

THE REALITY OF SOVEREIGNTY IN NIGERIA FROM 1999 TO 2019 AND THE IMPLICATIONS FOR DEMOCRACY

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ABSTRACT: *The year 2019 marks two decades of the Nigeria's democratic governance which in Nigeria Political parlance is referred to as the fourth republic. The first republic which started on the attainment of independence in 1960 was truncated by the military in 1966 and from that time till the 29th of May, 1999 when the military was coerced to relinquish power, Nigeria did not pretend in her clamour for democracy. The democratically elected government of Alhaji Shehu Shagari (1979-1984) was equally overthrown by the military in Nigeria. From Independence in 1960 to 1999, a period of 39 years, Nigeria had eight military head of state in government for a total of twenty-nine (29) years with only two civilian head of states. The compass of this present democratic experience midwifed by the 1999 Constitution is that Sovereignty belongs to the people. The reality of the sovereignty is the focus of this study. The study revealed that the actual voters in Nigeria with a population of over two hundred million people are the judges and not the people. That judges are the determinant of the representatives of people is anachronistic considering the fact that the judges in Nigeria are guided by their idiosyncrasies and not logic in their role as the interpreter of law and adjudicator.*

KEYWORDS: sovereignty, democracy, logic, electorate

INTRODUCTION

Legal Realism postulates that until the court has made its pronouncement on particular legal provision, the legal provision is merely a source of law while the actual law is the decision of the court. The 1999 Constitution of the Federal Republic of Nigeria as amended provides that sovereignty belongs to the people from whom the government derives its ultimate authority.¹ This in essence connotes that the electorates in a democratic government through the exercise of their franchise are the ultimate source of power. Democracy is the government of the people by the people and for the people. Identifying the real source of power and political authority in Nigeria from 1999 to 2019 is the paramount goal of this study. The reality of the constitutional provision, *vis-à-vis* the concept of sovereignty and the implications for Nigeria brand of democracy are of interest. Understanding and unveiling the provision on sovereignty against the background of realist jurisprudence's standpoint on law informed the structuring of the study to ensure that the conclusion flows logically from the premise. The study revealed that the concept of sovereignty in

¹ .Constitution of the Federal Republic of Nigeria, s.14(2) (1999)

the actual sense has been ambushed by the political elites and rendered insipid and otiose in Nigeria. Democracy from 1999 to 2019 is the focus of part one of this study. The Legal Framework of democracy in Nigeria during the period of study is discussed in part two. Part three of this study discussed the Courts and democracy from 1999 to 2019 through the analysis of the pronouncements of the courts in Nigeria in the determination of electoral disputes. The implication of the role of the court in Nigeria's democracy is also discussed in this part. The fourth part is the conclusion and recommendations which are necessary to ensure that sovereignty in its real meaning has full expression in Nigeria's democracy.

Democracy in Nigeria from 1999 to 2019

The journey of the fourth republic of Nigeria democracy commenced on the 29th May 1999 with the inauguration of the federal government controlled by the Peoples Democratic Party (PDP) under the executive president, Chief Matthew Olusegun Aremu Obasanjo. The first republic was from 1960 when Nigeria became independent until the government was overthrown by the military in January, 1966. The second republic was from 1979 when the military under the then head of state, General Olusegun Obasanjo handed over power to the elected president, Alhaji Shehu Shagari of the then National Party of Nigeria till 1983 when the government was overthrown by the military led by General Muhammadu Buhari. The third republic was an aberration in the political history of Nigeria because, Nigeria had a military head of state who came to power through a *coup-d'état* who declared himself a president with a parliament composed by civilians and a completely democratized civilian government at the state level between 1992 and 1993

The inauguration of a democratically elected government on the 29th May, 1999 was a new dawn for self-government in Nigeria. The Peoples Democratic Party (PDP) that formed the federal government remained in power till the 29th of May, 2015 having produced three successive elected presidents namely Chief Matthew Aremu Olusegun Obasanjo, late Umaru Musa Y'ardua and Doctor Ebele Goodluck Jonathan. The Peoples Democratic Party was defeated and ousted from power by a coalition of political parties under the aegis of the All Progressive Congress. The candidate of the All Progressive Congress (APC), General Mohammadu Buhari, and a former military head of state who truncated the second republic of Alhaji Shehu Shagari emerged as the elected president. General Muhammadu Buhari who also won the election for the second term during the general election of February 2019 had previously contested elections thrice and lost in 2003, 2007 and 2011 before the 2015 election.

The 1999 Constitution of the Federal Republic of Nigeria that ushered in the fourth republic has been frequently criticized as a fraud considering the preamble that attributed its origin to the people. The Constitution has been disowned by the masses as a military-made Constitution. The Constitution therefore became the compass for charting the path of democracy which was full of ups and downs, a situation that demands the frequent interventions of the judiciary to make pronouncements on the provisions. Nigeria, as provided in the Constitution shall be a state based on the principles of democracy and social justice.² The form of democracy envisaged by the

² . Constitution of the Federal Republic of Nigeria, s.14(1) (1999)

Constitution is made explicit by the provision that “the participation of by the people in their government shall be ensured in accordance with the provisions of the Constitution”. There are thirty-six (36) States in Nigeria with the Federal Capital Territory, Abuja. There are also Seven Hundred and Seventy Four (774) Local Governments in Nigeria. At the Local Government level, there are two arms namely the executive and the legislature. The President, the Vice-president and the ministers form the executive at the federal level while the legislature which is the National Assembly is bi-cameral as it is made up of the upper chamber which is the Senate and the lower chamber which is the House of Representatives. The President and the Vice- President are elected on a joint ticket for four years and are eligible for re-election for a second term of four years. The members of the legislative arm are similarly elected for a period of four years but there is no limit as to the number of times they can be re-elected. At the state level, the Governor and the Deputy-Governor with the Commissioners form the executive and are elected on a joint ticket for a period of four years and are eligible for a second term of four years. The legislature is unicameral and it is known as the House of Assembly and the members are also elected like their counterparts at the National Assembly. The judicial arm of government consists of Courts listed in the Constitution and others not listed.³ The judges of the courts listed in the Constitution are appointed by the executive in conjunction with the legislature. The appointment of the judges of the Supreme Court, the Court of Appeal, the National Industrial Court, the Federal High Court, the Sharia Court of Appeal the Federal Capital Territory Abuja and the Customary Court of Appeal of the Federal Capital Territory, Abuja is made by the President on recommendation of the National Judicial Council and in some cases, such appointment is subject to the confirmation of the legislature. The appointment of the judges of the high Court of the states is made by the respective Governors on the recommendation of the National Judicial Council and subject to the confirmation of the Houses of Assembly. Local Government administration in Nigeria is regulated by the laws of the different states which provide for a tenure ranging from two to three years for the Chairman and the Councilors.

The agitation for democracy became vocal by the citizens of Nigeria within and in the diaspora before 1999 because of the perceived hardship and the patent violations of human rights that characterized the military regimes that held Nigeria in the jugular. The annulment of the June 12, 1993 election acclaimed to be the freest and fairest by both Nigeria and international communities was the last straw that broke the back of the camel of the military. The annulment provoked vocal agitations by pro-democracy groups under the aegis of the National Democratic Coalition (NADECO) and Human Rights activists for the restoration of democracy. The efforts of the groups with the support of the international communities yielded positive result with the sudden death of the then Head of State, General Sanni Abacha in June, 1998. General Abdussalam Abubakar who became the head of state had no option as he caved in to the demand of the people by releasing a time-table for the hand-over of government to a democratically elected government in 1999.

The military left the stage with the hand-over of government to the democratically elected government on the 29th May, 1999 but the pertinent question has remained whether the people are

³ . *ibid.* s.6

the actual source of sovereignty. One peculiar feature of democracy in Nigeria is violence which is considered as a fall-out of lack of free, fair and transparent electoral process. This situation has made it imperative for disputes which inevitably demand the intervention of the court. The period from 1999 to 2019 has been described severally by critics as a dark era in Nigeria democracy in view of the anti-democratic traits of the masses, the candidates and the government in power. The rule of the game during the period was rendered insignificant and replaced with impunity; hence the votes of the people hardly count in the determination of who is the elected representative of the people. These sordid and primitive practices that have become synonymous with Nigeria's democracy have been attributed to the transmutation of the leaders from the military background to the democratic terrain. The president of Nigeria, Mohammadu Buhari once lamented that he abhorred the slow pace of decision –taking in democracy, hence his penchant for disobedience for the rule of law. The period was characterized with subjugation of human rights under the guise of national security; unbridled disobedience of court order; intimidation of judges and display of arrogance by the security operatives. The Constitution has also been implicated as part of the sources of woes that have characterized democracy in Nigeria. The law is no longer certain in view of contradictory pronouncements from courts of coordinate jurisdictions. A political system is democratic only when it facilitates citizen self-rule, permits the broadest deliberations in determining public policy and constitutionally guarantees all the freedoms necessary for open political competition.⁴ Democracy is a political method, that is to say, a certain type of institutional arrangement for arriving at political, legislative and administrative decisions. It is a method by which the individual acquires the power to participate in decision-makings by means of a competitive struggle for the people's votes... It is the competition for votes that is the distinguishing character of the democratic method.⁵

The prophecy of the realist jurists *to wit* the dominant role of the courts in the interpretations of legal provisions appeared fulfilled in Nigeria on the real meaning of sovereignty. Politicians compete for votes and the masses vote in elections conducted by the Independent Electoral Commission, but the actual voters whose votes determine who is to have the mandate of the people are the judges in their adjudicatory functions. It is the court that makes authoritative pronouncement on whether a candidate is the choice of the parties; whether a candidate is qualified to contest election or not is also the exclusive prerogative of the court to determine. It is the Court in Nigeria who eventually determines whether a vote is valid or not and not the electoral umpire. Politicians in Nigeria are conscious of the fact that the courts have the final say and not the masses; hence every weapon in the arsenal is deployed during election in accordance with the Machiavelli doctrine of the end that justifies the means. The weapon normally employs in Nigeria democracy includes intimidation of opponents and potential voters; ballot stuffing, ballot snatching, multiple registration and voting, the use of fake ballot papers, under- age voters, falsification of result sheets, assassination of opponents, assault, arson etc. According to Odinkalu, "every election in Nigeria has three seasons. The campaign season belongs to the parties, the politicians and their

⁴ .O, Oyewo, Law, Democratisation and Social Changes (Oyewo and Ojomo., eds.) *Nigeria Association of Law Teachers Conference (NALT, 2012)*.

⁵ . E, Azinge, Jurisprudence and Democracy (Osinbajo, Y and Kalu, A), eds. *Democracy and the Law 3* (Federal Ministry of Justice 1991).

godfathers. This is followed by the voting season, during which the security agencies and the Independent Electoral Commission (INEC) hold sway. Thereafter matters shift to the courts for the dispute resolution season which belongs to the lawyers (mostly the Senior Advocates of Nigeria, SAN and the judges).⁶ As pointed out by Odinkalu, democracy as practiced in Nigeria and from these three seasons, there is very little room in it for the average citizen. The citizens are mostly spectators.⁷

The electoral process is the major vehicle of instituting a democratic regime. The electoral process beginning with the voters' registration to the period of casting the votes from 1999 to 2019 is a charade and a mockery of the electoral process. What makes the process a mockery and a charade, particularly from 2015 to 2019 include the high level of corruption, orgy of violence, falsification of results, rigging, ballot snatching, vote buying, multiple registration of voters, the use of underage voters, use of hoodlums, assassination of opponents, arson and other activities that cannot be found in a sane clime. Azinge⁸ identified the minimum characteristics which a democracy ought to possess which are:

1. Popular sovereignty- that is, those who hold office...must stand ready, in some sense, to do whatever the people want them to do, and to refrain from doing anything the people oppose
2. Political equality- that is, each member of the community...should have in some sense, as good a chance as his fellows to participate in the community' decision-making ..no better and no worse.
3. The popular consultation and majority rule: that there must be an understanding that when the enfranchised members of the community disagree as to what to be done, the last word lies in some sense, with the larger number and never smaller, that is the majority of the electorate and not the minority should carry the day.

In Nigeria, the elected and political appointees who are in the minority are detached and not accountable to the people, the ultimate source of sovereignty. The dissatisfaction of the masses with the democratic system is visible and also confirmed by the level of insecurity and criminal activities that have portrayed the country in a bad light globally. The disregard for the rule of law and the emasculation of the judiciary have aggravated the loss of confidence by the masses in the judiciary, hence the fear that the judiciary should not be allowed to use their votes to displace the votes of the masses. Democracy can hardly thrive where the masses are not considered as stakeholders. According to Oputa, democracy hardly survives unless the ground had been watered and manured by patriotism and the willingness of the citizens to discharge their various and numerous civic responsibilities and obligations.⁹

⁶ C.A. Odinkalu *As Nigeria Judges Get Set to Cast the Final Votes in the 2019 Elections* The Nigerianlawyers(Aug.,17,2019) <http://thenigerialawyer.com/as-nigeria-judges-get-set-to-cast-the-final-votes-in-the-2019-elections>

⁷ . ibid

⁸ ..Azinge, op.cit 3-4. See James Bryce , *The Historical Aspect of Democracy* 167-180,(W.L Guttsman ed.) *A Plea for Democracy* (1967)

⁹ C. Oputa, *Democracy: What is it all about?* , (Osinbajo, Y and Kalu eds.) *Democracy and the Law* 33 (1991)

The right of the electorates to vote in Nigeria is not generally guaranteed and the votes of those that vote do no longer count in view of the manipulations of the electoral umpire and the role of the courts. There is therefore a general apathy to election in Nigeria and this confirmed by the percentage of registered voters that actually participate in voting. Apart from the feeling that the votes do not count, the atmosphere of tension and insecurity that have now become the order of the day and particularly from the period of party primaries to the general election have contributed to the apathy of the masses. The political parties in power whether at the federal or state levels have been implicated severally for the tacit support given to violence. Assassination of opponents, high level arson, ballot snatching, militarization of the electoral process and intimidation of perceived opponents with the machinery of state ; and the use of fake security operatives are some of the ways in which the government has become an accomplice to acts inimical to democratic ethos in Nigeria. The Federal Government in July, 2018 deployed 30,000 policemen to Ekiti State apart from other security agencies like the Department of State Services (DSS); the Nigeria Security and Civil Defence Corps (NSCDC), the armed forces during the governorship election to demonstrate their determination to win the election at all costs which the candidate of the All Progressive Congress (APC), the party in power at the federal level eventually won, thus displacing the Peoples Democratic Party (PDP). In November 2018, the same strategy was employed in Osun State, a neighbouring State to Ekiti State and in that election, the Federal Government equally manouvred its way using the electoral body to turn the tide against the candidate of the Peoples Democratic Party that was clearly coasting to victory ahead of the incumbent Governor and the party in government at both the federal and at the state. The electoral body, INEC declared the election inconclusive after cancelling the elections of some wards already won by the opposition party. Apart from that, the candidate of the opposition party had been subjected to series of criminal prosecutions in order to dampen his morale and that of his supporters. The rerun election was eventually manipulated through vote buying, militarization, intimidation and obstruction of voters in favour of the candidate of the All Progressive Congress. It is worthy of note despite all the irregularities, the judiciary still validated the election. In November, 2019 the governorship elections in Kogi and Bayelsa States were marred with irregularities and violence condemned by all the local and international election observers. In Kogi State, the Federal Government released the sum of Ten Billion Naira (N10b) to the state in the same week of the election on the ground that it was a refund of the money expended by the state on Federal roads executed in the state. Political analyst described the release of money as a ploy to buy the votes of the people. The women leader of the opposition party, the Peoples Democratic Party was burnt alive in her house on the day of the election by stalwarts of the party of the incumbent Governor. The election in Bayelsa State was similarly characterized with massive rigging and violence. The impact of violence and other species of electoral crimes has continued to rob every election in Nigeria from 1999 to 2019 of the necessary feature of a standard election. As posited by Winston Churchill, *at the bottom of all the tributes paid to democracy is the little man, walking into the little booth, with a little pencil, making a little cross, on a little bit of paper- no amount of rhetoric or voluminous discussion can possibly diminish the overwhelming importance of that point.*¹⁰

¹⁰ .C, Oputa, Ibid p.36

The principle of free and fair election *inter alia* requires that:¹¹

- (a) Every adult shall be free to contest an election and to campaign for votes, to register as a voter, to choose the candidate for whom he casts his votes and to vote accordingly, uninhibited and unimpeded by official interference, discrimination on the ground of sex, race, colour, wealth and so on by physical restraints, intimidation, bribery, threat, undue influence or other such factors that endanger his personal security or otherwise obstruct his freedom of action;
- (b) There is equality between the voters, none being allowed to cast more than one vote on behalf of another person or otherwise to impersonate another voter;
- (c) Those entrusted with the conduct of an election are not agents of or are not subject to direction by any of the contestants;
- (d) The contest is conducted according to laid down rules accepted by all as binding;
- (e) The contest is in fact conducted impartially, giving no advantage to one candidate against another and
- (f) The results are based on and truly reflect the votes lawfully cast at the election by voters and are free from falsification, inflation or other fraudulent manipulation of figures.

Democracy in Nigeria from 1999 to 2019 gauged with the criteria elucidated by Nwabueze is a sham and the role of the judiciary in validating the irregularities witnessed in Nigeria democracy has made the judiciary to forfeit the adoration or accolade that it is the last hope of the common man. The judiciary has justified the realist proposition that the life of the law is experience and not logic. The uncertainty which is the consequence of contradictory decisions from the same mouth of the oracle in the temple of justice is a propeller for social disorder.

A free, fair and transparent election is the foundation of every enduring and sustainable democracy. The electoral process in Nigeria is usually skewed in favour of the ruling party at the federal level. The electoral body is not independent while the judiciary exists to blow muted trumpet in view of the skeleton in their cupboard. The principle of Federal Character which is to prevent the dominance of a particular ethnic or religious group has been honoured more in breach particularly by the government from 2015 to 2019. The electorates are technically disenfranchised by the intimidating presence of security apparatus of the government. In Nigeria, the allegation is that in the villages and farmsteads which are more than the cities in number, security agents are the voters employed to thumbprint ballot papers. The case of under-aged voters and multiple registrations and voting in Nigeria has become a permanent feature despite the use of card readers. It is a common practice on election days for electoral materials to arrive late and equally for election to start behind schedule. Voters are regularly made to undergo stress designed to discourage them or to kill their interests. The stress includes a voter not finding his name on the voters list at the polling booth of registration; break-down of the card readers; intimidation by party thugs, snatching of ballot boxes, obstructing voters from voting, ballot stuffing etc. are among the malpractices noticeable in elections in Nigeria. There is no genuine and meaningful transition to democracy unless the elections making it are truly democratic, that is to say, free and fair, so as to enable the people to effectively exercise their right to choose the rulers and to remove them for failure to

¹¹. B.O Nwabueze, A Constitutional Democracy and a Democratic Constitution (Osinbajo, Y and Kalu, U eds) *Democracy and the Law* (Federal Ministry of Justice, 1991)

govern well.¹² The bottom line is the need for clear cut separation of powers in Nigeria and the triumph of the rule of law.

The flag bearers in Nigeria elections are not normally the candidates of the masses. The flag bearers are usually candidates imposed by political godfathers who in most cases bankrolled the bill of the electoral process. The votes of the people from the ward level to the general election do not count and in many instances the imposed candidates lack the requisite qualification to stand elections. The courts are usually approached to determine the validity of the nomination of the flag bearers. The conduct of party primaries to elect candidate for the election is strictly a matter of law requiring strict compliance. In the 2019 general elections, the Independent National Electoral Commission (INEC) disqualified the All Progressive Congress from participating in the elections in both Zamfara and Rivers States for failing to conduct the party primaries in accordance with the Electoral Act. Despite the disqualification, the party presented candidates for the various elections in which the candidates presented by the party emerged as winners but the Supreme Court held in cases challenging the victory of the candidates, that there was no vote cast for the candidates even though the candidates and the party emerged as winners. The court directed that the runner up in the various elections should be declared as winners. For instance, in Zamfara State, Bello Matawalle of the Peoples Democratic Party was declared the winner of the governorship election by the court's pronouncement. The decision also favoured the candidates for elections into both the National Assembly and the House of Assembly in the State.

The electoral process in Nigeria is fraught with illegalities, a situation that makes it imperative for the court to adjudicate on electoral disputes. There is a general consensus that liberal democracy has some basic principles namely: citizen participation; equality; political tolerance; accountability; transparency; regular, free and fair elections; economic freedom; control of the abuse of power; a bill of rights; the separation of the power of the executive, the legislature and the judiciary; accepting the results of elections; human rights; a multi-party system and the rule of law.¹³ Electoral violence and other malpractices make Nigeria's brand of democracy a misnomer and antithetical to the tenets of democracy. The actual practice of democracy in Nigeria has continued to provoke questions such as to who are the actual voters if democracy is the government of the people by the people and for the people. To what extent can it be said that the governments from 1999 to 2019 are the governments of the people elected through popular votes? Can the governments be regarded as the governments of the people under the circumstances where the elections are not free, fair and transparent? Are the decisions of courts on electoral dispute truly the reflections of the wish of the majority? What are the implications where the votes of the people are substituted with the votes of the judges? In Fuller's opinion

There is an inner morality by which law and politics can be judged. All of the institutions of government are concerned with developing procedures which live up to democratic norms; the

¹² . 5 B.O. Nwabueze, *Constitutional Democracy in Africa*.77 (Spectrum Books Limited,2004)

¹³ .M. Omilusi, *Democratic Governance in Nigeria: Key Issues and Challenges*115-116 (Adex Printing Press, 2013)

*legislature with its freedom to debate; the bureaucracy with its provisions for consultations; the judiciary, with its standards of integrity at all stages of the procedure.*¹⁴

The judge is the most important person in the entourage of the court and his office is hedged about with safeguards to help preserve his autonomy...He is required to exhibit profound and permanent impartiality.¹⁵ This is an ideal not negotiable in a civilized democracy. It is no longer an idle talk that the judiciary in Nigeria is next to the police in the Transparency index of corruption. Apart from corruption, the judges in Nigeria are products of various predilections among which are religion, ethnicity, cultural values and political cleavages that weigh heavily in the discharge of their sacrosanct duty of justice. The procedure of appointing judicial officers in Nigeria portrays the judiciary as subordinate to the other arms of government. Appointment of judges is not based on intelligence, integrity and merit but rather on connections. For instance the National Judicial Council (NJC) in April, 2020 recommended a list of Seventy (70) people for judicial appointments in Nigeria. The recommendation has been criticized for containing the names of people who are blood relations of serving judges.

Legal Framework for Democracy in Nigeria

The 1999 Constitution of the Federal Republic of Nigeria as amended is the grundnorm of the Nigerian democratic structure as all other statutes derive inspirations from it.¹⁶ The Constitution provides that the Federal Republic of Nigeria shall be a state based on the principles of democracy and social justice¹⁷ and accordingly, the Constitution declared that sovereignty belongs to the people of Nigeria from whom government through the Constitution derives all its powers and authority. The right of the people to participate in their government is recognised by the Constitution.¹⁸

The legislature of the Federal Republic of Nigeria is the National Assembly which consists of the Senate (the upper chamber) and the House of Representatives (the lower chamber) The Senate consists of One Hundred and Nine (109) members, that is, three Senators from each of the thirty-six States and one Senator from the Federal Capital Territory, Abuja.¹⁹ The House of Representatives consists of three hundred and sixty members representing federal constituencies of nearly equal population.²⁰ The legislature for each state of the Federation is the House of Assembly which consists of three or four times the number of seats which that state has in the House of Representatives divided in a way to reflect, as far as possible, nearly equal population. The minimum number of members in the House of Assembly in the states in Nigeria is 24 while

¹⁴ .Roland Young, *American Law and Policies: The Creation of Public Order* 58 (Herpet and Row Publishers, 1967)

¹⁵ . ibid

¹⁶ .Section 1(2) provides that any other law that is inconsistent with the provisions of the Constitution shall be null and void to the extent of its inconsistency.

¹⁷ .Constitution of the Federal republic of Nigeria, s.14(1), 1999

¹⁸ .ibid s.14(2)

¹⁹ .ibid ss47 &48. There are 109 Senators.

²⁰ . ibid, s.49

the maximum number is 40.²¹ The members of the legislative houses are elected in a general election every four years. The members of the legislative houses are elected every four years.

The President of the Federal Republic of Nigeria is the Head of State and Commander-in- Chief of the Armed Forces.²² The President cannot be deemed validly nominated unless he nominates another candidate as his associate or running mate for the office of president who is to occupy the office of the Vice-President. The President and the Vice-President are elected in a general election for tenure of four years and they are eligible for re-election. Each State of the Federation has a Governor who is the chief executive of that State.²³ The Constitution also provides for a Deputy-Governor for each of the States in the federation. As it is in the case of the President, the Governor is not considered to be validly nominated unless he nominates another candidate as his associate who is to occupy the office of the Deputy-Governor.²⁴ In Nigeria's democracy, there is no provision for independent candidate. A candidate for any elective office can only contest through the platform of political parties registered by the Independent National Electoral Commission. No association, other than a political party is allowed to canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at any election.²⁵ To function as a political party in Nigeria, the association must register the names and addresses of its national officers with the Independent National Electoral Commission.²⁶ Application for registration as a political party must be submitted to the Commission not later than six months before a general election.²⁷ Every political party registered under the Act is a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.²⁸

In Nigeria's democracy, any two or more registered political parties may merge on approval by the Commission following a formal request presented to the Commission by the political parties for that purpose.²⁹ Political parties intending to merge are required to give the Commission ninety (90) days' notice for their intention to do so before a general election.³⁰ The present federal government of Nigeria that took over office on the 29th May, 2015 emerged through the coalition of three major political parties to form the All Progressives Congress (APC) which is the party that controls the government at the federal level. Democracy in Nigeria from 1999 to 2019 has its challenges. One of the challenges of democracy in Nigeria is the lack of internal democracy. The scourge paved way for imposition of candidates of a godfather rather than the candidate of the masses but by the amendment of the Electoral Act, every registered political party is required to

²¹ . ibid s.91

²² .ibid s. 130

²³ .Constitution of the Federal Republic of Nigeria, s.176 , 1999

²⁴ .ibid,s.187

²⁵ .ibid s.221

²⁶ . ibid s.222(a)

²⁷ . Electoral Act , s.78, 2010

²⁸ . Electoral Act s.84(1), 2010

²⁹ .Electoral Act ,s.84(1), 2010

³⁰ . Electoral Act , s.84(2) , 2010

give the Commission at least twenty-one (21) days' notice of any convention, congress, conference or meeting convened for the purpose of electing members of its executive committee, other governing bodies or nominating candidates for any of the elective offices under the Act.³¹ The Commission may with or without prior notice to the political party monitor and attend any convention, congress, conference or meeting which is convened by a political party for the purpose of-

- (a) electing members of its executive committees or other governing bodies
- (b) nominating candidates for an election at any level;
- (c) approving a merger with any other registered political party³²

The provision is a safety valve that enables the majority of the members of the political party exercise their right of being heard in the nomination of the party flag bearer as opposed to the imposition of candidate by a moneybag or godfather. The Act further imposes upon the Commission a duty to monitor and keep records of the activities of all registered political parties and in the process of discharging the duty, the Commission may seek information or clarification from any registered political party in connection with any activity of the political party which may be contrary to the provisions of the Constitution or any other law, guidelines, rules or regulations made pursuant to an Act of the National Assembly.³³ The Court has lent its weight to the enforcement of this provision through interpretations favourable towards the goal of enthrone internal democracy within the parties. The Court first demonstrated its support for the provision in *Amaechi v Independent National Electoral Commission, Celestine Omehia and Peoples Democratic Party*³⁴. In this case, the Independent Electoral Commission declared Celestine Omehia as the duly elected Governor of Rivers State of Nigeria during the general election held on 14 April, 2007. He was sworn in on 29th May, 2007 as the fourth Governor of Rivers State. On 25 October, 2007, the Supreme Court annulled Omehia's election and declared that Chibuike Rotimi Amaechi was the legitimate candidate of the Peoples Democratic Party. Amaechi contested the primary election and won whereas Omehia did not contest in the primary, but the party substituted Omehia at the last moment due to allegations of graft made against Amaechi. The Supreme Court held that if parties were not bound by the results of their primaries in the nomination of candidates at any level, why would it be necessary for Independent National Electoral Commission's representatives to be present at and monitor the proceedings of such

³¹ .Electoral Act ,s.83(1), 2010

³² .Electoral Act , s. 85(2) 2010

³³ . Ibid,s.86(1&2)

³⁴ .S/C

s.252/2007. See also *Dalhatu v Turaki* (2003) 15 NWLR (pt.843) 300 (Nigeria); *P.C. Onuoha v RBC Okafor* (1983) SCNLR 244 (Nigeria)

congress? The court held further that it was Amaechi and not Omehia that was the candidate of the Peoples Democratic Party. According to the court, there is simply no room for a candidate who never contested a primary election in such setting to emerge as a party candidate. The court declared that Amaechi was the candidate of the party for whom the party campaigned in the April 2007 elections and not Omehia and since the Peoples Democratic Party was declared to have won the said election, Amaechi must be deemed the candidate that won the election for the party. In the eye of the law, Omehia was never a candidate in the election much less the winner.

A political party seeking to nominate candidates for elections under the Act is mandatorily required to hold primaries for aspirants to all elective positions.³⁵ Political parties have the option of nominating the candidates either by direct or indirect primaries and where a political party adopts the direct primary procedure; the Act directs that all aspirants are given equal opportunity of being voted for by members of the party.³⁶ This legislative intervention is a gradual approach of eliminating the influence of a political godfather and imposition of candidates in the democratic process. Though, the provision is laudable, it is still being subverted by the menace of poverty which has also produced another challenge which is the challenge of vote buying. Vote buying has continued to defeat the purpose of democracy in Nigeria and it is one of the reasons for lack of good governance. The candidate elected through the corrupt means of vote buying holds himself unaccountable to the masses.

A political party that adopts the system of indirect primaries for the selection of its candidate is required to follow the procedure outlined below:

- (a) In the case of nominations to the position of presidential candidate, a political party shall
 - (i) hold special conventions in each of the thirty-six states of the federation and FCT where delegates shall vote for each of the aspirants at designated centres in each state capital on specified dates
 - (ii) a National Convention shall be held for the ratification of the candidate with the highest number of votes
 - (iii) the aspirant with the highest number of votes at the end of voting in the 36 states of the Federation and FCT shall be declared the winner of the presidential primaries of the political party and the aspirant's name shall be forwarded to the Independent National Electoral Commission as the candidate of the party after ratification by the National Convention.
- (b) In the case of nominations to the position of Governorship candidate, a political party shall, where they intend to sponsor candidates:
 - (i) hold special congress in each of the local government areas of the states with delegates voting for each of the aspirants at the Congress to be held in designated centres on specified dates

³⁵ .Ibid s.87(1)

³⁶ .Ibid s.87(2&3)

(ii) The aspirant with the highest number of votes at the end of the voting shall be declared the winner of the primaries of the party and aspirant's name shall be forwarded to the Independent National Electoral Commission as the candidate of the party for the particular state.³⁷

A similar process is adopted in nominating candidates for senatorial, House of Representatives and the chairmanship candidate of an Area Council. Where a political party fails to comply with the provisions of this Act in the conduct of its primaries, its candidate for election shall not be included in the election for the particular position in issue.³⁸

The requirement of party primaries as a condition for emerging as a winner in an election as emphasized by the Supreme Court in *Amaechi v Omehia*³⁹ has been modified by the Supreme Court in the case of *Abdu Rauf Abdulkadir Modibbo v Mustapha & 2Ors*⁴⁰ determined on 30th July 2019 where the Supreme relied on section 141 of the Electoral Act and held that only a person who has participated in all the stages of an election can be declared a winner. The Appellant and the 1st Respondent contested at the primary election conducted by the party, the All Progressives Congress (APC) seeking nomination as candidate for the APC to contest the general election as member representing Yola /North South/Girei Federal Constituency of Adamawa state. The first Respondent as plaintiff did not dispute that he lost the primary election. His grouse however, was that the information on oath about the Appellant which APC submitted to INEC were forged. The court found as a fact that the Appellant actually presented a forged certificate to the INEC contrary to the provision of the Electoral Act. The Court also found out that the Appellant as a serving member of the National Youth Service Corps contravened paragraph 9 of section 4 of the NYSC Act. On the legality of declaring the 1st Respondent as the Appellant's replacement having not participated in all the stages of the election. The court found that the second Respondent (APC) had no candidate in law at the general election, the third Respondent (INEC) was ordered to declare and return as elected the candidate other than the APC's candidate who polled the majority of lawful votes cast in the said election.

Political rallies, processions and campaigns are activities that make democracy credible but in Nigeria, the activities have been turned to occasions for exhibiting might and brigandage occasioning loss of lives and properties. Democracy becomes a virtue where it is practised in a proper and peaceful manner. To ensure political parties conduct their activities in a peaceful manner, the Electoral Act 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.*⁴¹

³⁷ .Electoral Act, s.87(4),2010

³⁸ .Electoral Act, s.87(9), 2010

³⁹ .Supra note 30

⁴⁰ . SC.90/2019. Section 141 of the Electoral Act as amended provides that an election tribunal or court shall not under any circumstance declare any person a winner at an election in which such a person has not fully participated in all the stages of the said election.

⁴¹ .Electoral Act, s.94, 2010

Possession of any offensive weapon or missile at a political rally, procession or voting centre by anybody otherwise than in pursuance of a lawful duty is a crime punishable if found guilty and convicted, shall be sentenced to a maximum fine of Two Million Naira(N2,000,000) or imprisonment for a term of two years or both. The Act prohibits certain conduct during political rallies. By the Act, no political campaign or slogan shall be tainted with abusive language directly or indirectly likely to injure religions, ethnic, tribal, or sectional feelings.

Abusive, intemperate, slanderous or base language or insinuations or innuendoes designed or likely to provoke violent reaction or emotions are prohibited for use in political campaigns.⁴² Also instructive is the prohibition of the use or employment of private security organization, vanguard or any other group or individual by whatever names called for the purpose of providing, assisting or aiding the political party or candidate in whatever manner during campaigns, rallies, processions or elections.⁴³ The use of force or violence during political campaign is prohibited. The Act provides for Electoral offences and for severe penalties for anybody alleged of committing the offences. One noticeable feature of Nigeria democracy is the use of force and violence. The 2019 governorship elections in Kogi and Bayelsa States are testimonies to the fact that legal provisions have failed to deter the commission of electoral offences. In Kogi State, the woman leader of the Peoples Democratic Party (PDP), Madam Salome Abu was burnt to death by the supporters of the All Progressive Congress (APC), apparently to avenge the stabbing to death of their colleagues by suspected PDP supporters.⁴⁴ The 2018 general elections in Nigeria were characterized with violence in virtually the states of the federation. Apart from violence, a new dimension has been introduced into rigging of elections and that is vote buying. The laws cannot enforce itself. There is a need for the political will by the leaders to ensure that violence is stamped out completely from Nigeria democratic process.

Courts and Democracy in Nigeria

The judiciary is the third arm of government with the constitutional duty of interpretation of laws and the resolution of disputes. Though, the realist jurists posit that no rule of law is law until the court has made a definite pronouncement on a statutory provision, this proposition will only be true where there is a need to construct a statute. Judges are to declare the law by applying the provision of the law to any dispute where the provision is clear and unambiguous but where the contrary is the case, judges can proceed to construct and give flesh and blood to the skeleton of law. The court may also step in to fill the gap where there is no express provision governing a particular situation or may have recourse to common law. The Constitution provides clearly that sovereignty belongs to the people of Nigeria which translates to the fact that the people are to determine by casting their votes during elections who should be given the mandate of governance. The Constitutional provision should be declared and not to be constructed to substitute the votes of the courts for the votes of the people. There is no doubt that the courts are vital to the success of democracy and the roles of the court cannot be completely wished away in a country like Nigeria

⁴² . ibid, s 95(1&2)

⁴³ .ibid s.95(2)

⁴⁴ .Kogi Mayhem :PDP woman leader burnt alive, APC supporter stabbed to death PM News
<http://www.primenewsigeria.com><accessed <7/01/2020>

where justice is according to law, the courts should identify the boundaries of their operation. For instance, the Constitution provides for the expected qualifications every candidate must possess for the different political offices. This qualification includes age requirement, academic attainment, citizenship, soundness of mind, not being a convict, stipulations requiring public officers to resign within a specified time before election; and others may generate disputes warranting the intervention of the courts. Disputes as to the qualification of an aspirant during the party primaries and on the legality of the procedures of nominating a candidate as the standard torch bearer are frequently raised both during the primary election and the general election. The disputes as to who emerges as the overall winner in an election based on the votes of the people are disputes in which the courts have frequently constructed the statute and in doing so cast their own votes to displace the votes of the electorates. The Electoral Act⁴⁵ provides for the following grounds on which the election of a person declared winner may be challenged:

- (a) That a person whose election is questioned was at the time of the election, not qualified to contest the election;
- (b) that the election was invalid by reason of corrupt practices or non-compliance with the provisions of the Electoral Act;
- (c) that the respondent was not duly elected by majority of lawful votes cast at the election; or
- (d) the petitioner or its candidate was validly nominated but was unlawfully excluded from the election.

The resolution of the disputes by the judiciary is through the tribunals or the courts. The Constitution provides for:

- (a) the National Assembly and State Houses of Assembly Election Tribunal which shall to the exclusion of any court or tribunal, have original jurisdiction to hear and determine petition as to whether-
 - (i) any person has been validly elected as a member of the National Assembly
 - (ii) any person has been validly elected as a member of the House of Assembly of a State
- (b) Governorship Election Tribunal which shall to the exclusion of any court or tribunal have original jurisdiction to hear and determine petitions as to whether any person has been validly elected to the office of Governor or Deputy-Governor of a State.

The Court of Appeal, Nigeria is the forum for the determination of any question as to whether any person has been validly elected to the office of President or Vice-president⁴⁶. The Supreme Court is the final court for the determination of any dispute relating to the election of the Governor and the president while the disputes relating to all other elections end at the Court of Appeal.

The courts in Nigeria from 1999 to 2019 have continued to demonstrate through their decisions particularly in electoral disputes that they belong and are glued to the realist school of thought. Benjamin Hoadley, an English clergyman first expressed the sentiment of the realists when he said:

⁴⁵ . s.138 (1)

⁴⁶ .CFRN , s.239(1), 1999 as amended by section 7(1) of the Second Alteration Act

*Whoever hath an absolute authority to interpret any written or spoken laws, it is he who is the law giver to all intents and purposes and not the person who first wrote or speaks them*⁴⁷

Gray stated unequivocally that until a statute had been enforced by a court, it was not law but only a source of law.⁴⁸ Holmes who sparked the controversial thought argued in a paper he delivered in 1897 that “*the prophecies of what the courts will do in fact and nothing more pretentious are what I mean by the law*”⁴⁹ Jerome Frank posited also that law only exists when judges make decisions.⁵⁰ The approach of the courts in Nigeria in following the realist doctrine would mean that the courts are the representatives of the people from whom the government derives its authority and powers. In every electoral dispute, the judges have the final say through a pattern of voting that can either lead to a unanimous decision or a split decision of majority and the minority. This practice is a confirmation that the life of law in Nigeria is experience and not logic and the danger is that as the judges are products of different idiosyncrasies, the uncertainty as to what the law is will continue till eternity. The factors that heavily weigh in the process of adjudication include the body chemistry, social outlook, ethnicity, ideology, economic predilections, cultural compulsiveness and religion. The judges are therefore by the reason of these factors disqualified from substituting their votes for the votes of the masses. The decisions of the courts should validate the concept of democracy in such a way as to ensure that the votes of the people count rather than rendering the votes of the people nugatory. The decisions of courts on electoral matters have continued to be apparently fallible and defy logic for even the lay mind to perceive. A glaring premise is the decision of the Supreme Court in which the total votes upon which a winner was declared were more than the accredited voters⁵¹. The fact that Nigeria is a heterogeneous society with diverse religion, cultural and ethnic background has made it dangerous for the voting rights of the people to be usurped. The composition of the election tribunals is not based on federal character to ensure equal representation of judges from the different segments and configuration that makes the polity. The corrupt practices of the judges make it unwholesome to allow the judges to have the final votes in the Nigeria democracy. A corrupt judge is a visitation to the judicial organ and the continuous existence of such a person is catastrophic. According to Akanbi:

*He is an afflicted person just like the carrier of the AIDS virus or kleptomania. He suffers from a deadly disease. To him justice is not his primary concern. No, what matters to him is the corrupt money that is turned over to him by his partners in crime. His conscience is warped. His judicial oath means nothing, and so he hardly realizes that he is an obstacle to justice according to law, he is a stranger to justice*⁵²

⁴⁷ . H.L.A. Hart, *The Concept of Law* 137(Oxford University Press, 1960)

⁴⁸ .Doherty, M. *Jurisprudence : The Philosophy of Law* 208(Old Bailey Press, 2003)

⁴⁹ .Dias, R.W.M. *Jurisprudence* 449 (5th ed. Butterworth's, London 1985)

⁵⁰ .Doherty, *op.cit* p.208

⁵¹ . Ihedioha v. Uzodinma. This is the 2019 Governorship election of Imo State of Nigeria. The Supreme Court declared Uzodinma of the All Progressive Congress's candidate as winner contrary to the findings of the Election Tribunal and the Court of Appeal. The Supreme Court upturned the decision of the Court of Appeal which affirmed Ihedioha as the winner and by doing so declared Uzodinma who was number 4 as the winner.

⁵² . Akanbi, M.M, *The Judiciary and Challenges of Justice* 42(Patrioni Books. 1996)

Eso⁵³ alleged that many of the election petition tribunal judges are budding billionaire from the proceeds of their corrupt enrichment. Instances of confirmed act of corruption by the judges in Nigeria are endless. Justice Daman Naron, the Chairman of the Election Petition in Osun State between the Action Congress of Nigeria's candidate, Alhaji Rauf Aregbesola and the Peoples Democratic Party's candidate, Prince Olagunsoye Oyinlola in the April 14, 2007 election was accused of compromising judicial integrity by exchanging text messages with Otunba Kalejaye (SAN), a counsel to one of the parties. The former Chief Justice of Nigeria, Justice Aloysius Katsina Alu was accused by the former president of the Court of Appeal Nigeria, Justice Issa Salami of interfering with the handling of the Sokoto State governorship election petition appeal. The Supreme Court at that time had no jurisdiction in the matter but notwithstanding the Court took over the matter and decided it. On Thursday, 12th May, 2005, the former president of Nigeria, Chief Olusegun Obasanjo approved the dismissal of two Justices of the Court of Appeal, Okechukwu Opene and David A. Adeniji over bribery allegations. Also, the former president of Nigeria, Dr. Goodluck Jonathan approved the recommendation of the National Judicial Council for the dismissal of Justice Gladys Olotu and Justice U.A. Inyang. In October, 2018, the National Judicial Council recommended the dismissal of two judges; Rita Ofili Ajumogobia of the Federal High Court and Justice James Agbadu-Fishin of the National Industrial Court. Justice Joshua Ikede of the Delta State High Court who was found to have falsified his age was retired and his retirement was backdated to 2016 and the NJC recommended that the salary he collected up till 2018 from 2016 should be deducted from his retirement benefits⁵⁴.

Ethnicity, political affiliation or ideology, religious and moral issues with cultural bias are other hunches that have rendered the Judges unfit to usurp the role of the electorates with their own votes. The executive arm of government in Nigeria both at the federal and state has continued to encourage the manifestation of these divisive factors by giving precedence to the factors in their decision making as it affects appointment of judicial officers. The policy of appointment to reflect federal character has been abolished practically from 2015 to date and this is manifested by giving undue preference to people of particular ethnic and religious group in federal appointment at the expense of other nationalities in Nigeria. The President has also not pretended about his preference for some people as he was once quoted to have said that he would only work with people he could trust.

The decision of the Supreme Court of Nigeria in *Hope Uzodinma and Emeka Ihedioha* which generated uproar worldwide has further confirmed the need to disallow the judges from acting as the sovereign in Nigeria. The decision is another sour spot in the life of the Supreme Court. The Supreme Court deviated from the precedent which it laid in previous cases that where there is allegation of malpractices, evidence must be given in each of the polling units affected. According to the Supreme Court, for a petitioner to succeed in an allegation s infraction of any provision of the Electoral Act, especially one complaining about malpractices or wrongful exclusion of votes,

⁵³ . Eso, K . *Law, Democracy and Corruption* The Nation, July 30, 2010) . A paper delivered at the 20th Anniversary lecture of the late Chief Obafemi Awolowo

⁵⁴ . <https://www.premiumtimesng.com> "NJC recommends sack of two corrupt Nigerian judges" <accessed 17/01/2020>

the petitioner must call witnesses polling unit by polling unit. The Independent National Electoral Commission (INEC) declared Emeka Ihedioha of the Peoples Democratic Party (PDP) as the winner of the governorship election conducted on the 9th of March, 2019 in which a total of seventy political parties participated. The statistics from INEC shows the following:

Total votes cast- 739,485

Valid votes-714,355

Rejected votes- 25,130

Total votes cast- 739,485

The results of the four leading contestants in the governorship election were:

- i. Emeka Ihedioha- 273,404
- ii. Uche Nwosu- 190,364
- iii. Ifeanyi Ararume-114,676
- iv. Hope Uzodinma- 96,458

The Petitioner, Hope Uzodinma approached the election petition. The Petitioner alleged that the results of 388 polling units were not added to his result and to prove this, a Deputy Commissioner of Police, Mr. Rabiul Hussein was subpoenaed to give evidence but the INEC disowned the result of the 388 polling units and the Tribunal based on its findings dismissed the petition. The Petitioner appealed to the Court of Appeal and the decision of the Tribunal was affirmed by a majority of 4 to 1 but at the Supreme Court, the Supreme Court held that the results of the 388 polling units were wrongly excluded and the court decided that the result should be added to that of the petitioner. The outcome of the exercise was that the petitioner who came fourth in the election was declared the winner. The results of the 388 polling units that were cancelled when calculated amounted to 213,695 votes. The results were added to that of the candidate who came fourth initially and it gave him 310, 153 votes while the votes of the remaining 69 candidates remained the same which means that none of the other candidates scored a single vote in the 388 polling units, a situation considered to be absurd. The pertinent riddle which the Supreme Court has refused to answer is the source of the extra votes added to that of the Petitioner and why the votes of all the candidates when added together (888,597) exceeded the number of total votes cast (739,485). It is apparent from the Nigerian democracy that what are paramount are not the voters or the people who counted the votes but rather the judiciary that has the final say. The real sovereign is not the people and according to Oyeboade⁵⁵ “this is a perfidy as long as unelected judges continue to dictate who the elected representatives of the people are”. As long as the judges in Nigeria lack the moral quality or are integrity bankrupt, it will be a suicide mission to delegate the right of the sovereign to the judges.

The implication of ceding the role of the electorates to the judges is grave and any attempt to allow the judges to continue to dictate who the elected representatives of the people are is

⁵⁵ . <https://thenigerialawyer.com/s-court-jusgment-reflectsgeria-democratic-poverty-of-nigeria-electoral-process-prof-oyebode> <accessed 15/1/2020>

tantamount to mortgaging the future of the electoral process. It is a gradual descent to the state of nature where life will be nasty, short and brutish. There will be apathy and a celebration of Machiavelli philosophy of the end justifies the means. The impostors will continue to manifest dictatorial tendency and utter disregard for the rule of law in government's business. The immediate consequence of hijacking the right of sovereignty from the people by the judges especially in a country where the judiciary is not independent includes poverty, insecurity, infrastructural decay, social dislocation, ethnic domination and destruction of statesmanship.

CONCLUSION AND RECOMMENDATIONS

Sovereignty as enshrined in the Constitution of Nigeria is a clear and not an ambiguous concept. In a literal sense, it connotes the people's right to determine who should hold the reins of government or the trustee of the people. The Nigeria democratic aspiration does not contemplate the exercise of the right of sovereignty by proxy. However, the implementation of the democratic agenda has made it imperative for the judiciary to stand in the gap. The Electoral Act and the Constitution have elaborate provisions to ensure a free, fair and credible election but the absence of an independent judiciary and electoral body has become the bane of the electoral process. The electoral process that will guarantee that the people are the real sovereign is the one that is transparent, credible, free and fair without the interference or intimidation by security agencies. This is the election that will guarantee that the votes of the people count. Achieving this goal is not a herculean task but rather it is an exercise that can be achieved by a selfless and a patriotic group of people who are not religious or ethno centric. It is possible to conduct election without or with a minimum of dispute warranting court's intervention. Technological innovation can be embraced to reduce human interference in the electoral process. With technology, the spate of facts leading to electoral dispute such as ballot stuffing, ballot hijacking, arson, hooliganism, and falsification of result and other grounds of election dispute can be minimized or eliminated. It is also recommended that whenever there is a dispute as to whether election is free, fair and transparent, the electoral umpire should conduct another election rather than allowing the court to vote on such issue. The ideal democracy is the one that ensures that the people are the real source of power. The power cannot be exercised by proxy. The government must strengthen democracy with the aid of technology to ensure that the votes of the people actually count. Electoral offence should be made painful rather than a source of pleasure in order to minimize situations that will lead to electoral dispute. Sovereignty should assume its proper concept in Nigeria so that the people can be the real source of power.