

INEC AND Flawed Intra-Party Democracy In The 2019 General Elections In Nigeria: Implications For Democratic Consolidation

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Abstract: Discussions on electoral politics in Nigeria often revolve around the institutional weakness of Nigerian political parties including their disdain for internal democracy as a drawback of democratic consolidation in the country. However, though INEC's roles as electoral umpire is well documented, its contributions towards ensuring the compliance of political parties to intra-party democracy have received little attention in extant literature. This study examines the failed intra-party democracy in the prelude to the 2019 and the challenges it presented in post-election litigations. The study argues that INEC's incapacitation by the Electoral Act (2010 as amended) and the organization's inability to ensure compliance of Nigerian political parties to laid down intra-party democratic processes created post-elections scenarios where the mandates of the electorate were transferred to other parties who had not won the election against all known principle of fairness, plurality, and the Electoral Act (2010 as amended; Section 140, Subsection 2). As a way forward, the study recommends legal empowerment of INEC to monitor and enforce intra-party democracy through the reintroduction of Section 87 (9) of the repealed Electoral Act (2010) and also the urgent need to ensure that all lawsuits challenging the intra-party processes of political parties are settled before election proper.

Keywords: Intra-party Democracy, Democratic Consolidation, INEC, 2019 General Election in Nigeria.

1. INTRODUCTION

Increasing admiration for liberal democracy with its system of electoral politics has continued to provoke debates and discussions on the significance of political parties within the political space of several countries of the world. Liberal democracy as we know it stresses the need for periodic free and fair elections and viable political parties are central to the achievement of this objective. The durability of a democracy depends largely on the extent to which political parties conduct their internal affairs in a way that enhances democratic consolidation (Ajibola & Olumisi 2016; Joseph 1997; Scarrow 2005). In the interest of free and fair election and for the enthronement of democracy, it is essential that political parties follow laid down democratic processes in the conduct of their activities before the election proper. Among this is the principle and practice of internal democracy. This means that no political party can present candidates for election without first subjecting their candidates to the principle of internal democracy and other democratic processes including adherence to the basic rules of engagement relating to their finances.

The need for political parties to adhere to these intra-party democratic processes cannot be over emphasized. Intra-party democratic processes are essential for three reasons. Firstly, free, fair and credible election is almost impossible without political parties obeying the rules that guide pre-election electoral activities. Since the primary objective of any political party is to capture political power, it is expected that the democratic rules of *capturing* power are strictly followed. As noted by Duveger (1993), it is unthinkable to talk about democratic consolidation when political parties as major democratic institutions operate in an undemocratic way. Secondly, political parties that practice intra-party democracy "are likely to select more capable and appealing leaders, to have more responsive policies, and, as a result, to enjoy greater electoral success ...and strengthen democratic culture generally" (Scarrow, 2005). Furthermore, intra-party democracy encourages political equality by creating a level playing field in candidate selection and policy development within the party; and ensures popular control of government by extending democratic norms to party organizations such as transparency and accountability (Gauja 2006).

However, contrary to this expected mode of behaviour, literature on electoral politics is replete with instances of fraudulent elections in Nigeria characterized by violence, malpractices, and vote buying (Omolola 2009; Moveh 2015; Agbaje & Adejumobi 2006). As democratic institutions, scholars have examined the negative contributions of political parties to the challenge of democratic consolidation in Nigeria. The prevailing argument is that Nigerian political parties have undermined democratic consolidation due to their undemocratic activities (Omilusi 2016; Aduku and Umoru 2014; Agbaje & Adejumobi 2006). As noted by Agbaje & Adejumobi (2006), absence of internal democracy has been the major undoing of party system in Nigeria. Since the return to civilian rule in 1999, Nigerian political parties have expressed their disdain for basic democratic values and practices that guide their operations.

While previous studies on intra-party democracy in Nigeria have focused exclusively on the failure of Nigerian political parties to respect basic democratic principles and processes that guide their operations, less attention has been paid to the important roles that established electoral management institutions like INEC have played in ensuring respect to intra-party democratic processes by political parties. In other words, though it has been established that Nigerian political parties like their counterparts in other African countries have continued to express disdain for internal democracy (Omilusi 2016; Aduku and Umoru 2014; Agbaje & Adejumobi 2006; Ononogbu, & Okoroiwu, 2019), scholars have glossed over the contributions of election management bodies in enforcing adherence of political parties to internal democracy. More so, the consequences of absence of intra-party democracy have not been adequately explored especially from the perspective of the electorate and the people who are the primary stakeholder in democratic governance (Mill 1948).

In the light of this foregoing, this paper examines the intra-party activities of the All Progressive Congress (APC) and the Peoples` Democratic Party (PDP) prior to the 2019 general election. The paper interrogates the extent to which intra-party democratic processes that preceded the 2019 general elections undermine plurality rule, and democratic consolidation as well as the critique of the roles of INEC as prescribed by the 2010 Electoral Act (as amended) in ensuring that political parties respect intra-party democratic processes. The study attempts to answer critical questions like: What are the challenges faced by INEC in promoting political parties` respect for internal democracy? What are the implications of flawed intra-party democratic process for democratic consolidation and plurality rule? In what ways can intra-party democratic processes be improved in Nigeria?

II. LITERATURE REVIEW

Literature on political parties and democracy in Nigeria is inundated with discussions on the essence of political parties as democratic institutions. Contrary to theoretical dispositions, Nigerian political parties have contributed negatively to democratic consolidation since the country`s return to civilian rule in 1999 (Agbaje & Adejumobi 2006; Jinadu 2011). However, it is important to note that many of the challenges ravaging party system in Nigeria did not begin with the return to civilian rule in 1999. For example, as noted by several analysts (Agbaje & Adejumobi 2006; Ibodje and Dode, 2005; Yaqub, 2002), Nigerian political parties have been ethicized before 1999. Though these political parties were affected by their inability to project their activities beyond their immediate regional base, it was their disdain for rules of electoral competition that led to the collapse of the First Republic and the subsequent military rule. The Second and Third Republics suffered from similar ills that bedevilled the First Republic which eventually led to their collapse (Omilusi 2016).

The Fourth Republic has continued to witness proliferation of political parties many of which are too weak to capture power nor substantially contribute to the sustenance of democracy (Akubo & Yakubu 2014). Rather than being viable democratic institutions, political parties in Nigeria have become the weakest link in the country`s quest for democracy (Momoh 2013; Ikelegbe 2013; Adetula 2008). Many of the political parties in the fourth republic have been unable to project themselves as relevant democratic institutions. They have conducted their affairs in a way that threaten democratic consolidation. They have suffered from challenges ranging from politics of godfatherism and imposition of candidates, absence or lack of respect for internal democracy, negative influence of money, perpetration of electoral violence, and intra-party conflicts (Omotola 2009; Agbaje and Adejutomobi 2006; Jinadu 2013). More so, many of them lacked clear ideological standing by which we can distinguish them from one another (Omotola 2009).

Among all these problems, scholars have made a case for the importance of intra-party democracy as one major problem affecting political parties` effectiveness in Nigeria. This is because, whether political parties will fulfil their functions in a democracy is essentially dependent on the extent to which they are democratic in their internal affairs. As the Nigerian experience has shown,

accountability of political parties has become a mirage with all sort of ills ranging from politics of godfatherism, candidates' imposition and vote buying (Omilusi 2016; Jinadu 2013). As noted by Omilusi (2016), many political parties have selected their standard bearers without following the provisions of the party constitution, electoral law and other extant rules. And when laid down nomination process has been followed; it is usually in a form with questionable quality (Omotola 2009).

A report by the International Institute for Democracy and Electoral Assistance (2006 cited in Omilusi 2016) ably captures the fraudulent nature of intra-party democracy in Nigeria. The report highlights the techniques used by political parties during the nomination process as follows:

- A declaration by powerful 'party owners', party barons, state governors, godfathers and so on that those entitled to vote must support one candidate and other aspirants must withdraw. Since these people are very powerful and feared in their communities, their declarations carry much weight.
- Zoning and other forms of administrative fiat are used to exclude unwanted aspirants simply by taking the party zone out of the seat or position in question to an area where the aspirant being excluded is not indigenous.
- Aspirants who oppose the godfathers' candidates are often subject to violence by thugs or security personnel.
- Money, a significant factor in party primaries, is used to bribe officials and to induce voters to support particular candidates. Since the godfather generally has more money than the 'independent' aspirants trying to gain access, many are eliminated because they simply cannot match their opponents' spending.
- One disturbing technique is what Nigerians call 'results by declaration', whereby an aspirant wins a nomination or election, but polling officials simply disregard the results and declare the loser as the winner.

The prevailing argument in the literature is that Nigerian political parties have abandoned their responsibilities in a democracy and that intra-party democracy is now an illusion as far as electoral politics is concerned. In the light of this, many scholars have questioned the continued relevance of internal democracy of political parties (Omilusi 2016). However, while doubt abounds on the importance of intra-party democratic process, extant rules guiding electoral politics in Nigeria continue to emphasize the necessity of internal democracy in the conduct of political parties. Discussions on the challenges of internal democracy in Africa including Nigeria have often revolved around weak party organization and institutional rules (Maiyo 2008; Agbaje & Adejumo 2006) which often encourages godfatherism, candidates' imposition, intra-party crises, carpet crossing and lack of concrete and meaningful party ideology.

However, in all of these discussions, little or no attentions have been focused on the critical roles of electoral commission in promoting respect for intra-party democratic processes by political parties. In other words, though it has been established that Nigerian political parties have continued to express their disdain for internal democracy (Omilusi 2016; Aduku and Umoru 2014; Agbaje & Adejumo 2006; Ononogbu, & Okoroiwu, 2019), scholars have glossed over the contributions of election management bodies like INEC in ensuring adherence of political parties to internal democracy. Furthermore, enough questions have not been asked on the implications of flawed intra-party democratic process for democratic consolidation and plurality rule.

III. RESEARCH METHODOLOGY

The study employed a qualitative research method with emphasis on content analysis of sourced data. The data utilized were gathered from secondary sources including official documents, empirically focused related literature, and media reports. In respect of official records, extant provisions of the 1999 Constitution of the Federal Republic of Nigeria, The Electoral Act (2010 as amended), and Judgements of the Nigerian Judiciary on electoral suits and media reports were used. Relevant literature review was done to highlight major themes relating to the subject of the study. Findings were drawn from the analysis of official documents, media reports and literature review.

IV. INTRA-PARTY PROCESS IN THE PRELUDE TO THE 2019 GENERAL ELECTION IN NIGERIA

Discussions on intra party democracy have focused on the extent to which political parties respect rules and legal frameworks that govern their operations. In Nigeria, there are about five major categories of rules that guide activities of political parties. These include the 1999 Constitution; The Constitution of the political parties; The Electoral Acts; Independent National Electoral Commission (INEC) statutory rules; Other informal rules (Ikechuckwu, 2015). Despite these legal frameworks, the Nigerian political parties have been very notorious for disobedience to rules of engagements which over the years have undermined democratic development (Adejumobi 2007; Ikechuckwu 2015). This was also the case in the prelude to and after the 2019 general elections. Like the previous elections in Nigeria, the quality of the 2019 general election was affected by inordinate lawsuits relating to the conduct of intra-party democracy prior to the elections. For example, both the All Progressive Congress (APC) and the People’s Democratic Party (PDP) had number of court cases involving the conduct of their intra-party process especially in relations to nomination process. The nomination process of the two political parties as prior to the 2019 general election suffered immensely from brazen disdain for electoral guidelines and breach of extant laws that guide such process.

Table 1: major crisis scenarios relating to intra-party democracy of the APC and the PDP (2019 election)

States	Summary of Crises
Zamfara State (APC)	APC in Zamfara State failed to conduct valid primaries before stipulated deadline for the election of their governorship, house representatives, senates` aspirants contrary to the provision of Section 87, subsection (1)(2)(3)(4)(5)(6)(7)(8) of the Electoral Act as amended.
Imo State (APC)	Internal crisis in Imo State APC caused by the failure of party bigwigs to settle on the nomination process for the governorship aspirant of the APC.
Bayelsa State (APC)	INEC failed to properly screen the credentials of Deji-Eremienyo, the running mate of David Lyon, APC governorship candidate who was adjudged of submitting forged certificates to INEC contrary to Section 182 (1) of the Nigerian Constitution.
Lagos State (APC)	Due process was not followed in the APC primary election that emerged Sanwo-olu as the standard bearer. This created tension which was controversially douse following the intervention of party leader (the Chairman of the Committee that conducted the primary election was intimidated to accept the result).
Rivers State (APC)_	APC failed to conduct legal primaries in Rivers State due to the dispute between Former Governor of the State, Rotimi Amaechi and Senator Magnus Abe.
Kano State (APC)	Questions about the legitimacy of the PDP primary election in the state. There were allegations that no primary election was conducted for the nominate governorship aspirant.
Ogun State (APC)	Former incumbent Governor of the state wanted to impose a consensus candidate on the party against the interests of other party leaders. This resulted into a major crisis in the APC.
Kogi State (PDP)	The primary election was marred in violence as gunmen disrupted the exercise. Though marred by violence, the primary election was upheld by the Judiciary.
Presidential Primary Election PDP	The PDP presidential aspirant, Atiku Abubakar was alleged to have exceeded the maximum campaign spending directly against Section 91 of the Electoral Act.

Source: Compiled by author (2020)

The cases above revealed the challenges of intra-party democracy in Nigeria. The major political parties, the PDP and the APC conducted their intra-party activities without recourse to rules guiding such activities. As we have argued before now, for

democracy to be consolidated, there is need for consistent and habitual adherence to basic principles of democracy which include but not limited to free and fair electoral process, strict respect to the rules of democratic competition (intra-party democratic rules), and popular mandate. However, as some of the cases above show, the process of nominating standard bearers of both the PDP and the APC towards the 2019 general elections were characterized by many flaws and challenges that not only negate basic democratic principles, but also undermine democratic consolidation. Some of these challenges are highlighted in table 1 below:

Lack of respect for Intra-Party Democratic Processes

One major ill that was common to both the PDP and the APC during the 2019 general election was the lack of respect for their own intra-party democratic processes. Though many of the rules that guide the operation of both the PDP and the APC were very clear, leaders of these parties both at the national and state levels showcased their disdain for the intra-party electoral processes at the expense of democratic consolidation. Basic rules of engagement were flagrantly flouted and party members presented themselves as gods whose interests must prevail over party rules and electoral guidelines. In Zamfara State, the All Progressive Congress conducted itself in a way that undermine its own rules of engagement and other extant rules that guide its operations. For example, in a judgement delivered by the Court of Appeal and later upheld by the Supreme Court, the APC was adjudged to have conducted its primary elections in a way that contradicted party's constitutions and guidelines that regulate the conduct of primary elections. The Supreme Court eventually voided all votes won by the APC in Zamfara State during the elections held on February 23 and March 16, 2019 (Opara, 2019). Though the APC had won the highest number of votes cast by the electorates in the governorship election, it was the People's Democratic Party that was declared the winner of the election by the Supreme Court.

It is important to note that the failure of the APC to conduct legal primaries in Zamfara State was not due to the absence of internal democratic process, but rather because of the disdain for intra-party democratic processes by party stakeholders. Major party members in the state that should understand party processes and rules of engagement, including former Governor Abdul`aziz Yari and former Senator Kabiru Marafa contributed immensely to the crisis that engulfed the APC in the state. For their own interests, they acted contrarily to rules and regulations and electoral guidelines that guide the operations of the All Progressive Congress. Similar scenarios played out in Imo State and Ogun State where former governors, Richard Okorocha and Ibukunle Amosun respectively made attempts to usurp party rules in order to impose their own candidates on the party. Though crises like that of the APC were less rampant in the PDP, party primaries conducted by the People's Democratic Party (PDP) were also characterized by disdain for intra-party democratic processes. In Kogi State, the PDP governorship primary election was alleged to have been rigged in favour of Engineer Musa Wada. The entire process of the primary election was compromised and marred by violence as gunmen visited the premise of the election to disrupt the exercise. The PDP Primary election exercise in Kano State was equally engulfed in crisis and national leadership of the party were accused of trying to impose candidates against the rules and regulations guiding the conduct of primary election (Premium Times, October 2, 2018).

As we have seen above, party leaders in the PDP and the APC failed to respect the constitutions of their parties and guidelines that guide the conduct of primary elections. They openly showed disregard for due process and intra-party democratic processes while also undermining the democratic process. Their disdain for internal democratic processes were without consequences. As events in the 2019 general elections show, it was impossible to conduct free, fair and credible elections when the processes that preceded the actual election were riddled in controversies and malpractices. In other words, the failure of the two major political parties in the 2019 elections to respect intra-party democratic processes led to many controversies that surrounded the actual election and the subsequent interventions of the judiciary.

Intra-party crises

Though intra-party crisis has always been a major hallmark of Nigerian party politics, the phenomenon became more rampant than usual during the 2019 general elections. Extant literature has identified absence of internal democracy as the major cause of intra-party crises in Nigeria (Babaya & Yahaya 2019; Jude & Ika, 2013). However, available information on the activities of the major political parties in the 2019 elections shows that lack of respect to rules of engagement and politics of godfatherism are the two major causes of intra-party conflicts that characterized the elections. By implication, it is not that internal democracy was absence, but rather, disdain for internal democratic processes was responsible for many of the political crises that ravaged both the PDP and the APC in the 2019 elections. As the cases in Ogun State (APC and PDP), Zamfara State (APC), Imo State (APC), and Kano State (PDP) revealed, the nomination process of the Nigerian political parties were characterized by politics of godfatherism, corruption, candidates' imposition, and lack of respect for rules and regulations that guide operations of political parties in Nigeria.

These problems culminated into major intra-party crises during the 2019 general elections. Party members flagrantly disobeyed laid down procedures and rules that guide intra-parties' processes in order to impose their candidates on their parties. This was a common phenomenon in many states during the 2019 elections including in Ogun State, Zamfara State, Imo State, Lagos State and Kano State. Imo State witnessed major political impasse between APC party national chairman, Adams Oshiomole's factions and members loyal to the former governor of the state, Richard Okorochoa. This led to reported cases of violence and abduction of National Working Committee that conducted primary election in the state (Independent Newspaper, October 7, 2018). In Ogun State, Governor Ibikunle Amosun's attempt to impose his successor through "consensus" was rejected by the National Working Committee (NWC) of the APC and the national party chairman, Adams Oshiomole. Governor Amosun and his loyalists did not have their way and this culminated into major crisis for the APC in the state.

The impersonal rules and procedures that should have guided conduct of primary elections in the PDP and the APC were neglected and this led to arbitrary control of primaries by party leaders and their cliques. Intra-party crises have constituted a major stumbling block for the consolidation and sustenance of democracy in Nigeria. The Achille hills of intra-party democratic process has been party standard bearer's nomination process. Many of the Nigerian political parties have often failed to nominate their standard bearers without any rancour and crises. The nomination process is often always characterized by malpractices, irregularities, violence and money politics. Party primaries have been conducted in manners that query the democratic credentials of the parties even when they attach the nomenclature democratic to their names to prove their democratic character. The fallout of party primaries negates the democratic ethics and values it set out to pursue and many times impacts negatively on democratic consolidation.

Monetization of the Intra-party electoral Process

Like all electoral processes everywhere in the world, Nigerian political parties and politicians rely on the use of money during the campaign process or the election proper. However, in the 2019 general election, the Nigerian political space was terribly monetized without recourse to the legal frameworks that guide money use in the electoral process. The Nigerian Constitution (1999) and the Electoral Act (2010) are the two major legal frameworks that guide party finance and money use in Nigerian election. Section 91 (9) of the 2010 Electoral Act, restrict spending of election aspirants for the following offices as follows: not more than 1 billion naira for office of the President, 200 million naira for the office of Governor, 40 million naira for senate, 10 million for state assembly and local government chairman, and 1 million for councillor.

This provision is necessary to ensure that electoral politics is free from manipulation occasioned by excessive influence of money. It is often the case that where money politics is the norm, electoral results usually reflect the interests of the financiers and not the people (Tignor, 1993). Though source of political party finance and its attendant components like total party and candidate expenditure is very central to the conduct of credible, free and fair election, it was one the least transparent aspects of the 2019 general election in Nigeria. The 2019 electoral processes (pre-election period and the election period) witnessed high level occurrence of illegal and unethical practices perpetrated by Nigerian political parties and their candidates. For example, in the presidential primary of the People's Democratic Party (PDP), many of the aspirants undermined the legal frameworks guiding campaign funding. Money was shared by major aspirants in the primary election to influence the voting behaviour of the delegates (Punch News, October 7, 2018). Many of the delegates were not interested in quality of the aspirants, but were guided by their pockets and the process became excessively monetized.

Buying and selling of votes which was one of the major worrisome trends in the 2019 general election occurred first at the level of primary election conducted by the major political parties. As the example of the PDP during the presidential primary election shows, political parties' candidates for elections were selected through undemocratic processes characterized by votes buying. In such a situation, only highest bidders become standard bearers of major political parties in Nigeria. One major implication of this is that, competent individuals are fizzled out and the electorate are left with no choice but to select among the available worrisome alternatives.

V. INEC AND THE CHALLENGE OF FAILED INTRA-PARTY PROCESS IN THE 2019 GENERAL ELECTION

As highlighted above, the intra-party processes preceding the 2019 general elections were characterized by intra-party crises, lack of respect for internal democratic processes, politics of godfatherism and imposition of candidates. Though the rules that guide intra-party process of Nigerian political parties are clear especially in relations to their nomination processes, the PDP and the APC failed

in many instances to respect these rules and legal frameworks. This very factor of non-adherence to rules and regulations of the game and or disdain for due process created controversies which undermined democratic consolidation. Many of these controversies were created by party politics, encouraged by the Electoral Act and sustained by INEC's helplessness.

As far as electoral politics in Nigeria is concerned, the roles of INEC cannot be overemphasized. The electoral body, INEC is equipped to superintend both intra-parties' activities and inter-parties' electoral competitions. In relations to intra-party processes, the Electoral Act (2010) stipulates in Section 85 (1) that: *A registered political party shall give the Commission at least 21 days' notice of any convention, congress, conference or meeting convened for the purpose of electing members of its executive committee, other governing bodied or nominating candidate for any of the elective office specified under this Act.* Subsection (2) elaborates further that: *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 purposes of (a) electing members of its executive committees or other governing bodies; (b) nominating candidates for an election at any level.*

However, while INEC performs these functions, the body lacks the power to punish any political party that breaches provisions guiding its internal democratic processes. Section 31 (1) of the amended Electoral Act 2010, makes it impossible for the Commission to reject the name of any candidate sponsor for elections even when such candidate is a product of illegal and fraudulent primary elections. This particular provision created major challenge for INEC during the 2019 general elections, as it affected smooth conduct of the election and also undermined democratic consolidation. The electoral body was inundated with many litigations arising from political parties' lack of respect for internal rules and regulations guiding their conduct of primary elections. According to INEC Chairman following the postponement of the 2019 general elections: "The Commission has been sued or joined in over 640 court cases arising from the nomination of candidates. As at today, there are 40 different court orders against the Commission on whether to add or drop candidates" (Sahara Reporters, February 16, 2019).

As we have noted before now, both the PDP and the APC in the 2019 elections were faced with many problems in conducting primary elections necessary for the selection of standard bearers. Many of the primary elections conducted were marred with malpractices, rigging and vote buying with little recourse to due process. However, despite obvious non-adherence to rules and regulations of electoral politics especially those that guide intra-party processes, the APC and the PDP were allowed by INEC to participate in the general elections. Indeed, INEC made efforts to disqualify erring political parties in some cases, but the court ruled that INEC does not possess such power according to the provision of the 2010 Electoral Act (as amended). For example, following the exclusion of the candidate of the Social Democratic Party (SDP) in the November 16, 2019 governorship election in Kogi State, a Federal High Court (Abuja) ruled that INEC does not have the power to disqualify candidates (ThisDay News, November 8, 2019). In the case of APC in Zamfara State, INEC was put in a difficult position by different legal cases surrounding the issue of candidates' nomination of the APC and had to withdraw its decision not to present APC candidates for elections in the State.

This lacuna created scenarios in the 2019 general elections where political parties with flawed intra-party democratic processes especially candidates' nomination process presented candidates for elections only for votes won by the; to be nullified by a court of law after the election. Consequently, political parties that did not win the elections were eventually declared winner of the elections against plurality rule, democratic consolidation and the Electoral Act. The 2010 Electoral Act (as amended) having prevents INEC from embarking on proper screening of political parties including punishing erring political parties and ensuring their compliance to intra-party democratic processes (Section 31, Sub-section 1), fails to envisage that a situation where INEC cannot reject a standard bearer who is a product of fraudulent primary will lead to a truncation of plurality rule and its many consequences as we have seen in some cases in the 2019 general elections. For example, the Electoral Act 2010 (as amended) declares in Section 140 (2) that: *"Where an election tribunal or court nullifies an election on the ground that the person who obtained the highest votes at the election was not qualified to contest the election, or that the election was marred by substantial irregularities or non-compliance with the provisions of this Act, the election tribunal or court shall not declare the person with the second highest votes or any other person as elected, but shall order for a fresh election."*

However, this is not what happened in the 2019 general election. The judiciary declared the party and the candidate with the second highest votes as the winner of the election even when this is against plurality rule and the Electoral Act. Indeed, many of the post-2019 electoral litigations revealed that the Nigerian judiciary was faced with dilemma of upholding the principle of internal democracy while also promoting democratic plurality. Some of the judgements of the judiciary in several post- 2019 elections' litigations were against the principle of plurality, majority rule and democratic consolidation. For example, having failed to conduct valid primary elections, the votes won by the All Progressive Congress (APC) in 2019 governorship election in Zamfara State were

adjudged null and void and the Peoples` Democratic Party (PDP) that came second in the election was declared the winner. Similar scenario occurred in Bayelsa State when the PDP was eventually declared the winner of the governorship election after the running mate of the APC candidate was found to have submitted “forged” certificate to INEC.

From the two cases above, though the judiciary may have argued that something cannot be built on nothing which influenced such decisions, it is important to note that the mandates of the electorate have been discarded and plurality rule that guide electoral competition truncated. Plurality rule which is one the major hallmark of electoral politics in Nigeria like elsewhere ensures that the candidate and the party who receives most votes wins. The importance of this rule cannot be over-emphasized as it ensures basic democratic fairness and this is also the reason for Section 140 (2) of the Electoral Act (2010). However, it can be said that the judiciary, especially the Supreme Court did her job as arbiter of electoral conflicts by ensuring at all costs, that violators of laid down intra-party procedures were punished. But it was the electorate who ultimately paid the price for a problem elicited by disdain for intraparty democratic processes by the Nigerian political parties and the incapacitation of INEC by the Electoral Act (2010). While the political parties failed to conduct their activities within the framework of electoral laws guiding their activities, INEC looked away since she had no concrete power to punish any political party who show contempt for internal democracy.

VI. CONCLUSION AND WAY FORWARD

The character of the Nigerian political parties remains one of the major drawbacks of democratization in the country. Political parties continue to conduct themselves in a way that threatens democratic consolidation. During the prelude to the 2019 general elections, the activities of the two major political parties in the country, the PDP and the APC were characterized by lack of respect and disdain for internal party democracy, intra-party crises, monetization of electoral competition, politics of godfatherism and many other ills. In all of these, the electoral management body, INEC, though saddled with the responsibility of ensuring political parties` compliance to basic intra-party democratic processes, lacked any real power to punish erring political parties in this regard because of the provision of the Electoral Act (2010 as amended).

This allowed for a situation where political parties presented candidates for election in the 2019 general elections without having adequately followed the laid down procedures for selecting standard bearers according to extant rules. The paper argued that this powerlessness on the part of INEC occasioned by the Electoral Act (2010 as amended) created scenarios where litigations relating to intra-party democratic processes of political parties were resolved only after 2019 general elections. This led to “transfer of mandate” by the Nigerian judiciary; a situation where political parties who have not won elections were declared winners of elections by the judiciary contrary to the provision of the Electoral Act (Section 140, Subsection 2), and democratic plurality. It is important to note that promoting intra-party democracy and democratic consolidation cannot be achieved without further review of the procedure that guide the settlement of litigations relating to internal democracy of political parties in Nigeria. Instances where political parties are allowed to present candidates` for elections even when they have flouted laid down nomination process is not good for the country`s democracy.

In order to improve intra-party democracy, and encourage democratic plurality and consolidation, the following recommendations have been suggested:

1. There is need for legal empowerment of INEC to monitor and enforce the practice of internal party democracy among Nigerian political parties. It is not enough for INEC to monitor intra-party processes of political parties without having the power to punish political parties that do not conform with its intra-party democratic process. In the light of this, there is the need for the urgent reintroduction of Section 87 (9) of the repealed Electoral Act 2010. That section provides that “*where a political party fails to comply with the provisions of this Act in the conduct of its primaries, its candidates for election shall not be included in the election for the particular position in issue.*” This provision will not only ensure that political party comply with intra-party democratic processes, but also improve the practice of electoral politics.

2. Provision like Section 31 (1) that threatens INEC`s supervisory role must be removed. This provision prohibits the Independent National Electoral Commission (INEC) from disqualifying or rejecting any candidate presented by the political party as its candidate for election “for any reason what so ever”. Even when such reason relates to fraudulent intra-party processes that characterized party primaries prior to the 2019 general elections. Removing this provision will further empower the Commission and ensures improved performance of its responsibilities to the Nigerian State.

3. There is need for a review of the timeline necessary for the determination of litigations involving intra-party democratic processes. It makes little sense to go on with general elections when there are suits in several courts across the country challenging the processes that present standard bearers of political parties for that elections. This is to say that all suits challenging the conduct of primary elections of political parties ought to have been settled before the conduct of the general elections.

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