

## INDEPENDENT NATIONAL ELECTORAL COMMISSION AS INSTRUMENT OF DEMOCRATIC CONSOLIDATION IN NIGERIA

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### Abstract

This article examines the Independent National Electoral Commission (INEC) as instrument of Democratic Consolidation in Nigeria. The main objective is to examine INEC role in democratic consolidation in Nigeria. Data were collected from secondary source. the article is anchored on the institutionalization theory. It was discovered that some of the challenges INEC faces in its effort to consolidate democracy in Nigeria includes: the activities of **anti-democratic elements in Nigeria political space, vote buying and election violence, and frivolous court injunctions**. The paper recommends among other things that Nigeria's political elites' value orientation needs to change for democracy to be strengthened in the nation. Political parties' ideological foundations, which encourage political decamping must be changed. and democratic values must not only be ingrained but also reinforced. The piece concluded that Nigerians recognized and welcomed democracy because it has the potential to guarantee political stability and advancement

**Keywords:** *Democracy, Democratic Consolidation, Election, and Electoral Process*

### Introduction

To state that since 1960 when the country gained her political independence to the fourth

republic which was ushered in from 1999 till date, Nigeria has had 23 elected presidents without a military coup d'état, amount to stating the obvious. Nigeria has held twelve general elections since 1960. There were two elections held in the First Republic, two in the Second Republic, one in the Third Republic that was annulled, and seven in the Fourth Republic that is now in place. If the 2023 election is successful there will be eight elections. Nigerians Despite the successful transition from military to democracy the nation is still in the process of consolidation its democracy (Babatunde, 2015).

Democracy is without a doubt is one of the most favoured type of government in every country. One of its fundamental tenets is that the people should participate by choosing who will govern them (Elaigwu, 2014). Therefore, it is crucial to note that a functional democracy requires working as a group and holding elected leaders responsible through credible elections (National Democratic Institute, 2012).

Huntington (1998), cited in Babatunde (2015), argued that democracy could be said to have been consolidated when a group that gains power during a period of transition loses subsequent election, transfers power to another election winner, and the same thing happens again at a later time. Although the "two turnovers" requirement hasn't been successfully applied in Nigerian history, the general election of 2015 was a significant turning point. The 2015 general elections successfully transitioned power from a party that had held onto power for sixteen years to an opposition party at the national level, ushering the country into the age of "first turnover" towards democratic consolidation.

Different people have different interpretations of what "democracy" implies; some believe it to be a struggle for power, while others believe

it to be about representation (Anowor, Uwakwe and Chikwendu, 2019). According to Nwoye (2001), participation and effective representation are the foundation of democracy. There are electoral bodies in place in every democracy that are tasked with holding elections. It is known as the Independent National Electoral Commission in Nigeria (INEC). The Federal Republic of Nigeria's 1999 Constitution established INEC with the purpose of, among other things, organizing elections in Nigeria. Sections 2 and 15 of the Third Schedule of the 1999 Constitution (as amended) and section 15 of that schedule describe the duties of INEC.

Multiple legal decisions have interpreted INEC's obligations to operate as an impartial, nonpartisan umpire in the performance of such obligations. The Commission is nevertheless burdened with a significant amount of responsibility for maintaining transparency throughout the electoral process, from the registration of political parties through the actual holding of elections. Despite the Commission's roles and responsibilities as a tool for democratic consolidation, the continual election postponements, official rivalries among members of the same political party, vote-buying, unrest, and other types of electoral violence negate its actual responsibilities. These among others are the issues the paper tends to explore.

The work is qualitative with data collected through the secondary resource. This source includes, journal articles, textbooks, newspapers, as well as materials from INEC portal. Desk analysis of these materials were done to make the work a robust one.

## **Conceptual framework**

### **Democracy**

A democratic system is one in which the ruled are held responsible for the rulers through a number of different political systems. Such

systems involve competitive multi-party elections held at regular intervals (Oigiangbe, 2018). According to this perspective, Gana (1996) defined democracy as the rule by people who have been freely chosen by the people and held accountable for their acts while in office. The term "demoscratos," which translates to "people's power or rule," was used by the ancient Greeks to describe the concept (Sarabjit, 2002). It indicates that democracy has its origin in Greek culture, where individuals were given the chance to participate in decision-making. It is a universal rule of government that supports high moral standards and grants the populace the right to take part in the decision-making process, forcing them to steadfastly adhere to their collective interests (Anowor and Ogbe, 2019). According to Muhammad (2013), the idea can be seen as a form of government that includes the broadest range of participation, either through elections or the implementation of favoured policies. The government is based on the notion of the rule of law which is opposed to arbitrariness, high handedness, authoritarianism, and also antithetical to military authority.

### **Democratic Consolidation**

A democracy is deemed to be consolidated when none of the major political actors, parties, or organized interests, forces, or institutions consider(s) that there is any alternative to the democratic process to gain power and that no political institutions or groups have a claim to veto the decision of democratically elected decision makers (Linz, 1999 as cited by Igbokwe-Ibeto, Osakede, & Kinge, 2016). democracy can be viewed as "the only activity, business, or strategy in the society," hence Im (1996) posit that:

Democratic consolidation includes not only procedural or formal democracy but also substantive democratic elements, such as guarantees of basic civil rights, democratic accountability and

responsiveness, civilian control over the military, democratic and constitutional checks on executive authority, and punishment of occupational and human rights abuses.

According to Diamond (2013), cited by Muhammad (2013), the process of obtaining broad and deep legitimization such that all key political players believe that popular rule is preferable for their society than any other plausible alternative they can envisage is what is meant by democratic consolidation. This demonstrates that even though Nigeria has been a democracy since 1999, additional democratic consolidation is needed. There have been several difficulties in the political environment. Constant election postponements, inconclusive elections, insecurity, corruption, the problem of "godfatherism," inconsistent information, poverty, a lack of true federalism, violations of human rights, and the influence of ethnicity and religion are a few of the obstacles to Nigeria's democratic consolidation.

### **Election**

Elections are activities that result in the choice of one or more people from among many candidates to hold positions of authority in a community. Free, fair, and credible elections are associated with democratic governance, peace, and development; besides, the foundation for the establishment of democratic, accountable, and legitimate administrations with the ability to instigate and carry out clearly outlined development programs is free, fair, and credible elections. Elections provide a chance for the populace to express their right through the ballot in order to give their government legitimacy, renew it if required, or revoke it, which is the foundation of accountability in government (Onodugo et al, 2019). Igboikwe-Ibeto, et al. (2016) quoted in INEC (2011) view elections as an expression of

the citizen's sovereign will, assisting to confer legitimacy on political leadership.

Because it upholds the will of the people, democracy is viewed as the best type of government. The choice of who will represent the people is up to them. In a democracy, elections are crucial because they are the means by which the will of the people is expressed through legitimacy and a succession of leaders (Nwokeke & Jayum, 2011). It functions as a mechanism to guarantee the success of the leadership process. But in Nigeria, the opposite has always been the case since the country's independence. Election rigging tainted the Nigerian election. This, according to Nwabueze (2003) cited in Nwokeke and Jayum (2011), refers to electoral manipulations, which are manifestly illegalities committed with a corrupt, fraudulent, or sinister motive to influence an election in favor of a candidate or candidates. Examples of such illegalities include illegal voting, bribery, treating and undue influence, initiating and other forms of forces exerted on the electorate, falsifying results, and fraudulently declaring a losing candidate as the electoral umpire, who is charged with holding free and fair elections for these offices, usually assists with this. To this end, Adejumobi in Nwokeke and Jayum (2011) agreed that there should be electoral regulations governing the conduct of elections.

### **Historical Perspective of Election Bodies in Nigeria**

The Electoral Commission of Nigeria (ECN) was created in 1959 to organize the 1959 general elections, marking the beginning of the establishment of electoral bodies in Nigeria during the pre-independence era. Other electoral bodies have since been established to conduct elections with the maintenance of Nigeria's democracy as their primary goals (INEC, 2022). These bodies operate under the guiding principles of honesty, dedication, transparency, and impartiality. Among them was the Federal Electoral Commission (FEC),

which was founded in 1960 and presided over from 1964 to 1966 by Mr. Eyo E. Esua. In 1964 and 1965, respectively, it held the first indigenous federal and regional elections. However, following the military takeover in 1966, the electoral body was disbanded. General Olusegun Obasanjo's military regime established a new Federal Electoral Commission (FEDECO). The Second Republic, led by Alhaji Shehu Shagari, was established in 1979 with the help of the elections, which were managed by Mr. Michael Ani, who was appointed as the commission's chairman. From 1976 until 1979, Chief Michael Ani led FEDECO as its chairman. In 1980, Shehu Shagari's administration chose Victor Ovie-Whiskey to lead the Federal Election Commission (FEDECO). He held the position until 1983, when Shehu Shagari was declared the winner of the presidential election once more. Meanwhile, the military struck in 1983 and enthroned General Mohamadu Buhari as the new Head of State. There were no electoral bodies activities throughout General Buhari's tenure as military head of state of Nigeria. On the 27<sup>th</sup> of August, 1985 General Ibrahim Badamosi Babaginda staged a coup which dethroned Buhari's regime. And in 1987 he created the National Electoral Commission of Nigeria (NEC), which was initially presided over by Professor Eme Awa from 1987 to 1989. Before stepping down as the Commission's chairman in 1989, Prof. Eme Awa presided over the local government elections in 1987. His resignation ushered in Prof. Humphrey Nwosu, who was chosen to lead the Commission in 1989. Prof. Nwosu overseen the June 12 1993 presidential election which was considered by many as free and fair. he introduced the option A4 and open ballot voting systems. However, the military administration instructed him to halt the declaration of the election's results and winner, and he was subsequently fired. The administration of Ibrahim Babaginda canceled the election that took place on June 12, 1993.

Sequel to the annulment of the June 12 1993 presidential election and the subsequent dismissal of Prof Nwosu as NEC chairman, Mr. Okon Edet Uya was appointed as the chairman of the Commission in June 1993 with a mandate to conduct another election in March 1994. However, given the chaos that followed the annulment issue, conducting another election immediately was not feasible. When General Sani Abacha assumed the leadership position of the nation, in November 1993, he fired OkonEdetUya as commission head and dissolved the body that followed. To handle the March 1997 Local Government Election, he nevertheless formed the National Electoral Commission of Nigeria (NECON) in December 1994 and named Summer Dagogo-Jack as its chairman. However, the elected officials were not sworn in owing to the sudden death of Sani Abacha.

The Nigerian National Electoral Commission was disbanded by the new administration led by General Abdulsalami Abubakar. Consequently, a new transition program was inaugurated to usher in the Nigeria's fourth republic. The Independent National Electoral Commission (INEC) was established to conduct and manage elections. Justice Ephariam Akpata was named the Chairman. Akpata conducted the 1998 local government elections and the 1999 general elections. General Olusegun Obasanjo (Rtd) won the presidential election on February 27, 1999.

The Independent National Electoral Commission's second chairman, Sir Abel Guobadia, was chosen in May 2000. He oversaw the 2003 elections and left his position as chairman of the commission in 2005, making room for Prof. Maurice Maduokolam Iwu, who was chosen by President Olusegun Obasanjo to lead the Commission in June 2005. On April 28, 2010, Acting President Goodluck Ebele Jonathan removed Prof. Iwu from his position. The Independent National Electoral Commission was headed by Prof. Attaihiru

Muhammadu Jega, who was nominated by President Goodluck Ebele Jonathan on June 8, 2010. He was the first INEC chairman to successfully oversee and organize two general elections in 2011 and 2015. He left his position in June 2015.

Following Prof. Jega's term's expiration on June 30, 2015, President Mohammadu Burhari appointed Mrs. Amina Bala Zakari to serve as Interim Chairman of the Independent National Electoral Commission. On October 21st, 2015, Mahmood Yakubu, the commission's current chairman was appointed to replace her. President Muhammadu Buhari appointed him, and he oversaw and conducted the 2019 General Elections.

It is important to remember that these various electoral bodies were typically tasked with duties like registering political parties, registering eligible voters, regularly updating the voter registration list, screening candidates, political education, and conducting elections in a transparent and impartial manner. Additionally, they are responsible for providing ballot boxes and necessary election materials, counting the ballots, and declaring the results. Candidates must be registered, voting procedures are monitored, winners of elections are announced, and certificates of Return are issued and withdrawn. among other tasks allowed by the constitution. However, because of obstacles like political involvement, poor security, election cheating, and vote-buying, these electoral organizations did not fully fulfil the goals that they aspired to achieve. (INEC, 2022)

### **Theoretical framework**

Theoretical approaches to democratic consolidation abound. Institutionalization and unwritten laws are some of them. Institutionalization: According to some scholars is the process by which a democracy is solidified entails the development and enhancement of the democracy's secondary

institutions. According to Linz (1999), the institutions that surround and support elections are what strengthen democracy. However, O'Donnell (1988) contends that the institutionalization of electoral laws is not the most intriguing aspect of democratic consolidation.

O'Donnell's strategy compares informal actor practices with formal institutional rules (like the constitution) (for example the rule of law). According to this perspective, consolidation occurs when system players adhere to (and have formally institutionalized) the formal rules of the democratic institution (Kalu, 2011; Agbarakwe and Anowor, 2018). The study uses an informal rules methodology. This is because Nigeria's democracy has been damaged by the country's inability to satisfy the demands of societal expectations, a lack of accountability, and inactive citizenry. In Nigeria, the operational standard of democracy is less about political rivalry and more about active citizenry, public accountability, and the capacity to uphold democratic governance principles. Other issues include the state's incapacity to handle the challenge of rising expectations within the polity as well as the political leaders' failure to foster a culture of shared ownership in the exercise of governance and in the creation of the ideas necessary to govern. As a result, the research contends that the actors' disregard for democratic governance principles is what prevents the consolidation of democracy in Nigeria. As a corollary to this reality, the study contends that strict adherence by all politically relevant strata of the Nigerian state to the globally approved norms democratic governance is the antidote to the current impasse.

### **The Role of INEC as Instrument of Democratic Consolidation in Nigeria**

Credible elections have been demanded repeatedly over the years in order to set the stage for a solid democratic process. Leaders, particularly in Africa, find it challenging to

cede control in order to promote greater citizen participation. However, INEC is the organization established in accordance with the clause in Section 153 (1) f (1) of the 1999 Constitution of the Federal Republic of Nigeria.

INEC is the organization in charge of overseeing the federal and state elections as a result. It is the primary device used to guarantee the integrity of the electoral process and monitor the behaviour of the political parties. Therefore, the growth of political parties and the consolidation of democracy depend critically on the credibility with which it conducts its affairs (Anyalebechi, 2022).

Additionally, it registered political parties and eligible voters for elections, informed and educated the electorate about election procedures in the nation, screened and registered eligible candidates for elections, provided sufficient security for electoral officers, electoral materials, party agents, and the voters to ensure a successful election, and provided ballot boxes, papers, and other essential election materials. oversees the voting procedures carried out in the voting booths, the announcement of the results, and the issuance of certificates of return to successful candidates or their withdrawal as necessary. All of these functions are designed to strengthen democracy.

### **Challenges to INEC Effort in Consolidating Democracy in Nigeria**

There is no denying the fact that a lot of challenges confront INEC in its attempt to consolidate democracy in Nigeria. To some of these challenges we now turn:

- i. Anti-democratic forces: there are some anti-democratic elements in Nigeria political space who go to any length in a bid to disrupt the democratic process. These elements weep up sentiments against INEC effort to conduct free, fair and credible elections. They indulge in pre-election

violence to dissuade INEC from conducting elections. Also, they deployed other means such as pre-election petitions, peddling of force rumours in social median as well as print and electronic median to disparage INEC and characters of politicians with an intension to disrupt conduct of credible elections. These have in one way or the order challenge INEC conduct of credible pools in Nigeria.

- ii. Frivolous court injunctions and inordinate character of judicial officers: another major challenge pose to INEC during electioneering year is frivolous court injunctions by politicians and political parties against INEC and their political opponents. This has posed monumental challenges to INEC as most of these injunctions are expressly granted by judges whose character and judicial integrity are questionable. Even When it is apparently and abundantly clear that such court injunctions are met to disrupt election process, they still go ahead to grant them. It even came to a time that judges of coordinate jurisdictions passed conflicting judges over the same case at the same time. These have in no small measure attempted to strangulate democratic consolidation in Nigeria.
- iii. Vote buying and election violence: Free, fair and credible elections are ingredients of democratic consolidation. But when election is marked by high degree of vote buying and election violence, the outcome cannot be said to be free, fair and credible. This is antithetical to democratic consolidation. Unfortunately, most elections in Nigeria from the first republic to fourth republic cannot be said to be devoid of vote buying and violence. Arresting these menaces has been a major obstacle to INEC. The more INEC strategies to curb these menaces through amendment of electoral laws and other election strategies, the more the politicians and political parties evolve

other ways of circumvent INEC's effort. In addition, the abject poverty the Nigeria citizens are subjected to which is reinforced by mass unemployment has made the electorates to sell their vote in every election without minding the consequences. Hence, Muhammed (2013) viewed abject poverty as one of the barriers to Nigeria's quest for consolidating her democracy. Citing the work of Ake (1996), Muhammed noted that a society of beggars, parasites and bandits cannot develop. It cannot know peace or stability and cannot be democratic. (Muhammed, 2013: 185)

- iv. Thuggery and election rigging: Thuggery and election rigging has become the hallmark of elections in Nigeria. There is hardly any election conducted in Nigeria without report of high-level thuggery and massive rigging of elections by politicians and political parties. Successive electoral bodies have tried to annihilate these cancers but their efforts end in futility. These had also threatened democratic consolidation in Nigeria. However, it is hoped that the amended electoral laws will be able to abate these menaces in our election.
- v. Inordinate ambition of politicians to win at all cost: Nigeria politicians are too ambitious. They take election as "do or die" they don't want to accept any result except is in their favour. They want victory at all cost even to the detriment of those they wish to governed. Hence, they stage protest when the results do not favour them and head to election tribunal, court and up to supreme court even when is glaring that they lost the election. Little wonder that they deployed violence means to secure victory in pools. This could debilitate INEC's effort to consolidate democracy.
- vi. The Incumbency Factor: In political parlance, incumbency refers to holders of

political office who enjoy certain privileges (such as wider media coverage and security) which are not available to other contestants in the electoral contest. These privileges create some electoral margin for the incumbent running for re-election leading to an incumbency abuse factor. In Nigeria, this factor promotes appointment of corrupt and or compromised electoral officers, manipulation of the electoral law and the constitution, manipulation of the electoral tribunals to protest stolen mandates, use of state security forces and apparatus to intimidate opposition parties, denial of access to state owned media houses etc to ensure they regain or elongate their tenure against popular will (Jaja & Aumona, 2011:125). This indeed is anti democracy.

### **Conclusion and Recommendations**

Nigeria recognized and welcomed democracy because it has the potential to guarantee political stability and advancement. is without a doubt the favourite system of government in the entire planet. One of its fundamental tenets is that the people should participate by choosing who will rule them. Elaigwu, (2014). Elections have been more routine since 1999, despite several anomalies. Credible elections increase the government's ability to exercise legal authority and promote social and economic growth while also enhancing community security.

Therefore, as correctly noted by Igbokwe-Ibeto, Osakede, and Kinge (2016), Anowor and Agbarakwe (2018) we recommend that INEC be divided into three separate entities: The Political Parties Registration and Control Commission, the Electoral Offences Commission, and the Election Managers. This separation and independence of office, he claimed, will also help to hold election officials accountable. To summarize, in order to strengthen Nigeria's democratic consolidation,

the Nigerian government and all stakeholders should state their intentions very explicitly in favour of free, fair, and credible elections.

Besides, the political elite's value orientation needs to shift for democracy to be strengthened in the nation. Our political parties' ideological foundations, which encourage political emigration, must be changed. Furthermore, in order for democracy and democratic consolidation to flourish in the nation, democratic values must not only be ingrained but also reinforced.

Finally, the fight against corruption needs to be vigorously pushed. To put it another way, it needs to go beyond political intimidation, political propaganda, and witch-hunting of political rivals. Regardless of the public official's standing in society, the government must generate the political will to punish corruption in the public sector. The National Assembly should also pass legislation that includes the death sentence as a punishment for crimes related to corruption

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