



Independent Electoral Commission and Management of Electoral Malpractice: An Evaluation of Nigeria

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ABSTRACT

Electoral malpractices pose a significant threat to the democratic process in Nigeria, undermining the legitimacy of the government and hindering the development of a functional democratic system. This study critically evaluates the extent to which electoral malpractices, including fraud, violence, and coercion, have affected the growth of democracy in Nigeria during the Fourth Republic (1999-2007). The research explores various factors that contribute to electoral fraud and examines how these malpractices impact the fairness and integrity of elections, the political landscape, and the broader democratic framework in the country. Key findings highlight the role of government institutions, political parties, and the judiciary in either mitigating or exacerbating electoral fraud. Ultimately, the study concludes that electoral malpractices have serious repercussions for the sustainability of democracy in Nigeria, requiring comprehensive reforms to ensure free and fair elections in future.

Keywords: Electoral malpractices, democracy, Nigeria, Fourth Republic, electoral fraud, political parties, governance, legitimacy, electoral violence, sustainable democracy.

INTRODUCTION

Electoral malpractices undermine the cardinal principle of democracy. In democracy, government should not only be responsible or acceptable to the people or the masses but indeed, political power itself should emanate from the people and the state and government should adhere to the popular will such constitute the essence of the idea of democracy. One trend of argument that has been advanced as reason that undermines the success of democracy in Nigeria during the fourth republic political that is unfavorable to nurture and sustenance of a functional democratic system. The second set of argument for failure of democracy in Nigeria relates to the institutional factors that militate against successful democratization. Basically, this involves the system that comprises the legislature and the judiciary. The third argument lays emphasis on economic factors. The core of this position posits that a functional democratic system is functional that premise upon the existence of a sound economy which is capable of meeting the needs and rising expectations of an increasingly socially at mobilized society. Any attempt on imposing democratic political super structure on a depressed economic base affects the economic needs of the people leading to political instability. However, election in Nigeria during the fourth republic was greeted with vociferous accusations and counter accusations of rigging, fraud, controversies, incredible shows of audacious affront on our national integrity, morality, equity and justice and other electoral malpractice at all levels. Whole sale rigging which characterized the fourth republic elections had disastrous consequence for democracy because it deprives elections of their essential purpose as a popular basis for government. Against the backdrop of the above assertion, it stands to reason that in politics, the structural dilemma of Nigeria is the army. the chain of immediate political events proceeding military coup d'etat have all produced a veritable mix of bedeviling contradiction in Nigeria body politics which affects sustainable democracy in the country.

STATEMENT OF THE PROBLEM

It is becoming somehow clear that elections in Nigeria have often been market by a lot of threat to humanity and growth and sustenance of democracy in the country. Politics in Nigeria has become a game of do or die. Political players in the nation politics employ all sort of political antics, rigging of election, violence acts in order to win an election. Electoral malpractices have become not only a social problem but also have hindered the growth and development and sustenance of democracy. Electoral malpractice is prevalent in a civilian administration. The ruling party in Nigerian democratic experience tends to perpetuates itself in power against the wish of the people through

the rigging of election. The negative impacts occasioned by electoral malpractice in Nigeria's democratic experience pre-occupy this research work.

Therefore, certain issues bothering this work includes:-

- i. To what extent does an electoral malpractice truncate the growth and development of democracy?
- ii. To what extent does corruption hinder the growth and development of democracy?

OBJECTIVES OF THE STUDY

The broad objectives of this study are to examine the incidence of electoral malpractices during general elections in Nigeria and also corruption during the fourth republic.

The specific objectives are as follows:-

- i. To determine the extent malpractices characterized the elections in Nigeria
- ii. To determine the extent the political parties contributes to electoral malpractice during the elections.

SIGNIFICANCE OF THE STUDY

This study helps to make some contribution towards the maximization of electoral malpractices in Nigeria. Furthermore, the study is significant in that it will throw more light on the nature and pattern of electoral malpractices during the forth republic.

Again on a practical level, this study is important because it will point out the areas where emphases are to be laid for the prevention of electoral malpractices in Nigeria. It is also believed that the application of the recommendations that will be preferred in this study will go a long way in solving the problem created by electoral malpractices and then ensure sustainable democracy in Nigeria.

LIMITATIONS AND SCOPE OF THE STUDY

This research work recognized the valiant attempts to enthrone democracy which have been stifled by the proliferation of administrative regulation that have encouraged corruption and set the individual against the system. It covers the political malpractice in

Nigeria during the fourth republic and how the illegal practice in the system have adversely off acted participation of the mass of Nigeria citizens in determining policy output.

However, it also brings to fore the over-whelmed politics of clientelism and prebandalism, the constitutional anomaly of the least public, north south and ethnic conflict, minority group, this element works against the country's polity. Therefore, there are need to change over political culture so that our politics will be devoid of election rigging less violent, more honesty so that the transition from one government to another will be more predictable and orderly. This position informs this research work.

RESEARCH HYPOTHESIS

- i. The attitude of inferiority among the masses in Nigeria contributes significantly in determining the nature of democracy as practiced in Nigeria.
- ii. There is no relationship between leaders and people in the democratic set up.
- iii. The problem of electoral malpractice is a principal impediment to sustainable democracy in Nigeria.

RESEARCH METHODOLOGY

In the course of this research, I gathered my data through only one source which is the secondary way of gathering data under the library question. I also made use of materials from newspapers, new magazines, journalist and hand books and other relevant materials to the research topic.

THEORETICAL FRAMEWORK OF ANALYSIS

According to the [1], theory is a set of interrelated concepts and proposition that presents a systematic view of phenomena by specifying relations among variable with the purpose of explaining and predicting the phenomena. In order to enhanced demonstrable verification and logical consistency of this research, the researcher adopted the "group theory" this theory was propounded by [2], with is based on the intellectual root and assumption that every society has with it a large number of social group that continue to engage in perpetual struggle for power and domination over each other. With the failure of the elitist theory, the attention of the political scientists was turned to a pluralist model in which power, instead of being concentrated in the hands of a group class, is treated as diffused among many interest groups competing against each other for power. The theory took a pluralistic approach in which power is not seen to be concentrated in the hands of a group or class but diffused among different interest group in the society. The origin of the group theory in its present form goes back to Arthur F Bentley. Bentley conceived of the group as a mass of activity and not a collection of individuals. Group was defined by him as a certain portion of the men of a society, take in however, no as a physical man cut off from other masses but as a mass of activity which doesn't preclude the men who participate in it from participating likewise in many other group activities, group being a mass of activity, the question was as to what gave direction to this activity. Here, Bentley's concept of interest comes in, which he texted as central to the understanding of politics. It is therefore, through the social system that the various groups seek to realize or maximize their interests. The society being in the words of another group theorist earl Leathern, a single universe of group which combine, break, federate and form coalition and constellations of power in a flux of restless alterations and is kept going by the push and resistance between

groups. In the forgoing therefore, the activities of various political parties which contested the 1999 and 2003 federal elections will be looked on as group activities rooted on interest. Political parties in Nigeria during the fourth republic were a manifestation of different ethnic group rivalry competing for power and dominance.

OPERATIONAL DEFINITION OF TERMS

Electoral malpractice is the shape legal practices in the electoral system which deny majority of Nigerian citizens their full participation in the decision making processes. A practice that devices majority of the electorate their right to vote the right person into power and also the power to change government that does not cater for the welfare of the people. For instance, rigging of election thuggery, murder, gender discrimination in the electoral activities has led to the derailment of democracy in Nigeria. Democracy means the participation of the masses in the decorum making processes, economic and social activities of the country. It is a type of participation that encourages and allows right of citizenship, the principle of rule of law, majority rule and respect for rights of the minorities. It also means the government of the people by the people and for the people.

LITERATURE REVIEW

Reviewing the existing literature in one's field of study enables one to know what is already in the fields, where to start and what contributions to make. It is pertinent at this juncture to posit that not much research work has been carried out on the Nigerian election but however, many papers, magazines, newspapers and some textbooks have dealt extensively on the subject matter. The issue of free elections involved definite procedures and practices which must not be tampered with or violated in order that such elections will indeed be regarded as free and fair. Actions which violate or interfere with the prescribed procedure for free elections constitute electoral malpractices or election fraud. In the content in which this paper is noted, Michael Olisa, quotes Banny in his definition of electoral Malpractices as an "illegal manipulation of vote, ballots and the counting process for the purpose of winning more votes" than could otherwise be gained". He argued that electoral malpractices are very much like political corruption which is an illegitimate way of making demands on political system and getting those demands satisfied. Both corruption and electoral malpractices aimed at distorting established legitimate processes for achieving desired goals by so doing, competitors are undercut and the desired goals achieved illegally he also holds the view that if electoral malpractices occur on a large scale in a situation involving numerous candidates for elective positions, many of those who won the election would have been illegally elected, the legitimacy of whatever government or legislature they form would be open to question just as their position would be a jeopardy. Ogan ogban-iyam in his contribution on electoral malpractices in Nigeria classified some common examples of malpractices as follows:

1. The rigging of elections such as stuffing of ballot boxes with ballot papers, favouring of certain candidates or political groups, or falsifying the results of elections.
- ii. Preventing official candidates and their supporters or any citizen from exerting his or her legitimate electoral rights. This is generally done through purposeful non-registration of those concerned, improper registration, bribery of or threat to officials voters and the candidates in order to prevent them from exercising their rights. He said that other methods of effecting electoral malpractices are through imprisonment of officials and voters, non-provision of voting booths, destruction of voting booths provision of voting booths at certain locations in order to make it difficult or impossible for voters to cast their votes and so on.
- iii. Destruction of ballot papers cast a candidate or candidates.
- iv. Willful provision of faulty voting procedures, techniques and machineries and illegal ballot papers and boxes.
- v. Illegal voting such as voting more than the number of times one is expected to vote and or voting when one knows that one has no voting right. All these examples of malpractices hinder elections from being free and fair and such practices are aimed at giving a candidate or candidates, political group etc some unfair advantages over other competitors and possible competitors.

Chief Fani-Kayode, the deputy premier of western Nigeria during a campaign meeting was quoted as telling his audience..." Whether you vote for us or not, we will remain in power". He sees unemployed as an important element in electoral malpractices with a large army of unemployed youths and motor touts roaming the streets. The politicians have no difficulty in recruiting thugs and body guards who are ready to intimidate, burn, maim or kill political opponents. He described the electoral commission as Incompetent and partisan and the greatest threat to free and fair elections as the vast majority of election frauds are committed by them. Lack of sufficient fund he said also is a contributory factor in that they may not be adequate equipment for organizing the election or very cheap materials may also be used in constructing polling booths which may expose voters and detract them from the requisite of secrecy. Quentin peel in his cover story of Nigeria elections in the new African stated that nobody denies that all is far from perfect in election exercise in Nigeria." Apart from the registration of figures which no one believes the organization of the federal electoral commission has often appeared chaotic with shortage of ballot papers, officials not arriving at the polling booths, ballot boxes getting lost and communication breaking down. He explained by saying that there have been wide spread instances of intimidations and blatant ballot rigging by all the major parties in their strong- holds" This resulted to violence in several major cities in western Nigeria leaving as many as dead, as crowds of vigilante attacked the homes of politicians in opposing sides or political rivals. Obafemi Awolowo in his

book titled "path to Nigerian greatness" (1981) described those that indulge in general elections as "victims of a coup, the king which was hitherto unknown in the annals of coups" It was not a military or civilian coup he said, neither was it coup d'etat in the strict sense of the word but was a coup disgrace, a finishing stroke to a sense of diabolical electoral malpractices which had gone on unsuspected, until the very last moment. He went further by saying that when someone who is one of the five candidates at an election has the electoral commission responsible for the conduct of the election completely on his side to extent that the commission was prepared to do and indeed did all kind of infamous manipulations to ensure his victory, then he has successfully stage an electoral coup. Also when one of the five candidates has all the forces of, plus all the instruments of coercion possessed by the executive behind him guarantee his victory by hook or crook then that candidate has achieved a successful executive coup. On the successor failure of democracy, [2] opined that the success is greatly determined by pre-voting campaign and arrangement not only by political parties but also by public Institutions, specifically established for planning and conduct of elections for political parties. [3] said the primary objective of pre-election campaign is for each party to squeeze out majority votes on vital days that are sufficient to assure victory for itself". Nnamdi Azikiwe, president of the federal Republic of Nigeria in his Broadcast to the nation (1965) admonished that if the country wishes to break, it should do so in peace and not in pieces. That was when the UPGA leader sought for the postponement of election following the report that sixty-one (NPC) NNA were returned unopposed. Stephen Okorie commented on elections and political instability which he said cannot be separated because good, free and fair elections ushers in democratic good government that ensures sustainable democracy. [4], in his book "the trouble with Nigeria" (1983) talked of the role tribalism can play in our political elections. He said that chief Obafemi Awolowo "stole" the leadership of western Nigeria from Nnamdi Azikiwe in broad day-light on the floor of the western house of Assembly. Badly, he stated "the central political problem in Nigeria arises from the fact that the country includes three main ethnic groups, the Hausa, Fulani people of the north, the Ibo people of the east and the Yoruba people of the west. The difficulty he stated has been to find a means of binding them together to form a nation.

[5], emphatically contended that many factors are responsible for the electoral malpractices in the country. Some of them they claimed are:

- i. Government in power
- ii. Electoral commission and its officials
- Political parties and their members
- iv. Hired agents
- v. Fanatical supporters of parties among others. They also talked on the impact of malpractices on electoral processes.

Also [6] stated that there are several ways of defining malpractices in elections. Three of these definitions are as follows:-

- i. Neglect of conduct of elections by government and machineries set up for that purpose.
- ii. Rigging of elections
- iii. Distorting or inflicting damage to the outcome of the elections.

[7], in his view said the enabling instruments of the federal electoral commission are 110, 140, to 148. He observed that the electoral power of the commission were stated therein.

[8], on "contest as battles rather than game" said there is no questioning the fact that electoral contest are like games in which victory are congratulated and losers accept the "people's choice of understanding the character of political activity as distinguished English scholar Michael on oakeshot has observed "will be less frequent and less disastrous if we escape the illusion that politics is over anything more than the pursuit of intimidation, a conversation, not an argument".

To sum up, having reviewed the existing literature in this field of study, the researcher is equipped with the various electoral irregularities that plagued the fourth republic with the resultant effects of ushering in illegitimate and unpopular leaders in the governance of Nigerians thereby hampering the sustenance of democracy.

A BRIEF HISTORICAL ANALYSIS OF ELECTORAL MALPRACTICE IN NIGERIA

It is perhaps true to say that outright rigging of elections in Nigeria began with the general elections in 1964, the first after the departure of the British upon independence in 1960. The political struggle for power was between UPGA and NNA which resulted into electoral violence and paved way for military intervention in Nigerian politics with the second republic in 1979, came two major electoral reforms. The first was the attempt to eliminate ethnically or regionally based parties by the rule that to qualify for registration, a party must demonstrate country presence by having a functional office in 13 of the 19 states. The second major reform was that to be elected president a candidate must have the highest number of votes cast and 25% of votes cast in at least 2/3 of the states of the federation. There election of Shugu Shagari in 1983 again saw the resurgence of several of the rigging techniques of 1964 and 1965. Electoral malpractice and allegations of wide spread vote malpractice which led to legal battle over the results also influence electoral malpractice in the country again, electoral malpractices which are palpable illegalizes committed with a corrupt, fraudulent or sinister intention to influence an election in favour of candidate(s) by means such as illegal voting, bribery, cheating and undue influence, intimidation and other acts of coercion

exerted on voters, falsification of votes etc. Electoral malpractices and electoral irregularities differ not only in their nature but also in their legal consequences, whilst the latter do not in general invalidate an election, the former emphatically do. Again electoral malpractice is one of the tragic aberrations more for what it portends for the future than for the harm it has alone in the past and present. Wholesale electoral malpractice has disastrous consequence for democracy because it deprives elections of their essential purpose as a popular basis for government. A government which by electoral malpractices, keeps itself in office against the votes of majority of the electoral malpractice lack the legitimacy of the moral authority that popular mandate bestows inflect during the elections the party will bring the gum, thuggery, killing, bribery that is the case of electoral malpractice in Nigerian political system. In 1999 and 2003 were well-known with doming of ballot boxes stuffed with pre-thumb printed ballot papers falsification of results by increasing a candidate's votes and decreasing those of this opponent, fraudulent announcement of a losing candidate as winner. In the other way round, the standpoint of the political parties and their candidates, election malpractice deprives election of its character as a competition in which all the contestants can equally aspire to win. Furthermore, as in most countries plundered by colonial governments, Nigeria has experienced a long history of electoral malpractice in the past 50 years, in which the voters felt that the polls were no longer a way to elect their choice of candidate in government.

ELECTION AND ELECTORAL PROCESS IN NIGERIA

Election is the people's ultimate and most effective weapon for enforcing a government's responsibility and accountability to it. In other words, it is the process of electing eligible person to fill in elective offices in democratic state. Electoral process in Nigeria begins with registration of political association. The criteria for a political association to be registered as a political party are clearly stipulated in the country's constitution and the electoral law. By the provision of the law, no association by whatever name shall function as a political party unless it is registered as a political party to the electoral commission. Registration of voters, a register of voters in election is an official list of the persons who are entitled to vote in an election to which the list relates the process of compilation of registers known as the registration of voter or registration of electorates. The compilation of voters register is veritable instrument for the conduct of free and fair elections. It is usually done within a time frame according to the election timetable. Electoral campaign heralds the beginning of political activities. The flag-off of electoral campaign create a form for political parties to showcase its manifestos to the electorate. Political parties are by law empowered to organize political rallies within the guideline stipulated in the electoral act. The electoral law allocates equal air time for the presentation of their programmes. Poll conducts those principle characteristics deal with the organized body in charge of the election, participation rate electoral malpractices and admission of the electoral observers. Election monitoring since most countries in our continent have accepted the monitoring of their election, election monitoring allows the monitoring of the election, not only but the national but also other observers of the sub-region and beyond and beyond Collection and announce of result: At this stage, election result are collected and counted in the polling both. The results of elections are announced at various levels according to the types of election conducted.

ELECTORAL MALPRACTICE IN THE GENERAL ELECTION IN NIGERIA

There is high degree of semblance in the character and form of the electoral malpractice that prevailed in the 2003 general election in Nigeria. The electoral malpractice occurred in two major phases, Anti-electoral malpractice and past electoral malpractice. The anti-electoral malpractices refers to such that occurred on the election day aimed at influencing the electoral process. The post electoral malpractices occurred as response to electoral outcomes. The general electoral government non-adherence to electoral laws, inadequate security poor socio-economic condition of the Nigeria. The electoral malpractices occurred in various identifiable forms which include intimidation of operators and participants in the electoral process by the use of thing and law enforcement agents prevention of political opponents from appearing on the election day, stuffing of ballot boxes hi-jacking of electoral materials, disruption of the polling process, smashing or destruction on the election days in Nigeria. Again, the general elections in Nigeria were conducted under the civilian administrations led by Alhaji Shegu Shagari and president Olusegun Obasanjo respectively. In each period of the general elections, the incumbent and party in government sought to retain political polder through re-election while the opposition parties struggled vigorously to supplant the parties government. By its nature, electoral malpractices particularly of the massive kind alleged to have been perpetrated during the April 2003 general elections, is a subversion of the constituted by the constitution as such as it is treason albeit not in the technical narrow sense defined in the criminal code. It is the robbery of the rights of the people to participate in their own government, or in whole Soyinka's more telling metaphor: stealing and the theft of their voices. Electoral malpractices in general election are well-known dumping of ball of boxes stuffed with pre-thumb printed ballot paper, falsification of results by increasing a candidates votes and decreasing those of his opponents, fraudulent announcement of a losing candidates as winner etc. the key agents in the dumping of ballot papers are presiding officers and poll clerk sat the polling stations. Their active co-operation is needed before thumb market ballot papers can be brought to the polling papers to be used for the purpose would have to come from the presiding officer if the serial numbers are to agree with those issued to the polling station though often, ballot papers

are not serially used. In many cases, electoral malpractice started from the presiding officers and polling clerks, go beyond merely supplying ballot papers and allowing them to be dumped or allowing ballot boxes to be exchanged and actually take part in the thumb-marking of ballot papers at a fixed rate for a given number of ballot papers at a fixed rate for a given number of ballot paper so thumb-marked. The number of ballot papers a poll clerk is able to thumb-mark determines in part, the size of his purges at the end of each election. In electoral malpractice, the returning officer and his deputy serve as the effective instrument for falsifying the results sent from the polling centers. But whilst its forms are well-known, the serious problem posed by electoral malpractice stems more from its insidiousness. Electoral malpractice bring about falsification of results is of means of a brazen forgery, the sheet in which scores obtained from polling centers which may of course be the result of illegal voting mainly dumping of pre-thumb printed ballot papers. In fact-2003 general elections malpractice is a notorious fact both in its incidence and in the form it takes as now to constitute the most serious problem confronting democracy in Nigeria, that apart the right of the defeated candidate is not only right violated by the electoral malpractices being complained of nor is it even the most fundamental right in Nigeria.

ELECTORAL MALPRACTICE IN THE 2007 GENERAL ELECTIONS

In his latest book, "how president Obasanjo subverted the rule of law and democracy" (published in 2007), Ben Nwabueze in describing the 2007 elections said that "that travesty was so monumental in its completeness that words even the word "Rigging" is inadequate to describe it. It would simply be an abuse of language to use any of the epithets "free""fair" or "credible" in connection with the charade that took place in Nigeria on the 14th and 21st of April, 2007. He goes on "That was to be expected in an election declared before hand by the country's incumbent president as a "do or die affair". Coming from leader of the ruling party, PDP, the party stalwarts across the country must have taken the statement as a charge to save the party from the looming prospect of being ousted from power". The European union election observation mission (EUEOM), consisting of 150 observers deployed to all the states of the federation (Excluding Delta, Bayelsa, Rivers State and the federal capital tertiary) stated in its own report that "The 2007 stated and federal elections have fallen short of basic international and regional standards for democratic elections""They were marred by poor organization lack of essential transparency, wide spread procedural regulations, significant evidence of fraud, particularly during the result collection process and voters disenfranchisement to different stages of the process, lack of equal conditions for contestants and numerous incident of violence. As a result, the elections have not live up to the hopes and expectations of the Nigeria people and the process cannot be considered to have been credible." The report of the international crisis group (ICG) was even more damning. The group said "the elections were the most poorly organized and massively rigged in the country's history". In a bitterly contentious environment, president Olusegun Obasanjo and the people democratic party (PDP) acted with unbridled desperation to ensure sweeping winner takes all victories not only in the presidency and federal legislatures but also in state governorships and assemblies characterized as a "do or die" battle by Obasanjo, the campaigns and elections also witnessed extensive violence, including over 200 people killed" Widespread electoral malpractice and the staggering scale of falsified results were possible because of serious short comings within the regulatory agencies, most notably the INEC vigorously manipulated by the president, INEC virtually abdicated its responsibly as an impartial umpire and became inefficient and non-transparent. INEC's obvious partisanship at the various stages of the elections clearly did not help matters. Its obvious and unashamed availability to be used against opponents of the government did much to rob the entire electoral process of credibility. The ICG again patty characterized the situation, when it said "the convergence of INEC's partisanship, operational incompetence and the self-inflicted 11th hour crises caused by INEC's insistence on disqualifying vice-president Abubakar and the supreme's court's decisions on the 16th April ordering that he be returned to the ballot turned logistics to a nightmare. This particularly affected the presidential and National Assembly elections on the 21st of April. While the commission blamed the delay in arrival of material exclusively on the supreme court's last minute directive the vice president Abubakar be restored to the race, observers believe that the troubles which seemed more pronounced in opposition stronghold, were part of a deliberate strategy to deny opposition parties votes. One has dwelt extensively on the views of the election monitoring teams, in order to properly situate the circumstances and the context of the 2007 elections and how existing laws and the judiciary attempted to resolve the issues. Without a doubt, the 2007 election were evidence that the cub of election rigging which was born in 1964 and now became wild rampaging lion, consuming all it saw and leaving a bloodied and shaken democracy in its wake.

SOLUTION TO ELECTORAL FAILURE IN NIGERIA

Elections in Nigeria are replete with vociferous accusations and counter accusation of rigging fraud and other electoral illegality. The electoral process from the parliamentary system to independence to the current presidential systems affair that, at every level of electoral system have been toggged by malpractice, controversies and incredible show of audacious affront on our national integrity morality, equity and justices. Besides, the laudable suggestion to enhance free and fair polls, other solutions to electoral failure in Nigeria still suffice is to ensure a free and fair election, there should be an establishment by government of a directorate or centre for political education, moral education and socialization. The centre will be responsible or inculcating into the minds of the people, social and

political awareness and would discourage corruption in all its ramifications. International community can make a big difference in the conduct and outcome of Nigeria's election by using all available channel that need reforms and improvement which are structural, not personality driven. The Nigerian government's international partner should impress upon it that constitution reform efforts should be about a legacy of lasting improvements not the perpetuation of narrow interest agenda and ambitions. International election observer's bodies should review their participation in Nigeria political process to ensure that their observation cover the whole electoral cycle in some form not just at period round polling. Equally, when dealing specifically with the polling process, they should make their inter report widely available. There should be an improvement on logistics and administration arrangement. The inadequate provision of electoral materials and inadequate arrangement made for their timely and secure delivery should be improved upon. Finally, in forging ahead with the reforms with a view to improving things in subsequent elections, it is necessary, to recognize that the problem are deep seated and it is better to have a longer term, perception of reform and building of a desirable democratic culture, in the long run, rather than being too preoccupied with short-term goals.

What then is democracy?

Etymologically, the term democracy is derived from a Greek word "democratic" demo the Greek word for people and Kratic the Greek word for rule or people. Democracy then refers to the government of rule by the people or masses. It is also important pointing out that the people or masses invariably institute the numerical majority in any community. At a more theoretical system in which the eligible people (electorate) of any country participate actively not only in determining the kind of people that govern them but also participate actively in shaping the policy output of the government. In democracy, government should not only be responsible or acceptable to the people or the masses but indeed political p itself should emanate from the people and the state and t government should adhere to popular will, such constitute the essence of the ideas of democracy. Democracy is about people, it is about the relationship of those who lead and those who are led, those who govern and those who are governed and those who exercise political power and those who are subject of this power Democracy transits and insists that power springs from and therefore belong to the people hence, those who exercise political power should use it in the interest of the people or at least, the majority and that in the final analysis, government exist to serve the people and the government merit.

In other words, governments are there to enhance the human right and rather to create such right nor suppress their cultural existence. The above explication, thus emphasize the importance of Abraham Lincoln's definition of democracy as government of the people, by the people and for the people, and the popular saying that "power belongs to the people". Democracy can best be defined as a majority government. Democracy demands that while the majority should rule and even have its way, the minority must have its say and its say must be respected and protected in form of constitutional provision that place certain matter beyond the reach of majority (Bills of right). Democracy has also be defined as a political system that meets the essential conditions, meaningful and extensive competition among individual and organized groups (especially political parties) for the major positions of government power, highly inclusive level of political participation in the selection of leaders and politics at least through regular and fair elections. This definition does cover the existence of Institutional attitudinal and political socialization contents in democracy. The pervasive culture of impurity and executive lawlessness in National governance has nourished and intensified the phenomenon of competitive rigging with due consequences in the Nigeria polity. Daily Sun of 1st August 2007, Okay Nible reacted to the Brazier manner that characterized the general elections. The affirming that the last elections in the brazenness of rigging represented a view dispiriting low in the cheating history of electoral politics in Nigeria. In analogy, establishes that in the annuals of robbery of man who steals votes and mandates is more dangerous than who sticks people up for their money. The one having the public, the political collectivity and the other by contract, part a few isolated individuals. Guardian editorial column of Monday April 28, 2007 comments on the outcome of the 2003 general election. Across the board, the elections have produced an admixture of praise and condemnation. On one hand, Nigerians have simply demonstrated their commitment to a new democratic experience by lying as well as ill-motivated political elements. On the other hand, basketful of electoral sins witnessed in our country and now includes the disenfranchised segment of some other wise eligible voters denying them of waters registrations, covert and open monetary inducements of party agents and INEC officials, multiple voting, voting of underage, intimidating and gangster tactics, stuffing of ballot boxes and falsification of results. The newspaper further added that the basis of the rejection of result by those who lost is the classic charge of election rigging leveled on opponents, occasionally with active or passive connivance of security personnel and even democracy in Nigeria, Ben Nwabueze, in a paper entitled "disastrous consequence of democracy wholesale election rigging" assailed that whole sale election rigging has disastrous consequence for democracy because it deprives election bats for government. He added that a government which by electoral malpractice keeps itself in office against the votes of the majority of electorate lacks the legitimacy of the model authority that the popular mandate bestows. Professor Ben concluded that election rigging is a tragic observation that are for what it portends for the future than for the harm it has done in the past and present. [9], says in his paper entitled "the

legitimacy of elections; hinges on the collective voice of the people. He attributed electoral malpractice in Nigeria to the lack of credibility of the government in power who has lost public favour but must perpetuate itself in power through electoral abuse and election rigging. He affirms that, every form of electoral malpractice could be attributed to the leadership at the time of its occurrence. [9], says that ignorance as a social problem in Nigeria which forms during the force is the lip surge of election related crimes in Nigeria. He attributed cases of election rigging to the fact that a significant number of the electorate could be bought over with money and made to relinquish their freedom of choice. [10] in his contribution to election rigging in Nigeria and the dangers on the constitutional arrangement for political office holders as their reinforcement.

BENEFITS OF DEMOCRACY

The rights and responsibilities that make up a democratic system are not unlimited, of course restrictions are necessary. There are limits of fair play, common sense and safety. Democracy should also respect the right of minorities, uphold private property, maintain the independence of the judiciary and preserves the articulation of free press. In a democratic state, there is freedom of speech and the press. This implies that all citizens have the right to speak their minds without fear or intimidation or punishment. The term "freedom of speech" includes freedom of expression it forms of communication such as television, radio and film. It extends to the arts theatre, dance, music, literature and painting. The right of freedom of speech press and though includes the right to disagree to take a different view from the popular accepted one. In democracy, a citizen may express an opinion even though it is contradicting to the opinion of others. There is freedom of assembly in a democratic state; citizens in a democratic state may join in a meeting or convention to support government or to cruiser it debate foreign policy, to start a new political party, or to reshape an old one. They may discuss controversial issues that are important to them. They may argue, pass resolutions or send delegations to the chairman, governor, even the president. Popular sovereignty, this is the heart of democracy. It means that the people popular sovereignty, this is the heart of democracy. It means that the people popular sovereignty gives voters that right to keep their official in office or to vote them out, balloting is free and it is secret. The privacy of every voter is assured. Officials in a democratic setting are responsible to the people. They have no hereditary rights in their jobs, they should not hold office by force or fraud. The benefits of democracy includes: political freedom" citizens in a democratic setting may belong to the party of their choice. This may be a major party or a minor party. Civil Right: The rights and fundamental liberty of the citizens in a democracy is entrenched and safeguarded in the constitution. These include hearing and trial, right to privacy, the right to vote and be voted for etc. Religious Freedom: in democracy, the constitution prohibits government support to any religion or interference with anybody's religious beliefs. People are not barred from holding office because of their religious background or lack of religion. Some democratic countries England for example, support a state church, but religious freedom of movement: in a democratic state, citizens move freely. There is no restriction on movement: in a democratic state, citizens move freely. There is no restriction on movement except during curfew or state of emergency. Ordinary citizens need neither permission nor passport to move freely. All democratic state provides equal educational opportunities for all her citizens without regard for race, creed, colour or social position.

DEMOCRACY IN THE THIRD WORLD COUNTRIES

Third world democracy is probably one of the most frequently used words and the most highly misunderstand to the uniformed few, and to those with an agenda. Democracy is an inversion of the United State that has been used to ledger and subjugates other states in their imperialistic global designs. To others, it is something which is associated with the west but which they claim certain Eastern or their world nations by virtue of their culture and the history, find t impossible to accept or embrace. In the past years, a number of their world countries, especially African nation have been changing their authoritarian structure of government in favour of democratic reforms. For instance Togo, Cameroon, Mozambique have recently opened the way to multi-party democracy with constitutional amendment which now favour or allow the establishment of opposition parties. Democracy in their world countries are often style after western model. There is the problem of alien institutional reforms that does not take into consideration(s) the cultural and historical antecedents of the nation; its political and economic realities and peculiarities. The failure of Nigerian post-independence democracy is underlined in sitautionalism and shaky economic base. In some third world countries, the process of democratization have been fueled by internal resistance to one partism. A case of Zaire is a typical example of internal pressure from the people for a real independence developed new colonial tendencies. In Sudan, pressures for the democratization of society have been part of the culture of repression and resistance virtually since independence, thus, in the case of Zaire, since the popular masses have generally never experienced a positive transformation in their lives since Independence, they have always yearned for a second independence that will at least be meaningful to them, writes Nzonpola Ntalaga. Democratic reforms most African and third world countries practice were received on bequeathed not developed by them.

THE NATURE OF ELECTORAL MALPRACTICE IN NIGERIA

The nature of electoral malpractice which is palpable illegalities committed with a corrupt fraudulent or sinister intention to influence an election in favour of a candidate(s) by means of such illegal voting, bribery, treating and

undue influence, intimidation and other act of coercion exerted on voters, falsification of results, fraudulent announcement of a losing candidate as winner (without altering the recorded results). Electoral malpractices are to be distinguished from more electoral irregularities which relate to non-compliance with prescribed procedure at election like late commencement of polling, polling outside the statutory times, late delivery of electoral materials etc. electoral malpractices and electoral irregularities differ not only in their nature but also in their legal consequences. But its nature, electoral malpractice particularly of the massive kind alleged to have been perpetrated during the April 2003 general elections, is subversion of the constitution and the democratic form of government instated by the constitution as such, is treason, Albert not in the technical narrow sense defined in a criminal code. It is robbery of the right of the people to participate in their own government. Again, 2003 election was well known for dumping of ballot boxes stuffed with pre-thumb printed ballot papers, falsification of results by increasing those of its opponents, fraudulent announcement of a losing candidate as winner. The key agents in the dumping of ballot papers are the presiding officers and poll clerks at the polling stations. Their active co-operation is needed before thumb-marked ballot papers can be dumped into the ballot box in use at the polling station or before a ballot box stuff with thumb-marked ballot, paper can be brought to the polling station and exchanged for the in use and the ballot papers to be used for the purpose would have to come from the presiding officer if their serial numbers are to be agreed with those used in the polling station. Electoral malpractice is a notorious fact both in its incidence and in the form it has taken as now to constitute the most serious problems confront democracy in Nigeria. Falsification of results is by means of a brazen forgery, the result sheet in which scores obtained from polling centres which may of course be the result of illegal mainly dumping of pre-thumb printed ballot papers are recorded is simply substituted with another results sheet with different scores, often bearing forged signatures, thus creating two result sheets with different scores for the candidates. The authentic sheets, which is suppressed, is not however destroyed, but its retrieval for purposes of proceeding is an exceedingly difficult task. But, whilst its forms are well-known, the serious problem posed by electoral malpractice stems more from its insidiousness. It is perpetrated in the private homes of individuals and in great secrecy which effectively shields it from the playing eyes of election observers teams whether international or domestic, which therefore adds to the difficulty of providing it in the court of law, excepts where the thumb printed papers in a particular place exceed the number of registered voters there is the genuine forms of election returns are retrieved. It is a truism that since 1964, electoral malpractice has become the only strategy for winning election in Nigeria. This development has also brought about too much political violence in Nigeria. For instance, the 1964 general election was massively rigged precipitated a constitutional crisis when the president, Dr. Nnamdi Azikiwe refused to call on any party leader to form a new government. The rigging of election into the western house of assembly in 1965 brought about political violence the later degenerated to the national crisis. In the same vein, the second Republic collapsed due to 1983 general election that was characterized by violence and allegation of widespread vote rigging which led to legal battle over the results. Also the inflation of census figure can influence political malpractice in the country as can be seen in the 1963 census results which was inflated by the federal government in favour of Northern regions. That apart, the right of the defeated candidate is not the only right violated by the electoral malpractices being complained of nor is it even the more fundamental rights.

THE IMPACT OF ELECTORAL MALPRACTICE ON SUSTAINABLE DEMOCRACY IN NIGERIA

The fourth republic (1999-2003) general elections in Nigeria were marred by electoral malpractice. The impact of electoral malpractice is seen every day in different ramifications. The effects of electoral malpractice could be seen in the fact that before and during the elections, the crime rate increased rapidly due to power struggle among the politicians, the high rate of thuggery, arson, destruction, burning of cars, accidents on the high ways, assassination etc, are facts of life which could somehow never be corrected. A typical example is Andy Uba and Chris Ngige, the former governor of Anambra State. These had deprived the masses the benefits of task infrastructures, also electoral malpractice is the product of democratic failures, unpopular government and unstable government in the country. Indeed, electoral malpractice is the principle impediment of democratic consolidation in Nigeria. More worrisome is the fact that in political history, Nigeria elections have failed to produce a procedurally legitimate government as election results are juggled inflated or annulled. [11], say that when there is no legitimate government is the bedrock of democratic failure and political instantly returned to civil rule in 1997. [6], say that, the aftermath of the 2003 general election, have posed a great challenge to the survival of democracy in the country.

THE DUTIES OF JUDICIARY IN ELECTORAL PROCESS IN NIGERIA

The role and place of judiciary in the scheme of things we pretty well-known in any system of democratic governance. As observed, a political system can be considered as democratic on the basis of the extent of which the judiciary arm is permitted to hold the scales of justice over and above the other arms of government, good governance has become a modern day desideratum. Human ingenuity is yet to adduce a better means of preventing arbitrariness and ensuring social well-being than that of separation of powers due process of law and independence of the judiciary which taken functioning democratic system. The 1999 constitution outlines the adjudicative functions of the judiciary. [10], say that the primary function of judiciary is to resolve disputes between all persons or between government and persons except the matter pertains to the fundamental objectives and directives of state

policy. However, in case of dispute between states, only the Supreme Court has original Jurisdiction. Again, Judiciary becomes the protector of the individual right members of the society, the notion of separation of power and the built system of checks and balance ensure that all abide by the diction of law. Infact, the duties of judiciary is supposed to take record in the sense that, we should have free and fair elections during the election period in Nigeria. It needs to be pointed out also that, in the adversary system that we operate, the judiciary is not exempted to descend into the controversy before it join issues with the parties. Judges are by oath required to dispense justice to all parties without fear or favour, affection or will. In final analysis however, the fact must be grasped by all and sundry that except and unless and only to extent that the distort ions edges of electoral malpractices are removed, as efforts to deepen democracy in this country would amount to a numeric. A stop must be put, one way or another to a situation of trying to operate democratic norms without a large army of true and tested democrats. It would seen, the beginning of our readiness to a proper well-tuned electoral process lies in the enactment of a well thought out electoral law which would ensure the neutrality of all state agents involved the electoral process in order to restore the confidence of the people in Nigeria's democratic project. [11], says that independence of judiciary which taken together constitute the hallmarks of a well- functioning democratic system. It hardly needs to be emphasized that the sanctity of the ballot box in the democratic process should be safeguarded hence the necessity for the existence of the judiciary process in case there was moreover, fire years after the return of the country to civil rule, for instance, politically motivated killings have continued to exist in Nigeria. In this and other related crises, it is estimated that over 10,000 Nigerians have lost their lives. [9], observed that the hundreds of thousands have been displaced, while properties worth billions of naira have been destroyed, infact, the political climate has been very hostile and unstable. For instance the intra and inter party conflicts, lawlessness and devastation influence of godfathers have continued to pose serious challenges to the survival of the country's democracy. [12], describe it as the denotation that these elections constitute meaningful political exercises in terms of giving citizens meaningful choices over the distribution of resources as a fallacy of electoralism. [13] say that any other distributing trends witnessed are the qualitative decline in the conduct of elections from the first to the fourth general elections. [14], say that the fact electoral malpractice is the reason that the level of participation in low and declining. Anyone who feels aggrieved by the way and manner and election has been conducted, even in the first republic, political parties put a lot of stick in the office of their legal advisers and teams of lawyers assembled to defend their supporters who fell victims of intimidation by functionaries of opposing governments, especially during election campaigns [14].

SUMMARY OF FINDINGS

In summary, my work has been advanced as reasons that underline the failure of democracy in Nigeria, society that is favourable to the nurture and sustenance of the function of democratic system. In other words, "Frame of mind" or mind set" that is supportive of procedural and substantive aspect of the totality of the democratic system. Another thing is that, the failure of democracy in Nigeria relates to the institutional factor that militates against successful democratization. Basically, this involves the institution that comprise the respective branches of government viz, the executive, judiciary and the legislature. However, elections in Nigeria have always been a great problem has been greeted with vociferous accusations of malpractice at all levels. Many a times, the elections have lead to grisly violence, occasional losses of lives and properties. Infact, electoral malpractice which has characterized our elections has disastrous consequences for democracy because it deprives elections of their essential purpose as a popular basis for government. A government which by electoral malpractice keeps itself in office against the votes of the majority of the electorate lacks the legitimacy of the moral authority that popular mandate bestows. Electoral malpractice undermines the cardinal principle of democracy, the principle that the welfare of the people being the object of the government victory at election, must be related and linked to ability to secure and promote the people's welfare from the stand point of the political parties and their candidate. Malpractices deprive elections of its character as a competition in which all the contestants can equally aspire to win. The capacity of the contestants to rig is vastly unequal because one of them is in position of irresistible influence over the electoral body and has power of central and direction over the organized coercive force of the country. Electoral malpractices which are palpable illegalities committed with corruption, fraud or sinister mention to influence and election by a candidate(s) by means such as illegal voting, bribery, cheating and undue influence, intimidation and other acts of coercion excreted on voters, falsification of results and killing each other. The findings are as follows:

- i. The extent in which electoral malpractice should be avoided in Nigeria.
- ii. The effort government makes in other to have free and fair election in Nigeria. The extent in which electoral malpractice truncate growth and development of democracy in Nigeria.
- iv. The extent in which judiciary play their roles during the elections period.

CONCLUSION

In conclusion of my research work, "Electoral malpractice and sustainable democracy In Nigeria; a critical evaluation; 1999-2007. we all knowing that, democracy is by majority of government in the sense that everybody can participate on their own country. We have it on the authoritative testimony of professor sir popper underscoring the cardinal importance of mass action in a democracy in his influential book "the open society and its enemies

(1996:75) says that working of democracy rest largely upon the understanding that government which attempts to misuse its powers and to establish itself as a tyranny. Disastrous consequence for democracy of whole scale electoral malpractice because it deprives elections of their essential purpose as a popular basis for government. In the first place, a government which keeps electoral malpractice itself in office against the votes of the majority of electorate lacks the legitimacy of the moral authority that popular mandate bestows. An election does not of course completely lose its legitimizing effects on government because its is rigged, thereby including altogether the chance of elections ever being conducted in a free and fair manner. Electoral malpractice is a strategies aberration more for what it portends for the future than for the harm It has done in the past and present electoral malpractice is a notorious fact both in its incidence and in the forms it takes as now to constitute the most serious problem confronting democracy in Nigeria. In fact, government should know what to do about elections so that people should be kept away from elections malpractice in the sense that we should be allowed to embrace democracy so as to conduct free and fair elections in Nigeria.

RECOMMENDATIONS

Consequently, upon my findings, I have come up with some recommendations that it is becoming somehow clear that, elections in Nigeria have often been marked by electoral malpractice and this has posed a lot of threat to humanity and the growth and sustenance of democracy in the country.

Infact, government should know what to do about electoral malpractice to do away with it, because malpractice is notorious fact both in its incidence and in the forms it takes now to constitute the most serious problem confronting democracy in Nigeria, because through electoral malpractice with numerous illegalities committed with a corrupt, fraudulent or sinister intention to influence an election in favour of candidate by means such as illegal voting, bribery, cheating and undue influence, intimidation and other acts of coercion exerted on voting falsification of results, fraudulent announcement of results etc. Moreover, government should know what to do so that we should have free and fair elections in Nigeria and I also recommend as follows:

- i. The electoral malpractice offense should be capital punishment.
- ii. The government should reduce the salary and allowances paid to politicians. That a month to election day, all the incumbents should have over power to the permanent secretary.

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