

Electoral Laws And Democratic Consolidation In Nigeria (1999-2015)

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Abstract: In all liberal democracies across the globe today, the electoral laws are enacted to guide the electoral procedures, processes and systems aimed at guaranteeing smooth transition and legitimization of government through free, fair, credible and periodic elections. The consistent adherence to the electoral laws helps in the consolidation of democracy. From 1999 to date, the Nigeria's electoral laws have undergone a metamorphosis of reforms. The country's prevailing electoral law is the '2010 Electoral Act' (as amended) which has been grossly violated in its preceding and present status by the various political actors during the 1999, 2003, 2007, 2011 and 2015 general elections. Therefore, this paper argues that the constant rape and violations of the various sections of the electoral law in Nigeria has adversely affected the country's electoral process/system and pace of democratic consolidation. In attaining the status of democratic consolidation in Nigeria, it is recommended that the extant electoral law in the country be revamped in order to strengthen the capacity of the electoral umpire (Independent National Electoral Commission-INEC) to effectively monitor and enforce the compliance to the existing electoral laws by all stakeholders. In addition, this paper posits that the establishment of an independent electoral offences commission in the country will help in the prompt sanctioning of electoral offenders, thereby deterring potential electoral deviants. The secondary sources of data are employed for this work.

Keywords: Democracy, Democratic Consolidation, Electoral Laws

I. INTRODUCTION

The colonial, post-colonial, military, and the seemingly democratic Nigerian State of today, has had a battery of electoral laws enacted by the successive governments that have held the reins of political leadership in the country from the introduction of the 'Elective Principle' in 1922 by the colonial administration superintended by Sir Clifford, the Post-Independence Electoral Acts (1961, 1962, and 1964), through the Military Electoral Decrees (1977, 1987, 1991, 1992, 1993, 1996, 1997, 1998), to the Electoral Acts of 2001, 2002, 2006, and 2010 (as amended).

The fundamental rationale behind the enactment of these electoral laws in the country, has been geared towards the

entrenchment and consolidation of democratic ethos and processes in the governance of the country.

Regrettably, the catalogue of the enacted electoral laws in Nigeria has failed to sufficiently entrench, deepen and consolidate democracy in the country. This is obvious considering the absence of some of the inherent characteristics associated with the concepts of Democracy and Democratic Consolidation in Nigeria.

A cursory look at a variety of definitions of the concept of democracy, given by scholars, researchers and analysts in this field, suggests that the culture of democracy is yet to be fully cultivated in Nigeria. For instance, Yio (2010) defines democracy as;

A system of government based on the acquisition of authority from the people; the institutionalization of the rule of

law; the emphasis on the legitimacy of rules; the availability of choices and cherished values (including freedom); and accountability in governance.

When the above ingredients are present, what Efemini (2003) calls 'a democratic state' comes into existence. According to him, *a democratic state is one in which the people are actually in power; it vests ultimate power on the people with which their consent confer legitimacy on government, as well as government programmes and policies.*

It is in this context that Akinyemi (2006) defines democracy as; *a system where the government is dependent on the governed, both for becoming the government and for continuing legitimacy of governance.* Here, democracy is viewed as the prescription for a desirable nexus between government and the governed.

A vivid look at the version of democracy being practiced in Nigeria today, contradicts the assumptions contained in the above definition. This is so, because such tenets of democratic governance as; popular sovereignty, rule of law, obedience to the rules, freedom of association, amongst others; have been crippled.

In the same vein, democracy has to be fully entrenched in the governance of a country before it can be said to be consolidated. Democracy cannot be thought of as consolidated until a democratic transition has been brought to completion. In most cases after a democratic transition is completed, there are still many tasks that need to be accomplished, conditions that must be established and; attitudes and habits that must be cultivated before democracy can be regarded as consolidated. As chronicled by Linz and Stepan (1996);

A democratic regime is consolidated when governmental and non-governmental forces alike become subject to, and habituated to, the resolution of conflict within the bounds of the specific laws, procedures, and institutions sanctioned by the new democratic process; when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a non-democratic regime or by seceding from the state; and when a strong majority of public opinion, even in the midst of major economic problems and deep dissatisfaction with incumbents, holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life, and when support for anti-system alternatives is quite small or more or less isolated from pro-democratic forces.

The weakness of the electoral laws in Nigeria has continued to erode the entrenchment of democracy in the country, thereby eluding the possibility of having full blown democratic consolidation. This is so because, cases of disenfranchisement due to insecurity, ballot box snatching, gerrymandering, delayed electoral offences adjudication, disregards to the rule of law, etc are still on the increase in Nigeria today.

As captured by Gunther *et al.* (1995);

Democratization process has three phases: the fall of the authoritarian regime, consolidation, and enduring democracy. The process in Nigeria has only so far witnessed the collapse of authoritarian military regimes while consolidating on that has become a serious challenge.

Therefore, achieving a consolidated democracy in Nigeria requires upholding such democratic values as; periodic free, fair and credible elections driven by the electoral laws, institutionalization of the rule of law, guaranteed freedoms, independence of the judiciary, amongst others.

II. STATEMENT OF PROBLEM

The reversal of the governance matrix from military to civil rule in Nigeria on May 29, 1999 marked another phase of the country's democratic journey. Accordingly, a number of electoral laws have been enacted by successive civilian governments in an attempt to guarantee periodic, peaceful, free, fair and credible elections in the country.

Sixteen years down the lane, democracy is yet to be fully entrenched in Nigeria as such tenets of democracy as; rule of law; free, fair and credible elections; freedom of association, speech, press; amongst others, are constantly being raped.

Since 1999, the country has continued to witness unprecedented violations of the provisions of the extant electoral law by individuals, government officials and political parties. This is so because according to Oni (2014);

Achieving a consolidated democracy requires good governance by democratic regimes. It also demands upholding democratic values of popular participation, respect for the rule of law, free and fair elections and the independence of the judiciary.

III. THEORETICAL FRAMEWORK OF ANALYSIS

The dependent and independent variables (democratic consolidation and electoral laws) contained in this work are succinctly explained using Linz and Stepan's (1996) Thesis entitled; *Toward Consolidated Democracy.* The duo's theoretical postulations are anchored on the assumption that a *democratic regime is consolidated when governmental and non-governmental forces alike become subject to, and habituated to, the resolution of conflict within the bounds of the specific laws, procedures, and institutions sanctioned by the new democratic process.*

The implication of the above theoretical explanation applies to the failure of the electoral laws in Nigeria, to effectively resolve conflicts within the country's electoral system since 1999. When this happens, no country's democracy can be said to be consolidated.

In all democratized climes, elections which are usually guided by the prevailing electoral laws the primary vehicle that drives the process of democratization through people's consent that legitimizes governmental authority. And the principal mechanism for translating that consent into governmental authority is the process of a free, fair and credible election (Dansadau, 2005). Most elections conducted in Nigeria since 1999 have not met these requirements and so have not been a fair representation of the wishes of the people. The dysfunctional electoral process in 1999, 2003, 2007, 2011, and 2015 general elections, led to the nullification of a number of elections at the various tribunals and appellate courts spread across the nation.

The impotency and the associated ineffectiveness in the implementation of the '2010 Electoral Act' in Nigeria has impeded the growth of democracy in the country, and this has made it difficult for democratic system of government to be consolidated. As argued by Valenzuela (1992);

Having a consolidated democracy depends on the type of electoral democracy in place. There are those countries where the outgoing authoritarian regimes were able to write certain authoritarian rules into the constitution, thereby creating constitutional defects. In such cases of constitutional defects, full democratization require these formal authoritarian legacies to be removed.

IV. RESEARCH QUESTIONS

In attempting to unravel the rationale behind the failure and ineffectiveness of the extant electoral laws (2010 Electoral Act as amended) in Nigeria in the consolidation of democracy in the country, the following questions are posed in this study:

- ✓ What factors are responsible for the ineffectiveness of the electoral laws in Nigeria?
- ✓ Why are the electoral laws in Nigeria not adhered to?
- ✓ Is the Nigeria's democracy consolidated or in the process of consolidation?

V. CONCEPTUAL CLARIFICATIONS

A. DEMOCRACY

Democracy like many other concepts in Social Sciences lacks a straightjacket definition, thereby opening the floodgate of varied theorization and explanations by scholars, researchers and such philosophers as Rousseau, Locke, Jefferson, Lincoln and Mills amongst others.

Etymologically, democracy is derived from the Greek words; 'demos' and 'kratos' meaning people and power or force respectively. Its origin is traced to the Greek city-state of Athens but today, liberal democracy is somewhat entrenched in such countries as United States of America, France, Canada, Japan, United Kingdom, India and Indonesia.

As buttressed above, the concept of democracy has been differently defined by scholars influenced by their individual ideological proclivities. For instance, Yio (2012) sees Democracy as:

A system of government based on the acquisition of authority from the people; the institutionalization of the rule of law; the emphasis on the legitimacy of rules; the availability of choices and cherished values (including freedom); and accountability in governance.

The above definition unveils the importance of the citizens' power, and the assertion that political power belongs to the people. But this can only be achieved in a society there is rule of law and the freedom of the citizens are guaranteed.

Theorizing further, Akinyemi (2006) defines democracy thus;

A system where the government is dependent on the governed, both for becoming the government and for continuing legitimacy of governance. Thus, democracy is the

prescription for a desirable nexus between government and the governed.

A careful look at the above definition suggests that in a democracy, there must be a correlation between the people and the government. It also showcases the dependence of government on the governed (the people) in which the democratic government derives its sovereignty and legitimacy.

As posited by Cohen (1971); *Democracy is a system of community government in which by and large the members of the community participate directly or indirectly in making decisions, which affect them.* This connotes that democracy is a system of government that belongs to the people, in which they effectively participate in the decision-making processes of such a government, geared towards impacting positively on their individual lives and communities.

Also, Sand Brooks cited in Ukase (2014), sees democracy thus;

Democracy is a political system characterized by regular and free elections in which politicians organized into political parties; compete for power by right of the virtue of all adults to vote and be voted for; and by the guarantee of a range of political and civil rights.

In the same vein, Schumpeter cited in Ukase (2014) sees democracy as "a method by which decision-making is transferred to individuals who have gained power in a competitive struggle for the votes of citizens". The implication of this is that, the decision-making power of the State resides in the people, who can only transfer such to the State and its agents through the democratic processes of election.

Chafe (1994) sees democracy from a different angle, hence submitting thus;

Democracy means the involvement of the people in the running of the political, socio-economic and cultural affairs of their polity.

This definition removes the limitations of the citizens to political involvement only. It encompasses the people's involvement and participation in all spectra of their societies. This implies a correlation between democratization and the peoples' ownership of governance process in its entirety. In the process, what Efemini (2003) calls '*a democratic state*' comes into existence. A democratic state is one in which the people are actually in power; it vests ultimate power on the people with which their consent confer legitimacy on government, as well as government programmes and policies. It is in this context that Akinyemi (2006) defines democracy as; a system where the government is dependent on the governed, both for becoming the government and for continuing legitimacy of governance.

But based on the prevailing erosion of democratic values in Nigeria, Claude Ake in Efemini (2003) reacted thus; *the consent of the governed is now taken rather than given.* This seems to be the order of the day in Nigeria today, where the electoral processes are constantly raped in favour of fraudulent politicians in the country, thereby denying the people the opportunity of freely choosing their leaders through a free, fair, and credible elections.

It is pertinent to also note that democracy is not centred around elections and electioneering activities alone, otherwise its dividends cannot be fully tapped by the people.. Though, the selection process provides a form of guarantee and hope in

the political process, it does not guarantee the emergence of the desired leadership neither does it provide the assurances of the “dividends” of democracy. This position is clearly voiced out by Pogoso (2010);

Democracy is based on the principle that public decision is the business of all citizens equally. This means that all citizens must not just be entitled to, but also enabled to participate in public decision making. The question of democracy goes beyond the holding of elections to the realization of democratic principles of governance in practice and to the balance of social forces in the political community. It is what politicians do when they are in office that counts.

All in all, most of the definitions of democracy seem to be anchored on the one submitted by Abraham Lincoln: *Government of the people, by the people and for the people.* In all the available definitions, the centrality of popular participation and sovereignty; rule of law, periodic elections, freedom, amongst others are reiterated.

B. DEMOCRATIC CONSOLIDATION

The concept of ‘Democratic Consolidation’ is usually regarded as an identifiable phase in the transition from authoritarian rule to civil rule and by extension, democratic systems that are germane and fundamental to the establishment and enthronelement of a stable, institutional and enduring democracy (Kwasau, 2013).

Achieving democratic consolidation therefore calls for the enthronelement of democracy as a system of organizing both the society and government and thereafter creates concomitant institutions, culture, ethics, support system and the ‘will’ that are crucial in making it stable, efficient and responsive.

Essentially, arriving at a consolidated democracy requires nurturing democratic values and ethos, principles and institutions in a matured sense that prevents a reversal to a hitherto authoritarian regime. It also rests upon a strong and dynamic civil society whose responsibility it is to check repeated abuses of power hold public officials accountable for their actions and inactions in the management of public resources and also serves to mitigate political conflicts (Diamond 1994). Civil society is thus not an end in itself but a means to an end, as Diamond (1994) instructively noted that:

a vibrant civil society is probably more essential for consolidating and maintaining democracy than for initiating it.

Democratic consolidation, it should be emphasized, begins with the enthronelement of democracy after a free and fair election, and spans through the period when its probability of breakdown is minimized. Diamond (1999) sees democratic consolidation as;

The process of achieving broad and deep legitimation such that all significant political actors believe that popular rule is better for their society than any other realistic alternative they can imagine. It also connects the act of reducing the probability of the breakdown of the system to the point where democracy can be said that it will persist.

Some scholars view democratic consolidation as *regime maintenance* and about regarding the key political institutions as the only legitimate framework for political contestation and adherence to the democratic rules of the game. It manifests

under enhanced economic development, developed democratic culture, stable party system. Unfortunately, these ingredients are lacking in Nigeria today. Others think that the process by which a democracy becomes consolidated involves the creation and improvement of secondary institutions of the democracy such as the courts.

As postulated by Linz and Stepan (1996), a democratic regime is consolidated when it meets the *attitudinal, behavioural and constitutional* components of the concept. *Attitudinally, a democratic regime is consolidated when a strong majority of public opinion, even in the midst of major economic problems and deep dissatisfaction with incumbent, holds the belief that democratic procedures and institutions are the most appropriate way to govern collective life, and when support for anti-system alternatives is quite small or more-or-less isolated from pro-democratic forces.*

Behaviourally, a democratic regime in a territory is consolidated when no significant national, social, economic, political, or institutional actors spend significant resources attempting to achieve their objectives by creating a nondemocratic regime or by seceding from the state.

Constitutionally, a democratic regime is consolidated when governmental and nongovernmental forces alike become subject to, and habituated to, the resolution of conflict within the bounds of the specific laws, procedures, and institutions sanctioned by the new democratic process.

A vivid look at Nigeria’s version of democracy reveals that the concept has not been consolidated yet in the country, due to the absence of the ingredients of the concept. It is even doubtful if democracy has been fully entrenched in Nigeria, let alone its consolidation. As noted by Linz and Stepan (1996); *In most cases after a democratic transition is completed, there are still many tasks that need to be accomplished, conditions that must be established, attitudes and habits that must be cultivated before democracy can be regarded as consolidated.*

VI. EVOLUTION OF ELECTORAL LAWS IN NIGERIA

Election is the democratically recognized process of choosing a person or a group of people for a political position through the instrumentality of voting. It is a crucial attribute of democracy in every objective society. The Black Laws Dictionary defines election as the act of selecting someone or something; the exercise of deliberate choice. Also, Nigeria’s Vanguard Newspaper on February 13, 2009 states that:

Free and fair elections are the cornerstone of every democracy and primary mechanism for exercising the principles of sovereignty of the people. Through such elections, citizens participate in the governance of their country, by choosing those who govern in the quest for development.

A country’s Electoral law is that branch of law that seeks to regulate the electoral system which ranges from voters’ registration, political parties registration, picking and presentation of candidates, conduct of campaigns, conduct of elections to the final point which is the collation and announcement of results.

The Electoral process in Nigeria is a product of the Constitution of the Federal Republic of Nigeria 1999(as

amended), the Electoral Act, 2010(as amended) as well as rules, regulations and guidelines made by the Independent National Electoral Commission pursuant to the powers conferred on it by the Constitution of the Federal Republic of Nigeria 1999. In addition, INEC can issue guidelines and procedures, including a Manual for Election Officials (2011, 2015). INEC and the Political Parties also developed a Code of Conduct for Political Parties (2011), under which the Inter Party Advisory Council (IPAC) was established.

Both the Constitution and the electoral law envisage that elections in Nigeria must be credible and that legitimate votes must produce legitimate results. They presume that the processes and procedures through which various categories of office holders come to power are constitutional and in accordance with the rule of law and due process.

It is therefore not permitted for the electoral management body, the government in power, political parties and their candidates to breach the provisions of the Constitution and the law in pre and post-election procedures and come to power through means and procedures not recognised by the Constitution and the law. If the Constitutional and Electoral Framework of an electoral process is faulty, skewed or manipulated, it may be difficult for such a process to produce results that would be acceptable to the Nigerian people (Okoye, 2013).

For elections to be credible and to be recognized as legitimate, the various stakeholders must play by the rules of the game and must have some level of fidelity to the law. In other words, the laws regulating the conduct of elections and the conduct of all the political actors must be clear and not subject to arbitrary ambiguity and self-contrived lacuna. But this is not the case in Nigeria today.

Prior to 1999, Nigeria has had a battery of electoral laws. The 'Elective Principle' introduced by Sir Hugh Clifford in 1922 was used for the Calabar and Lagos Municipal Elections, and was also used in the 1946 Council Elections (Eko-Davies, 2011). This colonial electoral enactment was provided for the participation of a few Nigerians and voting was conditioned upon tax payment, and restricted to adults with the annual income of not less than 100 Pounds Sterlings (Igini, 2015).

In preparation for the return of governance from military to civil rule, General AbdulsalamAbubakar's military regime adopted a new legal electoral framework that included; The Transition to Civil Rule (Political Programme) Decree No.34 of 1998; the National Assembly (Basic Constitutional and Transitional Provisions) Decree No.5 of 1998; and The Presidential Election (basic Constitutional Provisions) Decree No.6 of 1999. These political and electoral frameworks brought about the restoration of the current democratic dispensation.

Since then, there had been several amendments to the original Act in the form of the 2001 Electoral Act, the 2002 Electoral Act, the Electoral Act of 2006; and the 2010 Electoral Act which has also been amended in 2011 and 2015.

VII. AN EXAMINATION OF THE NIGERIA'S 2010 ELECTORAL ACT (AS AMENDED)

The '2010 Electoral Act (as amended)' is a product of Section 153 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), and it is also the prevailing electoral law that guides and regulates the electoral processes, procedures and system in Nigeria.

It has been asserted by many researchers and scholars that most electoral systems across the world are not bereft of electoral laws but the crux of the matter has been the ineffective implementation of such laws. Stemming from these growing concerns, it is pertinent to examine some of the provisions of the 2010 Electoral Act in Nigeria with relations to its obvious violations by the political actors and institutions in the country from 1999 to 2015.

Section 23: Offences of buying and selling Voters' Cards
This section of the 2010 Electoral Act provides that:

Any person who:

- ✓ Is in unlawful possession of any voter's card whether issued in the name of any voter or not, or
- ✓ Sells or attempts to sell or offers to sell any voter's card whether issued in the name of any voter or not, or
- ✓ Buys or offers to buy any voter's card whether on his own behalf or on behalf of any other person... Commits an offence and is liable, on conviction, to a fine not exceeding N500,000 or imprisonment not exceeding two years or both.

It is public knowledge that the above provisions of the electoral law have been constantly violated in all the elections have been conducted in Nigeria since 1999. The media institutions and observers are awash with stories of how many voters actually buy voters cards off others so as to accumulate more votes for their candidates. In most cases, it is even the candidates themselves who engage in these nefarious activities in order to have undue advantage over their political competitors.

The trend has become an electoral norm in Nigeria now as every election, ranging from the presidential to the councillorship elections witness this act of electoral violation. Unfortunately, it has however not been recorded that anyone has ever been charged for the violation of this particular law which is one of the most violated sections of the Electoral Act, even when the violators are caught in the act.

Section 28: Oath of Neutrality by Election Officers
This section of the electoral act provides that:

- ✓ All staff appointed by the Commission taking part in the conduct of an election shall affirm or swear before the High Court an Oath of Neutrality as in the second schedule to this Act.
- ✓ All Electoral officers, Presiding Officers, Returning Officers and all staff appointed by the Commission taking part in the conduct of an election shall affirm or swear to an Oath of Loyalty and Neutrality indicating that they would not accept bribe or gratification from any person, and shall perform their functions and duties impartially and in the interests of the Federal Republic of Nigeria without fear or favour.

It is interesting to note that the provisions of the above section of the electoral law have not been followed often to the

letter by the electoral officers (INEC and its Adhoc Staff) appointed by INEC for the conduct of elections in Nigeria since 1999. For example, one of the international observers (United Nations Women Organisation, South Africa) that monitored the March 28, 2015 Presidential and National Assembly revealed thus;

Accounts made by our field officers in some local government areas of Rivers State indicate widespread inducements of INEC Adhoc Staff by the two major political parties (PDP and APC), leading to the diversion of election materials and massive thumb-printing of voting materials.

Section 30: Notice of Election

The subsections of the above section provide that:

- ✓ The notice shall be published in each constituency in respect of which an election is to be held,
- ✓ (3) In the case of a by-election, the commission shall, not later than 14 days before the date appointed for the election, publish a notice stating the date of the election.

Once again, this section has recently been violated by INEC in fixing the proposed re-run National and State Assembly elections in Rivers on February 6, 2016, just a week to the said date.

Section 87: Nomination of Candidates by Parties

Subsection 8 of this section states that:

No Political appointee at any level shall be a voting delegate at the convention or congress of any political party for the purpose of nomination of candidates for any election.

It is worrisome to observe that this section of the Electoral Act has been in constant violation by virtually all the political parties in Nigeria as political appointees with such nomenclatures as "Automatic or Super Delegates" continue to be enrolled for the congress and conventions of their respective political parties.

Section 94: Conduct of Political Rallies, and Procedures, etc

The above section provides that:

- ✓ For the purpose of the proper and peaceful conduct of political rallies and processions, the Commissioner of Police in each state of the Federation and the Federal Capital Territory, Abuja, shall provide adequate security for processions at political rallies in the states and the Federal Capital Territory, Abuja.
- ✓ A person who, while present at a political rally or procession or voting centre, has with him any offensive weapon or missile otherwise than in pursuance of a lawful duty is guilty of an offence and liable on conviction to a maximum fine of N2,000,000 or imprisonment for a term of 2 years or both.

This section of the Act has been constantly violated by the Nigeria Police Force and members of most of the political parties in Nigeria, especially the front-liners. A case in point is what happened in Rivers State prior to the 2015 general elections where the then Commissioner of Police in the State, Mr. Joseph Mbu, was accused by the APC of mostly providing security protection to the then ruling political party (PDP) in its electioneering. This was in sharp contrast to the provisions of the above Act.

Section 96: Prohibition of the use of force or violence during political campaign

The above section of the 2010 Electoral Act provides that:

- ✓ No candidate, person or group of persons shall directly or indirectly threaten any person with the use of force or violence during any political campaign in order to compel that person or any other person to support or refrain from supporting a political party or candidate.
- ✓ Any person or political party that contravenes the provisions of this Section commits an offence and is liable on conviction
 - in the case of an individual, to a maximum fine of N1,000,000 or imprisonment for a term of twelve months; and
 - in the case of a political party, to a fine of N2,000,000 in the first instance and N500,000 for any subsequent offence.

It is pertinent to observe that since 1999, no political actor or political party has ever been charged or indicted for the violation of this section. The campaign build-up to the 2015 general elections witnessed the greatest volume of hate speeches and inciting statements made by officials and members, in total contravention of the provisions of this act.

From the foregoing, it is crystal clear that the various sections of the electoral law in Nigeria have constantly violated and the culprits not seriously punished due to their political affiliations with the 'powers that be' in the country. Undoubtedly, this development has created a hostile environment for the consolidation of democracy in Nigeria.

VIII. CONCLUDING REMARKS/ RECOMMENDATIONS

From the preceding sections of this paper, it is crystal clear that since the return of governance from military to civil rule in 1999, the electoral laws have failed to properly entrench and consolidate democracy in Nigeria. Since then, a number of reforms and amendments have been carried out by successive administrations in the country yet democratic governance seems to be in a crippling state.

Therefore, it is argued that democracy cannot be entrenched and consolidated in Nigeria so long as such basic tenets of democracy as; conduct of free, fair, and credible elections in consonance with the laid down electoral laws; institutionalization of the rule of law; enthronement of party democracy, guaranteed freedom, popular sovereignty, amongst others, are constantly raped by the political leaders and their followers in the country.

In order to deepen the on-going democratic process in Nigeria, and with a view to consolidating on the envisaged dividends accruable, the extant electoral laws need to be reformed and should incorporate the following;

- ✓ Strengthening of internal party democracy,
- ✓ Independent Candidature,
- ✓ Adjudication of all election cases prior to the inauguration of political office holders,
- ✓ Fiscal Autonomy of Independent National Electoral Commission, that is, it should be funded from the Consolidated Revenue Account,
- ✓ The 'Card Reader' technology should be upgraded to enable voters to vote at any polling unit of their choice other than their registration units,

- ✓ Lower level elections should precede the upper ones, so as to avoid 'bandwagon effects' on subsequent elections,
- ✓ Diaspora voting;
- ✓ Disqualification of persons convicted of electoral offences from contesting and holding positions in political parties, etc.

In addition, democracy cannot be fully entrenched and consolidated in Nigeria if the following challenges are not addressed; poverty, insecurity, lack of national identity, ethno-religious crises, and poor military-civil relations. Ultimately, the extant electoral laws in Nigeria should be capable of entrenching the sanctity of the ballot box in the recruitment of the country's political leaders through free, fair, credible and transparent elections at all levels. When this happens, then the process of consolidating the country's fragile democracy will be said to have begun.

REFERENCES

- [1] Akindele, S. (1987) "Synthesizing Bureaucracy and Democracy" in Quarterly Journal of Administration, Vol.XXI, No.1
- [2] Chafe, K. (1994) "The Problematic African Democracy: Experiences from the Political Transition in Nigeria" in Afrik Zamani Special Issue on Historical Heritage and Democratization in Africa, New Series, No.2
- [3] Cohen, C. (1973) *Democracy Athens*, University of Georgia Press Democracy Report, 2001 Publication on Civil Society Pro-Democracy Network
- [4] Diamond, L. (1999) 'Developing Democracy: Towards Consolidation', Baltimore
- [5] Efemini, A. (2003) *Claude Ake's Philosophy of Development: Implications for Nigeria*, Port Harcourt : University of Port Harcourt Press Limited
- [6] Ekuowusi, S. (2001) *The Corruption of Democracy*. This Day Newspaper, December 1
- [7] Elaigwu, J. (2011) *Topical Issues in Nigeria's Political Development*, Jos, AHA Publishing House.
- [8] Huntington, S. (1996), "Democracy for the Hall", Vol.1, No.2
- [9] Independent National Electoral Commission (2015) *Approved Guidelines and Regulations for the Conduct of 2015 General Elections*.
- [10] Igini, M. (2015) 'Electoral Laws and the Conduct of the 2015 General Elections in Nigeria'. A Lecture delivered at the Electoral Institute at the Conference on Post 2015 General Elections, Abuja
- [11] Kwasau, M. (2013), *The Challenges of Democratic Consolidation in Nigeria's Fourth Republic*. European Scientific Journal, Vol.9, No.9
- [12] Linz, J. and Stepan, A. (1996) 'Toward Consolidated Democracies', National Endowment for Democracy and the John Hopkins University Press, Journal of Democracy, Vol.7
- [13] Pogonson, A. (2010) *Rethinking Governance in Africa: Measuring Performance- The Ibrahim Index on African Governance*. A Paper Presented at the departmental Seminar, Dept. of Political science, University of Ibadan, Nigeria, 10th February.
- [14] The 2010 Electoral Act (as amended), The Federal Republic of Nigeria, Abuja.
- [15] Ukase, P. (2014) "Interrogating the Nexus between Minority Agitations and Democracy/ Good Governance in Nigeria's Fourth Republic"
- [16] Valenzuela, S. (1992); *Democratic Consolidation in Post-Transitional Settings*.
- [17] Yio, B. (2012) 'Democracy and Development in Nigeria: A Reflection on the Country's Democratic Experience up to 2011', National Development Studies Journal, No.5