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PARTY POLITICS, RULE OF LAW AND NIGERIAN
ELECTORAL BODY: A CRITICAL ASSESSMENT

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ABSTRACT

The Nigerian state has remained relatively unstable since her independence in 1960. With a multitude of weak socio-political institutions and poor civic attitudes to match, bulk of what has transpired within the Nigerian political process till today are abuses of all forms. With steadily rising tension in party politics orchestrated mostly by poor attitude of Party politicians, the fundamental democratic principle of rule of law within the context of the Nigerian state is in flight. Worse is that the electoral umpire has in each republic continued to compromise their roles by conniving with the "cabal" in power to frustrate credible elections and general democratic norms. This has led to Nigeria's low rating among the committee of democratizing states. The central plank of this paper is to critically assess the issues in question within the nexus of Nigerian politics.

INTRODUCTION

In African context, Nigeria is a mega state. Even on a world scale, Nigerian is a major country. Larger than any single country in Europe, it claims over one-fifth of the people in Africa and has the worlds largest black population. Its petroleum and its substantial standing army guarantee its prominence in international relation, and with over 90 universities, Nigeria contains a large proportion of Africa centre of learning and research (Mundt and Aborisade 2004). Nigeria's tradition includes the large scale emirate of the north and the small kingdoms and village-level republics of the south. Although both were administered by Britain; the North and the South of Nigeria experienced different version of colonial rule. Nigeria's culture is divided by ethnicity and also by religion especially between Christians and Muslims, its history since independent includes Coups; Counter coups, ethnic and religious violence, illegal election annulment and civil war.

Recently, along with many other Africans, Nigerians have been grouping towards a renewal of democracy. The problems and prospects of many Africa mini states are found in Nigeria, but at a more daunting scale and level of complexity. To know Nigeria is not necessarily to know Africa but to one who is acquainted with the Nigerian experience, there will be little that is surprising in politics elsewhere on the continent.

Nigerian's prominent place in African and infact globally is more potential than real, however, because in recent years, Nigerian has been a sick giant. Its politics is volatile: its economy in shambles and the provision of public service has broken down. Of all the major countries of the world Nigeria might be the only one whose continued existence is in doubt. The country's ethnic, regional and religious politics have intensified in recent years and important political actors have recently suggested breaking up of the country into weak federating or even completely independent states if political power cannot be distributed in a manner all can accept. Today, a large proportion of commentators share the view that it may be easier to explain why Nigeria is likely to fall apart in a short term than it is to specify conditions for its long term stability.

It is against this background that party politics, party politicians, rule of law, electoral body: and their dynamics within the Nigerian state must be examined.

CONCEPTUAL CLARIFICATION

(I) Politics and Party Politics

The term politics was first used by Aristotle and he called it "the master science". The word Politics is derived from the Greek word 'Polis' meaning a 'City'. To the Greeks, the city was the state and the subject that dealt with the city-state and its problem was designated politics. This, however, was the ancient conception of politics.



According to Kapur (1996) ordinary usage equates politics with party politics and politicians with party politicians. As a result, politics emphasises disagreement which is so prominent in party politics. In this context, politics of one country differs from the politics of another country and within the same country politics of one party differs from the politics of another party, as each party offers its own solution to the problem which concern the country. A party politician on the other hand is a person who interests himself in the politics of his country and that of a party which conforms to his political views. He is not necessarily a student of political science, but only concerned with the present problems that confront the country and their solution as his party suggests.

Politics hinges upon political activity carried on in human environment, in time and space and thus a product of economy, the society, history and geography. Political activity is based on disagreement, and whenever there is freedom, a great deal of politics is likely to be found. Disagreement though a necessary condition of politics, is not enough in itself. Order is also required if politics is not to disappear into chaos or civil war. An organized society is a constraint on disagreement. According to Rowe (1969) the extent of agreement may be much greater than the necessary minimum, but if that minimum is absent, politics is no more. Conversely, if members are forced to behave as if there were virtually no disagreement, then, politics is seriously curtailed if not destroyed.

Politics may be found in a variety of associations and groups, whether the group be a trade union, a country or an international organization and this may explain the current shift of emphasis in the discipline. Until recently, politics was conceived purely from a formal perspective. Thus, Hyman (1956) claim that legal government is the subject matter of politics. Contemporary views on politics are, however, more encompassing. Bluhm (1965) for instance conceives politics as a social process characterized by activity involving rivalry and co-operation in the exercise of power and culminating in the making of decisions for a group. The appeal of this definition flows out of its apparent flexible or wide scope. Politics is found wherever power relationships or conflict situation exist which means that the political scientist can legitimately study the politics of a labour union or corporation; religious organization as well as what goes on in a legislative or administrative agency. There is a practical difference between a definition based on government, and one based on politics.

(II) Rule OF Law

The doctrine of rule of law is intimately bound with the practice of liberal democracy. As Sagay has suggested, there can be no democracy without the rule of law and vice versa (Sagay 1996). What is taken as the classic definition of the concept of rule of law has been offered by A.V. Dicey. In Dicey's conception, rule of law means the absolute supremacy of regular law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness or prerogative even of wide discretionary authority on the part of government. Englishmen are ruled by law and by the law alone. A man may be punished for a breach of law, but can be punished for nothing else (Enemuo 1999). Nwabueze recognized the rule of law as a pillar of constitutional democracy. Its primary meaning is that only the law applying equally to all persons and administered impartially by independent court, is to govern the affairs of people in the society, as well as dealings and relations of the state with the individual as opposed to arbitrary rule. Rule of law is not just a doctrine about legality, it is not just a requirement that all executive actions of government affecting the individual must be backed by and strictly in accordance with law (Uwaifo, Daily Independent, August 4, 2009).

However, today, the concept of rule of law has been expanded to include the supremacy of the law including judicial decisions over all persons and authorities in a state, supremacy of the constitution, independence of the judiciary, the right to personal liberty, observance of democratic practices including freedom of the press, thought, association and regular, free and fair election as the basis for assuming power in government (Sagay Opcit)

(III) Electoral Body

A special body is responsible for the conduct of a general election in every democratic country. This body is referred to as the Electoral Commission. According to Igbe (2002) the electoral commission is the body solely constituted by government and according to specification as directed by the constitution or decree to oversee the conduct of all elections in a country. It is expected to maintain a neutral position in all election matters and sometimes, attempts are made to reflect it in its

name. For Okwuidegbe (2000) the elections in a country are organized by the Electoral Commission. In a Federal State, there may be Federal and Units electoral commission.

In Nigeria's political history, apart from the 1957 and 1959 federal elections conducted by the colonial governments, every other post-1960 electoral context has been managed by indigenously composed electoral umpire. For instance, Federal Electoral Commission, FEDECO of 1964 was reconstituted in 1978 and functioned up till 1983, according to Otoghagua (2004). It was a 24-man commission including 4-women federal representatives. Its pioneer chairman was Mr. Esua F.E. followed by Mr. Ani Micheal and finally Justice Ovie Whuskey. Some of its major assignments include (a). To register political parties (b), Delimit constituencies (c) and to conduct elections into states and federal legislative among others.

The moment it was agreed by the General Babangida's military government that political power should be returned to the civilian, the National Electoral commission NEC was established as a major institution to oversee the transition process. NEC was established by degree 23 on September 30 1987 and charged with the already familiar electoral responsibilities. When General Abacha came on board, he changed the name of the Electoral Commission from the existing National Electoral Commission NEC to National Electoral Commission of Nigerian NECON and announced yet another chairman for the commission. On the whole the Electoral Commissions of Nigeria's 3rd republics i.e. (NEC AND NECON) were chaired at different intervals by four different professors including Professors Eme Awa, Humphery Nwosu, Okon Edet and finally Dagogo Jack. Abubakar's brief period in power was remarkable. He proscribed every remnant of General Abacha's democratic structure and began afresh. As a foundation for his transition programme, he reconstituted the Electoral Commission and renamed it the Independent National Electoral Commission, INEC. The decree established INEC clearly stated that it will be statutorily protected from control of any other person or authority. Section 7 of the INEC Degree elaborately enumerated the structure, functions and powers of the commission. As observed by Otognague (Ibid) the chairman and members of INEC will not be less than 50 years of age and they must be persons of unquestionable integrity appointed by the Head of State. The Head of State has power to remove any member if any act of misconduct is spotted on him. The Decree also outlined the procedures for resignation of members of the commission while unequivocally stating that members must not hold any office whether at the federal or state public service. As usual, the familiar functions of the electoral commission were assigned to it.

OBJECTIVES OF THE RESEARCH

The underlying objectives of this paper are basically to:

- i. Establish a relationship between the critical concepts of party politics, rule of law and electoral body in Nigerian state.
- ii. Inquire if there have been cases of breach of rule of law in Nigeria's party politics and
- iii. Determine the extent of involvement of the electoral body in entrenching and enhancing breach of law in Nigeria's party politics.

PARTY POLITICS IN NIGERIA

The history of party politics in Nigeria must start from her formative years when after she has been forcefully annexed; the British government began to create conditions within for conducive economic exploitation. By 1914, the major preoccupation of the British colonial interest was how to effectively administer the vast and varied people of Nigeria and wield them together as one. There was also the need for colonial government to start gradually to expose and equip them with the skills of modern democratic government in anticipation that sooner than expected, the emerging elites of the colonial state will inherit political power at independence. Thus, with this understanding in mind and using their various constitutions, Clifford, Richard, Macpherson, Littleton and Robertson set out to accomplish this objective (Otoghagua 2004).

Marxist scholars have consistently argued that the Nigerian state represents a variety of historical and dialectical phenomena which goes to the pre colonial indigenous societies. According to Ekekwe (1986) since the Nigerian colonial state was one of class alliances between the colonizers and the Obas, Emirs, Obis and later the petty bourgeoisie, it was not a product of antagonistic interest among social classes, but essentially an urgent of imperialism as instrument of economic exploitation. Brett (1982) has rightly observed that the Nigerian colonial state was an instrument in dovetailing the

colonial economy into that of the metropolis. From all perspectives, the Nigerian state was subservient to the metropolitan bourgeoisie for while it implemented the socio economic policies of the metropolitan state, it never participated in the colonial economy. The Nigerian colonial state was a representative of the capitalist class in metropolitan Europe whose vested interest it assiduously protected (Ekekwe opcit).

What this translates to was that in pre independence Nigeria, the petty bourgeoisie emerge as the locally dominant social class even if this dominance was more in socio political sphere rather than in the economic sphere. When eventually they realized that the best means to increase their capital accumulation was by wresting political power in the country, they carefully avoided confrontation with the colonial masters as a decolonization option. As Post (1964) observed, the Nigerian petty bourgeoisie class concentrated its effort on acquiring the colonial state without radically transforming it. The nationalist as they are referred in the liberal parlance assumed that if independence were won, it automatically meant economic control as well (Hodgkin 1961). As a result of this, they formed political parties the establishment of which became a necessary tool for the struggle.

THE FIRST REPUBLIC.

Earliest political parties in independent Nigeria showed strict adherence to ethno-regional and religious lines. The Northern peoples' Congress NPC; the National Council for Nigerian Citizens NCNC; and the Action Group AG emerged as the dominant parties in the Northern, Eastern and Western regions of Nigeria respectively. The nature of the emergent Nigerian political parties, overwhelmingly designed by the colonial policies of indirect rule, divide and rule and patron - client relationship resulted to political parties that were lopsidedly composed and lacking in ideological foundation. The ethno-regional political parties that emerged shortly before Nigerian's independence became instruments in the hands of Nigeria's ethno-regional politicians whose fundamental motives were self aggrandizement, primitive accumulation and monopolization of regional powers

However, immediately after independence, the class character of the nationalist leaders began to show in their activities particularly when they began to assume political positions of authority. Not only did they began to amass wealth and privileges with their positions they also appeared not bothered about the abject conditions of their people and the inherent injustice which colonialism and its stunting policies had created in the society (Fadakinte 2002). The constitution of 1960 with its heavy emphasis on inviolability of private property made party politics immediately after independence to reflect violent contradictory forces. This manifested in the way factions within the dominant social class engage in fierce power struggle (Nzimiro 1986).

By 1964, the battle line among the major factions of the dominant class masquerading as political parties has been drawn. Apart from controlling regional powers, there is now power at the centre to compete for. This realization instigated realignment of political forces among the major parties which resulted in two major alignments - The Nigerian National Alliance NNA and the United Progressive Grand Alliance UPGA. After the Federal Electoral Commission FEDECO has announced NNA the winner of the heavily flawed federal elections of 1964, the president Dr. Nnamdi Azikiwe of the UPGA alliance rejected the outcome of the elections and also refused to invite the Prime Minister Alhaji Abubakar Tafawa Balewa of the NNA alliance to form the government of the federation.

This imbroglio was captured by Oyediran (1979) thus, by the rule of the game, it was the duty of the president to appoint as a prime minister the leader of the political party that had led the majority in the House of Representatives. Azikiwe threatened that "I would rather resign than exercise the powers to call on a person to form a government". There began a stalemate which lasted for about four days. The Prime Minister refused the advice of the president to set aside the results of the election. For the first time in Nigerian political history there was no government in Lagos for three full days. Negotiations went on day and night to resolve the crisis. Finally on 4 January 1965, the president announced the reappointment of Tafawa Balewa as prime minister after the plan drawn up by the chief justice of the Federation Sir Adetokunbo Ademola, and the chief justice of Eastern Region Sir Louis Mbannefo had been accepted by the two warring factions. Unfortunately, suspicion and distrust within the government circle, which arose from this crisis among others were never permanently resolved until the military strike of January 15 1966 which terminated that republic.

THE SECOND REPUBLIC

The second republic which lasted from October 1 1979 to December 31 1983 was unlike the first republic predicted on the "Washington" model of presidential democracy. While inaugurating the structure and processes that will drive the transition of power from the army to the civilian, the military government of General Mohammed/Obasanjo had wrongly assumed that bulk of the ills of the first republic were basically constitutional rather attitudinal. When the ban on partisan politics was lifted on Thursday September 21, 1978, fifty three (53) political associations sprang up desiring to be registered as political parties. Eventually, five (5) of these associations – the Unity Party of Nigeria UPN, the National Party of Nigeria NPN, the Nigerian Peoples' Party NPP; the Great Nigerian Peoples' Party GNNP and the Peoples' Redemption Party PRP were registered by the electoral body FEDECO as political parties (Otohogua Opcit).

The moment FEDECO lifted ban on electioneering campaign, the second republic political parties, completely bereft of ideological patterns and clear reincarnate of the first republic political parties went politicking. Curiously, events and activities at the political scenario were a republication of the first republic. Power struggle especially at the centre became intense among the factional groups of the dominant class. Staggered elections that were not so successful were held all over the country but the presidential election of August 11, 1979 was the most controversial. In what was seen as an unprecedented display of bias, the federal military government, the electoral body, the court, and the law enforcement gave away the peoples' mandate to their preferred group. Alhaji Shehu Shagari and his NPN group became the beneficiaries of the 2/3 of the 19 states arithmetic which the court eventually resolved in a rather political fashion.

On October 1 1979, power was handed over to Alhaji Shehu Shagari as the first executive president of the federal republic of Nigeria. After a beautiful and well crafted statement to the nation, Alhaji Shagari settled down to rule. Unfortunately, barely two year after its inception, there was abundant evidence that the experiment was running into serious trouble. By December 1983, just four and half years after experiment with "the Washington model" began; a vast majority of Nigerians had lost faith not only in the constitution but also in politicians and politics. The question then is, why did this republic fail? One can say that the republic failed in that contrary to all expectations that the system would have learnt its lessons and avoid all the malaise of the first republic; the system introduced new problems while heightening the earlier ones. Mismanagement of the economy, corruption and indiscipline, the refusal by some of the highest officials, despite their oaths, to enforce the laws and uphold the constitution, politicians brazen subversion of the polity through sundry acts of omission and commission – all these were hall marks of the second republic (Agi 1985). By December 31, 1983, the euphoria that greeted the presidential system at its inception in 1979 had completely evaporated as Nigerians came to the shocking realization that their dreams for a representative and responsible government was an illusion.

THE THIRD REPUBLIC

Nigerian's third republic remains vague and imprecise. Elaborate transition structures and complex processes put in place to drive the prolonged programme ended abruptly on August 27, 1993 when the military president, General Ibrahim Babangida succumbed to national and international pressures and accepted to step aside from power.

Following the end of president Babangida's regime the Interim National Government, ING headed by Chief Ernest Shonekan then the Chairman of the Transitional council to Civil Rule was inaugurated. The ING was charged with certain responsibility among which includes:

- i. Overseeing the election to the local governments scheduled for December, 1993.
- ii. Bringing to conclusion the long march to democracy by overseeing the election of the president of the federal republic of Nigeria and among others,
- iii. Putting in place necessary apparatus and processes aimed at ensuring the smooth and orderly hand over of power to a democratically elected government.

President Babangida's pet parties the National Republican Convention NRC, and the Social Democratic Party SDP were retained as the only two national parties, all hitherto concluded elections into political offices were retained, the electoral body, the National Electoral Commission NEC was retained in name but had its membership reconstituted. The era of Professor Humphery Nwosu, the

apostle of option A4 ended while Professor Okon Edeh became the new NEC helmsman. Tried as he could, Chief Shonekan could not stabilize the polity as he was overwhelmed by deepening tension in the land and the restiveness in the rank and file of the military. This situation basically resulted from the conflict generated by the nullification of the June 12 1993, presidential election and also partly from the declining fortunes of the Nigerian economy. On the 17th day of November 1993, Chief Ernest Shonekan resigned his appointment as the Head of State and Commander-in-Chief of the armed forces of the federal republic of Nigeria amid confusion.

A statement from the presidency on the same day announced General Abacha as the new Head of State. On taking over power, the first thing Gen. Abacha did was to dismantle all the political structures in existence. Political parties were proscribed; the National and a State legislature as well as the State chief executives were all dissolved. This singular act brought an end to Gen. Babangida's transition programme.

Gen. Abacha's transition programme was ab initio designed to return him as the nation's civilian president. As usual, an electoral body was inaugurated. This time, it went by the name the National Electoral Commission of Nigeria NECON. NECON had Professor Dagogo Jack as its chairman and was as required, charged with the responsibilities of registering political parties and conducting all elections among others. The five political parties that emerged successfully after the rigorous screening and verification exercise were:

The United Congress Party UNCP

The Congress for National Consensus CNC

The National Centre Party of Nigeria NCPN

The Democratic Party of Nigeria DPN and

The Grassroots Democratic Movement GDM

As is the tradition with Nigeria's party politics, factional groups of the dominant class emerged and spread themselves among those parties and the jostling for control of power and wealth commenced.

Gen. Abacha's transition regime altered the existing political order and introduced a new dimension into Nigerian party politics. Intimidation of perceived opponents of his presidential ambition became an open agenda. Also, during this period "Godfatherism" that is, the reality of a political office seeker or a public office holder getting connected to powerful and influential men in society became the end of politics. Gen. Abacha who by 1997 was already being referred to as the "Khalifa" had become the ultimate political power bloc in Nigeria. The name Abacha became an intimidating tool in the hands of political office seekers. The understanding is that the "closer" one is to Abacha, the brighter his/her chances of winning an election in Nigeria. At the political circle, politicking shifted from delivering of manifestoes and open campaign for electoral votes as politicians on daily bases continue to throng to "Aso Rock" with introductory letters from powerful monarchs and top military officers. Party politics in Nigeria was at its ebb. Sycophancy in politics which reared its ugly head when the Association for Better Nigeria ABN, under the leadership of chief Arthur Nzeribe went to prevail on Gen. Babangida not to relinquish power to any person else, Nigeria will collapse, climaxed during this period.

Using his politics of "there is enough to go round", Gen. Abacha cheaply got the factional Nigerian political class who surprisingly began to behave as if expression of political differences were an aberration. The two million man march organized in solidarity with Gen. Abacha's self succession bid by one MR. Monday Kanu in March 1998 was hastily complemented by the "Almighty Adoption" of May, 1998. During the month of May 1998, Nigeria's five political parties the UNCP, the CNC, the NCPN, the DPN and the GDM took the nation and the international community by surprise when one after the other and at different locations, they adopted Gen. Sani Abacha as their sole candidate for the August 1998 presidential election. However, Gen. Abacha's mysterious death on the 8th of June 1998 put an end to whatever was left of the third republic.

THE FOURTH REPUBLIC POLITICS

The sudden death of the two principal figures in Nigeria's politics of that moment Gen. Sani Abacha, the Head of State and Chief MKO Abiola the assumed winner of the annulled presidential election on June 8 and June 12 1998 respectively brought sober and fear into Nigerian politics. A couple of months earlier, Gen. Shehu Musa YarAdua (Rtd) had died under mysterious circumstances in detention. It is speculated that such scenario may have informed the choice of the new Head of State General Abudusalami Abubakar to midwife a hasty power transition programme from the military to the civilian.

After it seemed unanimously accepted that the third republic has failed and the need to move the nation forward adopted, the regime of Gen. Abubakar quickly put up institutions and structures to support and deliver the forth republic. Also, vital issues such as the annulled June 12 1993 presidential elections, the death of Chief MKO Abiola, the NADECO/Pro-democracy groups demands, Human Rights records of the last two military regimes, faith of political prisoners, a brand new constitutions etc were addressed. Among the major institutions established by General Abubakar is a new electoral body named the Independent National Electoral Commission INEC. Among the major responsibilities of INEC as contained in the enabling law-decree 1998 includes (i) Organising, Conduction and Supervising all the elections (ii) Registering Political Parties (iii) Monitoring the organisation and operation of the political parties including their finances (iv) Auditing the funds and accounts of the political parties and availing the public with the outcome of its findings (v) Conducting the registration of persons qualified to vote and the preparation, maintenance and revision of the register of voters for the purpose of any election, among others.

Transition time table was released by Federal government and INEC was advised to strictly implement the conditions for registration of political parties. As a mark of sincerity in its march to achieve the laudable goals of democratization, the Federal Military Government released the sum of N3.5 billion to INEC to finance its activities.

At the end of the selection process, three political parties emerged. They include the Peoples' Democratic Party PDP, the All Peoples' Party APP and the Alliance for Democracy AD. Like party politics of the 1st and 2nd republics, the party politics of 4th republic were basically anchored on elaborate campaigns and brandishing of masses oriented manifestoes. Nigerians and indeed foreigners were, however, shocked at what the PDP national government under the headship of Chief Olusegun Obasanjo did with power, the moment his party recorded a landslide electoral victory in 1999. Laudable and masses oriented priorities were jettisoned if only to pursue the interest of a factional group of the ruling class. Among president Obasanjo's seventeen point priority issues selected to be vigorously pursued, those that harbour the potential to enhance primitive accumulation were given priority. They include exploration and production of Petroleum, Macroeconomic policies such as Telecommunication, Railway and Barracks Refurbishment/new construction. Surprisingly, the regime was only interested in battling corruption, drug trafficking and advance fee fraud only in so far as it affects the interest of the opposing factional groups. Pursuit of so many other priority issues earlier listed were either down played or entirely abandoned.

By 2003 general elections, opposition politics had been considerably weakened as the ruling PDP had succeeded in emasculating the opposition parties. The "deregulation" of political parties during this period gave birth to what (Sule 2009) referred to as glorified tribal organizations masquerading as political parties. Like in the previous republics, zero-sum politics persisted and in the absence of any viable opposition, the ruling party's capacity to use instruments of state in accomplishing its will become more glaring. The ruling PDP by 2003 was able to use unopposed, state political instruments such as the INEC, the Army, the Police, the Court, the ICPC and EFCC and also economic instruments such as the Banks, the BPE the NAFDAC etc to unleash terror on opposition politicians. With no hope left for the opposition in a society where those that loose political power losses virtually everything, the only alternative left was for the opposition politicians to liquidate their individual and group political principles, philosophies and ideologies and embrace the ruling Party. Thus the heightened spate of sycophancy and praise singing for and also defection to the ruling PDP by politicians of other political parties is a clear testimony to this.

Midway into President Obasanjo's second tenure in office, there were ample evidences to support the claim that he desired to continue in office beyond his legal limit of May 2007. So much

effort made to legalise his office elongation bid (the 3rd tenure) was finally defeated at the federal legislature. Angered by the fact that the most vociferous and powerful opponents of the "tenure elongation" politics were in the same political party with the president, the president and his foot soldiers swore to await them in 2007.

Ahead of the 2007 general elections, most of those politicians that worked hard to derail President Obasanjo's 3rd term ambition had chosen to use the platform of other political parties especially the newly formed Action Congress AC, the Progressive Parties Alliance PPA and the All Nigerian People Party ANPP to actualize their various ambitions. But the President would not allow them easy passage. He had actually informed Nigerians that the 2007 elections would be a do or die affair. Using the ICPC and the EFCC, the president indicted most of them as fraudsters and using the electoral body INEC the president excluded them from contesting the (presidential, governorship, or senatorial) elections as the case may be. Protracted legal battles between the excluded candidates and INEC resulted in the inclusion of some of them to contest the elections at the last minute. This obviously affected the electoral fortunes of such candidates as Alhaji Atiku Abubakar, the vice president who contested the presidential election on the platform of the AC, among many other gubernatorial and senatorial candidates.

In what has been generally adjudged the most undemocratic party presidential primaries in Nigeria's political history, the ruling PDP in Abuja successfully boxed all other presidential aspirants into withdrawing for Alhaji Umar Musa Yar'Adua. When the 2007 general elections eventually held, the PDP secured for itself, overwhelming victories across board. With over two-third membership of the federal legislators, about twenty eight state governors out of thirty-six and the president of Nigerian in its kitty, the PDP started priding itself as the largest political party in Africa. Even as evidences against the credibility of the election became overwhelming, the PDP courageously maintained that it will rule Nigeria uninterminated for another sixty years. According to (Okonkwo 2008) in 2007 alone, it was assumed that INEC by its activities prepared the ground that would have precipitated violent revolution in any politically conscious society. Adverse reports by monitors and observers of the elections were enough testaments to this sham called elections.

Virtually all the monitoring groups including the EU, the USA, the TI (Transparency International), and the NGOS that monitored the elections were unanimous in assessing the election as falling below the minimum benchmark acceptable even for a most primitive democracy. Even if it is natural that election losers and disenfranchised voters should condemn the elections as neither free nor transparent, the magnitude of agitation against the exercise became worrisome. In this, even the church, the mosque, the traditional juju priest, the right activists, the labour, the student bodies, the professional bodies and even the moralists were all drawn into the onslaught against INEC. It became obvious that the electoral body has failed to deliver credible elections to the people.

Moment after taking his oath of office on May 29th 2007, President Yar'Adua reeled out the following seven (7) point agenda that his administration will aspire to achieve. According to Otaghagua (2007) among the agenda are:

1. Improved energy and power sector.
2. Adequate Security of Life and Property.
3. Reforming the electoral system and process in Nigeria.
4. Resolving crises in the Niger Delta region, among others.

To strengthened these agenda, President Yar'Adua rediscovered the principle of Rule of Law and hope to make it the foundation of his 7-point agenda. Also, he adopted his predecessor's concept of Due Process, a concept that was becoming very popular in Nigeria's political circle even if it has not been properly implemented. For Yar'Adua, both concept will complement each other and facilitate the realization of federal government's 7-point agenda.

When during the swearing in ceremony on Thursday 26 July 2007, President Yar'Adua told his 39 cabinet ministers that "we are faced with the stark choice of using this once in life chance to do good....., we must pray for God's guidance to enable us function as servant leaders and not as ruling elite (Otaghagua Ibid) he was merely recounting the stuff Nigerian political class are made of. This is because two and half years into his administration, none of the priority issues of his government has been accomplished. Power generation has not improved as most Nigerians have forgotten that there is a social amenity like electricity. Insecurity and fear have taken over the land as numerous cases of kidnapping and assassination are reported from different parts of the country on

daily bases; the Niger Delta crisis continues to fester unabated and this has been complemented by incessant religious violence, especially in the northern part of the country.

The nature and character of party politics in Nigeria was aptly summarized by Nwoyelu (2009) when he observed that elections in Nigeria have been akin to warfare. Even the former president Chief Olusegun Obasanjo on the eve of the 2007 general elections described it as a do or die affair. For a then sitting president to describe an election, the most visible manifestation of democratic experience in this way tells massive story about the character of Nigerian politics.

PARTY POLITICS, RULE OF LAW AND ELECTORAL BODY IN NIGERIA – AN ASSESSMENT

Nigeria party politicians have massively used the electoral body to frustrate the entrenchment of the rule of law. The character of the capitalist state that emerged at independence was not predicated on a sufficiently civil society. This resulted in the emergence of heavily fractionalized political class whose major purpose of existence was in their urge for primitive accumulation. As rightly observed by Dudley (1982) for the Nigerian political elite, politics involves not the conciliation of competing demands arising from an examination of various alternatives entailed by any course of political action, but the extraction of resources which can be used to satisfy elite demands and to buy political support. The scramble among the various fractional groups made politics as a means of class competition in Nigerian context to become extremely severe and this was evidenced by keen sense of violent competition that characterized the art. In all this, the major substance of rule of law as it relates to the observance of democratic practices was lost. Democracy involves the entrenchment of social justice, the consolidation and respect for the rule of law, the creation of an egalitarian environment, sanctity and inviolability of the electoral process, the expansion of the political space to promote equal opportunities and fundamental rights. The major factor that differentiates Nigeria from the developed countries is not necessarily the sophistication of infrastructure but the existence of order and the rule of law (Nwoyelu Op cit).

Thus, whether it was in Nigeria's previous republics or the current dispensation, the truth is that the political leaders have always used the electoral body to undermine the objectives of rule of law. FEDECO's acceptance and declaration of results of the 1964 federal election even when there were mountain evidences that it was marred by violent acts, rigging and figure falsification was a clear negation of rule of law. The ruling party's decision to use FEDECO during the 1983 general elections to commit massive electoral fraud which participated violent revolts that eventually led to the collapse of the second republic was also another instance of abuse of rule of law.

During the moribund third republic, so many instances of the abuse of rule of law by the political elite, the electoral body NEC, the political executive, the court and even the masses were recorded. For instance, General Babangida and Abacha's plot to use the NEC and NECON respectively to manipulate the electoral process to their personal favours clearly negates the principle of rule of law just as the senator Arthur Nzeribe led Association for Better Nigeria (ABN) tried to use the court to frustrate the 1993 presidential election. In the present fourth republic, it is known that after intimidating perceived oppositions with the EFCC and ICPC, the former president used the INEC and to some extent the court to exclude many of them from contesting the 2007 general elections. These are gross violation of the principle of rule of law.

Beyond the use of the electoral body to brutalise the principle of rule of law, there were sundry acts of the political class, especially those in power to undermine the rule of law. Such acts as political assassination, politically motivated kidnapping, election rigging, intimidation of voters, political aspirants swearing of oath of allegiance to their godfathers, dragging of political aspirants to the shrine by their godfathers, political office holders jettisoning of their campaign promises to the masses, self aggrandizement, misappropriation of public fund and inordinate political ambition e.g. the third term ambition that almost led to the subversion of the nation's constitution among numerous others.

CONCLUSION

Party politics in Nigeria of party faithfuls to carry out the party or the other have without are inimical and dehumanizing to politicians for one expectation of party politics that is played at

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CONCLUSION

Party politics in Nigeria no doubt has intensified in recent time as a result of the desperation of party faithfuls to carry out party programmes in their own interest and favour. Party bigwigs in one party or the other have without regard to rule of law in our existing democracy carried out actions that are inimical and dehumanizing to the electorates who are highly expectant. An electorate that looks up to politicians for one expectation or the other has suddenly become disillusioned and hopeless because of party politics that is played along ethnic and religious dichotomies.

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