

THE INDEPENDENT NATIONAL ELECTORAL COMMISSION AS AN (IM) PARTIAL UMPIRE IN THE CONDUCT OF THE 2007 ELECTIONS

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ABSTRACT

As a central agency in the democratic game, the role of an electoral body such as the Independent National Electoral Commission (INEC) is clearly of paramount importance in the process of transition to and consolidation of democracy. Unfortunately in Nigeria the performance of this institutional umpire since the First Republic has instead been a source of crisis and a threat to the existence of the Nigerian state. The widely perceived catastrophic failure of INEC in the April 2007 general elections was only one manifestation for the 'performance crisis' of antecedent electoral umpires in the Nigerian First, Second and Third republics. The paper highlights the malignant operational environment as a major explanation for the manifest multiple disorders of the elections and concludes that INEC's conduct was tantamount to partiality. Thus, while fundamental changes need to be considered in the enabling law setting up INEC, ensuring the organisation's independence, and guaranteeing its impartiality, the paper suggests that membership of the commission should be confined to representatives nominated by their parties and a serving judge appointed by the judiciary as chairman of the commission.

INTRODUCTION

In political theory the authority of the government in democracies derives solely from the consent of the governed. The mechanism through which that consent is translated into governmental authority is the regular conduct of elections. Modern

democracies, therefore, rely on this mechanism to fill offices in the legislature, the executive and, in some cases, the judiciary, as well as states and local governments. Elections, therefore, have become a universally accepted tool for selecting representatives. In recognising this established international criterion Africa has recently embraced elections as a condition for civilised governance.

The forms elections take and the purposes they serve, however, vary from country to country. The most important difference among national electoral systems is that some provide the opportunity for opposition while others do not. Democratic electoral systems, such as those that have evolved in the United States and Western Europe, allow opposing forces to compete against and even to replace current office holders. Authoritarian electoral systems, by contrast, do not allow for the defeat of those in power (Lowi & Ginsberg 2000).

To show further the popularity of elections Pammatt (1981) argues that elections are virtually omnipresent institutions in nations of the modern world, no matter how authoritarian the actual regime. Elections are popular because they serve a multiplicity of functions for almost everybody connected with them, including, of course, those who conduct them and the political system which sponsors them.

Within the political system elections perform first an initial recruitment role by providing an orderly way of choosing the rulers or elites which govern a society. Within the purview of legitimacy, the very fact that elections have taken place and have produced a result creates support for the political system, provided the contest is free and fair. At the same time, elections create a certain amount of legitimacy.

For individuals, elections forge a link between them and the political system. This connection can foster a sense of support for that system or a sense of personal efficacy and a belief in the potential to provoke a response from the system to personal or group demands. Palmer (1975) suggests that elections provide individuals with a voice in their own affairs. Elections also facilitate socialisation by providing individuals with education and information about politics as well as by influencing their political position.

Free and fair elections promote accountability in elected officials, socialise political activity and expand citizen involvement. They guarantee a stable polity, reduce conflict, and restore confidence in the government and the state (Ijim-Agbor 2004, p135). Iyayi (2005) notes that elections are the medium by which the different interest groups within the bourgeois nation state can stake and resolve their claims to power through peaceful means. The relevance of elections in a democracy is captured in Heywood's assertion (2002) that elections are a necessary condition for political representation, suggesting why some thinkers have gone further and portrayed elections as the very heart of democracy. Where elections

fail to bring about change freely and fairly they often lead to anti-social choices by individuals or groups. Such choices may include, among others, insurgency and guerilla activities. Recourse to history reveals that flawed elections in Nigeria have been precursors to major unwanted and uncivilised developments. As documented by Iyayi (2005), the controversial elections of 1965 were largely responsible for the coup d'état of January 1966. Again, the flawed elections of 1983 were used as the rationalisation for the military coup of 31 December 1983. Finally, the flawed elections of 1993 (principally the annulment by Babangida of the 12 June election) produced the Abacha palace coup of 1993 and paved the way for his memorable dictatorship. It is obvious that the heavily rigged and highly flawed 2003 elections set the scene for the attempt to extend the tenure of President Obasanjo beyond 29 May 2007 through what was termed the third-term agenda.

It is clear that elections in Nigeria share the common features of fraud and irregularities master-minded by the leadership of the state and hatched by the electoral body. The 2007 general elections were simply a further example. It is widely held by election observer missions and other participants that the 2007 elections were heavily flawed. INEC has been accused of partiality and outright collusion with the police, other security organisations, the executive arm of government and the Peoples Democratic Party (PDP) to rig the elections in favour of the PDP. This collusion manifested in massive stuffing of ballot boxes, deliberate delays in delivering election materials to areas considered non-PDP strongholds, and the issuing of fake election results sheets.

The manifest performance crisis of INEC raises questions not only about the future and recovery of democracy in Nigeria but also the possibility of INEC conducting any credible and reliable election in the future, given its antecedents.

This paper examines INEC and the question of its partiality in the conduct of the 2007 elections with a view to revealing the underlying factors responsible for the institutional weakness of the body, which led to the flawed election,. It hypothesises that the failure of INEC to organise an impartial election in 2007 was contingent on systemic pressures associated with a malignant electoral environment.

CASES OF MALPRACTICE IN THE 2007 GENERAL ELECTIONS

In strongly worded statements delegations from the European Union (EU), the Economic Community of West African States (ECOWAS) and the National Democratic Institute (NDI), among others, held the view that the elections were not credible. The European Union Election Observer Mission (EUEOM) reported that they were marred by violence, significant fraud, voter disenfranchisement,

lack of transparency, and widespread irregularities. The report holds that in 78 per cent of polling stations observed during the elections materials, especially ballot papers and results sheets, were missing.

The EU, which had 150 observers monitoring the election, said the polls had fallen short of basic international standards for democratic elections. Max van den Berg, the head of the team, described the elections as among the worst the EU had ever observed and said they had not lived up to the expectations of the people.

The International Republican Institute (IRI), with 59 observers, concluded that the election process had failed to meet international standards. The institute observed widespread underage voting, voter registration list errors, stuffed ballot boxes, absence of results sheets, falsified results sheets and party observers and police telling individuals who to vote for.

The NDI, which had 61 monitors deployed in 14 states, also believed the electoral process had failed and had represented a step backward, testing the viability of many of Nigeria's weak public institutions, especially INEC.

The Transition Monitoring Group (TMG), on behalf of the Domestic Election Monitoring Group, maintained that the elections were a charade, with irregularities so numerous and far-reaching they failed to meet the standards required of a democratic election. The body called for the cancellation of the polls as the federal government and INEC had failed woefully in their responsibility to conduct free, fair and credible elections.

The Joint Action Forum, comprising 50 civil society organisations, concluded that the elections revealed an INEC that was completely in support of the PDP (Royal African Society 2007).

The submissions of these groups, which have proven international credentials, attest to the fact that the elections were a colossal failure. The outright disregard for the people's mandate was proof that, in the words of Stalin, quoted in Adeagbo and Olaosebikan (2007), 'those who cast the votes decide nothing; those who count the votes decide everything'. This feat was achieved through a panoply of tricks, blackmail, intimidation and deceit by the presidency, INEC, the PDP and the law enforcement agencies. Millions of Nigerians have been scandalised by the crude violation of their voting rights.

The crudity of the election rigging was breathtaking. In many states across the country, particularly in the South-South, South-East and South-West, no elections actually took place. In Anambra State, for instance, in most cases polling stations visited by observers simply did not open at all – there were no officials and no voting materials. Observers from the Catholic Church's Justice, Development and Peace Commission reported that in Anambra central senatorial districts no votes were cast at all.

In Awka town, Human Rights Watch reported that several polling stations were open at about noon, but, because of widespread controversy surrounding the lack of voters' registers and results sheets at some polling stations many voters refused to participate and only a handful of ballots were cast.

One of the INEC officers in Awka town was quoted as saying he was ready to do his job but did not have the appropriate materials. The voter register INEC had given him contained only two names, although more than 100 people were registered to vote at that particular polling station.

Despite these flaws, INEC declared Andy Uba winner of the gubernatorial election with 1,9 million votes, when the total number of registered voters in Anambra State was 1,8 million. Recognising the absurdity of its action, the commission, with no sense of shame or explanation, consequently reduced Uba's vote to 1,09 million.

The elections in most other states followed a similar sinister pattern. In Edo, Ogun, Osun, Ondo, Ekiti, and Oyo states partial voting was allowed in a few areas, while theft of ballot boxes and organised violence dominated events. Predictably, working according to its predetermined agenda, INEC awarded victories to the PDP candidates in all these states, notwithstanding the visible and overwhelming rejection of the PDP ruling governments by the working masses (DSM 2007).

The gubernatorial and Assembly elections in Oyo State were characterised by snatching and burning of ballot boxes, intimidation of voters, harassment of journalists, and indiscriminate shootings. Notorious areas in which fraud was rampant were Olomi, Oke-Are, New Garage, Odo-Ona Elewe, Mokola all in Ibadan City. In the Lagelu and Egbeda Local Government Area INEC officials replaced the names of residents with those of non-residents, while the under-aged engaged in voting in the Akinyele Local Government Area of Oyo State (Adeagbo & Olaosebikan 2007).

In many instances government officials were involved. Although he later denied it vehemently, Omolade Oluwateru, Ondo State deputy governor, was allegedly sighted snatching ballot boxes in Akure, the state capital, under the gaze of a plethora of security agents, including soldiers, whose intimidating presence should ordinarily have made such acts impossible. Tony Ala, special assistant to Governor Olusegun Agagu, a PDP candidate, was also reportedly caught with ballot boxes. In Osun State a PDP member of the House of Representatives was caught by vigilant residents in his bid to escape with ballot boxes that had been stuffed with thumb-printed ballot papers. Later, policemen intercepted him and whisked him off to Osogbo, the state capital (Yusuf 2007, p 21). The drama attendant on the declaration of the Ondo State gubernatorial result shows INEC's level of commitment to rigging the election. While the state's

resident electoral commissioner informed the public that the result was still being collated, Umeadi, the federal INEC commissioner for information, had declared Agagu of the PDP the winner.

In Enugu State the PDP reportedly hired two floors of a popular hotel near the Enugu State Broadcasting Service in Uwani to thumbprint thousands of ballot papers. Meanwhile, there were no INEC officers at polling stations where security agents shot at random to intimidate voters and deter them from exercising their rights. In Bayelsa State, as in most states in the country, INEC officers and materials were absent from several polling stations and in some of the few places at which INEC officials made an appearance they arrived without election results sheets (Obi 2007, p 21). In Kogi State, PDP political thugs roamed the towns of Idah, Ankpa, Kabba, Ibaji, Emu, Ogbabon, Koton-Karfe, Ejuku, Olamaboro, Magongo and Lokoja, the state capital, with dangerous weapons, terrorising voters and forcing them to flee to safety.

In Edo State it was quite clear that the state power brokers were not comfortable with the candidature of Oshiomhole (one-time chairman of the Nigeria Labour Congress and the gubernatorial candidate of the Action Congress (AC)). Envisaging their political death in the event of the emergence of Oshiomhole as state governor, the PDP godfathers resorted to the use of thugs to manipulate the electoral process. The declaration by INEC of Osunbor of the PDP as winner of the gubernatorial election threw the state into uncontrollable pandemonium.

Delta State recorded widespread arson and destruction of lives and property as well as hijacking of electoral materials. At the headquarters of the Ukwani Local Government Area the INEC office was burnt down by angry protesters, who accused the PDP of manipulating the electoral process. In Abraka many people were shot, vehicles burnt, and houses torched. The orgy of violence extended to Kwale in the Ndokwa West Local Government Area, where youths went on the rampage after waiting until 1pm for electoral officials to arrive. In Rivers State in the early hours of the day of the gubernatorial election suspected militants invaded and bombed two police stations, killing seven policemen. Fear of violence made many voters stay away from the polls, however the state's resident electoral commissioner declared the PDP candidate the winner with an outrageous vote of 1 853 217 – 90 per cent of the total votes cast (Ajaero 2007).

In Kwara State, as in other states, elections were not held in many areas and, where they were held, ballot boxes containing genuine votes were forcibly replaced with those already stuffed with thumb-printed ballot papers in favour of the PDP.

In Ekiti State a serving high court judge was allegedly caught in Osi in Ekiti Local Government Area stuffing ballot boxes with thumb-printed papers. At Oro in Irepodun Local Government Area a PDP chieftain, assisted by weapon-wielding thugs, was alleged to have burnt a ballot box at a polling station, replacing it

with another, stuffed with thumb-printed papers (Adeagbo & Olaosebikan 2007). The situation was little different across the Niger, especially in Benue State, where there was no voting at all and what played itself out was a mockery of the electoral process. Armed soldiers and mobile policemen, under the influence of PDP supporters, carted away ballot papers to unauthorised destinations for thumb printing. In Nazarawa State there was a travesty of the electoral process. At the central collation centre in Lafia armed security men, accompanied by PDP thugs, stormed the place and carted away all the ballot boxes and results sheets, allegedly taking them to government house, where they were burnt and replaced with new sheets favouring the PDP.

The overall display of indecent electoral management by INEC is made manifest in the results of the gubernatorial election, as presented in Table 1.

Table 1
Results of the 2007 Gubernatorial Elections

Governorship				House of Assembly seats
State	Party	Candidate	Results	
Lagos	AC	Babatunde Fashola	828 484	37
	PDP	Musiliu Obanikoro	389 088	3
	DPA	Jimi agbaje	114 557	
Osun	PDP	Olagunsoye Oyinlola	426 669	15
	AC	Rauf Aregbesola	240 722	11
Oyo	PDP	Adebayo Alao-Akala	357 976	13
	ANPP	Abiola Ajimobi	239 189	11
	AC	Taoheed Adedoja	146 670	4
	LP	Bashiru Apapa		1
Sokoto	PRP	Magatakarda Wammako	392 058	22
	DPP	Muhammed Dingyadi	296 419	7
Ogun	PDP	Gbenga Daniel	426 132	25
	ANPP	Ibikunle Amosun	135 149	
	AC	Dipo Dina	79 915	

Ebonyi	PDP	Martin Elechi	506 44	22
	ANPP	Ogbonnaya Onu	28 579	
	AC	Henry Chima Ude	3 186	
Akwa Ibom	PDP	Godswill Akpabio	1 044 566	
	AC	James Iniama	19 865	
	ANPP	Sam Ewang	11 439	
Taraba	PDP	Danbaba Suntel	515 016	
	AC	Ahmed Yusuf	119 720	
Abia	PPA	Theodore Oriji	265 389	
	PDP	Onyema Ugochukwu	136 858	
	ANPP	Ikechi Emenike	36 374	
Yobe	ANPP	Mamman Ali	210 166	
	PDP	Adamu Waxiri	186 399	
	ADC	Zayanu Abagana	34 052	
	AC	Tijani Tunsu	30 444	
Rivers	PDP	Celestine Omehia	1 853 127	
	LP	Ashley Emenike	101 347	
Katsina	PDP	Ibrahim Shema	1 185 489	
	ANPP	Abu Ibrahim	218 302	
	DPP	Usman Bugaje	54 449	
		Sani Abu	3 442	
Anambra	PDP	Andy Uba	1 093 004	28
	APGA	Virginia Etiaba	71 296	
	ADC	Njideja Ukochi	14 562	
Ondo	PDP	Olusegun Agagu	349 258	
	LP	Olusegun Mimiko	226 051	
	AC	Ademola Adegoroye	33 507	
Kogi	PDP	Ibrahim Idris	724 839	16
	AC		304 335	5

	MRD		12 244	
	D			
Ekiti	PDP	Segun Oni	177 689	8
	AC	Kayoed Fayemi	108 305	15
	ANPP	Yinka Akerle	24 952	3
Edo	PDP	Oserheimen Osunbor	329 740	13
	AC	Adams Oshlomhole	197 472	7
	ANPP	Emmanuel Arigbe-Osula	8 253	
Delta	PDP	Emmanuel Uduaghan	1 004 043	22
	DPP	Great Ogboru	46 809	
	Accord			2
	AC			1
Enugu	PDP	Sullivan Chime	787 306	
	Accord	Ugochukwu Agballa	25 103	
Kano	ANPP	Ibrahim Shekarau	671 184	24
	PDP	Ahmed Bichi	629 469	12
	AC	Usman Riruwal	126 235	
Jigawa	PDP	Sule Lamido	523 940	28
	ANPP	Mohammed Ibrahim	260 055	2
Kaduna	PDP	Namadi Sambo	1 326 632	20
	ANPP	Sani Sha'aban	478 725	9
	AC	Suleman Zantu	109 415	1
Bauch	ANPP	Isa Yuguda	550 251	
	PDP	Nadada Umar	474 233	
	AC	Ahmed Shuaibu	9 354	
Niger	PDP	Babngida Aliyu	443 764	
	ANPP	David Umaru	210 359	
	AC	Isa Ladam	136 590	
Cross River	PDP	Liyel Imoke	836 207	

	NDP	Eyo Etim Nyong	14 062	
	ANPP	Paul Ukpo	9 996	
Bayelsa	PDP	Timipre Sylva	776 715	
	AC	Mohammed Kumalla	57 468	
Nasarawa	PDP	Allu Akwe	467 302	
	ANPP	Solomon Ewuga	232 709	
	AC	Sule Abdullahi	51 027	
Kwara	PDP	Bukola Saraki	572 938	
	DPP	Gbenga Olawepo	63 743	
	AC	Suleiman Ajadi	53 409	
Gombe	PDP	Banjuma Goje	985 013	
	DPP	Abubakar Hashidu	38 303	
	AC	Musa Mohammed	32 211	
Plateau	PDP	David Jang	465 364	
	AC	Pam Dung Gyang	269 273	
	ANPP	Victor Lar	195 911	
Kebbi	PDP	Saidu Usman Dakingari	469 595	
	ANPP	Faruk Bunza	134 553	
	DPP	Abubakar M. Abubakar	133 800	
Zamfara	ANPP	Mahmud aliyu Shinkafi	415 455	
	PDP	Yahaya Abdulkarim	122 351	
	DPP	Lawal Shuaibu	73 625	
Adamawa	PDP	Murtala Nyako	336 892	
	LP	Joel Madaki	86 684	
	ANPP	Abdulrahman Adamu	34 720	
Benue	PDP	Gabriel Suswan	1 086 489	24
	ANPP	Daniel Saror	276 618	4
	AC	Shima Ayati	58 238	

Source: *Tell* magazine 30 April

Given the level of political apathy and the threat by visibly armed security men stationed everywhere in Nigeria, there is no way there could have been the level of voter turnout reflected in the table. The result of the presidential election announced by INEC even stunned president Y'Aradua, who acknowledged in his inaugural speech that the electoral process had been faulty. The results simply show the crude manipulation by INEC in favour of the PDP.

The 2007 election aligns completely with the radical view of elections which portrays them as a means through which governments and political elites can exercise control over their populations, making them more quiescent, malleable, and, ultimately, governable. This view emphasises top-down functions, which include building legitimacy, shaping public opinion, and strengthening elites.

INEC AND THE PARTIALITY QUESTION

From the onset INEC operated as a stooge of the PDP-led government, making it impossible for it to organise the elections without abiding by the directive of the government and the PDP. INEC's partiality manifested itself in several ways which we strongly believe showed deliberate collusion between the commission and the presidency. As observed in an editorial in the *News Magazine* of 30 April 2007, President Obasanjo was the chief instigator of the hijacking of the electoral process and the weakening, if not destruction, of democratic tenets in the past eight years.

INEC's partiality was displayed in a number of ways. In the prelude to the elections, working in tandem with the PDP-led presidency, it ensured that there was maximum confusion about the candidature of those representing opposition political parties, especially the stronger ones. Right up to the election INEC refused to display the names of opposition party candidates. Where it reluctantly did so, in the cases of some AC gubernatorial candidates and Atiku Abubakar, images of some candidates were left off the ballot papers. The alliance between the PDP-led government and INEC was a calculated attempt to make the PDP appear to be the only party prepared for the elections.

Another tactic was the deliberate withholding of election materials from areas considered to be non-PDP strongholds. The materials either never reached the polling stations or reached them so late that effective voting could not be conducted. Very worrying was the deployment of armed soldiers to areas where the PDP feared it would meet with stiff opposition. The purpose of this militarisation of the electoral environment, which was supported by INEC, was to intimidate and instil fear in opponents and their supporters to discourage them from voting – soldiers and policemen mounted roadblocks and paraded the streets of the country, harassing non-supporters of the PDP.

Another disturbing factor was the deliberate absence of INEC officials from several polling stations. Where they did arrive they did so with inadequate electoral materials and, ostensibly, without results sheets. The outcome was the overwhelming declaration of results in these areas in favour of the PDP.

The electoral regulations laid out that INEC was to monitor restrictions on campaign spending in order to prevent disproportionate expenditure by political parties. INEC deliberately shied away from this responsibility in order to give the PDP the advantage, since it was surreptitiously using state resources to fund its election commitments.

Again, as reflected in the EUEOM report, contrary to international best practice INEC made no provision for results to be posted at polling stations or published at local government area offices and state INEC offices. This afforded the PDP the opportunity to change results before they reached the final collation centres.

INEC's decisions lacked transparency and the commission did not provide important information about a number of issues, including the final number of candidates and the final number of ballot papers printed and distributed (EUEOM 2007). The deficiency gave an important advantage to the PDP. Only PDP candidates were certain of contesting both the state and the national elections. Candidates of major opposition parties such as the ANPP and the AC were constantly in court, challenging illegal disqualifications.

Another factor was INEC's apparently deliberately shoddy preparations. The commission spent more than a year trying to impose electronic voter registration despite widespread opposition from civil society and even political parties, who saw it as a ploy to deceive people and disenfranchise many. It took about six months to conduct a so-called registration exercise and voters were not given the opportunity to verify their names and locate their voting centres before polling day. As a result many prospective voters were effectively disenfranchised because they were unable to locate their voting centres or because, although they had temporary voters' cards their names did not appear on the voters' register.

Copies of the voters' registers studied by election observer missions such as the EU showed serious deficiencies, several of them characterised by double entries, underage voters and some unrecognisable pictures. It is clear that INEC deliberately reduced the voting strength of opposition-controlled areas or areas in which it considered the PDP to be weak.

This deliberately shoddy preparation was also reflected in the presidential election. INEC reprinted the presidential ballot papers without pictures of the candidates and, contrary to the law, without serial numbers (EUEOM 2007).

INEC's partiality became even more evident when it employed among the 500 000 ad hoc staff during the elections card-carrying members of the PDP,

rejecting the Nigerian Bar Association's offer of 20 000 of its members for the electoral jobs. The selection of staff was conducted in a non-transparent manner, using inconsistent criteria and relying on a list of names submitted by PDP stalwarts and candidates across the country.

Finally, INEC acted more as official spokesperson for the PDP and President Obasanjo than as a non-partisan body organising a free and fair election. A few examples illustrate this point. Candidates whom the presidency and /or the PDP saw as threats were disqualified by the INEC from contesting the election. In Imo State, for instance, Senator Ifeanyi Ararume, who won the PDP primary, was replaced by the candidate who came 14th. INEC chief, Maurice Iwu, gave as the reason that Ararume could not run because he had been expelled by his party. But because Ararume's name was already on the ballot paper, it was not practically possible to exclude him. Apparently fearing he might win, the commission cancelled the gubernatorial election in the state on the grounds of electoral irregularities although it okayed the state assembly elections, which were held on the same day using the same ballot boxes as those used for the gubernatorial election.

As a willing tool in the hands of the PDP and the PDP-led federal government INEC frequently ignored the provisions of the 1999 Constitution concerning the limits of its powers, acting beyond those powers by disqualifying candidates. It also frequently expressed an interest in determining who should be allowed to stand. In a matter brought before the high court by Atiku Abubakar, Chris Ngige, and others challenging the constitutional power of INEC to disqualify them, the court ruled in favour of the plaintiffs, stating that INEC did not have the power to disqualify any candidate cleared by his or her party. INEC, again demonstrating its lack of objectivity, appealed against the judgement.

All these incidents call into question INEC's institutional impartiality and demonstrate the systemic pressure on the commission from a PDP intent on maintaining its hegemony.

THE ELECTORAL ENVIRONMENT AND THE PARTIALITY FACTOR

INEC's conduct in the 2007 election was no accident, it was the result of the environment in which it operated and reflected the acrimonious, murderous, intra-class struggle for political power between different sections of the ruling class in the country and President Obasanjo's battle to remain president beyond 29 May 2007. This ambition was openly challenged by his deputy, Atiku Abubakar, and independent-minded state governors such as Orji Uzor Kalu of Abia State, Boni Haruna of Adamawa State, Atahiru Bafarawa of Sokoto State and Ahmed Sani Yerima of Zamfara State. Their combined pressure, along with that of the revolutionary wing of the Nigerian Senate, scuttled the third-term agenda.

Having failed, Obasanjo resorted to a fake anti-corruption crusade through which individual rivals, mostly corrupt politicians, were exposed, with a view to ensuring that they would not pose a challenge to the president and his PDP supporters. A kangaroo administrative panel was set up to indict Atiku and its report was forwarded to the Senate for ratification and for his eventual impeachment. Dissatisfied with the report, the Senate re-established a second committee to study the situation. The report of the second committee indicted both Obasanjo and Atiku.

Obasanjo's next step, after Atiku emerged as the presidential flag-bearer of the Action Congress, was to declare the office of vice-president vacant. Atiku took the government to court on the matter and won. Obasanjo then turned to INEC, which disqualified Atiku on the grounds that he had been indicted by the administrative panel with supporting document from the Economic and Financial Crime Commission. Atiku again went to court to challenge what he called an unlawful disqualification. He won the case but INEC appealed against the judgement and won. Atiku took the matter to the Supreme Court and won. At this point Obasanjo was left with no choice other than to declare the 2007 general elections a 'do-or-die affair' and use INEC to accomplish his aims, thus poisoning the electoral environment.

In such an environment it was impossible for INEC to show any element of impartiality. As a creation of government, and with government responsible for its funding and for approving its decisions, INEC could not have been independent or impartial in the conduct of the elections.

SUGGESTIONS FOR A TRULY INDEPENDENT ELECTORAL BODY

More independence for INEC, as Iyayi (2005) has indicated, will make it more impartial in mediating between competing political claims, but independence is not a question of funding alone, although that would lead to improvements in logistics and the handling of elections.

One method of ensuring independence would be to change the method of selecting the members of the electoral body – currently the prerogative of the presidency. Instead, political parties should nominate one person each to the commission and the Nigerian Judicial Commission should appoint a serving judge as chairman. The same should apply to state and local government electoral offices.

We recommend that the number of registered political parties be reduced to no more than ten, a move that would streamline the opposition for effective monitoring of the ruling party.

Finally, we recommend that Nigeria embrace an electronic voting system, which has numerous advantages. As Ijim-Agbor (2004, p 139) points out, such a

system would eliminate multiple voting, it would prevent the snatching of ballot papers and multiple thumb printing, and it would eliminate rigging and result in popular candidates being elected rather than unpopular candidates foisted on the electorate by a few kingmakers.

CONCLUSION

There is no doubt that INEC exhibited a high level of partiality in the conduct of the 2007 elections but the flawed elections were also a result of the failed third-term bid and the gladiatorial contest between the president and his deputy, leaving as the only viable option for the PDP-led government the complete silencing of the opposition.

The President's declaration that the elections were a 'do-or-die' affair as well as his declaration that the PDP was certain of winning the majority of the states and could therefore not be pushed out of power contributed to the malignant electoral environment in which INEC was forced to operate. In the circumstances, INEC, as a tool in the hands of the PDP, had no choice other than to do the bidding of Obasanjo and his cohorts.

What these elections showed clearly, as Akinkuotu (2007) has observed, is that voters are free to pick the candidates of their choice but the power brokers have the final say. It follows that the pillars on which democracy should rest in Nigeria are not yet in place. After eight years of civil rule, the longest the nation has ever experienced, the path to democracy is still very rough.

We need to evolve an electoral process where each vote is taken into account. The Nigerian state must develop the ethics of participation, with citizens having a greater voice in government through their votes. As Naisbitt (1983, p 159) holds, 'people whose lives are affected by a decision must be part of the process of arriving at that decision'. The guiding principle is that people must be part of the electoral process. This participation is largely absent in Nigeria.

Franklin Roosevelt, quoted in Geraghty (2006, p 18), told his people during the depths of the Depression that 'the only thing we have to fear is fear itself'. Today, in Nigeria we can say that the only thing we have to fear is another four years of rule by unpopular persons with authoritarian tendencies who have been foisted on the people, and the damage they will do to our fragile democracy.

The above suggestions must be considered if we are to safeguard Nigeria's nascent democracy and nurture it to majority.

— REFERENCE —

- Adeagbo, P & O Olaosebikan. 2007. 'Remorseless vote riggers'. *The News* 30 April.
- Ajaero, C. 2007. 'The fraud that fueled the fire'. *News Watch* 30 April.
- Akinkuotu, A. 2007. 'Plethora of Stolen Mandates'. *Tell* 30 April.
- Democratic Socialist Movement. 2007. '2007 Elections – A Very Farcical Exercise'. *Socialist World*.
- European Union Election Observer Mission. 2007. 'Final Report on Nigeria's 2007 Election'. *The Guardian*, 6 September.
- Geraghty, J. 2006. *Voting to Kill*. New York: Touchstone.
- Heywood, A. 2002. *Politics*. New York: Palgrave.
- Ijim-Agbor, U. 2004. 'Democracy and Electoral Malaise in Nigeria: Towards an Effective Approach to Free and Fair Election'. *African Journal of Political and Administrative Studies* 1(1).
- Iyayi, F. 2005. 'Elections and Electoral Practices in Nigeria: Dynamics and Implications'. *The Constitution* 5(2).
- Lowi, T J & B Ginsberg. 2000. *American Government*. New York: W.W. Norton.
- Naisbitt, J. 1982. *Megatrends: Ten New Directions Transforming our Lives*. New York: Warner Books.
- Obi, B C. 2007. 'Mis Adventure of the "do or die" Agent'. *Insider* 30 April.
- Okoh, A O. 2005. 'The Independent National Electoral Commission INEC and Election Management in Nigeria: The April 2003 General Elections in perspective'. *The Constitution*.
- Palmer, N D. 1975. *Elections and Political Development*. Durham, NC: Duke University Press.
- Pammett, J H. 1981. 'Elections'. In M S Whittington & G Williams (eds) *Canadian Politics in the 1980's*. Toronto: Methuen.
- Royal African Society. Official responses to the Nigerian elections 2007.
- Wayne, S J. 1992. *The Road to the White House 1992: The Politics of Presidential Elections*. New York: St Martin.
- Yusuf, A. 2007. 'A Win or Rig or Die Affair'. *Tell* 30 April.