

INDEPENDENT NATIONAL ELECTORAL COMMISSION AND THE REST OF US: A CRITICAL EVALUATION OF ITS VISION AND MISSION

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Abstract

This paper critically examines the Nigerian Electoral Institutions both the past and the present towards consolidating democracy in Nigeria. In doing this, we made recourse to the Independent National Electoral Commission (INEC). As a result, we shall critically evaluate the activities of the Independent National Electoral Commission (INEC) with regard to its mission and vision as enshrined in the 1999 Constitution of the Federal Republic of Nigeria (as amended). Also, colonial and post-colonial elections will be considered. We shall argue that the Independent National Electoral Commission (INEC) has over the years seemed to have deranged from its primary purpose, which involves conducting free, fair, transparent and credible elections in Nigeria. The electoral umpires both the past and the present have been accused of manipulating election results, rigging, and committing all sorts of electoral irregularities. Using analytic approach, we shall embark on conceptual analysis. We shall also explore the mission and vision of INEC as enshrined in Nigerian Constitution to find out whether it has deranged from its fundamental purpose. We shall as well evaluate INEC in relation to good governance and electing credible leadership. We shall also make reference to the basic guiding principles of INEC with regard to respecting the general will of the electorate. We shall conclude that if INEC should be allowed to maintain its independence from the executive arm of government and the politicians, and carry out its fundamental purpose, the will of the electorates will reign supreme in choosing their representatives.

Key words: Independent, free and fair election, INEC and Nigeria

Introduction

Election, which is considered as the instrument through which the will of the electorates are realized, has over the years seemed to be seriously manipulated and shortchanged. The truth remains that the supposed relevance of electoral umpires, especially the Independent National Electoral Commission (INEC), can never be overemphasized in a democratic society. INEC, as an electoral institution through which the electorates elect their representatives, is expected to be unbiased, credible and impartial institution, and as well, serve the purpose upon which it was established. From all indicates, we can rightly say that the

electoral institutions, both the past and present, were established to conduct free, fair and credible elections in Nigeria. But this objective seemed not to be feasible when we consider the past and the present elections conducted in Nigeria under these electoral management institutions.

Many authors, scholars, and political analyst have seriously condemned Nigerian electoral process as well as the unconstitutional practices of the Independent National Electoral Commission (INEC). It is based on this background this work sets out to critically evaluate the vision and mission as well as the guiding principles of INEC to find out whether those principles are maintained in conducting elections in Nigeria. To this end, we shall trace the origin of the elective principles in Nigerian constitution. In doing this as well, we shall take recourse to the colonial elections after which the post-colonial elections will be considered.

Emergence of Elective Principles in Nigeria

The issue of election cannot be discussed in Nigeria without making a reference to colonial period. There is no doubt that the colonial constitutions laid foundation for the political development and modern electoral process in Nigeria. The elective principles that is today practiced in Nigeria appeared first in the Sir Hugh Clifford's Constitution of 1922.¹ This constitution came after the Nigerian Council of 1914 was abolished by Sir Hugh Clifford in order to heed to the demands of the National Congress of British West Africa(NCBWA) for elective principles. The National Congress of British West Africa was the body that united all the countries under the control of the British colonial administration in Africa. They include Sierra Leone, Nigeria, Gold Coast that is today known as Ghana and Gambia. The constitution provided for both legislative and executive councils. The legislative council was made up of 46 members, and 27 of these members were British officials, who comprise both the official and unofficial members. Then, out of the 46 members, Nigerians were nineteen (19) in number. With this, Nigerians became minority in the council. Meanwhile, four (4) representatives out of the nineteen (19) members of the legislative council became members through elections. Three (3) members were elected from Lagos, while one (1) was elected from Calabar. This was the first time the election took place in Nigerian history. So, the elective principle that was first introduced in the Sir Hugh Clifford's Constitution of 1946 promoted the formation or development of political parties and at the same time, promoted suffrage. Among the political parties formed at the time were the Nigerian National Democratic Party (NNDP) launched by Herbert Macaulay and his

associates in 1923, Nigerian Youth Movement (NYM) in 1934, National Congress of Nigeria and Cameroons (NCNC) in 1944.

As well, Richard's Constitution and other subsequent constitutions helped to awaken the spirit of nationalism among the nationalists and continued to consolidate these electoral principles. This made the nationalists to push forward for self-government or independence. In all these, the common front then was to send the colonial masters packing. But, in the later years, things began to fall apart due to tribalism, ethnicity, religious affiliations, and as a result, the center could not hold. Subsequently, political parties were formed based on the division of Nigeria into regions, namely; Eastern region, Western region and Northern region introduced by the Richard's Constitution of 1946. Being under the colonial masters, the method of formation and the activities of these political parties were checked and supervised by the governor generals and other colonial officials working with him. At this point, regionalization which should have fast-track regional development seemed to have turned to a curse.

However, among the main features of the Richard Constitution include: a) provision for a legislative council which comprised 44 members; b) introduction of bicameral legislature of two chambers of a House of Chiefs and a House of Assembly in the Northern region, while the Eastern and Western regions had a unicameral legislature each (the House of Assembly); c) provision of a central legislative Council for Nigeria under the charge of colonial governor who wield unlimited powers on either to accept or reject decisions or resolutions of the legislatures; and d) provision of regional assemblies in the North.² In the East and West, legislatures were not to make laws, but to discuss legislations and work as Electoral College (EC) for the election of legislative Council. Though, the power to make and apply the laws all over the country resided with the governor in consultation with the legislative council members who cannot even influence his decisions.

However, due to the deficiencies of the Richard Constitution regarding the discrepancies between the executive and legislative arms of government, and the demands of the nationalists to accommodate Nigerians in the both executive and legislative council, the Macpherson Constitution emerged in 1951. The constitution was reformed with the help of the central legislative council. The main problem with the Richard Constitution was that executive was not responsible for the legislature. It was solely independent of the legislative arm of government. So, the Macpherson came to rectify the constitution and some other constitutional deficiencies, and at the same time promoted elective principle in the constitution. This constitution, as it were, increased the number of the elected

members in the legislature. For example, 90 elected members into the House of Assembly (and House of Chiefs) in the North (as the North practiced bicameral legislature); 8 elected members in the West including other official members that constituted a House of Assembly; and a President, 80 elected members, 5 officials, and 3 special members in the Eastern House of Assembly since the Eastern had unicameral legislature. The point is that each of these regions operated independently during colonial as enshrined in the colonial constitution of the time.

Amongst the significance of the Macpherson constitution include: a) the central legislature was renamed the House of Representatives which 136 members were Nigerians; and b) the regional legislative house acted as electoral college through which members of the House of Representatives were elected³. Macpherson constitution introduced Electoral College System (ECS) in 1951 under its auspice many elections were conducted in the colonial administration.

After the Macpherson constitution, the Lyttleton Constitution of 1954 emerged due to the demands of the Nigerian nationalist as they fought for self-determination. Since each of the constitution was made with aim of development and advancement of Nigerian situation, Lyttleton constitution also contributed to that. The fact remains that neither of these constitutions solved Nigerian electoral problems. Actually, the Lyttleton Constitution, amongst its impacts, contributed in promoting electoral process by: a) introducing the federal system of government; and b) introducing direct elections to both the federal and regional legislatures.⁴ One of the weaknesses of the constitution as identified by the nationalists was that the constitution did not make provision for a common electoral system for the entire country as was the case with the Macpherson constitution. This constitution with other subsequent changes and modification ushered in the independence constitution of 1960.

The effort so far is not to discuss the constitutional development in Nigeria, but to draw from these constitutions the emergence of the elective principles. As seen above, the concept of electoral college(s) was used to explain the body charged with conducting elections in Nigeria during the colonial period.

Electoral Institutions Established in Nigeria

Before the establishment INEC, elections have been conducted in Nigeria by other defunct electoral management bodies. With the advent of Nigerian independence in 1960, the Electoral Commission of Nigeria (NEC) was established in 1958 to conduct the 1959 elections (Wikipedia). This electoral body made the 1960 Nigerian Independence possible. The election was said to be

rigged by the then colonial governor Sir James Robertson in favour of the North, when he announced Alhaji Abubakar Tafawa Balewa as the Nigerian Prime Minister even when the collation of election results were still in progress. This really affected the already germinating seed of democracy in Nigeria.

With the 1960 Constitution, Nigeria was free to establish an electoral umpire to conduct its elections. Abubakar Tafawa Balewa, the then Nigerian Prime Minister, set up the Federal Electoral Commission (FEC) under the chairmanship of Eyo Esua (1964-1965) to conduct the immediate post-independence federal and regional elections of 1964 and 1965. The events of the military coup of 1966 led to its dissolution. In preparation 1979 General Election, General Olusegun Obasanjo set up the Federal Electoral Commission (FEDECO) in 1978 to organize the election to a return to civilian rule under the leadership of Chief Michael Ani to supervise the 1979 elections. This election, so to speak, ushered in the Nigerian Second Republic under the watch of Alhaji Shehu Shagari. The Federal Electoral Commission also conducted the 1983 elections. FEDECO was dissolved in 1987 when General Ibrahim Babangida (IBB) started moving the process of transition to civil rule. In view of this civil programme, IBB established the National Electoral Commission (NEC). NEC conducted the annulled 1993 election, which was alleged to be won by MKO Abiola, the presidential candidate of Social Democratic Party (SDP).

In 1995, the military government of General Sani Abacha dissolved NEC and established the National Electoral Commission of Nigeria (NECON), having taken from as Head of State from Chief Ernest Shonekan, Head of the Interim National Government. Though, this electoral body was not inaugurated before his death. NECON conducted elections into the local government councils and the National Assembly, which the elected officials into these were yet to sworn in before the Abacha's sudden death in 1998. In 1998, General Abdulsalami Abubakar took over power, dissolved NECON and set up the Independent National Electoral Commission (INEC) under the chairmanship of Justice Ephraim Akpata.⁵

INEC: Its Vision and Mission in Nigeria

As an Electoral Management Institution, INEC has its vision, mission and guiding principles. The Independent National Electoral Commission (INEC) was established by the 1999 Constitution of the Federal Republic of Nigeria to among other things organize elections into various political offices in the country. The functions of INEC as contained in Section 15, Part 1 of the Third Schedule of the

1999 Constitution (As Amended) and Section 2 of the Electoral Act 2010 (As Amended) include are as follows:

- a. Organise, undertake and supervise all elections to the offices of the President and Vice-President, the Governor and Deputy Governor of a State, and to the membership of the Senate, the House of Representatives and the House of Assembly of each state of the federation;
- b. Register political parties in accordance with the provisions of the constitution and Act of the National Assembly;
- c. Monitor the organization and operation of the political parties, including their finances; conventions, congresses and party primaries.
- d. Arrange for the annual examination and auditing of the funds and accounts of political parties, and publish a report on such examination and audit for public information;
- e. Arrange and conduct the registration of persons qualified to vote and prepare, maintain and revise the register of voters for the purpose of any election under this constitution;
- f. Monitor political campaigns and provide rules and regulations which shall govern the political parties;
- g. Conduct voter and civic education;
- h. Promote knowledge of sound democratic election processes; and
- i. Conduct any referendum required to be conducted pursuant to the provision of the 1999 Constitution or any other law or Act of the National Assembly.⁶

The mission statement reads thus:

To provide credible and efficient electoral services consistent with the principles of equity, justice, and fair play for the building of a strong and viable democracy.⁷

The vision statement reads:

...is that of a dynamic, formidable and independent organization committed to the instrumentalization of an enduring democracy, which allows for effective and smooth political change.⁸

The supposed guiding principles of INEC towards achieving its vision and mission in Nigeria include: a) autonomy; b) transparency; c) integrity; d) credibility; e) impartiality; f) dedication; g) equity; and h) excellence.

Since its establishment, INEC has conducted series of elections in Nigeria. The elections conducted by INEC since its establishment in 1998 include: the 1999 General Election, the 2003 General Elections, the 2007 General Elections, the 2011 General Elections, the 2015 General Elections and just concluded 2019 General Elections. Having stated this, one wonders whether the Independent National Electoral Commission (INEC) has ever been committed to its mission and vision in Nigeria. Or, has INEC ever built a strong, enduring and viable democracy in Nigeria as was stated in its vision and mission?

In answering the above question, it is proper to examine the meaning of democracy. Since INEC was established to build a strong, enduring and viable democracy, it is quite imperative here to understand the concept of democracy.

INEC and Democracy in Nigeria

From the law that established INEC, we can rightly observe that it purposely set up to consolidate democracy in Nigeria. One may ask: What is democracy? How can INEC consolidate democracy in Nigeria?

What Is Democracy?

Democracy, as a concept, has been so much emphasized in the political realm as a better political system. Democracy has been embraced by many nations in world despite lots of controversies that have thrived or associated with it. The concept, "democracy" is said to come from two Greek words "*demo*" meaning "the people", "the poor people", "the masses", "the mob", and *kratein* meaning "to rule". Therefore, democracy means "rule by the people", "rule by the mob" or "rule by the masses."⁹ A popular definition of democracy was given by Abraham Lincoln when he defines democracy as "the government of the people, by the people and for the people". From the root of the word, it is clear that people or the masses are central to democracy, or that democracy revolves around the people, the constituents of society. Though, this definition has been criticized with regard to contemporary practices of democracy. The criticism anchored on the fact that democracy has been described as the government of the elites, where elites of the society control and share political powers among themselves, their friends and their associates. This even happens among the countries that are said to be, or categorized as, democratic nations or countries.

As a system of government, democracy was first practiced among the Athenians. This was observed in the works of Greek philosophers like Plato (427-347 BC) and Aristotle (384-322 BC). Even Plato and Aristotle rejected democracy underground that it promotes mediocrity and enthrones intellectually bereft individuals as leaders of the people. Accordingly, democracy as a rule of the incompetent and ignorant crowd, it pays attention to quantity, not quality; votes are counted not weighed".¹⁰ Metala defines democracy as a system of government in which people exercise their governing power either directed or through representatives periodically elected by themselves.¹¹ Buttressing further on the meaning of democracy, Metala citing Appadorai's *The Substance of Politics* notes that Democracy draws strength and legitimacy from the assumption that it is the highest safeguard of individual liberty, creates the highest opportunity for political participation, guarantees equality.

Democracy can be seen as a principles as well as an institution. As a principle, Metala asserts that democracy intends towards mutual tolerance of views of people through dialogue and expression of individual or/and collective opinions with the aim of attaining the common good. On the other hands, as an institution, it seeks to establishment and eager to maintain the apparatus and atmosphere under which free expressions can take place.¹² Therefore, democracy is institutionalized through the following agencies of the society, namely; the legislature, the executive, the judiciary and other agencies purposely established by the state to or/and enforce the germination and sustenance of democracy.¹³

Webster dictionary cited in Momah's *Electoral Commissions and the Conduct of Elections in Nigeria: The Role of INEC* defines democracy as government by the people; rule of the majority; a government in which the supreme power is vested in the people and exercised by them directly or indirectly. Commenting further Momah asserts that Democracy is a human right, as such, it is included in a number of the most important international human rights standards, such as the Universal Declaration of Human Rights Art.1, which states that "Everyone has the right to take part in the governance of his country, directly or indirectly, or through freely chosen representatives... Art.3 states that the will of the people shall be the basis of the authority of the government; this will be expressed in periodic and genuine elections that shall be held by secret vote or by equivalent free voting procedures."¹⁴

The emphasis here is on the representative democracy, which most often comes through election not through imposition of a candidate. Representative democracy is defined as a democratic process where under the principle of political equality where candidates are periodically elected into political offices

to serve a period of time as mapped out in a constitution. Constitution, as stated here, is the fundamental legal framework or basic law of a country, it assigns powers and duties to government institutions and agencies, indicates how decision-makers are to be selected, defines scopes of governmental authorities, establishes the nature of the relationship between the people and their government, and states how political leaders are to be held accountable.¹⁵

Basically, democracy has made it possible that people are placed in different political positions through election. Then, what is election? Election, as defined by Okoye Festus, is:

A complex set of activities with different variables that act and feed on one another. It can be defined as a 'formal' act of collective decision that occurs in a stream of connected antecedent and subsequent behaviour. It involves the participation of the people in the act of electing their leaders and their participation in governance. Elections are not necessarily about Election Day activities, although it forms an important component. It encompasses activities before, during and after elections. It includes the legal and constitutional framework of elections; the registration of political parties, party campaigns, the activities of the security agencies and the government in power. It includes the authenticity and genuineness of the voter's register. It includes the independence or lack of it, of the electoral agencies and organs. It includes the liberalism or otherwise of political processes in the country and the independence of the adjudicating bodies in elections.¹⁶

In Nigeria for instance, INCE is among the institutionalized mechanism through which democracy is meant to be sustained and promoted in the society, and through which the individual rights are meant to be respected. It involves the rights of the electorate, that is, respecting the "will of the people" or "the will of the electorates". The question remains: How far or to what extent has INEC gone in fulfilling its primary responsibilities?

INEC: The Democratic Journey So Far?

The representative democracy has made it possible that through election, people, masses or the electorates are allowed to make choice among the political parties or candidates vying for different political offices like presidential seat, Federal House of Representatives, senate, gubernatorial seats, State House of Assembly, Local government chairmen seat, councillorship positions, and other elected

positions. The Independent National Electoral Commission (INEC), in Nigeria) is charged with the responsibility to conduct free, fair, and credible elections into these political seats in Nigeria. As the INEC is charged with these responsibilities, some principles are mapped out to guide it in discharging these utmost responsibilities. The guiding principles as written in the 2019 Electoral Manual explains thus:

- a. **Autonomy:** this is relentlessness in the pursuit of autonomy for effective electoral service. This shows that for INEC to effectively and efficiently do its work, it should not be under the influence of any arm of the government be it executive, judiciary and legislative.
- b. **Transparency:** this means that openness in all activities and in relations with stakeholders, the media, service providers and the people of Nigeria.
- c. **Integrity:** integrity shows that integrity should be a watchword in the activities of INEC. Integrity indicates the demonstration of high moral standard and honesty in all dealings with the people of Nigeria.
- d. **Credibility:** credibility in all actions and activities thereby remains an institution that people can trust.
- e. **Impartiality:** creation of a level playing field for all political actors.
- f. **Dedication:** commitment to providing quality electoral services for all people of Nigeria.
- g. **Equality:** fairness and justices in dealing with all people.
- h. **Excellence:** promotion of excellence and ensuring that merit remains that basis for the recruitment and compensation of staff.¹⁷

Despite the above guiding principles, INEC has been accused of impartiality, lack of integrity, lack of dedication, inequality, incredibility, and being under the influence of the executive arm of government and elites of the society especially the politicians in discharging its primary responsibility of fair, free and credible elections. Before now, that is, before the establishment of INEC, the past electoral umpires as mentioned earlier were accused of electoral irregularities and/or malpractices. The first and second republic witnessed lots of political violence as those electoral umpires established both in the First Republic and Second Republic were alleged to be involved in one election fraud or the other. They have been accused of electoral irregularities and manipulation of election results.

In 1964 and 1965, under FEDECO the then electoral body, Nigeria conducted a federal election into the House of Representatives that was said to be marred by serious crises. The election was contested by only two political parties, namely; the United Progressive Grand Alliance (UPGA) and Nigerian National Alliance (NNA) which both of them were coalition of different political parties. Elections were conducted in different regions as Nigeria was still under the regionalization introduced by Richard Constitution in 1946. The truth is that most of the political parties were formed under regional affiliations and loyalty, and these implanted the seed of discord, mutual suspicion and tribalism. Election frauds were alleged in the west, east, mid-west and north. The principal political actors like Alhji Tafawa Balewa, Dr. Nnamadi Azikiwe, Chief S. L. Akintola, Sir Ahmadu Bello and others, who were members of different political parties in one way or the other were accused of influencing the then electoral umpire to favour one region or the other. Meanwhile, most of these abnormalities were carried over from the pre-independent era to the post-independent political party formations, even when regionalization was the determinant factor. Despite the fact that almost all those political parties in their political manifestoes vowed to attain power through democratic and constitutional means, promote participatory democracy, and foster Nigerian unity, they were not Faithfull to their political promises.. The FEDECO which was established to deepen democracy in Nigeria was alleged to be part of electoral malpractices and fraud. The point here is that FEDECO that was set up to promote democracy contributed in destroying democracy which it was meant to deepen or consolidate. This period, as alleged, witnessed high level of political killings, looting of the national treasury, arson, influencing of the electoral officers by the ruling party then, Nigerian National Democratic Party (NNDP), destruction of property and electoral atrocities. This wittingly questioned the integrity of the electoral body as at the time.

In 1979, the same Federal Electoral Commission (FEDECO) conducted another general election, where different positions like presidential seat, House of Representatives, State House of Assembly, and other positions were heavily contested. Among the parties that featured in the election, especially presidential election include GNPP, Alhaji Waziri Ibrahim, PRP, Mallam Aminu Kano, NPP, Dr. Nnamdi Azikiwe; UPP, Chief Obafemi Awolowo; and NPN, Alhaji Shehu Shagari. The electoral umpire, under the chairmanship of Mr. Michael Ani was alleged to have declared Shehu Shagari the winner against the principles of the constitution of the Federal Republic of Nigeria, which upheld the two-third majority votes cast in the states of the federation. So, the sole accusation leveled against FEDECO was that the Returning Officer declared Shehu Shagari the winner, when it was clear that he (Shagari) did score one quarter of the total

votes cast in at least two-third of the nineteen (19) states of the federation.¹⁸ This, however, was against the electoral laws as well as the letters of the constitution.

The same thing was applicable in 1983 general election. These elections, especially the 1983 election were alleged to have been massively rigged election in favour of National Party of Nigeria (NPN). With the alleged rigging, NPN won the presidential elections of 1979 and 1983, which was criticized heavily by other political parties like Unity Party of Nigeria (UPN). Federal Electoral Commission (FEDECO then was accused of electoral malpractices. This was among accusation the military used to overthrow the then civilian government. It is a fact that rigging of election can never be possible if the electoral umpire is not part of the dirty deal?

Still, the abolition of FEDECO by the military regime led to the promulgation of the Transition to Civil Rule Decree by the Armed Forces Rulings Council under General Ibrahim Babangida. During this period, two party system was promulgated in Nigeria, namely; Social Democratic Party (SDP) and National Republican Convention (NRC). These parties contested presidential seat and other political seats all over the country, and the presidential seat was alleged to be won by the SDP which Chief MKO Abiola was the presidential candidate. This election was annulled by the military regime of Ibrahim Babagandi which till date is referred as June 12, 1993 annulment. Till date, this election, under the Chairmanship of Humphrey Nwosu, was considered the freest, fair and credible election ever conducted in Nigeria.

INEC and the Rest of Us

As said earlier, the vision and mission statement of INEC is never in contradiction with the constitutional principles that armed at institutionalized democracy in Nigeria from the Nigerian First Republic to the era of Fourth Republic. INEC, as said earlier, has conducted series of elections since its establishment from 1999 to 2019. The question is: To what extent has INEC promoted democracy? From the definition of democracy stated above, the basis of democracy is respecting the fundamental human rights, respect to the rule of law, etc, and fundamentally, is the respecting the will of the people or masses in choosing their representatives. The phrase “the rest of Us’ represent the populace who desire to live in a democratic society.

The 1999 general election ushered in the Fourth Republic of Nigeria. The same accusations that were leveled against FEDECO in 1960s, 1970s and 1980s are today being leveled against INEC. As said earlier, since the establishment of INEC in 1999, it has organized series of elections, which include: the 1999

General Election, the 2003 General Elections, the 2007 General Elections, the 2011 General Elections, the 2015 General Elections and recently concluded 2019 General Elections. In 1999, for example, INEC, under the chairmanship of Ephraim Apkata, was accused of committing electoral fraud. Some of the political parties that contested against the PDP like AD-APP and others, in the 1999 presidential general election accused INEC for electoral flaws. Going through the 2003, 2007, 2011 and 2015 general elections, Nigeria witnessed another round of electoral flaws. PDP held power from 1999 until 2015 general election when it was defeated by All Progressive Alliance (APC). Among the contested political parties were: PDP, which had Olusegun Obasanjo as its presidential candidate; ANPP, Muhammadu Buhari as its presidential candidates in 2003; APGA, Odumegwu Ojukwu, etc.

In 2007, under the Prof. Maurice Iwu, INEC organized a general election, which Umaru Musa Yar'dua contested under the platform of PDP against other political parties; Buhari and Atiku contested under the political platform of ANPP and AC respectively amongst others. In 2011, Prof. Attahiru Jega, as the Chairman of INEC, conducted the presidential election, National Assembly, Governorship and House of Assembly. PDP had Goodluck Jonathan as its presidential candidate; CPC, Muhammadu Buhari; ACN, Nuhu Rabidu and others that contested. Furthermore, the 2015 elections organized by the same Prof. Attahiru Jega, as the Chairman of INEC, were also heavily contested among PDP, Goodluck Jonathan; APC, Muhammadu Buhari; and other political parties as well. Well, we are not here to trace the INEC and the activities of political parties in Nigeria, but to find out whether INEC has over these years promoted democracy in Nigeria through conducting free, fair and credible elections.

However, Reuters World News on April 23, 2007 captioned "Yar'Adua declared winner of Nigerian poll charade". This report by the observers described the election as charade. Despite this situation, INEC went on to declare PDP the winner of the election.¹⁹ EU, US and other observers described the 2007 election in the following manner. The European Union observers commented on the poor election organization, lack of transparency, significant evidence of fraud, voter disenfranchisement, violence and bias. Max van den Berg, EU Observer asserts that "These elections have not lived up to the hopes and expectations of the Nigerian people and the process cannot be considered to have been credible".²⁰ On the other, the United States said the vote was "flawed" but stopped short of calling for it to be overturned. McCormack Sean, State Department spokesman opines that "Problems should be resolved peacefully and according to the

constitution". In 2011 and 2015 elections, Nigerians witnessed the same electoral irregularities.

In 2019, INEC organized another general election that could be described as a bizarre election. The 2019 general election was marred with electoral violence, killings, and ballot snatching, and other electoral atrocities. INEC's inability to conduct the presidential, Senatorial and House of Representatives elections that were first scheduled on 9th March, 2019 that led to its postponement few hours to the commencement of the elections due to the claimed "logistics challenges" questioned they said guiding principles of INEC. This, as well, shows the level of incompetence of Nigerian Electoral Management Institutions. Other factors that may have arisen from this failure or incompetence are disenfranchisement of many Nigerians, rigging of election, electoral apathy, lack of trust on INEC, etc. With this also, many Nigerians lost hope in INEC. Again, declaring some states, like Bauchi State, Adamawa State, Sokoto State, Kano State, Plateau State, and Benue State allegedly won by Peoples' Democratic Party (PDP), inconclusive, and the Suspension of election in Rivers State, seem to justify the accusation that INEC has been the instrument of the ruling party for election result manipulations. The Vanguard Newspaper Captioned it as "Inconclusive Polls: The Battleground States"²¹, which could be interpreted to mean so many things like expected violent states, war zone elections states and so on, which Nigerians really observed them to be during the presidential held on 16th of March, 2019 and gubernatorial elections held of 23rd of March, 2019.

Few days to the elections, having known condition of Nigeria during elections, the US warned against election rigging, violence and other political intimidations against political opponents as well as involvement of INEC in election malpractices or irregularities. Odunsi captioned in his article: "Nigerian Election: US Issues INEC Stern Warning" quoted Michael Pompeo, the United States Secretary of State, saying that "the general election would be an opportunity for the country to solidify its democratic leadership in Africa".²² The statement obviously highlighted the impact of INEC in promoting democracy or democratic society in Nigeria and Africa in general. Commenting further, he said that United States government supports a free, fair, transparent and peaceful election that reflects the will of the Nigerian people. It is critical that the INEC operates free from outside pressure and intimidation and in a total objective manner. The external powers, especially from the executive and politicians in influencing the operations of INEC have questioned itself acclaimed "independence, integrity, impartiality, equality, fairness, neutrality among the political parties be it the ruling party or otherwise. Other international

organizations like the National Democratic Institute for International Affairs and the Carter Center(NDI/Carter) having observed the role INEC can play in promoting democracy in Nigeria, has been attached or availed itself to assist the electoral umpire to realize its vision and mission, especially with regard to election observations, accurate and complete assessment of election process. Some of this assistance ranges from providing legal framework for election; an accurate and complete voters register, counting of votes, preparing election time table, etc.

All these gear towards achieving a democratic society as well as making sure the human rights are respected during elections in Nigeria. Disfranchisement is against the principles of democracy. People should have the right to choice or elect their representatives as the representative democracy has made it possible, and guaranteed the fundamental human rights of all irrespective of one geopolitical zone, tribe, or religion.

Conclusion

Basically, the electoral umpires from the very moment of their establishment are meant to deepen democracy; promote and sustain democratic principles in Nigeria. Election is an element of democracy through which the electorates freely elect their representatives. Therefore, the previously established electoral bodies like FEDECO, NECON as well as INEC seemed not to have maintained and promote the objective upon which they were established by the constitution of the Federal Republic of Nigeria due to either executive influence or other external influences. Therefore, we conclude that that if the electoral umpires like INEC should be allowed to maintain its independence from the executive arm of government, and carry out its fundamental purpose, the *will* of the electorates will reign supreme in choosing their representatives and that will contribute in consolidating democracy in Nigeria.

Endnotes

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