

The Arrogance Of Democratic Heresy And The 2007 General Elections In Retrospect

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Abstract

This work examines the concept of democracy, democratic legitimacy and accountability, using the 2007 general election as its focus. The research reveres that democracy that is generally accepted as the type of government representing the majority and deriving its legitimacy from the collective sovereignty of the voters, exercised in a free and fair election, was not so, in most parts of Nigeria in the last 2007 general election. This was so because of the manipulation of agencies government, and the resultant did disenfranchisement of many Nigeria. The ugly development resulted to the emergence of winners devoid mandate of the electorates, thus the conceivable resultant institution of government, lacking of democratic legationary and accountability and giving birth to our home grown democracy, that could better be described, if it please you, as democratic heresy. The paper is of the firm resolve that the distilled essence of democratic governance will continue to be a mirage in Nigeria, so long as arrangements to ensure a free and fair elections are not practiced by the agencies of government, via the denial of the full participation of the electorates, who possess the trump card, and urges a departure from the unprecedented free the from the unorthodox practices, that characterized the 2007 general election in Nigeria

Introduction

Democracy as a system of government is increasingly becoming the most acceptable method of governance. This system reinforces the nation that the power of a government, as so exercised belongs to the people. Thus it is only when the people are able to elect their representative and leaders respectively, in a free and fair atmosphere that they can control them, and by extension hold them accountable. This system of government has been associated with the western industrialized nations, like the United States, Great Britain and other European countries. However, this is not to suggest that it is completely alien to states, found in the continent of Africa, as some of them practiced one form of democracy or the other before their contact with the white man. This assertion is backed up b y the method of governance in ancient. Kingdoms, such as Oyo Empire, Benin Empire, Mali Empire, and the others, where they had the semblance of checks and balances, between the various compartments of government (Adigwe, 1979). The relevance of this form of government, become more pronounced after the demise of the Soviet Union, hitherto one of the super power of the world, and the protagonist of communism. The distilled essences of democracy is premeditated on the fact that those who make the laws upon which we as citizen are governed, and those who are at the top hierarchy of this branch of government, draw their strength from the collective will of the people, as opposed to the

authorize synonymies with dictatorship[^] that is characterized by build force, devoid of the consent of the people. It is a departure from the motion of legitimacy, those grantees a government of limited power, another name for democracy and preserves individual liberty Burtom (1985).

Democracy, as a system of government has been variously defined. Abraham Lincoln, a famous American President, defined it as the government of the people, by the people and for the people. In the same vein, Vain Hamein (1997) defined democracy, as a political system in which different groups are legally entitled to compete for power, and in which institutional power holders are elected by the people, and are responsible to the people. Savton (1987) defined democracy, as a system of government in which no one can either choose or invest himself with the power to rule, nor arrogate to himself an unconditional unilateral power. The black law dictionary (1979) defines democracy, as that form of government in which the sovereign resides in and exercised by the whole body of free citizens freely and indirectly through a system of representation as distinguished from monarchy, aristocracy or oligarchy. We are going to adopt the foregoing definitions, and in addition ;state that democracy, is a system of government that vest on eligible electorates of any Nation State, the right of elect or choose their leader's, in a free and fair election. The collarray is that it enables them to remove those elected from office, when they have outlived their usefulness to the people.

It is the focus of this paper, to examine the concept and practice of democracy in Nigeria, and to ascertain whether it falls within the purview of democracy, as defined above, having the 2007 general elections in mind. And if not the work will try to find the reason for the departure from the orthodox mode of practice of democracy, as seen in the western democratic states, like Britain, the United State and most of the European State, hereby creating a new version of democracy, that could be conceivably called democratic heresy. We shall further examine the seduction of partisan politics, the thrust of democratic the provision in the constitution to guide against democratic heresy, it circumvention, and arrogance, and conclude by proffering sections.

The Seduction Of Partisan Politics In Nigeria:

There is an increasing politicization of other professions in our contemporary Nigeria Society. This is demonstrated by the irresistible attractions of politics to those who are in other disciplines or professions. Thus has accorded politics a domineering position over other fields of human endeavours, like law, medicine, engineering that are sought for, by some of the best minds in other societies. Those professions are increasingly getting divested of the respect and glamour, they once exhibited. It is in this connection, that in Nigeria, those in the engineering profession, soldieries, farmers, medical doctors, teachers and other have abandoned their profession and embraced politics, and are called politicians in Nigeria. Invariably,, those, whose professional training and orientations fall within the mainstream of the art of politics, such as lawyers and political scientists-; are left in the cold Ngwuta (2007). Obvious not because of their election to be excluded, but because of their reluctance or refusal to embrace the acceptable modus operandi in this country, that is the "do or die affair".

At this point, it would be patient to ascertain the benefits inherent in politics in this country, that have made it so seductive in our society to the extent that even doctors now abandon their clinics, where they can attend to the sick, and architects abandon the designing and building of bridges and houses, to mention, but a few and now become active politicians in our present day Nigeria. Politics is concerned with the distribution of powers and resources of government, in any society and Nigeria is not an exception to the rule. Thus one becomes an active partner in enterprise, by not only being in politics, but by being in the party that is in government and power. In Nigeria, the end justifies the means, and Marchivelli, appears to have Nigeria, in mind, when he was expressing his political strategy of using any means whether wholesome, nasty or brutish to achieve the desired political results. Thus the *modus operandi* of “do or die affairs”, as propounded by our former president Olusegun Obasanjo, was the political strategy and also the determinant in the realization or attainment of the desired goals. In this connection the accumulation of wealth irrespective of the dastardly or criminal methods adopted in achieving those aims.

The affluence, fame, and glamour that follow the attainment of success in Nigerian politics can better be seen than imagined. Thus a person who previously had nothing prior to his entry in politics, and subsequent occupation of an elective office or rather political appointment, by the powers that be, including at the federal, state, and local government level, can in no distant time accumulate a vast real estate both here and abroad, build hotels of international standards, schools, accumulate capital in cash and stocks and acquire shares in leading multinational corporations, like oil companies, and can even own an oil company as most Nigerian politicians. In short a successful Nigerian politician can own almost what he pleases, and at the detriment of the starving masses. It is in light of these benefits inherent in partisan politics in Nigeria, that a respected chief in my village now deceased, in one of our meetings admonished all those educated members of the community, who abhorred politics to get to work. He contended that, “partisan politics is the most profitable profession outside the criminal enterprise of cocaine pushing”. And indeed decent development in the village evidencing those who adhered to his advice, have proved him right. His portion is further reinforced by the outcome of the research conducted by Tunde Ojefeifimi (2000) on the administration local government. One of the questions he posed to a respondent was, “how would you assess the performance of the outgoing chairman”¹. He answered thus, “The chairman had neither a vehicle nor a house, when he assumed office. Less than two years in office, he has neither three vehicles nor a house, when he assumed office. Less than two years in office, he has three vehicles and two houses. I do not believe that the salary he earned during this period was sufficient to cover the acquisition of these items. I leave you to draw your conclusion”.

The foregoing observation is not peculiar to that research, as an average Nigerian would agree to the fact that the acquisition of wealth, by virtually all the local government chairmen in Nigeria, reveals an unprecedented accumulation of wealth by them and at the detriment of the tenement of local government creation. Despite the local government reform of 1976, and resultant the enlargement of the revenue allocation to by them, the Babangida administration, from 10% to 20% in a period of three years, Itume and Olu (1995), and the 1999 constitution that baptized this their of government as a constitutional creature, the rural areas, that fall within their jurisdictions are still characterized by abject poverty, full of patches of bushes and the unemployment of the teeming youths. The springing up of mansions, in the mist of the thick pushes of bushes, are

indications of the presence of these political appointees who brandish the name of “honourables”, on the basis of their spurious assumption of being elected by the electorates. Conversely, they are responsible and accountable to their political God fathers.

Okpata in his article, *Intergovernmental Relations in a Democratic Federalism*, the state and local government experience in Nigeria Okpata argued that the state relation gives the state, a vast clout over the local government, resulting in a stunted development of areas, within their jurisdiction. It is the portion of this paper, and with the greatest respect to the scholar, that the problem with the administration of local government in Nigeria, is not the inadequacy of funds allocated to them, or on due interference by the states, but largely by the unaccountability, embezzlement and mismanagement of the funds, at their disposal by these local government Chairman and their God fathers, that are actually meant for the development of these areas. The committee those crimes, in connivance with the unscrupulous state chairman of the party in power. This assertion, it base on the interview I granted to an incumbent to a local government council in one of the local government, who inform me that there are warned by the chairman and his political God father not to look in to where their location is utilize, as that will result to their suspension, and withholding of their salary. According to him the Chairman, has exclusive use of the blue pen vis-a vis statutory allocation.

This criminal looting of the public fund, by the elected or better-unelected officials of the local governments, cuts across the board, and applies to usual all elected and unelected public office holders at all levels of our government. This propensity to accumulate wealth, and fame, while in office, could be demonstrated by the refusal by the people to get out of office, when their tenure expires. Those who lost in elections will go to all length to reverse the outcome of the results, including the offer of bribes and other forms of blackmail. Political opponents resort to all forms of violence, including the assassination of opponents, destruction of property worth millions of naira, and other vest resource are wasted during and after elections, in this country.

In Nigeria the level of assassination is unprecedented shortly before and during the actual elections into political offices. This is buttressed by the mysterious death in this country of politicians including Funsho Willians, Harry Marshall, Chief Bola Ige, A. U. Dikibo M.K. Abiola and many others who were not so popular as to attract National attention. The violence that characterized the 2007 general election spread like wild fire across all the looks and carnies of Nigeria. These include that of my State Ebonyi State where a filling station owned by the ruling PDP Party Chairman, ten houses and other valuable property were burnt by angry youths, due to the alleged diversion of electorates materials by the party officials and the belatedness of the exercise resulting to the disfundamental of eligible voters. Also so Edo and Ondo States, recorded a high level of violence after the results of the gubernatorial elections were announced. This level of violence’s was noted in Katsina and many other parts of the country that took a heavy toll in human and material resources of the Nation.

In light of the foregoing level of violence, one would be inclined, to ask the question, why do Nigerians demonstrate such proclivity for violence, involving bloodletting and the destruction of their other vital resources, so as to acquire political power. In other to answer these questions, one would not hesitate to give weight to the inherent power and affluence or ready attributed to

occupation of political offices. It is also pertinent to ascertain the level of democratic legitimacy or otherwise of those who form the government and political institution that emerge after the elections, as and the efficacy of their claim of victory, pursuant adherence to the laid down constitutional provisions.

The Thrust Of Democratic Legitimacy

Democratic legitimacy presupposes that those who occupy elective offices and the institutions they preside are a derivative of the exercise of the collective will of the people, in free and fair elections. The realization of the enormity of power that those elected shoulder while in office and the potential for abuse makes it imperative for them to be kept under surveillance at all times. Hence the distilled essence of democratic legitimacy is that those who run or administer the affairs of the people should derive their mandate, by being duly elected by them, in free and fair elections. It is when those who represent our interest in all aspects of governance, including our law makers, those in the executive arms of government and other elective offices at all levels of our governments, at the Federal State and Local derive their mandate from the exercise of our franchise pursue to sovereignty as a nation that they can be accountable to us (Ngwuta. Op: cit).

In the same vein, the demand for accountability by the electorates also empowers them to vote them out of office, when the time for reelection comes. In essence it is only when the electorates are allowed to vote for their respective representatives in government that they can remove them when they fail to discharge the responsibilities inherent in their elective offices. The vote is the trump card that was used to remove all but one of the elected law makers in the state of Georgia in the USA 1920, when they indulged in land fraud during their tenure. It is equally through the exercises these votes that they never had any business with servicing the public for the rest of their lives. Bork (1991), it is the same instructed, exercised in a relatively free and fair election, that was used to remove the minority government of South Africa, and the emergence of Barack Obama, as the President of the United States, in the just recently concluded elections in the United State. At this stage, one would want to know what would have happened if the former President of the United States, President George Bush, had declared the elections in United State, “a do or die affairs”, and had used all his powers if incumbency, directory or indirectly to subvert the wishes of the American electorates? Obviously the reverse would have be the outcome of the exclusive of the electorates to chose, their leaders which is the most crucial aspect of good governance, that any interference in it by any person, officials of government or any authority will render the whole process, an absurdity, and a negation of the exercise of the constitutional right of Nigerians, so fundamental that it defines the heart and soul of our constitutional federalism. It delegitimizes the democratic. Hence the delegitimization of the electoral process in Nigeria, by divesting the people of their rights to elect the leaders, no matter how benign, is the unique characteristics of the electoral process in country, as demonstrated in the last general election in Nigeria, and the emergency the (democratic heresy in) of our home grown Democratic heresy.

The Safeguards against the Emergence of Democratic Heresy in Nigeria and Its Circumvention 1999 Constitution

The whole essence our constitutional federalism, as demonstrated by the 1999 constitution is to ensure a Federal State, having component parts that are separate and self supporting. It is also the mandatory injunction of the constitution that our leaders should be elected in a civilized constitutionally sanitized system or electing leaders and devoid of any rigging, violence or “do or die affairs”, in pursuant of the conduct of elections. Thus sect. (1) makes the constitution the supreme law of the land it also under sub 2, of section one dearly proscribes any form of government outside the provision of the constitution as unacceptable. This is clearly elucidated in section (2) that provides thus:

The Federal Republic of Nigeria shall not be governed, nor shall any person or group of persons take control of the Government of Nigeria or any part thereof except in accordance with the pronoun of the constitution.

The constitution goes further to provide for the distribution of the powers of government, in its tripartite form to wit section 4(1) the legislative powers of government section 5(1) The Executive powers of government and section 6(1) The Judicial power of government. These provisions to sure the distribution and exercise of these powers, both at the Federal and State levels, and by extenuation at the local government levels of the federation. Thus under sect. 7(1) it provides for the existence of the local governments, making them creature or baby of the 1999 constitution Sect (4) makes it mandatory for the states to ensure that every person who is entitled to vote or be voted for at an election to a House of Assembly shall have the rights to vote or be voted for at and election to a local government council.

If further provided for the establishment and mode of election of members to the National Assembly in Sect. 47, and the composition of the senate, in Sect. 48, composition of the House of Representatives in section 49 establishment of Houses of Assembly for each state and most importantly establishment of the office of the President, under section 130, the qualification for and election to the office of the President, under sections 131 and 132 respectively. It is in realization of the crucial importance of the right of the electorates, in the exercise thereof, as the pivotal force in our constitutional federalism and other right of citizens as enshrined therein that elaborate provisions as indicated above, are made to guarantee the exercise of these rights in the 1999 constitution. Indeed the Supreme Court of the United States, knows better, when in the case of **Wesberry V. Sanders** (1964) it held that the right of the citizen to vote for those who will represent them is the “most important” of all the rights when it clearly elucidated us;

“No right is more precious in a free country than that of having a choice in the election of those who make the laws under which as good citizens they must live. Other rights even the most basic one illusory, if the right to vote is undermined”.

In addition to agreeing that the right to elect those who make the laws for us, is the most fundamental, as held by the court, we venture to add that this right is all encompassing, and include that of electing our local government chairmen, councilors, governors, and most

importantly the chief executive, which is the president, and commander in Chief of Army Forces. And as Court eruditely head “other right even the most basic are illusion if the right to vote is undermined”.

In the last general election, that is the 2007 general election in Nigeria, agencies of government, manipulated the exercise in many ways that the outcome of the exercise cannot by any stretch of the imagination be described, as free and fair. The elections were rigged, people were denied the right to vote through various intrigues, and overt and covert. This included the late arrival of election officials as and when due, non-availability of election materials, included voters if overt registrar as require by the Electoral Acts, and other abuses of the powers of incumbency. Where I reside, people cured up to vote before 9am on April 14th 2007, elections did not start until after 1pm, and the duration of the exercise was not extended to make up for the lost time. Shortly before to 2pm one of the INEC boxes arrived at the center with her crew of arm executors and asked the question “I hope the voting is going on very smoothly”? When every other person on the line refused to talk I informed her that the whole exercise will not serve any useful purpose, as most of the electorates waited for endless hours for the exercise to take place, but was disappointed. Shortly after she drove off, the INEC officials came to me, and requested that I should leave the line, and come forward and cast my vote. When I informed them, that I will not vote out of turn, they insisted I must come and vote, and leave the place. For the interest of peace in the vicinity I obliged them, by voting and leaving the venue of the exercise.

Our right to vote as citizen of this country was greatly undermined in the last general and election. One can postulate that are other right are conceivably illusory otherwise, how can university be close for the last three months, as a result of ASUU strike, with the Federal Government taking a decisive action. One will aspect that the government without further

Embrace this problem and solve it once and for all. This is because no government drive from the people can afford to pay lip service to the educational need and continuous growth of it tertiary education.

It is crucial to note, that the view that INEC is independent of the government absolutely false. This is so because Professor Iwu and other official of INEC substantially demonstrated their loyalty to the powers that be as opposed disposal to their loyalty to the nation and the pursuit of the national interest of husbanding a frees and fair election. This view was held by many reliable Nigerians and including Late Chief Sani Fawihenmu Professor Wole Soyinka Prof. Chenuce Achebe, the Senate President Chief Kane C.N Nnamani and many others. Other notable organizations and independent sources that disapproved the flow and nature of the exercise and the lack of neutrality by INEC including the ASUU the NBA, the Coalition of Christian and Muslim Association of Nigeria, and the American government, including other foreign teams that monitored the exercise. Despite the monumental fraud, that characterized the elections, starting from the local government level, gubernatorial level House of Assembly, National Assembly and the at the Presidential level, results were announced, and people were declared winners. They were sworn in and subsequently occupied their various elective positions.

The constitution, which is the heart and soul of our Presidential system of government, has clearly prescribed the method of choosing those who will occupy offices of government and as clearly provided for the right of the electorate to vote for these officials. It has also provided for the tripartite compartment of these institutions of government, and the exercise of their powers thereof. Thus section 4 of the constitution provides for the exercise of the legislative powers of government by the legislature, consisting of those duly elected by the electorates, sections, 5 provides for the exercise of the executive powers by government at the state and Federal level and how those officials are to be constituted. This perfect arrangement produces a scheme that will ensure the operation of a true democratic process, if truly put in practice. However, when the power to elect are undermined or denied of the people, as our own experience clearly demonstrated and we pretend to vest the power in the people that is heresy, and is provide the, outcome of the exercise is democratic heresy.

It is in this connection that Hillary Belloc, teaches us that “Heresy” is dislocation of some compete and self supporting scheme by the tradition of a novel denial of some essential part therein. We mean by “a complete and self supporting scheme” any system of affirmation in physics or mathematics or philosophy or what not, the various parts of which are coherent and sustain each other. Belloc (1938) Our constitutional, jurisprudence has articulated the repatriate distribution of the powers of government both at the Federal and State levels (Odoh 2007) so is the semblance of this arrangement even at the local government level, to wit, the provision for an elected local government chairman, who will administer the affairs of the local government at the execute level, and the elected councilors, who will perform the law making functions at the level, no matter how tangential. In the same vein, the constitution has provided that the holders of these offices must be elected by the electorates. These arrangements provide the “complete and self supporting scheme”. The dislocation of this scheme is the introducing of the novel denial of the essence of the right of the people to elect their representatives in a free and fair election. And Heresy is the emergence of purportedly elected representative of the people on their assumption the exercise followed a democratic process, giving the emerging of institutions and functionaries that are devoid of the requisite of democratic legitimacy.

In all parts of the world that practices orthodox democratic process, it is a given that the electorates must exercise their legitimate right to vote, in a free and fair election, for candidates to emerge as winners or losers, and that is the way to go. In Nigeria, however, the hereby in our context, is not the complete denial of this fact, but the introduction of devices like, rigging, stealing bullet boxes stuffing of ballot boxes, not come on time by INEC official and late arrival of electoral materials. And at the end of it all results are declared. Under such a prevailing circumstance, we have denial the electorates the power to exercise their franchise but in a very disingenuous way. It is in this vein that Belloc reminds us that “the denial of a scheme wholesale, is not heresy and has not the creative power of heresy”. He went further to state that, “it is of the essence of heresy that it leaves standing a great part of the structure that it attacks. On this account, it can appeal to believers... wherefore, it is said of heresy “they survive by the truth they retain”. Thus when our agencies of government put up what appears an elaborate process to ensure a free and fair election, and goes further to assure us that we are going to have a hitch free elections, the process survives because it gives us the semblance of the truth, as the failure on their part to put up these machineries in place, would have not retain the truth for the survival, of the democratic heresy as demonstrated by the 2007 general election in Nigeria.

Furthermore, the heresy that the electorates do not matter in the outcome of elections is so pervasive and has gone to reinforce or give veracity to the version of democracy by Joseph Stalin (1897-1953) and its adoption hook line and sinker by the agencies of government in this country: What, those who cast the votes decide nothing, those who count the votes decide everything. In addition, one could add that in Nigeria, whether the electorate vote or not, or whether the ballot boxes are stuffed with fraudulent printed ballot papers, conceivably, does not matter as long as the all might party in power and preferred candidates emerged winners no matter how spurious. This is the democratic heresy that is becoming so pervasive in Nigeria that it is taking the place of orthodox democratic practices that gives birth to the democratic legitimacy and becoming an acceptable matter, as exemplified by the outcomes of the 2003 and 2007 General Election in Nigeria.

The Outcome Of The 2007 General Elections In The Eyes Of Organizations And Nigeria

Nigerians have always demonstrated a high degree of political sagacity and a tenacious hold on their inherent right to elect their leaders. In the same vein, they have always viewed with disapproval, by resisting any attempt, by any one to impose a leader on them, be it military or civilian administration. This is very much so, when they have exercised their franchise. Thus our leaders, mostly military head of states even with the full force of the military behind them have often recorded a relative success in any attempt to foist a leader on the citizenry. The history of our democratic process, tend to reveal that the incumbency power at the federal level, is always used to either extend the control of power at the federal level, be expanding their jurisdiction in the form of taking their party take control of states that are traditionally outside the party's support base, by using the instrumentality of the state to suppress any form of resistance. It is in this connection that the Unity Party of Nigeria, that won in majority of the states, that were in the former Western region including Oyo and Ondo State in 1979 Gubernatorial election, were defeated by the NPN, the party that produced Allajh Shu Shagari as President of Nigeria, in 1983, despite, the resistant of the people. This facts will revealed in an alter view that the Late Chief Bola Ige granted to the News Watch. In it, he alleged that he was rigged out of office, and that FEDECO falsified the result. When he was asked "Why didn't Oyo people defend you as they did in...? He replied thus: "Do you know how many people died in Ibadan? As a matter of fact, they were more who died in Oyo State, than Ondo State. They deployed more than 10,000 police to Ibadan City alone and some of the people were killed by the police "News Watch November 24, 1994.

In the same vein, the annulment of the June 12 presidential election by General Babangida, and the consequential denial of the conceivable mandate from the people to Abiola of the people to him by the power that be, sparked off violent protests from the people in Lagos and other cities in Nigeria that led to the death of many innocent Nigerians. Indeed, the annulment placed the country at the verge of destruction, for a very long time till the military under General Sani Abacha came out with a rolling force crushing all the pro democracy movement, suppressing and oppressing the democratic zeal of the citizenry the News October 1993. Likewise the subversion of the constitutional right of the people to elect their leaders, by the agencies of government are attracted disapproval of virtually all patriotic Nigerians, that cuts across ethnic, religious social and political affiliations. It also attracted the condemnation of profession bodies, organizations

both within and outside the country. These include the Nigerian Bar Association the Academic Staff Union of Nigerian Universities and Ohaneze Ndigbo, the international communities and all well meaning Nigerians. They all closed ranks in the firm condemnation of the criminal activity that was perpetuated by INEC and other agencies of government in the conduct of the election. We are going to examine these reactions of the Nigerians in the face of the subversion of the will of the people, and the imposition of candidates on them, that were not in a true sense of the word, vote for. The academic staff union of universities, in its reaction to the outcome of the 2007 general elections, noted: that previous elections in Nigeria are always identifiable with extra judicial political murder, extra judicial political violence, the political use of the EFCC, the wide spread disenfranchisement of people, through a dishonest and shady voters registration exercise. The union further noted that the election of April 14th 2007, was characterized by wide spread irregularities across the country that included the deliberate manipulation of the voters registrars lists.

It also noted “that the electoral exercises were characterized by the application of unconstitutional and illegal disqualification of candidates by INEC. It is also noted the effect of the judgment delivered by the Supreme Court, on the 6th of April 2007, that has the effect of nullifying the disqualification of candidates by INEC, and its refusal to comply with the decisions of courts of complaint jurisdiction. The association observed that the police, and soldiers were used to harass and intimidate innocent citizens and by the seizure of ballot boxes. In addition was the union also noted that there was resultant death of citizen’s in many states of the federation. It observed that in some states “ballot papers were marked in houses of the ruling party chieftains, as opposed to the electorates actually casting the votes therein. It noted, that in significant portion of the states in the federation, voting materials were not accessible to voters and consequently that no voting exercise took place, results were announced by INEC. It reinforced this portion by stating that at 3pm, voting materials were not available in Enugu and Anambra States. It also noted that the expensive deployment of Police and Soldiers in some parts of the Federals Ekiti, Ogun, Katsina, Lagos, Kano and Adamawa was intended to forestall any resistance by the electorates. It went on to reaffirm the position of the National Executive of the Union and other Nigerians that the outcome of the exercise be voted be rejected in its entirety”.

Other organization that rejected the outcome of the election results and called for its cancellation included the: Nigerian Bar Association, it the election, as a “stolen election”. The elders forum with the leaders of thoughts Anambra, leadership of Ohaneze, the Christian Association of Nigeria (CAN) State Council of Traditional Rulers and the other civil Society Organizations, met to the evaluate gubernatorial and the House of Assembly Election and concluded that the exercise was flawed in several ways, including the now displacement of the voter register, as mandated by the electoral Acts, the disenfranchisement of voters, as the INEC officials and the needed voting material were-conspicuously not available, it stated that reprint at its disposal election stated that predetermined results were manipulated to assist the ruling party to win. In light of the established in regalities among others, it demanded that the purported wornness pronounced by INEC pursuant to the non electoral exercise of April 14 2007 were devoid of the mandate of the people of Anambra State. This was in line with the views of other international organizations, based the CNN, “That described the election, as a fraud.”

In spite of the outrage of these organizations that are enumerated above some patriotic Nigerian voiced out their dissatisfaction over what was described as election. One of the most notable Nigeria who registered his lack of faith in the leadership and the rank and file of INEC was Professor Wole Soyinka. He stated publicly that INEC was not a neutral body and was incapable of conducting a free and fair election, and this assertion was collaborated by what transpired. In his subsequent elections, he stated, "Obasanjo in there last few years completely blocked the passivity of Nigerians moving forwards. Whatever he must have done to revamp the economy, his economic reforms, and the fight against corruption, all of these will be subsumed by his abuse of the system over the years; this is what this legacy will be. People will not remember Obasanjo for other things, he will be remembered for the political crime that he committed against the Nigerian people. Political corruption affects national cohesion than even material corruption. Obasanjo's regime is the most politically corrupt regime in Nigeria. He will be remembered as a person who literally desecrated the electoral right of the Nigerian nation "Daily independent. May 14,2007.

In the same vein Chief Paul Olusegun Dakosta, voiced his audient the interview, he granted to the Daily Sun Newspaper, captioned "Revolution only isolation to Nigeria's problem. In it he stated among others, 16 with at we had was not an election. We have just planted some Bitter seed. Once people believe they have been cheated, that is the beginning of the end of what society what we called elections in more than half by the 36 states of the country, were just outright theft and regency our democracy". He urged Nigeria to rise up and protect their fundamental right of electing their leaders, as only them can protect this right and not outsiders". Chief Gani Fawehinai was not left out in this protest to he described the election held on April 2007, as having dehumanized Nigerians. It has affected our sense of integrity. It has violated in a very violent in every manner our fundamental right to choose who should govern us. It has made nonsense of the democratic process, and above all has installed the most heinous democratic machinery. "This week, May 28, 2007". In his comparative analysis of 2007 general elections, with the previous elections in Nigeria, he stated thus: What happened on 21ST April was election robbery of the worst kind, I have never seen. I have seen all elections even the one Obasanjo did not see. I saw the 1959 elections, 1962 Western Elections, 1964 and 2003. Yes, the 1979 elections and so on were rigged to a large extent, but we have never seen such brazen and bazara robbery as this. To use the word rigging is to be muddling semantic. It is like people entering your house and taking away everything you have, it is so different from somebody who enters your house and steals N1 or N5. Somebody holding gun to your throat and your chest and robbing you of everything you have only to come and declare outside that he is the owner of the house that knocks the bottom of the legitimacy of the election and the danger of the election is what it portends for future elections. It is now clear that we are going to move from electoral robbery to electoral Armageddon. If nothing is done about this one, and I am calling for the cancellation of everything. If nothing is done, then democracy is doomed for all time".

Gani was not alone is expressing his dismay over the dubious election results, as released by INEC". Others included Chief Ken Nnamanne who played a substantial role in there abortion of the "third Team Enterprises of President Obasanjo. j He condemned what was described as an election, and made it clear that head many other Nigerians were disenfranchised. He views was so blunt that many highly placed functionaries in Obasanjo Administration thought he was advocating for reason. Visually all the magazines in the country came out in full force to

condemn what transpired as election in the country. This position was reinforced by the editorial of the News Watch Magazine of June 4, 2007 headed, "As Yar Adua steps in" which part of it read "... That the 2007 general election were at massively rigged is beyond dispute. It is foolish to deny it as Maurice Iwu Chairman of INEC keeps doing. Millions of Nigerians were denied the right to elect men and women for their choice. The extent to which the electoral commission, and the ruling party, PDP went to deny us this basic but fundamental right in order to maintain its hold on power horrified every one outside the inundate circle of the PDP, audits supporting last in the electoral commission and the security services". The editorial went further to state as follows, "The challenge of credible elections and peaceful transition rested on the shoulders of President Olusegun Obasanjo, the man who emerged from the isolated prison cell nine years ago, to become our second civilian President, and the first Nigerian to be both a Military and a Civilian Ruler. He blew it up. He deserved to leave office in a blaze of national applause. He chose to shoot himself on the foot. Sadly he was become the object of media and public ridicule. The glory has been turned into opprobrium. He has denied himself the eternal right to Teflon and impermeable mystique. He has robbed the nation of it right to see one of its own in the podium of Great Statesmen of the world. His place will now remain vacant".

The foregoing barrage of disapproval of the conduct and outcome of the 2007 general elections, clearly demonstrated that Nigerians were outraged by the unprecedented subversion of their right to elect their own leaders, in a free and fair elections. The events that transpired infringed the provisions of section 14 (2) of the 1999 constitution that provides as, follows, "Sovereignty belongs to the people of Nigeria". The constitution went further to provide chapter in 2, Sect. 51 (5) "The state shall abolish all corrupt practices and abuse of power".

It is not apt to extrapolate that the Nigerian citizens were not vigilant, resilient and eager to defend the mandates they gave to those who they elected or would have elected to govern them. Rather it is better to state that, they were very much aware of the unprecedented deployment of brutal force, and the dispositions of President Obasanjo's regime to crush any form of violent protest or resistance. Nigerians, have not forgotten the Odi massacre. Thus there are not gullible, but cowards and that is why the flawed and atrocities perpetrated on the citizenry, to a substantial degree survived.

The pervasive arrogance of democratic heresy in Nigeria, by that despite all that insults on our intelligence, and indeed the outright invasion of our most fundamental right of electing our representatives of government, at all levels, in a free and fair manner, that despite all this insult on intelligent and did outright invasion of fundamental right of elect are representative of government at all level in free and election manners, election results were announced. H on the face of this that the then Minister of Information and Communication informed journalists in Abuja, and the entire Nigerians, that the inauguration of the President and the Vice president, will cost the nation the sum of N 82,306,727,10. The Guardian May 29,2007, this amount is less the sum, the thirty states of the Federation will each use inaugurating their elected officials of government at all level.

The President Yar Adua's government in a positively absolute j affirmation of the speculation that his administration would be a continuity of that of his Processor announced his seven point

agenda, which to a large extent, is a derivative of that of Obasanjo. This development was not a surprise to any informed Nigerian, taking cognizance of the contentions process over the process of his election into that office. Onuoha (2008) the exact procedure repeated itself in all the states of the Federation, as the governors will sworn in, included does later set aside by Supreme Court of Nigeria. Those that will send packing included that of Anambra State and River State and Ondo State. Accordingly, before this decision, they all proceeded to assume positions of authority, and to determine the destiny of the nation and that of its citizenry, using the research and the coercive instrumentalism of the law, and to enjoy all the right and privileges indexation the elective offices. That is the arrogance of democratic heresy in Nigeria.

The United States, and in citizens cherish the value of patriotism and the inherent obligation of the on the part of its citizens, so also the duty on the part of the citizens to their nation have having the realization that the continued existence the United States is bigger than their individual interests. Obama (2006) nevertheless, those cherished values are predicated on the fact that the most fundamental right of the citizens to elect their leaders cannot be under aimed by whatever means. There is the reciprocal obligation on the part of the government and the citizens and the government cannot shoulder its own obligations when it is tainted with illegality and fraud, and spurious legationary. When their departure of this basic principle, its developmental programmes are not only hallow, but illusory, as it is not accountable to the people thus can renege and get away with it. The votes duly exercised and meticulously and sumptuously determined is the trump card that people possess, once taken away that is the end of democracy, and legal extent citizenship. It is on the basis of this reality that series of amendments we are made on the United States constitution shortly after the civil war, so as to extend and protect the exercise of these rights that were not enjoyed by contain segment of the population prior to the successful defeat of the secessionist south. These amendments included the XIV Amendment to the United State Constitution that provides thus: All persons born or nationalized in the United States, and subject to it jurisdiction thereof are citizens of the its, and the states wherein they reside, no state shall make or enforce any law which shall abridge the privilege or immunities of a citizenry of the USA. And in order to concretize and ensure that those whom this amendment is targeted to, enjoy the fruits of it, another in amendment was made, and that was the XV Amendment to the United State Constitution, that provides thus: The right of the citizens of the United States to vote should not be denied nor abridged by the US or by any state on account of race, colour, previous condition of servitude. Foreseeing the likely resistance to this amendment, section 2 provides that the Congress of the United States shall have the power to enforce this article by appropriate law. Despite these this elaborate provision of the United States constitution, these rights were not made available to the freed was on a platter of gold. As series of affirmative measures and protests were embarked upon, series of affirmative major and protests we embarked by the affected citizens, both in the count room and on the streets to give life to it, through the instrumentalist of the civil right movement propelled by the National Association of Colored peoples, and under the leadership of late Dr. Martin Luther and others. The realizations of the inherent benefit of these amendments were resisted in the south through covert and overt Brauch (1988) thus just as our constitution has made elaborate pronounce for our right, other right hallow promises, when the right of Nigerian to freely exercise their franchise, in an atmosphere devoid a intimidation and rancor are not 'guaranteed. This is tragedy of our democratic law.

At the cross road, that the black Americans found themselves after the demise of the constitution of slavery there were a lot of contains views, as to address their social and economic problems. Radical like Frederick Douglass W.E. Dubois, “talented tenth” strategy, advocated for the outright aggressive assault by the few blacks who were educate on the elitist and discriminatory leadingly of the whites. They believed, that such a suspend campaign was the only ways to achieve their political rights. Conversely Booker T Washington, prioritization of economic emancipation true acquisition of useful skills by the Negroes has spring board to their political reverse Brauch Op Cit 16 however Wingtone appear to aspect the thrust of Dubois strategy and when postulated that the “security dignity of the people is derive of its masses, and without stability and character in the mass an elite would above them only in fantasy”¹. Our political would not aspect thus words, and thus the Nigerian political reality calls for the internalization of those contending, but reconciled paradigms, as the solution to our political problem.

Conclusion

This research has to a large extent examined the distilled essence of democracy, juxtaposed with the conduct of the 2009 General Elections in Nigeria. It is the conclusion of the work that the election exercise was significantly tainted with fraud, massive dermal of the participation of the citizenry, using the instrumentalist of INEC, and other agencies of government. The resultant effect was the dilution or substantiated denial of the people their most fundamental right of electing their leaders, in a free and fair election, and by extension depriving their of the right to receive them from their offices, as a result of magnitude of insensitivity to the plight of the citizenry, while in predicated on spurious legitimacy and lack of accountabilities. However, the problems associated with our democratic process can be addressed, if our leaders and citizenry come to grip with the reality, that democracy cannot exist without giving the people the right to vote for their leaders, and allowing the contending parties to freely campaign sale, manifests to the people, devoid of “do or die affairs”. The President of the United States, Mr. Barrack Obama, achieved his victory largely by being able to persuade the American electorates. There is no substitute to this, as it is the hall made of democratic governance.

References

- Belloc H. (1938). *The Great Heresies* 10, Trinity Communicated,(1987).
- Burton I. S (1985) *An Introduction to LAW AND Legal Reasoning*,
Little Brown and Company, Boston, Toronto
- Bork R. A. (1990). *The Tempting of America, the Free Press*, NewYork
- Branch T. (1988) *Parting The Waters*, Simon & Schuster, New York.
- Itumes and Olu R., (1995). *Government & Local Development in*
WesternNigeria. Ambi Press Benin.

Kehinde,S.(1993). Abiola's Shuttle Diplomacy. The News, Lagos.

Ngwuta O. E. (2007). The Temptation of democratic Heresy and the legitimacy of the Law. Copy Craft Co. Abakaliki.

Obama B. (2006). The Audacity of Hope, Three Rivers Press, Random House,NewYork.

Onuoha J. (2008). The State and Economic Reforms in Nigeria, Nsukka, Great AP Express Publishers Ltd.

Vanhamen(1997). Prospects of democracy. A study of 172 countries, London Routledge.

Black Law Dictionary (1979). St. Paul Minn. West publishing Co.

Odo S.I. (2007). The Relationship between the legislative and the Executive. An Analysis of the Doctrine of Separation of Powers and checks and balances, African Journal of Political & administration Studies, Vol. 3 No. 1.

Okpata F. O. (2008) Intergovernmental Relations in a Democratic Federalism: The State and Local Government Experience in Nigeria, African Journal of Political & Administrative studies, Vo.4No1.

Ojefeifimi, T. (2000). "Yesterday's Hope and Today's Disillusionment: Whether local Government in Nigeria in AdedejiAandBamidele A. (eds) people centered democracy in Nigeria". The search for Alternative System of Government in the Grassroots Published by Access, Ijebu Ode.

Dakosta, O. (2007). Revolution only solution to Nigeria's problem. Daily Sun, Lagos.

Ige (1994). "The Expatriate Yoruba" Newswatch, Lagos.

Fawehimi (2007). General Elections 2007. This week, Lagos

Abu, B. (2007) As YarAdua steps in Newswatch, Lagos.

Nnamani K, (2007) Election 2007, The Nigerian Tribune, Lagos.

Nweke F. (2007) Oshomoleinauguration of the President, The
Guardian, Lagos.

Olusegun A. (2007) Oshiomole Onu Arrested as Protest Trail Results,
ThisDay, Lagos.

Agbakoba O. (2007). National Protest, Action on Election 2007,
Nigeria Bar Association, Lagos.