

Independence National Electoral Commission and 2019 General Elections in Nigeria: Election Monitoring and Observation

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Abstract

Election monitoring and observation occupied a priority of place as both a statutory mandate and policy of the Independence National Electoral Commission (INEC). In Nigeria the study examined and appraised the election monitoring and observation by both the domestic and international observers, and the lessons learnt vis-à-vis the 2019 General Elections in Nigeria. And considering the nature of this study, a single case ex post facto research design that was basically qualitative in character was employed. Therefore, primary data were analyzed thematically while the secondary data were sourced from publications. The data were subsequently analyzed using content analysis. Findings of the study revealed that despite the presence of the election and observation groups to oversee the 2019 General Elections, its essence to guarantee transparency, integrity and credibility in accordance with the universal best practices were not reflected in the elections' results. The international press conference organized by the monitoring and observer groups at the end of each election, and the final election Reports submitted to the INEC and Federal Government indicated that diverse election irregularities and compromise were found not to reflect on the outcome of the 2019 General Elections, even the judicial election judgments. The implication of the above is that the Nigerian masses have not actually seen the democratic value of the election observation in the country as a result of electoral impunity or compromise by the election stakeholders. It was not, therefore, surprised the criticism, cynicisms, violence and protracted legal battles that followed the 2019 General Elections. In the light of the

above, the study recommended the need for political will and sincerity by the stakeholders to faithfully comply with the implementation of the provisions of the Electoral Act 2022 (as amended) to ensure universal best practices in subsequent elections in Nigeria. This shall smoothly facilitate election monitoring and observation in the future in country.

Key words: Independent National Electoral Commission (INEC); Constitution; 2019 general elections; Electoral act; Monitoring and observation

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1. INTRODUCTION

In the modern nations or democratic societies, electoral bodies place high premium on the role and place of election monitoring and observation in the organization and conduct of democratic elections in the countries they domicile. Since most of the democratic societies have accepted the monitoring and observation of their elections, many of these countries or their electoral bodies provided platform for credible monitoring and observer groups from both national and international levels to submit their applications for accreditation to participate in their elections. Election monitoring and observation in any country's elections have become cornerstone of creating a democratic system that has national and international legitimacy.

Historically, the origin of election monitoring and observation has a fairly long history. The first election monitored and observed was the 1857 plebiscite in Moldavia and Mallachia (the present Romania country).

The election was monitored by election monitors and observers from European countries of France, Britain, Prussia, Russia, Australia and Turkey. However, election monitoring and observation came to significant importance after the end of the cold war in December 1991 with the growing global acceptability of the value of democratic culture which informed the design of international standards on the conduct of democratic elections for both the domestic and international observing organizations. On the establishment of the United Nations (UN) in 1945, the UN directed its monitoring and observation missions to monitor elections in Korea and Germany. And as decolonization accelerated from 1950, the election monitoring became expanded significantly as increasing number of observer missions monitoring elections in the new democracies, even in long standing democratic societies, like the United States, France, the United Kingdom and Switzerland because an international practice and necessity to ensure they were free and fair (Thomas, 1997). That is, as a result of increasing number of democratic societies in the world, many international actors have taken on the challenge of monitoring elections in the countries where elections were conducted as part of multi-faceted international efforts to ensure integrity in the election process, and thereby, consolidate democratic culture. Hence, the United Nations (UN) has maintained a roster of election experts that could be mandated on relatively short notice to provide expertise to countries conducting elections, and to also become actively involved in election monitoring there as well. Being international monitors and observers, they are perceived as unbiased, therefore, relatively free from political pressure. They are not funded by any government or political parties in any country. International organizations such as the Organization of American States, the Organization for Security and Cooperation (OSCE/ODIHR, 2005), the European Union (EU), the Commonwealth Secretariat, the Council of Europe, the Organization of African Unity, now the African Union (AU) etc frequently deployed monitoring teams to countries conducting elections in which many Civil Society organizations (CSOs) in the host countries also participated (OSCE/ODIHR, 2005).

In other words, International observers are complemented in many countries by the Domestic observer Groups. And with regular participation in international elections, the international observers have become election experts in the three stages of elections. These are pre-election, election proper (election Day) and post-election. For the pre-election monitoring, some of the international observer groups must have been in the countries holding the elections say for a period of six to eight weeks, which is referred to as Long-Term Observers (LTO). The pre-election monitoring activities include among others the compilation of voters' register,

delimitation of constituencies, recruitment, training, and deployment of electoral materials. The polling day, which is the election day monitoring activities include distribution of election materials to the polling units, casting of ballot, conduct of officials, counting of ballots, declaration of election results and transmission of such results to the appropriate authority. The post-election monitoring activities include mainly the reactions of the citizens to the elections results, constitution of the Election Tribunals etc. The short-term observers (STO) of these international monitoring groups usually join the mission for the final week of elections (The Carter center, 2006).

For any election in any country, experience or history has shown that there are basically two main types of election monitoring. They are partisan and non-partisan election monitoring. The partisan election monitoring or observation includes the election officials, political parties and the mass media. For example, monitoring of an election by election officials ought to be non-partisan as they are supposed to be neutral and transparent. But majority of the appointments of the electoral officers have been on political patronage or affiliation, especially in the emerging African democratic societies, hence, the tendency to perceive them as being partisan. Also, the political parties and their agents monitor elections with the primary aim of protecting their own selfish interest or their political parties. As well, the mass media, either electronic or print in most cases are owned and controlled by the government, especially in Africa. While some of the members of the political parties owned these media, with the tendency to be biased in their news and reportage. Even, in situation when some of these media are owned by individuals, they tended to be biased in promoting the interest of their owners, who are also political animals. The perceived partisanship of the election officials, the mass media and political parties and their agents necessitated the need for place for non-partisan election monitors and observers. These non-partisan monitors or observers include the Civil Society Organizations (CSOs), International observer groups. They are effective and transparent in the monitoring of elections in their election reports, but they also have their own human limitations (Tukur, & Awosanya, S.O., 2003).

Nigeria as a focus of this study, the truth is that election monitoring and observation have been the policy and statutory mandate of the electoral management body since independence in 1960. However, the 2019 General Election that was the reference of this study were conducted by an electoral management body known as the Independent National Electoral Commission (INEC) that was established in 1999. And as part of its statutory mandate, the INEC rolled out strategic plan to make the election monitoring and observation for both the domestic and international observers accredited for the 2019 General Elections.

This study became imperative as many scholars have written on democracy, good governance and elections in general for publications, but studies on the election monitoring and observation in Nigeria by scholars are yet to receive much expected attention in the literature. The only study that had a little orientation with election monitoring and observation was the one published by Adewumi and Daramola (2018) which focused on e-messaging tools to enhancing election monitoring and observation in Nigeria. Therefore, the missing gap that this study intends to fill is critical examination and appraise the election monitoring and observation of the 2019 General Elections conducted by the INEC in the country. This study, therefore, was borne out of the desire to critically examine and appraise the invitation of applications from the international and domestic monitoring and observation organizations for accreditation by the Independent National Electoral Commission (INEC) for the 2019 General Elections in Nigeria.

1.1 Methodology

1.1.1 Research Design

As a result of the nature of the study, the author employed a single case *ex post facto* (after the fact) research design. This is basically qualitative in character. This research approach helped to get direct and valid information on the study from the strategic respondents that have adequate expertise and knowledge on the study. This helped to generate, analyze and interpret data suitable for the subject under investigation. To accomplish the objectives of the study, primary and secondary sources of data collections were employed accordingly.

1.2 Method of Data Collection

As earlier stated, the study adopted both primary and secondary sources of data collections. The primary data were sourced from different categories of people through the Key Informant Interviews (KIIs) technique. The author purposively conducted KIIs with two (2) INEC Commissioners in Nigeria, taking one each from Northern and Southern part of the country. In addition, two (2) Chieftains of the two (2) major or dominant political parties in Nigeria, two from the academic, three (3) from national observer groups, two (2) from the media, and five (5) eligible voters. The author conducted the KII with the different categories of the people identified above that represented the study population of 15 respondents which was aimed to have balance perceptions from each of them on the election monitoring and observation in Nigeria. In all, there were 16 KII sessions had with the study population while each of the sessions lasted between ten and twenty (10 and 20) minutes. The study population were selected through the use of purposive sampling method based on their expertise, experience, profession, and their accessibility and willingness for audience. The study observed ethical consideration as the identities of

the respondents were kept anonymous because of their official status or profession. The secondary data were sourced from text books, journals, official publications, INEC website, internet, newspapers publications. They served to complement the author's field sources of the study.

1.2.1 Data Analysis

In analyzing the data from the primary source, the interviews proceeding were first transcribed. In a situation where key informant had resistance to voice recording, the author condensed the interviews in writing. The summaries of the interviews were written thematically.

2. CONCEPTUAL FRAMEWORK

2.1 Election Management Body

Election Management Body (EMB) is the statutory body that has oversight function of election monitoring and observation in all democratic societies. The Election Management Body is a specialized administrative institution with wide-ranging authorities and responsibilities of electoral activities in all democratic societies. The name of the institution is vary from one country to another, where democracy exists, which carries names such as 'Electoral Commission', 'Electoral Council', or Electoral Board" etc. The term election management body is coined to refer to the body responsible for electoral management regardless of the name attached to the institution. And whichever name the institution is given, the Electoral Management Body has a legal framework, that is, it is a product of constitution or law, legally responsible for all politically election-related activities such as plebiscites, referendum, recall, electoral boundary demarcation or constituencies etc. The institution has wide-ranging statutory responsibilities that are election-related functions which are registration of political parties, voters' registration, voters' education leading to the conduct of elections, counting of votes, tabulating the election or voting results, and to formal announcement of election results, and oversight function of election monitoring and observation, which is the cornerstone of this study (Al Musben, 2011).

In many countries, there is often no clear distinction between the powers and functions of an electoral body. These powers and functions are listed in both the constitution and the electoral Act, to ensure that the commission has both constitutional and statutory powers and functions. In a country like Australia, Indonesia and South Africa, (even Nigeria), powers and functions are referred to jointly. However, these powers and functions of the electoral body are not the same in all countries of the world, which are functions of social ecological factors of such country – history (colonial experience), ethnicity, political experience, geographical, political

system (federal, unitary or confederation), demographics, electoral systems etc (Alvarez-Rivera, 2018). Most importantly, it is very incumbent on the electoral body to create a favourable and conducive environment for all citizens to exercise their voting rights without let or hindrances. It must also ensure a level playing ground among all the political parties and their candidates in all the elections conducted. Thus, the existence of an impartial electoral body as one rightly observes is highly inevitable in the sustenance of democracy in any given country. Nigeria is also one of the countries in the world that has an electoral body established with the primary responsibility to be conducting elections in the country. The history of the electoral body in Nigeria is a product of several historical developments dated back the period before independence when the Electoral Commission of Nigeria (ECN) was established in 1958 to conduct the 1959 elections (Awopeju, 2021).

2.2 Election Monitoring and Observation

Election Monitoring and Observation are integral part of an electoral process or democratic election. The two terminologies are often used interchangeably, yet have different meanings and roles during elections. Election monitoring is the observation of an election or act of overseeing the electoral process in order to ensure that election is held according to the laws of the country, and in compliance with the rules and regulations guiding the process. Election monitoring is oversight of the electoral process or democratic elections which seeks to establish the extent to which input deliveries, work schedules, and other required actions and targeted outputs are proceeding according to plan, so that timely action can be taken to correct deviation detected (Adewumi, et al 2018). In other words, the election monitor has a unique role to play in the actual administration of elections as he/she has the mandate or power not only to oversee but also to intervene in the course of the electoral activities or elections. As a result of the enormous responsibility of the election monitor, it is usually the experienced staff of the electoral bodies who have acquired election expertise or working knowledge of election administration over the years, that are always appointed as election monitors (Kagara, 2007).

On the other hand, the election observation is the act of keenly watching and following events in the electoral process as they occur, especially the conduct of the election. It is with the sole aim of noting and reporting issues of concern which ultimately culminating in arriving at a verdict as to the credibility or otherwise of the elections. Election observer is a person who has no authority or mandate to intervene in the election process; and whose involvement in case of mediation or in explaining technical issues, should not be such, which is contrary to his/her main role, which is solely to observe (Kagara, 2010). In essence, the election observation only involves gathering information on the electoral activities

or the elections, and making informed judgments from that information, without interfering in the process. However, the election monitoring and election observation are both information gathering and examination of the electoral process carried out, which is to draw the attention of the presiding officers of the elections or electoral authority, to the observed deficiencies, if any. And while the election monitor can directly intervene and order the presiding officers to the needful, the election observer can only politely point out the attention of the presiding officer to any observed deviation, if any. And in case of hesitation by the presiding officer, the election observer can then make use of the telephone line of the Electoral Officer in that Local Government Area or that of the INEC Commissioner they have been given during training, by calling his/her attention to the observed error (Brahm, 2004). Although, the election observer's mandate appears passive when compares with that of the election monitor, it is by no means less important. The roles of the two groups are essential and critical in ensuring election integrity, transparency and credibility.

2.3 General Elections

Any attempt to conceptualize what general elections implies would not be meaningful if there is an oversight on the conceptualization of the term election itself. Recognizing the need for clarification of election concept, which is a political tool of actualizing representative democracy or a platform for establishing a democratic rule or government. Election is a basic feature of democracy and a democratic state. Then, the institutionalization of election in a polity, therefore, does a great deal to authenticate its claims as a democracy. According to Onuaha (2007), election is the act of choosing or electing persons by a constitutional body (electorate) through a voting process. It is a freewill exercise performed at the discretion and whim of the voter; not by coercion or any means that negates the fundamental liberty of the voter to make a choice preferred by him or her, which is an anti-democracy. It is a formal group decision-making process by which a population chooses individuals to hold public offices in a democratic society. The election may be to fill membership in the legislature or executive office. Thus, election is the fact of electing, that is, to select or make a decision through the use of ballot. It must, however, be emphasized that not all elections are democratic. For instances, election may offer several candidates for each office, but when it is through intimidation, violence and rigging that only the incumbent or incumbent's candidate is chosen. This is not democratic election. In the words of O'Dannel (1996), democratic elections are not merely symbolic.

At this juncture, it becomes apt to return to the conceptualization of the sub-topic above, "General Elections", haven already successfully explored the concept of "election". The fact that the prefix "General" is added to "election" signifies a type of election or how

the election is important to the entire polity in a nation. According to Wiktionary, general election is a national or state election in which candidates are chosen in all constituencies. General elections are usually held at regular intervals, in which candidates are elected in all or most constituencies of a nation (Your Dictionary). The term is usually used to refer to scheduled elections where both the President, Governors, or members of the national and State legislatures are elected at the same time. It is a political election where the electorate or citizens of voting age vote for the political candidates of their choice to represent them within the unity government of their country in such positions as President, Vice President, or Governors or Deputy Governors, or members of the National and State legislatures, in some countries, it includes the political offices in the local government councils (O'Donnell, 1996), Merriam Webster Dictionary. Taking Nigeria as a good example, general elections are the elections conducted by the Independent National Electoral Commission (INEC) simultaneously throughout the whole country in which the electorate that same election day exercised their civic right to elect one, or more persons from the number of the candidates nominated by the various political parties to occupy political office either at the executive or legislative level. Examples are the elections of the President and the Vice President, the Governors and Deputy Governors, and membership of the legislative arm at both the national and state levels.

2.4 Theoretical Framework

Elite theory is adopted as orientation for this study. The elite theory as reflected in the writings of Wilfredo Pareto, Gaetano Mosca, Ortega, Gasset and Robert Michels is a body of thought aimed at explaining the nature and role of those groups in societies in which decision making power is highly concentrated. Elite theorists start from the basic premise that in every given political and administrative systems, there is an ordered system of a power, with one group directly or indirectly exercising the major share of authority and control (Otinche, 2012). In other words, the elite theory opined that there are two groups of people in any society which are the class that rules and the class that is ruled. This ruling class always the less numerous performs all political functions, monopolizes power and enjoys the advantages and spoils the power brings, but the later which are the more numerous class is directed and controlled by the former in a manner that is more or less legal, arbitrary and violent. The ruled class supplies the ruling class. Elite superiority is a function of the social, intellectual and professional qualities they possessed in the power relations. They control the military, economy, bureaucracy, politics, religion, values system in the society, productive resources of all the societies which informed the thrust of many policies in society in favour of the elites (Pardef P; 2012).

The thrust of the argument in relation to this study is that the enactment of the electoral reforms, democratic institution like the electoral management body (INEC), electoral or election process, (the election monitoring and observation inclusive) even the security agents, and till the judiciary adjudication (final election bus stop) in election disputes are all elitist in nature, character, implementation and output. For examples, how could the Electoral Act 2010 (as amended) restrained the national and foreign election observer groups from interfering in the election process if they observed any deviation on election day, not calling the INEC adhoc staff to order or do the right things and do things rights. How could they be restrained from media interview, or not to make comments that are negative on the election process which are capable to undermine the sovereignty of Nigeria or the integrity of the electoral body (INEC) to the national and international press or media. This situation does not make the presence of the monitors or observers of the general elections to have desired significant impact on democracy and its consolidation in Nigeria. The election reports submitted by these observer groups or missions did not change the election outcome or have effect on the court judgments on election legal battles that followed the 2019 General Elections which favoured the country's elites. The hypothesis of the elite theory in political system of any country is that, it is a farce to talk of a government in which all the people take part in governance or political process. That, what is in practice is government by a minority elites or polyarchy protecting their selfish interest of that ruling class. Thus, the Electoral Act 2010 (as amended) that guided the 2019 General Elections was the making of the elites in the country which protected the wishes and desires of these minorities hence the various election irregularities that bedeviled the elections have no meaning, place and relevance to the nation's electoral body which announced the elections' result. There were vote buying, police brutality of many electorate, over-voting, ballot snatching, election violence, vote by the under-aged, etc. (Daily Independent, February 25, 2019). In all those instances, the election monitors and observers were helpless, and what left for them by the electoral law was to indicate their observations in their election reports that were later submitted to the government and the Independent National Electoral Commission (INEC).

3. 2019 GENERAL ELECTIONS, MONITORING AND OBSERVATION

As far as the Independence National Electoral Commission (INEC) is concerned, elections monitoring is an integral part of its constitutional responsibility or mandate, when organizing and conducting elections to the political offices in the executive and membership of the legislative arms at the federal and state levels in Nigeria.

The Commission was established by the 1999 Constitution (as amended) which conducted the 1999, 2003, 2007, 2011, 2015 and 2019 General Elections. It should be noted that the presence of the electoral body was in all the levels of government in the country. The functions of the INEC are spelt out in Section 15 PART 1 of the Third Schedule of the 1999 constitution and Section 2 of the Electoral Act 2010 (as amended). The Commission has the mandate of monitoring its elections to ensure that the elections and other related activities are conducted strictly in accordance with the extant rules, laws, and regulations. And since the end of the cold war at the dissolution of the Soviet Union on December 26, 1991 (Wikipedia), the emerging modern democracies or democratic societies; election observation has become an internationally accepted norm in the democratic societies especially for emerging democracies in the world, including Africa. Election observation has become a yardstick to measure the openness of the electoral process and also serves as a zeal on its credibility. Thus, if any country allows election observers to scrutinize its electoral process and activities, it gives the impression that, the government or the electoral body has nothing to hide (Munson, 1998).

In Nigeria, the presence of international observers have been witnessed in the past elections conducted in the country, and 2019 General Elections were, therefore, not an exemption. In the preparation for the 2019 General Elections, the Independent National Electoral Commissions (INEC) ensured that about 400,000 ad hoc INEC staff posted to about 120,000 polling units or stations scattered all over the federation complied with the rules and regulations guiding the conduct of the elections as thought them during training. Precisely, the INEC has 119, 973 polling units with additional 57,023 polling points created to prevent rural people or new settlement areas in the cities from long distance to cast their votes. There were 8,809 election collated wards, and estimated registered 84 million voters for the 2019 General Elections, and 92 political parties and their nominated candidates participated in the elections (while only 73 of them participated in the Presidential election that was held on February 23, 2019 (INEC Website, 2019). It is in this regard that election monitoring and observation become essential mechanism in the election process to oversee, and as well intervene in the election activities where necessary to address infractions or any form of election irregularities appropriately.

They were governmental and non-governmental organizations which INEC accredited based on their past election performance in election monitoring in other countries or democracies, and the reputation of the organizations in terms of their acquired knowledge or expertise on elections, monitoring, democracy, human rights, and international election best practices or standards. It is on the basis of the highlights above

that the INEC Chairman, Professor Manhood Yakubu on January 27, 2019 in an international press conference in Abuja, Nigeria announced the shortlisted successful applicants to monitor the 2019 General Elections in the country. The Chairman announced the names of 28 foreign observers that would observe the elections. Prominent among them were the European Union Election Observer Mission, the Carter Center based in the United States, the Embassy of the United States of America, the British High Commission, ECOWAS Commission, International Human Rights Commission, Commonwealth Mission, International Republican Institute (IRI) National Democratic Institute (IDI), African Union (AU), Africa Parliament of the Civil Society; African Bar Association, International Republican Institute (IRI), the United Nations Development Programme (UNDP), among others (Al Jazeera, 2019, Punch, 27th January, 2019).

As well, there were nationals Civil Society Organizations (CSOs) in Nigeria where the 2019 general elections were being held. And as their international counterparts were invited, a good number of the Domestic observers, especially those that have been observing elections in the country since the emergence of the Fourth Republic in 1999. On the same day at the International Press Conference of January 27, 2019, the Chairman of the INEC, Professor Manhood Yakubu announced 116 Domestic or Local Observers that would monitor the 2019 general elections. Among these Domestic Observers that were accredited by the INEC for the election observations were: The Transition Monitoring Group (TMG); Electoral Reform Network (ERN); Civil Liberties Organization (CLO); Nigerian Bar Association (NBA); Justice Development and Peace Commission (IDPC) of the Catholic Church, among others. (Punch, 27th January, 2019)

In the election monitoring of 2019 General Elections, a total of 144 foreign and domestic observers were accredited. Both the domestic and international observers complemented each other. They were deployed by the INEC to the 36 states of the federation to monitor the 119, 973 polling units across the country. It was not possible for them to monitor the entire polling units across the country, but each of the group adopted stratified technique by ensuring each covered at least 2/3 of the Senatorial Districts in each state of the federation, and 2/3 of the wards in each Local Government Area Council of the polling stations there (INEC Website, 2019). The basic difference between the international and domestic observers was that the former were typically less knowledgeable about the country they are observing besides the language limitation, so they would not be able to cover 50% of areas they were expected to cover. Also, domestic observers have their own political mindsets, so the combination of the reports of the two groups could be used to assess the elections, on which generalization would be inferred in the elections' reports.

4. DATA PRESENTATION OF THE KII PROCEEDINGS

The author engaged the State Commissioners of INEC in the sampled Geographical Zones in Nigeria, and the Key Informant Interview is “Why did the INEC allow election monitoring and observation in the 2019 General Elections in Nigeria? The respondents said that:

Election monitoring and observation are the constitutional mandate of the Commission, and it has, therefore, become a policy priority, and not a chance or option in any election conducted by the INEC in any part of the country.

The author further engaged them by asking “why did your Commission do not use election monitoring or observation, but combined it as the election monitoring and observation? The respondents gave the same response that:

Election monitoring and observation are not the same in meaning, and their responsibilities are not also the same. The staff of the Commission that are nominated to oversight the project of election monitoring and observation are called the monitors. And because of their knowledge and understanding of the operations of the INEC, and the training they received, they are, therefore, to watch and check if the election proceedings (voting) are being carried out accordingly as initially envisaged and planned, or in accordance with the electoral laws. They are not only to watch the election proceedings (voting process) on the election day, but they also have the statutory responsibility to intervene and do the needful where they notice deviations by the INEC adhoc staff, so that the elections(s) could achieve the targeted goals or objectives. As with the election observation, the national and international missions and non-governmental organizations accredited by the Commission are only referred to as observers, and not monitors. Their own responsibilities are to observe if the election processes are in accordance with the election legal framework and the international standards. If they notice deviations, they have no power to directly intervene or call the INEC adhoc staff to order to carry out necessary corrections. What they could do is to call the attention of the INEC Co-ordinators in the Local Government Areas, if available, and if not to call them through their mobile telephone numbers already provided them, or in the alternative call the mobile telephone numbers of the INEC Commissioners in the States they go to observe or monitor the election. They are primarily to note their observations of the election processes and write them in their reports they would submit at the end of the elections(s), to the INEC authority.

The author in the KIIs also asked them what they do with the Reports submitted to the INEC authority by the election monitors and observers. They responded that:

That the Reports are carefully perused by the management and observations and recommendations in the reports are made use as guides to finetune the election oversights in the future elections in the country. The Reports are not dumped in the dust bins or sweep under the carpet, but are studied to help in the future elections in the country.

The author engaged the same respondents in the KIIs by asking them “why did the Commission invite and accredit election monitors and observers for the 2019

General Election in Nigeria? The summary of their responses are:

Besides that it is a tradition and policy of the Commission to invite and accredit election monitors and observers for the elections it conducts, the truth is that their presence on the election day usually reduce voting apathy, invoke confidence and trust in the electorate and political parties that the election malpractice and fraud would not be easy to perpetrate, while their presence would also give credibility and integrity to the electoral process. Their presence makes people to have trust in the commission that it would do the right things, and do things right.

The author in the KII also sampled two chieftains of two major political parties in the country to elicit their opinions on the subject of election monitoring and observation, by visiting their National Headquarters Offices in the nation’s capital, Abuja. The KII question put across to them started with “How do you perceive the involvement of the election monitors and observers in the 2019 General Elections?” Their responses are summed up as follows:

The presence of the election monitors and observers in the 2019 General Elections could be seen as fulfilling all righteousness that has no concrete value to the nation’s democracy. Their role is of advisory capacity as they have no statutory power or authority to condemn election process, or casting blame on the INEC or any political party involving in election malpractice. Their reports or press conference on the outcome of the elections have little significant value as they can’t change the election results announced by the INEC or stop the inauguration of the political party candidates that won the elections. Their reports are not relied upon by the Election Tribunals or courts of law in the country. Their presence or reports are just mere formality as they can only bark at some bad election circumstances but cannot bite.

Extracts from the reports of the observer teams captioned in the Nigerian newspapers collaborated the perceptions of the respondents above:

“serious irregularities and violence at collation centres in many parts of the country”
“observers and party agents were chased away or barred from the collation centres”
“in some cases party agents were not giving an opportunity to sign the result forms”
“without doubt, the 2019 elections were heavily monetized, a major bane of credible elections in the country”
“the 2019 elections were probably the worst in the electoral history of the nation”
“in comparing the 2019 polls with those of 2015, it was disappointment with the lack of progress in election administration and with the performance of political parties in elections”
(Daily Independent, Nigeria Tribune Monday, May 13, 2019)

However, there were some of the political party chieftains that perceived the presence of these election monitors and observers from different perspectives. They asserted that:

Their presence motivated many electorate, that is, eligible voters to come out on the election days to exercise their voting right or

obligation, which in some instances reduced vote apathy. Their presence has not stopped election malpractices, election protests and violence in Nigeria.

Reports of the observer groups reported in the Nigerian newspapers confirmed the views of the interviewees above:

“...there has been enough violence”
“serious irregularities and violence at collation centres in many parts of the country”
“...polling officials were kidnapped as they travelled to collation centre”
“...in some locations the atmosphere was tense, and procedures were not followed”
“...party agents were not given an opportunity to sign the result forms”
“we saw cases whereby returning officers were held at gun point and made to announce certain results under duress”
“politicians made 2019 elections worst than 2015.”
(The Guardian, Saturday, March 2, 2019, Nigeria Tribune Friday, Monday 13, May 2019).

From the responses of the respondents above, the author further interrogated them by asking “How do you see the reports submitted by the observer missions to the appropriate authorities at the end of the elections?”. They responded as follows:

Their reports of the elections observed by them are not usually the same. Some of the observers in most cases condemned the elections in some parts of the country while others remained silent on such ugly situations witnessed on the election days. Their reports were never uniform. As of them condemned the elections while some of them would adjudged the elections as free and fair.

In the light of the responses above, the author further asked one of them “Why did the conflicting reports on the same elections?”. His response is:

These monitors and observers are human beings. They also have their own interests in candidates among the political parties that contested in the elections. Some of the NGOs that involved in the exercise were sponsored by some of these political parties. The trips and allowances of some of these observers and monitors were funded by some of the political parties. And there is no way they would not tailor their reports to the interest of their sponsors. Even the foreign observers also have their own preferred political party or candidates.

The KII technique also used to elicit useful information from the academic circle to enrich this research. Three lecturers from the Department of Political Science from three universities were engaged in the KIIs by the author, asking them “Has the monitoring and observation of elections in the 2019 General Elections impact on democratic consolidation in Nigeria?”. Their responses are summarized below:

Monitors and observers have been observing General Election in Nigeria since the emergence of the Fourth Republic in the country in 1999 and none of the elections conducted by the INCE has been absolutely free, fair and credible despite the

presence of the election monitors and observers from Nigeria and abroad. Hence, all the elections have been subjects of criticisms and condemnations by some public affairs analysts or the media while all the elections attracted toughest legal battles from the Election Tribunals to the apex court of the land, the Supreme Court. The election losers always accepted their fate as the judiciary has been in the control of the executive arm of government. The point blank is that what value has the presence of these observers have on the nation’s democracy in situations that the elections monitored have been adjudged not free and fair not only by the public judgment but also by the reports of the domestic and foreign monitors and observers, yet the INEC or judiciary has been helpless to salvage the ugly situations, while the political parties that won such controversial elections inaugurated as government in power either at federal or state level since 1999. There was no election conducted by the INEC that has not provoked serious protests and violence in the country, leading to destruction of lives and property in the country. This ugly situation has been a recurring event in every election in the country cannot be said to add value to democracy or aid democratic consolidation. Their presence is just a normal ritual that has not improved or positively imparted democratic governance in the country. What positive impact is expecting from the domestic and foreign observers that lacked statutory power or authority on a project being monitored or observed. Their reports or press conferences are as useless as the salt in the sand. Their presence in any election can be described as tigger on the paper page that is motionless.

The perceptions of the respondents above can be justified from the reports and international press conference by the observer groups captioned in the Nigerian newspapers. Examples are:

“observers say more than 40 killed in poll violence”
“we saw military personnel displaying partisanship”
“...there are cases of men of the armed forces preventing election observers from performing their legitimate duties, even after proper identification”
“in some cases, we had reports of voters being turned away from accessing their polling booth by the armed forces”
“our observers reported that there were shootings in collation centers”
“...an observer was shot on the arm”
“killing of some INEC staff”
“it was vote, snap, come for money”
(The Guardian, Saturday March 2, 2019)

From the responses of the scholars above, the KII further engaged them asking “Can the election monitoring and observation by the domestic and foreign missions be discontinued in subsequent elections in Nigeria?”. Their responses are similar:

Since it has become an international practice and standard approved by the United Nations to monitor and observe elections in democratic societies in the world Nigeria being a signatory to it the country or INEC has no option than to continue to invite them in their elections. This is despite the fact that they are have no power or authority on any nation’s elections than just to make their observations documented and submitted to the electoral body change the elections’ results already announced by the Commission or has positive influence. Their presence is better than their absence in any nation’s democratic election which still put checks or restraints on election stakeholders for open abuse of electoral process with impunity. Their presence still give

psychological confidence and trust to the electorate and political parties with their nominated candidates to have the mindsets that the election would be somehow free and fair.

The author also engaged the Director-General of the National Orientation Agency (NOA) which has statutory mandate to monitor and observe elections in Nigeria. The KII put to him is that ‘What are the election monitors and observers monitor or observe on election day?’. The Director-General opined that there are observation checklists or guidelines to help the election monitors and observers in the monitoring and observation on the field. He responded as follows:

The election observation is not carried out in vacuum or at the personal discretion of the election observers. There are international election checklists or guidelines or standards that the election observers follow in doing their work. In each state of the federation that any election observer was deployed to, he or she is expected to cover at least two-three (2/3) of the local government areas of the state visited to be able to have a sound generalized judgment of the elections observed. The checklists are as follows (AU, 2002):

a. At this juncture, the Director-General gave the author the document that contained the checklists. An election observer getting to a polling unit, the first assignment is to indicate on his/her form the name of the state, Senatorial District, Local Government Council, Ward, polling Unit/ Station, and their code numbers for each item listed above and the type of election (Presidential, Governorship, National or State Assembly).

b. Indicate the time of visit, time the INEC staff arrived the Polling Unit, time polling unit opened, time accreditation of voters started, time the poll commenced.

c. Recording of total number of Voters Register, total ballot paper issued, vote cast so far at the time observer was there, total number of voters on queue.

d. Seeking for information on the following:

i. Voters Register – Is it completed?

ii. Electoral materials such as Indelible Ink, Ballot papers, Birros, Tables, Chairs, Ballot Box, Voting cubicle – Are they adequate or not? Is the Ballot Box rightly displayed into open eyes of the public? Is the voting cubicle rightly placed to allow for open secret ballot? Are the INEC adhoc staff adequate?

e. Security at the polling station. How many security agents present? Which security agents – police, NCDC, others? Their conduct at the polling station.

f. Political party Agents. Are there political party agents there? How many of them? Which of the names of political parties present, did they put on the badge or names of the political parties they represented? How were their behaviours or conduct at the polling station?

g. Level of Orderliness. What was the level of orderliness of the voters and the electoral officials? Was the polling station peaceful or rowdy?

h. Gender situation. How many women on the queue compared with men?

i. Physically Challenged. Were there physically challenged voters there? How many of them? Did the electoral officials give them preference to vote before others? How convenient the polling station, voting cubicle and ballot box for them?

j. Aged/Pregnant Women. How many pregnant women or aged on the queue? Did they have their own separate queue or not? Were they giving preference to vote?

k. Under-aged. Did you see under-aged voters on the queue? How many of them? Did you attract the attention of the electoral officials and security to it?

l. Counting Process. Was it peaceful? How many voided votes? Was their tabulation (summary) of election results according to political parties or candidates? Did the political party agents sign the result sheets? Did the election results paste at the polling stations? How did the election results transmit to the collation centre? What was the situation at the collation centre? Are security, political party representatives there? Was there electricity power or generator for light there? Was it peaceful?

m. Closing Time for poll. When was poll closed?

The KII engaged one of the National Commissioner of the INEC asking him “Do you have Code of Conduct for the election monitors and observers who oversight the 2019 General Elections in Nigeria?”. He responded that:

There are clearly defined roles and duties which election observers must comply with which are in accordance with the international standards or best practices. Therefore, the commission before the election day, organized training for both the domestic and foreign observers on the code of conduct or principles guiding election observation.

The Commissioner handed over the Code of Conduct document to the author. There are summarized as follows:

a. Elections are an expression of sovereignty, therefore, election observers must respect the sovereignty of the host country.

b. Respect the laws of the country and the authority of the electoral bodies; (domestic observers inclusive) in this case the INEC. Observers must follow any lawful instruction from the host government, security and electoral management body.

c. Observers must maintain strict political impartiality at all times. They must be non-partisan and neutral, not express any bias or preference to the host country, political parties, candidates, or displaying any partisan symbols, colours, banners, or accepting of gifts from political contestants. Observers must maintain accuracy of observations and professionalism in drawing conclusions in their reports. They must base their reports on factual verifiable evidence, and not draw conclusions prematurely.

d. Observers must refrain from making comments to the public or the media before the election observation mission makes a statement, unless specifically instructed, otherwise by the observation mission’s leadership.

e. Observers must be aware of other election observation missions or from other countries, work and cooperate together, and not at cross purpose.

f. Observers must maintain proper personal behavior, and respect others, exercise sound judgment before passing their views which must not be based on ignorance or hearsay.

g. At the end of the elections, the observers must make their reports available to the electoral body (INEC); the host government, political parties and their sponsors.

The author further interrogated the INEC Commissioner asking him “Are there attendant challenges associated with the election monitoring and observation of the 2019 General Elections?”. He explained as follows that:

There are some peculiar challenges faced by the monitors and observers. These are the geographical terrains of the country, climate or hot weather condition, transportation to the rural areas, type of food and drinks available, language barriers, physical distance (long journey) among others challenges combined together to affect the expected degree of efficient and effective performance of the monitors and observers in the 2019 General Elections. And there is no visible ways the Commission could help in removing these challenges.

The author sought the opinions of the sampled electorate on the election monitoring and observation of the 2019 General Elections. The KII was “what is your opinion on the election monitoring and observation of the 2019 General Elections?” They echoed the same view that:

If the elections were monitored by some groups, the election irregularities heard on the television or radio or newspapers did not change the election results or outcome.

The KII was also conducted with the political correspondents of the Radio Nigeria (FRCN) Osun State, and the Nigeria Tribune, Oyo State. The interview conducted with them “what was your perception of the election monitoring and observation of the 2019 General Elections?” Their response was not different:

That the Radio Nigeria and Nigeria Tribune with other media houses observed the conduct of the elections which were not unusual with the past elections in the country. In Nigeria, monitoring of election is a ritual with all the succeeding elections which has no meaningful value on the outcome of the elections. The election results did not reflect the wishes of the general public.

4.1 Discussion of Findings

According to the findings of the study, election monitoring is carried out by the INEC staff who organized the elections. They have the statutory power to intervene in the voting process, and can give directive to the INEC adhoc staff at the polling units which they would comply with to ensure the voting process proceeds according to plan and procedure. The election observers are not the

staff of staff but are the non-governmental organizations (NGOs), foreign missions, foreign governments, representatives and international organizations or groups or missions. They do not have the statutory power or authority to intervene in election or voting process but only have advisory capacity. They are not in the position to give directive to the INEC adhoc staff at the polling units but only expected to note their observations in their election reports at the end of the elections.

Nigeria as a democratic country from independence in 1960, but specifically from the transition from the military to the civilian government since 1999 is not left out in the establishment of an electoral body that is saddled with the conduct of democratic elections to fill elected positions in the executive and legislative arms in the levels of government in the county. The nation’s electoral body placed high premium on the election monitoring and observation. The study found out that the domestic monitor or observer groups were complemented with the foreign missions accredited by the Independent National Electoral Commission (INEC) to monitor or observe the 2019 General Elections conducted by the electoral body.

In preparation for the 2019 general Elections, the INEC has 119, 973 polling units, and with additional 57, 023 polling points created to prevent voters walking long distance in the rural communities and new settlement areas to cast their votes. There were also 8, 809 election collated wards, 84 million registered voters, and registered 91 political parties, and their nominated candidates participated in the 2019 General Elections. Since election monitoring and observation have become universal practice in democratic elections being conducted by the electoral bodies in the world, the INEC invited monitor and observer groups or missions to monitor the 2019 General Elections in Nigeria. The study found out that the election monitoring and observation are integral part of democratic elections in Nigeria which have become regular rite, tradition and policy of the INEC. The two terminologies, though, in the literature are used interchangeably, they have different meanings and roles in the democratic elections. The study found out that they were given training on the code of conduct or principles governing monitoring and observation of elections in accordance with the international standards.

The study found out that the primary objectives for the invitation and accreditation of the election monitors and observers by the INEC in the 2019 General Elections in Nigeria were their presence and roles were to ensure national and international legitimacy in the elections, and to naturally invoke greater confidence and trust from the political parties, their candidates and the electorate or general public in the Commission. Their presence would also reduce voters’ apathy, and election malpractice aimed at ensuring free, fair and credible elections that would be generally acceptable to Nigerians. However,

findings of the study revealed that the election monitors, and observers have no statutory power and authority to influence the course, process and outcome of elections' results which were the absolute responsibility of the INEC. If their presence has electoral value, the election malpractice, fraud, abuse, protests, violence, tough legal battles that characterized the 2019 General Elections would not have happened. The election reports and press conference by the monitor and observer groups accused or alleged the INEC of organizational ineptitude, election related offences such as vote selling and buying, security agencies being manipulated by the government in power, mutilation of voters registers violence, election irregularities. etc. The ugly events that followed the announcement of the elections' results violence, killings destruction of property, and the allegation against the INEC staff, state governments, political parties in power in the states of the federation much by the reports of the monitor and observer missions or groups were pointers to the fact that their presence was of no useful to electoral process, but just mere election ritual or rite. Generally speaking, the respondents asserted that their presence and roles have no much impact on democratic consolidation in Nigeria. They were described as tigers on the papers or bulldogs that could only bark but could bite. The General Elections since the Fourth Republic in 1999 have been the same story trend, and pattern despite the presence of these monitors and observers.

The study also unveiled the checklists of election monitoring and observation that guided the monitors and observers on the field. Among the checklists discussed with the author of this paper by the Director General of the National Orientation Agency (NOA) were the localities where the elections took place and monitored, the type of elections monitored, arrival time of the INEC adhoc staff at the polling units, time of arrival of the monitors or observers, adequacy of voting materials, the presence of the agents of political parties and security agents, level of orderliness at the polling units, observation of the counting of the ballots, announcement of elections' results, election reports by the monitoring and observation groups etc.

There is no human project without its attendant challenges. The findings of the study showed the challenges facing the monitoring and observation groups on the election field. Some of the challenges highlighted by the respondents were the geographical terrains in the country, transportation or mobility, long distance to travel to, language barriers and personal prejudices or bias of the monitors and observers etc. These negatively affected their election monitoring and observations performance on the field to certain extent, which invariably also affected the quality and originality of their groups' reports which contributed to lack of uniformity in their individual groups' report that were not the same. For example, some

of the observers reported that the elections were free and fair while other observers reported that the elections were the worst in the history of Nigeria.

5 . C O N C L U S I O N A N D R E C O M M E N D A T I O N S

5.1 Conclusion

The independent National Electoral Commission (INEC) registered 92 political parties with their nominated candidates to participate in the 2019 General Elections. As expected by the United Nations Convention of 1945, the electoral body accredited 144 International and domestic monitoring and observation groups which were deployed to monitor and observe the 119, 973 polling units and 5,809 election collated centers established by the Commission in the federation (INEC website, 2019). The importance of election observation of democratic elections is to observe flaws or deviations in any election which are indicated in the reports of the monitoring and observation groups with needful recommendations submitted to the electoral body. The purpose is to aid fine tune its preparation for the electoral body future election process.

The national and foreign election monitors and observers as earlier pointed out in this study lacked statutory power or authority to interfere in the election process if there were deviations, or not proceeding according to the electoral legal framework. They could only bark but could not bite which implies that the election irregularities observed in the course of the monitoring and observation could only be indicated in their reports to the Commission at the end of the election. These reports are not binding on the Commission, and could not change the elections' results that have been already announced to the public or international community. The nation's constitution, Electoral Act 2010 (as amended) and the 1945 International Convention on election observation have compelled them the observer missions "must respect the nation's sovereignty" "must respect the country and the authority of the electoral bodies, and comply with instructions of the security agents", and "must maintain strict political impartiality and neutrality" of the host countries all the times (Kagara, 2019). By these clauses highlighted above, the election monitoring and observation have little significance, relevance or impact to ensuring desired democratic consolidation, especially in Nigeria.

However, this study has shown that elections conducted in Nigeria since independence in 1960 have remained the same story and experience of electoral malpractice and irregularities. They been with the usual attendant violence despite the elections reports submitted by the monitoring and observer groups to the successive electoral bodies to guide the conduct of the succeeding

elections in the country. The electoral stakeholders have not allowed such election reports to have positive impact in the elections conducted thereafter. These elections' reports have almost the same findings or story of electoral compromise by the stakeholders over the years, hence the country, especially its citizens, have not enjoyed the actual dividends of democracy or democratic government. There have been continuous large compromise of periodic democratic elections by the coalition of political parties, security agencies, the electoral bodies, and judiciary in the country since independence in 1960. The election monitoring and observation over the years could not change this unfortunate evil trend that has significantly taken its toll on the nation's socio-economic and political development. Thus, one is not quite surprised of the mass jubilation by Nigerians over military coup d'étal against the so called democratic governments, whenever it occurred in the past.

The political experience have shown that political stakeholders, the electoral management bodies inclusive, have not yet learned from history, which has been the bane of sustainable democracy in Nigeria. On this hope against hope that Nigeria has passed through over the years in the hands of the masquerades parading themselves as democrats, thus sound electoral reforms in which the electronic democratic election or voting system is a policy, would be the way forward for sustainable democracy in Nigeria. It is this that would make the periodic ritual of election monitoring and observation have expected commonsense and democratic justification in Nigeria.

5.2 Recommendations

Elections since independence in 1960 have been a war for the political elites in Nigeria. Election violence with high impunity is influenced by the lucrative spoils of election victory for any political party in power as the winner takes all syndrome in the country. Politics has become so lucrative business in the country that the political class are ready to risk all to win the elections to amass wealth from the government's treasury and wild power or influence. Hence, every election has been do or die affair by the Nigerian politicians. It is in view of the above that the study recommends the criminalization of electoral offences and immediate establishment of the Election Offences Commission to try perpetrators electoral offences in Nigeria. The nation law has already prescribed offences and sanctions for any political party or individuals be they politicians, electorate, electoral officers, security people or judicial officers that violate provisions in Sections 221, 225 (1), (2), (3) and (4) and 22 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and Section 6 of the Electoral Act 2010 (as amended). The Independent National Electoral Commission (INEC) is the prosecution entity (THISDAY, Tuesday May 4, 2021). The Act has become the Electoral Act 2022 (as amended). It is the implementation of the

electoral Offences Commission that would make the presence of the monitoring and observation missions meaningful and relevant as it would go a long way to reducing cases or incidences of election malpractice or irregularities in the nation's electoral process. Though, democracy is not indigenous to Africa, the continent has a duty to make a success of it, having keyed into the global governance model. And Nigeria being a "giant" of Africa, has a great responsibility on her to make it a huge success as other countries in the continent are looking forward to the consolidation of the model in the country.

Furthermore, voter education of the citizens especially the electorate is a critical key to consolidate democracy in Nigeria as many eligible refers have not seen voting in elections as their constitutional right and obligation. The success of any election is dependent on the level of political awareness or consciousness of the electorate on democratic governance, and how the electoral system is its midwife. Though, the Independent National Electoral Commission (INEC) is empowered by the Electoral Act to conduct voter education, its capacity to do this is limited considering the enormity of the electoral process before it. Hence, there is need for the INEC to collaborate with other stakeholders for concerted and aggressive voter education campaign in future elections. Votes education is a deliberate systematic, co-ordinated and sustained efforts to provide the electorate with relevant information on election as regards their statutory rights, obligations, rules and guidelines governing elections; logos, symbols, manifestoes of candidates of political parties; danger of vote selling and buying; voter apathy; the need to shun election violence, malpractice or irregularities etc. Thus, a successful voter education would go a long way to herald free, fair and credible elections in Nigeria that would give legitimacy to the political party that is in power. This would also make the election monitoring and observation by the national and international observer Groups more easier and better to witness universal election standards and best practice in action country would serve as laudable in the lessons or role model for other countries in Africa.

Glancing through the various recommendations in the reports of the national and International observers, (Sunday Tribune, 14 July, 2019, Saturday Guardian, 2 March, 2019) to make the conduct of future elections meet international standards, this study found out that their implementation or action are far from the INEC sole responsibility alone. The implementations of the recommendations need the INEC to collaborate with other critical institutions such as the Armed Forces of Nigeria, the National Broadcasting Corporation (NBC), media houses and practitioners, Civil Society Organizations (CSOs), judiciary, chieftains of political parties, Nigeria Bar Association (NBA), traditional Institution, Association of Staff of University Union (ASUU), National Assembly. This become imperative as many of them go beyond

the INEC mere administrative actions but required parliamentary Act.

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