AN UNBIASED UMPIRE: A SURE WAY TO CREDIBLE ELECTION BEING A PAPER PRESENTED AT TROPICANA HOTEL, KANO ON 22ND MARCH, 2010: BY YUSUF O. ALI ESQ; SAN; FSPSP; FCIarb; LL.M.

INTRODUCTION

Elections are an important indispensable part of the democratic process anywhere in the world. The situation in Nigeria is not an exception. A lot has been said about elections especially since the country has had so much crisis in what ought to be simply a routine and normal procedure.

There can be no successful democratic government anywhere in the world where the process by which the wishes of the people are respected and given priority is by-passed. Therefore, any nation claiming to run a democratic system must strive to find ways and means of organizing good, free and fair, transparent, credible and accurate elections. There are no short cuts. This is why our discussion is very important.

Conduct of free, fair and credible elections to effect change of government and political leadership is an uncompromising principle of liberal democracy. The credibility of any election is determined by the capacity and honesty of the electoral body saddled with the conduct of the elections, which should be adjudged by the electorate, political parties and other political stakeholders and third-party observers and

monitors, as transparently impartial and non-discriminatory to all contesting political parties and candidates. This study analyses issues on the premise that relative political stability, legitimacy of government and democratic stability are interactively conditioned by transparent and credible elections.

In Nigeria, poor electoral administration remains a re-occurring problem in electoral politics. The credibility and general acceptability of any election outcome and the legitimacy of elected government are a function of the transparency, freeness and fairness of the electoral process.

A major limitation to the stability and durability of electoral politics in Nigeria over the years is poor and biased electoral administration. Administration of transitional election since independence had always resulted in controversy and crisis arising mostly from the perceived collaboration of the electoral body with the respective incumbent government and ruling political parties. The implication is that the history of electoral administration in Nigeria has been a history of controversy engendered by electoral malpractices.

The 2007 election opened up another critical chapter in the electoral history of the nation. The quality of the administration of the election by the Independent National Electoral Commission (INEC) has affected the emerging democracy and political stability of the country. As we approach another transitional election process in 2011, the problems and unresolved questions gingered by critical observations have been: How prepared is INEC in conducting a free fair and credible election that will usher in a legitimate government? How can INEC rise over pervading doubt of opposition parties and critical elation analysts that INEC is an affiliate of the presidency and a partisan body merely working to perpetuate the ruling People's Democratic Party (PDP) in office? Is INEC truly independent and neutral in carrying out its electoral assignment? Does the electoral body in its present form have the capacity to achieve credible election results?

The major concerns of this study are therefore as follows:

1. To examine the credibility value of election administration in Nigeria.
2. To investigate the basic challenges undermining credible elections in Nigeria.
3. To examine the implication of good election administration and credible elections on durable democracy and political stability in Nigeria.
4. To suggest some electoral reforms that could help in achieving sustained electoral constitutional democracy in Nigeria. credibility and

Before going into full discussion of the above stated sub-topics, it pertinent to take a look at how elections in Nigeria have fared over the years.

ELECTIONS IN NIGERIA

The story of elections in Nigeria has so far shown a trajectory of deterioration. Electoral democracy and election administration in Nigeria is one of the colonial legacies which was introduced In Nigeria in 1922 by the Clifford Constitution. However, it was not until 1959 that the outgoing imperial administration inaugurated a special electoral body named the Electoral Commission of Nigeria (ECN) to conduct the independent and first direct elections in Nigeria.

At independence in 1960, the Tafawa Balewa administration launched a new electoral body i.e., the Federal Electoral Commission (FEC). The Commission conducted the 1964 and 1965 elections which were characterized by massive rigging and a general abuse of electoral process which led to the constitutional crises and affected the legitimacy of the newly elected government. The election result was rejected by the opposition, who consequently resorted to widespread violence and subsequently led to the first coup d'état and the military take-over of 15th January, 1963. The

military subverted democratic rule for unbroken thirteen years before handing over to the civilian in 1979 for the second republic.

During the second republic, the Muritala/Obasanjo regime established the Federal Electoral Commission (FEDECO) which conducted the 1979 general elections. The election results equally generated controversies as the Muritala/Obasanjo regime; FEDECO and judiciary were accused of handover conspiracy. The ensued lingering controversy undermined the legitimacy and general acceptability of the winning party and the newly elected government till the end.

In 1983, civilian to civilian transitional elections were conducted by the same FEDECO which was reconstituted by the incumbent administration. Just like it happened in the previous elections, the FEDECO did not enjoy the confidence of the people and consequently, before, during and after the elections, the agency was accused of impartiality in the administration of electoral process. The ruling NPN had before the elections been alleged of plans to rig the elections particularly in states being controlled by opposition parties. Eventually, the elections were conducted but were marked by intense allegations of widespread electoral fraud including massive rigging of votes. The rejection of the election results resorted into wanton destruction of lives and property. For example, in Ondo State, the opposition showed their grievances by bombing the FEDECO office in the state, political actors in the NPN that were considered to have masterminded the rigging of the gubernatorial election in the state were brutally murdered. The electoral violence continued until the military took over on 31st December, 1983.

The 1993 Presidential Election and Nation-Building in Nigeria. In: Mimiko N.O. (Ed. 1995). Crisis and Contradictions in Nigeria's Democratic Programme, 1986-1993, Akure, Nigeria, Stebak, pp: 179-195

The next transitional election took place in 1993. The ruling military regime established the National Electoral Commission (NEC) which administered the elongated electoral process. NEC carried all its essential duties including conducting and announcing the results of elections up to the state Houses of Assembly and the two- chamber National Assembly. The presidential election was thereafter conducted on 12th June, 1993. The election was adjudged by both local and foreign observers as the freest and fairest election Nigeria ever conducted (Ajayi, 1995). NEC was announcing the results as they were coming in from the states. Results from 14 out of 21 states had been announced before the regime ordered a stop of further announcements and subsequently annulled the results altogether. The annulment of the presidential results and the cancellation of the entire transition programme triggered serious political violence by civil societies particularly in the southwest of the country. Eventually, Military Government was forced to step aside from power and transferred power to a self-appointed and illegal National Interim Government (ING) headed by Ernest Shonekan.

Ernest Shonekan was succeeded by General Sani Abacha, whose administration established the National Electoral Commission of Nigeria (NECON) in 1995. The transitional electoral process administered by the regime's NECON lacked credibility as it was well known to the public that it was merely working to an already known answer in the sense of installing Abacha as the next civilian president. All the five parties registered by NECON were formed by the regime and it wrote their constitutions and manifestoes. The 5 eventually adopted Abacha as their consensus candidate in the proposed presidential election, implying that he would have won unopposed. Civil society groups and the Western world continued their opposition to Abacha's dictatorship until he died suddenly in June 1998.

The next military regime headed by General Abdusalami Abubakar dissolved NECON and replaced it with the Independent National Electoral Commission (INEC). The Commission executed the regime's transitional elections which led to the handing over to a democratically elected civilian administration on 29th May, 1999. In 1999 after 13 years of military rule, things did not go too well, INEC was not without some defaults in the conduct of the elections. It lacked accurate voters register and its staff was alleged of fraud and declaration of false results (IDEA, 2001).[2] But we consoled ourselves that it was just the beginning, that we were on the right path and that we would do it better next time.

In 2003, we witnessed an election that was worse than the first one we conducted. President Olusegun Obasanjo, who was elected on the platform of the People's Democratic Party (PDF), retained INEC for the conduct of the civilian- to-civilian elections of April/May, 2003. Opposition political parties, international poll observers and local monitors and pro-democracy groups adjudged the elections as lacking transparency and fairness (Ajayi, 2005). The security agents and INEC officials were alleged of bias and rigging in the elections in favour of the ruling party. The Commission, according to the European Union, American and Commonwealth observer teams' reports, lacked transparency in all the key stages of the electoral process (Ajayi, 1995).

It became clear at that time that the ruling party had decided that they must continue to rule by all means and in particular that all office holders must be returned to power. The slogan was "second term". The election was therefore massively rigged. Again, we consoled ourselves with the thought that we had managed to survive the crisis without a major breakdown of law and order.

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Then came 2007, even before the elections, the handwriting was clear on the wall that the atmosphere was such that only a miracle could bring about a free and fair election. In many cases, the results were predetermined. Clear efforts were made to eliminate valid candidates from the contest. Even the political parties put aside their own rules and imposed "anointed" candidates. This can be seen from the spate of disqualifications, court actions and court judgments that preceded those elections.

It can therefore be said from the above that since independence, transparent and credible election administration has been a major challenge of democratic consolidation and sustenance in Nigeria. Election maladministration which had manifested in fraudulent electoral process had often led to electoral violence and legacy of succession crisis.

CREDIBILITY VALUE OF ELECTION ANDMINISTRATION IN NIGERIA

Election administration is the management and organization of all stages of electoral process. It involves the planning, conduct of elections. Election organization administration has three major stages which are Pre-election, actual election and post-election activities. The first two stages are the responsibilities of an electoral body constituting members who can be referred to as election administrators and constitutes our major concern in this study.

Security Forces, Electoral Conduct and the 2003 General Elections in Nigeria. In: Onu G. and A. Momoh (Eds.), Elections and Democratic Consolidation in Nigeria, Logos, Nigerian Political Science Association.
The 1993 Presidential Election and Nation-Building in Nigeria. In: Mimiko, N.O. (Ed. 1995). Crisis and Contradictions in Nigeria's Democratic Programme, 1986-1993, Akure. Nigeria, Stebak, pp: 179-195.

The Pre-Election Phase

The pre-election phase includes delineation of constituencies, registration of political parties, registration of eligible voters, as well as screening and verification of candidates for elections. These are essential activities that must be accomplished before the actual election takes place.

Very often what happens on the day of the elections is already predetermined before that day. If elections are to be free and fair and lead to genuine democracy, certain conditions have to be in place ever before the election day. Simple and clear enough is the issue of who should be voting and where.

The issue of electoral register has been very chaotic in our country. If we cannot tackle this and have an accurate voter register, it will be extremely difficult if not impossible to hold free and fair elections. There ought to be in all the States, in all Local Governments and in every ward an on-going system of reviewing of electoral registers. This ought to be even easier nowadays when we live in an era of Information Technology. Again, there is a sneaking suspicion that those who do not want a free and fair election do not really want an accurate voters' register. They probably prefer the vague situation where fake votes can be counted and bogus results declared.

At present, what we seem to see are not political parties based on ideology with a clear manifesto and plan for the progress of the nation but rather a club of opportunists who are only interested in capturing power for selfish reasons. Many Nigerians have checked out of active politics precisely because they cannot find any political association which really represents a sincere and serious attempt to chart a course for the progress of this nation. Those who have now captured the political

scene do not want any change. Already the criteria for recognition of political parties seem to have been designed precisely to keep out those who do not belong to the club of the rich and the powerful.

The Actual Election Day

Activities on the actual election day includes balloting by registered voters, counting of votes, collection of results and announcement of final results and declaration of actual winners. Activities on election day also includes election monitoring, observing and reporting by both local and foreign poll watchers to evaluate the freeness, fairness, transparency and credibility of the election.

Elections in Nigeria have been characterized by impartiality in the administration of electoral process engendered by massive rigging, fraud, violence and a general abuse of electoral process which usually undermine the credibility of the elections.

Post-election period attends

Post-election period attends to complaints and litigations by aggrieved parties and contestants. Such complaints and litigations are usually handled by special election panels and tribunals set up for such purpose.

The drama continues after the elections. Results are announced, people are frustrated, many are angry, some (very few) go to the Tribunals. However, it appears that the measure of irregularities taking place in our last elections were more than any tribunal is designed to cope with. Tribunals are set up to take care of few cases of irregularities which can happen out of human errors. But an

election is rigged as a matter of political policy of the government in power, then the tribunal cannot effectively cope.

BASIC CHALLENGES UNDERMINING CREDIBLE ELECTIONS IN NIGERIA

Most members of the public have lost confidence in the electoral process in Nigeria. Questions being asked by the public include: Will the elections hold? Will the elections be free and fair considering the ruling PDP's influence on INEC? This mind agitating concerns are fueled by the believed that INEC is not transparent in its handling of the transition programmes as it is alleged of working in tandem with PDP to asphyxiate other political parties. The closeness of the Commission to the presidency and the ruling PDP has robbed it of its being seen as impartial and transparent by the public and opposition parties.

Electoral apathy and civic irresponsibility constitute setbacks to the credibility of the elections. Most members of the public are not just interested in the electoral process, the most noticeable manifestation of these attitudes concerns INEC's voter's registration and validation exercise. The exercise is usually ignored by the public as people no longer turn out at the registration centers. The problem is compounded by logistic hitches usually suffered by the exercise. The problematic questions usually asked by the public are: Does INEC have the capacity to register all eligible voters? Will the machines used for voter's registration not break down on the election days considering the continued deteriorating state of the nation's electricity sector and poor technical know-how? The registration exercise also suffers the burden of credibility. INEC officials have introduced fraud to the exercise with the active connivance of politicians.

Apart from the fact that the electorates are weary that rigging of votes by politicians, rather than their votes, would count in determining the outcomes of the elections, the poor material conditions of the people have also motivated their apathy to the electoral process. Democracy as a facilitating political engine for human development and welfare is yet to be achieved in Nigeria. The rate of poverty has accelerated rather than reduced. Only the ruling political elites are wallowing in stolen wealth. Official corruption has appreciated in spite the administration's anti-corruption policy. Various attempts are being made to mobilize and elicit the public's interest in the exercise to no avail.

Other issues that could undermine a smooth poll are environmental factors. The first is the perennial fuel crisis. Like the poor performance of the electricity sector is hindering the smooth functioning of the voters' registration DDC machines, the lingering shortage of petroleum products could constitute logistic barriers to the polls. Movement of electoral materials and the electorates to designated polling booths would be constrained by continued fuel shortages.

Another worrisome aspect that can be inimical to an efficient and credible election administration is the current state of internal insecurity nation-wide. Beside unabated armed robbery cases, political assassination and thuggery pose serious danger to the electoral process. Notable politicians are being hacked down by hired assassins and political thugs on daily basis. The spate of assassinations and bloody political clashes are encouraged by the large quantity of illegal small arms in circulation in the country (Editor, 2007)5. If the situation remains unchecked, the polls may not be violent free and may therefore be boycotted by the electorates and thereby leading to low turn-out of voters.

In the same token, the continued protests over the census 2006 results across the nation by state governments, sectarian ethnic groups and civil society groups also constitute problems for the elections. It is the belief of critical political observers and opposition parties that the result was manipulated in favour of the ruling party. Census, like religion, is a very sensitive issue which usually triggers controversy and national crisis with deadly dimensions in most cases.

The screening of party candidates for the elections by INEC, Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt and other related Crimes Commission (ICPC). In the first instance, screening of contestants by any official agency is illegal as there are no legal or constitutional provisions supporting it. Neither the 1999 constitution nor the Electoral Act 2006 authorized screening or verification of candidates by EFCC and ICPC. Opposition parties believe that the ruling PDP is merely using the EFCC and ICPC to witch-hunt and disqualify political opponents. Besides, the insistence of INEC to even screen candidates illegally in collaboration with the EFCC and ICPC is believed to be a ploy to incite the opposition to institute litigations resulting in securing court injunctions restraining INEC from conducting the polls based on those illegalities like the Association for Better Nigeria (ABN) did in the June 12th 1993 presidential election which was invariably annulled by the Babangida regime based on the court injunction secured by the association against the conduct of the election.

Illegal arms threaten April elections. The Punch, Lagos, Punch Nig. Limited.

It must also be pointed out that poor funding equally undermines the independence, autonomy and capacity of INEC to administer the electoral process efficiently and assures the control by the presidency. The Commission has not enjoyed adequate funding since 1999 and it has complained severally about this (IDEA, 2001)[6]. Its subventions are not only inadequate; they are often deliberately released late by the presidency (Jinadu, 2005). The body cannot but compromise its independence by being cap-in-alms begging the presidency for funds.

The surest guarantee to fund the Commission properly and retaining its independence and securing its required impartiality is to draw its votes directly from the Consolidated Federated Account, implying that the Federated Accounts Sharing Commission will post INEC funds directly to its accounts from source without passing through the presidency any longer. This would enable the agency to be able to procure its needs for elections and paying its contractors supplying essential materials for elections such as DDC machines and ballot boxes and ballot papers on time.

The independence and credibility of INEC can also be guaranteed by modifying the mode of appointing and composing its members. The current practice is that the president appoints the members with the approval of the Senate. By this method, the president has the power to appoint members of his party on the Commission thereby eroding the desired non-partisanship character of the body. Consequently, the members, as election administrators, do not enjoy the confidence of the opposition and members of the civil society and the public.

[6]Democracy in Nigeria: Continuing Dialogue(s) for Nation-Building, Capacity-Building Series 10, Stockholm, International Institute for Democracy and Electoral Assistance.

The Implication of Good Election Administration and Credible Elections On Durable Democracy And Political Stability In Nigeria

The transparency and credibility of the electoral process is crucial property of democracy. According to Ben Nwabueze and Chukwu (2005) electoral processes embraces all the institutional procedures, arrangement and actions involved in elections. Especially, the processes includes delineation of electoral constituencies, registration of political parties, registration of eligible voters, conduct and supervision of elections, declaration of electoral results and resolution of complaints and litigations by aggrieved election competitors. The electoral process must be administered and elections conducted by bodies perceived as transparent, honest and credible based on the existing electoral regulations.

In addition to a specially appointed body to administer elections, the judiciary is part of the electoral process. Its role is to serve as an impartial and non-partisan umpire and to arbitrate electoral disputes and complaints. A credible electoral process has its significant value. One, it often paves way for political peace and democratic legitimacy, while controversial election outcome are in most cases catalysts for political instability, military intervention and even civil wars. Two and very importantly, transparent election process, as observed by International Institute for Democracy and electoral Assistance (IDEA 2001)[7], ensures democratic consolidation and sustainability when it is clear that electoral rules and results are observed and accepted.

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On the other hand, the lack of clear adherence to the rules guiding democratic process is an obstacle to democratic consolidation and sustenance. In specific relations to Nigeria, IDEA identifies lack of discipline in the form, spirit and implementation of election processes, and excessive monetization of politics in general, as major factors, among others, that continuously undermine competitive electoral politics. In the context of money politics, electoral officials and voters are easily bought. In essence, a credible election constitutes a peaceful means of political succession.

The constitution and the electoral laws set the operating rules of democracy. Electoral laws specify rules and regulations pertaining to the conduct of the election and such other provisions such as registration of political parties, electoral expenses and campaigns. It appears that the major problem is in fact not even with the inadequacy of our electoral laws. Deficient as the present laws are, the fact is that in the elections held until now those deficient laws are not even respected. Most of the irregularities that were visible to everyone were not part of the electoral law. If the electoral law had been respected by all and sundry, we would have been able to manage with the defects of the electoral law.

It is not surprising that at the end of the elections, there was such a huge number of cries and accusations of irregularities and court cases. So, we have to find a way of insisting that whatever law we have would be complied with by all and sundry including the highest.

For as long as this continues, even the best electoral law is liable to be ignored. People will take bribe and do the wrong things, knowing that they will never be held accountable. I believe we need to have a system where whoever, acting on our behalf, mismanages an election should be held

accountable. If this is done, electoral officers will take care not to succumb to either bribery or threats from any quarters. Naturally, it means too that other umpires in the game must be expected to comply with the rules whether they are security agents or law and order enforcers.

ELECTORAL REFORMS

Our worry now is that if we continue along this trajectory of deterioration, we will end up not having any elections at all in the foreseeable future. Most people now are sincerely and genuinely concerned and those who care to look carefully at the reality would agree that the polity cannot sustain such crisis indefinitely. Our nation cannot survive, let alone thrive if we do not do something seriously in order to reverse this trend of deterioration. Perhaps there are people in Nigeria who really want the present system to continue. I would hope that they would realize that on a long-term basis, the system of corruption and oppression cannot last and eventually will consume everybody concerned.

There are many gaps to be filled up and there are also contradictions and inconsistencies which should be streamlined and harmonized. Among these, we must insist especially on an independent umpire for the elections. It is obvious that the Independent National Electoral Commission (INEC) as presently constituted, cannot be and has proved that it is not an **Independent** Electoral Commission.

We had therefore a case of the umpire being a major contestant in the game. The advantage and prerogative given to the President and through the President, to the political power in office to control the membership of INEC, as well as its funding, means on the long run that there is really

no independent and impartial umpire in the game. That was why the goal posts kept shifting and we had a football match in which the referee turned into the Centre-forward.

The Electoral Commission should be one for the whole nation. The situation where every governor sets up his own so-called Independent Electoral Commission should not be allowed to continue. As we have seen in recent times, every governor made sure that the Local governments are led by his nominees who are regularly declared winners of elections rigged by the States. Certainly, a well constituted National Electoral Commission can have offices in each State that will ensure transparency and independence of any election, including the Local Government elections.

There is need to thoroughly ensure that the process for putting together the Electoral Commission would be such learn from the experience of other nations which have Commission is made up of the ruling party politicians, their ability to conduct a transparent and honest electoral process cannot but be naturally doubted. For the body and that no political party would have control over it. We can successfully put up a system that works. Once the run up to the elections to earn the expected credibility, INEC members should henceforth be nominated from the human rights and pro-democracy civil society groups and the ranks of notable and credible non-partisan Nigerians who would not want their long-term hard-earned good image and reputations tainted by not engaging in electoral malpractice.

There is the need to ensure that all eligible voters are registered in the on-going voter’s registration and validation exercise. Aggressive voters' education and mass mobilization should be embarked on as a matter of urgency by INEC in collaboration with the Ministry of Information and the

National Orientation Agency at all levels of governance. The mobilization exercise must be particularly rural-based as political apathy, cynicism, illiteracy and civic irresponsibility are higher in the remote areas. It is only in this way that the more than 60 million targeted voters could be registered. The usual late take-off of the exercise, in part, accounts for the poor performance of INEC. It is therefore advised that for NEC to achieve accurate and credible voters register in future elections, voters' registration and validation should commence not later than nine months to the elections. In fact, such exercise should be made an annual exercise to avoid embarrassments and late delivery of DDC machines by contractors.

The increasing role of external election observers is solicited and should be encouraged by INEC. In addition, more members of the civil society groups should be allowed to monitor elections more closely. Permitting the categories of election monitors and observers to participate more closely in the elections would the electoral process some modicum of transparency and credibility. In the same vein, civil society groups, especially human rights and pro-democracy groups should be allowed to participate in the screening/verification of candidates by INEC. This can only enhance the transparency NEC and the credibility of the entire transition process.

There is also the area of the sovereignty of the people. Democracy by its very definition means that power belongs to the people and that people have the priority of rights in respect of the process and the system. Political parties are supposed to mobilize and organize the people around competing projects of state, so that they can freely exercise their rights and privilege to choose. But our experience has shown that the political parties have become a problem to the nation and unto themselves.

This is all the more disturbing when it often appears that these political associations belong to certain heavy weight money bag individuals. It sometimes said without shame that "the owners of the party" decide things. That is perhaps why we have situations where candidates are imposed even on the members of the party. In a democracy, the political parties themselves ought to be democratic.

SUGGESTIONS CONCLUSION

To achieve a significant impact in our electoral system and process there is need for good, free and fair, transparent, credible and accurate electrons and this can only be achieved through the following:

Reviewing the structure, composition, operations, and funding of introduction of a gender quota for elective and appointive positions at all levels of government

This could be achieved in the short term by working with all of the political parties, and in the long term via a constitutional review.

Conducting a review of constitutional and electoral instruments in a process that embraces the views of all sectors of the society.

The government, the National Assembly, and civil society should harmonise the various review initiatives that they have implemented. Electoral instruments should be designed to promote broad participation and a credible electoral process.

Providing civic education for members of the population

There is a pressing need to mobilize popular support for democratic reform through sustained civic education by civil society groups, political parties, and the National Orientation Agency.

Decentralization of power

Democratic reform is belle served by a conscious policy of decentralization. More powers, responsibilities and resources should be transferred from the Centre to strengthen the federal system and to enhance the capacity of other tiers of the federation.

Initiating debate on alternative electoral systems

Nigeria has employed the list-past-the-post electoral system since independence. While this has produced clear winners, it does not reflect the diverse nature of this complex country. Not only does it fail to relate a party's share of the votes to the seats that it wins, but also it has not proven effective in promoting male representation. Political parties, civil society bodies and the media should initiate a debate on alternative electoral systems to see whether a more inclusive one can be adopted.

Reformation and enforcement of legislation on political-party funding and campaign finance

Politics in Nigeria is increasingly monetised in a way that discriminates against quality participation. New legislation to curb the influence of money on politics should be passed and enforced.

Providing access for electoral monitors in all communities

Obstacles to proper election monitoring such as insecurity and intimidation of observers and monitors should be eliminated. The accreditation process should be made more inclusive and less cumbersome. INEC should cooperate with and encourage election observers.

Updating the voter's registers should become a routine exercise.

Employing the latest technology, the INEC should organise this important process in an orderly and accessible fashion. Guarantee the secrecy of the ballot and the sanctity of the results. To protect the integrity of the democratic process and the legitimacy of elected officials, the results of the poll must reflect the preferences actually expressed by voters. Citizens must feel free to vote without fear and with the feeling that what they are doing truly matters. Declaring results at the polling station could bolster public confidence in the process.

Developing a code of conduct for the security agencies

Security-sector transformation is a vital component of democratic reform and is crucial to guaranteeing respect for civil rights. New standards of behaviour should be set for all members of the security services, including an end to impunity and institutional cover-up. This could necessitate that the National Assembly make changes to existing statutes. The government should provide security-sector officials with continuous training in democratic values, while civil society should develop the capacity to monitor effectively the security agencies and their operations.

Developing a code of conduct that reflects national expectations for acceptable political conduct behavior before, during and after elections for political parties and INEC

As part of efforts to instill a new political morality, the INEC, political parties and civil society should discuss and develop new rules to guide the behaviour of the parties and their candidates as well as INEC before, during and after elections.

Reviewing the structure composition, operations and funding of the INEC so that can attain autonomy

The INEC requires assistance in order to become truly independent and not independent just by name. Nigerians need to engage in informed debate on the options for enshrining this independence, after which the National Assembly should pass he appropriate legislation. An important consequence tis legislation should be the emergence of a professional electoral commission, financed directly from the Consolidated Revenue Fund.

Let me in conclusion draw the attention of this audience to the words of **Garba J.CA in Omigwe v. Emelumba**,[8] where the Court of Appeal admonished INEC as follows:

> "Let me caution that the 2nd respondent (Independent National Electoral Commission) should always strive to sincerely remain and be seen to be an impartial institution and arbiter in the conduct of elections into public offices in the country. That can only happen where and if its officers dedicate and commit themselves to the observance of the rule of law by conscientiously carrying out their statutory duties and functions in strict. compliance with the Electoral Act and

> of the Constitution. That would drastically reduce the incessant disputes arising from the conduct of such elections which are mostly related to the failure, deliberate or otherwise, of the officials and officers at all levels to abide by the provisions of the law."

If all the above suggestions are taken into consideration and everyone contribute their quota, the electoral process will be strengthened and there will be promotion of democratic consolidation in Nigeria.

[8](2008) 14 NWLR (pt. 11927) 371 at 413-414 paras H-B