

OBAMA: The phenomenon of a clear electoral process

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In the book Lord Denning: The Judge and the Law, the late Master of the Rolls is described by R.F.V. Heuston as a phenomenon. The learned Professor emphasizes that “a phenomenon is a highly unusual fact or occurrence: It is distinct from a noumenon, which is a purely intellectual construction. Lord Denning is certainly not that.”

Heuston hedges and notes that “the attempt made here to describe and explain the main events in a phenomenal career must be provisional: each age must interpret for itself the great men of its own and previous generations”. It is difficult to disagree with Heuston in the conclusion that each age must interpret for itself the great men of its generation. Obama, most certainly, must now qualify as a great man of his generation.

Against all the odds, the man who introduced himself as the unlikeliest presidential candidate, a candidate who did not fit the pedigree, has emerged as the 44th President-in-waiting of the United States . What a feat.

I can confidently claim that several Nigerians have been actively engaged and absorbed by the different dimensions that have seen Senator Obama (now President-elect) transform his audacity of hope to a lasting place on the global stage. His story is a clear and multi-dimensional testimony to the need for transparency in the conduct of public affairs, especially with regard to the elections of public officers. I have had the privilege on several occasions to partake from a distance in the process that leads to the election of Presidents of the U.S. Readers who have had the unique and exciting opportunity of following the electoral process in that country will confirm the beauty of democracy by popular vote.

A brief backgrounding appears necessary. By reliable accounts, Obama only came to the attention of his part apparatchik at the 2004 National Democratic Convention where he made a rousing and passionate speech. He is aptly described as a man of many firsts – the first African American Senator and now, the first Black man to claim the seat of power, the White House, as his would-be residence.

He can now flex his muscle as the first black man to become the most powerful person in the world. His meteoric rise has been spectacular, bringing him to a level where his place in history as the first African-American (a euphemism for black people in America) to be placed on the ballot by a major U.S. Party. Ironically, Obama’s roots are in Kenya , a country where only a while ago, violence erupted on account of active rigging of national elections. By the active participation of the International community, a consensus was forged and peace was restored.

Only too recently, there was an obvious threat to public peace in Zimbabwe following the refusal of the government in power to hearken to the voice of the people, spoken through the ballot box. The story of Zimbabwe reveals the pathetic harassment of political opponents including their sympathizers. The scenario in Kenya and Zimbabwe has on several occasions been replicated in many African countries. Our dear continent, Africa , has for several years reeled under the crushing desperation of people who want to lead by all means including military coups d’etat.

What does Obama signify? There is a bewildering array of positives from his ascendancy to the pinnacle of power – a major player on the world stage. To navigate through the primaries of his party and emerge as the Presidential candidate is a major testament to the clarity of the electoral process in his country. It was a process that witnessed the whittling down of the candidates to the final two resulting in the titanic clash of Obama versus Clinton – both are Senators representing key states.

In contrast, the route of choosing candidates through party primaries is the bugbear of the electoral process in

this country. Unlike the US where independent candidacy is lawful and constitutional, our constitution allows no such leisure for a person not sponsored by a political party. The reason is that section 221 of the 1999 Constitution provides that no association, other than a political party, shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election. To that extent, political parties by virtue of various legislative and constitutional provisions constitute the bedrock of political activities in our country, especially for the purpose of nomination and sponsorship of candidates for elective office.

The stranglehold which political parties have on the process of nomination of candidates has generated or contributed to the public perspective to the effect that no process, perhaps, has been more prone to abuse than that of nomination and sponsorship of candidates for elective office. Little wonder, that over the years, a plethora of cases have been reported on the subject. Litigation, on any matter, is very often an indication of discontent, disagreement, discord and dissatisfaction between the contending parties. It is also a clear indication of the rise in indices of lawlessness and abuse of powers. On the question of lawlessness and disregard for the provisions of the law, it is best to excerpt from the dictum of Denton – West, JCA in *Balonwu v. Obi*. She said:

“The Constitution of our great country, Nigeria is observed more by payment of lip service to its content than in upholding the same. The breach of the Constitution by all and sundry more especially by our leaders is appalling, and this has led to lack of good governance. Our leaders have abandoned the sacred duty of upholding the Constitution of Nigeria, 1999, which they swore to uphold and instead, have subjected the Constitution to ridicule.

It is this ridiculing of our laws and the Constitution in particular that led to this unwholesome spate of litigations, impeachments, corruption and indeed dangerous politicking that has rendered the society into traumatic convulsions. The whole Nigerian society instead of enjoying that which the Constitution in its opening declared for Nigerians now live in fear.”

The learned Justice of the Court of Appeal elucidated further on matters pertaining to leadership and followership which in our view, will have relevance and bearing to issues that will arise from an examination of the field in issue.

Again, she said: “We lack good leadership in our body politic. A good leader is someone who is able to lead and has the ability to influence his people positively to attain and achieve greater heights for the good of humanity. A good leader is selfless and has only the interest of the people he is leading at heart. A leader’s action always has a rippling effect on the society. The leadership’s wrong actions can destroy the society and bring it to naught, whilst the acts of a good and seasoned leader could catapult our country, Nigeria to the country we all dream about..... A good leader should adhere to law and observe same.

While the unwary may think of the above dicta as mere exhortation and pontification fit for Episcopal purposes only, it is our view, as will be seen anon, that there are indications that our political leaders in several instances have failed to be judicious in the application of the rules of fair play in the management of our political affairs. This lack of fairness and objectivity is more apparent in the nomination and sponsorship of candidates for the purpose of contesting elections.