

Assessing INEC's Failure to Conduct a Free, Fair, and Credible 2023 Presidential Election: Evaluating the Consequences

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Abstract

The paper attempts to examine critically the gross failure of the independent National Election Commission (INEC) in conducting a free, fair and credible election in the most recent Nigeria's 2023 Presidential poll vis-à-vis its attendant consequences on the Nigerian citizens. The paper adopts the qualitative method of data collection and analysis to get at its findings. Thus, election is one of the most essential ingredients of democracy in both the developed and developing countries of the globe, but its conduct in Nigeria has still remained problematic to democratic governance., hence, the credibility of any democratic election in the world stems from the transparency of the electoral process and trustworthiness of the electoral umpire. However, it could be recalled that since the dawn of democracy in Nigeria in 1999, the country has experienced one electoral issue or the other ranging from the former president Olusegun Obasanjo's administration up to the present-day government of Bola Ahmed Tinubu. Regrettably, judging from the February 2023 Presidential poll conducted by INEC, it was observed by Nigerians that, the election that brought Tinubu into power was marred by myriads of electoral abnormalities such as election thuggery/violence, political assassination, voters' intimidation, vote buying, mutilation of result sheets and ballot snatching, etc. The paper argues that despite spending the sum of three hundred and five billion naira (₦305b) in conducting the election, INEC, still shamefully failed to discharge its constitutional obligation of conducting free, fair and credible polls. The paper concludes that, this unhealthy development has indeed eroded the people's trust on INEC now and in the future elections. The paper finally canvases for a holistic overhauling of the decayed institution in order to create a liberal democratic society for all Nigerians through a political revolution.

Keywords: Election, Election thuggery/violence, vote buying, ballot snatching, voter intimidation.

Introduction

Nigeria is not new to flamboyant election. However, since the down of Nigeria's democracy in 1999, a series of pre and post contentions over electioneering processes and conducts attest to the fact that, Nigeria which is the largest democracy in Africa is far from having a free, fair and credible elections not minding the huge amount of monies being budgeted and voted into the country's elections since 1999. Thus, studies have shown that, election is one of the most useful elements of democracy in both the developed and developing countries of the world but its conduct in Nigeria has remained problematic to democratic governance, hence, the credibility of any democratic election in the globe is hinged on the genuineness of the electoral processes and trustworthiness of the electoral umpire. Again, events have revealed that, right from Obasanjo's government up to Bola Ahmed Tinubu's present administration, electioneering processes have fallen short of expectations due to issues of corruption, political gerrymandering, ethnicity, nepotism, lack of transparency and overbearing influence of the executive on the electoral institutions as well as election thuggery, political assassinations, voters intimidation, vote buying, results sheet mutilation and ballot snatching which often characterizes the country's election. Regrettably enough, many Nigerians have indeed opined that, the 2023 February 25th Presidential election that brought Tinubu into power as Nigeria's President was not a true reflection of the vote cast irrespective of the unfortunate judgement of the Supreme Court of Nigeria that favoured the APC government despite the opposition parties overwhelming evidences tendered at the Apex court. The paper frantically contends that, despite spending over 305 billion naira in conducting the said election, INEC still had shamefully failed in its statutory obligations to conduct free, fair and credible poll for the Nigerian people. The paper further observes that, this unhealthy development by INEC had eroded more the Nigerians confidence on the electoral umpire. The paper canvases for a holistic overhauling of the decayed institution in order to create a liberal democratic institution for all Nigerians through a revolution.

Conceptual Clarifications

Election:

Election is a process in which people choose to vote in a group of people to hold an official position. However, Merriam-Webster dictionary defines election as the rights, powers or privilege of making a choice¹

Election Thugery/Violence:

It explains the deliberate use of power and force to achieve political goals (World Health Organization, 2022). As outlined by the World Health Organization (2022), political violence is characterized by both physical and psychological acts aimed at injuring or intimidating populations². However, according to the Nigerian election tracker, the Nigeria's historical election in 2023 was threatened by rising insecurity which affected the outcome of the election³. This explains the fact that Nigerians went into the 2023 Presidential election in the midst of violence.

Vote Buying:

Vote buying is indeed a wide spread phenomenon. It is usually viewed as purely economic exchange in which the voter sells his or her vote to the highest bidder. Vote buying is also an electoral campaign violation that occurs in many countries of the world which undermines the integrity of elections and is detrimental to democratic governance⁴.

Ballot Snatching:

The electoral act (2010) forbids anyone from snatching electoral materials. Section 129 sub section 4 of the electoral act prescribes a maximum of 2 years for offenders⁵.

An Overview of Post-Independence Elections in Nigeria

With the injection of the electoral principles in the 1951 constitutional reform under Sir. John Macpherson as the Governor General of Nigeria, marked the birth of two ethnically based political parties – the Action Group (AG) led by Chief Obafemi Awolowo, the Northern Peoples' Congress (NPC) led by Sir. Ahmadu Bello, the Sardauna of Sokoto and later, the National Council of Nigeria and the Cameroons [NCNC] led also by Dr. Nnamdi Azikiwe.⁶

However, with this ethnic coloration, the Nigerian fledgling and unmitigated political space continued to become a palpable spring-board for future ethnic rivalries, nepotism rising insecurity and political instability in the country – a direct consequence of staggered elections been experienced by Nigerians till date, and from then on, for political parties to control the centre involve in all manner of electoral manipulations, even to the extent of subverting the constitution/electoral laws to get and hold power in order to remain permanently at the center.⁷ In view of the above, it is obvious that the level of politics, politicking and its various machineries would heavily impact on any country's socio-economic development like Nigeria for instance.⁸

In this wise, Nwaneri, argues that an electoral system gives credence to the quality of democracy that exists in any country; as the system of government entails having in place, an administration run by the true representatives of the people. The representatives must have been elected through a credible and widely accepted electoral process.⁹ Politics regarded as a science of government deals with government regulations, maintenance and all round development for the good of the state in general.¹⁰ "This must be the primordial interest of politicians in Nigeria". Unfortunately, the country's placement globally, in terms election indicates that Nigeria since its independence has not made much progress politically hence, politically; the country's fledgling democracy is surrounded and managed by kleptomania leaders devoid of genuine interest to move the country forward.¹¹ That is, leaders whose personal interest overrides the interest of the country.¹² In fact, Nkwocha, contends that many of the 1st Republican politicians engaged in untold squander mania and fraud. This electoral fraud, violence, profligacy and total neglect of the Nigerian electorates made Major Chukwuma Nzeogwu, to abruptly sack the first Republican government on January 15th, 1966.¹³

Studies had equally showed that, since 1966, the Nigeria military dictators, have abruptly high-jacked politics, and its various machineries, subverted and indeed abrogated the Nigerian constitution owing basically to the issues raised above.¹⁴ This explains the fact that, electoral fraud is inimical to real development and source of some of the bad leadership. Africa and Nigeria in particular, have not been blessed so far to have good political leaders. As a result, the country since independence has been in political limbo.

However, with the advent of democracy in 1999, elections conducted between 1999 and 2019 under different Chairmen of the Independent National Electoral Commission (INEC) – Prof. Maurice Iwu, Prof. Attahiru Jega, and Prof. Mahmood Yakubu – which produced Presidents Olusegun Obasanjo (OBJ), Umaru Musa Yar'Adua, Goodluck Ebele Jonathan (GEJ), and Muhammadu Buhari (PMB), respectively, were marred by electoral

malpractices and incidents of violence, including loss of lives and destruction of property, particularly in parts of the Northern region.

The electoral processes that brought them to power negated the true tenants of democracy and actually made a total nonsense of the 1999 constitution, Section IV (as Amended) it midwife that, guaranteed fundamental rights and provided for the rights to life, to dignity of the human person, to a fair hearing, to personal liberty, to private and family life, freedom from discrimination, freedom of movement, among others.

Furthermore, this section of the constitution in particular, has since 1999 been aborted systematically and brazenly usurped, by the country's recent political actors, mostly the former country's military leaders like OBJ and PMB that came back to power in civilian uniforms – who senselessly promoted political thuggery, vandalization of electoral materials, Killings, encouraged vote buying and selling, and in most remote cases, the electoral umpire connives with politician to perpetuate such political abnormalities; questioning the neutrality or independence as the country's electoral umpire.¹⁵

Regrettably, just as the 1964 general election was a key factor to the cause of the Nigeria – Biafra war of 1967 – 1970, the recent electoral frauds committed since the dawn of democracy in 1999 to 2019 had further fuelled the grounds for another civil war in the country. For instance, the 2015 General Presidential Election that brought in Muhammad Buhari into power was marred with several electoral fraud, many citizens lost their lives and properties mostly in the Northern region. Even before the election, many southerners trooped home en mass for fear of possible outbreak of another Civil War. Sadly, the current level of ethnic chauvinism or militancy characterized by killings, kidnappings, rape, maiming, herdsman attacks and the recent wave of terrorist attacks on government institutions across the country could be traced to political rivalries and bureaucratic corruption in government.¹⁶ Therefore, at this juncture, attempt will be made to critically examine, not only the role of INEC in conducting the February 2023 General Presidential Election in Nigeria but also to discuss the challenges and the way forward for future election in the Nigerian context.

INEC and the 2023 Presidential Election

In considering the issues raised above, it left no one in doubt that, INEC led by Prof. Mahmood Yakubu was in dilemma of how he could run and manage the 2023 Presidential Elections in the largest democracy in Africa. With about 119, 973 polling units, in 36 states plus the Federal Capital February FCT and 774 LGAs to contend with, the cost in budget in terms of human capital will be much for the conducting the said election INEC budgeted N305 billion of the tax payer's money.¹⁷ Again, INEC conducting a successful election will have a huge implication for West African sub-regions, as it will provide a complete in the region for future election to reduce the rising tension in the region in centuries like Guinea, Burkina Faso, and Mali toppled by the military juntas.¹⁸ The introduction of the BVAs Machine by INEC under the new electoral law which stated among others; that results of the election will be transmitted electronically gave Nigerians hope of a successful and credible election. The build up to the election saw four major political parties in contention, namely All Progressives Congress (APC) led by Alhaji Bola Tinubu, Alhaji Atiku Abubarka of the Peoples Democratic Party (PDP), the Labour Party (LP) led by Mr. Peter Gregory Obi and Alhaji Rabiu Kwakwanso of the NNPP and others.¹⁹ with about 93.46 million registered voters, the Obedient Movement – the Labour Party Presidential candidates supporters group where initially seen everywhere organized huge rallies across the nations in support of their candidate, Mr. Peter Obi. The stage was agog as many Nigerians who expected a change of leadership with the introduction of BVAs, trooped out in their numbers to register and to vote for their candidates²⁰

Sadly, INEC role and failure to use the BVAs machine to transmit the result of the much enthusiastically beefed up 2023 Presidential Election, disappointed many Nigerians owing to the fact that, the announced result did not reflect the desires and wishes of the electorates. At the end, INEC impunitively and rapaciously declared Alhaji Bola Tinubu of the APC ruling party as the winner of the keenly contested election.²¹ However, according Olokar of the Premium Times, "INEC should apologize to Nigerians for deceiving the nation for not sticking to its promise of using the BVAS Machine in transmitting the election results as expected". Similarly, a group of over 200 Human Rights Organizations under the aegis of the Nigerian Civil Society Situation Room advised that INEC should do the needful by giving a proper account for how they came about the controversial result declared.²² Again, Uzoho Peter of the financial times asserted that, the election that produced the APC candidate as winner was badly flawed, claiming that the INEC misfired.²³

Also, a Senior Advocate of Nigerian (SAN) Adegborunwa, advocated for a stiff penalty for INEC for failing to adhere to its promises of using the newly introduced technology to transmit result.²⁴ Furthermore, he advise Alhaji Admed Bola Tinubu to borrow a leaf from former President, Late Musa Yar' Adua, whom he said admitted flaws in the election that brought him to power and decided to carry out electoral reforms.²⁵ From the foregoing, its

crystal clear that INEC in the 2023 Election played the killer role. Its actions during and after the election proves beyond doubt that, it was bias and was not prepared to deliver on its electoral promises, as generally canvassed above.

Challenges

Elections in Nigeria are fraught with so many challenges which impede and derail the country's development since independence. Although, the country since the dawn of democracy in Nigeria has been through various constitutional and electoral reforms geared towards achieving a successful general election in the country. However, these challenges as challenging as they were has cost the country a humongous amount of money to prosecute yet, Nigeria, nick-named the largest democracy in Africa are still far from a credible election befitting its name.

The conduct of election since 1999 to 2019 has undergone through many INEC Chairmen. Therefore, in evaluating the challenges of the 2023 presidential election, INEC Chairman has claimed that, the institution was faced with certain challenges which militated against the successful conduct of a credible election. Prof. Mahmood Yakubu listed conflicting court orders, vote buying and multi-political parties' registration among others as part of the challenges confronting the conduct of free, fair, and credible election in Nigeria.¹⁹ Furthermore, he equally mentioned the issue of insecurity and bureaucratic corruption, overbearing influence of the executive and the judiciary as other major obstacles to our democracy. Sadly, Nigeria is ranked the 148th position out of 180 corrupt country of the world. The country according to the corruption perception index (CPI), scored 28 out of 100, a figure lower than the average in the sub-Saharan Nigeria. This indicates the fact, that the country has not made progress socio-economically, and this has huge negative implications in the conduct of credible election in Nigeria coupled with the rising state of insecurity.²⁰

The Way Forward

It is instructive to note that, in the case of Nigeria, that there is an urgent need for the overhauling of all the democratic institutions in Nigeria, especially INEC. This will in no small way help to eradicate or ameliorate the decadence that has been deep-seated and rooted in our democratic way of emerging since 1951. For the fact that, Nigerians have gone through one electoral reforms to the other but to no avail, this paper therefore, canvasses for a revolution in order to out corrupt leadership in Nigeria's political system, hence, it is the corrupt political leaders that have continued to remain in power and also conspired with INEC to rig election against the people's wish. Just like Ghana did under Lt. Col Jerry Rawlings, Nigerians need a political revolution to extricate these bad political leaders from the perceived group of avaricious leaders that have held us in bondage for too long.

Conclusion

The call for revolution is apt at this point in time in Nigeria, considering the dangers and pains Nigeria and Nigerians have gone through since the evolution of democracy in Nigeria. What Nigeria needs at this juncture is a complete reformation and restructuring of the country's democratic structure via a holistic disconnection from these sit-tight leaders that perpetuate undemocratic processes in the country's way of emerging since 1960. It could be recalled that right from the electioneering trajectories in the country Nigeria, INEC has been a cog in the wheel of progress and political stability in our dear nation, and as such has made Nigerians to loss absolute confidence in the moribund institution, hence the quest for the ethical and political revolution in Nigeria.

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