

THE ROLE OF CIVIL SOCIETY ORGANIZATIONS IN THE NIGERIAN ELECTORAL PROCESS: A LEGAL APPRAISAL

Dr. M.I. Anushiem*
Dr. Helen Obiageli obi,**
Uchenna Maryjane Anushiem,***

ABSTRACT

Civil Society Organizations serve as internal correctional mechanism to check-mate the electoral process in order to avoid electoral malpractices. They play prominent role in ensuring the credibility of elections in Nigeria through vigorous voter education using both the traditional and social media for their campaigns. The aim and objectives of this work is to bring out the role of the Civil Society Organization before, during and after the electoral process in Nigeria. In order to achieve this, this work will look at the concept of Civil Society Organizations, meaning of electoral process, legal framework regulating the activities of Civil Society Organizations both the local and international instruments, the role of Civil Society Organizations prior to election, which includes playing a major role in advancing the right of group of persons to be registered as a political party, voter education and awareness, sensitization of stakeholders in the electoral process and soon. The role of Civil Society Organization during election includes monitoring, supervising and observing the electoral process. More so, the role of Civil Society Organizations in post-election which includes writing of electoral reports, agitation for prosecution of electoral offenders. This work will also look at the challenges facing the Civil Society Organizations ranging from lack of funding, lack of unity, lack of support and partnership, corruption, the provision s. 389of CAMA 2020 that make it possible for government to change its trustees and so on. These writers further concluded by making some recommendations like need for public support, repeal of s. 389 of CAMA 2020, automatic application of freedom of information Act by various states of the federation and unity among the civil society organizations.

Keywords: Civil Society Organizations, Electoral Process, Law and Election in Nigeria

***Uchenna Maryjane Anushiem, Esq., BA. (Hons), LLB (Hons), BL (Hons), LL.M, is a Doctoral student in the Faculty of Law, Chukwuemeka Odumegwu Ojukwu University, Igbariam Campus, Anambra State Nigeria, 08062139786,uchennamaryjaneanushiem@gmail.com

1. Introduction

A vibrant Civil Society Organization is a *sine qua non* to the sustenance of any nation's development of an effective electoral process. During elections they work to ensure a free, fair and credible election. Studies have shown that Civil Society Organizations play a vital role towards achieving a credible election. Civil Society Organizations (CSOs) have contributed immensely to the democratic consolidation and sustainable political development in Nigeria. In other words, responsibility of achieving a free and fair election seems to rest on the shoulders of CSOs.

Civil Society Organization serve as an internal correctional mechanism to check-mate the electoral process in order to avoid electoral malpractices. They play prominent role in ensuring the credibility of the elections through vigorous voter education using both the traditional and social media for their campaigns. This work will look at the concept of Civil Society Organizations, meaning of electoral process, legal framework regulating the activities of the Civil Society Organizations both the local and international instruments, the role of Civil Society Organizations prior to election which include, playing a major role in advancing the right of group of persons to be registered as a political party, voter education and awareness, sensitization of stakeholders in the electoral process and soon. The role of Civil Society Organization during election include monitoring, supervising and observing the electoral process. More so, the role of Civil Society Organizations in post-election include writing of electoral reports, agitation for prosecution of electoral offenders.

This work will also look at the challenges facing the Civil Society Organizations ranging from lack of funding, lack of unity, lack of support and partnership, corruptions. Then, the provision of CAMA 2020 that makes it possible for government to change its trustees and so on.

2. Explanation of Key Concepts

2.1 Civil Society Organization

Civil Society Organization (CSOs) is a group of people that operate in a community in a way that is distinct from both government and business¹. It is a non-state, not for profit, voluntary entities formed by people in the social sphere that are separate from the state. They represent a wide range of interest and ties. They include community based organizations as well as non-governmental organizations (NGOs).

Civil Society Organizations (CSOs) are Non-Governmental Organizations (NGOs) that can be faith-based organizations and community based organizations that have an organized structure with mission. They are registered entities or groups that carry out activities for charitable, social, cultural, educational purposes and so on. They can also be seen as a social movement or group that carry out a lot of physical activities in order to achieve their aim through creating awareness to the public. Examples are the Labour Unions or Organizations representing workers and social entrepreneurs. They employ various innovative ideas in order to achieve their desired goals².

More so, Civil Society Organizations can be defined to include all non-market and non-state organization outside of the family in which people organize themselves to pursue a shared interest in the public domain. Examples include community-based organizations or groups, village associations, charitable organization environmental groups, women's right groups, farmer's associations, faith based organizations, labour unions, co-operatives, professional associations, chamber of commerce, independent research institute and which are not for profit making.

CSOs are voluntary organizations with governance and direction coming from citizens or constituent members, without significant government controlled participation or representation. Civil society organizations (CSOs) play a vital role in enabling people to claim their rights, promoting right based approaches in shaping developmental policies and they also oversee their implementation.

¹ A Jezard, Civil Society Organizations available at <https://en.m.weforum.org> assessed on the 5th December 2020 at 6:47am.

²H.A Schwartz et al, Concept and Definition of Civil Society sustainability, center for strategic & international studies (CSIS) available at [https:// www.csis.org/assessed](https://www.csis.org/assessed) on the 5th December 2020.

In USA, CSOs get involve in humanitarian assistance and they are seen as a private voluntary organization³.

Civil Society Organization in some cases, are often made up of groups of persons who have been marginalized, oppressed or under represented. They can form anywhere that people are experiencing these inequalities, but they are especially common among groups and nations who have a long history of economic and social afflictions. In these situations, Civil Society Organizations create a voice and a call for people without autonomy and access⁴. There is no doubt that civil society organization play a very vital role in the Nigerian electoral process.

2.2 Electoral Process

Election is a formal and organized choice by vote of a person for a political office or other position. It is a process in which people vote to choose a person or group of people to hold an official position.

They are means of selecting representative of the people in different public positions within the polity⁵. Elections in Nigeria are form of choosing representatives to the Nigerian Federal Government and the various states in the Federal Republic of Nigeria.

The people have political right to decide who should govern them in a free and fair conduct called election. Therefore, elections constitute an essential principle in liberal democracy. Election in a democracy is very important because it is through election that the expressions of the people are shown via legitimacy and leadership succession.

³NGOs and CSOs: A note on terminology Annex 1-UNDP. available at <https://www.undp.org/publications.phd.assessed> on the 5th December 2020 at 7:36am.

⁴Gabby Turner, The function and Impact of Civil Societies and Civil Society Organizations, available at <https://medium.am> assessed on the 5th December 2020 at 7:48am.

⁵Y Isma'ila et al, Challenges of Electoral process in Nigeria's Quest for Democratic governance in the forth Republic [2015] Journal Research on Humanities and Social Sciences, 522 p.4

Election is defined as a “post mortem” that investigates the record of office holders whose actual performance may have little to do with promises made when they were previously elected⁶.

The Electoral Act defined election to mean any election held under the Act and includes a referendum. General election means an election held in the federation at large which may be at all levels, and at regular intervals to select officers to serve after the expiration of the full terms of their predecessors⁷.

More so, electoral process is certainly about the steps, actions, activities, rules and procedures of conducting an election. The Independent National Electoral Commission (INEC) occupies an important position in the Nigerian electoral process. However, the Constitution⁸ has assigned three roles to INEC which is to control and monitor political parties, to propel political parties in the direction of national unity and to ensure the conduct of democratic elections. In Nigeria, Civil Society Organizations take full participation in the electoral process. Prior to the election, they carry out a lot of campaign by educating the electorate on their right to vote, right to collect their permanent voter’s card to enable them vote on the election day and carry out campaigns to shun all forms of electoral violence and malpractices during the election.

During the election, they send electoral observers who go round to monitor and observe the conduct of the election and after the election they forward their report and further making recommendations.

3 Legal Framework Regulating Civil Society Organizations in Nigeria

3.1 Local Statutes

3.1.1 The Constitution of the Federal Republic of Nigeria 1999 As Amended

The Constitution provides that:

Every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade

⁶NP Osinakachukwu, *the Electoral Process and Democratic consolidation in Nigeria*, [2011] 42 *Journal of Politics and Law* p.130.

⁷Electoral Act, 2010 (As amended) s.156.

⁸*Sylvia vs. I.N.E.C* [2018] NWLR (Pt. 1651) 310.

union or any other association for the protection of his interests provided that the provisions of this section shall not derogate from the powers conferred by this Constitution on the Independent National Electoral Commission with respect to political parties to which that commission does not accord recognition⁹.

The above section of the Constitution, gives civil society organizations the right to freedom of peaceful assembly and association. They have right to assemble and carry out their roles and functions in a lawful and peaceful manner without any interruption. The Constitution is the supreme law of the land and any other law which contradicts the provision of the constitution shall be null and void¹⁰.

The Court in *Dec. Oil & Gas Ltd vs. Shell (Nig.) Gas Ltd*¹¹.held that by section 1 (1) of the 1999 Constitution as amended, the Constitution is supreme and its provision shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria. Subsection 3 of the same section states that if any other law is inconsistent with the provision of the Constitution, the Constitution shall prevail and that other law shall to the extent of the inconsistency be void¹².

3.1.2 The Companies and Allied Matter Act 2020. The Act,¹³provides that where two or more trustees are appointed by any community of persons bound together by custom, religion, kinship or nationality or by anybody or association of persons established for any religious, educational, literary, scientific, social development, cultural, sporting or charitable purpose , they may, if so authorized by the community, body or association(in this Act referred to as the association) apply to the commission in the manner provided for registration under this Act as a corporate body. Upon being so registered by the

⁹Constitution of the Federal Republic of Nigeria 1999 (As amended) s.40.

¹⁰Constitution of the Federal Republic of Nigeria 1999 (As amended) s. 1(1).

¹¹[2019] 14 NWLR (Pt. 1692) p.286.

¹²*Aqua Ltd vs. Ondo State Sports Council* (1989) 4 NWLR (Pt. 91) 622; *Obikoya vs. Wema Bank Ltd* (1998) 1 NWLR. (Pt. 96) 157; *Skye Bank Plc vs. Iwu*(2017) 16 NWLR (Pt. 1590) 24; *PDP vs. Sheriff* (2007) LPELR 42763.

¹³Companies and Allied Matter Act 2020 s.832(1)

commission, the trustees shall become a corporate body in accordance with the provisions of S.830 of this part¹⁴.

The commission shall determine the classification of associations to be registered under this part in accordance with the aims and objects of the association¹⁵.

The application under section 823 shall state the form prescribed by the commission and shall state the name of the proposed corporate body which must contain the word "Incorporated Trustees of". The aims and objects of the association shall be for the advancement of any religious, educational, literary, scientific, social development, cultural, sporting, or charitable purpose and shall be lawful and shall also include names, addresses and occupations of the secretary of the association if any.¹⁶

More so, from the date of registration, the trustees shall become a body corporate by the name described in the certificate, and shall have perpetual succession, a common seal if they so wish, Power to sue and be sued in its corporate name as such trustees; and subject to section 836 of this part. They shall have power to hold and acquire, transfer, assign or otherwise dispose of the same for the purposes of such community, body or association of persons.¹⁷The certificate of incorporation shall vest in the body corporate all property and interest of whatever nature or tenure belonging to or held by any person in trust for such community, body or association of persons.¹⁸Also, the commission may direct that for all or any of the purposes of this Act.

- I. An association be treated as forming part of an already registered association and
- II. Any two or more associations having the same trustees be treated as single association. ¹⁹

¹⁴*Ibid* 832(2)

¹⁵*Ibids*.824.

¹⁶*ibid* s.825(1)(a) (b) &(c)

¹⁷*ibid* s.830(1)

¹⁸*ibids* s.830(2)

¹⁹*ibid* 3. 831 (i)(ii)

From the provisions of CAMA 2020, the Act made it clear that two or more persons can form and register an association to carry out its legal purpose with the Corporate Affairs Commission (CAC). The association will be seen as a legal personality that has a perpetual succession, a common seal if they so wish, and also can sue and be sued in its corporate name. This provision empowers civil society organizations to register their association as incorporated trustees and operate to achieve the aims and obligations of the association.

3.2 Foreign Instruments

The United Nations human rights instruments protecting these fundamental freedoms include the following:

3.2.1 Universal Declaration of Human Rights (UDHR) (1948): Article 20 states “Everyone has the right to freedom of peaceful assembly and association²⁰”

3.2.2 International Covenant on Civil and Political Rights and the First Optional Protocol (ICCPR) (1976): Article 22 states that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interest.²¹”

3.2.3 International Convention on the Elimination of All forms of Racial Discrimination (1969): Article 5 states “In compliance with the fundamental obligations laid down in article 2 of this convention, states parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: . . . the right to freedom of peaceful assembly and association.²²”

3.2.4 Convention on the Elimination of All forms of Discrimination against Women (1989): Article 7 provides that “State Parties shall take all appropriate measures to eliminate discrimination against Women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right . . . (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country²³.”

²⁰Universal Declaration of Human Rights 1948 Article 20

²¹International Covenant on Civil and Political Rights and the first optional protocol 1976 Article 22.

²²International Convention on the Elimination of All forms of Racial Discrimination (1969): Article 5

²³Convention on the Elimination of All forms of Discrimination against Women (1989): Article 7

3.2.5 Convention on the Rights of the Child (1990): Article 15 maintains that “State Parties shall recognize the rights of the child to freedom of peaceful assembly²⁴.”

3.2.6 UN General Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to promote and protect universally Recognized Human Rights and Fundamental Freedoms (UN Defenders Declaration) (1999).²⁵Article 5:

For purposes of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- a. To meet or assemble peacefully;
- b. To form, join and participate in non-governmental organizations, associations or groups;
- c. To communicate with non-governmental or intergovernmental organizations.

The State has a duty to promote respect for human rights and fundamental freedoms. That duty includes both a ‘negative’ responsibility – i.e., to refrain from interference with rights and freedoms – and positive – mechanisms are in place ‘to ensure to all individuals’ the recognized rights and freedoms.

This means that states have certain obligations to protect these rights with respect to third parties. Article 2 of the ICCPR is explicit in describing this duty of the States.

3.2.7 International Covenant for Civil and Political Rights.

No restrictions may be placed on the exercise of this right which is freedom of association with others other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*order public*), the protection of public health, morals or the protection of the rights and freedom of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right²⁶.

²⁴Convention on the Rights of the Child (1990): Article 15

²⁵UN Defenders Declaration, Article 5

²⁶International Covenant for Civil and Political Rights, Article 22.

State interference with fundamental freedoms must be based on legal grounds. First, certain rights are derogable in times of public emergency which threatens the life of the nation. Secondly, the ICCPR sets the parameters for restrictions on the right to freedom of association²⁷.

In other words, except on situations of public emergency, restrictions on the exercise of freedom of association are only justifiable where:

- a) Prescribed by law;
- b) In the interests of one of the four legitimate state interests:
 - National security or public safety;
 - Public order;
 - The protection of public health or morals;
 - The protection of the rights and freedoms of others, and
- c) Necessary in a democratic society.

4.The Role of Civil Society Organizations in the Nigerian Electoral Process.

Civil Society Organizations play a vital role, towards achieving a credible election. Civil Society Organizations (CSOs) have contributed immensely to the democratic consolidation and sustainable political development in Nigeria. In other words, responsibility of achieving a free and fair election seems to rest on the shoulders of CSOs. Civil Society Organization serve as an internal correctional mechanism to check-mate the electoral process in order to avoid electoral malpractices. They play prominent role in ensuring the credibility of the elections through vigorous voter education using both the traditional and social media for their campaigns. Civil Society Organizations play these roles prior to the conduct of election, in the course of the conduct of the election and after the conduct of election. The above statement makes it imperative to appraise the role of Civil Society Organization in the Nigerian Electoral Process prior, during and after the conduct of election. The writers will discuss the roles of Civil Society Organizations above stated *seriatim*.

4.1 The Role of Civil Society Organizations Prior to the Election.

Civil Society Organizations play enormous role in the Nigerian Electoral Process prior to the conduct of election. The roles are discussed hereunder.

²⁷International Covenant for Civil and Political Rights Article 22(2).

4.1.1 Advancing the Right of Group of Persons to Be Registered as a Political Party.

Civil Society Organizations before election advocate for persons who want to register their political party with Independent National Electoral Commission(INEC).

4.1.2 Voter Education and Awareness.

The contributions of Civil Society Organization cannot be over emphasized. They embark on series of advocacy to mobilized the citizens there by encouraging them to actively participate in voter registration exercise that precede the elections and encourage them to collect their permanent voter's card (PVC)before the election to enable them vote during the election. They also educate the citizens about exercising their franchise by coming out in masses to vote for the candidate of their choice during the election. They achieve this goal through the media.

4.1.3 Campaign Against Vote Buying and Electoral Violence.

Before the election Civil Society Organizations sensitize citizens against vote buying and involving in any form of electoral violence or any form of electoral malpractice.

A study of the election in all the 36 States of the Federation of Nigeria by the CLEEN Foundation, a Non- Governmental Organization that promotes safety, security and justice, identified the major drivers of these electoral violence. It identified "hot spots" across the country and established early warning and conflict mitigation networks especially in the Northeast and Middle Belt Regions.

4.1.4 Sensitization of Stakeholders in The Electoral Process.

Civil Society Organizations no doubt carryout sensitization workshops and seminars to educate the stakeholders in the electoral process of their duties and role in the election. These stakeholders include the Nigerian Police Force, members of civil defence, INEC officials, academic staff of tertiary institutions and soon. The members of the Nigerian Police force are trained to go to the poll and maintain peace and order during the election and not to harass the citizen thereby putting them in fear not to exercise their voting franchise freely. The

court however in the case of *Ononuju vs State*²⁸. stated the need for training and re-training of the Nigerian Police Force. The court in its wisdom stated that:

“A trigger happy police force is not a good police force. There is dire need for the training and re-training of the Nigerian Police Force if it is to take its place among the civilized police forces in the world.”

The above dictum of the court portrays that important of the roles of Civil Society Organization in training the Nigeria Police Force on their role prior, during and after electoral process in Nigeria.

4.1.5 Training of Electoral Observers.

The CSOs brought the highest number of domestic election monitors Nigeria has ever seen since the country’s return to civilian rule two decades’ ago. The Independent National Electoral Commission (INEC) accredited 120 domestic CSOs and 36 foreign observer groups, who fielded more than 7,300 observers in the 2019 election²⁹.

Ahead of the 2019 general Election, YIAGA Africa, a Civil Society Organization deployed more than 3,000 observers to all the country’s 774 local government areas, and conducted the crucial Parallel Vote Tabulation during both the presidential and National Assembly elections. Before the polls, YIAGA Africa fielded long-term observers to assess the pre-election environment and anticipated issues likely to arise on election day.

Civil Society Organizations before the 2019 general election trained most electoral observers on the roles they are expected to play during the election. They were also trained on the need to observe manual guidelines and regulations made for the conduct of election. More so the Supreme Court in *Andrew v. I.N.E.C*³⁰ expanded and elaborated the need for electoral officers to observe manuals, guidelines and regulations made for conduct of election. The

²⁸ [2014] 8 NWLR ([Pt. 1409] p. 354.

²⁹YIAGA Africa; Credible voices for Nigerian Democracy, available at <https://www.usaid.gov/nigeria/news/credible-voices-nigerian-democracy> assessed on the 11th December, 2020 at 12:50pm.

³⁰[2018] 9 NWLR (Pt. 1625) p. 525.

court stated that manuals, guidelines and regulations made by the electoral body in aid of smooth conduct of election are to be observed by both adhoc and permanent staff of the Independent National Election Commission (INEC)³¹.

4.1.6 Holding Several Discussions and Press Statements with Various Stakeholders Both from Within and Outside Nigeria.

Civil Society Organizations before elections hold several discussions with various electoral stakeholders from within and outside Nigeria.

4.1.7 Leading the “Not Too Young To Run” Campaign during the 2019 General Elections.

Ahead of the elections, USAID supported the CSO-led #NOT TOO YOUNG TO RUN campaign that led to a historic constitutional amendment which reduced the age requirement to run for many public offices thereby inspiring hundreds of youth to stand as candidate at the national, state, and local levels. Also, the Inclusive Friends Association (IFA) gave thousands of persons with disabilities a chance to vote through the ‘Access Nigeria’ campaign, which made INEC to develop materials for visually and hearing-impaired voters. The internally displaced and most extremely vulnerable groups received voter education and mobilization programs in several states as well.

4.1.8 Advocacy for the Application of the Freedom of Information Act to States.

Freedom of Information Act³² though a noble and worthwhile piece of legislation, does not have automatic application to the states. It therefore behoves on any state interested in adopting the provision of the Act in its territory to set the necessary machinery in motion for re-enactment of the law by the House of Assembly of the state.

This was the purport of the decision of the Court of Appeal in *EDOSACA V OSAKUE ORS*³³ wherein the court states that the notable provisions of the Freedom of Information Act, which have clearly established the intention of the

³¹ YIAGA Africa; Credible voices for Nigerian Democracy, available at <https://www.usaid.gov/nigeria/news/credible-voices-nigerian-democracy> assessed on the 11th December, 2020 at 12:50pm.

³² Freedom of Information Act 2011

³³ [2018] 16 NWLR (pt. 1645) p. 238.

legislature to legislate on transparent exposure or disclosure of public information without exemption or denials. It will be seen clearly from the provisions of the FOI Act that it is a piece of legislation which is not only necessary in a democratic society, it also seek to establish good governance and compliment the provisions of s. 39(1) of the Constitution, especially the phrase freedom to receive and impart ideals.

4.2 The Role of Civil Society Organizations During Election

These are salient roles that Civil Society Organizations play during the conduct of election proper.

4.2.1 Monitoring and Observing the Electoral Process

During the 2019 elections, the CSOs provided a Situation Room to provide election analysis and to track the way elections were being conducted. They were involved in the establishment of a 'Gender and Election Watch' and a 'Content Aggregation System for Elections' that compiled real-time data during the polls, and forming a loose coalition that deployed thousands of citizen observers, and collected and analyzed all kinds of information on actions of voters, security personnel, election officials and candidates.

The Situation Room provided analysis of new amendments to the Electoral Act, while the Policy and Legal Advocacy Center compiled and provided regular updates of regulatory challenges that could affect the polls, all contributing to improved ability for the public to access the quality of the process. The Nigerian Women's Trust Fund advocated for full participation of women both voters and candidates while the Yar'adua Center provided incident reports nationwide on voters, election officials and security personnel. A key concern ahead of the elections was the potential for violence.

CSOs brought together the highest number of domestic election monitors which Nigeria has ever seen since the country's return to civil rule during the 2019 election. The Independent National Election Commission (INEC) accredited 120 domestic CSOs and 36 foreign observer groups, who fielded more than 7,300 observers overall.

During the 2019 election, YIAGA Africa deployed more than 3,000 observers to all the country's 774 local government areas, and conducted the crucial PVT

(Parallel Vote Tabulation) during both the presidential and National Assembly elections. Well before the polls, YIAGA Africa fielded long-term observers to assess the pre-election environment and anticipated issues likely to arise on election day and afterwards. They collated the PVT (Parallel Vote Tabulation), observer teams fielded random samples of more than 1,500 polling units across every local government area into its 'Watching the Vote' National Data Center for a "quick count" tabulation.

More so, during the 2007 elections, CSOS came together under the Umbrella of - Democratic Election Observation groups, the group which included the Transition Monitoring Group (TMC), federation of -

The Civil Society Organizations supported by USAID have proven to be a solid pillar upon which Nigerians could rely as credible voices to hold government accountable to democratic promises during the general elections as the election process unfolded.

Muslim Women Association of Nigeria (FOMWAN), Labour Monitoring Team (LMT), Civil Liberties organization (CLO), Alliance for Credible Elections, Citizens Forum for Constitutional Reform (CFCR) and the Electoral Reform Network (ERN) deployed approximately 50,000 trained election Monitoring Team throughout the country.³⁴

These group joined together to mobilize citizens to go to the polls, advocate for adherence to democratic concepts and ideals, and candidly monitor the electoral process through observations shared on social media and other platform. These several innovative approaches to election observation and monitoring by the CSOs defined the Nigerian electoral process and creates room for improvements.³⁵

³⁴MF Alokpa, The Role of civil society organizations (CSOs) in the Nigeria Democratic Process 1999 - 2015, International Journal of Research of Arts and Social Science [2015] 82 P. 333. Available at <https://www.researchgate.net/Publication/331786718-The-role-of-civil-society-organization>. Assessed on the 11th December 2020 at 1.00pm.

³⁵YIAGA Africa, Credible voices for Nigerian Democracy, available at <https://www.usaid.gov/Nigeria/news.credible-voice-Nigeria-democracy-hph>. Assessed on the 11th Decembers 2020 at 1.30pm.

4.3 The Role of the Civil Society Organizations in Post Elections.

After the conduct of election, Civil Society Organizations still have important roles they play

4.3.1 Presentation of Electoral Reports.

After the 2019 general elections, Civil Society Organizations having monitored and observed the electoral process came up with their electoral reports. These reports came up after an objective assessment of the electoral process. The aim of these reports is to provide Nigerian citizens, electorate, government officials and other stakeholders that participated in the elections their observations during the elections and their recommendations on how best to address the challenges facing the process of achieving a credible election in the future. However, before coming up with these reports, they make pre-election assessment, the assessment examines the political environment and how the elections were conducted and in conclusion they offer recommendations to boost citizen confidence in the electoral process.³⁶

4.3.2 Petitioning INEC for Prosecution of Electoral Offenders.

Civil society organizations send petitions to INEC mandating to prosecute electoral offenders. They can as well apply to court for an order of mandamus compelling INEC to prosecute electoral offenders.

5 Challenges Facing Civil Society Organizations in Nigeria.

Notwithstanding the noble roles that Civil Society Organizations play in the Nigerian Electoral Process, the activities of Civil Society Organizations are mostly impeded by some challenges. Some of those challenges are legal while others are institutional. These challenges affect the effective discharge of the roles of Civil Society Organizations in the Nigerian Electoral Process.

5.1 Suspension of Trustees of the Organization by The Provisions of the New CAMA 2020.

The Act³⁷ provides that the Corporate Affairs Commission may by order suspend the trustees of an association and appoint an interim manager to

³⁶D Mitchell and D Twining, IRI/NDI Nigeria International Election Observation Mission Final Report, a Publication made by the International Republican Institute (IRI) and National Democratic Institute (NDI) in June 2019. P.15

³⁷Companies and Allied Matters Act, 2020 s. 839(1).

manage the affairs of the association where it reasonably believes that there is or has been misconduct or mismanagement of the administration of the association³⁸. It is necessary or desirable for the purpose of protecting the property of the association or the affairs of the association are being run fraudulently³⁹. However, the trustees shall be suspended by an order of court upon the petition of the commission or members consisting one – fifth of the association and the petitioners shall present all reasonable evidence or such evidence as requested by the court in respect of the petition.⁴⁰ The above section of CAMA is indeed a challenge to the CSOs in the sense that where a particular organization is not dancing to the tune of the government, the government may decide to weaken the organization by suspending its major trustees. This may put them in fear of not discharging their duties towards achieving their desired goals during the electoral process.

5.2 Lack of Unity

Divisions among the Civil Society Organizations in Nigeria along ethnic and regional lines have not helped its democratic advocacy. This has led to disunity and disagreement among the CSO in Nigeria in terms of decision-making and the unity of purpose. The internal contradictions within the membership make it difficult to agree on common positions during the period of engagement and such inherent divisiveness weakens efficiency and makes the associations vulnerable to penetration by government agents⁴¹.

5.3 Inadequate Funding

Most Civil Society Organizations in Nigeria are donor-dependent and most of them also depend on foreign donors. Inadequate funding no doubt hinders the activities of Civil Society Organizations in Nigeria

5.4 Reliance on Government Patronage.

Most often, the Nigerian private media, under the umbrella of the Nigeria Union of Journalist (NUJ), rely heavily on government patronage (advertisement) for survival and their independence has been seriously

³⁸ Companies and Allied Matters Act, 2020 s. 839 (1).

³⁹ *ibid*, s. 839 (1)(b)(c).

⁴⁰ Companies and Allied Matters Act, 2020 s. 839 (2)

⁴¹ O.A. Jolade, The Impact of Civil Society Organizations on Sustainable Development in Developing Countries: The Nigerian Experience (2014) International Multidisciplinary Journal Ethiopia 81 p.220.

compromised for this reason. There are also claims that the leadership of Nigerian Labour Congress (NLC) has compromised also its roles with the government in the recent 2020 strike/ mass protests against increase in prices made on petroleum products⁴².

5.5 Corruption and Personal Enrichment

There have been accusations of corruption, ranging from lack of transparency in the utilization of donor-funds to outright embezzlement/conversion of foreign donation to personal use. This tends to weaken the moral right of the CSOs to engage the state. It also hinders people of integrity and value from associating with them and this affects the impact of their advocacy for a change negatively. This is because it is stated that he who comes to equity must come with clean hands⁴³.

5.6 Lack of State Support and Partnership

The relationship between CSOs and the state is largely characterized by supervision and tension. For the most part, state officials have viewed CSOs as competitors for power, influence and legitimacy in the public sphere rather than as development partners⁴⁴.

6 Conclusion

Civil Society Organizations play significant roles prior, during and after elections.

They help in making the electorate understand the need to actively participate in the electoral process. They checkmate the electoral processes to ensure that electoral processes are done in accordance with the rules. They help in guiding the electorate to exercise their rights of registration before the election and collect their permanent voter cards (PVC) to enable them exercise their rights to vote during the election and to avoid any form of electoral violence. Notwithstanding these roles that Civil Society Organizations play in the Nigerian Electoral Process, Civil Society Organizations are mostly faced with

⁴²*ibid*,

⁴³*ibid*.

⁴⁴ O.A. Jolade, The Impact of Civil Society Organizations on Sustainable Development in Developing Countries: The Nigerian Experience (2014) International Multidisciplinary Journal Ethiopia 81 p.221

some legal and institutional challenges that affect the effective discharge of the roles of Civil Society Organizations in the Nigerian Electoral Process.

These challenges therefore call for a total overhaul of the legal and institutional framework for the activities of Civil Society Organizations in the electoral process in Nigeria in order to achieve an effective and efficient electoral process in Nigeria.

7 Recommendations

This work hereby recommends as follows:

7.1 Public Support

There is need for the public to support the activities of the CSOs during the electoral process. This support must be seen before, during and after the elections.

7.2 Repeal of s. 389 of CAMA⁴⁵

There is need for the legislative to remove the above section of CAMA⁴⁶. This is because it will place a barrier for the CSOs to achieve their aims and objectives during the electoral process.

7.3 Domestication of Freedom of Information Act in States⁴⁷

There is need for State Houses of Assembly of the various states in Nigeria to domesticate the Freedom of information Act to enable it have authentic application on the states.

7.4 Unity among the Civil Society Organizations.

There is need for the Civil Society Organizations to unite during the electoral period. This will help them achieve their aims and objectives during the elections.

7.5 Creation of Funding for Civil Society Organizations

There is need for government at all levels to set aside a fund for the use of Civil Society Organizations during every electoral process. This will ensure the independence of Civil Society Organization.

⁴⁵ 2020

⁴⁶ *ibid*

⁴⁷ *Op, cit*

7.6 Cultural Reorientation

There is need to disorientate Nigerians on the attitude of division on ethnic lines or affiliations. This will enable Civil Society Organizations and their members to see their target as correcting the electoral ills in Nigeria than to advance ethnic political advantage of a particular region.