of meeting and keeping of proper records of the proceedings of the Commission; conveying decisions of the Commission to members and where appropriate to other persons and organizations; responsible for the direction and control of all other employees of the Commission with the approval of the Commission; and, performing all other functions affecting the Commission as may be specifically assigned to him by the Commission or the Chairman.

The Commission is administered through hierarchical system and on Departmental basis designed by the Commission conclusion 2001. There is an Administration Department under the Secretary of the Commission who coordinates the activities of all the seven other Departments and routes all requests to the Chairman who approves directly or direct that the matter be referred to the Commission (a Committee of the whole House), The Commission is the highest Policy making organ which meets monthly and its conduct of business is guided by a Standing Order which every member observes. Other Sub-Committees include Finance and General Purposes Committee, Screening and Clearance Committee, Enlightenment Committee, Security Committee and Consultative Forum.

In Bauchi State the Independent National Electoral Commission (INEC) is responsible for the compilation of the electoral register, while SIEC is responsible for the organization and management of the elections in the five thousand and eleven polling units in Bauchi

state (see BASIEC Wards Guide for Local Government Council Election, 2008).

MAJOR ACTIVITIES OF THE STATE INDEPENDENT ELECTORAL COMMISSION

The major activities of the SIEC in Bauchi State include:

BASIEC was involved in Mass Mobilization and Sensitization for Peaceful Electoral Process. Several Workshops and Seminars were successfully held by the Commission to enlighten and sensitize the electorate on the need for mass participation and peaceful electoral process.

BASIEC was involved in the Peaceful Conduct of 2004 and 2008 Local Government Elections. In exercise of its constitutional mandate, the Commission successfully conducted two (2) Local Government elections, held in 2004 and 2008.

A number of activities were involved in the conduct of the 2008 Local Government Elections in Bauchi state. The publication of notice of election was done on February 26. This was followed by the party primaries held on April 15, 2008. It was a requirement for all political appointees and civil servants wishing to contest the elections to resign before April 6, 2008. The collection of nomination forms at BASIEC Headquarters commenced on April 7 and ended on April 14, 2008. All completed Councillorship nomination forms were returned to BASIEC Local Government Headquarters on April 15, 2008. The completed Chairmanship nomination forms were returned to BASIEC Headquarters on April

22, 2008. The Screening/Verification of candidates by State Screening Committees at BASIEC State Headquarters held between April 28, and May 3, 2008. Results of the screened candidates were released on May 3, 2008. Adhoc staff was shortlisted on May 9 2008 and they were trained at 20 local government areas between May 12 and 15, 2008. The election was conducted on Saturday May 17, 2008 and PDP won in all the local government areas.

The election did not hold in 2011 due to litigations on the tenure of the previous councils which were sacked by the state government. The Bauchi State Independent Electoral Commission (BASIEC) could also not conduct local council polls in the state in May or July 2012, because of a pending case in court. The People's Democratic Party (PDP) in Bauchi State has blamed the suit filed by the Congress for Progressive Change (CPC) in the state for the delay in conducting local government elections. The Assistant State Publicity Secretary of PDP, Alhaji Bashir Bukar Rimin Zayam, stated this in an interview with him in Bauchi. He said initially the tenure of the immediate past council chairmen had expired but government found itself in a difficult situation where it cannot violate court order and constituted a caretaker committee to oversee the affairs of the local councils, but before the state government could organize an election, CPC filed a case in court. "We have to wait for the court to determine the suit before we can prepare and organize election since our party and our government are law abiding," he said.

Apart from the court case, there is also the challenge of the delay in the release of funds meant for the conduct of the elections and

other logistics. 'The commission was waiting for the release of funds from the state government from budget allocations to the commission.

Currently, the State owes its legal existence to the provisions of the Constitution of the Federal Republic of Nigeria. Laws made by the Federal Legislature are applicable throughout the entire federation or specifically to Bauchi State; Laws made (or deemed to have been made), by the State's legislature; Laws made by Local Government Councils in the State; Customary laws or other customs of the market place applicable under the operation of Law; Judicial precedents of the courts of the State and of appellate courts with jurisdictions over its tribunals like the Court of Appeal and the Supreme Court of Nigeria; Judicial precedents of federation tribunals like the Federal High Court, the National Industrial Court, Code of Conduct Tribunal, Investments and Securities Tribunal and so on to the extent to which their mandates allow; Law enforcement institutions, law enforcement officers, judges, legal practitioners, judiciary workers, other professionals and persons recognized at various levels as part of the justice administration complex of the State.

METHODOLOGY

The research is basically an assessment of the systems for management of local government elections in three local governments in three different senatorial districts within Bauchi State in Nigeria. The three local governments selected were Bauchi, Katagum and Darazo Local government areas.

Methods of Data Collection

Data was collected through Desk Research or literature review. Another method used was the Interview. For the key informant interview, 20 persons were interviewed in Bauchi state. This includes 2 SIEC officials, 2 INEC officials and 16 other stakeholders. There were also Interviews with key informants at state level; this was to complete those sections relating to legal framework and systems for management for local elections in Bauchi State. The selected Key Informants were interviewed: SIECs officials (2 persons) and INEC officials (2 persons); Candidates who have contested local government elections (successfully and unsuccessfully), [2 persons]; Academia, [2 persons]; CSOs/CBOs monitoring elections, [2 persons]; Religious groups (on partisan nature of election officials), [2 persons]; Civil servants (on budget issues), [2 persons]; Members of state assemblies, [2 persons]; Law enforcement agents [2 persons] and Journalists that have covered elections at local level. [2 persons].

Focus Group Discussion (FGD) was also used to collect data from the field. FGD participants had a minimum of 18 persons. A total of 3 FGDs were carried out of which one was in each selected local government that was, Bauchi (urban), Katagum (semi-urban) and Darazo (rural) local governments. FGD groups were selected from eligible voters among the Women group, youth (male and female), farmers (male and female), and teachers (male and female).

The study also conducted the Expert Opinion Survey. Questionnaire was administered to a sample size of 40 respondents (mainly general public), which comprises at least 13 persons from each senatorial district. Respondents were drawn from experts of

the following group: Candidates who have contested local government elections (5 persons); Academia (5 persons); CSOs/CBOs/youth leaders/women leaders (5 persons); Religious groups/opinion leaders (on partisan nature of election officials) (5 persons); Civil servants (5 persons); Members of state assemblies (5 persons); Law enforcement agents (5 persons); and Journalists that have covered elections at local level (5 persons).

DISCUSSION OF FINDINGS

The discussion section is divided into four sections: the constitutional and legal framework around local government elections; financial arrangements for local government elections; election dispute resolution; and election management in practice at the local government level.

The Constitutional and Legal Frameworks

The constitutional and legal frameworks are fundamental documents of the state that provide the context and legal environment in which local government elections take place. The legal framework provides the basis for the conduct and delivery of free, fair, credible and legitimate elections. The constitutional and legal framework guarantees fundamental freedoms and human rights, promote good governance and the values of political stability; provide for mechanisms with which to address conflict management in the electoral process; make provision for the review of the Constitution in keeping with principles of democratic practice; provide explicitly for gender equality and affirmative action as a temporary measure until balanced representation is achieved; provide a clear statement on the type of electoral system; provide for the regular scheduling of elections; provide for

the establishment of an independent and impartial electoral management body; and enact constitutional and legal provisions which deal specifically and in detail with electoral issues and should include a right of appeal for aggrieved persons.

Local government elections in Bauchi State are conducted by the Bauchi State Independent Electoral Commission (BASIEC). BASIEC is a creation of the State House of Assembly under Section 3 of the State law pursuant to Section 197(1) (b) of the 1999 Constitution of the Federal Republic of Nigeria. Bauchi State Electoral law 2008 provides for the establishment, composition and powers of the BASIEC as well as regulates the conduct of local government elections in the State.

The conduct of elections to Local Government Councils in Bauchi State is under the direction, organization and supervision of the Commission. The Commission also has the power to publish a notice stating the date of election into the local governments. The time table for the local government elections is fixed by the BASIEC in consultation with the State government that provides the funds. The time-table is dependent on the release of funds by the state government. This means that the time-table is not sacrosanct.

The compilation of the electoral register is done by INEC and provided in CD's to the SIEC to print and process for the local government elections. The challenge here is that a number of people are disenfranchised at the local government level because those that have just reached the voting age are not captured in the voters register and therefore cannot vote, even when they have become eligible. All citizens of a country must have the right to

vote, provided they have reached a qualifying age and have not been declared mentally incapable by a court of law. Voter registration is intended to ensure that all citizens can exercise this right within a system that also facilitates the administration of elections and guards against multiple voting. Establishing and maintaining accurate voter registers at the national level, or voter lists at the regional or local level, can be one of the most difficult elements of an election process.

The management of polling on the Election Day is done by SIEC officers such as the Polling Clerks, Returning Officers and Electoral Officers. SIEC has Electoral Officers in the 20 Local Government Areas of the State who are entrusted with the responsibility of custody and collation of results. The Electoral Officer is responsible for the conduct of elections at the local government level under the general supervision of the SIEC. The results are announced by the Returning Officer who delivers all the documents relating to the election to the Electoral Officer. The Electoral Officer ensures their safe custody.

Financial Arrangements for Local Government Elections

The Bauchi State Electoral Law 2008 provides in Section 15 (1) the establishment of the Bauchi State Independent Commission Fund. The following is expected to be paid into the fund:

- a) Such sums and payments available to the Commission for carrying out its functions and purposes under the 1999 Constitution;
- b) Such sums as may, from time to time, be credited to the fund by way of interest from investments made from the fund; and

- c) Aids and grants that may from time to time be appropriated to the Commission in order to carry out its functions.

The Commission, from time to time, applies for the proceeds of the fund to defray the cost of administration of the Commission. The Commission submits to the Governor in each financial year an estimate of its revenue and expenditure for the next succeeding financial year. The Commission keeps proper accounts in respect of each financial year. The Auditor General of the State audits the accounts of the Commission.

Election Dispute Resolution

Election-related conflict is one of the major threats to democracy and political stability at the local level. Section 59 of the Bauchi State Electoral Law 2008, provides for the establishment and composition of Local Government Election Tribunal. It consists of a Chairman and two other members; one of which must be a legal practitioner of not less than 12 years. Election petition has to be presented within 21 days from the date on which the election results. Section 64 of the Bauchi State Electoral Law 2008 also provides for the establishment and composition of Election Appeal Tribunal. The decision of the Election Appeal Tribunal is final.

There were more than 175 petitions contested at the Tribunals and the Appeal Tribunals but the outcomes did not change anything.

Election Management in Practice

Election management consists of a plethora of activities such as registering voters, providing voter information, ballot design, distributing and processing of ballots, securing and reporting

results, and hearing and resolving election disputes. These activities take place in a difficult context in which (1) a serious problem must be demonstrated in order to promote reforms, (2) diffuse institutional responsibilities must be clarified, and (3) political and fiscal support is necessary to ensure the public good of representation.

A total of 36 respondents fielded answers to the questionnaire out of the targeted 40. It was extremely difficult getting female respondents that fit into the category of respondents in Bauchi State. All the respondents were resident in Bauchi State as shown in Table 1.1 below.

Table 1.1: State of Residence

State of residence					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Bauchi	36	100.0	100.0	100.0

Table 1.2: Local Government Area

LGA					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No response	1	2.8	2.8	2.8
	Alkaleri	1	2.8	2.8	5.6
	Bauchi	10	27.8	27.8	33.3
	Darazo	9	25.0	25.0	58.3
	Itas/gadau	1	2.8	2.8	61.1
	Katagum	10	27.8	27.8	88.9
	Misau	2	5.6	5.6	94.4
	Tafawa Balewa	2	5.6	5.6	100.0
	Total	36	100.0	100.0	

Responses were received from respondents drawn from seven local governments of Bauchi State. Bauchi and Katagum had 10 respondents each. Darazo had nine. The lowest were drawn from Itas/Gadau and Alkaleri with one each. This provided for fair representation of respondents from urban, semi-urban, rural, and very rural local governments from the three senatorial zones of the State.

Table 1.3: Gender

Gender					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	male	31	86.1	86.1	86.1
	female	5	13.9	13.9	100.0
	Total	36	100.0	100.0	

Table 1.3 shows that 86% of the respondents were male and only 13.9% were of the female gender. Women were not very visible among the selected Key Informants were selected. This was largely due to socio-cultural barriers that keep them invisible in the public sphere. Women constitute an insignificant proportion of the public servants across the local governments in the state. Many women in Bauchi State are involved in selling processed foods, groundnut cake, groundnut oil, dadawa (local noodles), snacks, sweets and drinks. The sale of processed foods like koko (millet porridge), kosai (fried bean cake), waina (millet cake), taliya (locally made spaghetti) etc., is very common among women. Also milling rice, planting pawpaw and okro and processing of parboiled rice are mostly done by women.

Table 1.4: Age

Age					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	3	8.3	8.3	8.3
	20	1	2.8	2.8	11.1
	25	1	2.8	2.8	13.9
	29	1	2.8	2.8	16.7
	30	1	2.8	2.8	19.4
	32	3	8.3	8.3	27.8
	34	1	2.8	2.8	30.6
	35	5	13.9	13.9	44.4
	37	1	2.8	2.8	47.2
	40	3	8.3	8.3	55.6
	41	1	2.8	2.8	58.3
	42	2	5.6	5.6	63.9
	44	1	2.8	2.8	66.7
	45	1	2.8	2.8	69.4
	46	1	2.8	2.8	72.2
	47	1	2.8	2.8	75.0
	49	1	2.8	2.8	77.8
	50	1	2.8	2.8	80.6
	59	1	2.8	2.8	83.3
	60	2	5.6	5.6	88.9
	61	1	2.8	2.8	91.7
	62	1	2.8	2.8	94.4
	68	2	5.6	5.6	100.0
	Total	36	100.0	100.0	

The age distribution in Table 1.4 ranged between 20 and 68 with about 44 on the average. Those at the age of 35 years polled highest with 13.9%.

Table 1.5: Marital Status

Marital status					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	single	4	11.1	11.1	11.1
	married	32	88.9	88.9	100.0
	Total	36	100.0	100.0	

The marital status of the respondents as shown in Table 1.5 revealed that 88.9% of them were married and only 11.1% were single. This does not have serious consequences for the outcome of the research.

Table 1.6: Occupation

Occupation					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	3	8.3	8.3	8.3
	business	1	2.8	2.8	11.1
	civil servant	11	30.6	30.6	41.7
	civil society	2	5.6	5.6	47.2
	farming	2	5.6	5.6	52.8
	house wife	1	2.8	2.8	55.6
	journalist	2	5.6	5.6	61.1

lecturer	1	2.8	2.8	63.9
politician	1	2.8	2.8	66.7
public servant	9	25.0	25.0	91.7
retiree	1	2.8	2.8	94.4
student	1	2.8	2.8	97.2
teacher	1	2.8	2.8	100.0
Total	36	100.0	100.0	

Table 1.6 illustrates the occupational distribution of the respondents which cuts across the diversity of occupations in the state. These include business, civil servant, civil society, farming, house wife, journalist, lecturer, politician, public servant, retiree, student, and teacher. Some teachers and security agents fielded their responses as public servants or civil servants, hence the high percentages recorded for them.

Table 1.7: Awareness of SIEC's conduct of Local Government Elections

Are you aware that SIEC conduct's Local Government Elections?				
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid no response	1	2.8	2.8	2.8
yes	33	91.7	91.7	94.4
no	1	2.8	2.8	97.2
don't know	1	2.8	2.8	100.0
Total	36	100.0	100.0	

A fundamental component of a vibrant electoral democracy is an informed and engaged citizenry. The level of public awareness during pre-election processes can often foretell the level of trust and understanding a citizenry has on Election Day. There was a lot of awareness that BASIEC is the electoral management body that conducts local government elections in Bauchi State. About 91.7% of the responses indicated awareness of SIEC's conduct of Local Government Elections. BASIEC sensitized voters about the importance of participating in the local government election process as a way to ensuring a responsive, accountable and democratically elected government. However, this did not translate into the level of trust and understanding. Essentially, the core objectives of any enlightenment should be to : Ensure access to information to help people make an informed choice; Increase awareness of the election process and of voter rights; Help ensure that the issues of citizen concern are part of the campaign agenda; Promotion of candidates who will be responsive and accountable; Provide particular support to promote the participation of women and marginalized groups; Create an environment conducive to for holding free and fair elections, with a focus on maximum participation of citizens; Act as a watchdog of electoral practices, to ensure there is no electoral manipulation, corruption, or violence; Create a support common platform of CSOs (can be a multi-stake holder group, with involvement of media, academia, government, and NGO representative) in discharging their roles for awareness generation for voters and potential candidates.

Table 1.8: Number of times Respondents Witnessed Elections Conducted by SIEC

How many times have you witnessed local government elections conducted by SIEC?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	8	22.2	22.2	22.2
	four	2	5.6	5.6	27.8
	once	5	13.9	13.9	41.7
	thrice	10	27.8	27.8	69.4
	twice	11	30.6	30.6	100.0
	Total	36	100.0	100.0	

The responses varied among the respondents to the question of how many times they witnessed elections conducted by the Bauchi SIEC. Only 5.6% claimed they witnessed the elections conducted by Bauchi SIEC four times. 36.6% of the respondents had witnessed the elections conducted twice, while 27.8 witnessed it three times. 13.9% of the respondents witnessed the elections conducted once. This indicates that a significant percentage of the respondents have witnessed elections conducted by SIEC in Bauchi State.

Only 3.2% of the male respondents as against 20.0% have witnessed local government elections conducted four times by SIEC. 6.5% males as opposed to 60.0% females witnessed the elections once. 32.3% males witnessed it thrice and no female among the respondents ever witnessed the elections conducted by SIEC

Table 1.9: Adequate Preparations for Elections by SIEC

Do you believe that SIEC makes adequate preparations for elections?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	1	2.8	2.8	2.8
	yes	14	38.9	38.9	41.7
	no	20	55.6	55.6	97.2
	don't know	1	2.8	2.8	100.0
	Total	36	100.0	100.0	

In a democracy, a free and fair vote is the fundamental tool through which citizens can express their political preferences and developmental wishes. The level of preparation for any election is an important indicator of the extent to which it can be free and fair. 38.9% of the respondents believed that Bauchi SIEC makes adequate preparations for elections, while 2.8 did not know. 55.6% of the respondents did not believe that SIEC makes adequate preparations for elections in the State. Effective planning and execution of elections is an institutional issue. The performance of local elections depends on three elements: (a) clear legal and regulatory norms and rules, (b) clear intergovernmental division of election management authority and responsibility, and (3) sufficient election financing and staff capacity-building.

77.8% of the 38.9% of the respondents, who believed that SIEC made adequate preparations for elections, could not provide reasons why they believed so. However, 5.6% believed so because the SIEC staffs in their judgment were well trained. 13.9% believed

that voting materials were adequate.66.7% of the 55.6% of the respondents, who did not believe that SIEC makes adequate preparations for elections in the State, provided no response for the reasons why they thought so. Only 33.3% of the 55.6% hinged their observation of the poor preparation of SIEC to dissemination of information.13.1% of the respondents, who did not believe that SIEC makes adequate preparations for elections in the State, implicated the poor preparations to provision of DDC machine.

19.4 of the respondents, who did not believe that SIEC makes adequate preparations for elections in the State, attributed the poor preparations to the provision of registration materials.13.9% of the respondents, who did not believe that SIEC makes adequate preparations for elections in the State, attributed the poor preparations to the training of registration officials.

2.8% of the respondents, who did not believe that SIEC makes adequate preparations for elections in the State, ascribed the poor preparations to the provision of DDC machine, while 13.9% believed that provision of registration centres were responsible for the poor preparations. 2.8% credited over dependence on government for logistics as responsible for the poor performance.

Table 1.10: Adequate Information about Voting

Do you feel that you were adequately informed about how you can vote?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	yes	19	52.8	52.8	52.8
	no	16	44.4	44.4	97.2

	don't know	1	2.8	2.8	100.0
	Total	36	100.0	100.0	

Table 1.10 shows that while 52.8% of the respondents felt that they were adequately informed about how they can vote, 44.4% did not feel so, and 2.8% entered do not know. Sufficient voter and civic information and education may be needed to ensure that participants in the electoral process are fully informed of their rights and responsibilities as voters. These efforts can also generate knowledge and interest about the election process and build a climate for open debate. Voter education should inform voters of when, how, and where to register to vote or to check that they are already properly registered. It should also explain when, how, and where to vote on Election Day. It is essential that this information is provided in a timely manner, allowing voters sufficient opportunity to make use of the information.

Table 1.11: Training of SIEC Officials

Do you think that SIEC officials are adequately trained?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	1	2.8	2.8	2.8
	yes	22	61.1	61.1	63.9
	no	11	30.6	30.6	94.4
	don't know	2	5.6	5.6	100.0
	Total	36	100.0	100.0	

Table 1.11 shows that 61.1% of the respondents thought that SIEC officials were adequately trained, while 30.6% thought they were not. Findings from all the focused group discussions in the state suggest that the training of SIEC officials were not very adequate in Bauchi. This is because SIEC officials being the link between election administration the laws, rules and procedures that govern the election process and the voters, need to thoroughly understand the laws and procedures for voting in the state, exercise discretion responsibly, seek guidance when appropriate, and act in a professional and respectful manner with all voters. These, they observed, was not the case. Those that believed that the SIEC officials were not adequately trained stressed that many of the SIEC officials were not well acquainted with the Bauchi State Electoral laws and procedures for voting. Thus, some of them exercised discretion arbitrarily and treat some voters with considerably more deference than other voters. The SIEC officials are the line staff of the democratic process at the grassroots. This makes their training one of the most important components of a fair and effective election system at the state and local government levels.

Table 1.12: Information About The Location of Polling Stations

Do you think that SIEC provided enough information about the location of polling stations in your locality?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	1	2.8	2.8	2.8
	yes	15	41.7	41.7	44.4
	no	18	50.0	50.0	94.4

	don't know	2	5.6	5.6	100.0
	Total	36	100.0	100.0	

Table 1.12 provides that 41.7% of the respondents thought that SIEC provided enough information about the location of polling stations in their locality, while 50% thought otherwise. At the focus group discussions held in the three senatorial zones in Bauchi, there were strong allegations that polling stations were deliberately located very far from the voters in order to disenfranchise them. Usually, because of the tense atmosphere on Election Day, voters do not like walking long distances to cast their votes. They alleged that voting would be 'done for them anyway'.

Table 1.13: Problems Encountered In The Process Of Exercising Franchise

What problems did you encounter in the process of exercising your franchise?					
		Frequency	Percent	Valid Percent	Cumulative Percent
	Shortage of voting materials	12	33.3	33.3	100.0
	Interference of party agents	14	38.9	38.9	100.0
	The DDC machine was not functional	3	8.3	8.3	100.0
	SIEC officials were not receptive	3	8.3	8.3	100.0

	I spent too much time waiting on the queue to vote	7	19.4	19.4	100.0
	lack of voter education	1	2.8	2.8	100.0

Table 1.13 shows that 33.3% of the respondents specified the shortage of voting materials as one of the problems they encountered in the process of exercising their franchise and another 38.9 indicated interference of party agents. 50.0% of the respondents identified insecurity as a problem they encountered in the process of exercising their franchise, while 8.3 noted that the DDC machine was not functional. 8.3% of the respondents recognized that SIEC officials were not receptive and 19.4% noted they spent too much time waiting on the queue to vote. The focus group discussion dwelt so much on these in Azare, Bauchi and Darazo. In Azare, while they agreed that they were able to exercise their franchise, they had no confidence that their votes counted because of the visible executive influence and interference. They identified shortage and late delivery of voting materials, creation of artificial scarcity of voting materials, intimidation and harassment of voters as some of the problems they encountered in the process of exercising their franchise. In Darazo, the Focus Group identified thuggery, ballot snatching, diversion and artificial shortage of voting materials, transportation because of the distance between the polling unit and their houses, and visible connivance of security agencies with some party agents to stuff ballot papers into boxes.

Table 1.14: The Most Important Problem

Of all the issues you mentioned in the question 14, which one do you consider the most important problem?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	8	22.2	22.2	22.2
	Shortage of voting materials	4	11.1	11.1	33.3
	Interference of party agents	7	19.4	19.4	52.8
	Insecurity	15	41.7	41.7	94.4
	The DDC machine was not functional	1	2.8	2.8	97.2
	I spent too much time waiting on the queue to vote	1	2.8	2.8	100.0
	Total	36	100.0	100.0	

Table 1.14 shows that of all the issues mentioned in the question 14, the most important problem considered by the respondents was insecurity which polled highest at 41.7%. Next was interference of party agents with 19.4% and then shortage of voting materials 19.4%. Thereafter, 2.8% thought that the DDC machine was not functional along with those that spent much time waiting on the queue to vote.

Table 1.15: Improvement In The Way SIEC Conducted Elections Since 1999

Have you noticed any improvement in the way SIEC conducted elections since 1999?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	3	8.3	8.3	8.3
	yes	13	36.1	36.1	44.4
	no	20	55.6	55.6	100.0
	Total	36	100.0	100.0	

Table 1.15 confirms that 36.1% noticed some improvement in the way SIEC conducted elections since 1999, while 55.8% did not notice any improvement.

Table 1.16: Areas That SIEC Has Made Some Progress

In which areas would you say that SIEC has made some progress?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	24	66.7	66.7	66.7
	Recruitment of competent electoral officials	10	27.8	27.8	94.4
	Provision of DDC machines	2	5.6	5.6	100.0
	Total	36	100.0	100.0	

Table 1.16 illustrates that 27.8% of the respondents said that SIEC has made some progress in the recruitment of competent electoral officials. Only 19.4 saw SIEC made progress in the provision of DDC machines.

Table 1.17: Areas That SIEC Has Made Some Progress

In which areas would you say that SIEC has made some progress?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	29	80.6	80.6	80.6
	Provision of DDC machines	7	19.4	19.4	100.0
	Total	36	100.0	100.0	

Table 1.18: Areas That SIEC Has Made Some Progress

In which areas would you say that SIEC has made some progress?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	26	72.2	72.2	72.2
	Access to polling stations	10	27.8	27.8	100.0
	Total	36	100.0	100.0	

27.8% said that SIEC has made some progress in the access to polling stations.

Table 1.19: Areas That SIEC Has Made Some Progress

In which areas would you say that SIEC has made some progress?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	24	66.7	66.7	66.7
	Provision of Information and voter education				
	education	12	33.3	33.3	100.0
	Total	36	100.0	100.0	

33.3% said that SIEC has made some progress in the provision of information and voter education.

Table 1.20: Areas That SIEC Has Made Some Progress

In which areas would you say that SIEC has made some progress?					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	o	35	97.2	97.2	97.2
	Public Enlightenment in the media	1	2.8	2.8	100.0
	Total	36	100.0	100.0	

Only 2.8% said that SIEC has made some progress in public enlightenment in the media and 97.2% fielded no response.

Table 1.21: Commitment to Conduct of Credible Elections By SIEC

The State Independent Electoral Commission (SIEC) is independent and fully committed to conduct of credible elections					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	3	8.3	8.3	8.3
	agree	11	30.6	30.6	38.9
	neither agree nor disagree	1	2.8	2.8	41.7
	disagree	16	44.4	44.4	86.1
	strongly disagree	5	13.9	13.9	100.0
	Total	36	100.0	100.0	

Table 1.21 indicates that only 8.3% of the respondents strongly agree that the State Independent Electoral Commission (SIEC) is independent and fully committed to conduct of credible elections, while 30.6% agree. 13.9% strongly disagree and 44.4% disagree. Only 2.8% neither agree nor disagree. However, interviews conducted with the Chairman of BASIEC and its Commissioners suggest that they are very much committed to conducting credible elections. Their major handicap has been funding. Funds for elections are not usually released on time to allow for early preparations for the elections.

Table 1.22: The Procedure for the Appointment and Removal of the Electoral Commissioners

The procedure for the appointment and removal of the electoral commissioners is open, transparent and credible					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	5	13.9	13.9	13.9
	agree	9	25.0	25.0	38.9
	disagree	15	41.7	41.7	80.6
	strongly disagree	7	19.4	19.4	100.0
	Total	36	100.0	100.0	

Although the Bauchi State Electoral law 2008 provides for an open, transparent and credible procedure for the appointment and removal of the electoral commissioners, 13.9% respondents strongly agree that the procedure for the appointment and removal of the electoral commissioners is open, transparent and credible, while 19.4 strongly disagree. 25.0% agree, while 41.7 disagree. This is because the procedure is subject to abuse by the Governor in collaboration with the State House of Assembly. It was alleged that the Governors appoint their cronies and use their influence in the State House of Assembly to get the necessary confirmation, which in any case is by a resolution. This affects their ability to honestly and impartially implement the procedures specified in the legal framework, which involves dealing with technical issues and making decisions, including in some cases, the drafting of electoral regulations, and developing procedures for voter and candidate registration, voting, and vote counting.

Table 1.23: Acceptability of the Voter Registration Exercise

The voter registration exercise is generally credible and accepted by all as being transparent and well conducted					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	6	16.7	16.7	16.7
	agree	13	36.1	36.1	52.8
	neither agree nor disagree	1	2.8	2.8	55.6
	disagree	12	33.3	33.3	88.9
	Strongly disagree	4	11.1	11.1	100.0
	Total	36	100.0	100.0	

6.7% of the respondents strongly agree that the voter registration exercise was generally credible and accepted by all as being transparent and well conducted, whereas 11.1% strongly disagree. While 36.1% agree, 33.3% disagree and 2.8% of the respondents neither agree nor disagree.

Table 1.24: Free and Fair Local Government Elections

Local government elections are considered to be free and fair					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	4	11.1	11.1	11.1
	agree	7	19.4	19.4	30.6
	neither agree nor disagree	2	5.6	5.6	36.1
	disagree	15	41.7	41.7	77.8

	Strongly disagree	8	22.2	22.2	100.0
	Total	36	100.0	100.0	

Only 11.1% of local government elections are considered to be free and fair, whereas 22.2% strongly disagree. 19.4% agree, but 41.7% disagree and 5.8% neither agree nor disagree. The discussions at the FGD's clearly suggests that the elections were far from being free and fair because of excessive influence exhibited by the Governor and his ruling party. They alleged that people were merely handpicked by the Governor and his Party and ratified by a process of election that must produce them as winners at all cost.

Table 1.25: Transparency in the Conduct of Local Government Elections

Local government elections are considered to be generally transparent					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	1	2.8	2.8	2.8
	strongly agree	3	8.3	8.3	11.1
	agree	9	25.0	25.0	36.1
	neither agree nor disagree	2	5.6	5.6	41.7
	disagree	13	36.1	36.1	77.8
	Strongly Disagree	8	22.2	22.2	100.0
	Total	36	100.0	100.0	

Only 8.3% of the respondents strongly agree that Local government elections are considered to be generally transparent, while 22.2% strongly disagree. 25% agree whereas 36.1% disagree and 5.6% neither agree nor disagree.

Table 1.26: Inclusion and Representation of Diverse Groups and Interests at Elections

The electoral system promotes inclusion and representativeness of diverse groups and interests at elections					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	6	16.7	16.7	16.7
	agree	12	33.3	33.3	50.0
	neither agree Nor disagree	3	8.3	8.3	58.3
	disagree	10	27.8	27.8	86.1
	strongly disagree	5	13.9	13.9	100.0
	Total	36	100.0	100.0	

Table 1.26 shows that 16.7% of the respondents strongly agree that the electoral system promotes inclusion and representativeness of diverse groups and interests at elections, while 13.9% strongly disagree. 33.3% of the respondents agree that the electoral system promotes inclusion and representativeness of diverse groups and interests at elections, whereas 27.8% disagree and 8.3% neither agree nor disagree. There was consensus of opinions at the three FGD's conducted in the State that only the Governors Party the use of thugs and intimidation of other interest groups other than the ruling party alienate and exclude people from the elections.

Table 1.27: Adequacy of the Electoral Law in Managing Diversity at Local Government Elections

The electoral law is adequate for managing diversity at local government elections					
		Frequency	Percent Percent	Valid Percent	Cumulative
Valid	no response	1	2.8	2.8	2.8
	strongly agree	6	16.7	16.7	19.4
	agree	15	41.7	41.7	61.1
	neither agree nor disagree	1	2.8	2.8	63.9
	disagree	10	27.8	27.8	91.7
	strongly disagree	3	8.3	8.3	100.0
	Total	36	100.0	100.0	

16.7% of the respondents strongly agree that the electoral law is adequate for managing diversity at local government elections, while 8.3 strongly disagree. 41.7% agree and only 27.8 disagree, while 2.8% neither agree nor disagree.

Table 1.28: Overall Performance of the Electoral Commission (SIEC)

The overall performance of the electoral commission (SIEC) is considered to be very good					
		Frequency	Percent Percent	Valid Percent	Cumulative
Valid	strongly agree	8	22.2	22.2	22.2
	agree	6	16.7	16.7	38.9
	disagree	10	27.8	27.8	66.7

	strongly disagree	12	33.3	33.3	100.0
	Total	36	100.0	100.0	

22.2% of the respondents strongly agree that the overall performance of the electoral commission (SIEC) is considered to be very good, while 33.3% strongly disagree, 16.7% agree and 33.3% disagree. The general opinion at the FGD's was that there should be a constitutional amendment to scrap SIEC because of its poor performance in Bauchi State.

Table 1.29: Role of Security Forces

Security forces are fair and non-partisan in their role in the local government electoral process					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	1	2.8	2.8	2.8
	strongly agree	3	8.3	8.3	11.1
	agree	10	27.8	27.8	38.9
	neither agree nor disagree	1	2.8	2.8	41.7
	disagree	12	33.3	33.3	75.0
	strongly disagree	9	25.0	25.0	100.0
	Total	36	100.0	100.0	

2.8% of the respondents strongly agree that the security forces are fair and non-partisan in their role in the local government electoral process, while 25.0 strongly disagree. 27.8% agree and 33.3% disagree. 2.8% neither agree nor disagree.

Table 1.30: Local Government Election Disputes Resolution

Local government election disputes are usually well managed to the satisfaction of the political parties					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	3	8.3	8.3	8.3
	agree	8	22.2	22.2	30.6
	neither agree nor disagree	3	8.3	8.3	38.9
	disagree	14	38.9	38.9	77.8
	strongly disagree	8	22.2	22.2	100.0
	Total	36	100.0	100.0	

Only 8.3% of the respondents strongly agree that local government election disputes are usually well managed to the satisfaction of the political parties, while 22.2% strongly disagree.

Table 1.31: The process of the Appointment and Removal of SIEC's Electoral Commissioners

The process of the appointment and removal of SIEC's electoral commissioners should be handled by an independent non-partisan body

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	1	2.8	2.8	2.8
	strongly agree	12	33.3	33.3	36.1
	agree	14	38.9	38.9	75.0
	neither agree nor disagree	1	2.8	2.8	77.8

	disagree	7	19.4	19.4	97.2
	strongly disagree	1	2.8	2.8	100.0
	Total	36	100.0	100.0	

33.3% of the respondents strongly agree that the process of the appointment and removal of SIEC's electoral commissioners should be handled by an independent non-partisan body, while 2.8 strongly disagree. 38.9 of the respondents agree and 19.4 disagree. 2.8% neither agree nor disagree.

Table 1.32: Advertising the Position of SIEC's Electoral Commissioners

The position of SIEC's electoral commissioners should be advertised and competed for nationally					
		Frequency	Percent	Valid Percent	Cumulative
Valid	strongly agree	10	27.8	27.8	27.8
	agree	16	44.4	44.4	72.2
	neither agree nor disagree	2	5.6	5.6	77.8
	disagree	5	13.9	13.9	91.7
	strongly disagree	3	8.3	8.3	100.0
	Total	36	100.0	100.0	

27.8% of the respondents strongly agree that the position of SIEC's electoral commissioners should be advertised and competed for nationally, while 8.3 strongly disagree. 44.4% of the respondents agree and 13.9% disagree. Only 5.6% neither agree nor disagree.

Table 1.33: Relative Autonomy of SIEC

The state independent electoral commission (SIEC) should enjoy relative autonomy in terms of political, administrative and financial independence					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	18	50.0	50.0	50.0
	Agree	12	33.3	33.3	83.3
	Disagree	2	5.6	5.6	88.9
	strongly disagree	4	11.1	11.1	100.0
	Total	36	100.0	100.0	

50.0% of the respondents strongly agree that the state independent electoral commission (SIEC) should enjoy relative autonomy in terms of political, administrative and financial independence, while 11.1% strongly disagree. Whereas 33.3% agree, 5.6% disagree.

CONCLUSION AND RECOMMENDATIONS

The Bauchi State Independent Electoral Commission is a product of the Electoral Law 2008 that was assented to on the 12th day of February 2008 by the Governor of Bauchi State, Mallam Isa Yuguda. The law is in five parts. The first part provides for the establishment, composition and powers of the Bauchi State Independent Electoral Commission. Part two provides that the conduct of elections to Local Government Councils in the State shall be under the direction, organization and supervision of the Commission and in accordance with the provisions of the Law, Regulations, Rules, and manuals issued and made by the Commission. Part three provides for the Electoral Offences. Part Four provides for the determination of election petitions arising from elections under this law. Part five is on miscellaneous issues.

The study was necessitated by the many lapses that are becoming entrenched in the local government system, especially with the democratization at the local government level in the country. Having conducted an assessment of the systems for the Management of local government elections and practices in the three local governments in the three different senatorial districts within Bauchi state and having discussed the findings extensively, it is safe to conclude that there is a lot of gap between the legal and regulatory framework of the BASIEC and the practice. There are numerous factors responsible for this gap. Prominent among them is the lack of autonomy of BASIEC, especially, financial autonomy. This has been compounded by poor funding to the extent that elections cannot be held as at when due. This has also raised a number of issues surrounding the credibility, integrity and neutrality of the Election Management Body as well as the

continued ability of BAIEC to manage credible Local Government elections.

For BASIEC to function effectively as an Election Management Body, the following recommendations were made:

- I) BASIEC need to be a free standing body under the executive branch with no presence of people without technical abilities to manage elections as it undermines their functional independence. Election administration is a technical task. Only competent people with technical capacity to drive the processes of the SIEC should be appointed as Commissioners and not just the cronies of the Governor or some powerful politicians. The administrative system adopted and the institution that manages the system should therefore be technical. A neutral and non-partisan administration enhances election integrity. Even when electoral administrators are selected for their political affiliation, they are still expected to fulfil their duties in a non-partisan, non-political manner. Almost every electoral law calls for neutral administration of elections. To be credible, the electoral administration has to be impartial and have the institutional capacity to hold free and fair elections. BASIEC needs to abide by the legal framework, its rules and regulations. Maintain a neutral approach in performing the duties of office. This includes not giving any preferential treatment. Do not discriminate against anyone on the basis of party affiliation. Hire staff for their professional skills, not their political affiliation. Use office facilities (time, space and equipment) to perform office

duties, not for personal or partisan purposes. Do not pressure other officials or personnel to favour a particular candidate, and do not intimidate them from doing so. Disclose financial information on a regular basis, as required by law.

- II) Transparency lends credibility to electoral institutions and their activities, and confers legitimacy on the elections they administer. The BASIEC can achieve transparency in several ways, including:
 - regular reporting to the public through the media by holding press conferences, releasing factual information, and identifying problems encountered and solutions;
 - regular reporting to oversight bodies and legislators on progress made, difficulties encountered and areas requiring additional effort, plus making the reports available to the public;
 - regular meetings with political parties and candidates to provide information, answer procedural and other questions, and seek their input on draft protocols or regulations; and
 - Allowing the election decision-making process to be observed by representatives of political parties, civil society or the press.
- III) Financial and institutional independence is another important factor that allows the electoral administration to work without political interference and without being beholden to special interest groups. As part of the reform process to grant financial autonomy to SIEC, The Chairman of the Bauchi SIEC, who is also the Chairman of the Forum of

State Independent Electoral Commissions of Nigeria (FOSIECON), submitted strongly that “the greatest handicap facing SIEC is the issue of funding. The Chairman, Alhaji Alhassan Sadiq, suggested that SIEC should be funded directly from the Consolidated Revenue Fund of the states on First Line Charge like the Independent National Electoral Commission (INEC) and the Judicial Service Commission”. Constitutional amendment is required to grant sufficient financial and administrative autonomy to the SIEC's in Nigeria.

- IV) Given that election procedures directly or indirectly discriminate against women, BASIEC must be alert to the possible effects of all their decisions. BASIEC should:
- Seek gender balance in their membership at all levels and create incentives for women to become election administrators;
 - Develop a policy on gender aimed at enhancing women's participation in the election process;
 - Train staff to be sensitive to gender issues;
 - Ensure the secrecy and independence of the vote;
 - Collect sex-disaggregated statistics on the election process in order to evaluate women's participation and identify aspects of the process that can be improved.
 - Establish electoral procedures that do not discriminate against women, and that are administered by neutral bodies sensitive to gender issues;
 - Ensure that all State agencies involved in elections including, for example, police investigating electoral transgressions are trained to respect the rights of women;

- V) BASIEC activities should be directed at building internal capacity and strengthening the institution. BASIEC needs to develop an Annual Training Plan; oversee the development of the Training of Trainers programme; define the urgent / regular and core / specialized courses needed by BASIEC staff and provide for their implementation; support the development of training capacity within BASIEC; and update the Training Needs Analysis on an annual basis.

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Chapter 2

THE EDO STATE INDEPENDENT ELECTORAL COMMISSION

By

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INTRODUCTION

The local government is usually described as the core governance machinery at the grassroots. As the first point of contact between the people and government, its brief, in a general sense, is to 'bring government closer' to the people at the grassroots through participation, meeting felt local need, and fostering a sense of ownership in government. In recognition of this, the Fourth Schedule of the 1999 Constitution of the Federal Republic of Nigeria (as Amended) clearly spells out the functions of a local government council. Section 7 (1) of the Constitution also very specifically provides that "the system of local government by democratically elected government councils is under this Constitution guaranteed." The Constitution mandates each state government to establish the State Independent Electoral Commission and enact relevant enabling legislations in order to give effect to the provision of democratic governance at the grassroots. In effect, the constitutional guarantee for a democratically elected local government is an irreducible minimum from which state governments are not expected to derogate.

The local government may be taken loosely as “a segment of a constituent state or region of a nation state” created through legislation to provide public services and regulate public affairs within its area of authority (Ikelegbe, 2005: 38-9). In the hierarchy of government levels, it is the lowest. But it is this quality that also confers on it the core attribute of being the Closest governmental authority to the people. It is precisely for this reason that scholars have argued that a cardinal function of local government is to bring about democracy and to afford opportunities for political participation to the citizens as well as socialize them politically (Ola, 1984: 10). As King maintains, “people should be given an opportunity to control their affairs at this level, especially since this is the point at which their interests and welfare are most likely to be directly affected (King: 1988: 3). Local government is therefore seen as an avenue for training and inculcating habits of democracy at the grassroots. These habits of democracy are construed to encompass political participation, mobilization, accountability, responsiveness and self-governability (Abutudu, 2011: 3).

In March 2000, the Edo State Independent Electoral Commission (EDSIEC) was inaugurated by Chief Lucky Igbinedion who had assumed the position of executive governor following his victory at the polls in the state gubernatorial elections of that year. The EDSIEC has conducted local government council elections in 2004 and in 2007. A number of issues have been raised about these elections and the body that was responsible for their conduct. Issues have also been raised about the relationship between the state government and the local government councils especially in terms of whether the local council elections create the enabling environment for the objectives of democratic political

participation, accountability and self-governability to be met at the grassroots. In effect, to what extent are the elections conducted by EDSIEC free, fair and credible? What are the main challenges to the conduct of free, fair and credible elections in Edo State? What is the relationship between EDSIEC and the Edo State government? How does this relationship impinge on the autonomy and capacity of EDSIEC in its conduct of council poll? In what ways can the working of EDSIEC be improved upon to deliver effectively on the constitutional guarantee of democratic local government councils?

The broad objective of this work is to critically examine the performance of EDSIEC in terms of its ability to conduct free, fair and credible local council elections in Edo state. In specific terms, the study examines the conceptualisation and implementation of the mandate of EDSIEC in its conduct of local government elections in Edo State. It also examines the political context within which EDSIEC operates and how this impacts on the conduct of local council elections in the state. In addition, using data from field survey, interviews, and focused group discussions, the study focuses on the relationship between the state government and the EDSIEC, as well as examines public perception of the Commission. Finally, against the backdrop of findings, the study made recommendations for improving the democratic content of governance at the grassroots.

The central proposition of this study is that the conduct of local government elections in Edo State in the Fourth Republic have tended to fall short, if not actively undermine the constitutional guarantee of democratic local councils in Nigeria. The paper canvasses the position that local elections have not encouraged

democratic participation at the local level and have not been a positive force for grassroots mobilization and mass political engagement. Instead of grounding local government in the locality, local councils are 'suspended' above the grassroots. The councils become imposed structures, disempowering and alienating the governed from 'their' government.

This study is divided into five parts. The first is the introduction which provides the problematic of the work. The background to the study follows. This delineates the study area as well as gives a short description of the socio-economic and cultural environment of Edo state. The third section describes the methods and techniques employed in carrying out the study while the fourth section presents the research findings. The final section concludes the work and advances suggestions on ways of confronting the challenges to the realization of democracy at the grassroots level in Edo State.

Section Two: Background

Benin and Delta Provinces were part of the former Western Region of Nigeria. This was until 1963, when, following a plebiscite, these two provinces were excised from the Western Region to create the Midwest Region. This action increased the number of Nigeria's federating units from three to four. The new region was renamed the Midwest state following the transformation of Nigeria into a 12-state structure in 1967. In 1976, following another round of military- era state creation exercises, the Midwest State became Bendel State, a name coined from the two provinces that constituted it. In yet another round of state creation by the military regime, this time by the General Ibrahim Babangida regime, the

state was split into two, with what was essentially the old Benin Province becoming Edo State and the Delta Province becoming Delta State.

Edo state occupies an area of about 19,794 square kilometres. It lies between longitudes 05° 04' East and 06° 43' East and Latitudes 05° 44' North and 07° 34' North. With a population of 3, 218, 322 (2006 Census), the state is bounded on the North by Kogi State and in the West by Ondo State. To the South, it is bounded by Delta State and the Atlantic Ocean, while on its Eastern side are Anambra and Kogi States (Edo State, 1992).

Edo State is part of the South-South geopolitical zone of Nigeria (Ministry of Information and Orientation, n.d: 3-4). As in every other state in Nigeria, the state consists of three senatorial zones and 18 local government areas. Edo central senatorial zone consists of five local government areas, namely: Esan North East, Esan South, Esan South-East, Esan West and Igueben. Edo North Senatorial zone is made up of six local government areas. These are Akoko Edo, Etsako Central, Etsako East, Etsako West, Owan East and Owan West. Edo South senatorial zone houses the state capital, Benin City, and it is made up of seven local government areas. These are Egor, Ikpoba Okha, Oredo, Orhionmwon, Ovia North East, Ovia South-West and Ughunmwode.

Most of the people of Edo State consider themselves as being of the same Edoid cultural and linguistic stock. They generally trace their origins to Benin at various times within the last six or seven centuries. These Edo-speaking people are the Bini, Esan, Etsako, Owan and Akoko Edo. However, there are communities, especially

in Edo North and Central that consider themselves as autochthonous and do not owe their origins to the Benin out-migration process. These include Uneme and Anegbete, communities that are located in the northern and central parts of the state. In addition, there are various communities, supposedly non-edoid, with linguistic and cultural affinities to the Ebir, Igala, Igbo, Izon, Urhobo and Yoruba. These communities share borders with Delta, Kogi and Ondo States. This diversity is also pronounced in the religious sphere. While adherents of Christianity predominate in terms of the religious composition of the state, there are also sizeable practitioners of the Islamic faith who are mostly to be found in the northern part of the state. At the same time, traditional religion, whether pure or syncretic, is quite visible in all parts of the state. This suggests that Edo State may be homogenous, but its rich cultural diversity must not be understated.

Agriculture is the predominant economic activity of the people. The rich variety of vegetation ranging from the dense rain forest of the southern and central parts of the state to the rich grassland of its northern reaches makes for a strong agricultural base. Thus, a variety of food and cash crops are produced in the state. Crude oil is also produced, with the product found and mined in Oredo, Orhionmwon and Ovia South East local government areas. Quarrying is carried out in the northern and central parts of the state, especially Etsako West, Etsako Central, Etsako East and Akoko Edo local government areas (Ministry of information and Orientation, n.d.). Edo State is usually described as a 'civil service state'. In effect, its economy lacks an industrial or strong service base, whether located in the private sector or in the public sector.

Government employment constitutes the major platform for jobs in the formal sector. A relatively strong educational base that pushes out hundreds of thousands of secondary and tertiary school leavers annually has meant a continuous stream of pressure on this narrow employment base. This situation has led to the growth of an informal sector which, among other things, also acts as a disguise for the high rate of unemployment and underemployment that is prevalent among the youth in the state.

Edo State Independent Electoral Commission

The Edo State Independent Electoral Commission (EDSIEC) is the body charged with the responsibility of conducting local government elections in Edo State. The body was created under an Act specifically passed for that purpose by the Edo State House of Assembly in 1999. This Act (entitled A Law to make provision for the establishment of the Edo State Independent Electoral Commission pursuant to section 197(1) of the Constitution of the Federal Republic of Nigeria, 1999 and for other matters connected therewith), makes provisions for the membership and powers of the EDSIEC. In terms of membership, the Commission is headed by a Chairman and not less than 5 or not more than 7 other members.

The Commission is to:

- 'Organise, undertake and supervise all elections of local government councils in the State;
- Render advise to the INEC on the compilation of and registration of voters in relation to local government elections in the state;
- Appoint, promote and exercise disciplinary control over

such staff as it may consider necessary to employ for the purpose of its functions.

Where necessary, relevant staff can be transferred to the Commission from the state civil service, but such staff have to be “those personnel deemed fit for its work by the Governor”.

In terms of funding, three main areas are specified as sources of funding for the Commission. These are:

- Funds that may be provided by the state government
- Such sums as collected or received by the Commission in the execution of the law
- All other sums which may in any manner become payable to or vested in the Commission in respect of any matter incidental to its functioning.

In 2002, the Edo State House of Assembly passed “A law to regulate the Conduct of Local Government Election and other purposes connected therewith.” This Act provided the guidelines for the conduct of local government elections in the State and could therefore be described as constituting the operational manual of EDSIEC. Specifically, it made provisions for the qualification and election of the chairmen and councillors, defined the rules of electoral conduct and what constitutes misconduct in Local government elections and prescribed sanctions for such misconduct. The procedures for the election were spelt out along with the procedures for appointment of electoral officers for the local government council. It also made provisions for the Election Tribunal of the State as well as the Appellate Court for appeals from

the Election Tribunal. This Act has been subject to some slight amendments since being passed in 2002, and is currently the subject of amendment by the Edo State House of Assembly.

Edo State Independent Electoral Commission and Local Government Elections Since 1999: Some Highlights

The EDSIEC has conducted two local council elections since 1999. These were in 2004 (March 27) and 2007 (December 15 and 22). Both of the elections were won by the ruling party at the time (the PDP). In other words, the chairmanship position in all the 18 local government Councils in the state were won by PDP candidates. This was a marked deviation from the 1998 councils' election which generally reflected the emerging multi-party character of the state. The view is strongly held among many of those interviewed that the council chairmen who won their seats in the 1998 elections under the APP were induced to decamp to the PDP in the councils' elections of 2004, or face the prospects of losing their seats. (Indeed, when Adam Oshiomhole was declared as the governor of the state in by the Court of Appeal in 2009, the many of the council chairmen crossed the party lines and moved over to the CAN). Internal party democracy was virtually absent as candidates were imposed with little or no attention to party rules. It was generally felt that elective positions were merely shared among the party chieftains in the state.

This trend of candidate imposition and one-party dominance was even more apparent in the 2007 local elections. The PDP won the 18 Chairmanship positions available as well as 250 Councillorship seats out of a total of 254 in the State. Of the remaining four

councillorship seats, the Action Congress (AC) and National Democratic Party (NDP) took three and one respectively. (posted on EDSIEC official website). This election was bedevilled by allegations of candidate imposition, especially on the part of the PDP. It was characterised by poor publicity, and low voter turn-out. The nomination process within the PDP was generally untidy, as rival party chieftains often insisted on different candidates for the same position. The inability of the party machinery to impose order and discipline in the nomination process generally led to pre-election violence and post-election struggles over who was the legitimate candidate of the party. The latter were invariably settled by the law court.

One of the major problems that confronted the EDSIEC is the issue of tenure of members of the Commission. The first EDSIEC was inaugurated by Governor Lucky Igbinedion in March, 2000. This was chaired by Justice G.O. Okungbowa, and had six other members. This Commission conducted the election of 2004 and its tenure expired in June 2005. Following this, a new Commission was reconstituted with Justice Okungbowa retaining his position as Chairman. Of the new Commission, which was inaugurated in July, 2005, only one member, apart from the Chairman returned in the reconstituted Commission. In any case, this Commission was not opportuned to conduct any election before it was dissolved (after only two years in office on July 19th 2007), by a resolution of the Edo State House of Assembly and assented to by the newly elected Governor, Senator Oserheimen Osunbor. Governor Osunbor reconstituted the Committee with Justice Anthony A. Okunuga as Chairman, along with six other members. It was this Commission that conducted the Edo State Council elections of December 2007.

With the judicial reversal of Senator Osunbor's election as Governor of Edo State, it was just a matter of time before the EDSIEC he constituted was dissolved by Governor Adams Oshiomhole who took over from Senator Osunbor. The dissolution of the EDSIEC was effected by the new Governor on October 6th, 2010 following a resolution to that effect by the Edo State House of Assembly. This particular EDSIEC did not conduct any council election and did not complete its tenure of five years before it was dissolved, a fact that led to its dissolution being successfully challenged in court. In fact, that it was not dissolved immediately Adams Oshiomhole came into power in 2008 was due to the fact that the PDP, the party of the erstwhile governor Osunbor still controlled the majority in the Edo State House of Assembly. Once the Action Congress of Nigeria (ACN) became the majority party by 2010 (through a combination of carpet-crossing, victories in bye-elections and judicial reversals) the Edo State House of Assembly passed a resolution dissolving the EDSIEC on 6th October, 2010. On the same day, Governor Oshiomhole reconstituted a new commission with Mr. Solomon A Ogoh as Chairman. The membership was also increased to nine.

The validity of this reconstituted commission was challenged by some of its members on the grounds that it was yet to complete its tenure before its summary dismissal. The members who challenged the state government's action in court maintained that they were appointed on June 20, 2007 and its five year tenure was to end on June 19, 2012. In August, 2012, this submission was upheld by the Edo State High Court which subsequently ruled that the EDSIEC that was constituted by the government of Adams Oshiomhole was an illegal contraption and should be dissolved (Ebhuomhan, 2012; Olise, 2012). In compliance, with the ruling, the Edo state governor

dissolved the Commission in mid-December 2012 and reconstituted it a week later.

The councils elected in December 2007 were dissolved even before the expiration of their 3-year term of office. That was in 2010. Since then, no council elections have been held. However, a lot of politicking has been going on at the local government level in expectation that the elections will be held anytime from now. In the meantime, the councils which had been dissolved since 2010, are still being run by caretaker committees hand-picked by the Governor of the state.

EDSIEC and Local Government Council Elections

The 1998 local government council elections were conducted nationwide by the General Abdul Salam Abubakar military regime as part of the transition to civil rule programme. That election has been severely criticised. One of the issues raised was that it was the harbinger of the high level of monetisation of the electoral process that was to become a central challenge of politics in the Fourth Republic. It was further argued that it turned "local politics and elections" into nothing "more than an appendage of militarization, a continuation of military rule by civilian means" (Amuwo, 1999: 21).

In spite of these short comings, it did meet at least, one of its cardinal objectives which was to establish a basis for assessing the national spread of political associations that sought registration as political parties in the emerging democratic dispensation. In that election, the People's Democratic Party (PDP) won the chairmanship position in 15 of the 18 councils in Edo State. The All

Peoples Party (APP) came a distant second by taking the remaining three chairmanship positions.

The EDSIEC was inaugurated in 1999 and with the constitutional mandate of conducting subsequent local council elections in the state. While EDSIEC was in place, the issue of the tenure of elected local councils, an area in which the 1999 Constitution was silent, was yet to be settled. Nationally, this conflict pitched the local government councils (whose enabling electoral law in Edo state was the Basic Constitutional and Transitional Provisions Decree No. 36 of 1998), against the governors and the State Houses of Assembly. Decree 36 of 1998 provided for a three-year tenure for elected local council members. This was not acceptable to most state governors, including that of Edo State. While the Governors and their legislatures insisted on reducing the tenure to two years, the councils advocated for the harmonization of their tenure with those of other elected officials at the state and federal levels, a position that effectively canvassed for 4 years for elected councils (Otive, n.d.). The National Assembly did wade in and apparently sympathized with the councils. However, the Supreme Court put a stop to this when it held that the National Assembly had no power to legislate on the tenure of councils.

This development was to push the local government council decisively into the arms of the state executive and legislature. The 1998 council elections had conferred a measure of autonomy on the councils in relation to the state executive and legislature. In the first place, the councils were elected under Decree 36, which gave them a specific tenure of three years, and the 1999 Constitution being silent on the issue of tenure for local councils, the coast was

clear for the councils only until their term was over by 2002. Second, the council elections were held before the Fourth Republic's political parties came into existence. In fact, the council elections were used by the military regime under Abdul Salam Abubakar to determine political associations with the requisite national spread to qualify for registration as political parties. So, technically, the political associations that provided the platforms for the 1998 elections only became 'political parties' as a consequence of that election. Given this, the elected council members emerged through processes and structures that were largely autonomous of the state executive and generally more reflective of the political plurality of the state. Thus, in Edo State, of the 18 local government areas, the People's Democratic Party (PDP) as a political association had produced 15 chairmanship positions following the 1998 council elections. The other three were elected under the platform of the All Peoples Party (APP, later ANPP).

In the run up to the March, 2004 local government election, whatever little autonomy the inaugural local government councils enjoyed became the subject of systematic attack across the country. First, there was the nationwide effort on the part of the state governors that the constitution should be amended to provide for the appointment of local government councils by the state governors in place of the constitutional guarantee of democratically elected councils (Otive, n.d). While this did not sail through, the proposal clearly pointed to the mind-set of the governors. Other factors would aid the governors in their efforts to keep tight political reins on the councils. For example, the inability of INEC to make the electoral roll available for the state electoral

commissions led to the postponement of the 2002 council elections to 2003. This was to be shifted again to 2004 owing to the registration of new political parties by INEC and the demand by the new parties for time to prepare for the council elections (Otive, n.d.). These shifts in the elections enabled governors to dissolve the elected councils and replace them with appointed caretaker committees. This practice of 'caretakership' has increasingly become the standard governance format for local government administration in Nigeria. Even when elections are held to emplace local government, the councils that emerge from them almost, always look more like governor-appointed committees than popularly elected councils.

In Edo State, this process has gradually evolved along these lines since the March 2004 and December 2007 local council elections. In fact, until November 2010 when Governor Adams Oshiomhole dissolved the elected local councils in the state and replaced them with caretaker committees, Edo State was one of the few states in the country that had tried to maintain the semblance of democratically elected councils in the country. However, an examination of the two elections suggest that what were put in place as elected councils in 2004 and 2007 very much fell short of minimum standard of democratic elections. First, the candidates for the elections were simply imposed by the godfathers of the state ruling party, the PDP. The choice of candidates did not follow even laid down party rules for the dominant party, as the candidates chosen by the godfathers simply 'strolled' into the council positions. This often created friction even within the ruling party either between rival godfathers or between the governor and party barons. One major outcome of this was the defection of some

candidates to opposition parties, a situation that promised to inject some measure of competitiveness into the elections.

However, as the 2007 election in Orhionmwon local Government Council demonstrated, irrespective of the ability of an opposition party and its candidates to match the power of the ruling party, including the capacity to organize for violent confrontation with the ruling party, the latter was always able to use the opportunity of that violence (which was contained through the intervention of a detachment of soldiers), to cart away electoral materials to the residence of top state government and party official, do mass thumb printing, stuff ballot boxes, and then manufacture and announce fictitious results (Interview with a 2007 Council Elections Presiding Officer: June, 2012). In Etsako East Local Government Council, the strong opposition had to be defeated through the adoption of different, but equally unsavoury tactics. In this case, some elements were said to have gone around the local government area claiming that the election which was scheduled for the 15th of December 2007 had been postponed indefinitely. However, one of the opposition candidates refused to fall for the ruse. He mobilized his supporters to the various polling stations on the morning of the election day and stayed well into the evening. The EDSIEC officials never showed up to conduct the election in his own polling station and most of the others in the council area. However, while still in the polling station waiting for EDSIEC to come with the polling materials, he heard that the results for his ward and that of the entire local government area had been announced (Interview with a 2007 local government chairmanship candidate: May 2012).

Table 2.1. Local Government Chairmen Declared Elected by EDSIEC in the December 15, 2007 Election in Edo State

S/N	Name of Chairman	Local Government	Political Party
1	Johnson A. Emasealu	Akoko Edo	PDP
2	Ehi Egharevba	Egor	PDP
3	F.S. Esoimeme	Esan Central	PDP
4	John Yakubu	Esan North East	PDP
5	John Ojiemhenkele	Esan South West	PDP
6	Felix Akhabue	Esan West	PDP
7	Joseph Ugheoke	Etsako Central	PDP
8	Stanley Odidi	Etsako East	PDP
9	Ganiyu Audu	Etsako West	PDP
10	Felix Imoisili	Igueben	PDP
11	Ehiorobo Osazuwa	Ikpoba Okha	PDP
12	Mike Nosa Ehima	Oredo	PDP
13	Patrick Aisien	Orhionmwon	PDP
14	Faustines Ovienrioba	Ovia North East	PDP
15	Monday Aighobahi	Ovia South West	PDP
16	Kashetu Ohiwerei	Owan East	PDP
17	Dan Asekhame	Owan West	PDP
18	John Obaze	Uhunmwode	PDP

Source : EDSIEC. Local Government Chairmen Elected in the December 15 2007 Election in Edo State.

<http://www.fosencon.org/edo/elections.html>

The other major problem associated with the local council elections in Edo State arose from the candidate selection process. The selection process and the pitfalls in it were vividly demonstrated in the cases of Esan Central, Ikpoba Okha and Egor local government

council elections in 2007 where different candidates were sponsored for the chairmanship positions by rival factions of the PDP. In Esan Central, EDSIEC declared Ford Esoimeme as chairman. This was challenged at the Local Government Election Tribunal by Emmanuel Agbale who contended that he was the validly elected chairman of Esan Central. This was upheld by the Election Tribunal. However, Agbale appealed to the Edo State Election Appeal Tribunal. The Appellate Court overturned the decision of the lower court and declared Mr. Agbale as the validly elected chairman of the council. In the same appellate court, the councillorship candidates for Wards 6 and 8, Kevin Usofor and Joseph Oriabure who had appealed against the judgment of the lower electoral tribunal were given favourable judgment. The Appeal Court ordered the certificate of returns issued earlier to Christopher Osobase in respect of Ward 6 and Peter Oboh in respect of Ward 8, withdrawn and issued to Usifor and Oriabure, respectively (Omoruyi, 2008).

In Ikoba Okha, EDSIEC had declared Osazuwa Ehiorobo elected. This was also upheld at the lower court following a petition for the reversal of EDSIEC's declaration by Itohan Osahon who claimed to be the rightful chairmanship candidate of the PDP in the election. However, at the appellate level, the Local Government Appeal Tribunal ordered the certificate of returns in respect of the election in Ikpoba Okha local government council withdrawn from Osazuwa Ehiorobo and issued to Itohan Osahon (Omoruyi, 2008).

The third case was the most dramatic in the sense that it utilized the full judicial machinery available for local government electoral issues in Edo State but went beyond them to the state High court

and up to the Supreme Court. In the Egor Local Government Council election, EDSIEC had declared Mr. Ehi Egharevba as the elected candidate of the PDP. However, Mr. Crosby Osador Eribo challenged this on the ground that he was the validly nominated candidate of the PDP whose name was illegally substituted. Consequently, he petitioned the Edo State Local Government Election Tribunal. The Tribunal dismissed his petition and affirmed that Ehi Egharevba was the rightful candidate of the PDP. Mr. Eribo thereafter appealed to the Local government Election Appeal Tribunal, and this time won the case.

However, Mr. Egharevba took the matter to the High Court and got the court's affirmation that he was the validly nominated candidate of the PDP. Eribo challenged this ruling at the Federal Appeal Court sitting in Benin. The Appeal Court faulted the judgement of the High Court, and restored the chairmanship position to Eribo. This prompted Egharevba to head for the Supreme Court which finally settled the matter in favour of Crosby Eribo in March, 2010 (Okagha, 2009; 2010; Supreme Court, 2010). The implication of this is that Table 2.1 above which shows the names of the candidates declared by EDSIEC as having won the elections in 2007 had been altered by the actions of the court of law. However, while the personnel might have changed in some cases, the PDP remained as the victorious political party.

It is clear from the foregoing narrative that judicial interventions arose from issues or matters within the PDP. This was a reflection of the internal struggle between various factions within the party. While the Edo State government, or the 'local' faction constituted one faction, the 'Abuja' faction represented the candidates loyal to

a major national player of the party. The ground for contest between these two major factions was to create and, or control political structures in readiness for the 2011 elections. The 'local' faction was apparently able to get the EDSIEC to accept its candidates as the PDP's flag bearers. This is reflected in the fact that they were the candidates initially declared by EDSIEC as being victorious in the 2007 polls, and which were all upheld by the Local Government Election Tribunal. However, it is worthy of note that all cases were overturned on appeal. The appellate judgment were virtually all in favour of the candidates of 'Abuja'. The single most important point on which the 'local' candidates fell on appeal was that it was the national headquarters of the party that had the final say on matters concerning the selection of candidates of the PDP in elections at levels. In other words, based on the constitution of the PDP, the candidates' list emanating from Abuja must supersede any other list of candidates that may have emanated from any other level of the party.

Section Three: Methodology of the Study.

This study utilised primary and secondary sources in generating data. The latter consisted of sifting books, journals, newspapers and magazines for relevant information. This process also entailed consultation of various official publications and gazettes for relevant statutory positions on the study subject. This source was tapped to give a background and context to the study.

The primary sources of data consisted of questionnaire administration, focus group discussions (FGD) and oral interviews with stakeholders. Three local government areas in Edo State were selected for purposes of the oral interviews and FGDs. These are

Oredo in Edo South, Esan West in Edo Central, and Etsako West in Edo North.

The structured questionnaire, designed to elicit the opinions of experts and well informed people in local government affairs, was administered to 40 carefully selected members of the academia, candidates who have contested local government election, members of civil society organisations (CSOs), community based organizations (CBOs) and faith based organizations (FBOs). Others include civil servants, members of the State House of Assembly, security personnel and law enforcement agents, and journalists. The data gathered from this expert opinion survey were analysed through tabulation and the use of simple percentages.

The use of expert opinion survey (EOS) is justified by the fact that the kind of information sought required informed opinion and commentary. This in turn would generally emanate from those segments of society that have habitually demonstrated an abiding concern for issues of local governance and have a history of closely following, participating or monitoring events at that level.

Interviews were also conducted with key informants. These were made up of members of and officials of the Edo State Independent Electoral Commission, Members of the Edo State House of Assembly, the Academia, and law enforcement agents. Others included journalists, clerics and religious leaders, and members of civil society organisations. Finally, a focus group discussion session was held in each of the three senatorial districts of the state. Specifically, three FGDs were held in Oredo Local Government Area (Benin City), Esan West Local Government Area (Ekpoma), and

Etsako West (Jattu-Uzairue). These were held from May 15-18, 2012.

In analysing the data from these two sources, efforts were made to sift through the mass of material with a view to drawing out observable patterns. These were either tabulated or itemized and used to complement the survey analysis. Key recommendations for this work also emanated from the personal interviews and the focused group discussions and personal interviews.

Section Four: Analysis and Discussion of Findings

Demographic Characteristics of Respondents

All the 39 respondents in the survey are resident in Edo State. 25 of them were males while 14 were females. 20 respondents did not provide information on age. The 19 respondents who did had ages that ranged from 23 years to 59 years. 3 respondents were silent on their educational attainment. 5 claimed to have stopped their formal education at secondary school level while 31 claimed to have formal post-secondary education. Three respondents did not provide information on their marital status. However, seven respondents indicated that they were single while 29 claimed to be married. In terms of occupational distribution, one respondent (2.6%) gave no response. One (2.6%) claimed to be a businessman while 12 (30.8%) claimed to be civil/public servants or teachers. There were 4 (10.3%) from the clergy, 2 (5.2%) described themselves as community development or development workers, 4 (10.3%) were journalists while 4 (10.3%) were lawmakers. Others are 3 (7.7%) who described themselves as opinion leaders/politicians, 5 or 12.9% were security agents, one or 2.6% was a women leader, and 2 or 5.2% laid claim to the youth/student category.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	3	7.7	7.7	7.7
	Yes	33	84.6	84.6	92.3
	No	2	5.1	5.1	97.4
	don't know	1	2.6	2.6	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

Respondents Awareness of the Functions of EDSIEC.

As Table 2.2 shows, there is a high degree of awareness among respondents of the existence of EDSIEC. 84% of respondents of the EOS indicated that they are aware of the existence of EDSIEC. This high degree of awareness is further confirmed in the in depth interviews and FGDs. In all the FGDs and personal interviews for example, participants were able to show that they were not only aware of the existence of EDSIEC, but also enumerated its functions as the conduct of local government elections, screening of local government election candidates, monitoring of party primaries in council elections, providing ballot papers, and boxes for the elections, carrying out voter education, and of course, announcement of local council election results and the issuing of the certificate of returns. In fact, as Table 2.3 demonstrates, at least 77.9% of the respondents have witnessed the conduct of at least, one local government, and again as shown in our FGDs and personal interviews, actively participated in them in various capacities. The point in all these is that they are sufficiently

knowledgeable about the activities of the State Independent Electoral Commission to make informed comments on it.

Table 2.3: How many times have you witnessed local government elections conducted by SIEC?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No response	9	23.1	23.1	23.1
	Once	9	23.1	23.1	46.2
	Twice	6	15.4	15.4	61.6
	Thrice	8	20.5	20.5	82.1
	Four times	3	7.7	7.7	89.8
	Many times	4	10.3	10.3	100
	Total	39	100.0	100.0	

Source: Field Survey, 2012

How Prepared is the SIEC for Elections?

Respondents were asked to give their about their opinions about the adequacy of preparations by the SIEC in preparation for the local government elections they have witnessed. As indicated in Table 4, only 28.2% were of the view that adequate preparations were made for the elections that they had witnessed. On the other hand, 61.5% felt that adequate preparations were not made for the local elections they have witnessed. Among the few who viewed the SIEC's preparations in a positive light, only one respondent or 2.6% would justified that view on the grounds that the election was free and fair (Table 5). Again, as Table 5 shows, only one respondent justified that view on the grounds that SIEC provided adequate information about the election. On the other hand, a number of

challenges associated with the elections were seen as clear markers of the lack of preparedness on the part of the SIEC. These include poor information dissemination, or as suggested by one interviewee in the personal interview, there may even be deliberate dissemination of misleading information which is targeted at opposition parties. According to a candidate in the 2007 local government election:

It was obvious that I will win in not less than seven wards out of the nine wards in the local government area. On the day of voting, December 15, 2007, there was no single member of the ruling party in the polling station in my ward. But I was there with my supporters. Around 12 noon, it was aired over the radio that elections have been cancelled, so we left. Not quite 30 minutes later, materials for voting arrived at the polling station. The leaders of the ruling party gave orders to their thugs that if any member of the major opposition party is seen around the polling booths, he or she should be shot. This was repeated in other parts of the council area. On that day, the 'result' of an election that was cancelled, and never really took place was announced. I was told I scored three votes! I have a large family and I went to the polling station with most of those eligible to vote. There is no way I could have scored 3 votes in my own ward! Votes were merely allocated and the SIEC declared them as election results (Interview with a chairmanship aspirant in the 2007 LG elections: May, 2012).

Inadequate training of field electoral officials was also cited as one of the reasons for the poor performance on the SIEC. Poor provisioning for voter registration has also been cited as one major challenge that undermines the commission's performance at election. The latter suggests that the weaknesses of INEC may directly impact on the performance of the SIEC.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	1	2.6	2.6	2.6
	Yes	11	28.2	28.2	30.8
	No	24	61.5	61.5	92.3
	Don't know	3	7.7	7.7	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

Voter Education and Training of EDSIEC Staff

From the expert opinion survey, information about voting procedure was fairly well communicated to the voting public. As Table 2.5 shows, 53.8% of respondent felt well apprised about how they can vote. On the other hand, 38.5% felt they did not have adequate information.

Table 2.6 indicates that respondents were nearly evenly divided about whether the staff of the SIEC was well trained. While 43.6% viewed them as being well trained, 35.9% do not feel that way. Table 2.7 indicates that most respondents (59%) feel that adequate

information was provided on how to locate the polling stations on election day. On the other hand, only 33.3% felt that information on location of polling stations in their locality was inadequate. In general therefore, most respondents feel that EDSIEC acquitted itself fairly well in the areas of voter education and the training of staff.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	21	53.8	53.8	53.8
	No	15	38.5	38.5	92.3
	don't know	3	7.7	7.7	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	17	43.6	45.9	45.9
	No	14	35.9	37.8	83.8
	don't know	6	15.4	16.2	100.0
	Total	37	94.9	100.0	
Missing	System	2	5.1		
Total		39	100.0		

Source: Field Survey, 2012

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	23	59.0	59.0	59.0
	No	13	33.3	33.3	92.3
	don't know	3	7.7	7.7	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

Problems Encountered by Voters During Elections

A number of problems were encountered by respondents in the process of exercising their franchise. As indicated in Table 2.8, the main problem is insecurity in the voting arena which is cited by 28.2% of respondents. This is followed by 'interference by party agents' at 25.6%, shortage of voting materials (15.4%) and spending too much time waiting on the queue which also attracted 15.4% of respondents.

		Frequency	Percent Percent	Valid Percent	Cumulative
Valid	no response	3	7.7	7.7	7.7
	Shortage of voting materials	6	15.4	15.4	23.1
	Interference of party agents	10	25.6	25.6	48.7
	Insecurity	11	28.2	28.2	76.9
	The DDC machine was not functional	3	7.7	7.7	84.6
	I spent too much time waiting on the queue to vote	6	15.4	15.4	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

The personal interviews and FGDs lend support and further elaborated on the main problems encountered by voters identified in the survey. The following is a list of common electoral malpractices observed during council elections in the state.

1. Imposition of candidates by political parties
2. Lack of transparency in party primaries

3. Party primaries are not held at all.
3. Party primaries are not held at all.
4. Interference of Party officials and their agents at polling centres
5. Intimidation and violence by party thugs
6. Snatching of ballot boxes and ballot papers by hired thugs.
7. Stuffing of ballot boxes in the private homes of well-known politicians and top government officials
8. Allocation of votes
9. Declaration of false results.

Table 2.9 draws out the basis of these challenges in a thematic sense and delineates the specific issues raised within each of the thematic areas. These are logistics, publicity, finance and security. The others are issues surrounding the legal framework as well as the training of the staff of the SIEC.

Table 2.9: Challenges to LG Elections: (Summary of Views from Personal Interviews and FGDs) FGDs)

	Issue-Area	Identified Challenges
1	Logistics	<ol style="list-style-type: none"> 1. Deliberate attempt by SIEC to delay elections. 2. Elections do not start on time due to late arrival of materials. 3. Late arrival of officials 4. Elections do not hold because materials do not arrive at all. 5. 'Last minute rush' in preparation for elections

2	Publicity	<ol style="list-style-type: none"> 1. Inadequate publicity 2. Dissemination of misleading information 3. Intimidation and violent acts perpetrated against journalists. Destruction of cameras and physical assault is common. 4. Deliberate side-lining or shutting out of civil society organizations from the elections
3	Finance	<ol style="list-style-type: none"> 1. Inadequate funding 2. Piece meal disbursement of funds
4	Security	<ol style="list-style-type: none"> 1. Unavailability of security personnel, especially in rural areas. 2. Insufficient number of security personnel 3. Poorly equipped security personnel 4. Biased security personnel 5. Security personnel intimidate voters. 6. Security agents on election duties are not adequately remunerated.
5	Legal Framework	<ol style="list-style-type: none"> 1. Legal framework puts LG elections under State government. 2. The legal framework is not strong enough to bring electoral offenders to book.

6	Training	<ol style="list-style-type: none"> 1. Too many trainees, leading to reduced intensity of the training. 2. Many trainees eventually not used while those who received no training are used 3. Recruitment for training is one process through which political parties infiltrate their personnel into SIEC. Some ad hoc personnel used for elections are recruited by the ruling party. 4. The people who are 'trained' are those who have the physical attributes to do what the ruling party in the state wants, not those who have the requisite qualifications. 5. The training is not good enough. There have been cases where presiding officers are unable to do simple tabulation of ballots.
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Source: Compiled from Personal Interviews and FGDs, 2012.

General Evaluation of SIEC

Respondents were asked to give their opinion on the performance of EDSIEC on a number of issues. These issues are the independence of the commission (Table 10), the degree of

transparency in the appointment and removal of the chairman and members of the commission (Table 11), credibility of the of the voters' registration exercise (Table 12), the ability of the SIEC to conduct free and fair elections (Table 13), and the degree of transparency in the elections conducted by the commission. From Table 14, it is clear that only 30.7% agree or strongly agree that the SIEC is independent and fully committed to the conduct of credible elections. On the other hand, 56.4% disagree or strongly disagree with the notion that EDSIEC is independent and fully committed to credible elections.

Table 2.10: The State Independent Electoral Commission (SIEC) is Independent and Fully Committed to Conduct of Credible Elections

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	1	2.6	2.6	2.6
	strongly agree	2	5.1	5.1	7.7
	Agree	10	25.6	25.6	33.3
	neither agree nor disagree	4	10.3	10.3	43.6
	Disagree	13	33.3	33.3	76.9
	strongly disagree	9	23.1	23.1	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

Table 2.11: The procedure for the appointment and removal of the electoral commissioners is open, transparent and credible					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	2	5.1	5.1	5.1
	Agree	6	15.4	15.4	20.5
	neither agree nor disagree	6	15.4	15.4	35.9
	Disagree	12	30.8	30.8	66.7
	strongly disagree	13	33.3	33.3	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

Table 2.11 shows that 64.15% of respondents disagree or strongly disagree with the notion that the procedure for the appointment of members of the electoral commission is open, transparent and credible. This is quite consistent with the sentiments expressed by participants in the FGDs and the personal interview sessions. There was the overwhelming view that the mode of appointment of SIEC members does give much room for confidence that the elections can be credible. The ready pointer to this is the 100% victory in chairmanship positions declared for the ruling party in the state in both the 2004 and 2007 elections. Although there was an argument in one of the FGDs that the appointments of SIEC strictly followed the law establishing the body, it was felt that the fact that no one seriously expects the piper to play a tune different from what his payer dictates.

A number of suggestions were there put forward at these fora to address the issue of the appointment of the SIEC. Some suggested that a neutral body should take over the responsibility of appointing the members of the commission. Some were of the view that SIEC should be retained as it is presently provided for, but that it should be placed under the supervision of INEC. Yet others were of the view that the Commission should be scrapped entirely with INEC taking over its responsibilities. Replacing the SIECs across the country with INEC in the conduct of local government elections was indeed very much canvassed especially during the FGD sessions. One merit of this often advanced was that it will bring uniformity in timing of council elections, allow for respect of council tenure while eliminating the rampant incidences of caretaker committees through which state governments have virtually crippled the idea of democratically elected councils as stipulated by the Nigerian constitution. It was also felt that this is the only way to bring about transparent and credible elections at the grassroots.

However, the proposition of handing scrapping SIECs and handing their job to INEC also had its strong critics. First, it was INEC, it was held, has not always demonstrated a level of competence that makes for highly credible elections. The bias noticeable in SIECs has also be seen in elections conducted in the past by INEC. The 2003 and 2007 general elections were cited. INEC, it was also argued, has responsibility for compiling the register for council elections. Yet, these have also been a major area of challenges for the polls conducted by SIEC. INEC, it was held has improved on all these areas as shown in the 2011 general elections. It was countered that if 2011 elections has shown an INEC turning a new leaf, the reforms

that brought this about should also be extended to the SIECs in order to produce more credible result at that level.

Table 2.12: The voter registration exercise is generally credible and accepted by all as being transparent and well conducted

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	4	10.3	10.3	10.3
	Agree	9	23.1	23.1	33.3
	neither agree nor disagree	6	15.4	15.4	48.7
	Disagree	10	25.6	25.6	74.4
	strongly disagree	10	25.6	25.6	100.0
	Total	39	100.0	100.0	

Source: Field survey, 2012.

The credibility of the voter registration exercise that is also applicable to local council elections is called into question in Table 2.12. While 51.2% are of the view that the voters' registration exercise is generally not credible and transparent, only 33.4% agree with that the exercise is credible and transparent. This is an INEC exercise and this poor performance on its part is one of the reasons given by those who argue that replacing the SIECs with INEC may not necessarily be the solution to the credibility challenges of the SIECs.

Table 2.13: Local government elections are considered to be free and fair

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	1	2.6	2.6	2.6
	Agree	6	15.4	15.4	17.9
	neither agree nor disagree	3	7.7	7.7	25.6
	Disagree	11	28.2	28.2	53.8
	strongly disagree	18	46.2	46.2	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

On the question of whether local government elections conducted by the SIEC have been free and fair, only 19% would affirm this. However, an overwhelming 74.4% would say that local government elections in Edo state are not free and fair (Table 2.13). Table 2.12 deals with the transparency of council elections. While only 23% of respondents could associate local council elections with any notion of transparency, 66.7% see no such association.

Table 2.14: Local government elections are considered to be generally transparent

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	2	5.1	5.1	5.1
	Agree	7	17.9	17.9	23.1
	neither agree nor disagree	4	10.3	10.3	33.3

	Disagree	12	30.8	30.8	64.1
	strongly disagree	14	35.9	35.9	100.0
	Total	39	100.0	100.0	

Source: FieldSurvey, 2012.

Evaluation of the Electoral System and Aspects of its Legal Framework

The respondent are very much in agreement that the electoral system at the local level promotes inclusion and representativeness. From Table 2.15, we find that 61.5% see the electoral system in such positive light. In like manner, Table 16 shows that respondents believe that the relevant electoral laws generally serve the ends diversity management at the local level. This position was quite supported in the personal interviews and FGDs. As revealed in both cases, the choice of candidates for local government elections by political parties is always underlined by some explicit concept of rotation of offices among the various communities that make up the constituents. In fact, the zoning of political offices and the struggle to ensure fidelity to any agreed formula for such zoning is very much the stuff of grassroots politics. The struggle for rotation of offices among local communities is as fierce at the grassroots as any other level and any political party can only ignore it to its own peril.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	8	20.5	20.5	20.5
	Agree	16	41.0	41.0	61.5
	neither agree nor disagree	4	10.3	10.3	71.8
	Disagree	9	23.1	23.1	94.9
	strongly disagree	2	5.1	5.1	100.0
	Total	39	100.0	100.0	

Source: FieldSurvey, 2012

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	8	20.5	20.5	20.5
	Agree	21	53.8	53.8	74.4
	neither agree nor disagree	5	12.8	12.8	87.2
	Disagree	4	10.3	10.3	97.4
	strongly disagree	1	2.6	2.6	100.0
	Total	39	100.0	100.0	

Source: FieldSurvey, 2012

Is SIEC Improving in its performance?

Respondents were asked whether they saw any improvements in the conduct of the SIEC between the 2004 and 2007 elections. As shown in Table 2.17, 35.9% saw some improvements in the conduct of elections by the commission. On the other hand, 51.3% claimed not to have noticed any difference. Although the latter view is overwhelming, the minority who claim to see some improvements would point to greater attention on the part of the SIEC in recruiting competent staff, some reduction in voting time, better voter education and access to polling station as the basis of their claims. From Table 2.18, 64.1% of respondents disagree or strongly disagree with the view that the overall performance of the SIEC has been good. From the same Table 2.18, only 23.1% agree that the overall performance of the SIEC was good.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	no response	1	2.6	2.6	2.6
	Yes	14	35.9	35.9	38.5
	No	20	51.3	51.3	89.7
	don't know	4	10.3	10.3	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

Table 2.18: The overall performance of the electoral commission (SIEC) is considered to be very good

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	1	2.6	2.6	2.6
	Agree	8	20.5	20.5	23.1
	neither agree nor disagree	5	12.8	12.8	35.9
	Disagree	15	38.5	38.5	74.4
	strongly disagree	10	25.6	25.6	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

The Role of Security Agents.

Table 2.19 summarises respondents' views about the role of security agents in local government elections. 25.6% of respondents agree that security agents generally play their roles in a fair, unbiased and non-partisan manner, 64.1% disagree, regarding them as generally very partisan and biased. The latter position is very much consistent with views expressed in FGDs and in depth interviews. Of course, there were views to the effect that security agents have been doing their best, given the circumstances in which they operate. Their role was specified to consist of providing security for local elections right from the stage of the primaries to the election proper. In specific terms, this involve guarding election materials in storage, escorting the movement of election materials, escorting SIEC officials on election duty, and generally maintaining law and order at polling stations and

collation centres. It was also pointed out that to perform these functions, they have to take a lot of risk, especially in confronting armed political party thugs.

Table 2.19: Security forces are fair and non-partisan in their role in the local government electoral process					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	3	7.7	7.7	7.7
	Agree	7	17.9	17.9	25.6
	neither agree nor disagree	4	10.3	10.3	35.9
	Disagree	13	33.3	33.3	69.2
	strongly disagree	12	30.8	30.8	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

However, there was also a consensus that security agents are often very biased in favour of the ruling party or particular individuals. Security agents are seen as being used by the government in power to achieve their own electoral ends. The reasons for this are enumerated below.

- Political leaders in particular areas have security details attached to them. During elections, such agents simply go out to enforce the will of such leaders at the polls.
- Political leaders form a network with top security personnel in their localities. During elections, it becomes very difficult for these personnel to enforce electoral rules when such

enforcement will contravene the interests of their political 'allies'. In fact, some actively work for the 'success' such allies.

- The security system 'respects' certain people. It therefore turns a blind eye to the electoral atrocities of such people.
- There is shortage of security personnel. They are therefore easily overwhelmed by determined armed thugs.
- Security personnel on election postings are simply there to intimidate the political opposition.
- Security personnel tend to be ill-equipped and poorly trained for electoral duties.
- Security personnel may not know the value or relevance of various election materials. Politicians can come and take away valuable election materials without any form of violence, and security personnel present may not even react. They do not react because they are unaware of the significance of such materials.
- Security personnel in the field are often poorly motivated. Indeed, some ex-security personnel interviewed maintained that they are often paid less than what they are actually entitled to with the difference disappearing along the line 'upstairs'. This can easily increase one's susceptibility to temptation from politicians.
- The electoral law places limits on what security personnel can do during polling or collation, and they can certainly not go beyond what the law permits.
- Then, this view by security personnel: If you are a security personnel posted to an interior area, then you need to have something in your pocket, otherwise you are in trouble if you find yourself stranded.

- Another view by a retired senior military officer: In the force, we believe in order. Outside the order, you cannot do anything. You obey superiors. You hear that money was given to superiors and yet only peanuts get to the junior officers. You report back to your superiors who may decide on the situation according to his own interests.

In view of all these, how can security agents on election duties enhance their performance? Again, a number of views were canvassed at the FGDs and the oral interviews.

- The allowances for security personnel on special duty during election should be adequate.
- Care should be taken to ensure that the full allowances get to the field security officers so as to curb vulnerability to temptation.
- There should be adequate welfare for field security officers and this should be paid by the SIEC to the officer concerned directly by the electoral commission.
- There should be special security units set aside and trained to handle election matters.
- The regular police and the civil defence force should be the only security agencies allowed to participate in elections.
- The military and the mobile police force should stay away.
- There should be mobile courts at polling stations. In this way, electoral crimes can be summarily dealt with and politicians given less room to network themselves out of electoral crimes.
- The training that the SIEC gives to its ad hoc staff should also be extended to the security personnel.

The Autonomy of SIEC

Tables 2.20–2.22 explore the issue of autonomy of SIEC in Edo State. Table 20 addresses the issue from the point of view of whether the handling of electoral disputes is dispassionate in ways that satisfy the parties concerned. 30.8% are satisfied that such disputes are well managed. However, 56.4% feel that the commission is a failure in regard to this particular test.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	4	10.3	10.3	10.3
	Agree	8	20.5	20.5	30.8
	neither agree nor disagree	5	12.8	12.8	43.6
	Disagree	13	33.3	33.3	76.9
	strongly disagree	9	23.1	23.1	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	23	59.0	59.0	59.0
	Agree	10	25.6	25.6	84.6
	neither agree nor disagree	3	7.7	7.7	92.3

	Disagree	3	7.7	7.7	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

In Table 2.21, we find that an overwhelming 84.6% of respondents feel that an independent, non-partisan body should be responsible for the appointment and removal of members of the SIEC. This is in contrast to only 7.7% who strongly disagree.

Table 2.22: The position of SIEC's electoral commissioners should be advertised and competed for nationally					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	22	56.4	56.4	56.4
	Agree	14	35.9	35.9	92.3
	neither agree nor disagree	1	2.6	2.6	94.9
	Disagree	1	2.6	2.6	97.4
	strongly disagree	1	2.6	2.6	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

Table 2.23 : The state independent electoral commission (SIEC) should enjoy relative autonomy in terms of political, administrative and financial independence					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	strongly agree	24	61.5	61.5	61.5
	Agree	9	23.1	23.1	84.6
	neither agree nor				

	disagree	4	10.3	10.3	94.9
	Disagree	1	2.6	2.6	97.4
	strongly disagree	1	2.6	2.6	100.0
	Total	39	100.0	100.0	

Source: Field Survey, 2012

Enhanced autonomy for the SIEC is further emphasized by 92.3% of respondents surveyed (Table 2.22) who feel that the appointment of SIEC Commissioners should be advertised and widely competed for. In Table 2.23, 84.6% of those surveyed view political, administrative and financial autonomy as prerequisites for SIECs delivery on free, fair credible and transparent elections. Exploring this subject in the FGDs and personal interviews largely upholds this strong submission that the SIEC will hardly be seen to be autonomous by the electorate as long as its appointment and removal is done by the sitting state governor and the House of Assembly. However, as pointed out earlier, while some would want some neutral body to take over the responsibility constitution the commission as a way of enhancing its autonomy, others felt that this could be achieved by allowing INEC to perform the functions currently being carried out by the SIECs. Yet, for others, the SIEC could work under the supervision of INEC and achieve the same level of desired autonomy.

Section Five: Conclusion and Recommendations

Since the commencement of the 4th Republic in 1999, local government elections have been conducted in 2004 and 2007. The general perception of these elections that emerged from this study is that they fell far short of free, fair, credible and transparent elections. These elections were often marked by violence, intimidation by armed thugs, ballot box snatching, stuffing of ballot papers, the “allocation” of results and the blatant announcement of results that obviously bear no resemblance to what actually happened at the polling stations.

The survey of expert opinion suggest that the state independent electoral commission which is charged with the responsibility of conducting the local government elections suffers from certain disabilities which have tended to severely undermine its capacity to deliver on free, fair and credible elections. It is suggested that the major ones are congenital and have to do with the way and manner the SIEC is constituted. Thus, given the way it is brought into being, it is denied the vital autonomy, whether administrative, financial or political, to act out on the promise of free and fair elections. A lot of uncertainties also surround the existence of the SIEC. It has a history of hardly living out its tenure, with successive state governors putting the dissolution machine in motion at the slightest opportunity. Along with various other challenges, especially those that have to do with security, it is hard to escape the conclusion that local government elections in Edo state in the 4th Republic have hardly produced grassroots governments that could lay any legitimate claim to growing out of the will of the people. What then, is to be done?

The Way Forward: Some Recommendations

Those who were surveyed, interviewed or participated in the FGDs advanced a number of suggestions to chart the way forward for SIEC in the quest for free, fair transparent and credible grassroots elections in Edo State. These are highlighted as follows.

1. Enhancing the Autonomy of SIEC.
 - SIEC should be constituted by an independent, non-partisan body. In effect, there is the need to minimize the powers of the state government over the SIEC.
 - The tenure of SIEC should be accorded maximum respect at all times. Dissolution of the board must only be done on the expiration of its tenure. Disciplinary cases among the members of the commission must be handled on their individual merit.
 - The financial autonomy SIEC should be guaranteed. In addition, piecemeal disbursement of funds should be avoided.
 - SIEC members should be conscious of their roles and must avoid behaviour that may suggest partisanship on their part.
 - The staff should be professionalized, and given special conditions of service.
 - Adequate attention must be paid to the recruitment of ad hoc staff for elections in order to prevent its infiltration by politicians or their agents.

2. Redefining the relationship between the state government and the local government. The powers which the state government currently exercise over the local government tends to undermine and erode the ability of local government to act as the government of the grassroots. The relationship also affect the ability of the SIEC to function, or for that matter, the opportunity to function to bring about elections. The reforms suggested should include:

- Local government must be democratically constituted and operated.
- There must be no more generalized dissolution or dissolution of local government in one fell swoop across the state.
- A democratically constituted local government must also be succeeded by a democratically elected local government.
- If for any reason there is need for caretaker government, the need must be expressed in the context of a specific local government and that need should only be executed through the mechanism of a democratic 'recall'. At no time must caretaker committees become the general model of grassroots governance.
- Where a caretaker committee has been put in place as a result of vacancy created by a democratic recall, such a caretaker committee must not have a life span of more than two months. Under no circumstances should there

be an extension of the two-month life span of a caretaker committee.

- Funding, especially from the federation account should not be extended to any local government that is not democratically elected.
 - The 1999 Constitution should be reviewed to remove the booby traps of section 8 where the administrative autonomy of the local government is not matched by the financial arrangements that the state joint local government account has come to represent.
3. SIEC's operational effectiveness can be improved upon by:
- Closer attention and monitoring of party primaries.
 - Better training for SIEC staff as well as increased voters' education.
 - Closer working relationship between civil society organizations in the state and SIEC.
4. Security.
- Prohibition of election duty for all security personnel attached as security details to specific individuals.
 - Specialized and intensive training for security personnel on the specifics of providing security during elections.
 - Better remuneration for election duty security personnel.
 - Direct payment of election duty allowances to security personnel by SIEC.

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A Law to make provision for the establishment of the Edo State Independent Electoral Commission pursuant to section 197(1) of the Constitution of the Federal Republic of Nigeria, 1999 and for other matters connected therewith.

A Law to regulate the Conduct of Local Government Election and other purposes connected therewith.

Chapter 3

THE STATE INDEPENDENT ELECTORAL COMMISSION IN IMO STATE

By

Chijioko Kelechi IWUAMADI

INTRODUCTION

Studies on Electoral Management Bodies (EMBs) had always provided insights into how elections Presidential, National Assembly, Governorship, State House of Assemblies, Local Government and Counsellorship are conducted and the challenges that frustrate the success of these elections. In Nigeria, elections are being conducted by constitutionally mandated National Electoral Management Bodies: the Independent National Electoral Commission (INEC) for elections into offices at the federal and state levels, while elections for offices into the third tier of government (local governments) are conducted by State Independent Electoral Commissions (SIECs) and these local government elections are scheduled differently in states across the nation. It is vital to note here that SEICs are not under the control of INEC, although they are bound by law to use the INEC's voter register.

The origin of SIEC is derived from the 1999 Constitution which introduced federal and unit level electoral management bodies in the Nigeria, establishing State-Independent Electoral

Commissions to organize, undertake and supervise all local government elections in states and to advise the INEC on the compilation of and the register of voters as applicable to local government elections in the state. The law mandates Governors to constitute the SIECs, subject to the states' legislative endorsement. This provision makes the SIECs susceptible to manipulation and control by the Governors⁴. The Governors often control the mostly majority/ruling party dominated state houses of assembly, thereby making any oversight efforts of the state legislature almost impossible. Also, there is no oversight function exerted by INEC on SIECs in the country, given the character of federalism. Funding of the SIECs is at the behest of these 'Imperial Governors'⁵.

⁴ Since SIEC's establishment in 2000 and the failure of the body to conduct credible elections due to overbearing influence of the governors, stakeholders (civil society) have been calling for the scrapping of the body. Unfortunately, during late President Umaru Yar'Adua's administration, the governors of the 36 states of the federation had their way as the National Council of State (NCS) endorsed their position that the State Independent Electoral Commission (SIEC) should not be abolished as recommended by the White Paper on the Electoral Reform. The decision to retain SIEC was based on the argument that the task of conducting local government elections would be too challenging and difficult for the Independent National Electoral Commission (INEC). Following the rejection of the recommendation, President Yar'Adua added a caveat that state governors would be held accountable for any misconduct during the conduct of local government election in their respective states. The NCS further expressed that the SIEC would be visited with far reaching reforms by the state governments. The state governors were finally mandated to go back to their states and recommend those far-reaching reforms that will be visited (<http://www.nigerianbestforum.com>). In the case of Imo state, some of the proposed reforms forms part of the key policy recommendations by our respondents during the study.

⁵ Culled from the study Concept Note by CDD titled 'Study of State Independent Electoral Commissions (SIECs) in Nigeria' submitted to OSIWA, 2011/2012.

In democratic consolidation, local level democracy is critical especially as it stems from below. Local government functions to bring democracy to the local citizens as well as to educate and socialize them politically; participation of the citizens in governance is one of the underlying precepts of democracy. Due to the vast nature of the country (Nigeria), the presence of governments whether at the federal or state levels was not well felt by the people, and this led to neglect and distrust of government by the people. In a bid to bring the activities of government closer to the people, local governments were created to serve as conduits through which government's policies are communicated to the people (Oviasuyi, Idada and Isiraojie 2010; Agbakoba and Ogbonna 2004).

One of the factors militating against local governments' performance has to do with the recruitment of persons who do not possess the requisite leadership and managerial skills to deliver the gains of governance to the people⁶. The Constitution of the Federal Republic of Nigeria makes provision that the qualification for election into offices of the Chairman and the Councillors shall be the same as that of the election into the House of Assembly of a state⁷.

Most of what we see today as the poor performance of the local government councils (LGCs) in Nigeria is a consequence of what State governments do to LGCs. Many State Governors, and their 'appendage' Houses of Assembly, are behaving as if they do not realize that local governments are indeed a constitutionally guaranteed third tier of government and that the LGCs are made of constitutionally guaranteed democratically elected officials. We see State Governors removing elected LGCs' Chairmen as if they are bureaucrats appointed by the state governments (Ammani, 2012).

⁷ *Election to Local Government Area Council*: For you to be qualified to contest for election into the Local Government Area/Council, you must be: (a) a Nigerian Citizen; (b) a registered voter; (c) attain the age of 25 years; (d) educated up to at least school certificate level; (e) a member of a Political Party, and is sponsored by the party; (f) produces tax clearance for 3 years immediately before the year of election (www.wacol.org)

Section 106 of the Constitution of the Federal Republic of Nigeria puts the minimum educational qualification for election into the House of Assembly of a state as post primary school certificate. This entails that the average political office holder in the local government is not expected to be a technocrat or one vested in any discipline. This scenario has made the local government councils dumping ground for semi-literates or a starting point for political toddlers (Oviasuyi, Idada and Isiraojie 2010).

Comparatively, election experiences and challenges at the local levels conducted by SIECs since 1999 varies for those states that have made attempts to conduct local government elections since the establishment of SIECs⁸. Imo State and many other states presently do not have democratically elected local councils, a situation that has enabled most state governors to run the councils of the local government areas in their states with appointed caretaker committees⁹. Shockingly, only about 10 states out the 36 states in Nigeria currently have elected councils in place.

⁸ In situations where the local governments are controlled by the opposing party, local councils are dissolved and caretaker committees, often made up of sympathizers of the ruling party are appointed to run the affairs of the local government. The main reason for this state of affairs is that control of the local governments ensures control of political power at the regional and state levels during the First, Second, Third and Fourth Republics respectively. Thus politicians in Nigeria have always considered control of local governments as very vital (Omar, 2012).

⁹ Interestingly, during the field work for the study, we found out that Imo state do not have 'care-taker chairpersons' at the helm of affairs in the 27 local government councils rather the persons in-charge are known as Director of Administration and General Services (DAGS) and Council Treasurers (CTs) and other principal officers as temporary managers of the LG councils across the state. The DAGS and CTs have the mandate to manage the affairs of the councils and also ensure increase productive in the councils. Unfortunately, most Imo people are not aware of the existence of DAGS and CTs and if they are career civil servants or not rather there is a general assumption that the local councils are run by care-taker committees who are members of the ruling party in the state.

Among the governors that have consistently conducted local government elections during their tenures include Raji Fashola of Lagos state, Rotimi Amaechi of Rivers state, and Sullivan Chime of Enugu state. Some governors have perfected schemes to frustrate any call for democratically elected local councils. In Anambra state for example, this practice have been carried out for about 14 years leading to general outcry and protests. Other states where local councils have been governed through appointed transition councils include Oyo, Ogun, Kogi, and Akwa Ibom states, among others.¹⁰ Since 2000 when Imo state Independent Electoral Commission was established, it has only conducted three local council elections during 2001/2002, 2004 and six years later in August 7, 2010¹¹. This

¹⁰ See 'Travails of Local Government Councils' an article by Egburonu S., Mgbeahurike E. and Onu N., published in The Nation Newspaper, July 22, 2012. Many states are guilty of not doing the right thing, as far as establishing local government structure is concerned. One of them notably is Anambra state. Since the last 10 years, the state has not conducted local government election (Newswatch, April 2, 2012).

¹¹ According to the immediate past chairperson of the Imo state Independent Electoral Commission, Barrister Emma Nwonye, since the inception of democracy in the country in 1999 to 2010, the ruling party Peoples Democratic Party (PDP) had a field day winning greater and/or majority of votes and constituencies in all elections until 2011. The local government elections conducted in the state in 2010 by Imo SIEC, during his tenure as the chairperson, was nothing but a charade. Infact he described the election as the height of deceit against the people. There were no elections in the various local government areas. For him, the 2010 local government area election in Imo state would go down in history of the state as the worst era when the peoples right and political will were consciously trampled upon. He went further to narrate that during the said election in all the local government area headquarters people gathered to elect contestants of their choice to serve as councillors and council chairpersons, all to no avail. The leaders of PDP in the then Governor Ikedi Ohakim led administration in their usual manner wanted their party to control the grassroots at all cost. He noted that no single election was held anywhere in the hinterlands but results were written in several hotels in Owerri the state capital. These compiled names were submitted to Imo SIEC and it upheld it. The people went wild in anger, yet nobody cared. These nominees of the then government, selected by the self styled leaders in government foisted them on the people across the 27 local government areas of the state... (KII, Owerri, 11/04/12; 'Imo Politics: See who is crying for justice' article by Nwonye, E., published on 19/07/12 at www.nigerianewspoint.com)

situation however, poses the puzzle on the relevance of electoral management body (SIEC) and local council elections.

In 2010, the Open Society Initiative for West Africa (OSIWA) and AfriMAP published a six-country comparative report on electoral management bodies and electoral process in West Africa. One of the country- study reports was on Nigeria and this contains a detailed analysis of ways to engender confidence in the conduct of free and fair elections. The focus was mainly on federal elections with little or no discussion on the management of local government or council elections for chairpersons and counsellors. It is therefore against this backdrop that OSIWA seeks to undertake a comprehensive research and documentation of the conduct of local government elections in Nigeria with the aim of probing existing practices, identifying the challenges and critical reform options needed to ensure transparent, accountable and credible elections at the Local Government Area (LGA).

This study is therefore envisaged to tease out all the intricate issues involved in the local government elections that are conducted by election management body the State Independent Election Commissions (SIECs) with emphasis on Imo State. The chapter sets out to examine the performance of Imo SIEC over the years with a view to assist the state in particular and Nigeria in general towards improving electoral practices, ensuring credible elections especially at the local government levels. This chapter will further investigate the preparations and outcomes of local government elections conducted by Imo SIEC.

The chapter however, argues that the failure of state governments and SIECs to contend with the challenge of conducting transparent and credible elections has excluded majority of the local populace from democratic governance process. This accounts for the deep underdevelopment in the local councils. In his view, Osibanjo (2010) contend that, as the tier of government that is closest to the people, the local government has the unique capacity to address the most direct needs of its community. The system of local governance in Nigeria has to a large extent been ineffective. In addition to the failure of local governments to perform their constitutional functions well, the system of local government administration has been plagued by a lack of transparency and accountability¹².

The chapter will also analyze the responses of experts and citizens to the performance of Imo State Independent Electoral Commission (ISIEC) based on the number of local government elections the body has conducted since its establishment. Finally, the study will critically examine the conduct of local government elections in Imo State with the aim of identifying the existing practices, the challenges and key reform options needed to ensure transparent, accountable and credible elections at the LGA level.

¹² Akaeze A. 'How the Local Governments are Robbed of Funds' article in the Newswatch magazine, April 2, 2012. Osibanjo Y. (2010) 'Making Local Governance Work for the Poor' a study conducted by Orderly Society Trust, Lagos. The findings from this study show an embarrassing disconnect between majority of the people and the local government councils, and in no single local government did the majority of the respondents consider their local government good in their total provision of public services to the poor (Akaeze A. 2012; Osibanjo Y. 2010).

The chapter is divided into four main sections. Section two after this introduction provides the contextual information about the state and the selected three local government areas under study. Such information critically analyses the historical and contemporary developments in the state. The section also highlights political and socio-cultural and economic background factors that are likely to impact on local governance in the state. The origin and composition of ISIEC in the state including gender distribution for both ad-hoc and permanent staff was also discussed, including the administrative structure of ISIEC and the constitutional and legal framework for local government elections. The third section outlines the methodological foundation of the study. The section discusses the methods of data collection and analysis as well as scope and limitations of the study. The fourth section discusses the study major findings, while the fourth section contains the conclusion and recommendation of reform options for electoral process as proffered by citizens during the study.

Background

Imo State was created on the 3rd of February 1976 and subsequently in June 1991 Abia State was carved out from it. Thus, it is bounded on the east by Abia State; north by Enugu State; west by Anambra State and on the south by Rivers State. Ironically, Imo state is situated at the center of the nine States of the old eastern region hence it is referred today as the Eastern Heartland.

Fig 3.1: Map of Imo State



The 2006 Population Census puts the population of Imo State at 3,934,899 (Federal Republic of Nigeria Official Gazette, 2007). The land area is about 5,289.49 km² with a population density of 872 persons per km², which is one of the Nigerian States with the highest population density. Imo State is homogenous and is inhabited by the Igbo people. Igbo (Ibo) language is spoken and understood in all parts of the State with minor difference in dialect while the official working language of the State is English Language. The dominant religion in the state is Christianity with sizeable followers of Islam and traditional religions.

Most of the communities in the state practice “village democracy” where the traditional ruler and elderly male descendants of the lineages legislate and adjudicate on issues that concern their community. The traditional rulers are also the chief security officers and custodians of customs and traditions of their respective communities. Sometimes, they liaise with leadership of their town unions for development projects. Other governance institutions at the community level include Age Grades, Masquerade societies, and Women Associations such as the Umuada (group of first married daughters). The Imo people are predominantly subsistence farmers and economy depends primarily on agriculture and commerce (Okereke, 2012: Emenalor and Akanwa 2007).

The main cash crops include oil palm, raffia palm, rice, groundnut, melon, cotton, cocoa, rubber, and maize. The food crops include yam, cassava, cocoyam and maize. Some people are also involved in commercial poultry farming. A considerable proportion of Imo people are traders, importers and exporters, which accounts for their presence and influence in virtually every part of Nigeria and beyond. Imo State has abundant natural resources/mineral deposits that range from petroleum to clay and salt deposits. It has over 163 oil wells at 12 different locations. However, state oil production has been negatively affected by the reallocation of some oil wells to other States (Okereke, 2012).

Political and Administrative Structure

There are three senatorial zones, namely Owerri (Imo East), Orlu (Imo West) and Okigwe (Imo North). Table 3.1 shows the senatorial districts and 27 local government areas (LGA) that constitute them:

Table 3.1: Senatorial zones in Imo State and their Local Governments

Senatorial District	LGA Composition
Imo East (Owerri)	Owerri Municipality, Owerri North, Owerri West, Ngor-Okpala, Mbaitoli, Ikeduru, Aboh Mbaise, Ezinihitte Mbaise and Ahiazu Mbaise.
Imo West (Orlu)	Orlu, Orsu, Isu, Njaba, Nkwerre, Nwangele, Oru East, Oru West, Ideato North, Ideato South, Ohaji/Egbema and Oguta
Imo North (Okigwe)	Okigwe, Obowo, Ihitte Uboma, Onuimo, Ehime Mbano and Isiala Mbano.

Table 3.2 below shows that since the creation of the state in 1976, it has had 9 Military Administrators and 5 Civilian Governors:

Table 3.2: Past and Present Leaders of Imo State (1976 Date)

Feb. 3, 1976 Aug. 9, 1977	Commander Godwin Ndubuisi Kanu
Aug. 10, 1977 July, 23, 1978	Commodore Adekunle S. Lawal
July 25, 1978 Sept. 30, 1979	Col. Sunday A. Adenihu
Oct 1, 1979 Dec 31, 1983	Chief Samuel O. Mbakwe
Jan 4, 1984 Aug. 27, 1985	Brigadier Ike O.S. Nwachukwu
Sept. 4, 1985 Aug 28, 1986	Navy Capt. Alison Madueke
Aug. 29, 1986 Sept. 2, 1990	Commander Amadi Ikwechegh
Set. 3, 1990 Jan 1, 1991	Commander Anthony Oguguo

Jan 2, 1992 Dec 12, 1993	Chief Evan Enwerem
Dec. 13, 1993 Aug. 16, 1996	Navy Capt. James N.J. Aneke
Aug 17, 1996 May 29, 1999	Col. Tanko K. Zubairu
May 29, 1999 May 29, 2007	Chief Achike Udenwa
May 29, 2007 May 29, 2011	Chief Ikedi Ohakim
May 29, 2011 till date	Owelle Rochas Okorochoa

Constitutional Mandates of Elected Political Offices Holder The Governor, State Legislators, Local Government Area Chairpersons and Counsellors

The governor is the Chief Executive and Chief Security Officer of the State. The governor is in control of the security agencies in the State for the overall safety of inhabitants of the State, though this control can be undermined by directives from the Federal Government which exerts ultimate control over security agencies. The governor heads the executive council, which includes an elected Deputy Governor and Commissioners and the secretary to state government who are appointed by the governor. The commissioners hold portfolios in delineated ministries, departments and (MDAs) such as education, youth and sports, commerce and industry, health, justice, information and strategy, local government and chieftaincy affairs, agriculture and natural resources among others.

The legislative functions of the state are exercised by the State House of Assembly. The legislature has an executive committee headed by the Speaker and includes Deputy Speaker, House Leader, Minority Leader and other principal officers of the House. The House also has committees that exercise its oversight functions with MDAs and is supported by a bureaucracy that is led

by the Clerk and Deputy Clerk. The legislature makes laws, approves appointment of political office holders and performs an oversight of the executive arm of government.

At the local government areas, the leadership rests on the Chairperson of the Local Government Area (LGA), assisted by a Vice Chairperson. The Chairperson is both the Chief Executive and Chief Security Officer of the LGA. The legislative functions are performed by the local government councillors headed by a Speaker and Deputy Speaker of the Council. There are supervisory councillors on certain designated areas such as works and transport, health, education, finance, etc, that assist the Chairperson for effective local government administration.

Interestingly, successive governments in Imo state especially between 1999 and 2012 have expressed commitments to deepen democracy and rural development. Unfortunately, their efforts cannot make any impact in the grassroots if there are no democratically elected political office holders in the local councils to genuinely drive the process. The outcome of local government elections conducted so far in the state has not been translated into meaningful development at local levels¹³. It is sad that in the last 12 years of democratic rule, many state governors, past and present have been accused of misappropriating local governments' funds.

¹³ The development trap experienced in the local government areas are experienced both when 'elected' political office holders are in-charge and when appointed caretaker chairpersons and also in-charge. The reason for this can be linked to the sole dependence on the state government for resources and direction in most cases.

In Imo state, previous administrations were in the habit of tampering with the Federal Government allocation to the local governments. For instance, the administration of Ikedi Ohakim, former governor of the state, was accused of fleecing the local governments of allocations through various frivolous means. Ohakim was said to have awarded fake contracts and got approval by the Joint Account Allocation Committee (JAAC) to withdraw funds from the account whenever he needed money. The ex-governor easily got support of local government caretaker committee chairpersons to make many JAAC payments and illegal withdrawals from this account. Consequently, when the Imo Rural Road Maintenance Agency (IRROMA) was established, it became a conduit pipe through which local governments funds were siphoned at the expense of the rural communities (Newswatch, April 2, 2012). In order to avoid further pondering of local governments' funds, the incumbent governor Rochas Okorochoa advocated for the fourth tier of government to help develop the rural communities. This fourth tier of government is known as Community Governance Council.

Community Governance Council Fourth Tier of Government in Imo State:

This Community Governance Council as the fourth tier of government in Imo state comprise of the traditional ruler, president-general, women leader, youth leader and community speaker of each autonomous community. For Governor Owelle Rochas, under this arrangement, local government funds would be more judiciously used to develop the rural communities because the people of the area will be involved in the appropriation of the fund (ibid.). Surprisingly, the Community Governing Council (CGC)

as fourth tier of government has been enacted by the Imo state house of Assembly and finally signed into law by the incumbent government of Owelle Rochas. The CGC is to complement the activities of the local government councils.

Governor Owelle Rochas actually abolished Town Unions in Imo State and approved the sum of three billion naira as a take-off grant for the Fourth-Tier government christened 'Community Government Council' (CGC). According to him, the fund will be deployed to the Communities to be managed by the civil servants who will form the administrative wing of the Fourth-Tier government. The fund he stressed would be invested largely in agriculture, adult education and other micro projects that will fast-track development at the grassroots. In his words,

I am pleased to announce to you that as part of measures to kick-start the Fourth-Tier government, the State government has approved the sum of five million naira each for the Communities as a take-off grant. The fund will be deployed to specific sectors such as agriculture so as to speed up development in the rural areas. It will be the responsibility of the civil servants who will be deployed as administrative staffs of the Fourth-Tier government to manage the fund as appropriated (Imo State government press release, April 2012).

Furthermore, he stated that three thousand (3,000) civil servants will be deployed from the 27 Local Government Areas and State civil service for immediate take-off of the Fourth-tier government,

adding that the Communities have been mandated to provide temporary offices for the workers. He said the abolishment of Town Unions in the State will pave way for decentralization in the Community government which is designed to check corruption in the system, involve key stakeholders in the business of governance and guarantee development at the rural areas. Ironically, one may wonder the rationale for this fourth tier of government and the anticipated success, since the third tier of government appears to have failed even though still in existence despite all the clamour for its scrapping. Consequently, this move has been described by critics as executive rascality, saying that the situation in Imo state arising from the so called CGC is a near break down of law and order in the state.

State Independent Electoral Commission

The State Independent Electoral Commission (SIEC) was established by Section 197 (b) of the 1999 Constitution. The Commission is empowered to primarily organize, undertake and supervise all elections into local government councils within a state as well as advise the Independent National Electoral Commission (INEC) on the compilation of voters' register. The independence of SIECs is "guaranteed" in Section 2002 of the 1999 Constitution thus; "in exercising its power to make appointments or to exercise disciplinary control over persons, the State Civil Service Commission, the State Independent Electoral Commission and the State Judicial Service Commission shall not be subject to the direction and control of any other authority or person". Unfortunately, the same law mandates Governors to constitute the SIECs, subject to states' legislative endorsement. This provision makes the SIECs susceptible to manipulation and control by the Governors.

About Imo State Independent Electoral Commission (ISIEC)

The Imo State Independent Electoral Commission (ISIEC) was established by Imo State Law No. 14 of 2001 derived from the 1999 constitution of the Federal Republic of Nigeria as amended in 2010. The pioneer leadership of ISIEC was inaugurated by former Governor Achike Udenwa on 18 December 2000. The ISIEC according to Imo State Law No. 14 of 2000 that established it is mandated to carry out the following:

- Organise, conduct, supervise all the elections and matters pertaining to elections into the elective offices provided for in the local government law or any other law enacted by the House of Assembly;
- Monitor political campaigns and provide rules and regulation which shall govern the election;
- Ensure that all electoral commissioners, electoral and planning officers take and subscribe to the oath of office prescribed by law;
- Render advice as it may consider necessary to the Independent Electoral Commission on the compilation of the register of voters so far as that register is applicable to local government elections;
- Carry out other functions as may be conferred upon it by the law.

Organisational Structure of Imo SIEC

The Imo SIEC is being run by a board of seven honourable commissioners drawn from the three senatorial zones on the average of two from each zone. Out of these seven commissioners one is the chairperson of the board or commission while the six

other commissioners are designated to head different departments of the commission such as Administration and Personnel; Research Planning and statistics; Field Services, Logistics and Security; Legal and Special Matters; Finance and Accounts; and Administrative Secretary. The gender distribution of members of the board of the commission shows that present board comprises of only one female and six males. It is important to note here that all the seven commissioners are not career public servants but politicians and possibly card carrying members of the ruling party in the state. Composition of members of ISIEC complies with the relevant provisions of constitution of the federal republic of Nigeria and more importantly with geographical provision of zoning in Imo state¹⁴. According to 2010 report of ISIEC on local government electoral reform submitted to the local government electoral reform panel:

membership of ISIEC is made up of members with integrity some of whom are experienced, retired bureaucrats with track records of service...¹⁵

Fixing of election date(s) is the duty of the commission but in reality it is not so because election timetables are drawn in government house by the executive and imposed on the commission to implement¹⁶. Whereas fixing of date for election is the duty of the commission, thus the commission has the duty to proclaim the date of election subject however to the existing tenure. Section

¹⁴ KII, Owerri (Imo East) 11/04/2012

¹⁵ KII, Owerri (Imo East) 21/03/2012

¹⁶ KII, Owerri (Imo East) 11/04/2012

17(1) (2) (3) of Law No. 15 of 2000 provides for the commission to fix dates for the conduct of the elections. Section 17 (1) provides inter-alia the date for holding of any election into the local government shall be proclaimed by the State Electoral Commission¹⁷.

The non compliance of this, perhaps could be the reason why the time schedule for elections are not adhered to since election timetable do not emanate from the commission. And this will make the election umpires aggrieved from the onset. In line with this situation, a respondent blames Imo SIEC officers for not having an exact fixed time while conducting local government election. As a result, eligible electorates are disenfranchised due to non compliance to the timetable. He also complained of the commission's inability to maintain orderliness during elections due to lack adequate voter and civic education .18

The commission is also not financially independent, and its funding comes from the General Release under the Accountant General of the state, as a result, the commission is not in the position to discharge its function and duties effectively and promptly. On the commission's relationship with INEC, constitutionally, the commission is empowered to primarily organize, undertake and supervise all elections into local government councils within a state as well as advise the Independent National Electoral Commission (INEC) on the compilation of voters' register. There is no oversight function exerted by INEC on SIECs.

¹⁷ Culled from the 2011 report of Imo SIEC panel on Local Government Electoral Reform

¹⁸ KII, Ehime Mbano (Imo North) 16/04/2012

Methodology

The research is basically an assessment of the systems that manages local government elections in a selected three local governments of the three senatorial zones of Imo State. The study is based on social survey conducted in the Imo state over a period of 3 months (April, May and June) in 2012. The main sources of data adopted in the study were key informant interviews (KIIs), focus group discussions (FGDs), observation techniques, and relevant literatures/documents. The study locations were also purposively selected. The key criteria for selection were geographical spread and representation of both rural and urban settings across the three senatorial districts of the state. This study involved intensive and detailed collection of data from three purposely selected local government areas (LGAs) in Imo State.

These local government areas are Owerri Municipal, Isiala Mbanu and Oguta. The three local government areas were selected to ensure that the study is well spread culturally and geographically. For the FGDs, we ensured that the three local governments were selected from the three different senatorial zones in the state namely Imo East, Imo North and Imo West. Owerri Municipal LGA for Imo East Senatorial zone, Isiala Mbanu LGA for Imo North Senatorial zone, and Oguta LGA for Imo West Senatorial zone). In each Local Government Area, we ensured that the views of residents of urban and rural communities were represented. It is vital to note here that for us to get the views some political candidates and security agents during the previous local government elections, outside the original sample locations, we

had to interview some key informants and experts in Ahiazu, Abor Mbaise, Orsu, Mbaitoli and Ehime Mbanu local government areas.

Our data collection method was four-fold. The first was based on tape-recorded in-depth semi-structured interviews conducted between April and June 2012 with politicians, academics, journalists, law enforcement agents, senior public servants, traditional rulers, religious leaders, leaders and officials of Non-Governmental Organizations (NGOs) and Imo State Independent Electoral Commission, and community leaders including heads of town unions, youth leaders, and women leaders. The interview respondents were purposively selected based on two criteria: the relevance of a respondent's official position vis-à-vis issues of election and local governance and a respondent's reputation for being knowledgeable about local governance and election management bodies (SIEC).

The second data collection method was the three Focus Group Discussions (FGDs) we conducted with youths in Oka community of Isiala Mbanu LGA, Women in Izombe community of Oguta LGA, and teachers and senior citizens in Owerri Municipal LGA. The average number of persons per focus group was ten persons. Care was taken in selecting members of the focus groups to ensure homogeneity of the group as well as the diversity of their gender, age, professional representation and their place of residence. The Focus Group Discussions were based on similar questions as those presented to interview respondents, but they were framed in such a way as to elicit the collective views and perspective of the various groups.

The data we collected through interviews and Focus Group Discussions were complemented by two other sources of data. We derived primary and secondary data from documents, including published and unpublished literature, official documents and media reports. Data were also derived from our observation of socio-economic and political life in Imo State since the inception of democracy in 1999.

Study Findings

Laws and Statutory provisions underpinning Local Government Administration in Nigeria

Theoretical explanation of Local Government:

The term local government has been defined in different ways, depending on the orientation and experience of its users. For instance, it is seen as “a political authority set up by a nation or state as a subordinate authority for the purpose of dispersing or decentralizing political power”. It is also defined local government as “the act of decentralizing power, which may take the form of deconcentration or devolution. Deconcentration involves delegation of authority to field units of the same department and devolution on the other hand refers to a transfer of authority to local government units or special statutory bodies such as school boards for instance. From this perceptive, one can see local government as a lesser power in the national polity. It is an administrative agency through which control and authority relates to the people at the grassroots or periphery. On the other hand perceived local government as system of local administration under local communities that are organized to maintain law and

order, provide some limited range of social amenities, and encourage cooperation and participation of inhabitants towards the improvement of their conditions of living. It provides the community with formal organizational framework which enables them to conduct their affairs effectively for the general good (Adeyemo, 2005; Awa, 1981; Wraith, 1984; Emezi, 1984).

Structure and Constitutional Mandates of Local Governments:

Constitutionally, as noted earlier on, the constitutional powers on who is in-charge of local government areas, rests on an elected Chairperson of the Local Government Area (LGA), assisted by an elected Vice Chairperson. The Chairperson is both the Chief Executive and Chief Security Officer of the LGA. Whereas the legislative functions are performed by the elected local government councillors headed by a Speaker and Deputy Speaker of the Council. There are also supervisory councillors on certain designated areas such as works and transport, health, education, finance, etc, that assist the Chairperson for effective local government administration.

There are 774 local government areas recognized by the constitution. The Fourth Schedule of the Constitution of the Federal Republic of Nigeria stipulates that the main functions of a local government council are as follows:

- a. The consideration and the making of recommendation to a State commission on economic planning or any similar body on
 - i. The economic development of the State, particularly in

so far as the areas of the authority of the council and of the State are affected, and

- ii. Proposals made by the said commission or body;
- b. Collection of rates, radio and television licences;
- c. Establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm;
- d. Licensing of bicycles, trucks (other than mechanically propelled trucks) canoes, wheel barrows and carts;
- e. Establishment, maintenance and regulation of slaughter houses, slaughter slabs, markets, motor parks and public conveniences;
- f. Construction and maintenance of roads, streets, lightings, drains and other public highways, parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by the House Assembly of a State.
- g. Naming of roads and streets and numbering of houses;
- h. Provision and maintenance of public conveniences, sewage and refuse disposal;
- i. Registration of all birth, deaths and marriages;
- j. Assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a State; and
- k. Control and regulation of
 - i. Out-door advertising and hoarding,
 - ii. Movement and keeping of pets of all description,
 - iii. Shops and kiosks,
 - iv. Restaurants, bakeries and other places for sale of food to the public,
 - v. Laundries, and
 - vi. Licensing, regulation and control of the sale of liquor.

In addition, the constitution further stipulates that the functions of a local government council shall include participation of such council in the Government of a State as respects the following matters

- a. The provision and maintenance of primary, adult and vocational education;
- b. The development of agriculture and natural resources, other than the exploitation of minerals;
- c. The provision and maintenance of health services; and
- d. Such other functions as may be conferred on a local government council by the House of Assembly of the State.

Meanwhile from the Local Government Reform of 1976 we observed that the government itself states the primary objectives of the local government as follows:

- To make appropriate services and development activities responsive to local wishes and initiatives by devolving or delegating them to local representatives body;
- To facilitate the exercise of democratic self government close to the local government levels of our society, and to encourage initiatives and leadership potential;
- To mobilize human and material resources through the involvement of members of the public in their local development;
- To provide a two way channel of communication between local communities and government (both state and federal)

Financial allocations to the 27 local government councils in Imo state:

There is the problem of constitutional inadequacies, confusion and complexities, which statutorily see local authorities as an appendage of the state and further that of the federal government. Generally speaking, we must not fail to state the overbearing influence of the States and States Houses of Assembly on Local Government Administration. The question that readily comes to minds at this point as Chizea and Ubhenin (2009) rightly observed is; how do we remove the local government administration from the strong hold of state governments? What happens to the Joint State Local Government Account? These are questions that demand immediate attention. Here, Oviasuyi, Idada and Isiraojie (2010) are of the opinion that one essential manner local authorities could be removed from the strong-hold of the state government is the constitutional discontinuation of the under developmental practice of Joint State/Local Government Account such that local authorities can have direct and unfettered access to their allocations. This issue of Joint State Local Government Account should be abrogated. All the control measures and mechanisms put in place by both the States and States Houses of Assembly should be reduced to allow the local government authorities in Nigeria focus on concrete developmental programmes devoid of incessant interruption.

Meanwhile Table 3.3 below reveals a 15-month breakdown of net allocations to the 27 local government areas of Imo state between April 2011 and June 2012 as released by the office of the Accountant General of the Federation. A critical look at these monies allocated compared to the development trap at the local councils, one may

start to wonder where these monies are? Ironically, the allocations have been on the increase while development has continued to be on the decrease. The Joint State-Local Government Account System that is being operated has contributed immensely to the poor state of the local councils due to the overbearing influence of governors on disbursing these monies.

Table 3.3: Distribution of Statutory Allocation of Imo State 27 Local Government Councils, April 2011 June 2012.

Month/Year	Total Net Allocation in naira
April 2011	2,513,607,391.04
May 2011	3,422,709,097.84
June 2011	6,155,460,241.17
July 2011	3,560,293,593.50
August 2011	3,628,556,870.04
September 2011	4,258,133,756.27
October 2011	5,961,397,754.22
November 2011	3,737,575,725.22
December 2011	4,176,429,234.90
January 2012	3,702,139,104.12
February 2012	4,630,401,832.10
March 2012	3,750,498,689.16
April 2012	3,485,899,695.00
May 2012	3,490,347,099.22
June 2012	3,325,315,029.51

Source: extracted from FAAC to local governments, 2012.

Brief Historical Analysis of Local Government Elections in Nigeria

The political arrangement in Nigeria placed a lot of emphasis on the grassroots and the citizens at the local government level. The vital role local government has to play in nation building has not been fully appreciated by successive administrations. Even where such awareness appeared to have registered as was apparently manifested in the 1976 local government reforms, successive administrations stopped short of taking the type of corrective measures that would have brought those who controlled political power really close to those they governed (Nwosu, 1990).

The 1999 Constitution of the Federal Republic of Nigeria places a lot of emphasis on representative governance at the local level. Section 7(1) of the Constitution states:

the system of local government by democratically elected local government councils is under this Constitution guaranteed; and accordingly, the Government of every State shall, subject to Section 8 of this Constitution, ensure their existence under a Law which provides for the establishment, structure, composition, finance and functions of such councils.

Section 3(6) of the 1999 Constitution provides for 768 Local Government Areas and 6 Area Councils in Nigeria. Section 7(4) states that the government of a state should ensure that every person who is eligible to vote and be voted for in a House of Assembly election is also given the right to vote and be voted for at a local government council election. Despite the fact that the 1999

Constitution places a heavy emphasis on representative governance in local government, not much has been achieved in this sphere. This is as a result of the unwillingness of State Governors to conduct credible elections in the local governments since the beginning of the current political dispensation. Below is a chronology of local government administration from 1976 to 2007 (Omar, 2012):

- xvii. 1976-1979-Elected council on Zero Party basis
- xviii. October 1979-December 1983 : handpicked (selected) Local Government Chairmen and Councilors
- xix. January 1984- August 1985: Sole Administrators/ Management Councils
- xx. August 1985-December 1987: Management Committee System with Civil Servants as Sole Administrators
- xxi. January 1988-July 1989: Elected Chairmen and Councilors. All elected on personal merit or recognition
- xxii. August 1989-December 1990 Management Committees with Sole Administrators (Civil Servants) as Chairmen
- xxiii. January 1991-November 1993: Elected councils on party basis (Social Democratic Party and National Republican Convention
- xxiv. November 1993-April 1994: Administration of Local Government by Directors of Personnel Management (DPMs) under Military Administrators' Directives
- xxv. April 1994-1997: Selected Chairmen and 4 Supervisors (indigenes) to run the affairs of the Councils
- xxvi. 1997-June 1998 Elected Councils of the five registered political parties under the Abacha Regime

- xxvii. July 1998-May 1999: sole Administrators (Civil Servants) with 4 indigenes selected as Supervisors
- xxviii. June 1999-June 2002: Elected Council on political party basis
- xxix. June 2002-June 2003: Selected Councils by state governors called Transition Committees
- xxx. June 2003-March 2004 Transition Committees
- xxxi. March 2004-March 2007: Councils elected on party basis
- xxxii. April 2007-March 2008 about half of the states had elected local government representatives while others were planning to do so before the middle of 2008.

The implication of this is that for the past 33 years (between 1976 and 2009), there have been 16 different forms of local government administration and only seven out of these (i.e. less than half), were based on elections (Massoud, 2012).

History of local government elections conducted by Imo SIEC since its establishment in 2000 shows that the body has conducted 'three' elections. The first was during former governor Achike Udenwa's first tenure administration (2001/2002), while the second local government election was in 2004 during his second tenure, whereas the third was held six years later during former governor Ikedi Ohakim's regime in August 7, 2010. However, in the course of this study particularly during the expert opinion survey (EOS), key informant interviews (KII) and focus group discussions (FGD), we found out that Imo people do not regard the last local government election in 2010 as having held. For them there was no election rather it was selection, thus it is generally believed that Imo SIEC has had only two local government elections in history conducted

by Imo SIEC. To buttress this point, table 3.4 below clearly show that 54.2% of the male respondents have witnessed local government elections conducted by Imo SIEC only twice and similarly, 33.3% of female respondents have also witnessed LG elections twice also conducted by SIEC. On the other hand, 41.7% of the male respondents and 55.6% of the female respondents only witnessed LG election conducted by Imo SIEC once.

However, for some of these persons, Imo SIEC really made adequate preparations for the LG elections while for some others Imo SIEC did not make adequate preparations for the LG elections they have conducted so far. In this regard, the analysis in table 3.5 below reveals that about 69.4% of the total male and female respondents are of the view that Imo SIEC made adequate preparations particularly by bringing materials to the polling units on time. While 98.6% of the total gender say the body did not make adequate arrangements for the LG elections especially in the area of provision of DDC machine; lack of voter education; security; provision of registration materials; dissemination of information; training of registration officials; provision of registration centres¹⁹. This implies that Imo SIEC hardly makes adequate preparations for local government elections and part the reason for this could be the lack of financial independence of the commission which makes it difficult to be effective and efficient in delivering its constitutional roles.

¹⁹ EOS: Imo East, Imo West and Imo North senatorial zones, 2012. Note that 58.3% of our respondents say they were adequately informed about how they can vote while 37.5% said no to this. Unfortunately, we were not able to ascertain the source(s) of the 'adequate information' apart from Imo SIEC.

Table 3.4: How many times have you witnessed local government elections conducted by SIEC?

Gender	No response	Once	Twice
male	41.7%	4.2%	54.2%
female	55.6%	11.1%	33.3%

Source: EOS for the study, 2012

Table 3.5: Do you believe that SIEC makes adequate preparations for elections?

Gender	No response	Yes	No	Don't know
male	8.3%	25.0%	54.2%	12.5%
female	.0%	44.4%	44.4%	11.1%

Source: EOS for the study, 2012

Constitutional and Legal Framework around Local Government Elections

In terms of disciplining political parties, SIEC under law 12, 2006 is empowered to only observe and monitor political party primaries but not empowered to sanction or cancel political party primary's results that do not follow due process. Imo SIEC is not independent financially and in discharging its duties. Its funding comes from the general release under the state's accountant general rather than consolidated revenue fund. Fixing of election dates is the duty of the commission but in reality it is not so rather the election

timetable is prepared at government house and imposed on the commission²⁰.

Conversely, one of the key respondents from Imo SIEC contend that political parties activities like primaries are not monitored by the commission due to two major reasons avoid being accused of biased, so the commission decided to stay away from part primaries and left it for political candidates to see court intervention if they feel aggrieved. The second reason is lack of funding and in-house capacity which poses a great challenge for the commission to carry out such responsibility. In other words, training is major issue which makes in-house capacity of the commission very poor. This situation led to the engagement of Nigeria Bar Association (NBA), Owerri chapter, in 2010, to help in verification of candidates and also monitor local government elections²¹.

Meanwhile analysis of data from experts shows a mix feelings concerning if Imo SIEC is independent and fully committed to conduct credible elections. Table 3.6 reveals that a good number of imolites (experts) interviewed somewhat agree that Imo SIEC is independent are fully committed to conduct credible elections especially those that are in business, civil and civil servants, clergy, students and INEC officials. Whereas, some others like, engineers, NGOs, public servants, traders and teachers do not agree to this (see table 6). This however implies that a good number of Imo people still have confidence on Imo SIEC and possibly believes that the commission can perform credibly if given the opportunity.

²⁰ KII, Owerri (Imo East) 11/04/2012

²¹ KII, Owerri (Imo East) 11/04/2012

Table 3.6: The State Independent Electoral Commission (SIEC) is independent and fully committed to conduct credible elections?

Occupation	strongly agree	agree	disagree	strongly disagree
no response	50.0%	.0%	50.0%	.0%
business	.0%	100.0%	.0%	.0%
civil servant	.0%	71.4%	14.3%	14.3%
engineer	.0%	.0%	100.0%	.0%
INEC staff	100.0%	.0%	.0%	.0%
NGO	.0%	.0%	100.0%	.0%
nursing	.0%	100.0%	.0%	.0%
pastor	100.0%	.0%	.0%	.0%
public servant	.0%	.0%	25.0%	75.0%
student	80.0%	20.0%	.0%	.0%
teaching	25.0%	.0%	50.0%	25.0%
trading	.0%	.0%	66.7%	33.3%

Source: EOS for the study, 2012

On the issue of the procedure for appointment and removal of the electoral commissioners, majority (36.4%) of the respondents agrees that the procedure is open, transparent, and credible while some others disagree with this view as can be seen in table 3.7. But one wonders despite the positive perception, why is that the outcome of elections conducted by Imo SIEC cannot be said to be transparent and credible?

Table 3.7: The procedure for the appointment and removal of the electoral commissioners is open, transparent and credible

Response	Percent
no response	3.0
strongly agree	15.2
agree	36.4
neither agree nor disagree	3.0
disagree	21.2
strongly disagree	21.2
Total	100.0

Source: EOS for the study, 2012

There is a wide range of discontent among citizens regarding if the electoral system promotes inclusion and representativeness of diverse groups and interests at election. For members of the civil society and some others as seen in table 3.8, they disagree to this while for the civil and public servants, clergy and few others agree that the electoral system promotes inclusion of diverse groups and interests.

Table 3.8: The electoral system promotes inclusion and representativeness of diverse groups and interests at elections

Occupation	no response	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree
no response	.0%	50.0%	50.0%	.0%	.0%	.0%
business	.0%	33.3%	66.7%	.0%	.0%	.0%
civil servant	.0%	.0%	100.0%	.0%	.0%	.0%
engineer	.0%	.0%	.0%	.0%	100.0%	.0%
INEC staff	.0%	.0%	100.0%	.0%	.0%	.0%
NGO	.0%	.0%	.0%	.0%	.0%	100.0%
nursing	100.0%	.0%	.0%	.0%	.0%	.0%
pastor	.0%	.0%	.0%	100.0%	.0%	.0%
public servant	.0%	.0%	75.0%	.0%	25.0%	.0%
student	.0%	40.0%	40.0%	.0%	20.0%	.0%
teaching	.0%	.0%	50.0%	.0%	25.0%	25.0%
trading	.0%	33.3%	.0%	.0%	66.7%	.0%

Source: EOS for the study, 2012

Table 3.9 shows that the electoral law is really adequate for managing diversity at local government elections. Here, majority of the experts attested to this while few disagreed to this fact. The reason of the few is keened to the poor implementation of these laws perhaps due to lack of political will by the executives to do the right thing.

Table 3.9: The electoral law is adequate for managing diversity at local government elections

Gender	strongly agree	agree	disagree	strongly disagree
male	29.2%	45.8%	20.8%	4.2%
female	33.3%	55.6%	11.1%	.0%

Source: EOS for the study, 2012

The enormous influence of governors over SIECs it quite over bearing. This incidentally jeopardizes the effective delivery of the commission's functions. As a result, majority (66.6%) of the experts interacted with strongly agree the process of the appointment and removal of SIECs electoral commissioners should be handled by an independent non-partisan body. Meanwhile, a few others disagree to this perhaps they are satisfied with how the process is being done now (see table 3.10).

Table 3.10: The process of the appointment and removal of SIEC's electoral commissioners should be handled by an independent non-partisan body

Gender	strongly agree	agree	disagree	strongly disagree
male	33.3%	41.7%	16.7%	8.3%
female	33.3%	55.6%	11.1%	.0%

Source: EOS for the study, 2012

Some Nigerians during the debate on national electoral reform suggested that positions for members of the board of national electoral management body (INEC) should be made public such that the various positions will be advertised widely and eligible people apply and compete for the posts. Similarly, majority of Imo people still believe that such measure should be applied to Imo SIEC in the sense that electoral commissioner's position are advertised and competed for by eligible persons. Table 3.11 below clearly show that majority of Imo people from different works of life strongly agree that the position of SIECs electoral commissioners should be advertised and competed for nationally. Surprisingly, only few public servants particularly staff of electoral management body disagreed with this view.

Table 3.11: The position of SIEC's electoral commissioners should be advertised and competed for nationally

Occupation	strongly agree	agree	disagree	strongly disagree
no response	100.0%	.0%	.0%	.0%
business	66.7%	33.3%	.0%	.0%
civil servant	14.3%	57.1%	28.6%	.0%
engineer	.0%	100.0%	.0%	.0%
INEC staff	.0%	.0%	100.0%	.0%
NGO	100.0%	.0%	.0%	.0%
nursing	.0%	100.0%	.0%	.0%
pastor	100.0%	.0%	.0%	.0%
public servant	25.0%	50.0%	.0%	25.0%
student	40.0%	40.0%	20.0%	.0%
teaching	75.0%	25.0%	.0%	.0%
trading	33.3%	66.7%	.0%	.0%

Source: EOS for the study, 2012

It is amazing to see that staff of electoral management bodies does not want position of SIEC's electoral commissioners advertised but they strongly agree the state independent electoral commission (SIEC) should enjoy relative autonomy in terms of political, administrative and financial independence as revealed in table 3.12b. In a similar vein we found out that 45.8% of our male and 55.6% of female respondents strongly agree to this position (table 3.12a). This shows that there is a massive call that SIEC should be granted autonomy in order to function effectively and efficiently.

Table 3.12a: The state independent electoral commission (SIEC) should enjoy relative autonomy in terms of political, administrative and financial independence

Gender	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree
male	45.8%	37.5%	.0%	4.2%	12.5%
female	55.6%	33.3%	11.1%	.0%	.0%

Source: EOS for the study, 2012

Table 3.12b: The state independent electoral commission (SIEC) should enjoy relative autonomy in terms of political, administrative and financial independence

Occupation	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree
no response	100.0%	.0%	.0%	.0%	.0%
business	33.3%	33.3%	.0%	.0%	33.3%
civil servant	28.6%	57.1%	.0%	14.3%	.0%
engineer	.0%	100.0%	.0%	.0%	.0%
INEC staff	100.0%	.0%	.0%	.0%	.0%
NGO	100.0%	.0%	.0%	.0%	.0%
nursing	.0%	100.0%	.0%	.0%	.0%
pastor	.0%	.0%	.0%	.0%	100.0%
public servant	50.0%	25.0%	.0%	.0%	25.0%
student	40.0%	40.0%	20.0%	.0%	.0%
teaching	100.0%	.0%	.0%	.0%	.0%
trading	33.3%	66.7%	.0%	.0%	.0%

Source: EOS for the study, 2012

Financial arrangements for Local Government Elections

The major funding for local government elections conducted by Imo SIEC comes from the state government. The commission is not financially independent and there is no constitutional provision to address this rather the constitution empowers state governors to constitute SIEC and fund it. Surprisingly, SIEC have not received the kind of support development partners have given to INEC over the years. This situation has also affected the commission's capacity to carry out its function effectively because of the sole reliance on state government's patronage and directive. In other words, funding of the SIECs is at the behest of these 'Imperial Governors'. A visit to offices of Imo SIEC at the local government councils shows that the commission is near to moribund at the LG levels because of lack functional and equipped office facilities and you hardly find any data in these offices.

Participants at the FGDs across the three senatorial zones of Imo state had converging view on the issue of financing local government elections in the state. For them,

in order for Imo SIEC to conduct credible election, the commission should be given financial autonomy and not funded by the ruling party through state governors. SIECs should be funded directly from federal government and not state government that dictate for the commission. Participants also expressed that political parties should be given a quota amount as part of their support or sponsorship to aspirants²².

Excerpts from the three FGDs conducted across the three senatorial zones, 2012.

As a remedy to this lack of financial independence of Imo SIEC, the report of the commission's panel on local government electoral reform suggests that the Commission should be financially independent. The commission should come under the Consolidated Revenue Fund Charges (CRFC) and there should be established Imo state Independent Electoral Commission fund and the commission should maintain a separate fund. The report further stressed that the funding of the commission must never come under the General Release under the Accountant General. For the panel, this is the only way that the commission can be in a position to discharge its functions and duties effectively²³.

Election Dispute Resolution

According to a respondent, aspirants, police and electorates are all traits towards conducting free and credible local government election. Here, aspirants use the police who escorts the political thugs when they hijack the electoral materials. The electorates on their part do nothing to confront election malpractices in their constituency²⁴.

Part of the problems aspirants who claim they were fraudulently rigged out encounter is that, the various electoral tribunals set up to resolve electoral disputes do not usually have sufficient time to adjudicate and dispose of all election matters before the 'winners' take oath of office. It is unfortunate that the electoral system illegally allows a situation whereby acclaimed winners are sworn in while the tribunals are going on with investigation.

²³ Culled from 2011 report of Imo SIEC panel on Local Government Electoral Reform

²⁴ KII, Ahiazu (Imo East) 13/04/2012

Consequently, the panel that was set up to look at local government electoral reform in Imo state observed that the proposed sixty days before expiration of the current tenure should allow the various tribunals enough time to adjudicate and dispose of all election matters before the swearing in of the winners. The panel further suggested that no candidate who has a petition against him or her should be sworn in until the case against him/her is disposed of. For the panel, this has the impact of not allowing somebody who cheated during the election to receive salaries and allowances to the detriment of the people and the council and it completely eliminates the use of Council and Government funds to defend election petitions²⁵.

In addition to other electoral dispute matters, electorates encountered several problems in the process of exercising their franchise. Some of these problems include,

- Corrupt practices of Imo SIEC officials and security agents which resulted to their non-receptive to people who did not offer them bribe;
- Direct data capture (DDC) machines were not available and places where they are but mal-functions machines
- Lack of information and sincerity of purpose of electoral officers;
- Insecurity based on activities of hoodlums and political thugs; interference of political party agents
- Late arrival of materials and shortage of voting materials in some areas;

²⁵ See the 2011 report of Imo SIEC panel on Local Government Electoral Reform

- Votes were not counted at some polling units;
- Spending too much time on queue as result of mal-functioning DDC and attitude of electoral officers, party agents and security agents.

Table 3.13 clearly reveals that of all the issues mentioned above, majority (54.2% males and 33.3% females) considered insecurity as most important problem the faced while exercising their franchise. Other issues considered critical and important too and that also need to be addressed are shortage of voting materials, and interference of political party agents.

Table 3-13: Of all the issues you mentioned which one do you consider the most important problem?

Gender	Shortage of voting materials	Interference of party agents	Insecurity	I spent too much time waiting on the queue to vote	corruption	DDC machine was not available; lack of information and sincerity of purpose	hoodlums activities	late arrival of materials
male	16.7%	12.5%	54.2%	4.2%	4.2%	4.2%	.0%	4.2%
female	11.1%	22.2%	33.3%	22.2%	.0%	.0%	11.1%	.0%

Source: EOS for the study, 2012

Emergence of several electoral disputes attests to the fact that most aspirants are discontented with outcome of elections. The electorates themselves do not consider local government elections to be free and fair or generally transparent. The analysis in table 3.14 and table 3.15 are clear evidence that majority of the respondents accepted this fact. Only an insignificant number of respondents merely agree that local government elections are considered to be generally transparent or free and fair. This is an indication that local government elections are marred with irregularities and flaws and there is the urgent need to address this rather than over flooding the tribunals with electoral disputes.

Table 3.14: Local government elections are considered to be free and fair

Gender	no response	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree
male	.0%	8.3%	25.0%	.0%	45.8%	20.8%
female	11.1%	22.2%	.0%	11.1%	22.2%	33.3%

Table 3.15: Local government elections are considered to be generally transparent

Gender	no response	strongly agree	agree	disagree	strongly disagree
male	.0%	8.3%	25.0%	50.0%	16.7%
female	11.1%	22.2%	11.1%	33.3%	22.2%

Source: EOS for the study, 2012

On the issue of whether local government election disputes are usually well managed to the satisfaction of the political parties, we found out that the male respondents have a completed different view from the female counterpart. Table 3.16 reveals that majority (54.2%) of the male experts disagreed that local government election disputes are usually managed well whereas most female respondents (55.6%) agree that election disputes are usually managed well.

Table 3.16: Local government election disputes are usually well managed to the satisfaction of the political parties

Gender	agree	neither agree nor disagree	disagree	strongly disagree
male	20.8%	12.5%	54.2%	12.5%
female	55.6%	.0%	22.2%	22.2%

Source: EOS for the study, 2012

The overall performance of Imo SIEC by majority of our respondents appears not to be good. Here, table 3.17 show that most of the male experts (54.2%) and 44.4% of female experts strongly/disagreed that Imo SIEC has performed creditably. It is also interesting to see that some people still agree that Imo SIEC has performed very well despite the contrary view of the majority.

Table 3.17: The overall performance of the electoral commission (SIEC) is considered to be very good

Gender	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree
male	16.7%	20.8%	8.3%	37.5%	16.7%
female	11.1%	44.4%	.0%	22.2%	22.2%

Source: EOS for the study, 2012

Election Management in Practice at the Local Government level

During local government election, INEC always provide SIEC with electoral register which can be categorized into two forms known as electronic voters register (E.V.R) and manual voters register (M.V.R). Unfortunately, the sensitive materials used by SIEC are produced locally²⁶.

A respondent lamented on the use of untrained securities (Law Enforcement Agents) during local government elections. He said security agents usurp the election period as an opportunity to make money from politicians rather than protecting the electorates and ensuring peace at the polling stations²⁷.

During one of the FGDs particularly in Imo West (Oguta) the people expressed bitterness on how Imo SIEC have been conducting local government election especially in Oguta. For them Imo SIEC is not conducting election rather they do selection. The people further

²⁶ KII, Ahiazu (Imo East) 13/04/2012

²⁷ KII, Ahiazu (Imo East) 14/04/2012

expressed concern that it is the state government and godfathers in Imo state that dictates for Imo SIEC whom to select before the so-called election. They also noted that Imo SIEC is not independent from state control because it is the state government that fix election time table for the commission and direct them on how, when and whom to work in favour of before and during election commences²⁸.

Regrettably, we gathered from the discussion that the commission issued fake nomination forms to any aspirant who is not approved by state government and reserves the original copies for the anointed aspirants of the state governor. Participants attested to the fact that, Imo SIEC screening method is faulty in the sense that candidates are subjected to all manner of humiliation and embarrassment in the name of screening. Some aspirants were sent to fake screening venues while some others were sent to genuine screening venues. There are instances where candidates that lack the prerequisite qualification were cleared for screening because they have godfather while candidates with the required qualification were not cleared and eventually screened out or tactically sent to the fake screening venue²⁹.

However, we gathered from Imo SIEC that NBA were contracted to do the screening of candidates since the commission lacks the in-house capacity to do so. For Imo SIEC, the NBA consultants did a perfect job in terms of screening the candidates of which the commission is satisfied with³⁰. On the contrary, a respondent from

²⁸ FGD, Imo West (Izombe Oguta) 22/04/2012

²⁹ ibid

³⁰ KII, Owerri (Imo East) 11/04/2012

the commission disagreed with this saying that the commission do not lack the capacity in this regard rather the issue was that the so-called NBA consultants did not know what they were contracted to do³¹.

More so, the people complained bitterly on late arrival of electoral materials in different polling boots. Despite that, in some polling units, electoral materials will not be available and elections will not be conducted but an aspirant under ruling party, People Democratic Party (PDP) will be selected as a winner. An example is the case of election conducted at Osemoto, Oguta in August, 2010 where nobody contested election and Imo SIEC testified to this but at the end someone was declared winner³². Also, during accreditation and counting of votes, electorates discovered that the commission counts the votes of dead persons who were accredited but did not participate during election.

On the issue of security, the people lamented over the ugly performance of law enforcement agents that work with Imo SIEC during election. These agents (Policemen) collect bribes from aspirants and politicians and undermine their assigned duties. Owing to this attitude by law enforcement, thugs were allowed to employ different means like fighting, disorganizing of queue and hijacking of electoral materials to make sure that their aspirants win the election³³. Participants at the Izombe (Imo West) FGD revealed that,

³¹ KII, Orsu (Imo West) 25/4/2012

³² *ibid*

³³ *ibid*

security is a serious issue in the area during local government elections. There were inadequate security agents from government as a result politician's security agent overshadows the entire election activity. Electorates are intimidated, women are harassed and at the end they would not cast their vote. The aged are also harassed and intimidated to vote for a particular party or candidate failure of which their houses and properties will be destroyed³⁴.

The above quote concurs with our findings from expert opinion survey across the state where we found out that security agents were partisan in discharging their duties during election. Table 3.18 show that majority of our respondents point to the fact that security forces are not fair and are usually partisan in their role in local government electoral process.

Table 3.18: Security forces are fair and non-partisan in their role in the local government electoral process

Gender	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree
male	.0%	8.3%	12.5%	50.0%	29.2%
female	22.2%	22.2%	11.1%	22.2%	22.2%

Source: EOS for the study, 2012

³⁴ FGD, Imo West (Izombe Oguta) 22/04/2012

For them, the distance between the collation centres and most polling units is very far thereby creating avenue for manipulation of results that cannot be returned to the collation centres on time.

Besides, the outcome of the FGD in Imo East (Owerri) was not far from that of Imo West. Here, participants voiced their grievance over the performance of Imo SIEC since its establishment. According to them, the commissions do not give proper voter/political education and orientation to both electorate and the aspirants. In addition, participants are of the view that most of the commission's staff are not well trained, instead the commission relies ad-hoc staffs who were appointed by the politicians so that they will work on their instructions.

The FGD participants further noted how the commission uses falsified voters register which contains both names of registered and unregistered electorates to conduct their local government election and a typical example is the election conducted in Owerri West LGA in August 2010. On the issue of security, the participants complained on how law enforcement agents work to favour the intention of state government by allowing political thugs to hijack the ballot box at polling units. They also raised concern on how the commission officials discharge their duties with favouritism and corruption so as to please the mind of state government that appointed or recruited them³⁵.

Civil society on their part plays vital roles during local government elections. Our interaction with a member of the Justice

³⁵ FGD, Imo East (Owerri municipal) 26/04/2012

Development and Peace Commission (JDPC) shows that the body organizes voter education programmes prior to local government elections. They do this in collaboration with Imo SIEC, local non-governmental organizations. Despite these efforts, there is still voter apathy among citizens mainly because of security lapses, harassment and intimidation of voters during elections³⁶.

There is also the bureaucratic challenge of Imo SIEC not relating with civil society organizations and government agencies like National Orientation Agency. This makes it difficult for the commission to share information or ideas with other agencies without approval from the headquarters³⁷.

Most of the youth we interacted with during the study especially participants at the FGD in Imo North have a dynamic view about the subject matter. For them, elections are the same all over. People who make rules recruits people who destroys the rules and makes the process fail. Here, the election umpires are manipulated, tax payers money are wasted in the name of conducting election. One interesting thing we found out from our interaction with the youth is that,

Communities like Oka in Isiala Mbano LGA during elections form their own security known as 'Booth Army' whose primary responsibility is to secure polling stations³⁸.

KII, Imo East (Owerri municipal) 25/04/2012

KII, Orsu (Imo West) 25/04/2012

KII, Oka Isiala Mbano (Imo North) 05/05/2012

The 'Booth Army' can be seen as an alternative to lack of sensitization of citizens on mandate protection in most communities. We were meant to understand that this group ensures that the aged, pregnant women and people living with disability are given the privilege to vote before others. They also ensure that votes are counted properly and escort these votes to the collation centres.

It is also important see how electorates described Imo SIEC in terms of their capacity to disseminate information, trained personnel, and efforts in making progress learning from previous elections. Looking at table 3.19 we found out that people were satisfied that they got adequate information about how they can vote. This is kudos to Imo SIEC even though the commission lacks the fund to do political and voter education, however, we gathered that some non-governmental development partners were able to fill this gap.

Table 3.19: Do you feel that you were adequately informed about how you can vote?

Gender	no response	yes	no	don't know
male	4.2%	58.3%	37.5%	.0%
female	.0%	66.7%	11.1%	22.2%

Source: EOS for the study, 2012

Meanwhile table 3.20 shows that majority of the male respondents do not believe that SIEC officials are adequately trained, unlike most of the female respondents who believe that SIEC officials are adequately trained. However, this does not mean that SIEC officials

including ad-hoc officials are not trained rather the point here is that there need to improve their capacity on electoral management process.

Table 3.20: Do you think that SIEC officials are adequately trained?

Gender	no response	yes	no	don't know
male	4.2%	29.2%	50.0%	16.7%
female	.0%	33.3%	22.2%	44.4%

Source: EOS for the study, 2012

Despite the inadequate training as identified by most respondent as part of the problem facing Imo SIEC, it is vital to observe that our respondents further recognise that Imo SIEC has made some progress in the following areas, recruitment of competent electoral officials; provision of direct data capturing (DDC) machines; reduction of time taken to vote; provision of DDC machines; access to polling stations; provision of information and voter education.

Conclusion and Recommendations

From our findings, the performance of Imo SIEC has not been a positive experience for residents of Imo state. For them, the commission barely achieves its goals and objectives. Successive Governors had always been in-charge while the commission lacks the autonomy to function effectively and efficiently. We also gathered that during elections, results submitted by returning officers are usually discarded and fake results announced because of governor's interest. It is no longer news that SIEC is being manipulated by governors such that elections at local government councils are a mere charade. The ruling parties usually dominate pre-election activities and the election outcomes and election results are usually alarming. For instance, before elections, we understand that genuine voters register are displayed but during elections fake voters register are used thereby undermining the integrity of the commission.

The commission lacks funding to carry out political and voter education even though some non-governmental bodies do this exercise in most often. The so-called powerful politicians are notorious in influencing SIEC officials posted to their locality during election. These politicians are usually affiliated to the ruling party. The same applies to the role of security agents who focus on the security of their pay masters instead of ensuring that peoples mandate is protected.

On the other hand, the key recommendations that came out from the study were largely derived from two main sources. First is the suggestions made by Imo people themselves during the key

informant interviews and focus group discussions across the three senatorial districts of the state. Second is the proposals made by team of experts to development partners targeted at reforming and repositioning SIECs across Nigeria. The suggestions include,

- i. Due to the security lapses that mar local government elections, Imo people suggested that SIECs should be empowered to have their own trained securities which will be free from external control and influence by government officials and politicians.
- ii. In the case of collation centres being far away from most polling units especially in Imo West (Oguta) senatorial zone, our respondents requested that different collation centres should be provided for both Oguta North and South in order to enable various polling booths have access to electoral materials on time and when due.
- iii. There is need for an improved continuous engagement by SIEC, government agencies like the National Orientation Agency and civil society in organizing sensitization programmes, political and voter education for the masses and the electorates.
- iv. In order to have persons of integrity as commissioners in SIEC, Imo people proposed that public advert for the positions which will be entrusted on an independent body to screen. By this, governors influence will be reduced since they would not be the ones to appoint members of the independent screening board rather the people will do that through their various representatives.

- v. Imo people suggested that political offices should be made less attractive so that aspirants will not spend too much money in pursuing political position. One of the ways the proposed is to reduce the cost of governance in terms allowances and monetary and material benefits attached to political offices.

Besides, the team of experts working reform of local government electoral system came up some more concrete recommendation that include,

Strengthening Institutional Autonomy

- i. The review of the Constitution of the Federal Republic of Nigeria to recognise the autonomy of the Local Government Councils as a third tier of government with minimum supervision of the states in the area of financial expenditure.
- ii. Appointment of the Chairman of SIEC should be given constitutional backing to prevent the direct control of the process by State Governors.
- iii. The guarantee of a democratic local government provided for in Section 7(1) of the 1999 Constitution should be reinforced by specific provisions which will preclude the mass dissolution of local governments in a state;
- iv. Removal of Local Government Chairmen and councillors should be by way of 'recall' by the relevant electorate or constituency from which the mandate emerged in the first place. This should be the responsibility of the entire local government in the case of the position of Chairman, and the ward in the case of councillor.

- v. There is need for the constitutionally guaranteed sources of funding for SIEC. A proportion (5%) of the statutory allocation to local governments should be set aside for funding the SIEC. This fund should be deducted at source and credited directly to the accounts of the relevant SIEC. This implies that SIECs funding should come from the Consolidated Revenue Fund Charges (CRFC).
- vi. The Joint State Local Government Account should be abolished and local government allocations should be remitted to them directly.

Strengthening Institutional Inclusiveness

In order to prevent the incessant marginalisation of citizens from the control of electoral institutions, the following should be done:

- i. Institutionalisation of Affirmative Action. This means the mainstreaming of gender in SIEC structures as a technical base for gender oversight in electoral processes.
- ii. Representation of persons with disabilities
- iii. Youth representation
- iv. Representation of professional bodies

Strengthening Institutional Capacity

To ensure that SIECs have the human and infrastructural strengths to perform, the following are recommended:

- i. There should be the professionalization of SIEC structure and operations in order to provide the basis for effective oversight and partnership. This will include a well designed policy to ensure the:

- Recruitment on merit, skilled persons particularly with requisite administrative experience;
 - Recruitment of trainable persons who will take on administrative career in electoral management;
 - Presence of an employment policy that facilitates the retention of core staff with high level integrity.
- ii. There should be a code of conduct to ensure and promote the moral and ethical capacity of the personnel in SIEC;
 - iii. There should be conscious planning to technically equip SIECs with Information Communication Technology;

Strengthening Institutional Impartiality

To promote and ensure non-partisanship of the SIEC, the following should be done:

- i. The sole power of the Governor to appoint the Chairperson and members of SIEC should be deleted from the Constitution and the Electoral Act.
- ii. Appointment of administrative staff should not be based on their affiliation to a political party, but rather on merit;
- iii. Appointment of ad-hoc staff should be designed to eliminate party control of the process and in favour of recruitment of persons with integrity, all aimed at ensuring neutrality and fairness.

Strengthening Citizens' involvement

To ensure citizens engagement with SIEC and its proper functioning, the following are recommended:

- i. A Citizens Consultative Board at the Ward and Local government levels should be constitutionally created to monitor the activities of SIEC.

- ii. The board should be composed of representatives of civil society, labour movement, professional groups, women associations, youth groups and persons with disabilities.
- iii. their role is to periodically engage the SIEC in dialogue and constantly demand for accountability and transparency

Preconditions for Strengthening SIECs

- i. There should be a review of both the Constitution and the Electoral Act 2010 by the National Assembly with input from the public and civil society to strengthen institutional capacity and impartiality as well as infrastructural capacity and adaptability of SIECs.
- ii. The Government, Development Partners and civil society should provide technical and financial support to the SIECs to strengthen their capacities.
- iii. Political parties should undergo political education on these reform initiatives and the National Democratic Institute and the Electoral Institute should be charge with the responsibility of imparting political and civic education.

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Chapter 4

THE STATE INDEPENDENT ELECTORAL COMMISSION IN KADUNA STATE

Massoud Omar

INTRODUCTION

Reforming the State Independent Electoral Commissions is one of the most important issues which deserve utmost attention if governance based on transparency and accountability is to be firmly entrenched in the 774 local government areas in Nigeria. The present constitutional arrangement in which governors appoint chairmen and Commissioners of SIECs makes the latter dependent on the former, and this hardly creates the enabling environment for organising free, fair and credible elections at the local government level. This constitutional arrangement takes us back to the 1950s, 1960s and 1980s, where local government elections amounted to "selection" and "appointment" of chairmen and councillors. Since control of local governments is perceived as very vital for capturing political power at the state level governors may never appoint chairmen and commissioners of SIECs who may be impartial in organising local government elections.

The SIECs, it is often alleged, are usually filled with the governors' cronies. In addition, the governors have the power to dissolve local government councils and appoint caretaker committees at the expiration of the tenure of elected councils. Usually, the care taker committees are filled with cronies and card carrying members of

the ruling party. Thus, both the SIECs and the local governments are filled with supporters or sympathisers of the governor and the ruling party and this makes the possibility of having credible local government elections very remote. Thus, placing Local Governments under State control, as the 1999 Constitution does, is a fundamental flaw which has to be rectified if democracy is to be enshrined in our local governments. Therefore, if we are desirous of moving forward from the 1950s and 1960s, reforming the SIECs and freeing them from the clutches of state governors is an imperative.

Between 1976 and 2009, there have been 16 different forms of local government administration in the country, and out of these, only seven (i.e. less than half), were based on elections. Out of the seven elections, only two, the elections of 1976 held on zero party basis and that of January 1988 also held on zero party basis, were adjudged to have some semblance of credibility. All the other elections- January 1991, June 1997, June 1999, March 2004 and April 2007- have all been tainted by allegations of widespread irregularities such as inflated voter returns, ballot box stuffing, altered results and disenfranchisement of voters. The Electoral Acts have been reviewed in 2001 and 2002, as well as in 2010. The reviews did not take into cognizance the issue of entrenching democracy in the local government councils (check for details). It can be argued that when democracy thrives at the local level, it would be more difficult to rig elections at the state and even federal levels. It is only when democratically elected local government councils are in place that there can be some degree of transparency, accountability and responsiveness in how local communities are governed. What needs to be done now is to strengthen the SIECs grant them autonomy in terms of appointment of chairmen and

commissioners as well as in financial matters. This research seeks to unearth how to strengthen the SIECs make them functional and effective so as to enable them conduct credible elections at the local government level.

BACKGROUND TO THE STUDY

Kaduna state has a population of 6,113,503. The State comprises of 23 Local Government Areas, 255 Electoral Wards four million registered voters and 5,184 Polling Units. The number of the Local Government Areas (LGAs) in the State increased from fourteen in early 1980s to the present twenty three in 1998. The local governments as presently constituted are:

Birni-Gwari, Chikun, Giwa, Igabi, Ikara, Jaba, Jema'a, Kachia, Kaduna North, Kaduna South, Kagarko, Kajuru, Kaura, Kauru, Kubau, Kudan, Lere, Makarfi, Sabon-Gari, Sanga, Soba, Zango-Kataf, Zaria.

In terms of demography, the State is mostly populated by Hausa, Gbagyi, Adara, Ham, Atyap, Bajju, Ninkyob, Kurama, Koro, Kataf, Mada and Agworok Ikulu. Agriculture is the main stay of the economy with about 80% of the people actively engaged in farming. Cash and food crops are cultivated and the produce include: yam, cotton, groundnut, tobacco, maize, beans, guinea corn, millet, ginger, rice and cassava. Over 180,000 tonnes of groundnuts are produced in the state annually, but the major cash crop is cotton. The state is a metropolitan as well as a cosmopolitan industrialized state with over 80 commercial and manufacturing industries.

The elected local government councils in the State were dissolved just before the general elections in 2011. This followed the trend in other states where local government councils were dissolved and caretaker committees appointed in their place. Opposition to this measure was vehement as people went to court to challenge the legality of the dissolution exercise, and obtained a judgement which declared the action of the Kaduna State government as illegal. But the state government argued that there was no way it could conduct local council elections without first amending the laws setting up the State Independent Electoral Commission. According to the government, the expiration of the term of the Chairman and most members of the Commission was the main problem hindering them from conducting the election. At the same time, nominees for the positions of caretaker chairmen and councillors for local governments were approved by the State House of Assembly and inaugurated by the Governor in July 2011. However Justice G.I. Kurada of the Kaduna State High Court, on August 2, 2011, declared that the Kaduna State Government does not have the powers to make any law empowering them to appoint interim leadership for the LGs in view of Section 7 of the Constitution. The court also declared that the earlier appointment of secretaries for the 23 LGs to act as interim administrators of their respective local governments was in breach of the constitutional provisions of Section 7(1) of the constitution. Meanwhile, the House of Representatives had in May 2011 declared as illegal the appointment of administrators of the various Local government councils in 25 states of the federation.

Delay in conducting local government elections and the appointment of caretaker chairmen in Kaduna State raised a lot of

suspicion, mostly on the part of opposition parties as to the real motives of the state government. The Minority Leader in the state House of Assembly, Dr. Shehu Usman Danfulani called for the immediate conduct of local government elections, stressing that it was a democratic misnomer to appoint sole administrators and caretaker committees to run the affairs of the 23 local government councils. According to him,

It is not only the electorate that are concerned about the delay in the conduct of the local government elections, but politicians and other stakeholders are equally worried that for over a year now their affairs are being governed by undemocratic structures.

In order to avoid a repeat of such actions by the state government, he called for a constitutional review to grant full autonomy to the local councils in the country to further deepen the democratic project.

According to the commissioner for Justice and Attorney General of the State, Barrister Jonathan Kish Adamu, the state government was not aware of any judgement declaring the Interim Management Committees illegal. He added that those who went to court were only challenging the validity of Administrative Secretaries presiding over the council, pointing out that at the time of judgement, the Secretaries were no longer in charge of the councils. According to him, the state electoral law recognises Caretaker Committees for the local councils in the state when it is not convenient to conduct elections. He argued that because the law establishing the SIECOM in the state was before the State

Assembly for amendment, there was no way elections could be held for the local councils until the law is amended to conform to the provisions of the Electoral Act 2011. According to him,

we don't want a situation where our electoral laws are at variance with the federal laws. So, we want the law to conform to the Electoral Act and as we speak, the State Assembly is in the process of reviewing the laws and as soon as that is done, we will put the machineries in place to conduct the local government elections. -----we discovered that some sections of the state electoral law are in conflict with the Electoral Act. For example, while our law says you should give 60 day notice of election, the Electoral Act stipulates 90 days. Our law does not make provision for party agents to be given copies of the results at the polling unit. We want to correct all these before the election.

Adamu said that the SIECOM law in the state makes provision for transition committees to run the local government pending the conduct of elections.

Reacting to the Kaduna state imbroglio, a constitutional analyst, Barrister Yahaya Mahmood, pointed out that the appointed committees were not expected to stay beyond three months as stipulated by the 1999 constitution, and this supersedes any state law. According to him,

Section 7 of the 1999 Constitution guarantees democratically elected local government Councils. The Section gives the States Houses of Assembly the powers to pass laws dealing with their elections, working and tenure. That is where the governors get powers to dissolve the councils and set up caretaker committees with the concurrence or collaboration of the House of Assembly. However, the Courts have declared the Kaduna caretaker committees illegal. The intention of the framers of the Constitution is that if there should be caretaker committees, it should be only in the event of dissolution and for a reasonable time of say three months.

In explaining the delay in conducting local government elections, the Chairman of the KADSIECOM, said the commission was faced with various problems of logistics that had to be resolved before conducting the polls. She disclosed that when the Commission was inaugurated in December 2011, there was no updated voters' register that could be used to conduct the LG polls. According to her;

We had to work with the Independent National Electoral Commission (INEC) in Kaduna state to produce a workable register. We met a burnt office and burnt vehicles on our assumption of office. The process of conducting election is in high gear. We are sensitising the political parties, residents and even the media because we want to operate within the law. We are building the capacity of our staff.

Our vehicles and office that were burnt during the last post-election crisis have also hindered our progress because our commissioners are cramped in a small office while mobility has been curtailed but we are working towards resolving that.

She added that once the sensitisation exercise is concluded and the problems of logistics resolved, a date would be fixed for the local government polls. Meanwhile, the House of Assembly passed a new electoral law in June. Such was the situation in Kaduna state with regards to conduct of local government polls at the time of conducting this research.

Methodology

The research was conducted using the questionnaire/interview method. Focus Group Discussions were also held with various stakeholders in three selected local governments, urban, semi urban and rural. The local governments are

- Chikun-Urban
- Giwa Semi urban
- Kudan-Rural

Chikun local government is urban, with four major towns-Chikun, Sabon Tasha, Kujama and Gwagwada. The major languages in the area are Hausa and Gbagyi.

Giwa local government is semi urban with Hausa and Fulfulde being the major languages spoken in the area. The major towns in the local government are Giwa, Shika and Fatika. Kudan is rural, with Hausa and Fulfulde being the major languages. The major towns are Hunkuyi and Kudan.

Participants in each of the three FGDs included civil servants, candidates who have contested local government elections, farmers, teachers, representatives of community based organizations such as cooperative societies, women groups youth groups as well as the clergy.

Questionnaires were designed to find out the opinions of the electorate about the fairness of local government elections and the capability and impartiality of KADSIECOM in conducting local government elections. In order to ensure a fair representation of views, questionnaires were administered through random sampling. The respondents were from various occupational groups ranging from teachers, women groups, union leaders, farmers, youth leaders, members of the academia, law enforcement agents, members of the clergy and journalists who have had experience in covering local government elections.

Interviews were conducted with the Chairperson of KADSIECOM and two other commissioners, one INEC staff and members of civil society groups such as women cooperative societies, youth groups, farmers associations and teachers as well as some civil servants. Secondary sources of data were also used for the research. These include newspaper reports, official documents of the KADSIECOM such as the Kaduna State Electoral Law, sensitization pamphlets etc.

The Kaduna State Independent Electoral Commission

The Kaduna State Independent Electoral Commission (KADSIECOM) was established by Section 197(i) (b) of the Constitution of the Federal Republic of Nigeria, 1999. Before the 1999 Constitution came into effect, there existed a State Law for

the Establishment of the Kaduna State Electoral Commission (Laws of Kaduna State, 1991). Under Section 3 part II of the 3rd Schedule to the 1999 Constitution, the Commission was established to:

- a) Organise, undertake and supervise all elections into Local Government Councils within the State; and
- b) Render such advice as it may consider necessary to the Independent National Electoral Commission on the compilation of and the register of voters in so far as that register is applicable to local government elections in the State.

The Commission comprises of a Chairman and Six Members.

The KADSIECOM is made up of six (6) departments, each headed by a commissioner. The departments are;

- ❖ Establishment
- ❖ Finance
- ❖ Logistics
- ❖ Legal Operations
- ❖ Public affairs
- ❖ Information and Party Liaison

Some of the commission's staff were pulled out from the civil service and attached to the commission. The commission reserves the exclusive right of fixing the election dates. In the compilation of voter's registration, the independent electoral commission should seek advice from KADSIECOM. The KADSIECOM has the power to

create wards but does not create polling units. The SIEC and INEC have distinct roles and mandates. KADSIECOM has its peculiar zoning system for conduct of election. Local governments are zoned under the supervision of a commissioner from the SIEC, Each local government has an electoral officer and an assistant based in the local governments, also not less than 4 support staff on the payroll of the commission. The zoning system is as follows;

- Zone 1a: Chukun, Kaduna North, Kaduna South, Kajuru. Supervised by Hon Dauda Idang;
- Zone 1b: BirinGwari; BirinGiwari, Giwa, Igabi. Supervised by Hon LawalYahaya;
- Zone 2a: Zaria, Sabon Gari, Soba, Kudan. Supervised by Hon AliyuAbddulkadir;
- Zone 2b: Kubau, Ikara, Lere, Makarfi Supervised by Hon Shehu Namadina Paki;
- Zone 3a: Kauru, Zangon Kataf, Kachia, Kagarko. Supervised by Hon Daniel Bako Ibrahim;
- Zone 3b: Kaura, Jamaa, Sanga Jaba Supervised by Hon Barr. Barde Rabo.

A new chairman Mrs Hannatu Binniyat, and six commissioners of KADSIECOM were appointed in December 2011. In terms of experience, the chairperson had been a commissioner with KADSIECOM since 2008. She has also had previous experience and training as an election observer in the United States. In addition, she was an intern on voters' education in IOWA, and vice chairman of a Local Government. These networks and experiences, according to her, came to play, as she began to re-energize the commission

through capacity building in conjunction with the International Foundation for Electoral Systems (IFES).

KADSIECOM and Capacity Building

According to the Chairperson, an integrated workshop between INEC/SIEC held in 2011 Enugu initiated by the international foundation for electoral systems in Nigeria (IFES). The IFES has also trained KADSIECOM staff towards elections. Electoral officers (EO's) and Assistant Electoral Officers (AEO's) were the main focus of such capacity building.

So far, the initiated trainings by IFES are as follows;

- Customized bridge training programme for Kaduna state Electoral Officers and Assistant Electoral Officers 2012.
- Orientation course for Kaduna SIEC Chairman, and Commissioners. May 7 8, 2012. Abuja.
- Training for principal officers in SIEC, 2010.

In terms of sensitization, the Chairperson is of the view that a majority of people in the state are unaware of where the Independent Electoral Commission derives its powers, most are unaware of the differences between, INEC and SIEC. The chairperson is also of the view that ,“ violence erupts during elections because the educated elite who claim to be abreast of the electoral laws, do not in really know the electoral laws. In reality, the 'illiterate' person, in her view, is more in tune with the guiding laws than the educated ones.

There is no role constitutionally for the INEC to be involved in Party Primaries, other than to ensure that Primaries are conducted in order to present a flag bearer for the said position. Security agents work hand in hand with the INEC staff during elections, but there is a dearth of agents. Those available are usually overstretched. Journalists usually cover elections in polling stations which are motor able and generally accessible.

Questionnaire Interpretation

As stated earlier, the questionnaires were designed to find out the opinions of the electorate about the fairness of local government elections and the capability and impartiality of KADSIECOM in conducting local government elections.

Table 4.1 below shows that there is a high level of awareness that it is the responsibility of KADSIECOM to conduct local government elections. 92.5% of respondents were well aware that it is the duty of KADSIECOM to conduct local government elections while 7.0%% were unaware. Out of the 40 respondents, 27, or 93.1%, comprising males, were aware that it is the responsibility of KADSIECOM to conduct local government elections while 2 or 6% were not aware. Out of the 11 female respondents, 10, or 91% were aware while 1, or 9% were unaware that it is the responsibility of KADSIECOM to conduct local government elections..

TABLE I

Are you aware that SIEC conduct's Local Government Elections?

Are you aware that SIEC conduct's Local Government Elections?					
			Yes	No	Total
Gender	Male	Count	27	2	29
		% within Gender	93.1%	6.9%	100.0%
	female	Count	10	1	11
		% within Gender	90.9%	9.1%	100.0%
	Total	Count	37	3	40
		% within Gender	92.5%	7.5%	100.0%

Table 4.2 on the next page reveals that not many respondents have actually witnessed local government elections in the state. 17% and 27% of the male and female respondents had no response to this questions while 3% and 10% respectively have witnessed it four times while 24% and 18% have witnessed it three times.

times &% and (% have witnessed local government elections once while 24% and 18% have witnessed it three times.

TABLE 4.2

How many times have you witnessed local government elections conducted by SIEC?

How many times have you witnessed local government elections conducted by SIEC?						
			no response	Four	once	thrice
Gender	Male	Count	5	1	2	7
		% within Gender	17.2%	3.4%	6.9%	24.1%
	female	Count	3	1	1	2
		% within Gender	27.3%	9.1%	9.1%	18.2%
	Total	Count	8	2	3	9
		% within Gender	20.0%	5.0%	7.5%	22.5%

Our analysis of the questionnaires also reveals that a majority of the respondents do not believe that KADSIECOM makes adequate preparations for the elections, as Table 4.3 shows. 72.5% of the respondents do not believe that KADSIECOM makes adequate preparations for the elections as against 22.5% who believe that the electoral body makes adequate preparations, while 5% have no opinion. When disaggregated based on gender, 54.5% of females

do not believe that adequate preparations are made for the local government elections as against 45.5% who believe that preparations are adequate. Among the male respondents, 79.3% do not believe that adequate preparations made for the elections as against 13.8% who believe that preparations are adequate. 6.9% have no opinion.

TABLE 4.3

Do you believe that SIEC makes adequate preparations for elections?

		Do you believe that SIEC makes adequate preparations for elections?				
			Yes	No	don't know	Total
Gender	Male	Count % within Gender	4 13.8%	23 79.3%	2 6.9%	29 100.0%
	Female	Count % within Gender	5 45.5%	6 54.5%	0 .0%	11 100.0%
Total		Count % within Gender	9 22.5%	29 72.5%	2 5.0%	40 100.0%

Table 4.4 below shows that 80% of those who believe that adequate preparations are made for the local government elections think base their opinion on the belief that there is adequate provision of voting materials during elections. Out of this number, 89.7% are males while 54.5% are females.

base their opinion on the belief that there is adequate provision of voting materials during elections. Out of this number, 89.7% are males while 54.5% are females.

TABLE 4.4

If believe that adequate preparations are made for the local government elections, why do you think so?

			If question 8 is yes, why do you think so?			
			o	adequate provision of voting materials	awareness and training	awareness , and electoral materials were available
Gender	Male	Count % within Gender	26 89.7%	0 .0%	0 .0%	1 3.4%
	female	Count % within Gender	6 54.5%	1 9.1%	1 9.1%	0 .0%
Total		Count % within Gender	32 80.0%	1 2.5%	1 2.5%	1 2.5%

Respondents who believe that preparations for local government elections are inadequate, base their opinions on different perspectives, as tables 4.5 to 4.9 reveal. According to Table 4.5 below, 55.0% from this category base their opinion on poor dissemination of information. There are those who believe that

poor preparations are due to inadequacy of Direct Data Capturing Machine as shown in Table 4.6 (30%). 70% are of no opinion on this question. Respondents in Table 4.7 believe poor preparations are due to inadequate provision of voting materials 35% while 62.5% are of no opinion on this matter. Table 4.8 shows that 42.5% of respondents blame poor preparations on inadequate training of election officials while 55.0% are of no opinion here. According to Table 4.9, 32.5% of respondents blame poor preparations on inadequate Provision of registration centres while 67.5% did not respond. On the question of sensitization of the electorate, Table 4.10 shows that 60.0% of respondents feel they are not adequately informed about how they can vote while 40.0% feel they are adequately informed about the voting process.

TABLE 4.5
If you answer is no, in which areas did you observe poor preparations?

			If question 8 is no, in which areas did you observe poor preparations?		Total
			no response	Dissemination of information	
Gender	Male	Count % within Gender	11 37.9%	18 62.1%	29 100.0%
	female	Count % within Gender	7 63.6%	4 36.4%	11 100.0%
Total		Count % within Gender	18 45.0%	22 55.0%	40 100.0%

TABLE 4.6
If your answer is no, in which areas did you observe poor preparations?

			If question 8 is no, in which areas did you observe poor preparations?		
			no response	Provision of DDC machine	Total
Gender	Male	Count % within Gender	19 65.5%	10 34.5%	29 100.0%
	female	Count % within Gender	9 81.8%	2 18.2%	11 100.0%
Total		Count % within Gender	28 70.0%	12 30.0%	40 100.0%

TABLE 4.7
If your answer is no, in which areas did you observe poor preparations?

			If question 8 is no, in which areas did you observe poor preparations?			
			no response	Provision of DDC machine	Provision of registration materials	Total
Gender	Male	Count % within Gender	18 62.1%	1 3.4%	10 34.5%	29 100.0%

	female	Count % within Gender	7 63.6%	0 .0%	4 36.4%	11 100.0%
	Total	Count % within Gender	25 62.5%	1 2.5%	14 35.0%	40 100.0%

TABLE 4.8
If your answer is no, in which areas did, you observe poor preparations?

		If question 8 is no, in which areas did you observe poor preparations?				
			no response	Provision of registration materials	Training of registration officials	Total
Gender	Male	Count % within Gender	16 55.2%	1 3.4%	12 41.4%	29 100.0%
	female	Count % within Gender	6 54.5%	0 .0%	5 45.5%	11 100.0%
	Total	Count % within Gender	22 55.0%	1 2.5%	17 42.5%	40 100.0%

TABLE 4.9
If your answer is no, in which areas did you observe poor preparations?

		If question 8 is no, in which areas did you observe poor preparations?			
			no response	Provision of registration centres	Total
Gender	Male	Count % within Gender	20 69.0%	9 31.0%	29 100.0%
	female	Count % within Gender	7 63.6%	4 36.4%	11 100.0%
	Total	Count % within Gender	27 67.5%	13 32.5%	40 100.0%

TABLE 4.10
Do you feel that you were adequately informed about how you can vote?

		Do you feel that you were adequately informed about how you can vote?			
			Yes	No	Total
Male	Count % within Gender		11 37.9%	18 62.1%	29 100.0%
	Female	Count % within Gender	5 45.5%	6 54.5%	11 100.0%
Total	Count % within Gender		16 40.0%	24 60.0%	40

In all the three local governments in which the FGDs were held, participants were of the opinion that KADSIECOM, because it does not have a constitutional role, performs no functions in party primaries. It only attends as an observer. However, it is the duty of the Commission to train election officials, produce election materials and supervise their distribution, supervise the voting process, as well as provide security at the polling units. Challenges faced during local government elections include, a dearth of security agents, while those available tend to be at the beck and call of the ruling party. The ruling party provides welfare for these security agents and in some polling units, security agents actually assist in inflating the number of votes cast in favour of the ruling party.

Another major problem is in the area of training. Staff of the commission, both permanent and ad-hoc, as we were told by participants, lacked the requisite training. Some of them are even unable to fill out designated forms. In Giwa Local Government for example, there is a dearth in KADSIECOM staff, and this inadequacy usually means the Commission has to train ad-hoc Staff to man the polling booths on election day. Participants noted that on election days, the actual trainees, are not the ones brought in to oversee the elections. Those who are brought in are party agents who, in most cases, are not impartial. From what was gathered, KADSIECOM needs to provide a few more Permanent Staff in the Local Governments as the Electoral Officer (EO) and Assistant Electoral Officer (AEO) are over stretched, in comparison to the number of wards.

Logistics such as transport and communication gadgets are not provided for ad-hoc trained staff during elections, and this makes it easy for corruption to thrive. Both government and party officials influence the appointment of certain ad-hoc staff during elections, and some of them have never even been trained for the position. Usually, these staff are only brought in to do the bidding of the ruling party. Local observers who monitor the elections are usually frustrated and intimidated by party agents and thugs, as happened during the 2008 local government elections. Journalists are also intimidated or bribed with money by party officials in order to influence them to report favourably on the elections.

Inefficiency in the distribution of electoral materials, and lack of punctuality in accreditation are other the major challenges faced during local government elections. These problems deny a huge number of registered voters the opportunity to exercise their franchise, especially amongst the women populace, who have a responsibility of ensuring that the home front is adequately taken care of before arriving at the polling booths.. Another challenge is in the area of road networks, which sometimes cause delays in distribution of materials to electoral wards in remote areas.

According to the participants in all the FGDs, security personnel, apart from being overstretched, are influenced by the ruling party's agents, through monetary inducements. Thus security agents look the other way when fraudulent practices are being perpetuated. Local Election Observers from Community Based Organizations (CBO's) are also often intimidated by security agents, but foreign observers are allowed to monitor same, and this is to deceive the foreign observers that all is well. Participants also noted that the

members of the media are also influenced by monetary inducements and this, to a large extent, influences journalists in reporting the outcome of the elections. Journalists are also usually unwilling to go to the remote areas, where most of the electoral malpractices are committed.

Conclusion

The conclusion and recommendations made here are largely based on our findings using empirical data gathered from interviews, questionnaire administration and focus group discussions. Most people are aware that it is the duty of KADSIECOM to conduct local government elections (92.5% of respondents). Many people, however, do not believe that KADSIECOM makes adequate preparations for the elections. Reasons for this opinion range from poor dissemination of information, inadequacy of Direct Data Capturing Machine and inadequate provision of voting materials. Many of our respondents also believe that the electorate is not adequately sensitized about local government elections.

KADSIECOM does not influence party primaries. However, it attends party primaries as an observer. The Commission however trains election officials, produce and supervise the distribution of election materials, supervise the voting process and provide security at the polling units. Trained officials are oftentimes replaced by untrained staff during elections. This is usually done by the Commission in connivance with ruling party agents. There is also a dearth of security agents during local government elections. The few security agents available during these elections appear compromised, often seen to be sympathetic to the ruling party. This happens because of the "welfare packages" provided by ruling party agents to the security personnel.

Another major problem is in the area of training. Staff of the commission, both permanent and ad-hoc, as we were told by participants, lacked the requisite training. Some of them are even unable to fill out designated forms. In Giwa Local Government for

example, there is a dearth in KADSIECOM staff, and this inadequacy usually means the Commission has to train ad-hoc Staff to man the polling booths on election day. The actual trainees, however, are not the ones brought in to oversee the elections. It is usually party agents who come in as ad hoc staff of the Commission and they are often are not impartial. KADSIECOM needs more permanent staff such as electoral officers (Eos) and assistant electoral officers because those in the field are inadequate in comparison to the number of wards.

Vehicles and motor cycles need to be provided for the trained staff to monitor elections, especially in the remote areas where election malpractices are more prevalent. Local observers who monitor the elections are usually frustrated and intimidated by party agents and thugs, while international observers are allowed to "monitor" in areas where everything seems to be working well, and this usually gives them the impression that things are going on smoothly. Journalists are either intimidated or bribed with money by party officials in order to influence them to report favourably on the elections.

From our findings, credible elections can only be ensured only through guaranteeing the financial autonomy of the SIEC. This can be done through a separate budgetary allocation to the Commission. Such a measure can also help reduce if not eliminate the unhealthy situation whereby officials of the Commission receive financial tip offs from political party officials and election candidates during local government elections. Stakeholders interviewed during the FGDs were of the opinion that the appointment of SIEC chairperson and commissioners should not be

handled by the state government. It should be done through an independent body established by law. Members of this body should be drawn from retired civil servants and civil society organisations, and before their appointment, they should be properly screened with regards to their conduct, experience and qualifications. Other staff of the SIEC, should be carefully screened, from character to academic qualification before employment. Great importance should also be attached to capacity building. The fire brigade approach used in conducting training of SIEC officials should be stopped. Training of both permanent and ad hoc staff should be properly planned, and should be on both short and long term basis. It is only when these recommendations are carefully examined and implemented that that there can be a guarantee that the SIEC will be able to conduct free, fair and credible elections in Kaduna State.

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Chapter

5

THE STATE INDEPENDENT ELECTORAL COMMISSION IN LAGOS STATE

F.A.R Adeleke (Ph.D)

1.1 INTRODUCTION

Elections are very central to the principle and practice of democracy all over the world (Kwaja, 2008). Indeed, philosophical thinking around democracy recognizes election as being fundamental since it is a means through which members of a society exercise their political rights by choosing who will conduct state affairs on their behalf. Therefore, election is crucial to deepening democratic process. However, there has been growing concerns about legitimacy of electoral process on which democracy is built in Nigeria. Scholars, political analysts and concerned citizens, alike, have raised fears about the state of democratic processes in the country following apparent and increasing malpractices that characterize elections into national, state, and local government offices. This is not without laying blame! Popular opinion has been that seemingly intractable electoral vices in the country can be easily traced to the doorstep of the institution saddled with the responsibility to conduct credible, free and fair elections in the country. This is because of the direct linkages that exist between electoral process and the managing institutions. Undeniably, it has

been widely asserted that more than anything else, the quality and credibility of elections depend greatly on the extent of competence and viability of the electoral institutions (Luqman, 2009). Statutorily, Independent National Electoral Commission (INEC) has the mandate to conduct election into political offices at national and state levels. At the local government level, the function of carrying out electoral responsibilities vis-à-vis organization and conduct of elections is held by the State Independent Electoral Commission (SIEC).

Section 7(1) of the 1999 Constitution (as amended) provides for a democratically elected local government system. With this provision, it becomes imperative for organization of elections into political offices at this level of government. The State Independent Electoral Commission (SIEC) is mandated in section 197 (1b) of the constitution to organize, undertake and supervise all local government elections in states and to advise the INEC on the compilation of and the register of voters as applicable to local government elections in the state. The constitution mandates Governors, in section 198, to constitute the SIECs, subject to the states' legislative endorsement. The Governor also has constitutional power to remove members of the commission, as well as finance its activities. These provisions made the electoral body susceptible to manipulation and control of Governors. This may not be intended because it is expected that overbearing influence of the Governors could be curbed since its powers are subject to approval of state legislature. However, conditions created by the fact that one political party dominates the executive and the legislature; and that politicians often safeguard party interest at the detriment of the people, demeans the potency of such provisions.

In a democracy, local governance is conceived as necessary condition to engendering participatory governance as well as fostering development at the local level. As a third-tier of government, it is to ensure effective participation of the local people in their local affairs, provide for goods and services needed by the people, and bring development and good governance to local communities. The belief is principally hinged on the presumed superior capacity of local people to understand their conditions and conduct their own local affairs (Ola, 1988). However, an effective, virile and efficient local government authority cannot be achieved without ensuring that elections into its public offices are credible, free and fair. In Lagos State, Lagos State Independent Electoral Commission (LASIEC) is given the mandate to conduct elections into public offices at the local level. The electoral body has conducted four consecutive local government elections in the State. Although, this could be conceived as effort towards promoting local democracy; nonetheless, widespread rigging that characterized the elections questions the capacity of the electoral body, and the legitimacy of the elections. As such, local communities are confronted with myriad of challenges such as absence of transparent, credible, responsive and accountable leadership, and, subsequently, poor service delivery to the masses, decaying social infrastructure, poverty, amongst others.

A change can only come through two basic ways. First, is to effect necessary amendments or adjustments to the existing legal framework governing local government administration in Nigeria. Second, is by ensuring credible local government elections devoid of any form of manipulation which often characterize elections in the country. It is against this backdrop that OSIWA supported the

study to understand existing practices, identify challenges and critical reform options needed to ensure transparent, accountable and credible elections at the local government level; with particular reference to LASIEC electoral responsibility. This chapter maintains that genuine path to good governance and development in the country can be achieved when electoral body charged with responsibility of conducting elections maintains high degree of fairness and credibility during electioneering processes. Thus, it could be argued that the development challenges confronting local communities are corollary of the failure of the electoral body to conduct credible, transparent, free and fair local government elections. The failure arises from overwhelming influence of the State Governor, and ruling party as such, on the activities of LASIEC. Since the supposedly independent electoral commission is under political and financial tutelage of the State government, outcomes of elections into public offices at local level are somewhat a dictate of State government. This therefore brings to fore social inequality experienced in the political space whereby democratic participations are limited and reduced to activities of the ruling party.

The chapter is divided into five sections. Apart from the introductory section that aptly gives insight into problematic of local government elections, the second section gives detailed contextual description of socio-political character of Lagos State. While the third part outlines methodology framework adopted in the study, the fourth section discusses findings of the study. In the final section, conclusion and recommendations are made based on findings from the study.

1.2 BACKGROUND

Lagos State was created in May 27, 1967; by virtue of State (Creation and Transitional Provisions) Decree No. 14 of 1967. It is located in the south-west of Nigeria within latitudes of 6° 23'N and 6° 41'N and longitudes 2° 42'E and 3° 42'E. The State is bounded in the north and east by Ogun State, in the west by Republic of Benin and in the south by the Atlantic Ocean/Gulf of Guinea. Prior to its creation, Lagos Municipality was administered as a colony by British Crown, and by the Federal government through the Federal Ministry of Lagos Affairs as the regional authority. And, the Lagos City council (LCC) governed the city of Lagos. Equally, the metropolitan areas of Ikeja, Mushin, Epe, Ikorodu, and Badagry were administered by the Western region. Until the capital of Nigeria was moved to Abuja in 1976, Lagos State was the political capital of the country. Nonetheless, the State remains the nation's economic and commercial capital till the present moment.

Lagos State is the smallest state in Nigeria in terms of land mass. It covers an area of just about 358,861 hectares or 3577sq.km (of which 75,755 hectares are riverine). Even though, 2006 Census put population of Lagos State as 9,113,605 million, representing second largest in the country, speculations that arise from influx of people into the State put her as the most populous state having over 12 million inhabitants. Lagos has been ranked the 16th largest populous city in the world. With less than 252,000 population as at 1952, it is now projected by the United Nations that Lagos State is likely to have its population balloon to an approximation of 17 million by the year 2015. At the present population growth rate of 600,000 per annum and 4,193 persons per sq. km population

density, Lagos is likely going to be one of the largest mega cities in the world and the largest in Africa by the year 2015. This huge population places an enormous task on the shoulders of whoever is at the helm of affairs in Lagos State. It also underscores the need for a functional and effective local government administration which has tendency to enhance better living for the poor masses.

In line with the objective of the study, this study was conducted in three different local governments in Lagos State: Badagry Local government representing the rural local government, Alimosho local government representing the semi- urban and due to its size as the most populous local government and Lagos Mainland Local Government representing the urban local government.

LGA Name	Area (km2)	Census 2006 population
Agege	11	459,939
Alimosho	185	1,277,714
Ifako/Ijaye	27	427,878
Ikeja	46	313,196
Kosofe	81	665,393
Mushin	17	633,009
Oshodi/Isolo	45	621,509
Shomolu	12	402,673
Apapa	27	217,362
Eti-Osa	192	287,785
Lagos Island	9	209,437
Lagos Mainland	19	317,720
Surulere	23	503,975
Ajeromi/Ifelodun	12	684,105

Amuwo/Odofin	135	318,166
Ojo	158	598,071
Badagry	441	241,093
Ikorodu	394	535,619
Ibeju Lekki	455	117,481
Epe	1,185	181,409

NPC: 2006

Badagry Local Government Brief History

Badagry is one of the ancient towns in Nigeria. It is the first town to accommodate the colonialists when they came to the country. Badagry was first administered as a district council and later as a divisional council of the colony province under the western region of Nigeria Local Government laws of 1953 and 1959. However, with the introduction of the local government reform of 1976, Badagry became a full-fledged Local Government Council in 1983. Under its jurisdictions, Badagry initially had Awori Ajeromi and Egun Awori districts. During the controversial local government creation under the administration of the former Governor of Lagos State, three new Local Council Development Authorities (LCDAs) were carved out of the existing Badagry local government. They are Olorunda LCDA, Badagry West LCDA and Badagry Central LCDA. Badagry encompasses the island and mainland communities of Kweme, Wesere, Kworu, Ajido, Topo, Ale, Aradagun, Akarakumo, Ibereko, Itoga, Agbalata, Seme, Kankon and Ajara etc. Badagry gained prominence during Slavery era as it became a major slave port and market and at the abolition of this evil, inhuman, nefarious and obnoxious trade, Badagry became the entry port for the Missionaries who brought Christianity, Western education and

civilization to Nigeria. Badagry is a quiet, rustic and peaceful community. In the last 2006 Nigeria population census, the population of Badagry was put at 441, 241,093. It is mainly inhabited by Ogwu tribal people whose main occupations are fishing, farming and petty trading. By the rural nature of Badagry local government, majority of its inhabitants are of subsistent living. These people greatly need the assistance of the government in order to improve their standard of living. Also there is obvious infrastructural deficiency and lack of social amenities like good roads, pipe borne waters and other recreational facilities.

Alimosho Local Government - Brief History

Alimosho is a local government area in the Ikeja Division of Lagos State. It is the largest local government in Lagos with 1,277,714 inhabitants according to the official 2006 Census (however, the Lagos State Government disputes the official Census figures and claims a population within the LGA of more than 2 million residents). It has now been subdivided into several Local Community Development Areas (LCDAs). It is about 185km. Its headquarters is Ikotun. Alimosho could be best described as semi urban local government.

Mainland Local Government

Lagos Mainland is one of the local governments that make up the metropolitan Lagos State. It spans about 19 square kilometres. It has a population of 317,720 with the headquarters at Yaba Area. By nature, Lagos Mainland Area is not a densely populated area. Though has some residential areas, it serves more as a seat of commerce and administrative playing hosts to a lot of Private Firms, Government Agencies, Establishments, Medical Institutions

as well as International Bodies. These include: Lagos State Secretariat, National Youth Service Corps, State Headquarters, Lagos State Independent Electoral Commission, Nigeria Television Authority (NTA), the Medical Library, Psychiatric Hospital, Stored Product Research Institute, National Vaccine Production laboratory, Nigeria Institute of Medical Research Institute (NIMR) and Office of the World Health Organisation (WHO) among others.

Lagos State Independent Electoral Commission (LASIEC)

The Lagos State Independent Electoral Commission (LASIEC) was established by law No.15 of Lagos state, on November 27, 2001. Its establishment was pursuant to provision of 1999 Constitution of the Federal Republic of Nigeria, which states in section 197(1): "There shall be established for each state of the Federation, the state Independent Electoral Commission whose composition and power are as set out in part 11 of the third schedule to this constitution". It is one of the states' electoral bodies in Nigeria that has the burden of managing election in the State. As specified in part 1, section 5 of LASIEC Law No. 15 of 2001, the electoral commission is expected to perform the following functions:

1. To organize, undertake and supervise all elections to Local Government council within the state
2. To render such advice as it may consider necessary to the Independent National Electoral Commission on the compilation of the register of Voters;
3. To provide guidelines to political parties stipulating the rules and procedures for the electioneering campaigns for Local Government Election.

4. To assign Poll clerks and orderlies in respect of each polling station or unit to assist at the taking of the poll;
5. Carry out such other function as may be conferred on it by law .

LASIEC was inaugurated on 22nd January, 2002 by Asiwaju Bola Ahmed Tinubu, the former Executive Governor of Lagos State. It consists of a Chairman and Members of the commission who were appointed to serve for five years. The pioneer administration in the Commission was headed by Hon. Justice Christopher O. Segun a retired Chief Judge of Lagos State. The Secretary to the Commission was Mr. Ezekiel Akinola Oyenusi, a retired permanent secretary in the Lagos State Public Service. Others were Electoral Commissioners; Lateef Babatunde Ajao, a retired permanent secretary in the Lagos State Public Service, Dr. (Mrs) Muinat Iyabo Foresythe, a retired permanent secretary in the Lagos State Ministry of Health, Barr. Tokun Pedro, a legal luminary Barr. Musbau Adewale Oyefeso, a legal luminary, Alh. Waheed Abolaji Erogbogbo (Late), a retired senior public servant and Mr. Joshua Kayode, who was also a senior retired public Servant. The Chairman and the electoral Commissioners served between Jan. 2002 - Jan. 2007.

LASIEC conducted a referendum on 21st May, 2002 for the creation of additional 37 Local Government Development Areas in addition to the existing 20 Local Governments in Lagos State. Subsequently, it conducted chairmanship and councillorship elections into all the 57 Local Government Areas on 27th March, 2004. Although, the Supreme Court held that the creation of the additional 37 local governments was inchoate and could not stand as local

governments within the purview of relevant provision of the 1999 constitution, the purported 37 additional local government have been converted to LCDA and elections have been conducted to elect officials into all of them. At the expiration of five years term, another team of the present LASIEC took over the mantle of leadership of the commission on 18th May, 2007, headed by Hon. Justice Fatai Afolabi Adeyinka, another retired Chief Judge of Lagos State. Other Members LASIEC are: Ogundipe Adeoye, Jeje Adeyinka Tajudeen, Mabinuori Olalekan, Mrs. Felicia K.O., Engr. Amele Moshood, Barr Musibau Oyefeso, and Barr Tokun.

Statement of Problem and Objectives

The role of an independent and unbiased empire to the success of election is central the world over. This is why the constitution of Nigeria guarantees the establishment and continuous existence of an independent electoral commission to run the electoral process. There are however different challenges to the delivery of free and fair election in the country. While the task is daunting at federal level, it is even almost impossible at state level.

At all levels, there are regional and international pressures on Nigeria to conduct credible elections (Amnesty International, 2007). The responsibility of conducting elections into local governments rest on the shoulders of the State Independent Electoral Commission across the thirty six states of the federation. The challenges of popular participation and transparent elections at local government level in Nigeria is often an understated issues due persistent susceptibility of these elections to manipulation and untoward interferences by ruling parties at state level.

It is ironic that as central as the local government system is to the establishment of an accountable, virile and truly representative government and country, the existence of truly democratic rule at this level is continuously threatened. A clear manifestation of the poor management of democratic rule in local government of democratic rule in local governments is seen in Anambra state where in spite of thirteen years of democratic rule, successive chief executives of the state have failed to conduct election into local governments in the state.

Failure of successive reviews of Electoral Act in 2001, 2002 and 2010 to decisively correct the imbalance of the 1999 constitution as to how local government councils were to be constituted has left different administrations in the state with enormous and overbearing suffocating influence on local governments. The State Independent commissions (SIEC) have become nothing short of an additional parastatal of government because of finance and logistics dependency.

Lagos State, Nigeria's business and economic nerve centre presents a particularly interesting situation in terms of the running and management of local government in the state. With twenty constitutional recognised local government and thirty seven LCDAs that were created in the administration of former executive governor of the state, Asiwaju Bola Ahmed Tinubu despite opposition from the central government led by Chief Olusegun Obasanjo and the People's Democratic Party.

Since the creation of these LCDAs in 2002, the administrations of Governors Bola Tinubu and Babatunde Fashola have conducted

elections within the lives of their tenure in office. There are however growing resentment by opposition parties as to the impartiality of the state independent Electoral Commission headed by Justice Fatai Afolabi Adeyinka in conducting a credible election. Forty eight hours after the 2011 Local government election in the state. People's Democratic Party (PDP) rejected the outcome of the polls, alleging that LASIEC were doctoring results an allegation denied by the ruling ACN through its spokesperson Joe Igbokwe. He urged oppositions to allow local and international observers give objective assessment.

The fears of the opposition may have been confirmed when the State Commissioner of Police, Mr Yakubu Alkali announced that several persons including four LASIEC officials were arrested in connection with various electoral offences. There are therefore contrasting positions on the performance of LASIEC in the conduct of local government elections in Lagos State. This has necessitated a study of this nature

The study sets the following objectives:

- To review the legal framework of LASIEC in order to determine the extent to which it provides latitude for credible elections
- To determine the extent to which management of LASIEC has appropriately handled processes of local government elections.

- To determine how appropriately LASIEC has handled issues of dispute arising from election

1.3 METHODOLOGY

The study is an assessment of the system of management of local government election by LASIEC. As a result, a desk study was conducted to gather secondary data from relevant literature and newspaper articles. Two newspapers, Vanguard and Tribune were purposively selected due to the fact that they have no political leaning towards any party in the local government elections in Lagos State. Four editions of the publications were selected based on period of election 22nd of October, 2012. Primary data for the study were gathered through the use of key informant interviews, focus group discussions and structured questionnaire.

Key informants for the interviews were also selected by judgemental sampling. 2 officials of SIEC and 2 officials of INEC were selected. Spokespersons of two opposition parties at local level were also selected along with candidates who had contested in the elections, two individuals from the academia, election monitors, law enforcement agents, journalists that covered the elections and civil servants.

Three focus group discussions (FGDs) were conducted in Badagry community of Badagry LGA, Yaba community of Lagos Mainland LGA, and Akowonjo community of Alimosho LGA with 12 persons including women and youth leaders, farmers, teachers and community development associations (CDAs) leaders. The representation was relatively evenly distributed amongst these

groups of persons. There was also conscious effort to ensure that at least 40% of participants are female. The option for CDAs is unique in Lagos State because of its profound role in engendering community development through frequent engagement with local government authorities.

A close-ended questionnaire was administered amongst persons mapped from identified target population. These include law enforcement agents, civil servant (budget office), journalists, academia, members of state assembly, CBOs, youth and women leaders, and religious and opinion leaders. Efforts were made to make sure that the questionnaire was administered among people who have the knowledge of local government elections in Lagos State.

1.4 DISCUSSION OF FINDINGS

This section gives a detailed description of our findings. It is sectioned into four parts: demographic distribution of respondents, LASIEC and legal and constitutional framework, electoral management, and election dispute arising from the outcomes of local government elections.

1.4.1 Demographic Distribution

The demographic distribution of our target population reveals a deliberate attempt to cover wide range of social groups and classes in Lagos State. Particularly with respect to gender-based responses, Fig 5.1 shows that 52.8% and 47.2% of respondents are male and female, respectively. Also revealed here is relative difference in gender composition of respondents. The narrow gap

between male and female may not be unconnected to level of interest and awareness of female population in Lagos State. As we have known, the political education and enlightenment in the State is comparatively high due to her socio-political history.

Fig. 5.1:

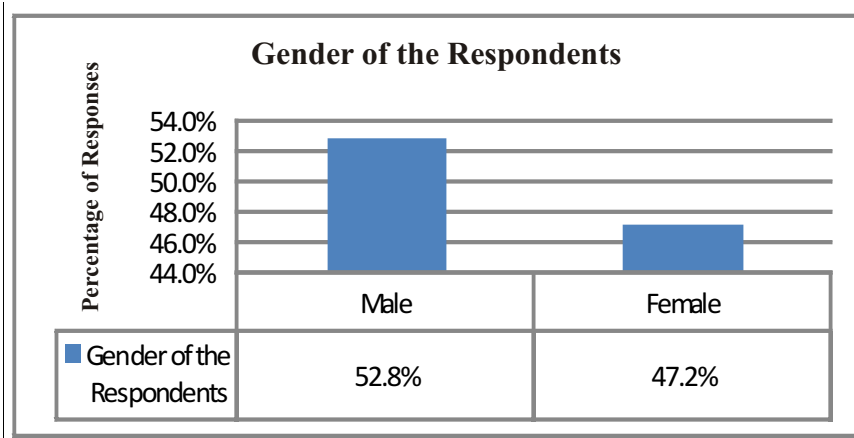


Fig. 5.2 below shows that 5.6% of respondents fall into the age bracket of 18-27yrs, 33.5% fall into 28-37yrs, 28.6% fall into 38-47yrs, and those of 48-57yrs is 13.9%. Also, 19.4% did not respond. This brings to fore a deliberate attempt to reach out to individuals who have extensively participated in local government elections in the State. This was guided by the idea that gathering reliable and dependable data to address hypothetical questions raised in the study demands interrogating population that have are experienced on local government elections. This is crucial to the study especially when elections have been conducted four consecutive times in the State since 1999. This is further substantiated by information gathered on number of times respondents have witnessed local

government elections in the State. It was observed that 8.3%, 36.1%, 30.6%, 13.9% and 11.1% of respondents have participated once, twice, thrice, quadruple and none, respectively, in local government elections in the State.

Fig. 5. 2:

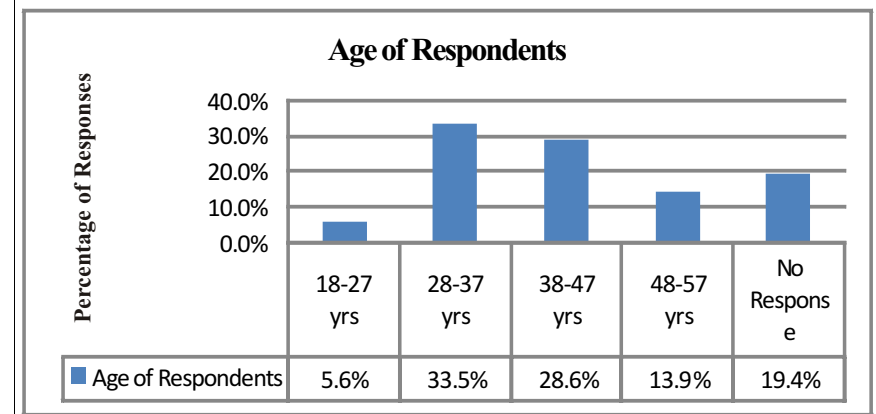
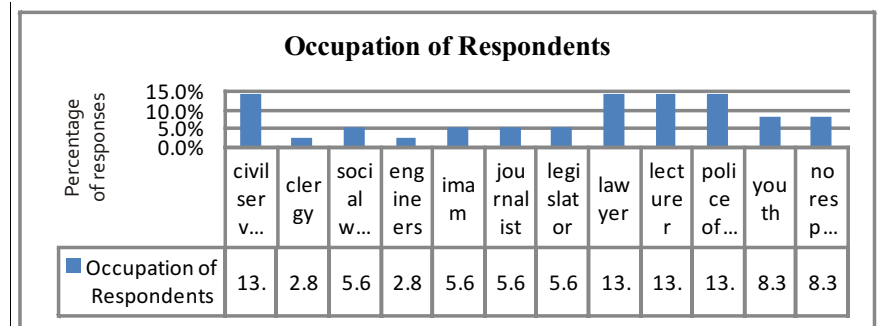


Fig. 5.3:



It could also be observed from the Fig. 5.3 above that data was gathered from individual representing different occupational groups. We have 13.9% of the total respondents as civil servant,

2.8% for clergy, 5.6% as social worker, 2.8% as engineer, 5.6% as journalist, 5.6% as legislator and 13.9% as lawyers. Furthermore, lecturing professions has 13.9%, and 13.9%, 8.3% and 8.3% for police youth and none, respectively. The idea behind occupational distribution in the study is to understand the importance of the relationship which exists between individual occupational background and perception on socio-political reality of his/her society. Following the nature of subject matter under investigation, we consider these variables as being significant to getting reliable information.

1.4.2 The Legal Framework of LASIEC

Statutorily, LASIEC is the electoral body vested with power to register contestants and accepting candidates from parties, conducting election and announcing result at state level for Local government election. In this context, one of our key informants elaborately provided that LASIEC functions can be categorized into three; the pre-election, election, and post-election functions. The pre-election function has to do with enlightenment, education of voters, giving out rules, setting out standards for the election etc. Functions during election includes, ensuring that parties symbol/identities are well represented on ballot papers, ensuring that election materials get to the venue of election on time and ensuring adequate security. The function relating to provision of security though does not squarely falls within the purview of LASIEC statutory duties, however, being at the centre of local election, it ought to liaise with law enforcement agencies that adequate security is provided for the materials and individuals coming to vote at the election premises. LASIEC's post-election functions include collation of results and the announcement of

results in a manner that will be transparent, inclusive and accountable to the populace. LASIEC's post-election role extends to standing up as defendants in courts whenever LASIEC is sued or joined in a court action over the election result that is contested.

However, in order to ensure that the electoral body performs its function effectively, its independence must be ensured. This is fundamentally relevant to the conduct of credible, free and fair local government elections in the State. Apparently, unfolding events reveal that the electoral body has been enmeshed in the politics of the ruling party. It has failed to discharge its duties satisfactorily due to undue influence of the ruling party, Action Congress of Nigeria (ACN), in the State. It is interesting to note therefore that the makers of the 1999 Constitution (as amended) are not bereft of this challenge; hence, section 198 provides that: '...the chairman and members of any of the bodies so established [SIEC] shall, subject to the provisions of this Constitution, be appointed by the Governor of the State and the appointment shall be subject to confirmation by a resolution of the House of Assembly of the State.' Although, oversight role of State Assembly members would have positively inform independence of the electoral body; nonetheless, the legislative arm is also under the whims and caprices of Governor.

Furthermore, there is no doubt that LASIEC has a vital role to play in supervising party primaries in order to ensure that parties conform to the state laws, rules, and regulations guiding election process at the party primaries. This is also to ensure that party candidates that internal democracy exists within the parties. However, it was revealed that, in reality, LASIEC is doing more or less like an

institution that implements the decision of the ruling party in the state . First, the institution lacks independence financially and in terms of tenure of office. This crisis of independence mainly by appointment of staff and financial reliance on the state greatly impede efficiency and effectiveness of the Commission. Second, the ideology of consensus of opinion amongst existing political parties has contributed to the failure of the electoral commission to effectively supervise political party primaries. Since the commission neither has power to cancel such election nor sanction political parties, they select candidates to stand for elections into various positions rather than conducting real elections at the primary levels. This is done without necessarily having representative of LASIEC. Results of those that are elected (in most cases selected) are later sent to LASIEC for record purposes. Generally, what LASIEC perform was only to endorse the candidate presented. This explains the reasons why some candidates contest the result of primaries on the basis that candidates other than those elected at the primaries were sent to the LASIEC. Since the body did not fully participate in the election/selection processes, it would be difficult for them to play the actual role of unbiased umpire or independent observer in the eventual crisis.

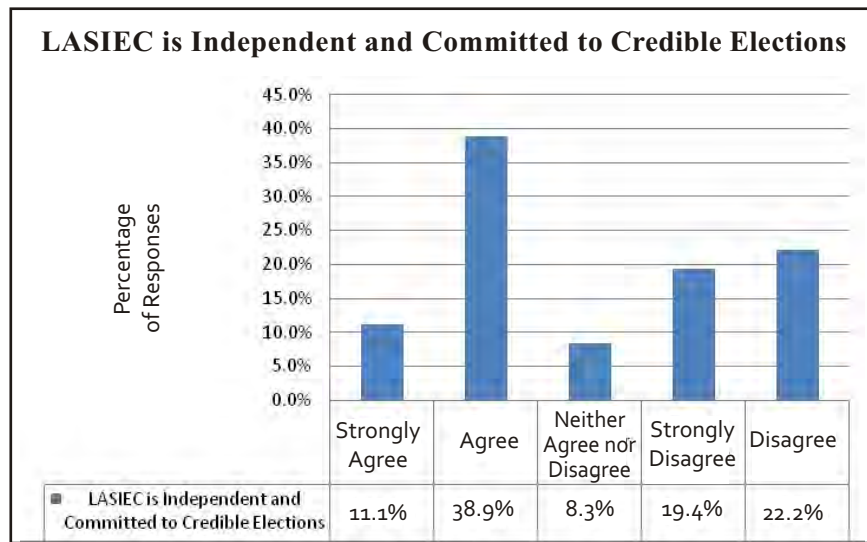
It was reveals during Focus Group Discussions (FGDs) that two principal rules govern the Action Congress of Nigeria (ACN) party in term of primaries election; party supremacy and absolute party loyalty. These twin principles may be construed to mean that supremacy of the party which inheres in its leadership must not be questioned whenever exercised on party members in term of decision taking. This invariably paves way and create enabling and conducive environment for god fatherism whereby a godfather

dictates who should stand for election. The leaders always justify their action by arguing that being party leaders, they are better suited to assess the qualities of members and determine the person who is capable to perform when elected.

A clear reflection of this happened in places like Agbado/Oke Ode, Ajeromi/ Ifelodun, Iba LCDA and Ibeju Lekki where concerned party members of Action Congress of Nigeria protested the choice of flag bearers of the party few days to the elections. The candidature of Mrs Ramota Oseni was openly criticized by party leaders including Aruna Gbadamosi, a senior figure in the party. Ibeju/ Lekki's case was particularly interesting as the monarch of Lekki, Oba Olumuyiwa Ogunbekun openly opposed the selection of Mr Ganiyu Raheem to represent Action Congress in the election (Tribune, October 10 2012). Members were generally concerned about lack of internal democracy within the party.

Nevertheless, Fig. 5.4 shows mixed reaction to the statement probing independence of LASIEC and its commitment to conduct credible election in Lagos State. As presented below, 11.1% of respondents strongly agreed, 38.9% agreed, 8.3% neither agreed nor disagreed, 22.2% disagreed, and 19.4% strongly disagreed. A critical look at the percentage of those that strongly agreed and agreed (50.0%), and strongly disagreed and disagreed (41.6%) shows relative different of 8.9%. This however brings to fore that despite obvious independent crisis of the Commission, people believe that if certain measures are put in place, the electoral body may deliver of its mandate thus conduct free and credible local government elections in the State.

Fig. 5.4:



To buttress this submission, 50% of respondents strongly agreed (19.4%) and agreed (30.6%) to the statement that the electoral law is adequate for managing diversity at local government elections. While 8.3% of respondents neither agreed nor disagreed, 33.3% and 8.3% disagreed and strongly disagreed, respectively. What could be deduced is that local government elections are conducted with strict and intense competition amongst existing political parties that strategically devise varying means to ensure success in the elections. To enhance openness for logical engagement of political parties demands that the electoral umpire should distance itself from sentiments and maintain balance in relating with the parties. However, growing protest and conflict that often greet the outcome of local government elections in the State reveals on the contrary. The opposition parties often accuse the electoral body of

unscrupulous engagement of electoral processes which, in most cases, find expression in the protection of interest of the ruling parties. Therefore, the electoral commission is culpable of electoral malpractices and debasement of democratic values and norms. Given this fact, LASIEC is not independent and this has increasingly led to loss of trust and confidence in the institution. One of the key informants interviewed avers that:

The major challenge I consider is the problem of trust.(sic) Trust in the sense of nature and character of government in the state. This is obvious in terms of the constitution and composition of LASIEC. This is why opposition parties believe that whatever LASIEC does is a function of what ACN wants. That is, LASIEC is working for ACN¹.

It is in this context that analysis of data from experts shows the majority of respondents advocate for openness and transparency in the process and procedure for the appointment and removal of electoral commissioners. Fig. 5.5 below reveals that 27.8%, 19.4%, 25.0% and 27.8% agreed, neither agreed nor disagreed, disagreed and strongly disagreed, respectively, to the statement that: is procedure for the appointment and removal of the electoral commissioners open, transparent and credible. More so, the result of expert opinion survey on whether LASIEC should enjoy relative autonomy in terms of political, administrative and financial independence reveals that 77.8% and 19.4% of respondents strongly agreed and agreed to, respectively. Only 2.8% neither agreed nor disagreed.

The argument is further strengthened by evidences from the content analysis reflecting general discontent among opposition parties as to the true independence of LASIEC. Kola Ajayi, the State Chairman of Alliance for Democracy described the conduct of LASIEC as merely acting the script of the ACN leadership by systematically disenfranchising its members from contesting the election with clear tactics frustrating all attempts at getting nomination forms. Democratic People's Alliance Spokesperson in the state, Felix Oboagwina re-echoed Ajayi's argument by saying that the conduct of LASIEC was nothing short of the typical divide and rule that they are known for (Tribune, October 10, 2012). A day after the election, People's Democratic Party chairman in the state, Chief Setonji Koshedo told Vanguard Newspaper that LASIEC is perpetrating a big fraud aimed at preventing the opposition from being part of governance in Lagos State.

Against this backdrop, it was revealed that, as shown in Fig. 5.6, to curb the overbearing powers of the State executive over the electoral commission require effort towards agitation for appointment and removal of electoral commissioners by independent and non-partisan body. The data analysis has it that 72.2% of the respondents strongly agreed to handling of appointment and removal of electoral commissioners by independent and non-partisan body. More so, 25.0% agreed and 2.8% neither agreed nor disagreed to the statement. Besides, participants at the FDGs conducted and majority of key informants interviewed were of the opinion that membership of LASIEC should be made public by advertising the positions to the public in order to ensure competition and appointment of credible character to the board. In similar direction, Fig. 7 shows that there is need for

the positions to be advertised and competed for, nationally. This, to an extent, would ensure effective delivery of the commission functions

Fig. 5.5:

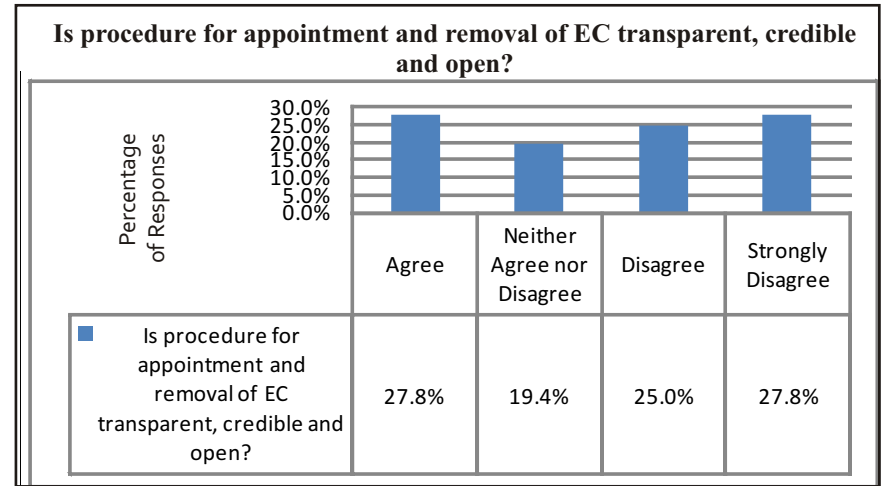


Fig. 5.6:

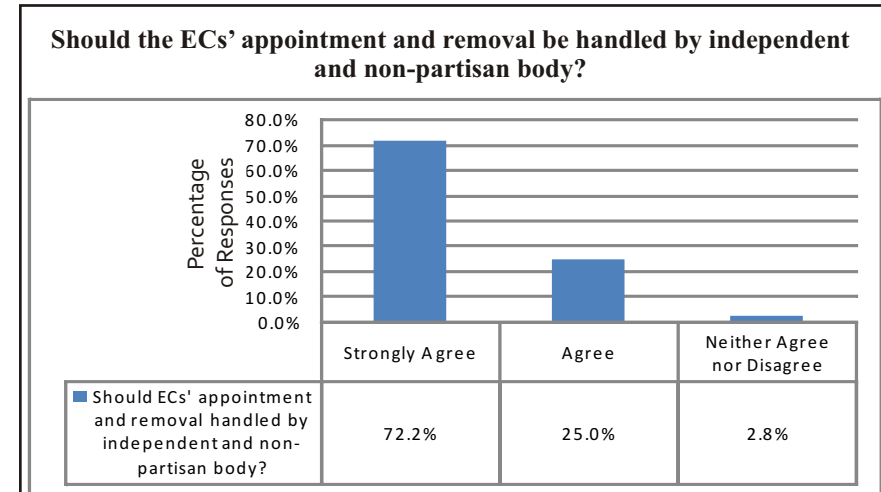
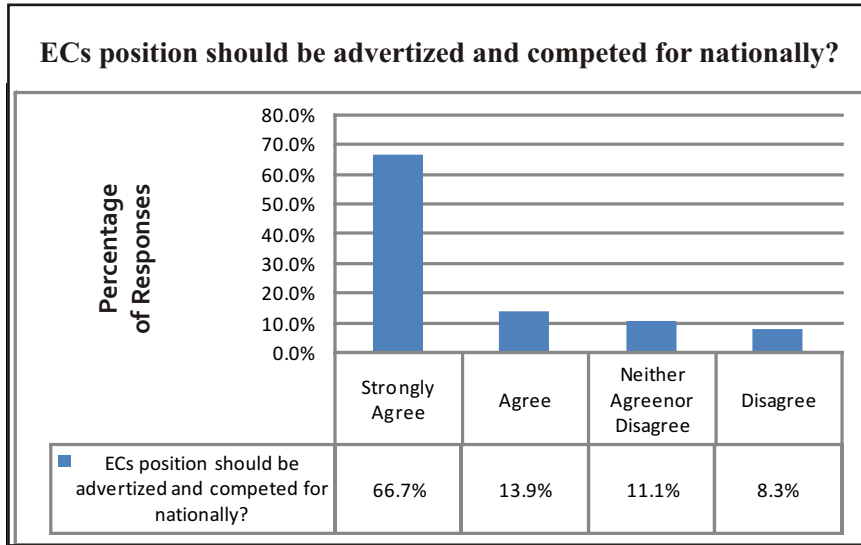


Fig. 5.7:



1.4.3 LASIEC and Management of Electoral Processes in Lagos State

Management of electoral process is a fundamental requisite for enhancing, strengthening, and deepening democracy in a country. It encompasses stages in which electoral body prepare for election, conduct elections and declaration of election results. It is significant that the process should be conducted effectively and efficiently by the electoral body charged with this responsibility in order to promote free, credible and fair elections. Particularly, efforts should be put in place to mitigate incidence of disenfranchisement and limitation of voters' rights. However, the result of expert opinion survey conduct during the study reveals that local government elections in Lagos State are considered not to be free and fair.

Fig. 5. 8:

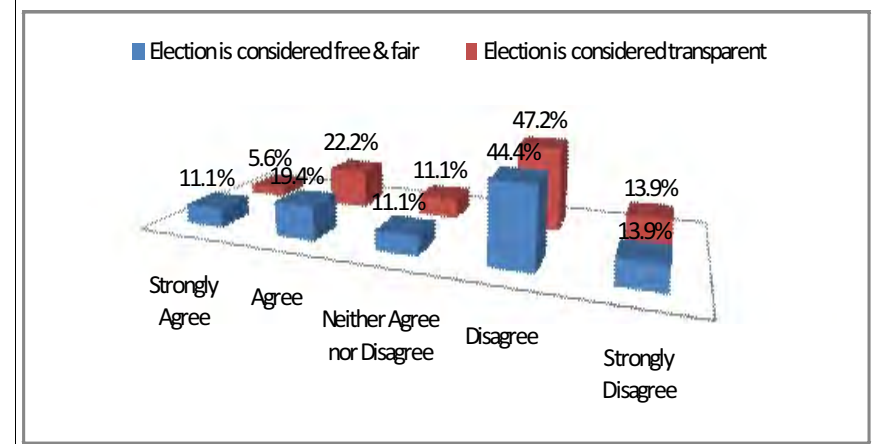
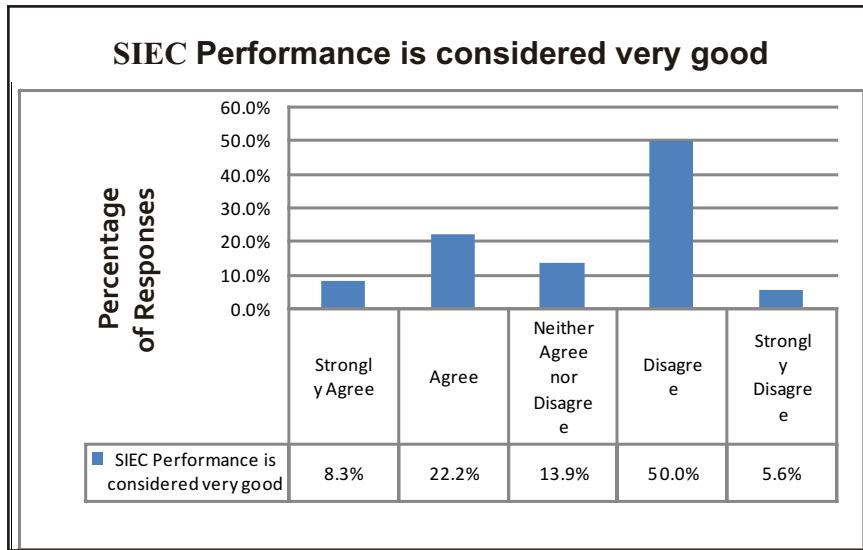


Fig. 5.8 above shows that 11.1% of respondents 44.4% and 13.9% of respondents disagreed and strongly disagreed, respectively, the statement that local government elections are considered to be free and fair. In a related manner, 47.2% of respondents disagreed that the local government election in the State is transparent. Also, 13.9% strongly disagreed. It is in this context that over 55% of persons that attended to administered questionnaire opined that the overall performance of LASIEC in the conduct of local government elections in the state is very bad.

Fig. 5.9:



It is interesting to note that these problems did not occur as a result of lack of funding. As we have gathered, although it is a common complaint that the state government does not sufficiently fund LASIEC, it is most unlikely that LASIEC could be starved of adequate funding due to the fact that it is working in the interest of the ruling party. The ruling party knows the implication of not funding them appropriately. If at all LASIEC is starved of funding, it may be calculated and deliberately done to achieve a subjective purpose of the ruling party.

What we gathered from the field survey as main problems faced by LASIEC in the conduct of transparent, free, credible and fair local government elections are manifold. Although, it was argued by some respondents that relative improvement has been made in the area of recruitment of competent officials, reduction of time taken

to vote, access to polling booth, and provision of information and voter education. Regrettably, these have not aided conduct of free and fair election. The problems, which are somewhat intertwined, include: low voters turnout, shortage of voting materials, interference of party stalwarts, lack of trained and capable LASIEC personnel, corrupt officials, faulty voter register, lack of transparency, late arrival of electoral materials and commencement of election, etc. These are highlighted and explained below for clarity and better understanding.

a. Low Voters Turnout: Low turnout of voters does not provide problem in itself but give room for rigging and malpractices by political parties. Generally, turnout is very poor on the day of election. This was attributed to some principal reasons. The first relates to the obvious overwhelming bearing of the ruling party over the LASIEC. People's view often appears that the ruling party is the one that will emerge the winner and that the vote actually may not count in the long run. People therefore become complacent. Political apathy is further reinforced by the fact that electorates are fed up with the political system within local government as a result of poor service delivery, corruption, inefficiency that always characterize each regime of local government administration without any hope for change. Secondly, the inordinate decision of political parties to impose candidates for election during primaries also became an issue during elections as those who felt aggrieved due to such selection and imposition of candidates by parties decided to stay away from voting.

b. Late arrival of electoral materials: In most places, voting materials arrived very late and election could not commence until three hours behind schedule. Lagos state has a lot of riverine areas where people live. In some of these areas, elections were not held at all and in areas where elections were held, it was not a free and fair election due to the fact that there were shortages of election materials and personnel to conduct the election while adequate security operatives were not in place. Consequently, results of election were easily manipulated.

c. Shortage of necessary materials to be used: In a similar vein, LASIEC failed to make adequate preparation for the election in term of provision of necessary materials to be used during the election. This allowed for rigging of election especially at rural area. In most cases, politicians rendered support services to LASIEC officials which greatly influenced their actions. Politicians provided shelter, food, generator and other necessary materials of convenience to LASIEC staff. This created conducive atmosphere for election to be compromised.

d. Lateness or No Vote/Faulty Voter Register: Accreditation and voting exercise did not start until about three hours behind schedule. Even after the commencement of the exercise, many voters were still disenfranchised because they could not find their names on the registers. This is not unconnected with the fact that LASIEC had no register of its own but made use of INEC registers which were not updated. One of our key informants expressed that:

We have to understand that the whole problem of electoral register is not only a problem of LASIEC but an INEC/Nigerian problem. The last national voter registration by INEC in spite of money spent was a massive failure and it precipitated a lot of crisis at post-election period. And, that is why we cannot rely on it to boost our national data base. States also have the same problem until we are able to digitalize our voter registration system such that we have binary facilities and digital infrastructure to support the process .

In some riverine areas; for example, Agboyi/Ikate LCDA, Kosofe LGA, Badagry local government areas and some part of Lagos Mainland, due to the absence of reliable means of transportation voting could not take place at all. There was no bridge to cross the water but decrepit canoes. Although, in 2003, people living in these part of Lagos riverine areas cried out because of the lapses, but nothing concrete has been done by the government to avert this challenge. This has contributed to growing rate of election malpractices and manipulation of election results. These areas are known for its last minute determinant of victor and loser of elections in the State.

e. Lack of Transparency in the Announcement of Result: Votes were actually counted in each of the polling booth but the announcement of result was not made in some areas. It was announced at the collation centre. In few instances, the results announced at the polling booths conflicted with those that were released at the collation centre.

f. Lack of capacity by LASIEC Ad-Hoc Personnel: In term of capacity building, one can conveniently rate LASIEC above average. Members making up the LASIEC are seasoned professionals and experienced retired civil servants. In terms of training of permanent staff, LASIEC could be credited with a pass mark because those staffs are well trained and adequate tutored to take up the responsibilities, duties and challenges that necessarily characterize the election. However, Ad hoc staffs of LASIEC, who play active role during elections, are inexperienced and lack adequate training. LASIEC used ad-hoc staffs that are not well trained. This unwarranted reality was occasioned by the fact that ad-hoc staff received only three days training prior to election. This forms part of their logistic challenges but the problem is not the inability to mitigate the challenges through proper training prior to the day of election and effective monitoring on the Election Day but the fact is that these seeming challenges are tied to a desired agenda. In this case selection of ad-hoc staff is politicized. The process of selection is manipulated by politicians who use their influence to make sure LASIEC recruit party loyalists.

In a similar vein, local government staffs are used by LASIEC, and where the chairman of the same local government is contesting, they easily work for him. As a consequence, many votes were lost due to improper thumb printing arising as a result of inadequate education and enlightenment given to voters prior to the day of election. In places where the popularity of the ruling party is overwhelming, politicians were seen educating their members who are on the queue on how to vote in order not to get the ballot papers rejected during the counting. Generally, the management of polling booth by LASIEC on the Election Day was poor because of

absence of well-trained ad-hoc staff who were visibly susceptible to manipulation by the politicians.

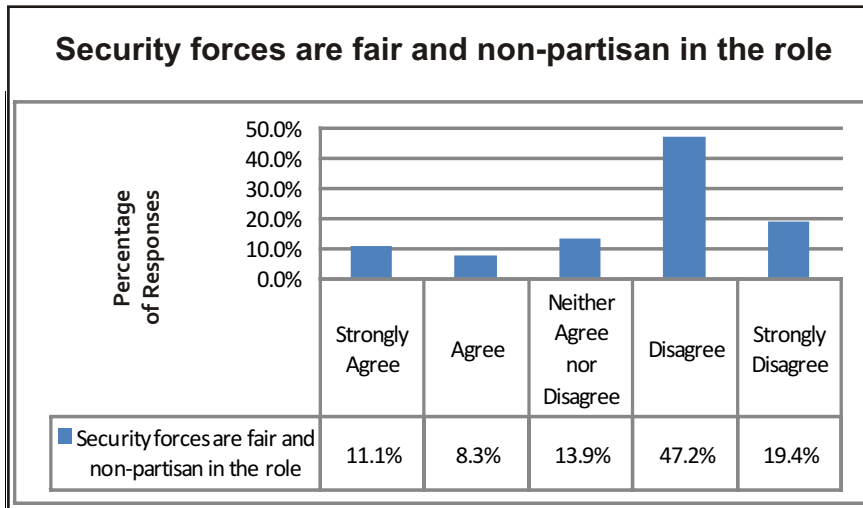
g. Interference of Politicians: This is somewhat related to the problem raised previously. Majorly, electoral booths were supervised and managed by LASIEC junior officers who are confronted with certain challenges that are beyond their control on the election day due to lack of sufficient materials to work with and similar challenges end up to compromise their assigned duties. A common example is the fact that major political parties give food to LASIEC officers at polling booth. They provide them with tents, generating sets, seats and tables and in some cases, convey them to different election locations; all these make these officers of LASIEC to be susceptible to political party manipulation. It was revealed that at Ketu along Ikorodu expressway, in the 2011 local government election, ACN and PDP's stalwart houses were used as polling centres. Although, this was due to the fact that accredited centres were not conducive for such exercise.

h. Electoral Malpractices: In some parts of Badagry, Epe and Mainland local government areas, there were complaints about irregularities on the part of LASIEC. LASIEC officials before the election, during and after elections in their conduct and actions manifested a likelihood of bias in favour of the ruling party. LASIEC was aware of the violence, intimidations, threats, blackmails monetary inducement of voters and other malpractices on the Election Day in many polling booths but refused to react to them on the spot thereby giving room for other acts of non-compliance and irregularities perpetrated by the agents and officers of the ruling party. There was entry of fictitious figures on the result sheets at the

collation centres and barring of agents of other political parties and candidates other than those of the ACN from the collation centre.

There is no doubt that the roles of law enforcement agents and media are pivotal to engendering free and fair elections. It is indeed efforts which complement LASIEC electoral activities to ensure that formidable platform are created for credible elections. While security agents safeguard election materials and staff of LASIEC during and after the election, media sensitizes and educates people of the need for credible election. Unfortunately, their engagements were laced with regrettable incidences that frustrated credible elections. It was gathered that the performance of the law enforcement agents was not independent but based on the instruction given to them by the State government.

Fig. 5.10:



Their role was substantially collaborative with the ruling party. Not in the sense that they prevent people from casting their vote but in the sense that they allow ruling party to have too much freedom under their nose. It was revealed in FGDs conducted in Badagry and Alimosho local government areas in Lagos State that, in the suburbs, and non-urban areas of these localities, law enforcement agents were obviously in collaboration with the ruling parties. Instead of ensuring security and maintaining peace, they lend themselves to assist the politicians in the manipulation of election results. They were conveyed in parties' vehicles and parties provided food and other logistics for them at the polling booths. Figures and elections results were manipulated in their presence while they pretended not to see it.

Apart from the obvious collaboration with the ruling party, in some cases, these law enforcement agents may act in a way so as to frustrate any case arising out of the election petition. A case in point is that of Ibereko, where the opposition party won when the result was initially announced. The result was signed by the police along with other stakeholders. Unfortunately, about two days later, the State-owned media houses announced another result that ruling party won the election. And, when it got to election tribunal, DPO was invited to testify but he started dodging tribunal until when (as rumoured) his superior at the national level instructed him to appear. So, he appeared before tribunal with actual result. About a week later, he was expected to appear for cross-examination, he failed to appear again until the warrant of arrest was issued by the head of the tribunal. Nonetheless, without prejudice to the above, in some parts of Lagos State particularly in Mainland Local government, law enforcement agents conducted themselves well.

They are largely civil; they did not interfere in the election process.

It was also revealed that media did not satisfactorily perform their function, in term of objective reporting and investigative journalism, constructive and objective criticism. In Lagos State, media coverage during local government elections was only fair. Most time, media practitioners were seen clustering around the politicians and eminent personalities who went out to vote on the election days. The coverage was not adequate, in that some of them did not have means of transportation to go to places like farm settlements and riverine areas. Generally the media failed to portray itself as a body willing to be part of system to show whether election is fair or otherwise. Thus, they are not playing their role as investigative journalism as expected.

It is unfortunate that various media houses are owned by political parties' chieftains who have vested interest in ensuring that their candidates win election. Therefore, those media houses tilt towards reporting and promoting the interest of their owners. In Lagos State, the ruling party owns some media houses both print and electronic which they use to promote their interest. For example, LTV, TV Continental and Radio Lagos are state-owned media used to carry news about the election result. The result announced by these media houses contradicted those that were carried by other media houses that are independently owned.

Also, there is a challenge of job security and threat to personal life. For instance, in the last election, some journalists were attacked by party stalwarts because they wanted to report news about rigging in local government election in Shangisha, Magodo area. The

personal integrity of journalists is crucial to effective performance of his assigned duties. Most often than not, corrupt ones are bought to compromise the ethics of the profession. It is said that about 60-70 percent of media houses owners often deprive their workers of regular monthly salary. For example, Ray Power was once said to have owned up to 12 months' salary. Even at the time of conducting this study, it is said that This Day Newspaper owed their worker 7 months' salary. This makes an average journalist vulnerable to the antics of politicians who are ready to reward these journalists financially if they give a supportive rather than an objective report of any event they covered.

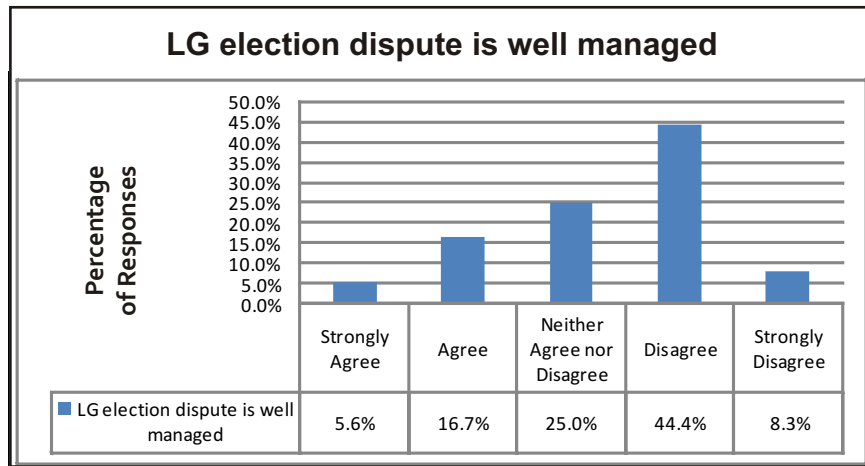
1.4.4 Local Government Election Dispute:

The legal instrument established by Lagos State Government to have original jurisdiction to hear and determine electoral dispute/petition is known as Election Tribunal. The tribunal created through Lagos State Local Government Election Tribunal (Amendment) Law (LSGN No. 24, Law No. 7) determines cases as to whether a person has been validly elected as chairman or councillor of a Local Government Council and any question as to whether the term of office of any person, a chairman of a Local Government Council has ceased. The Chief Judge of Lagos State is vested with the power to appoint a Chairman and members of the elections Tribunal. In a case where parties to the dispute are not satisfied with the decision of the tribunal, an appeal from Election Tribunal goes to the Election Appeal Tribunal.

There were many disputes arising from the conduct of local government elections in the State. This is evident in lots of public outcries against the ruling party by opposition parties with the

allegation of wanton rigging and manipulation of election results. It was revealed in our key informant interview (KII) and focus group discussions (FGDs) conducted that some election results declared by LASIEC Chairman were in contrary to those declared by presiding officers at various polling units. Cases in point are Epe and Ikorodu where PDP aspirants claimed to have won councillorship elections Interesting thing in the case of Epe is that the election was tape-recorded.

Fig. 5.11:



There are however pockets of surprises in the decisions of election tribunals in the state. The first wave of surprise came when the Justice Dolapo Akinsanya led panel declared Mr. Ibrahim Babajide Obanikoro of the PDP, winner of the Ikoyi/Obalende chairmanship election, nullifying the victory of Mr. Adewale Adeniji of the ACN.

The five man panel held that from evidences, Mr Obanikoro has the highest number of votes and should therefore be declared winner and sworn in.

Election Petition Tribunal also sacked incumbent chairman of Badagry Central Local Government, Moses Dosu Hunsitode, but declined to order Mustapha Dada of the PDP sworn-in, because a member had declined to vote. A member, Senior Magistrate R.O. Davies, said he could not rule in favour of the PDP because of his position that the petition was filed outside 30 days. The matter is now before the Local Government Election Appeal Court.

But in the case of Agbado/ Oke Odo LCDA, the tribunal was more decisive. The panel headed by Justice Francis Ade Owobiyi ruled in favour of PDP candidate, Mr Busari Akande nullifying the election of incumbent chairman, Augustine Arogun ordering the swearing-in of Akande as the validly elected chairman.

The PDP have also made claims that their candidates won in Badagry West LCDA, Epe and Agege LGAs. These claims were however dismissed by ACN Publicity Secretary in the State, Mr Joe Igbokwe who described the PDP as a party always trying to create confusion by circulating false claims of electoral victories.

1.5 CONCLUSION AND RECOMMENDATIONS

Central to the failure of LASIEC to deliver on its primary functions is overbearing influence of the Governor and the ruling party. Although, there are other problems that inherently militate against effective performance of the electoral commission such as lack of

capable personnel, failure of law enforcement agents and the media to complement its roles, etc., however, these could not have happened outside the machination of the ruling party and the Governor. This has not helped in addressing development challenges faced by ordinary people in the State. Therefore, it is a matter of urgency to strategically engage the process in order to make third tier of government a panacea to enhancing growth and development in local communities. We hereby make the following recommendations:

1. LASIEC should have independent source of funding in order to reduce overbearing control of ruling parties. This may just be a matter of law stipulating that LASIEC submits budget to the federal government to be sourced from consolidated fund.
2. The presence of international observers is important in the election monitoring. This should be encouraged during Local Government elections.
3. There is a need to ensure adequate punishment for the violators of the law. Many people violate electoral law with impunity because they believe that they could escape the wrath of law with the intervention of their political godfathers.
4. The process of appointment of LASIEC Chairman should not be handled by the ruling party or government. Appointment of person to the position of LASIEC chairman should allow some form of public participation in order to

ensure that a credible and worthy person occupies the position. Even if the state governor sends names of those appointees to the State's House of Assembly, those names should be thrown up for public debate and scrutiny.

5. There should be security of tenure of office for LASIEC members and they should not enjoy or hold the office at the mercy of the ruling Governor who appoints them.
6. The so-called electoral commissioners should be professionals in relevant disciplines and career officers who can add value to the activities of LASIEC but not mediocre whose appointments are politically-induced.
7. Mass education and mobilization in terms of civic awareness, sensitization and mobilization of people's participation in the electoral process and they should also be equipped under the law to question the process when need be in order to defend their mandate.
8. Digitalized voter's registration system is recommended.

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Chapter

6

PLATEAU STATE INDEPENDENT ELECTORAL COMMISSION

Dung Pam Sha

ABSTRACT

Democracies strive under strong and functioning institutions. These institutions are expected to fulfill mandates, visions and programmes which are in line with democratic thinking. The creation of States Electoral Commissions (SIECs) was therefore an attempt to effect the construction of democracy at the local government level in Nigeria through the conduct of elections and the constitution of the executive and legislative organs. To what extent has PLASIEC lived up to its responsibilities of conducting free, fair and credible elections in Plateau State? Using survey research, the study found out that PLASIEC's existence, capacity and functioning has been shaped and influenced by federal law that mandates the establishment of the Election Management Body (EMB) at the state level; party dominance and executive control of the EMB; division within the ruling PDP; struggle for the control and accumulation of economic surpluses at the local government level. In addition, the legal framework gives the executive arm of government at the State level the overriding control of the SIEC in areas of appointment, tenure and removal of its commissioners and well as funding. This control affects the performance and independence of the institution in the conduct of elections. On the

whole, the study reveals that institutional autonomy; infrastructural and ethical capacities; institutional impartiality and sustainability are weak and cannot support the development of democracy. Furthermore, the roles of the security forces, the Judiciary, media, CSOs are crucial in supporting SIEC in the conduct of democratic elections, but there are deficits in their conduct. It is recommended that there should be a conscious constitutional review exercise to keep the funding, appointment, tenure and removal of the Chairman and members of SIEC out of the control of the State Governors. An independent EMB should be constituted on a representative and inclusive basis in order to ensure democratic elections.

I INTRODUCTION

The success of any democratic election is dependent on the existence of an independent and performing Election Management Body (EMB). It is in recognition of this fact that the 1999 Constitution of the Federal Republic of Nigeria enshrined provisions that decentralized the role of organizing local government elections to the State Independent Electoral Commission. The performances of SIECs have been severely critiqued for failing to deliver free and fair elections and therefore influencing negatively, the growth of democracy at the local government level. The chapter seeks to find out what political factors and legal frameworks have influenced the functioning of PLASIEC? How can its institutional autonomy; infrastructural and ethical capacities; institutional impartiality and sustainability be strengthened to enable it deliver free and transparent elections in Plateau State? The study therefore investigates existing practices,

challenges and critical reform options needed to ensure transparent, accountable and credible elections at the LGA level. The discussion is conducted in the next four sections. Section two discusses the historical and political factors that have shaped the politics and the functioning of PLASIEC. Section three describes the methods employed in data collection and analysis, while section four presents and interprets the data. Section five summarizes the major findings of the study while section six contains the concluding remarks and recommendations designed to strengthen PLASIEC in the conduct of free and fair elections at the local government level.

II HISTORY AND POLITICS IN THE STUDY AREA

Plateau State is one of the twelve largest states in Nigeria. It is geographically unique because its boundaries are totally surrounded by the Jos Plateau. It has seventeen Local Government Areas, and it is divided into three Senatorial Districts: Plateau North Senatorial District is made up of six Local Governments which include: Bassa, Jos North, Jos-East, Jos-South, Barkin Ladi and Riyom Local Government Areas. Plateau Central Senatorial District comprises of five Local Governments which include- Bokkos, Mangu, Pankshin, Kanke and Kanam Local Government Areas, while Plateau South Senatorial District comprises of Wase, Langtang-North, Langtang-South, Mikang, Shendam and Quan-Pan Local Government Areas. The State has a population of about 3.5 million people based on the 2006 National Census.

The historical factors that have shaped the existence, capacity and functioning of PLASIEC include the following: federalist

arrangement which required the creation of state election management body; party dominance influence the composition and control of the SIEC; Governor's control SIEC as guaranteed in the Nigerian 1999 Constitution; the division within the ruling People's Democratic Party (PDP); and the struggle for the control and accumulation of economic surpluses at the local government level.

The competition for political power amongst the power elite is not defined by any ideology, but primarily by the desire to take over the control of the state apparatus and run it to achieve individual or group goals of the elite. The goal is the desire to control economic power at the state and at the local government levels. The local government areas generate enormous revenues from both agriculture and commercial ventures and this add up to the quantum of revenues at the disposal of the government elite. So this economic situation impacts on local governance in the state in the sense that it influences competition for political power as well as determine who get what and when.

III COMPOSITION, FUNCTIONS AND THE OPERATION OF SIEC

The establishment of State Independent Electoral Commissions (SIECs) was provided for in the 1999 Constitution of the Federal Republic of Nigeria, which states in section 197(1) that: "there shall be established for each state of the Federation, the state Independent Electoral Commission whose composition and power are as set out in part II of the third schedule to this constitution". Section 3 of the Part II states that: a State Independent Electoral

Commission shall comprise the following members (a) a Chairman; and (b) not less than five but not more than seven other persons. Section 4 states that the SIEC shall have power to - (a) organise, undertake and supervise all elections to local government councils within the State and (b) render such advice as it may consider necessary to the Independent National Electoral Commission on the compilation of and the register of voters in so far as that register is applicable to local government elections in the State.

PLASIEC laws that have guided the organisation of elections in Plateau State include the following:

1. Plateau State Independent Electoral Commission Law No. 3 of 1999
2. the Plateau State Electoral Law No.1 of 2002.
3. The Law to make Provision for the Plateau State Local Government Council Election and other Matters connected therewith No. 1 of 2004
4. The Plateau State Independent Electoral Commission Law 2011 which repeals the previous laws.

The current PLASIEC Law (section 8) empowers the body to perform the following functions:

1. organise, undertake and supervise all elections into Local Government Councils within the State;
2. create electoral wards, whenever practicable in addition to existing electoral wards;
3. render such advise as it may consider necessary to the Independent Electoral Commission on the compilation and the registration of voters so far as is applicable to local government elections in the state;

4. conduct voter and civic education;
5. promote knowledge of sound democratic election processes;
6. conduct any referendum required to be conducted pursuant to the provision of this law.

The salient features of the new law include the appointment of members of the Commission: Section 4 states that the "Chairman and members of the Commission shall be appointed by the Governor subject to confirmation by a resolution of the House of Assembly". (ii) tenure of Office: section 5 states that the: Chairman and members of the Commission shall hold office for a period of 5 years from the date of the appointment". and (iii) removal from Office: section 7 states that "any person holding office of Chairman or member shall only be removed from office by the Governor acting on an address supported by two-third majority of the House of Assembly that he/she be removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct".

The other provision is on the Funding of the Commission. Section 9 of the law establishes the Commission's Fund to be called as the Plateau State Electoral Commission Fund and requires that monies should be paid into the fund for the functioning of the Commission. Section 11 provides that the commission shall submit to the Ministry of Finance and Economic Planning an estimate of its expenditure and income (including payments to the Commission) during the next succeeding financial year.

PLASIEC and the Organisation of Elections

PLASIEC has organised the following elections: 1999 local government council elections; 2003 local government council elections; 2008 local government council elections. The organisation of the 2008 election was the most contentious. The election was to take place in March but the preparation of the elections was marked by poor arrangement. It has to be shifted to November 2008. The leadership of the Commission was reconstituted and a more experience PLASIEC Chairman (a retired Permanent Secretary) was appointed and elections were organised in November 2008. The specific problems related to the March election include: (a) late funds provided for the elections (claimed by the then Chair of PLASIEC); (b) late delivery of voting materials to voting centres; (c) poor security arrangement; (d) and weak and inexperienced leadership.

The results of the November 2008 election was controversial for a number of reasons: (i) the opposition felt that the election in Jos North was rigged and this led to violence that claimed lives and property; (ii) the opposition did not approach the courts for the legal determination of the claim of rigging as specified in the Nigerian Constitution and the Electoral Law. It is crucial to note that preparatory to the 2012 local government council elections, PLASIEC has been reconstituted with a former Permanent Secretary as the Chairman. To pave way for forthcoming elections, the State Governor dissolved the political leadership of the LGCs (both Chairmen who has spent the specified tenure and those who haven't spent the required tenure on account of their late swearing in due to tribunal judgement in their favour. A case is still pending in court for untimely removal from office. As at the time of this report (January 2013), no time table has been announced for the elections.

Scope of the Study

The investigation has focused on the origin, composition, functions and the operation of SIEC in Plateau State. In addition, we have discussed citizen's perceptions of PLASIEC in the area of institutional capacity, institutional autonomy including financial autonomy and institutional impartiality. The study selected three local government areas each from the three Senatorial Zones - north, central and south of Plateau State. These include Jos North, Bokkos, Shendam local government areas. This selection was done in order to provide for equity in the distribution of the research instruments as well as data capturing.

IV METHODOLOGY

The instruments used in data collection includes interviews, Focus Group Discussions, questionnaire administration and the use of published documents such the 1999 Constitution of the Federal Republic of Nigeria as amended 2011, the various laws that established and regulates the operations of the SIEC amongst others. In addition, questionnaires were administered to a sample size of 40 respondents made up of 20 males and 20 females from each state. These respondents include persons who had contested governmental positions in the parliament or into the executive, civil society groups, civil servants and religious and opinion leaders in the state. Table 6.1 - shows this categorisation. Both qualitative and quantitative data was generated during and after the validation workshop. Thus the initial limitation of samples and perceptions where overcome.

Table 6.1 - Distribution of Questionnaires

Category	Total no	Jos North		Bokkos		Shendam	
		Male	Female	Male	Female	Male	Female
Candidates who have contested local government elections		1	1	1	1	1	1
Academia		1	1	1	1	1	1
CSOs/CBOs/youth leaders/women leaders		1	2	2	2	2	1
Religious groups/opinion leaders		1	1	1	1	1	1
Civil servants		1	1	1	1	1	1
Members of state assemblies		1	1	1	1	1	1
Total	40	6	7	7	7	7	6

Focus Group Discussion (FGD)

FGDs were conducted with a maximum of 12 persons per group. In all, a total of 3 FGDs were conducted 1 in each selected local government as shown in Table 6.2. The categories of respondents used in the interview include youth, women, farmers and teachers. We were gender sensitive in the selection of the respondents.

Table 6.2 - Distribution of Respondents in FGDs

Respondent	Jos North (urban)		Bokkos (semi-urban)		Shendam (rural)	
	Male	Female	Male	Female	Male	Female
Women group	-	2	-	2	-	2
Youth	2	1	2	1	2	1
Farmers	2	2	2	2	2	2
Teachers	2	1	2	1	2	1
Total	6	6	6	6	6	6

Interviews were conducted with respondents ranging from politicians, academics, community based organisations, government officials including security forces and civil society. Table 6.3 shows that 16 respondents were interviewed and the distribution was done on the bases of the local government areas.

Table 6.3 - Distribution of Respondents in Interview

Respondents	Number	Jos	Northern Zone	Central Zone	Southern Zone
Candidates who have contested local government elections	2		1	1	
Academia	2	1 Unijos and 1 Plateau Poly			
CSOs/CBOs monitoring elections	2			1	1
Religious groups (on partisan nature of election officials)	2		1		1

Civil servants (on budget issues),	2	2			
Members of state assemblies	2		1	1	
Law enforcement agents	2		1		1
Journalists that have covered elections at local level	2	2			
Total	16	6	4	3	3

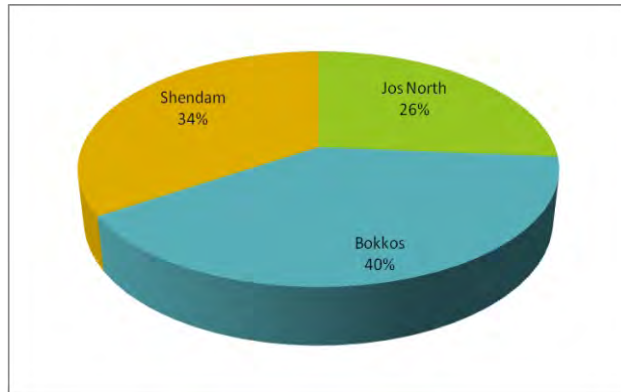
V PRESENTATION AND DISCUSSIONS OF DATA

Data generated from questionnaires, interviews and FGDs have been presented and discussed under the following headings: the characteristics of the respondents, the perception of the role of PLASIEC, perception of PLASIEC's capacity, PLASIECs autonomy, PLASIEC's impartiality and the role of state and non-state actors in electoral processes in Plateau State.

Characteristics of Respondents

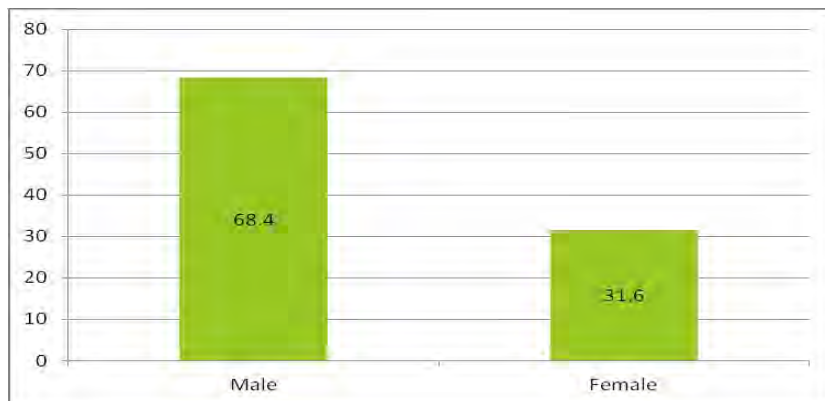
As noted above, three local governments have been sampled to represent the three Senatorial Zones of Plateau State. They include Bokkos in the Central geo-political Zone, Jos North in the Northern zone and Shendam in the southern zone of the state as shown in chart 1.

Chart 6.1- Frequencies showing the Distribution of Questionnaires in sampled LGAs



The study also took into consideration gender in the selection of respondents in order to ensure representation. As noted earlier (see table 6.2 gender representation in questionnaire responses was 50%). However, during the retrieval of questionnaires, only 31.6% were retrieved from the female respondents as can be seen from graph 6.1.

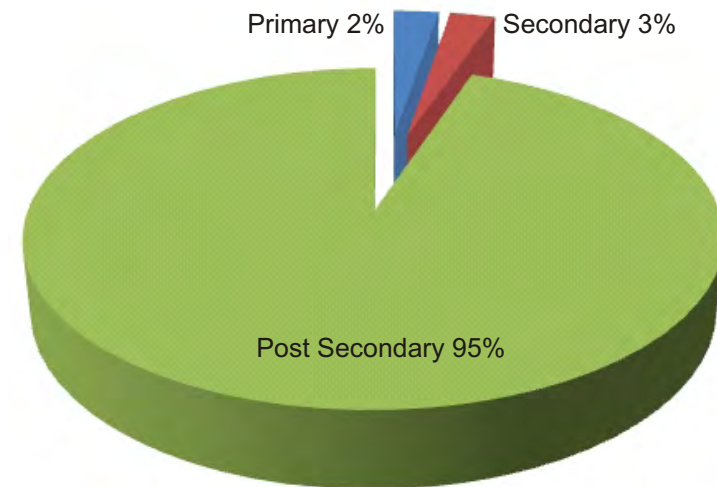
Graph 6.1 - Gender Distribution of Respondents



There were more males in the distribution of the frequencies than females respondents for the study.

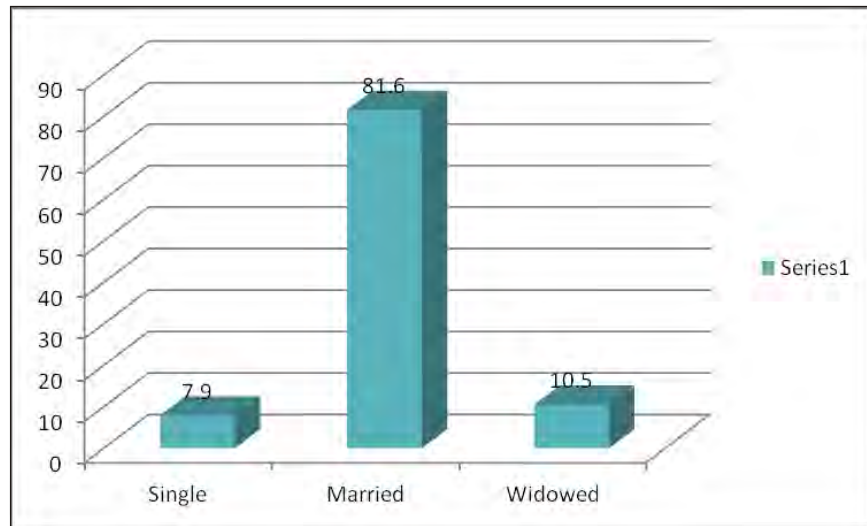
Chart 6.2 shows that persons with post-secondary school education constituted more than half the number of respondents in the study. This can be explained by the fact most of those engaged in politics in Plateau State at the level of political competition (voters and commentators) are citizens who have completed their secondary school education, though there is the possibility of finding individuals who completed primary school education as political commentators and voters.

Chart 6.2- Qualification of Respondents



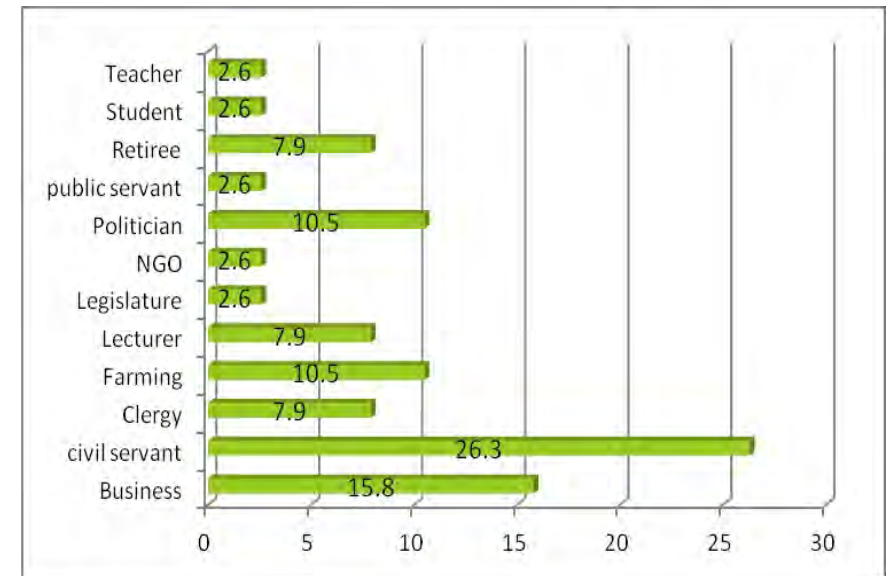
The respondents that were used in the survey are made up of single, married and widows and three-quarters of them are married.

Graph 6.2 - Marital Status of Respondents



In terms of occupations, the study obtained more than half of the responses from civil servants, businessmen, farmers and politicians put together. Graph 6.3 shows that the views obtained from other categories of citizens are fairly spread and thus representative.

Graph 6.2 - Occupations of Respondents



Perception of the Role of PLASIEC

PLSIEC is empowered to organise and supervise elections into Local Government Councils within the State amongst other functions mentioned earlier. Table 6.5 shows that more than three-quarters of citizens are familiar with the electoral functions of SIEC. This can be explained by the fact that most of them possess post-secondary education as well as civil servants, business persons, politicians, and teachers and are therefore politically conscious.

Table 6.4 - SIECs Conduct of Elections

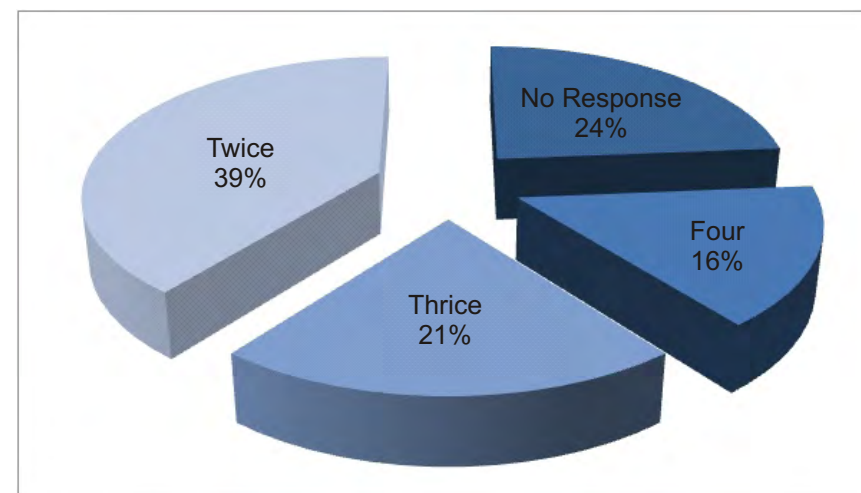
Are you aware that SIEC conduct's Local Government Elections?		
	Frequency	Percent
Yes	34	89.5
No	3	7.9
Don't Know	1	2.6
Total	38	100.0

Respondents identified the following as the main functions of SIECs: the recruitment and posting ad-hoc staff, acquisition and distribution of electoral materials to polling units, preparation of time table for elections, screening of candidates presented by various parties, issuance of clearance/certificate of return and declaration of result. A respondent in the FGD in Shendam has ideas of the role of SIEC and citizen's expectations from it when he says that:

...SIEC is supposed to prepare for local government elections... and ensure that there is internal democracy within the political parties...SIEC in Plateau has not been monitoring party primaries...if a party primary is known to have been conducted under conditions of irregularities, SIEC still accepts the results...However, if SIEC has transparently monitored past elections, its report would have shown that fraud was committed and it would reordered the conduct of such party primary.... but this has not been the case. (Interviews, Ngootlong Community Development Association Chairman Shendam)

Chart 6.3 shows that 76.4% of the respondents have witnessed local government elections as at the time the survey. Only 15% have witnessed local government elections four times while 39.5% have witnessed elections twice. The import of this result is that citizens have sufficient knowledge of elections because they have participated either as voters, political contestants seeking elective offices or as commentators.

Chart 6.3- Times Respondents Witnessed Elections
How many times have you witnessed local government elections conducted by SIEC?



The respondent's perception of PLASIEC's preparation for election shows that the electoral body in the past did not prepare adequately for the elections. A significant number of respondents, (10%) did not know whether PLASIEC prepared well for previous elections. This may mean that if adequate preparations were made, its efforts would have been acknowledged.

Table 6.5 - SIECs Preparation for Election

Do you believe that SIEC makes adequate preparations for elections?		
	Frequency	Percent
Yes	15	39.5
No	19	50.0
don't know	4	10.5
Total	38	100.0

A respondent in an interview says that SIECs in states in the country do not prepare well for election because of a number of factors including the role of the ruling party and that of the government in the release of funds and in decisions regarding the timing of the elections:

...regarding election timetable, it is SIEC that determines the timetable for elections. However, the ruling party and the government that has the final say. It is the government that funds the election and so may release funds when they are available and sometimes manipulate the process to suit the party. This places SIEC at a difficult situation to convene a well organised election. (Youth Leader JosNorth)

The above point can be corroborated by noting that the 2008 local government elections in the State was not properly organised by the SIEC and as a result, the exercise had to be cancelled until a later date.

However, Table 6.7 shows that only 18.3% of the respondents have different reasons for feeling that PLASIEC's organisation of elections is profoundly adequate and they attribute this to the successful conduct of the elections, their peaceful and credible nature, provision of adequate materials and electoral officials and the provision of voting materials on time.

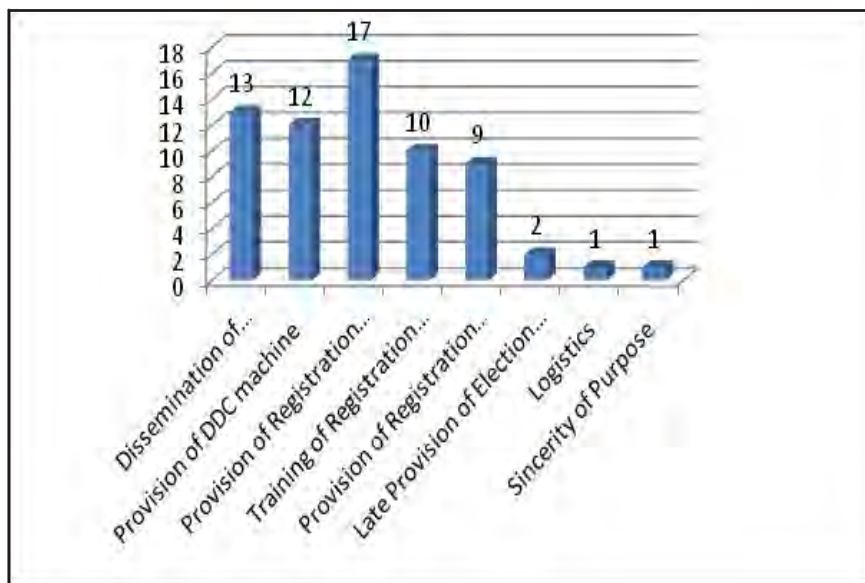
Table 6.6 - Positive Perception on SIECs Preparation for Elections

Do you believe that SIEC makes adequate preparations for elections? If question yes, why do you think so?		
	Frequency	Percent
No Response	31	81.6
Elections Conducted Successfully	1	2.6
It Was Peaceful And Credible	2	5.3
Provision Of Adequate Materials And Electoral Officials	3	7.8
Voting Materials Arrived On Time	1	2.6
Total	38	100.0

The respondents that were not in agreement with the above opinion that PLASIEC did not adequately prepare for previous elections based their argument on the following points: poor dissemination of information; late provision of registration materials; poor training of registration officials; provision of registration centres; late provision of election materials, other logistics problems and lack of sincerity of purpose. The opposition political parties in Plateau State, particularly CNPP and CPC strongly believe that PLASIEC election preparations are poorly done.

Graph 6.4 - Negative Perception of SIECs Preparation for Elections

Do you believe that SIEC makes adequate preparations for elections? If question no, in which areas did you observe poor preparations?

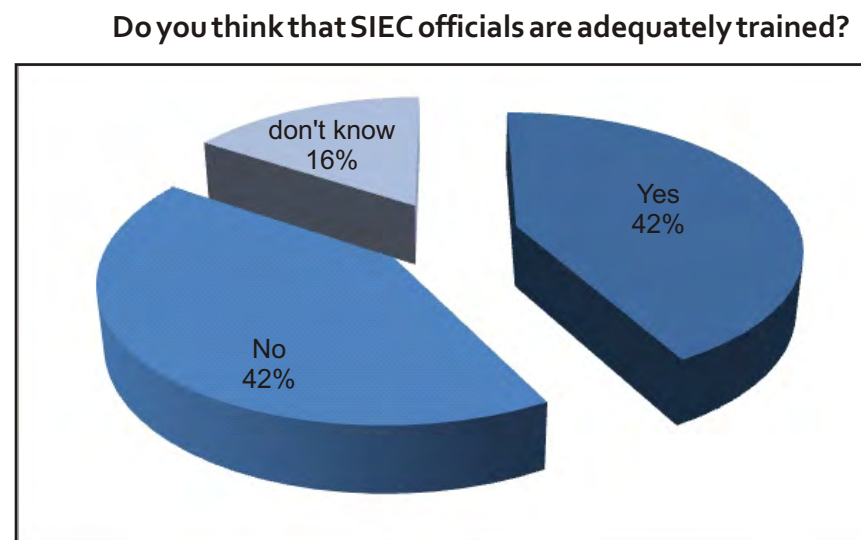


The perception that PLASIEC had poor records of preparation towards local government elections in the past is presented in graph 6.4. The famous reason has to do with the provision of registration materials, dissemination of information before and during the elections and the weak understanding of electoral procedures by registration officers due to poor training.

Perception of the Capacity of SIEC

The capacity of the SIEC can be assessed by the availability of skilled personnel, their understanding the electoral rules and processes and their relationship with the electorate. The respondents are divided on the point that the SIEC officials are adequately trained as shown in chart 6.4.

Chart 6.4 - Training of SIECs



The respondents interviewed argued that the image of SIEC is tainted due to the character of the personnel they recruit. SIEC image is "not credible...it lacked required personnel to handle elections." (President Ngootlong Development Association) The Chairman of PLASIEC also acknowledged the poor quality of personnel when he noted that:

The administrative machinery of SIEC does not have the capacity to conduct qualitative elections. This is due to the low calibre of staff.... Most of them are partisan in outlook and lack experience.... ad-hoc staff do undergo crash training programmes which are not sufficient for them to adequately understand and discharge their responsibilities.....training of permanent staff is not regular but collaborative agencies such as International Federation for Electoral System, UNDP etc. do organize workshops for staff... This affects the capacity of PLASIEC to conduct Local Government Elections.

Table 6.7 - SIEC Provision of Information on Polling Stations

Do you think that SIEC provided enough information about the location of polling stations in your locality?		
	Frequency	Percent
no response	1	2.6
Yes	21	55.3
No	13	34.2
don't know	3	7.9
Total	38	100.0

The respondents maintained that SIEC presented sufficient information about the polling stations in their locality. Table 6.8 shows that more than half of the respondents are in agreement that SIEC performance in this respect is good. This similar perception has been expressed in table 6.9, where 65.8% of the respondents agreed that they were sufficiently informed on voting processes.

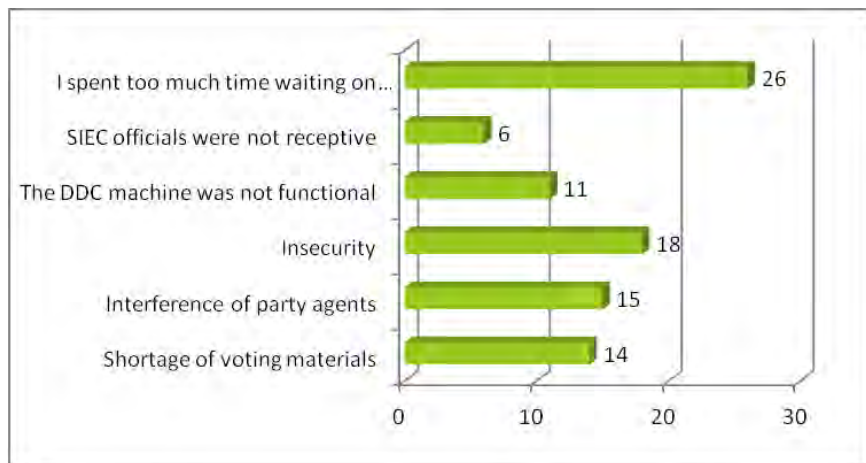
Table 6.8- SIEC Provision of Information on Voting

Do you feel that you were adequately informed about how you can vote?		
	Frequency	Percent
Yes	25	65.8
No	13	34.2
Total	38	100.0

Despite the fact that respondents feel that SIEC has positively performed towards informing the electorate about the electoral processes, they however have the feeling that there are difficulties that confront them in the exercise of their franchise as citizens as shown on graph 6.5. The major areas of concern are spending longer durations at polling units waiting to cast their votes; insecurity prevalent at the polling stations; the interference of party agents as well as inadequacy of voting materials. Fewer respondents expressed concern about the attitude of SIEC officials as major obstacle in exercising their franchise.

Graph 6.5 - Respondents Problems in the exercising Franchise

What problems did you encounter in the process of exercising your franchise? (Number of respondents)



The gender perception of the factors limiting the exercise of franchise shows a variation in the responses according to the issues. Table 6.10 shows that female respondents, more than the male feel that the shortage of voting materials constitutes a major hindrance in the exercise of their franchise.

Table 6.10 - Exercising Franchise

Gender * What problems did you encounter in the process of exercising your franchise? Cross tabulation					
			What problems did you encounter in the process of exercising your franchise?		
			no response	Shortage of voting materials	Total
Gender	Male	Count	17	9	26
		% within Gender	65.4%	34.6%	100.0%
	Female	Count	7	5	12
		% within Gender	58.3%	41.7%	100.0%
Total	Count		24	14	38
	% within Gender		63.2%	36.8%	100.0%

Table 6.10 similarly explains that the female respondents more than male feel that party agents interference in the electoral processes prevents them from exercising their rights as voters.

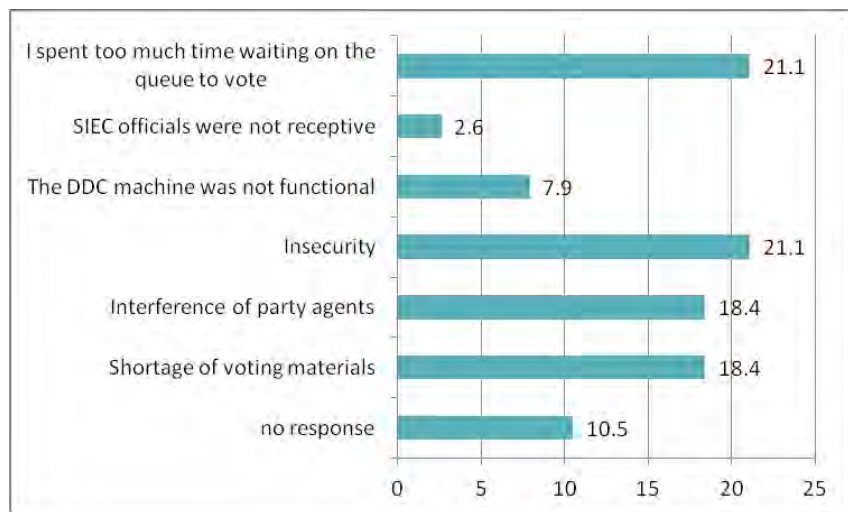
Table 6.10

Gender * What problems did you encounter in the process of exercising your franchise? Cross tabulation					
			What problems did you encounter in the process of exercising your franchise?		
			no response	Interference of party agents	Total
Gender	Male	Count	16	10	26
		% within Gender	61.5%	38.5%	100.0%
	Female	Count	7	5	12
		% within Gender	58.3%	41.7%	100.0%

Total	Count	23	15	38
	% within Gender	60.5%	39.5%	100.0%

Amongst the most intractable problems confronting the electorates in the exercise of their franchise are insecurity and waiting on the queue for long hours before voting. This is followed by shortage of voting materials as well as the interference of party agents in the electoral process. The least considered problem is the attitude of SIEC officials as shown on graph 6.6.

Graph 6.6 - Of all the problems you encountered in the process of exercising your franchise which one do you consider the most important problem?



It is expected that there should be improvements in the institutional capacity of SIEC as a sine quo non for the successful conduct of elections. The survey shows that more than half of the respondents acknowledged improvements in the way SIEC has conducted elections since 1999 as shown on Table 6.11 where 31.6% still feel that SIEC has to improve in capacity, impartiality and autonomy if elections are to be conducted.

Table 6.11 - Perception on Improvements in SIEC's conduct of elections

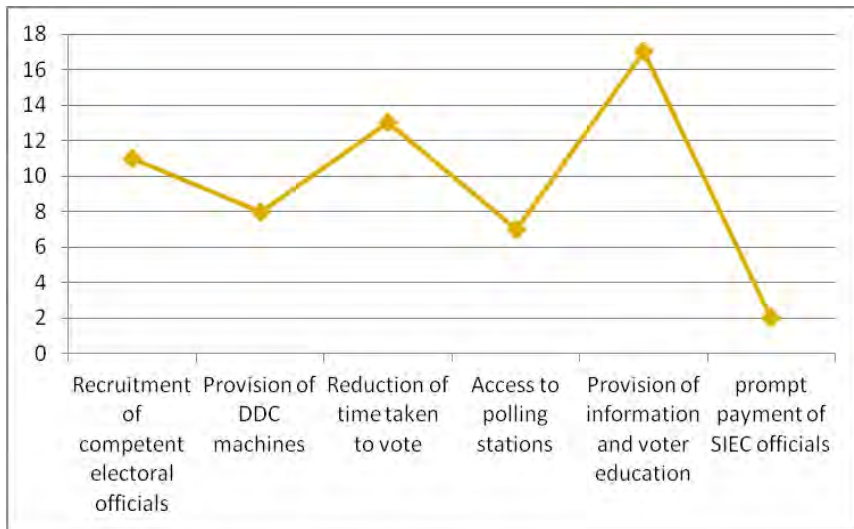
Have you noticed any improvement in the way SIEC conducted elections since 1999?		
	Frequency	Percent
no response	2	5.3
Yes	22	57.9
No	12	31.6
don't know	2	5.3
Total	38	100.0

The gender perception of improvements in SIEC's conduct of elections shows that more than half of male and female believe that SIEC has improved in the conduct of elections since 1999. However, less female respondent believe that improvements have been noticed in the performance of SIEC in the conduct of elections.

The respondents observed that the areas where there have been remarkable improvements according to the frequencies in graph 6.7 include: provision of information and voter education; reduction of time taken to vote; recruitment of competent

electoral officials and the provision of DDC machines. The lowest area of improvements is the lack of prompt payment of SIEC officials.

Graph 6.7- In which areas would you say that SIEC has made some progress?



Another area that has affected the institutional capacity of PLASIEC is inadequate office accommodation and other facilities required for the effective functioning of the Commission. The Chairman of the Commission noted that:

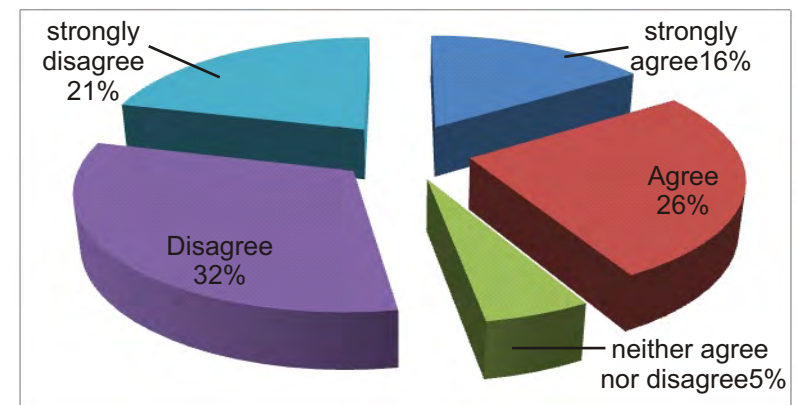
At present, it is only at the Headquarters of the Commission that there is sufficient office accommodation, which is furnished. At the local government level, office accommodation and facilities are not available and so temporary offices

are being used which is not appropriate for the work of an organisation like this. (Chairman of PLASIEC 2012)

Perception of the Autonomy of SIEC

The autonomy of PLASIEC can be assessed using the following criteria: the recruitment of its political leadership and administrative staff, its relationship to the executive arm of government, the ruling party, its source of funding etc. We have summed-up the frequencies of strongly agree and agree responses on one hand and also strongly disagree and disagree responses on the other for ease of explanations. Chart 6.5 shows that more than half of the respondents disagree that the SIEC is an independent body in the conduct of credible elections although a significant number representing 42.1% of the respondents say the body is independent and 5.2% are undecided.

Chart 6.5 - The State Independent Electoral Commission (SIEC) is independent and fully committed to conduct of credible elections



Assessing the gender perception of the independence of the SIEC, Table 6.14 shows that 57.7% of the male respondents disagreed that the Commission is independent while 58% of the female respondents also concur with this perception. On the whole more women than men feel strongly that the Commission is independent in the conduct of elections.

Table 6.12

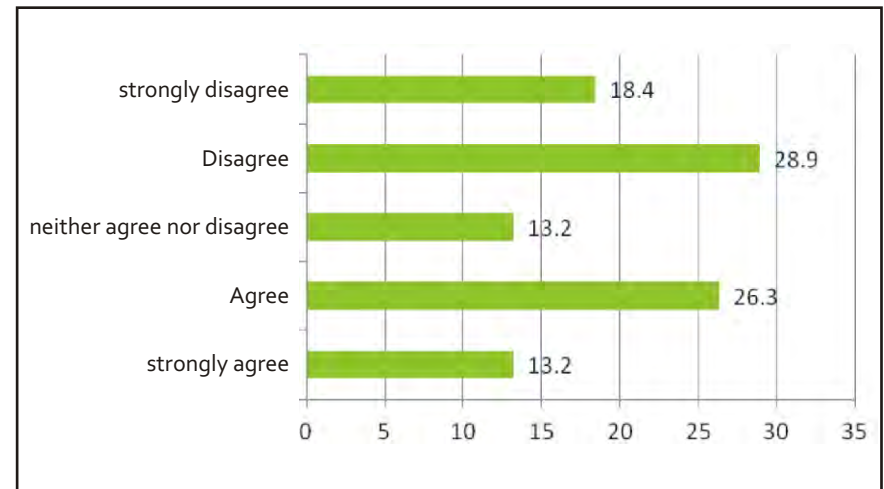
Gender * The State Independent Electoral Commission (SIEC) is independent and fully committed to conduct of credible elections							
		The State Independent Electoral Commission (SIEC) is independent and fully committed to conduct of credible elections					
		strongly agree	agree	neither agree nor disagree	disagree	strongly disagree	Total
Gender Male	Count	5	4	2	9	6	26
	% within Gender	19.2%	15.4%	7.7%	34.6%	23.1%	100.0%
Female	Count	1	6	0	3	2	12
	% within Gender	8.3%	50.0%	.0%	25.0%	16.7%	100.0%
Total	Count	6	10	2	12	8	38
	% within Gender	15.8%	26.3%	5.3%	31.6%	21.1%	100.0%

When disaggregated to examine the perception of each category of respondents regarding the independence of SIEC in the conduct of credible elections, we found out that 50% of business persons disagreed and 33.4% agreed while 16.7% were undecided about the independence of PLASIEC. 60% of civil servants disagreed while

40% agreed that PLASIEC is independent. Farmers were equally divided on the issue. The legislators all agreed that the body is independent, while politicians are equally divided. This is expected since the perception of the ruling and the opposition parties will differ over this matter.

One area that is usually examined to assess the independence of the electoral body is the procedure for the appointment and removal of the electoral commissioner. The respondents in the survey (shown in graph 6.8) who disagreed that the procedure for the appointment and removal of the electoral commissioners is open, transparent and credible constitute 47.3% while those who agreed are 39.8%. The undecided respondents constitute 13.2%.

Graph 6.8 -The procedure for the appointment and removal of the electoral commissioners is open, transparent and credible.



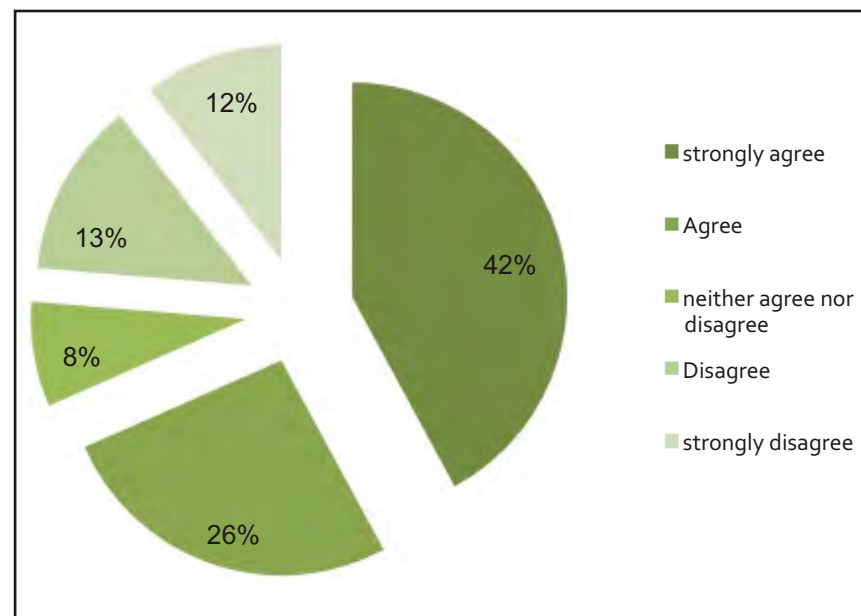
It has been argued that since the appointment and removal of the electoral commissioners by the ruling parties and the executive arm of government tend to weaken the Commission's attempts in conducting free and credible elections, the conduct of election should be entrusted to an independent non-partisan body. Table 6.16 shows that 76.3% of the respondents agree with this proposition while 15.8% agreed. 7.0% are undecided.

Table 6.13 - Perception on Procedure of Appointment of Commissioners

The process of the appointment and removal of SIEC's electoral commissioners should be handled by an independent non-partisan body		
	Frequency	Percent
strongly agree	17	44.7
Agree	12	31.6
neither agree nor disagree	3	7.9
Disagree	4	10.5
strongly disagree	2	5.3
Total	38	100.0

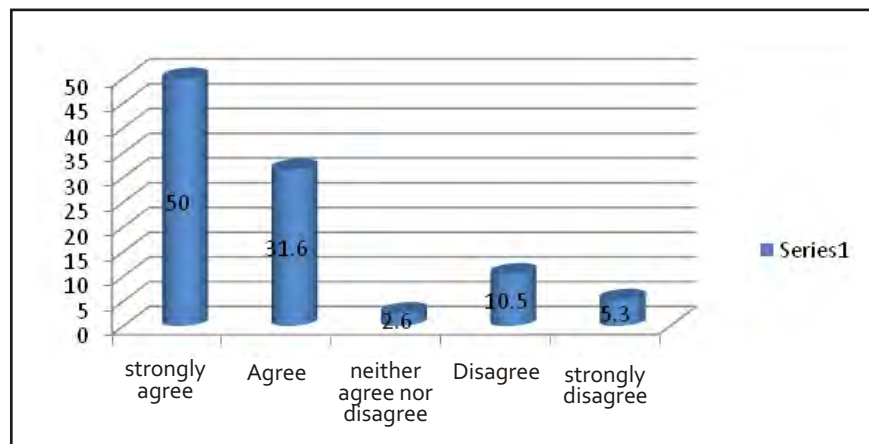
To enhance the autonomy of PLASIEC, it is also suggested that the procedure for the selection of the SIEC's commissioners be transparently done. One of the procedures is the advertisement of the position of the commissioner which should then be competed for nationally. More than half of the respondents (68.4%) in the survey agreed with this proposition while 23.7% disagreed as shown on chart 6.6.

Chart 6.6 - The position of SIEC's electoral commissioners should be advertised and competed for nationally



Another suggestion towards the independence of SIECs is the funding which should come from separate accounts free from manipulation from the executive arm of government. Currently, the financial arrangements for SIECS is determined and controlled by the executive arm of government, although the legislature examines it before implementation. The Chairman of PLASIEC contend that the Commission: "... is constrained by financial resources which have some effects on its overall performance during and after elections including the movement of ad-hoc staff and voting materials to polling units on schedule".

Graph 6.9 - The state independent electoral commission (SIEC) should enjoy relative autonomy in terms of political, administrative and financial independence



Graph 6.9 shows respondents perception on the need for political, administrative and financial autonomy of the SIEC. 81.6% of the respondents agree that SIEC should enjoy sufficient autonomy to function effectively and transparently, while 15.8% disagreed.

Perception on the Impartiality of SIEC

The impartiality of SIEC can be assessed by its transparency in the conduct of elections as well as whether the election is free, fair and credible. The respondents' perception of the transparent character of SIEC is discussed below.

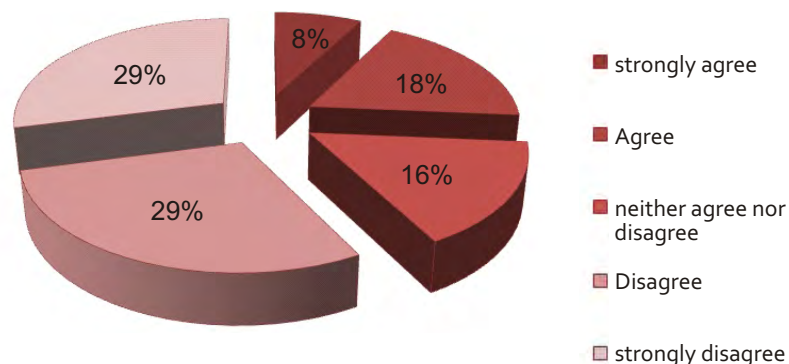
Table 6.13 - Credibility of Voter Register

The voter registration exercise is generally credible and accepted by all as being transparent and well conducted		
	Frequency	Percent
strongly agree	4	10.5
Agree	13	34.2
neither agree nor disagree	4	10.5
Disagree	11	28.9
strongly disagree	6	15.8
Total	38	100.0

Table 6.13 shows that the respondents in the survey are equally divided (44.7% on each side of the divide -agree and disagree) that the voter registration exercise has generally been credible and accepted by all as being transparent and well conducted. This is a pre-election exercise that does not attract the same level of attention as the election phase by the electorates and election observers. It is at this stage that electoral malpractices start if the exercise is not transparently handled and protected. A faulty start often leads to a bad electoral ending. Ruling parties are often satisfied with faulty processes which they help establish because they become the ultimate beneficiaries.

But when assessing the election proper, chart 6.7 shows that 57.8% of the respondents disagree while 26.3% agreed that local government elections in the State have been free and fair.

Chart 6.7 - Local government elections are considered to be free and fair



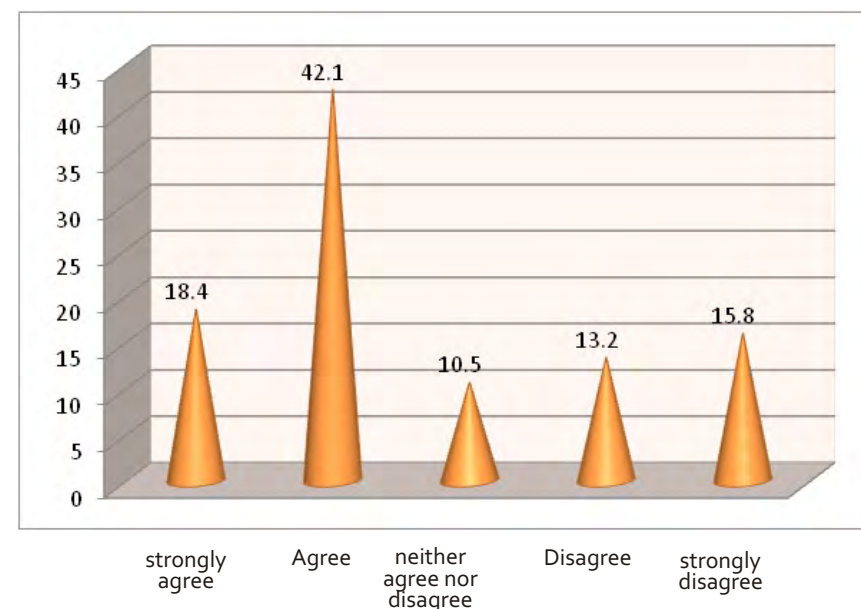
The factors that explain this response include the restricted access provided to political participants during political party contests; the control of electoral process by government and the undue advantage given to the ruling party or individual in the electoral process by the electoral body. There are complaints of rigging, vote buying and other forms of corruption as well as intimidation perpetrated by both the ruling and the opposition parties and their supporters.

Table 6.18 - Perception on the Transparent Nature of PLASIEC

Local government elections are considered to be generally transparent		
	Frequency	Percent
strongly agree	2	5.3
Agree	9	23.7
neither agree nor disagree	6	15.8
Disagree	12	31.6
strongly disagree	9	23.7
Total	38	100.0

Similarly, the respondents' perception is that the local government elections are not transparent as 61.6% of the respondents disagree while 29% agreed. As noted earlier, the respondents attribute this to the role of the ruling party, the executive arm of government and the actions of PLASIEC. Some of the factors that reduce the possibility of transparent elections include vote buying, intimidation, logistical/capacity problems such as late arrival of materials; reliability of electoral register etc.

Graph 6.10 - The electoral system promotes inclusion and representativeness of diverse groups and interests at elections



On whether the electoral system as design by the legal framework has promoted inclusion and representatives of diverse groups and interests at elections, the data shows that more than half of the

respondents contend that the electoral system does promote inclusion while 29% disagree, and 10.5% were undecided.

Table 6.19 - Inclusive Nature of the Electoral Law

The electoral law is adequate for managing diversity at local government elections		
	Frequency	Percent
strongly agree	6	15.8
Agree	16	42.1
neither agree nor disagree	5	13.2
Disagree	8	21.1
strongly disagree	3	7.9
Total	38	100.0

This is a strange response because the respondents had earlier complained about the pattern of composing PLASIEC which they believe is made up of personnel from the ruling party. Probably their response recognises geographical representation which is a popular mode of representation in SIECs across the country. In Plateau State, gender has been factored into the appointment while representation of CSOs and the physically challenged is absent.

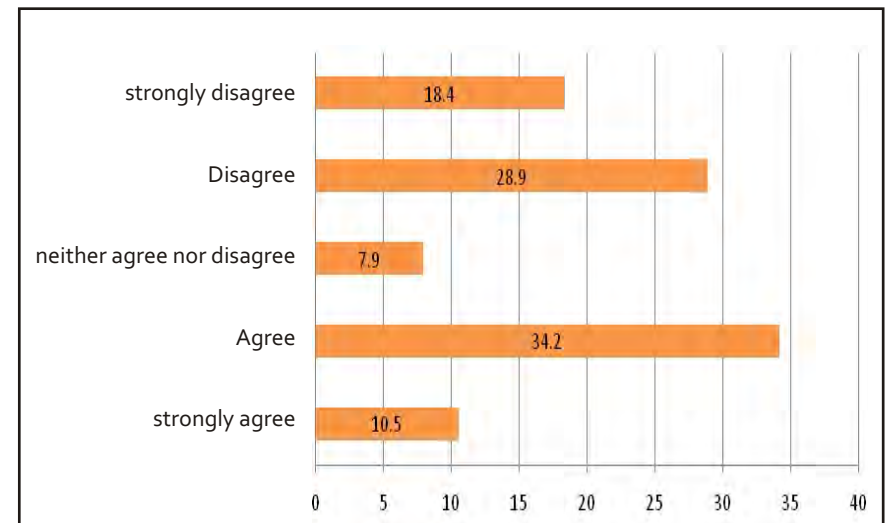
Table 6.20 - Geographical/Gender Distribution of PLASIEC Members

Zone	Geographical	
	Male	Female
North	2	-
Central	1	-
South	1	1

Source: Interview with Official of PLASIEC, August 2012

Furthermore, more than half of the respondents agree that the electoral law is adequate for managing diversity at local government elections, while 29% disagree. This response depicts the reality because the law does not discriminate on the basis of identities such as ethnicity, religion, and gender. Those who are excluded from being appointed into PLASIEC as well as those who can stand elections are persons who are disqualified by the provisions of the relevant section of the 1999 Constitution and the Local Government Electoral Law 2011.

Graph 6.11 - The overall performance of the electoral commission (SIEC) is considered to be very good



In addition, the respondents are almost divided on the suggestion that the overall performance of the electoral commission (SIEC) is considered to be very good as 44.7% agree while 47.3% disagree. As noted earlier, the opposition political parties and independent

observers may have the strong conviction that the overall performance of the EMB is poor in terms of the conduct of free and fair elections. Some respondents at a FGD from Jos North contend that:

As far as SIECs remains under the control of the State Governments, it will always manipulate the election to favour the ruling party. ...SIECs should therefore be scrapped and INEC should be saddle with the responsibility of conducting local government elections.

Perception about the Impartiality of the Security Forces

The respondents' perception of the role of the security forces is contained in table 6.17 which shows that half of the respondents surveyed do not believe that Security forces are fair and non-partisan in their role in the local government electoral process while a significant number (44.7%) agrees.

Table 6.17 - .

Security forces are fair and non-partisan in their role in the local government electoral process		
	Frequency	Percent
strongly agree	4	10.5
Agree	13	34.2
neither agree nor disagree	2	5.3
Disagree	11	28.9
strongly disagree	8	21.1
Total	38	100.0

The respondents at the FGD and those interviewed provide reasons why they perceive the security forces as partisan and therefore not fair:

At most times the law enforcement agents are compromised through monetary inducements. Therefore, they turn a blind eye to any electoral malpractice going on at the polling booth. Moreover, the number or ratio of security men to the population at a polling booth is very inadequate and they can easily be overwhelmed by the voters. Also, the security men are not allowed to carry arms to the polling booth. Therefore, their presence does not deter trouble makers from perpetrating electoral fraud..... On the whole, the number of security men are often inadequate, poorly equipped and many do compromise their professional conduct through monetary inducements which do influence electoral outcomes. (FGD shendam)

In the same vein, the former Chairperson of Bokkos LGA argued that the security forces are not transparent and fair in carrying out their responsibilities as prescribe by law when he pointed out that:

The law enforcement agents are not strict about orderliness ...Offenders are not arrested as stipulated in the Electoral Actand when arrested, offenders are not prosecuted especially if they are loyalist of the ruling party in the State. (interview Bokkos)

Other respondents express similar concerns when they say that:

They [security agents] hardly make arrest of voters who try to rig elections. Sometimes, the arrested offenders are not prosecuted due to influences from above [party executive and the executive arm of government]....sometimes they are not just and fair to all voters. They exhibits some level of biases in favour of the party in control of government during elections (interview Dongo Moses)

Perception of the Role of the Judiciary

The independence of the judiciary can be assessed by the number of petitions that political parties take to the judiciary for redress instead of resorting to violence. In addition, the electoral law empowers citizens to seek redress in the judiciary when they consider that sections of the law have been breached or violated. Table 6.22 shows that since 2008, more individuals and political parties have gone to the electoral tribunals to seek redress against perceive injustices in the electoral processes. The import of this is the fact that more politicians are resorting to the judiciary rather than violence.

Table 6.18 -Election Petition and Appeals

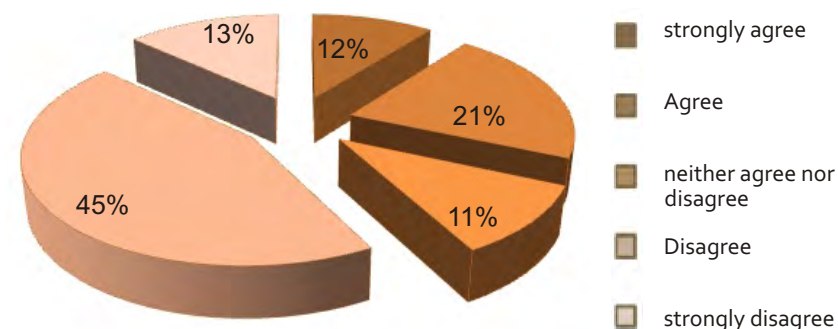
Year	Election	Petitions Filed	Petitions Succeed	Petitions Withdrawn	Petitions Dismissed	Petitions Stuck-out
2008	Chairmanship	7	5	1	-	1
	Councillorship	29	13	9	5	2
2009		13	--	2 appeals	11 appeals	--
		substansive appeals 16	16	--	sort-out dismissed	-- -

	interlocutory appeals	appeals			
2010	9 substantive appeals	--	1 appeal sort-out	8 appeals dismissed	--

Source: Tabulated from Plateau State Local Government Election Petition Tribunal Returns of Petition, August, 2012

Whether the judiciary has fairly treated these citizens and their groups is the perception that is presented in chart 6.8. More than half of the respondents (57.9%) disagree that local government election disputes are usually well managed to the satisfaction of the political parties.

Chart 6.8 - Local government election disputes are usually well managed to the satisfaction of the political parties



This probably explains the number of cases appealed against as seen in table 6.22 or the resort to violence in order to protest the claim of election rigging as noted in 2008 in Jos North.

SIEC and INEC Relationship in Local Government Elections

The respondents are of the view that INEC should continue to perform her functions of generating Voter Registers and make them available to SIEC, while other contend that INEC should in addition to voter registration duties, take over the organisation of elections at the local government levels. Respondents in a FGD in Shendam argued that:

It will be appropriate for INEC to continue with the registration of voters and make the electoral register available to the SIEC. If SIECs are given the opportunity to register voters, so many people will not find their names in the register for political reasons. The ruling party will direct that only members of their party should be registered. On the Election Day, many prospective voters will be disenfranchised. (FGD shendam)

CSO and other oversight in elections processes

From the interviews and the FGDs, respondents contend that: (i) civil society organizations are not very visible in the area of education and mobilization of the electorate on election processes during local government elections as it is done during Presidential and National Assembly elections. (Jos North, Bokkos and Shendam FGD) The respondents also point out that their low visibility in monitoring elections at this level has weakened their oversight on SIEC to deliver credible elections results. Some respondents believe that the level of education of members and lack of financial strength in addition to the bias shown to the ruling parties by SIECs in the country are some of the reasons affecting the success of monitoring.

Election Monitoring

The respondents are divided on the role of monitoring groups during local government elections. Some contend that few of the groups that observe local government election often produce reports that are not useful since these reports cannot be tendered as evidence in court to nullify elections that were fraudulent. On the other hand, others respondents contend that international development partners help in observing the conduct of elections thus minimising cases of rigging of elections. Respondents of a FGD said that:

...we noticed the presence of election monitoring groups during local government elections; however, we do not know their use. Their reports are not tendered as evidence in courts to nullify any election that was fraudulent. (FGD Shendam)

Media coverage

The respondents are equally divided on the role of the media during elections at the local government level. One group contend that government-owned media has not been fair to all political parties and contestants, both in terms of providing equal access as well as reportage of rigging. Some other respondents believe that the media personnel are fairly independent as they give on-the-spot account of the elections and other processes. Some argue that the media is intimidated and their members are physically repressed during elections. Members of the FGDs in Jos North and Bokkos have this to say:

Government media has not been fair to all political parties and contestants... And the media is only reporting what government is doing; they do not

report cases of rigging for fear of losing their jobs. (FGD Bokkos)sometimes journalists are not allowed to cover certain aspects of the process or even subjected to intimidation, blackmail and other sorts of shoddy practices. (Interview shendam)

IV SUMMARY OF FINDINGS

From the above discussions, it has been noted that the factors that influenced the functioning of PLASIEC include the following: federalism required the election management bodies at the state levels; party dominance influence the constitution and control of the SIEC; executive's control of SIEC as guaranteed in the Nigerian 1999 Constitution; division within the ruling PDP; struggle for the control and accumulation of economic surpluses at the local government level. The resources available at these levels of government are enormous and this therefore shows the determined struggle for its control. These factors impact on local governance in the state in the sense that it influences competition for political power as well as determine who get what and when.

Legal framework for the operation of PLASIEC

The establishment of State Independent Electoral Commissions (SIECs) was provided for by the 1999 Constitution of the Federal Republic of Nigeria, which states in section 197(1). PLASIEC laws that have guided the organisation of elections in Plateau State include the following: (i) -Plateau State Independent Electoral Commission Law No. 3 of 1999; (ii) -the Plateau State Electoral Law No.1 of 2002; (iii) The subsisting law the Plateau State Independent Electoral Commission Law 2011 repeals the previous laws.

The Salient features of the new law include: (i) Appointment of members of the Commission by the Governor subject to confirmation by a resolution of the House of Assembly. (ii) Tenure of Office is for a period of 5 years from the date of the appointment; (iii) Removal from Office by the Governor on the basis of inability to discharge the functions of the office or for misconduct" (iv) Funding of the Commission from the Plateau State Electoral Commission Fund through the Ministry of Finance and Economic.

PLASIEC and the organisation of Elections

In the past, PLASIEC organised the 1999 local government council elections; 2003 local government council elections; and the 2008 local government council elections. The organisation of the 2008 election was the most contentious. The election was to be organised in March but the organisation of the elections was marked by poor arrangement. It had to be shifted to November 2008. The leadership of the Commission was reconstituted and a more experience PLASIEC Chairman (a retired Permanent Secretary) was appointed and elections were organised in November 2008

The November 2008 election was equally controversial for a number of reasons: (i) the opposition felt that the election in Jos North was rigged and this led to violence that claimed lives and property (ii) the opposition did not approach the courts for the legal determination of the claim of rigging as specified in the Nigerian Constitution and the Electoral Law.

The PLASIEC has been reconstituted with a former Permanent Secretary as the Chairman. A new electoral law has been passed. To

pave way for forthcoming elections, the State Governor dissolved the political leadership of the LGCs. These include both Chairmen who have spent the specified tenure and those who haven't spent the required tenure on account of their late swearing in due to tribunal judgement in their favour. A case is still pending in court for untimely removal from office.

Perception of the Role of PLASIEC

More than three-quarters of citizens are familiar with the electoral functions of the SIEC: the recruitment of ad-hoc staff, posting of such staff, acquisition or printing of electoral materials and distribution of same to polling units, preparation of time table for elections, screening of candidates presented by various parties, issuance of clearance/certificate of return and declaration of result. 76.4% of the respondents have witnessed local government elections as at the time the survey was done. Only 15% have witnessed local government elections four times while 39.5% have witnessed elections twice. The import of this is that they have sufficient knowledge of elections and probably have participated either as voter, competitors or as commentators. The respondent's perception shows that the electoral body does not make adequate preparation for elections. Significant number of respondent, 10% does not know whether PLASIEC prepares well for elections. This may mean that if adequate preparation were made, this would have been acknowledged.

Perception of the Capacity of PLASIEC

The respondents of the questionnaires maintained that SIEC presented sufficient information about the polling stations in their locality. More than half of the respondents are agreement that SIEC

performance in this respect is good. This similar perception has been expressed where 65.8% of the respondents agreed that they were sufficiently informed about how they could vote during the elections.

The major difficulties that confront voters in the exercise of their franchise include: spending time too much time waiting to cast them votes; insecurity at the polling stations; the interference of party agents as well as voting materials. The gender perception of the obstructive factors in the exercise of franchise shows that women feel more than men, that the shortage of voting materials constitutes a major hindrance in the exercise of their franchised. In addition, women more than men feel that party agents interference in the electoral processes prevents them from exercising their rights as voters. The most considered problems confronting the electorate are insecurity and waiting on the queue for long hours before voting. This is followed by shortage of voting materials as well as the interference of party agents in the electoral process. The least considered important problem is the attitude of the SIEC officials.

The respondents point out that the areas where there have been improvements in SIEC capacity include: provision of information and voter education; reduction of time taken to vote; recruitment of competent electoral officials. The areas where there hasn't been much improvement include the lack of prompt payment of SIEC officials. Another area that has affected the institutional capacity of PLASIEC is the inadequate office accommodation and other facilities required for the effective functioning of the Commission.

Perception of the Autonomy of PLASIEC

More than half of the respondents disagree that the SIEC is an independent body in the conduct of credible elections although a significant number representing 42.1% of the respondents say the body is independent and 5.2% are undecided. Assessing the gender perception of the independence of the SIEC, 57.7% of the male respondents disagreed that the Commission is independent while 58% of the female respondents also concur with this perception. On the whole more women than men feel strongly that the Commission is independent in the conduct of elections.

The study found out that 50% of business persons disagreed and 33.4% agreed while 16.7% were undecided. 60% of civil servants disagreed while 40% agreed. Farmers were equally divided. The legislators all agreed that the body is independent, while politicians are equally divided. This is expected since the perception of the ruling and the opposition parties will differ over this matter.

In assessing the independence of the electoral body particularly the procedure for the appointment and removal of the electoral commissioner, 47.3% disagreed while 39.8% agreed that the procedure was fair. The undecided respondents constitute 13.2%. 76.3% of the respondents agree that the organisation of elections should be managed by an independent non-partisan body while 15.8% agreed. 7.0% are undecided. To enhance the autonomy of the SIEC, it is also suggested the procedure for the selection of the commissioners of the body be transparently done. One of the procedures is the advertisement of the position of the commissioner which should then be competed for nationally. More than half of the respondents (68.4%) in the survey agreed with this proposition while 23.7% disagreed.

Another suggestion towards the independence of SIECs is the funding which should come from separate accounts free from manipulation from the executive arm of government. 81.6% of the respondents agree that SIEC should enjoy sufficient autonomy to function effectively and transparently, while 15.8% disagreed.

Perception on the Impartiality of PLASIEC

The respondents in the survey are equally divided (44.7% on each side of the divide -agree and disagree) that the voter registration exercise has generally been credible and accepted by all as being transparent and well conducted. In addition, 57.8% of the respondents disagree while 26.3% agreed that local government elections in the State have been free and fair. The factors do account for this include rigging, vote buying and other forms of corruption, intimidation perpetrated by both ruling party and the opposition and their supporter. Furthermore, 61.6% of the respondents disagree while 29% .agreed that the elections at the local level are transparent.

Perception about the Impartiality of the Security Forces

The study reveal that respondents are divided on the perception of the impartiality of the security forces during elections. Some respondents contend that at most times the law enforcement agents are compromised through monetary inducements. Others say that the security men are not allowed to carry arms to the polling booth; therefore, their presence does not deter trouble makers from perpetrating electoral fraud.

Perception of the Role of the Judiciary

The study reveal that although many citizens have approached the judiciary to seek redress on electoral matters, instead of resorting to violence, more than half of the respondents however believes that the local government election disputes are usually not well managed to the satisfaction of the political parties. This also implies that the independence of the judiciary is call to question.

PLASIEC and INEC Relationship in Local Government Elections

The respondents are of the view that INEC should continue to perform her functions of generating Voter Registers and provide same to PLASIEC, while other contend that INEC should in addition to voter registration duties, should take over the organisation of elections at the local government levels.

CSO and other oversight in elections processes

The study revealed the following findings on the role of CSOs in elections: (i) at the local government level, the civil society organizations are not very visible in terms of mobilization and education of the people on election. (ii) They have not been able to monitor the elections and to hold SIEC to deliver credible elections results; (iii) some respondents believe that the level of education of members and lack of financial strength together with bias of members to particular political parties are some of the reasons affecting the level monitoring.

Election Monitoring

The study shows that respondents are divided on the role of monitoring groups of local government elections. Some contend that reports of monitoring groups are not useful since they cannot

be tendered as evidence in court to nullify any election that was fraudulent. Others contend that international development partners help in observing the conduct of elections thus minimising cases of rigging of elections.

Media coverage

The study reveals that respondents are equally divided on the role of the media during elections at the local government level. From the FGDs, one group contended that government media has not been fair to all political parties and contestants, in terms of providing equal access as well as reportage of rigging. Some other respondents strongly believe that the media personnel are fair independent and they give on the sport account of the elections and other processes. Some point out that the media is intimidated and its members are physically assaulted.

VI CONCLUSION AND RECOMMENDATIONS

From the discussions in the preceding section we noted that the operational autonomy of the Commission is compromised by the appointment of the key functionaries by the executive arm of government. Since the executive arm of government designs and eventually approves appropriation laws, the loyalty of the leadership of SIEC do indeed gravitate towards the executive arm of government. Furthermore, there is weak financial autonomy of the SIEC as it depends on the Plateau State Ministry of Finance for releases of approved allocations. The danger of treating the Commission like any other governmental agency in the provision of funds is the possibility of poor or non-release of funds to the body. This may affect either the internal functioning of the agency or its ability to perform its electoral duties.

In a similar manner, the institutional capacity of the SIEC varies from the state and local government level. There is infrastructural capacity: the Commission is accommodated in well protected building while at the local government area level, little capacity exist in terms of office accommodation. In addition, human resource capacity (skills) of administrative workers is lacking for the effective performance of the Commission. ICT components are not effectively deployed to serve the needs of the office.

Public perception and public confidence in PLASIEC varies: while the ruling party's perception is positive, the opposition does not trust the EMB. Similarly, electoral outcomes have been hotly contested using the legal framework and a few judgements have been given to complainants.

Critical Policy Reform Options to Improve Democratic Elections at the Local Council Level

To ensure transparent, accountable and credible elections at the LGA level, our recommendations have been designed to strengthen infrastructural capacity, institutional capacity, institutional autonomy and ethical capacity. To achieve these reforms, there is need for a constitutional review.

Institutional autonomy

1. Constitutional review is needed to strengthen SIEC and retain it as an electoral institution at the local government level.
2. The appointment, tenure, removal of the Chairman and members of SIEC should be given constitutional backing to

prevent the direct control of the processes and the officers by State Governors. An autonomous Electoral Management Body (EMB) composed of reputable individuals from the judiciary, Academia, CSOs and other relevant stakeholders should be created to manage the elections. The government should adopt Justice's Uwais Panel report - the judiciary should appoint the commissioners; members to be appointed should not be associated or registered members of a political party.

3. The provisions of the law relating to tenure of members of the SIEC should be strengthened to prevent the abuse of tenure of office of elected officers at the Local Government level such as the dissolution and appointment of care-taker committees that are not democratically elected
4. Funding of the Commission should come from the separate account of the State to prevent the EMB from relying on the State Government for the performance of her constitutional responsibilities.
5. SIEC should be empowered to access funding from external sources with the approval of the State House of Assembly.

Infrastructural capacity

Offices of the SIEC at both the HQ and Local Government levels should be made operationally and new functional ones should be created in areas they do not exist. This is to enhance its capacity, autonomy and fairness.

Institutional capacity

SIECs should be professionalized through recruitment of permanent and adhoc staff on the basis of merit and not on the basis of political affiliation.

Institutional Inclusiveness

There should be improvement in the representation of important interest groups in SIEC such as: women, persons with disabilities, youth and professional bodies

Ethical Capacity

There is the need to appoint both political and administrative staff of the Commission on merit and outside the influence of politicians.

The Judiciary and Elections

The judiciary should be maintaining her autonomy in the determination of election petition cases as the only way of protecting the mandates of the electorates.

2. The operational procedures should be reviewed to facilitate quick handling of election petitions.

The Media and SIECs

1. The media should join in the campaign for autonomy of SIEC and as well as for the improvement in its capacity to deliver free and fair elections.
2. The media should partner with SIEC to promote the reportage of electoral processes with the view to enlighten the electorate.

3. SIEC should design a media strategy for the promotion of its mission of building democracy at the local government level.

CSOs and SIEC

1. CSOs and SIEC should partner in the political education of the electorate on issues such as understanding the Electoral Act, the visions and missions of political parties, tolerance and the building of democracy at the local level of governance.
2. CSOs political educational programme should be designed to target the local government elections.
3. CSOs should have a strategy for the monitoring and observation of pre-elections, election and post-election processes at the local government level.

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Conclusion

The conclusions reached by the six state analyses all suggest that transparent and credible elections at the local government level can only be possible if the laws governing the establishment of the SIECS are reviewed to unfetter them from the control of State governments. This means that the powers of the state governors over the SIECS should be drastically reduced or eliminated. Institutional independence will allow the SIECS to perform their functions without the interference and manipulation of governors or powerful forces within the political parties. Financial independence is very important in ensuring institutional independence, and this can be ensured by direct funding through a separate budgetary allocation to the SIECs. Separate budgetary allocation can be made from the Consolidated Revenue Fund of the States on first line charge, as is the case with the Independent National Commission and the Judicial Service Commission. This will reduce or eliminate - as the studies have revealed- a situation whereby officials of SIECS are induced by monetary gifts from candidates and political party officials during local government elections.

One major problem of the SIECs which emerged from the studies, deal with the question of mode of appointment of officials, from the Chairpersons to the Commissioners. The current method of appointment whereby the governor appoints the chairpersons and the commissioners, compromises the independence of the SIECs.

All the studies conclude that to reduce or eliminate this control, appointments to key positions of SIECS in the states should be done through independent bodies established by law. The study from Edo State shows that an overwhelming 84.6% of respondents surveyed feel that an independent, non-partisan body should be responsible for the appointment and removal of members of the SIEC. 92.3% of respondents surveyed in the State, felt that the appointment of SIEC Commissioners should be advertised and widely competed for in order to enhance its autonomy. 84.6% of the respondents in the state also view political, administrative and financial autonomy as prerequisites for SIECs delivery on free, fair credible and transparent elections. Similarly, the FGDs conducted in the state upholds this view, that the SIEC will hardly be seen to be autonomous by the electorate as long as appointment and removal of chairpersons and commissioners is done by the governor and the House of Assembly.

The recommendation made from the Bauchi study was that only competent people with technical capacity to drive the processes of the SIEC should be appointed as Commissioners and not just the cronies of the Governor or some powerful politicians. The conclusion was that there is the need for a neutral and non-partisan administration to ensure election integrity. In Imo state, the findings point out that the SIEC lacks the autonomy to function effectively and efficiently. During elections, results submitted by returning officers are usually discarded and fake results announced to please those in control of the state government. The findings from Imo conclude that the SIEC is manipulated by governors such that elections at local government councils are a mere charade. The ruling parties usually manipulate pre-election activities and the

election outcomes. Consequently, election results often do not reflect the wishes and aspirations of the electorate. In Kaduna State, Stakeholders interviewed during the FGDs were of the opinion that the appointment of SIEC chairperson and commissioners should not be handled by the state governor. It should be done through an independent body established by law, and members of this body should be drawn from retired civil servants and civil society organisations. This body should be charged with the responsibility of screening individuals nominated for appointment of SIEC chairpersons and commissioners with regards to their conduct, experience and qualifications.

The findings from Lagos state also point out that central to the failure of LASIEC to deliver on its primary functions is overbearing influence of the Governor and the ruling party. The recommendation from the state study is that the process of appointment of LASIEC Chairman should not be handled by the governor. Appointment of the chairperson should allow some form of public participation in order to ensure that a credible and worthy person occupies the position. The study further suggested that even if the state governor sends names of LASIEC appointees to the House of Assembly, the public should have a say. This can be done by throwing up those names for public debate and scrutiny. There should be security of tenure of office for LASIEC members and they should not hold the office at the mercy of the ruling Governor.

In Plateau State, the recommendation was that since the appointment and removal of the electoral commissioners by the ruling parties and the executive arm of government tend to weaken the Commission's attempts in conducting free and credible

elections, the conduct of election should be entrusted to an independent non-partisan body. 76.3% of respondents in the State agree with this proposition. To enhance the autonomy of PLASIEC, the recommendation is that the procedure for the selection of the SIEC's commissioners be transparently done through the advertisement of the position which should then be competed for nationally. More than half of the respondents -68.4%- in the survey agreed with this proposition. Another suggestion towards the independence of SIECs relates to funding. This should come from separate accounts free from manipulation from the executive arm of government. Currently, the financial arrangements for SIECS is determined and controlled by the executive arm of government, although the legislature examines it before implementation.

The studies also reveal that lack of capacity building in terms of training of staff, constitutes one big problem for the SIECS. In some cases, staff of SIECS, especially the ad-hoc, lacked the requisite training to effectively perform their functions during local government elections. The study in Bauchi recommended that the BASIEC should put more efforts in building internal capacity. In this regards, BASIEC needs to develop an Annual Training Plan whereby the urgent / regular and core / specialized courses needed by BASIEC staff should be defined. The BASIEC should also oversee the development of a Train-the-Trainers programme. In addition, there should be a Training Needs Analysis on an annual basis. In Kaduna State, ad-hoc staff of the commission, lacked the requisite training. Informants in the FGDs disclosed that some of them were even unable to fill out designated forms during elections. Added to this, the dearth of SIEC staff during elections means the Commission has to train ad-hoc Staff to man the polling booths on

election day. The actual trainees, however, are not the ones brought in to oversee the elections. It is usually party agents who come in as ad hoc staff of the Commission and they are often are not impartial. The SIEC in Kaduna State needs more permanent staff such as electoral officers (Eos) and assistant electoral officers because those in the field are inadequate in comparison to the number of wards.

In Lagos State the permanent staffs of LASIEC is seasoned professionals and experienced retired civil servants. They are well trained to meet up with the challenges and responsibilities of their work. However, the ad hoc staff, who play active role during elections, are inexperienced and lack adequate training. In some cases, ad-hoc staff received only three days training prior to election. Even then, selection of the ad-hoc staff to be trained is politicized. The process of selection is manipulated by politicians who use their influence to make sure LASIEC recruit party loyalists. This fits into the scenario in Kaduna and other states whereby trained staff are replaced by untrained staff -recruited as ad hoc staff by politicians or their agents- during elections.

In all the states therefore, training of SIEC officials, both permanent and ad hoc, should be properly planned, on both short and long term basis. During elections, only those properly trained should be allowed to handle elections. This can however be possible only with a truly independent SIEC whose members are not the appointees of the ruling party or the state government.

The recommendations made in this study, based on data gathered in the field, should be given serious attention if representative

democracy is to be entrenched in our local governments. Ensuring that the SIECS are really independent, functional and non-partisan in the discharge of their duties is the only way to ensure that the march towards entrenching democracy firmly at the grassroots through elections into local government councils are transparent, free, fair and credible.