

THE WHITE COLLAR

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Reforming Nigerian Electoral Law - Caveat Emptor

In a television interview in 2012 a US Politician Todd Akin contesting for a Senatorial seat speaking on pregnancy from rape and abortion made the following statement: "It seems to be, first of all, from what I understand from doctors, it's really rare. If it's a legitimate rape, the female body has ways to try to shut the whole thing down." In the fall out his "legitimate rape" definition

the controversy of his beliefs shown in his statement cost him the election. The electorate were given the opportunity to see him, hear his views and they disagreed with him.

Let us make no mistake about it; the electoral process is about the people. The electorate, the men and women of this country should always be the focus of any process of leadership selection, they are the recurring decimal, the ones who, irrespective of the "oga at the top" must get up every morning and make this country work by their efforts. That is why it is imperative to any democracy that the choice the people exercise is protected and afforded every opportunity to be made in true consonance with the will of the people, not the convenience of the politicians.

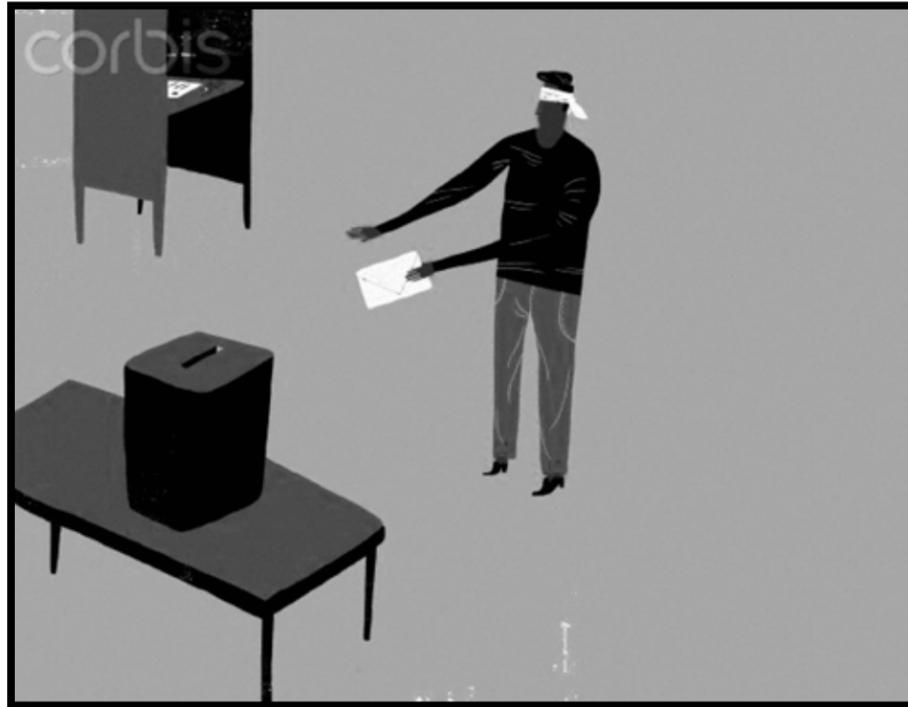
Improving the Process

Election season is over, elected officials have all but got into their roles, so why is this all relevant now? Well, simply because desperation makes a fool of us all, like all things prudent we ought not wait till the next election season to begin to improve the election process, or iron out kinks in the system or more importantly identify what it is we intend the future of Nigerian elections to look like. Waiting till the last few days before election to distribute Voter Cards or test Card Reader systems is why we are unable to become better and why we eventually find mediocrity acceptable, because there is no time for anything else.

How Do We Make the Process Better?

Almost 1 million Nigerian men and women who went out and voted in the 2015 elections had their constitutional right to elect their leaders frustrated for many reasons ranging from faulty card-readers to absence of instructions on how to use the election material. This by itself is a travesty of sorts because what good is a national exercise of choice if your choice is not recorded? There is no greater threat to the democratic process than the belief that no matter what effort you make it will not affect the outcome of the election.

Notwithstanding this denial of constitutional suffrage, mostly occasioned by poor execution on the day and logistical inefficiencies, it is the more fundamental contexts that occur well within the law and allow for ridiculous results that we ought to focus on here. We ought to turn our eyes more critically to our electoral laws and the provisions that do not support the kind of democracy that we ought to have or aspire



towards.

Political Parties - The Gatekeepers for us all

In the aftermath of voting, most unconnected voters will realise that many elections are concluded far before election day by virtue of the candidates who end up on the party ballot paper, drawing our attention to party primaries. In essence section 87 of the Electoral Act 2010 that states:

"(1) A political party seeking to nominate candidates for elections under this Act shall hold primaries for aspirants to all elective positions."

delivers a critical part of the democratic system of elections to political parties. In our Nigerian political process political parties are the 'filter' or 'gatekeepers' determining the quality of leadership possible. It is the men and women they produce that inevitably become our choices, however before the primaries are held there is a wider range of candidates available and greater part played by the political parties is barring or allowing this range to exist. And so irrespective of whether 99% of our 160 million strong populace are not card-carrying members of political parties, our lives are determined to a large extent by what they do or don't as the "gatekeepers".

With this in mind, a greater level of transparency and accountability is required for the party primary process. "Consensus Candidacy" for instance stands against everything that is democratic since it obliterates any semblance of choice based on partisan agreements. Candidacy requirements, should by law, not only be available to party members but also regulated and brought in line with our values and principles as a nation and be disseminated freely. Is it acceptable that anyone with N30 million,

that is intelligent enough to negotiate an alliance, has a chieftaincy/standing in society and is literate enough to fill a form should pass into the hallowed body of Presidential candidates? Everything about political parties, from membership requirements to party donations needs to be regulated and made public.

Party Funding- The Poisoned Chalice

Anyone with the slightest inclinations of the matters in the "Arms Purchase" scandal as it is playing out will understand that sections 91, 92 and 93 dealing with general Limitations on Election Expenses, Limitations on Political Parties and duty of Disclosure of Political parties with regards to received funds respectively, as circumspect as they attempt to be could not have prevented it. The reason is that even though section 93(3) imposes a requirement on parties to disclose the sources of all donations above N100,000 (One Hundred Thousand Naira) to the Independent Electoral Commission in reality no such thing happens.

In fact though section 91(9) stipulates that no donation from any individual or organisation to a political party can exceed N1,000,000 it is safe to say that this is not quite the case today. Party funding is especially important nationally because in the world today money buys influence, and if the sources of a party's funding are obscure at best or compromised at worst what do we expect leaders that come to government on the wings of such funds to do? Who may have influence with them? Because of this Party Funding is important enough to be a national interest issue abroad and it should be the same for us at home. An estimated \$7.7 billion will be spent on the US Presidential Elections coming up

in November, and amount which we can agree is significantly more than what we spend at home, however what is important is the ability to track and account for where such funds came from and identify to some degree whether such funds have legitimate or compromised sources.

Electoral Debates

It is a fact that the foundation of democracy is representative government. Choice and free consent is therefore fundamental to the legitimate existence of such a government. Choice can also not be free and fair if it is not adequately informed or aware.

We must acknowledge the great strides we have made since the start of the Fourth Republic in 1999. Our growth is evident, in 2015 the electorate demanded more accountability than ever before, one pertinent example was the availability of INEC generated spread sheet information of all Presidential, Gubernatorial and National Assembly candidates.

Still, it is every Nigerian's right by virtue of section 132(5) of the Constitution; to be informed of the choices they have in the election. This is not referring simply to who the candidates are or their individual or party machinery campaign ability, this right goes beyond that, it is a fundamental tenet of democracy that citizens are informed by INEC of who their candidates are and their background. INEC must be empowered and obligated to expose these candidates to the electorate and must afford the electorate every opportunity to see the candidates (the most basic form of identification is sight, especially considering that a significant percentage of our population is below the global literacy average).

Nigerians have a right to know the views of those who intend to lead them and the most basic means of achieving this is by simply hearing these men and women express themselves in conditions that expose their thoughts and beliefs to us. Mr Todd Akins above was exposed to the electorate and expressed himself in almost comical circumstances, however not all politicians react the same way to the publicity they court by their aspirations. In fact politicians that are not ready for this publicity and open appraisal of their abilities should recognise that this itself is already an assessment of their ability- the fact that they are not prepared to do what is necessary to develop the skills required to lead this nation, or they are afraid of the scrutiny.

Trying Our Luck

In 2016 it is amazing that in the exercise of this most important of choices, in the choice of national leadership the Nigerian people are still at the disposal of the convenience of those candidates who "want" or "choose" to appear at Presidential or Gubernatorial debates. Does a job applicant choose whether or not he will appear for the job interview? Or as savvy Nigerians, do we buy anything without first guaranteeing that we have seen it and it is value for money? It would be amusing if a student demanded to set the time, and nature of his assessment too, so how then can it be acceptable to choose our leaders without at least appraising them under conditions that show their true abilities? I dare say that kind of choice is a gamble at best. 45 minutes of questions for 4 years of nearly unquestioned authority is a fair bargain any day. So until we make the necessary changes to our electoral law, we can all keep trying our luck, choosing those we really know nothing of to lead us. Still, it is only right to say to us all in doing so - caveat emptor.

LAGOS STATE INAUGURATES MOBILE COURTS CONTINUED FROM PAGE 5

He noted that the courts will be presided over by Magistrates and that there will be Prosecutors from the Ministry of Justice and defence Lawyers from the Office of the Public Defender (OPD) who will be readily available to those defendants who so desire.

Adeniji stated that traffic congestion can become history in Lagos State if Lagosians resolve to make it history.

Also, speaking at the event, Lagos State Chief

Judge, Hon. Olufunmilayo Atilade observed that most traffic offenders often evade the consequences of their misdeeds and warned that it would no longer be business as usual for them.

"Let it be made known to all that the era of recklessness and impunity on our public roads and highways are gone.

"Those who choose to make life difficult for other people, especially on our roads should

have a re-think, as they would henceforth be held accountable for their misdeeds", Atilade warned,

The Chief Judge pointed out that the flagrant disregard and violation of traffic rules with impunity is unacceptable and urged the people of the state to discourage and condemn the act.

She asserted that the judiciary will, on its part, remain committed and stop at nothing to back the initiative of the government.