THE ROLE OF THE ACADEMIA AND CIVIL SOCIETY IN ENSURING FREE AND FAIR ELECTIONS IN NIGERIA

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INTRODUCTION AND PROBLEM STATEMENT

Political scientists have focused on civil society and factors which impede its development in the context of democratization. Civil society is a matter of concern for political scientists because in the developed world, civil society is not only a major social and political force but it also acts as a check on the state and its institutions. To this extent, political scientists are writing on its effectiveness in Africa (Zuern, 2000; Gyimah-Boadi, 2004; Bujra and Buthelezi, 2005). Civil society in Africa is largely dependent on the state, and in turn occupies a weak position in relation to the state. In the light of the weakness of institutions in Africa especially parliament, civil society has the potential and remains the only agent (apart from the media), to act as a counter force to the state. However, the challenges it (civil society) faces make it difficult for it to play this crucial role. What are these challenges? We shall address this question in due course.

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With the global acceptance of democracy and with most countries in Africa having shifted towards democracy and accepting it as the best form of government, the question that nags perceptive observer, especially political scientists, now is if democracy in Africa is consolidating following two decades of democratization. Scholars are asking how civil society, the state and the military facilitate or thwart the consolidation of democracy in Africa (Solomon and Liebenberg, 2000). In a liberal democracy, elections are not only the basis of a democracy but they are also part of the major acceptable ways the governed communicate with those who govern. They offer the electorate the opportunity to indirectly participate in decision making by choosing their representatives thus making them accountable. Moreover, elections in a democracy confer power, authority and legitimacy on a government. In this way, they are the gateway to resources. Larry Diamond (2004:17) posits that systems are often classified as democratic in a narrow electoral sense on the basis of how they appear, rather than how they really operate: According to him "One of the most common mistakes in classifying political systems is to score country as "democratic" because it has at least somewhat competitive, multiparty elections. Unless these elections are truly free and fair, they do not produce a democracy. A number of regimes in the world today- such as Nigeria, Tanzania, Russia and Ukraine – are at least ambiguous in this regard, and by a demanding standard, fail the test".

It has been argued that holding regular, free and fair elections is the hallmark of building a democratic society. This is because the election process determines who should stay in office, who should be thrown out of office and who should replace those thrown out (Harrop and Miller, 1987). This process is not only a necessary means to a greater end/good of ensuring that a given population owns its destiny, but is also an end in itself as a fundamental human right. This means therefore that it is important to understand how and why a particular population is likely vote in an election especially for those aspiring to lead.

One challenge for Nigeria's democracy is how to ensure transparency in the electoral process. The electoral system of a country is the critical institution which shapes and influences the rules of political competition for state power because it determines what parties look like, who is represented in the legislature, how accountable these representatives are to the electorate and above all who governs. It is good to know that the way an electoral system operates

determines the degree of public confidence and support for the democratic system itself. An electoral system regulates elections and other related activities. This paper seeks to examine the roles of the civil society in electioneering particularly in Nigeria's Fourth Republic. It should be noted that the academia is indisputably a part of the civil society.

Conceptualizing Civil Society

The concept of civil society is now accepted in modern political science as an intermediary between the private sector and the state. Thus, civil society is distinguished from the state and economic society, which includes profit-making enterprises. Nor is it the same as family-life society. Civil society, as Larry Diamond (1995:9) defines it, is:

> the realm of organized social life that is voluntary, self-generating, self-supporting, autonomous from the state, and bound by the legal order or set of shared rules… it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable. It is an intermediary entity, standing between the private sphere and the state.

Civil society involves voluntary associations and participation of individuals acting in their capacity under the framework of private contractual relationships. These include NGOs, trade unions, advocacy groups, market associations, human rights groups, religious associations, farmers' cooperative and movements and women thrift societies (JDPC, 2005:16). Civil society can also be defined as what is not part of the state, it is a vast ensemble of constantly changing groups and individuals whose only common ground is their being outside the state and who have acquired some consciousness of their being outside the state. While the civil society attempts to resist the encroachment of the state on what is private, its various organizations also seek to influence the state in the exercise of public policy and the allocation of valued resources. With this in mind, civil society may encompass a wide range of organizations concerned with public matters. They include civic, issue-oriented, religious, and educational interest groups and associations. Some are known as nongovernmental organizations, or NGOs; some are informal and loosely structured. This is further explained by Carothers (2000:19-20):

> Properly understood, civil society is a broader concept, encompassing all the organizations and associations that exist outside of the state (including political parties) and the market. It includes the gamut of organizations that political scientists traditionally label interest groups--- not just advocacy NGOs but also labor unions, professional associations (such as those of doctors and lawyers), chambers of commerce, ethnic associations, and others. It also incorporates the many other associations that exist for purposes other than advancing specific social or political agendas, such as religious organizations, student groups, cultural organizations (from choral societies to bird-watching clubs), sports clubs, and informal community groups.

Civil society is defined here as a sphere of social interaction between the household and the state which is manifest in norms of community cooperation, structures of voluntary association, and networks of public communication. One must acknowledge that civil society -- like the state and political society -- is a theoretical concept rather than an empirical one. It is a synthetic conceptual construct that is "not necessarily embodied in a single, identifiable structure" (Bayart, 1986, 112). To make it serviceable for purposes of development assistance, we must identify the observable parts of the composite concept. Drawing on the definition presented above, we distinguish the institutions of civil society as:

(1) The norms of civic community. The most important values for the construction of civil society are trust, reciprocity, tolerance, and inclusion. Trust is a prerequisite for individuals to associate voluntarily; reciprocity is a resource for reducing the transaction costs of collective action; political tolerance enables the emergence of diverse and plural forms of association. These values are promoted by citizens who actively seek to participate in public affairs. The presence of civic norms can be measured by sample surveys and public opinion polls and observed in voting, "joining," and varieties of collective behavior. These norms of civic community are taught not only in the family but also by civic organizations such as schools, churches, and community groups.

(2) The structures of associational life. In order for civic life to become institutionalized, it must be expressed in organizational form. The most common organizational structure in civil society is the voluntary association, a grouping of citizens who come together by reason of identity or interest to pursue a common objective. There are various types of voluntary associations ranging from the localized, informal, and apolitical on the one hand to national, legally-registered, policy

advocacy organizations on the other. While policy advocacy groups may have the largest and most direct impact on national political life, they do not exhaust the relevant organizations in civil society (Blair, 1993b). Whether or not they are explicitly oriented to civic or political functions, all types of voluntary association help to populate and pluralize civil society.

(3) The networks of public communication. In order to be politically active, citizens require means to communicate with one another and to debate the type of government they desire for themselves. Civic discourse can take place in various fora, the most important of which are the public communications media, both print and electronic, State or private monopolies

Within the context of this paper therefore, civil society would include: trade unions; professional associations, students' unions, artisans and other special interest associations; the media, and various types of Non-Governmental Organisations such as community associations, religious and advocacy groups.

ELECTION AND ELECTION STANDARDS

Election has an intrinsic value for democracy. It affords the translation of many fictions of democracy into reality. Democracy is nominally defined as a system in which sovereignty resides in the citizens. In modern large-scale and complex societies, democratic governance demands that people elect their representatives into the government, especially the legislative and executive organs. Therefore, election is not a sufficient condition for democracy, it is a necessary process. As a result of this, a system of government cannot be regarded as democratic if it does not result from choices of parties, politicians and policies made by citizens through free and fair electoral rules, processes and administration (Alemika, 2006: 138).

Elections make a fundamental contribution to democratic governance. Because direct democracy—a form of government in which political decisions are made directly by the entire body of qualified citizens—is impractical in most modern societies, democratic government must be conducted through representatives. Elections enable voters to select leaders and to hold them accountable for their performance in office. Accountability can be undermined when elected leaders do not care whether they are re-elected or when, for historical or other reasons, one party or coalition is so dominant that there is effectively no choice for voters among alternative

candidates, parties, or policies. Nevertheless, the possibility of controlling leaders by requiring them to submit to regular and periodic elections helps to solve the problem of succession in leadership and thus contributes to the continuation of democracy. Moreover, where the electoral process is competitive and forces candidates or parties to expose their records and future intentions to popular scrutiny, elections serve as forums for the discussion of public issues and facilitate the expression of public opinion. Elections thus provide political education for citizens and ensure the responsiveness of democratic governments to the will of the people. They also serve to legitimize the acts of those who wield power, a function that is performed to some extent even by elections that are noncompetitive (Encyclopedia Britannica, 2009).

Election is crucial because it gives the procedure that allows members of an organization or community to choose representatives who will hold positions of authority within it. In any democratic system, it is crucial that elections be free and fair. Mackenzie (1967) identified four conditions for the conduct of a free and fair election viz.: (1) An independent judiciary to interpret the electoral laws. (2) An honest, competent non-partisan electoral body to manage the elections. (3) A developed system of political parties. (4) A general acceptance by the political community of the rules of the game.

Another scholar Dundas (1994 cited in Legborsi, 2011) argued that the assessment of an election as to whether it is free and fair or not can be done by answering the following questions: (1) Is the legal framework adequate to ensure that the organization of free and fair multi-party elections be achieved in a given situation? (2) Has the potential to contribute to the holding of free and fair multi-party elections been reflected in the provisions of the constitution and those of electoral laws? (3) Have the courts been given the fullest possible role in assisting aggrieved persons who complain about failures in the procedures of major election processes? (4) Are the election safeguards satisfactorily balanced with the facilitation measures in place and aimed at delivering high quality election services at cost effective levels? Over the years, scholars have identified electoral standards which contribute to uniformity, reliability, consistency, accuracy and overall professionalism in elections. These standards include:

1. Constitutional provision that provide the foundation for the key elements of electoral framework including electoral rights and the basic principles of the electoral system.

2. Electoral law that guides the conduct of the elections including the powers of the electoral management bodies and governmental bodies.

3. The election administration must demonstrate respect for the law; be non-partisan and neutral; transparent; accurate, professional and competent and must be designed to serve the voters.

4. The electoral system should guarantee political inclusiveness, representation, frequency of elections and fairness in the organization of electoral units.

5. The organization of electoral units is done in such a way as to achieve the objective of according equal weight to each vote to the greatest degree possible to ensure effective representation.

6. The legal framework should ensure that all eligible citizens are guaranteed the right to universal and equal suffrage as well as the right to contest elections without any discrimination.

7. The electoral management bodies are established and operate in a manner that ensures the independent and impartial administration of elections.

8. Voters registers are maintained in a manner that is transparent and accurate and protects the rights of qualified citizens to register, and prevents the unlawful or fraudulent registration or removal of persons.

9. All political parties and candidates are able to compete in elections on the basis of equitable treatment.

10. The electoral campaigns are organized in such a way that each political party and candidate enjoys the right to freedom of expression and freedom of association, and has access to the electorate, and that all stakeholders in the election process have an equal chance of success.

11. All political parties and candidates have access to the media owned or controlled by the state and those privately owned and that no unreasonable limitations are placed on the right of political parties and candidates to free expression during election campaigns.

12. All political parties and candidates are equitably treated by legal provisions governing campaign finances and expenditures.

13. Polling stations are accessible and that there is accurate recording of ballots and that the secrecy of the ballot is guaranteed.

14. All votes are counted and tabulated accurately, equally, fairly and transparently.

15. There are representatives of parties and candidates contesting the election to observe all voting processes.

16. To ensure transparency and to increase credibility, there should be provision for election observers to observe all stages of election process, and

17. There should be compliance with and enforcement of the electoral law.

Elections have been badly conducted and managed in Nigeria (Adejumobi, 2000:59-73; Nwokedi, 1994; Momoh, 1997). Rigging, brigandage and violence are easily identified features of the election process. Elections continue to provide the logic for liberal democracy. It is the nucleus of a democracy founded on consent of the people. Indeed, the opportunity and existence of a culture of free and fair regular elections is the most cherished property of democracy for which failure to accomplish has painted any claim of democracy uncertain. Yet, the Nigerian experience tilts towards explanations of elite theorists who argue that elections in African democracy are the affair of a few who constitutes the political class. Election is therefore not done by voters but by this class of few that do not represent the interest of all. The Nigerian situation is not far from this scenario. The implication is that the functions of elections in Nigeria with particular reference for the 1999, 2003 and 2007 years have played negative roles to the welfare of Nigerians (Ojakorotu, 2009:181-182). The assessment that the 2011 general elections were relatively fair and better than the previous ones could only be partially sustained for the presidential elections.

Electoral Process and Civil Society Intervention in Nigeria

Nigeria has a long and strong tradition of civil society, which represents the diverse and pluralistic nature of Nigerian society. Nigeria's history of struggle and resistance was primarily

led by civil society groups. In fact, their formation and activities date back to the colonial period when different groups, sometimes locally and territorially based, and at other times transcending clan and "tribal" boundaries, became part of the nationalist protest against the repressive colonial state. In the immediate post-independence period, CSOs engaged in community 'self-help' activities, provided humanitarian assistance at the grassroots level. Following this, labour organisations, student associations, and the media provided a strong leadership and organised protests against unpopular policies during the first civilian administration in 1960 to 1966. Subsequent military regimes which came to power through *coup d'etats* resorted to mounting political transition programmes without a push from civil society. During these critical stages of political history, the vibrancy of civil society in Nigeria increased, and indeed, it played a strategic role in forming nationalistic elites in the struggle against the colonial state and the ultimate struggle against military dictatorships (Action Aid International, Nigeria, 2007:23).

It can therefore be said that contemporary civil society activism in Nigeria is traceable to the 1980s during the repressive reigns of the military governments of Babangida and Abacha. The civil society organizations at the time were basically reactionary and responsive to government ineptitude as they failed to deliver basic necessities of life to the people while they completely wiped the Nigerian slate clean of the concept and notion of fundamental human rights in an effort to ensure the unchallenged perpetration of corrupt practices and perpetuation of selves in government (Akanle, 2009:224).

Following the footsteps and successes of the civil society organizations (of particular mention here is Civil Liberty Organization CLO), by 1993 when the military government of Babangida was forced to step aside, over 100 other groups had emerged in different parts of Nigeria. The prominent ones among these groups are Constitutional Rights Project, Committee for the Defence of Human Rights, Campaign for Democracy, Human Rights Africa, and Human Rights Monitor etc. At the initial stage the focus of most of the groups was on traditional human rights concerns such as Police abuse, prison condition, campaign against torture, long detention without trial, extra judicial killing and general litigation on specific cases of human rights violation. However, as the military government of General Babangida became more vicious in response to

exposures of its atrocities and growing public disenchantment with the inability of the government to adhere to its transition time table for a hand-over to an elected civilian government, human groups began to make forays into agitation for an end to military rule in Nigeria.

Civil society groups are critical stakeholders in the Nigerian electoral process. Civil society groups in Nigeria got their first taste of organized electoral participation in 1998-99. During the 1999 elections, the Transition Monitoring Group (TMG), a coalition of civil society groups working to promote democracy and good governance in Nigeria coordinated the activities of many civil society groups that participated in the elections. By 2003 the scope and quality of participation by civil society organizations extended significantly: four large civil society groups the Labor Election Monitoring Team; the Federation of Muslim Women's Associations of Nigeria (FOMWAN), the Muslim League for Accountability (MULLAC); and the Justice, Development and Peace Commission of the Catholic Church (JDPC) joined TMG in election observation. Also, a number of smaller women's groups and conflict mitigation networks participated. Apart from observing elections, Nigerian civil society was also involved extensively in civic education with support from donor agencies; notably the United States Agency for International Development (USAID), the UK Department for International Development (DFID) and the European Union (EU). This admittedly reflects the newly emerging trend in development assistance which sees political party reform as a major area requiring systematic intervention. By 2007, not much improvement was recorded in the area of civil society engagement with issue of political financing. Today, however, there exists a network of civil society groups and other stakeholders -the Political Finance Monitoring Group (PFMG). Members of this network meet periodically to discuss methods for developing solutions to problems of political finance. The expansion of groups involved in this network and its consolidation is desirable. It will measure the ability of the Nigerian civil society to watch over the electoral process, accounting for the influence of money in politics.

Civil society in Nigeria has been critical of the manner in which the electoral process has been managed; in particular, in respect of the voters register, voter education, and election

observation. The large numbers, expertise, and geographical reach of civil society organizations give them great potential to play a strong role in the electoral process, and in conflict prevention and resolution. However, these groups appear to face considerable difficulties with funding and in working in an often intimidating and violent environment. Some civil society organizations have been accused of partisanship and politically biased actions, and INEC alleges that some civil society organizations have been infiltrated by political parties. Civic groups have also been criticized for a lack of capacity to perform their tasks. The main issues raised by civil society representatives regarding electoral administration include: INEC's lack of independence and impartiality, limited civil society access to INEC, inaccuracy of the voters register, lack of transparency and credibility in the determination of results, and late granting or refusal of domestic observer accreditation. Civic groups were also critical of political parties' lack of ideological differentiation, lack of intra-party democracy, the use of thugs and intimidation, and abuse of state resources by incumbent powers at both federal and state levels. The pervasiveness of corruption was also identified as a fundamental obstacle in the electoral process.

The Academia and Elections

The term Academia refers to the group of persons who engage in intellectual activities and who engage academic activities like research, teaching and community services. This group is mostly found in the universities, Polytechnics and other research institutes. For our purpose in this paper, we chose the category found in the Nigerian universities (Academic Staff Union of Nigerian Universities). ASUU is both a labour union and a pressure group which conceptually can be accommodated within the structural framework of the civil society.

Over the years, the Academic Staff Union of Universities (ASUU) has established itself as a principled organization for the protection of the interests of its members and the promotion of the culture of excellence among them. It has also registered itself in the consciousness of the public as the foremost instrument for the development of the Nigerian University system and the use of the university system as a vehicle for the rapid transformation and development of the nation. ASUU is a radical socialist oriented labour union. In fact, one can say that ASUU us the only left-of-centre organization still championing the cause of working people and the society at large through the agitation for the broad interests of its members.

As Madunagu noted, the history of the Nigerian Socialist Movement in inseparable from the history of the Nigerian Labour Movement. This inseparability is just not theoretical in the sense that, in general, every organization of labour is political (and therefore engenders its own political contradictions) and socialism (of whatever brand) is the only political movement against the conditions of labour under capitalism. In Nigeria, the inseparability of socialist and labour movements is concrete (Madunagu 1980:2).

This is why ASUU's role became more pronounced in the years of economic recession, structural adjustment and military dictatorship, as radical civil society and labour organization after the others fell into irrelevance.

All these are what Dr. Osoba refers to as

> ASUU's heroic but spasmodic and unequal struggle against local campus tyrants and national purveyors of the state terrorism in an effort to ensure that the universities are kept open and operating even at the severely impaired and abysmally low level of efficiency (1996:2).

The socio-economic and political environment of the Nigerian state defines the nature and character of ASUU struggle. It is therefore important to understand this Nigerian social formation. The Nigerian state is a peripheral neo-patrimonial, prebendal, rentier state with all the tendencies and contradictions associated with this condition. It is a peripheral capitalist state with doubt claim to industrialization and where the majority of the people is held in bondage by an agricultural system of doubtful profitability on "rent" from sale of naturally occurring raw materials, crude petroleum, to be precise to which it has added no value. These resources are usually appropriated by politicians and bureaucrats in the process of executing so-called development projects and administration. As a rentier state Nigeria has a deep pattern of economic disarticulation and is therefore susceptible to crisis (Graf, 1988:22).

Nigeria is a prebendal state boundary of the State is penetrated and its offices captured for individual *cum* communal ends (Joseph, 1991:83). It is a neo-patrimonial state where neo-patrimonialism is understood to mean "the adoption by the state of policies which enhance the proliferation of patronage institutions and networks which help to consolidate the position of a legitimacy-hungry elite" (Olukoshi, 1998:13).

It is all this that make the political struggle within the ruling class very intense and normless and the premium on power exceptionally high. Thus, the ruling class 'constantly endangers itself' and the society at large by engaging a 'ceaseless struggle in which all seek power without limitation as to means and exercise whatever power they have without restraint except that arising from self-interest' (Ake, 1989:46). This then is the character of the state and the leadership which define the dynamics and challenges of ASUU labour and political activism and struggle.

ASUU is a Trade Union. But it is a Trade Union of intellectual workers (Iyayi, 2002:9). As intellectuals in a neo-colonial dependent and underdeveloped nation, it means that the intellectual must practice committed scholarship by taking the side of the oppressed (Iyayi, 2002:10).   In addition to all these, ASUU is also committed to the ideal of progressive, democratic, egalitarian, transparent and accountable governance with a clear respect for human rights and the rule of law. Without this kind of commitment, most of the laudable objectives, whether economic or political, cannot be realized. This is why ASUU struggles also include principled opposition to military dictatorship and principled commitment to the democratic and anti-imperialist struggle.

As an academic himself, Professor Atahiru Jega, the Chairman of Independent National Electoral Commission (INEC) emphasized the critical position occupied by the academia in ensuring free and fair elections. This he did by appointing lecturers in both universities and Polytechnics in the country as electoral officials at various levels of elections. Vice Chancellors of Universities were Returning Officers at the Gubernatorial to Senatorial/House of Representative elections. Professors and other senior members of the academia presided over collation and declaration of results at various levels. The involvement of the academia in the last elections gave a lot of credibility to the exercise as minimum election litigations were witnessed

or recorded. Professor Atahiru Jega himself being an academic brought his personality to bear on the office, hence the adoption of voting method and system that ensured free, fair and transparent elections in 2011.

Conclusion and Recommendations

While civil society organizations should serve as watchdogs for the state, they must not be hardliners but partners in progress. Subjective antagonisms are ultimately antithetical to public good. More involvement with government makes more quality information about workings available to both sides rather than relying on rumours and speculations. When civil society organizations operate as partners in progress with government, they are able to observe and have better insights to policy drives beyond inferences and tainted semantics (Akanle, 2009:235).

Our electoral process should be fixed so that the government that emerges through it can truly inspire the confidence and support of the people. It will also save the nation the huge resources that are currently spent on protective devices that shield elected government officials from the people such as kilometer-long convoys led by dark-goggle wearing and menacing looking security officials, bullet proof cars and houses, band of prayer warriors and praise singers, screened and rented crowds and other cunning practices that alienate the government from the people.

Partnership between government and civil society groups in the delivery of social good in Nigeria offers a new hope for a citizenry that has become so cynical and disillusioned by decades of failed government development policies, discouraging wars on poverty and crime . It also offers an opportunity for a reexamination of many issues that have been taken as given, one of which is the belief in many government circles that the development and implementation of public policies should be left to government alone. The experience of civil society groups the world over has shown that while government must be held responsible for translating the will of the citizenry into public policy, they are not necessarily the most effective vehicles, and certainly are not the sole legitimate vehicles for the actual delivery of many social goods, and they are often less inventive than entrepreneurial citizens organization

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