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Repositioning and Strengthening INEC and the Justice System Towards Conducting Transparent and Credible Elections Come 2027

Stephen L. W. Nyeenenwa (Ph.D.)
Department of Philosophy, Faculty of Humanities
Rivers State University
Email: nyeenenwa.stephen@ust.edu.ng

Mohammed Ndarani Mohammed, S.A.N.
Managing Solicitor,
Solace Law Chambers
No. 18 Tunis Street, Zone 6, Wuse, Abuja.
Email: ndarani.mohammed@nigerianbar.ng solacelawchamber@gmail.com
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Abstract
January, 2025 is here and there is no denying the fact that for political actors in Nigeria, the hustle and bustle towards securing a re-election has grown past fever-heat. The last we saw of the general elections of 2023, which produced Senator Bola Tinubu, as President of the Federal Republic of Nigeria, and produced Distinguished Senators of the Nigerian Senate, Members of the Federal House of Representatives, Governors for the 36 States, Membership of the 36 States' Houses of Assembly and executives of the FCT Municipal Councils have now been conscripted to the refuse heap of history. How much time do we have to plan towards implementing and applying our lessons from the February, 25, 2023 Presidential and consequential elections? This research is directed at drawing out a set of genuine suggestions and developing a flawless arrangement that will deliver a free, fair and credible election to Nigerians. Our findings corroborate local and international commentators and monitors that the electoral process was largely flawed, and that the porosity and non-bindingness of the Electoral Act, 2022 and the 1999 Constitution were in issue. Relying on the systems and the institutional theories, we will critical espouse what lessons we have learnt, examine them and seek ways to reposition our electoral system in such a way that it deliver a free, fair, credible and transparent election that would reflect the will of the Nigerians. We will recommend that to secure a legitimate, free, fair and credible elections come 2027, what is needed is the amendment of the 1999 Constitution and the Electoral Act, 2022; the unbiased pursuit of attitudinal changes on the part of politicians, through cultural and systemic modification, and also by force of the law. We will insist that any amendments sought should mandate the full and complete implementation of the Justice Mohammed Uwais Report of 2007; demand that INEC be split, that the judiciary be unbundled, and amendments that make all electoral offence felonious and electronic voting system is invaluable for any reform.

Keywords: *Elections, free and fair, unbundling, Uwais Report, repositioning, transparent, and justice system.*

INTRODUCTION

The general elections of 2023, which saw the emergence of the President Bola Tinubu, of the Federal Republic of Nigeria, of the Distinguished Senators of the Nigerian Senate, of Members of the Federal House of Representatives of the Federal Republic of Nigeria; and the emergence of the Governors for the 36 States and Membership of the respective 36 States' Houses of Assembly had come and gone. We are now in 2025, and the race for political offices would heat up the system and put everyone on a high jump as Nigerians struggle to free themselves from the sour experience and painful fall-out of the said election, that has refused to pass away. According to Olokor, (Punch Newspaper, 08/06/2023), rehearsing INEC's report on the election, he noted, "There were also challenges that came with it; so based on those challenges, the commission will receive reports from both domestic and international election observers and then if there are changes that we have to carry out administratively, the commission will carry out all those changes.' There is no gain saying the fact that both domestic or local and international observers and commentators were agreed that the electoral process was largely flawed, and that the porosity and non-bindingness of our 1999 Constitution and the Electoral Act, 2022 were at issue. According to Chatham House publication, "Logistical failures of INEC and widespread delayed opening of polling units meant that voters who showed up at the polls early were frustrated . . . violence and irregularities . . . thousands of voters were disenfranchised, and multiple irregularities as well as intimidation and violence have been noted by election observers. Less than half of eligible voters could participate in the elections despite the Commission's N305 Billion-Naira budgetary allocation. While Nigeria's youth seemed energized leading up to the elections, it seems their ability to turn out is still being hugely constrained by how difficult and potentially dangerous it is to cast a vote in Nigeria."

Chatham House also acknowledges that lessons were learnt, but they regret that "The commission's patchy deployment of technology in the use of a Bimodal Voter Accreditation System (BVAS) is still being intensely scrutinized and criticized. It failed to adhere to its own statements and guidelines, which derive from its laws, that election results would be uploaded to its portal using the BVAS directly from the polling unit in real-time for the public's viewing." This implies, according to Chatham house, the accompanying failure in "INEC's performance and controversies over these results mean that the electoral reforms and lessons declared to have been learned were not fully applied and, as an electoral body, it was significantly less prepared than it claimed." This places on such research work as this the onus to provide a drive and arrowhead for what ought to be the way forward. (Chatham House Publication, 31/03/2023).

On the basis that the sad outing of Nigerians on the 25th day of February, 2023, in their determined effort to choose their leaders democratically, in an election that has again been described as greatly

flawed, and which process bears the mark as one that "fell far short of what voters deserved and expected" (Green, Mitchell & Twining Foreign Policy Magazine, 2023), there is the overriding need to go back to the drawing board. The poverty of that process, which painfully translates into INEC's dismal outing was not just a worst version of such dismal performances by an electoral umpire, but it is one likened to a heist, which in the words of Punch Newspaper Editorial, (28th February, 2024), was re-enacted by INEC for the Governorship and Houses of Assembly elections held on the 31/03/2023 for 31 States of the Federation (https://en.m.wikipedia.org/wiki/2020). The re-enactment forecloses the claim by INEC that it is in a process of learning, and prepared to apply what it is that was learnt. The general elections that was held by INEC is and remains tainted with an array of irregularities as depicted by the number of disputations, contests and rejection of the methodology, process of transmission and collation of the final results, the hurried declaration of the results and the way and manner the courts resolved these electoral disputes. This is why Qosim Suleiman, February 23, 2024 says the fall out of the February 2023 elections "elicited widespread commentary" (Suleiman Feb 23rd, 2024 Premium Times).

We have painstakingly followed on the back of these happenings and developments, but in a style characteristic of legal Philosophers as posited by Pythagoras, we kept ourselves dispassionately isolated, as we witnessed the unfolding drama by INEC as objectively disinterested spectators. The outcome of our findings in this respect seeks to act out the principles elaborated by Pythagoras of Samos, the Greek sage who theorized that at the Great Game, which in this case is the Olympic Game, there are three (3) classes of attendees. (Flitcraft in *Sententiae Antiquae*). According to Pythagoras, "Life is like the Great games. Some people go there to compete, others go to make money and the best people go to watch. For in life, some people have a slavish nature and they hunt for glory or profit, while Philosophers search for the truth." *(Sententiae Antiquae*). We therefore class the attendees to Nigeria's 25th February, 2013 general election as being comprised of: (a) the athletes who are the lovers of honour and who compete; (b) there are also political participants for the salary and payment, including payment of honourarium to returning officers and presiding officers, who are better classed with the lovers of gain because they were like those who file out on the field to buy and sell; and (c) the Philosophers and legal practitioners, who are the lovers of wisdom because they were out on the field to watch, assess, look on and give value judgments. This last group of attendees, are comprised of a class of disinterested spectators, who are careful to remain distanced from the game of politics as it was played by the athletes who were competing for honour. This is why they do not in any way suffer any drawbacks or disqualifications because they were only there or came on the field of play to actively observe pattern and rules of play, human behaviour, to contemplate on these, and rehearse and enjoy the knowledge derived therefrom, which are to them the essence of what was surveyed from the entire events as they unfolded.

At the heart of the activities engaged in by the third class of disinterested spectators, is that they have a standard against which all such activities and undertakings by the class of (a) and class of (b) engage in. To view what such standards require, Harris, describe standards as "Ideals, or standards of perfection and reality are not simple concepts. The ideal is the picture on the front of the seed packet – cluster of full, colourful marigolds, say, or the perfect uniform pod of green beans

– and reality is what sprouts and grows. They may be or may not be the same." (Harris 1980: 3). In this instance, it has a close semblance with allowing the electorates formally decide between competing candidates and parties, who should govern them, increasing the citizens involvement in government policy decision making process by being involved in debate and discussion of campaign issues and the fact that "The wishes and probable actions of a vast number of people at the polls must be taken into consideration in the exercise of public power and elections offer an opportunity for citizens to reaffirm their sense of self rule and their support for the political system" (Harris 1980: 280). This means that from the acts of the Independent Electoral Commission and its various agents, the time they arrived at the polling stations to commence business, the time voting started and ended, the reprehensible behaviour of voters, hired thugs and assassins, election process disrupters, the various reports forwarded to INEC on the progress of the elections, the violence that erupted and their pattern and magnitude of the electoral violence on election day, the ability and inability of the presiding officers to send the results of the voting to the IREV real time and the heat it generated and the hijack and manipulation of results by political actors, were to be viewed based on how it promotes the above expectations. These were the preoccupation of these dispassionate spectators on the election day with a view to recommend a better way of doing it, which is what we are doing now. (Onapajo & Uzodike (2012: 144).

In Nigeria today, we are wont to liken the events that trail our electoral process and the accompanying general elections, in almost all its ramifications, to a massive Olympic Game, played in Nigeria every four years by political players and actor, where the said actor line up for laurels and attention, like brides seeking suitors, only that in this case, it is the brides and said actor that determine the rule, pace, manner and mode of the game. Although, the actors constantly argue and campaign that they are playing the game according to the rules, and that they are desirous to play the game in the spirit of sportsmanship, and for which all 18 political parties were made to sign peace accords with the Chairman, National Peace Accord, the Police and INEC as witnesses on 29/09/2022 and 23/02/2023, (See Premium Times, 23rd Feb, 2024), but it has come to be established over time that this is far cry from the truth as the political class are the real problems with our political activism. We appreciate the fact that Section 153 (1) (f) of the Constitution of the Federal Republic of Nigeria provides for the establishment of the Independent National Electoral Commission (INEC), but going by Section 154 (1) of the 1999 Constitution, the membership of INEC shall be by unilateral appointment made by the President, without any form of input, contribution or consultation with any of the players in the political realm. This is why there had been numerous complaints that the constitution of INEC should not be the sole prerogative of the President as it ensures that only members of the ruling party get appointed to do the biddings of the executive in power. (Attahiri Jega 24TH June, 2024). This has also been the subject of discuss by the Coalition of Political Parties. In his news item in the (Vanguard, October 28, 2024, p. 8), Alechenu, quoting the national spokesman of the movement, Comrade Tony Akeni Le Moin, said he stated that "the group's two main demands were the non-negotiable removal of the powers of the president and state governors to appoint the chairman of the Independent National Electoral Commission, INEC, state electoral commissions and heads of the judiciary at national and state levels respectively." This group is pressing for the vesting of the power to appoint the

chairmanship of these bodies a "nonpartisan, integrity-tested Nigerians whose selection and appointment process should be determined by 'sacrosanct and inviolate character criteria that are beyond reproach'" (Alechenu, October 28, 2024, Vanguard: p. 8).

We will at this point proceed to examine the issues that we consider paramount with regards the 2023 general elections, as it concerns the consequential challenges and lessons learnt therefrom within the context of the following three broad sub-heads thus:

a) The Independent National Electoral Commission (INEC);
b) The Judiciary;
c) The Legislature.

We are poised to deliver a philosophical understanding of these issues, hence we will adopt and discuss our findings, observations, suggestions and recommendations as we deem fit for promoting the electoral process come 2027 with a bias to and through philosophy. Our resolutions and remedial measures would take the socio-political puzzle that we are caught in between, reeve through the hitherto complicated process of searching for a befitting remedy for our electoral process from the bird's eye view of Pythagoras, the Philosopher of Samos. In this direction, we intend to pin the politicians and political actors based on their qualification within the context of the Pythogorean principle being espoused as active players and lovers of honour, because they desire the honour and glory of power and the paraphernalia of an elected office. The electoral umpire here in composed of the Independent National Electoral Commission (INEC), the various INEC recruited staff including returning officers, presiding officers, poll clerks, poll observers and all others who participate either in observer status, or party agents, etc., because of the promise of payment of allowances and benefits that would accrue therefrom. These category of participants according to the Pythagorean principle are among those who are "the lovers of gain." Although they are not direct participants, but the draw of INEC does not seem to be solely directed at electing and announcing the person elected by majority of Nigerians, but the release of the billions of naira and millions of Dollars in foreign aid to Nigeria for the conduct of the said election. (Punch Newspaper (Editorial) 28th February, 2024).

A breakdown of the process reveals that we also have another class of persons who are interested in the election process, and these are made up of the Philosophers, the members of the Bench and the Bar, who make up what Pythagoras identified as the "lovers of wisdom." We want it on record here that all those who constitute the class that Pythagoras called the "lovers of wisdom" are those from whom the world expect to have or get unbiased assessment, analysis of the entire process; and those who are expected to give and pass value judgments, apportion blames and/or render applause based on what was observed in the political field of play. Most importantly, like spectators in a football match, they are best minded and suited to know if there was a clear opportunity to score a "clean goal", who was the striker well positioned to have delivered the deadly missile, where and when mistakes were made and remedial measures that could be adopted to cure the harm. The 2023 Elections left behind it many bitter, sweet, interesting and upsetting challenges worth rehearsing. For us from the standpoint of the Pythagoreans innovation, these are standpoints which like beacons of hope, provide us with the needed leadership as to how, what and why these

challenges are worth being considered now, and enable us to ably proffer solutions to the problems we have keenly identified and isolated and attempt to logically and validly collapse our well researched idea onto these problems as a way to proffer not only a lasting solution, but solutions that would take us out of the woods and make Nigerians proud of the electoral process and its outcome. We are unequivocal in declaring that to institutionalise democratic ideals in Nigeria, the theory that would be midwifed from this parley of "disinterested spectators" would be a bastion of democratic development and progress never before anticipated.

This is why legal practitioners and the bench ought to remain detached and isolated as "disinterested spectators", so that we would be morally unimpeded to make suggestions and inputs which would support all efforts to remould and re-order our decaying and demoralising social political norms. We hope that today we will churn out ideas and practices based on our individual and group unbiased and unprejudiced observations, contemplation, questioning, speculation, rigorous analysis and consequential knowledge based on well-grounded theories which we have churned out therefrom as philosophers after the Pythagorean clime would or ought to do. We do know beyond doubt that our parley, discussion and recommendations therefrom would help and improve the quality and results of our "Olympic Games" and that the major players, politicians, the umpire, INEC, the Lawgivers (Legislature), the judiciary and of course, we the lawyers, who would be required to assist the courts to arrive at unbiased decisions based on bare facts placed before the courts, would warmly receive our recommendations and adopt them into the much needed constitutional, electoral, judicial and legislative reforms that is much anticipated to make for a truly democratic polity.

I. The Independent National Electoral Commission (INEC):

The challenges and lessons learnt as these refer to INEC we seek to look at from the stand point of what the expectations and preparations were for the February 23rd 2023 general elections; what the case was during the elections; and whether the end result would not have been different if things were done other than as it was done. It is obvious that in anticipation and one that was properly directed was the enactment of the Electoral Act, 2022, with certain obvious provisions that were well suited for the delivery of a free and fair election. Among the ingenious provisions were those that provided for the use of the Bimodal Voter Accreditation System (BVAS), one which has helped nations of the world deliver credible polls. Along with that, the Electoral Act provided for the uploading of all election results from the polling units directly from the polling units to the INEC Results Viewing Portal (IREV). These were germane provisions, but it actually required the will power and commitment of the electoral umpire to make it work.

These innovations to the Electoral Act left no one in doubt that the promise of strict adherence to the BVAS and posting results to the IREV, gave the people the assurance that every vote will count and this was responsible for the interest of the majority and large scale participation of Nigerians in the electoral and political process, especially the youths. In one of the INEC Boss's interviews before the 25th February, 2023, he did declare thus, "The speed is good and the authentication is good. The BVAS has never failed anywhere. We are going to transmit both the accreditation figures and election results on Election Day. We are giving assurance to Nigerians that on Election

Day, both the accredited data and the actual votes cast will be transmitted simultaneously and accurately." (Prof. Yakubu Mahmood, INEC Chairman, 4th February, 2023, Abuja).

And because of the above promise, all hell was let loose as the people were prepared to show their preferences and to massively participate in the elections. According to Peter Obi, the Labour Presidential Flagbearer, the massive turnout of Nigerians for the February, 2023 elections demonstrated that Nigerians are overwhelmingly interested and committed to participating in all and any process that would lead to good governance, fool proof selection of their leaders and their representatives through the ballot box, and that given the right atmosphere, assurances and certainty that their votes would count and that their security would be assured, Nigerians would not hesitate to sacrifice everything, including their convenience and safety to elect the person they badly want.

The advantages and benefits of the mild adherence to the Electoral Act, 2022 by INEC in some States during the exercise gave Nigerians a ray of hope and translated into the celebrated choice of and declaration by INEC of the election of Chief Oghene Egboh, Mrs Rita Orji and Mr. Tony Nwoolu, of the PDP for the House of Representatives Seats for Amuwon Odofin, Ajeromi Ifelodun and the Oshodi/Isolo Federal Constituencies in Lagos State, and the eventual victory of the Labour Party Presidential Candidate for Lagos State. In addition, relying on Green, Mitchell and Twining (14th MARCH 14, 2023, 12:29 PM, Foreign Policy Magazine), it was amply demonstrated that the innovations that attended the 2022 Electoral Act did Nigeria some good. It could therefore not be debated that:

> Despite the shortcomings of Nigeria's election, it produced some encouraging results. For the first time in Nigerian history, a third-party presidential candidate made a serious showing. No former military general was on the ballot, a first since the end of military rule in 1999, and many incumbents were voted out on election day. The ruling party won only 36 percent of the vote, compared to 56 percent in 2019. In more than half the states, the winning presidential candidate represented a different party than that of the incumbent governor, which demonstrates an important principle of free elections: There are no guarantees for incumbents or legacy seats. (Green, Mitchell and Twining. 14th MARCH 14, 2023: Foreign Policy Magazine).

This informs our recommendation that only changes that mandate "The legalisation of the deployment of existing technologies and new ones, including the electronic transmission of election results, will no doubt, reduce human interference in the electoral process and prevent manipulations and fraud, thereby, improving electoral credibility" (Sulaiman. 2023: p. 19). This will thus promote the use of electronic BVAS and compulsory transmission of results to the IREV would guarantee changes that would touch on the basics and trigger massive electoral reforms in this country. Our experience and findings during the February, 2023 elections did show that the BVAS machines that the INEC Chairman, Professor Yakubu assured Nigerians that they haven't failed anywhere before, that the ones that would be put to use in the forthcoming February and March elections had the requisite speed and authentication, and that his INEC would insist on using them were not used or hardly used during the just concluded February, 2023 elections. Sadly, they

were reduced into ordinary contrivances or useless gadgets to be carted from one place to another place by the electoral officers. (Olokor, The Punch 8th June, 2023). However, the same machines worked and were said to chiefly capture the voters during accreditation, and were also used to upload some of the results to the Senate and House of Representatives, but were not used or deliberate made to fail to work in some areas. There were also reports that the sim cards in some these BVAS Machines were deliberately removed to make them appear not to work. That these complaints were not investigated by INEC even when it admits that they got it early and did nothing to dissuade Nigerians or to attend to them show some level of complicity. In its report of 2010, Hounkpe and Gueye (2010: 63) described the situation in 2007 when INEC compromised its independence and aided one of the Presidential candidates. They had declared, "Meanwhile, it has been observed that the last presidential elections in 2007 seriously compromised its independence, responsibility and transparency, so much so that an electoral reform committee had to be set up following consultations" (Hounkpe and Gueye 2010: 63). They had added as a note of caution to politicians that, "They may, in effect, be the first to be interested in compromising the factors (including the actors) that determine election results. They are the ones who still can exaggerate the problems resulting from the management of elections and the behaviour of other key stakeholders. Finally, they are the very people who may try to manipulate their supporters and members of their political parties to create violence and insecurity during the elections." (Hounkpe and Gueye 2010: 77). Hounkpe and Gueye also tried to address their minds to the fact that to improve and enliven the electoral process, the election monitoring body, in this case, INEC, should initiated strings of actions directed towards increasing the transparency in their management of elections, providing strict electoral codes and guidelines for the election and monitoring of the process by political parties, accredited bodies and organisations, and the moves directed at how to "reduce the temptations of deliberate manipulation of the electoral process." (Hounkpe and Gueye 2010: 77)

These complaints and reports from party agents at the pools were not investigated by INEC. Otherwise, what made the BVAS machines, which were eulogized to be versatile and possessing good authentication by the INEC Boss at all functions prior to the election, suddenly refusing or being poorly configured that they simply refused to work when it had to do with the transmission of results for the Presidential election and performing worse later on, when it had to do with transmitting the final results for the Governorship election. We find it unpleasant that INEC did not follow up the complaints that its staff manipulated the BVAS Machines to malfunction. This strengthens the case against the validity and credibility of the polls result of February 25th 2023. If the explanation from INEC is trustworthy and one to be believed, why did INEC fail to conduct "an audit of polling units where elections did not take place to establish the reasons for the failure; – an audit to provide the public details of the process leading up to the results it collated for the election; and – an audit to provide to the public information on why the INEC Results Viewing Portal malfunctioned, despite assurances of its robustness." (Olokor, The Punch 8th June, 2023). (See https://en.wikipedia.org>wiki>issues_in_the_2023_Nigerian_presidential_elections) accessed on the 18th June, 2023. It is obvious that INEC is becoming more personalized to the government in power, making it imperative that the appointment of the head of the electoral umpire

should not be the sole preserve of the incumbent President. We will tackle that in our recommendation.

We in the course of our findings, also got ourselves well acquainted with the Honourable Justice Muhammadu Uwais Electoral Reform Panel Report, 2007 and what it contains is mind boggling and bold. One of the reasons why INEC has continued to fail to make improvements to the electoral process in such a way that it would become responsive and well positioned to deliver free and fair elections has been the continued refusal to implement the Honourable Justice Muhammadu Uwais Electoral Reform Panel Report, 2007. How would one accept as Laolu Akande declared on Channels Live, distancing himself from the obvious lies and unsubstantiated claims by INEC, when he stated that:

> It is important to establish something we cannot basically run away from. INEC came out of this election as a damaged good. There is no doubt about that. INEC itself set up a standard. INEC determined the guidelines. INEC committed to the people of Nigeria that this is how we are going to declare the result of this election. In fact, the chairman of INEC went abroad and said, 'What we are going to do is that these results, when we get it, we would put it on IReV in real-time.' It is important to establish something we cannot basically run away from. INEC came out of this election as a damaged good. There is no doubt about that. INEC itself set up a standard. INEC determined the guidelines. INEC committed to the people of Nigeria that this is how we are going to declare the result of this election. In fact, the chairman of INEC went abroad and said, 'What we are going to do is that this results, when we get it, we would put it on IReV in real-time.' . . . "But guess what? When it was time for INEC to fulfill its guidelines – for certain reasons we could talk about that- INEC failed to do what it said it would do. Now it is right that if you look at the law, and I think the judges also affirmed, INEC has not really broken the law. But INEC has broken the trust of the Nigerian people. (Egobiambu 8th September, 2023" in Channels TV Live).

According to Laolu Akande, the promise made by Prof Mahmoud Yakubu heightened people's trust in INEC, as the electoral umpire. Unfortunately, it was INEC that break all its own laws and regulations by itself, which is why he emphasised that while "the judges also affirmed, INEC has not really broken the law. But INEC has broken the trust of the Nigerian people." The verdict of the courts which distances INEC Regulations and guidelines from laws, seemed at "daggers drawn" against the express provisions of the Criminal Code *Act* which at *Section 10A (1)* defines "law" to be *"order, rule of court, regulation or proclamation made under the authority of such law."* To further establish the above fact in the definition of law, there exists its composite boost in a the definition of law in the *Interpretation Act,* which defines "law' as an enactment or a subsidiary instrument, and proceeds in Section 18 (1) of Interpretation Act to define "Law" to mean any law enacted or having the effect as if enacted by the Legislature of a State and includes any instrument having the force of law which is made under a law.

The power hitherto vested on INEC, requires as a point of duty, to restore sanity into the electoral process to be broken down and unbundled into a string of statutory bodies that would take over

and perform those underperformed responsibilities that INEC shies away from. We adopt the Justice Muhammadu Uwais Electoral Reform Panel Report, 2007, that what needs to be created from what is INEC today, ought to be (1) The Political Parties Registration and Regulation Commission, (2) The Electoral Offenses Commission, (3) The Constituency Delineation Authority, and (4) The Independent National Electoral Commission (INEC). Also, we are in agreement with the words credited to Comrade Tony Akeni Le Moin, Chairman of Save Democracy Mega Alliance 2027, SDMA'27, a NGO that they are putting plans in place to pursue constitutional amendment which will remove "the powers of the President and state Governors to appoint the chairman of the Independent National Electoral Commission, INEC, state electoral commissions and heads of the judiciary at national and state levels respectively." (Alechenu, October 28, 2024, Vanguard: p. 8). We have made far reaching recommendations to that below as the powers to appoint makes the electoral management body to behave in a manner that makes them solely responsible and accountable to the President and State Governors, sort of he who pays the piper dictates the tunes. Studies carried out by the Center for Democracy and Development (CDD) and several complaints by the Conference of Political Parties (COPP) all aggregate to the fact that "INEC staff gave undue advantage(s) to agents of the ruling party" during the elections lined up by the electoral umpire. (Hassan 2020: 11). In fact, the Election Reform Committee report contained in part in the studies by the CDD laments that "The 85-year-old-history of Nigeria's elections shows a progressive degeneration of outcomes, with electoral corruption highlighted as a significant outcome" (Hassan 2020: 11). Writing on this vexed issue, Omotola (2010) observed that "But the fact that it is constituted by the president, coupled with the absence of an independent source of funding and its reliance largely on the presidency for its finances means its independence is severely compromised, making it vulnerable to executive manipulation through the power of incumbency." (Omotola 2010: 189). Corroborating this development, Olu-Adeyemi (2018) contends that reports from the Coalition of Civil Society Situation Room in 2016 affirmed that there was "collaboration between INEC personnel, party agents and facilitation by the police to encourage vote buying by setting polling stations in such a manner as to breach secrecy of the polls and encourage inducement" and because the electoral umpire in being biased doesn't present a level laying ground to all parties, there is partiality in our electoral undertakings.

The result of the 25th February, 2023 elections, even in the midst of such antagonisms, threats, manipulations, etc., produced or depicted one election having the smallest margin win, closest election, most diverse and most inclusive elections in Nigeria's history. It was obvious that the prospects of unwavering use of the BVAS machines by INEC compelled politicians and political jobbers to embark upon market based campaigns strategies, wherein the candidates and parties sought to market themselves to the electorates because unmitigated use and reliance on the BVAS absolutely transferred power to the electorates as they realized that if the BVAS were the basis for their victory, then if the electorates weren't convinced, they would lose.

The voting pattern in the February, 2023 elections also showed that Nigerian youths are fed up with bad governance, oppression, negligence, heightened tensions and cover-ups by the leaders for a pretty long time. The pattern of voting wherein persons who were thought to have no hand in the malady affecting the country were chosen or voted for is a positive indicator for political maturity

and growth. This showed in the rate of pattern, choice and trend of voting for young, fresh candidates on the platform of new political parties and especially, increased preference for persons who are obviously neophytes in the game of politics showed that the current constitutional arrangement which gives to Senators, Members of House of Representatives and States Houses of Assembly unlimited tenure ought to be revised. It is our observation that Senate and House of Representatives have become retirement havens for former Governors and politicians that have nothing more to offer the people but "dead logs" or "spent oil."

The power of good antecedents showed up in the strategies of the APC and the PDP. The electorates were intent on discountenancing the claims of PDP and APC to leverage on economic statistics, transparency, discipline, corruption, infrastructure development, education, poverty alleviation and eradication, infrastructural development, foreign exchange and technological development, pained issues which backfired as the electorates could do regular checks on the parties and candidates antecedents to contestants have a good antecedent.

Political leaders accused INEC of poor management of the 2023 primaries leading to the general elections characterized by how party chieftains engaged in and imposed and substituted candidates on the generality of the party members, leading to protests so that Nigeria recorded a total of 1878 pre-election cases as against only 370 pre-election cases filed prior to the 2019 general elections. On the other hand, the introduction of the BVAS Machines, which seemingly conveyed the intention to and the overt assurances that all the results 2023 elections would be posted to the IREV helped to reduce the number of pre-election and post-election petitions. This is why in respect of the 2023 elections, INEC's outing has been berated and condemned as it failed when and where it mattered the most. See "The 2014 National Conference. Committee on Political Parties & Electoral Matters. Final Report. May 2014."

That INEC failed or refused to inform Nigerians why it failed to upload results to the IREV as its guidelines stipulated, what happened to the IREV and why they all failed to transmit the Presidential election to the IREV on the 25th day of February 2023 despite unimpeachable and valid facts from the Amazon Web Services (AWS), the company engaged by INEC to provide technical support to it during the elections of 25th February, 2023, and that boasts of housing in and across all six (6) continents of the world, their AWS Cloud services on the 25th February, 2023. Testifying before the Presidential Election Petitions Court (PEPC), the company representative Mpeh Clarita Ogar told the court that there was no technical glitch in Nigeria on the 25th day of February, 2023, when the election held, maintaining that "there was no technical glitch across all six continents housing Amazon Web Services (AWS) cloud services on February, 2025." (Nnochiri, Vanguard, of 20th June, 2023; NAIRALAND News accessed from https://www.nairaland.com of 20/06/2023 and Ojonugwa, THEWILL Newspaper, of 20/06/2023 accessed from https://thewillnew.com).

It was also discovered that INEC deliberately withheld vital documents needed by the other party candidates who contested in the INEC organized polls to enable them pursue their cases in court. The solicitor for Peter Obi lamented in court that they have done all that is necessary to be given the said documents to no avail, that the team have written letters to INEC, gone to INEC and have

to formally complain to the Court for an order of court to compel INEC to produce the said documents finally. (Nnochiri, Vanguard, of 20th June, 2023). It has always been the principle in law that anyone who withholds evidence does so at his/her own peril. In the case of EWUGBA v STATE (2018) 7 NWLR [Pt. 1618] 262 @ p. 281 para G – H per RHODES-VIVOUR, JSC, it was decided as follows: "The rule in Section 167 (d) of Evidence Act is contained in the maxim '*omnia praesumuntur contra spoliatorem.*' Where a man wrongfully withholds evidence, every presumption to his disadvantage consistent with the facts admitted or proved will be adopted. The withholding of useful evidence naturally leads to the inference that the evidence if produced would go against the party who withholds it. So where the Prosecution is served with notice to produce evidence that the Defendant needs for his defence and the Prosecution willfully refuses to produce the said evidence, the Courts would at on the natural inference that the evidence is held back because it would be unfavourable. . ." Everyone expected that this rule would be applied in this case, but not only was this rule jettisoned, but the principle set in the case of Mohammed Abacha that forfeiture only in the Presidential Election Petition does not translate into a crime, but that it was civil. The other anomalies that surfaced in the February, 25th 2023 election management was that voters have to spend over three (3) days before election results were declared, which was one of the anomalies that the introduction of BVAS machines was meant to close up permanently. And worse still, the election of 25th February, 2023 and 18th March, 2023 were marred by violence in the form of assassinations, ballot box snatching, coercion, forceful disruption of election, shooting, thuggery, and intimidation of voters. Sadly also, there was an express re-enactment of a voting system that revolves on or along the lines of ethnicity/tribalism, regionalism/sectionalism and religious prejudice. The election was manipulated and weaponized with ethnicity play card so that even Lagos, which used to be the centre of unity became a centre of intimidation, threat, assault and markets where a particular tribes sells were set on fire to bring them to their knees. In Punch's Editorial of 28th February, 2024, they stated the obvious when they said that, "Unlike in many civilised democratic climes, election is war filled with bloodshed, kidnapping, violence, and arson in Nigeria. Politicians, the electorate, INEC officials, and offices are attacked before, during, and after elections. INEC said it suffered 50 violent attacks on its properties and facilities between 2019 and 2022. According to an NGO, the Incident Centre for Election Atrocities, 137 persons were killed and 57 abducted during the 2023 general elections" (Punch Editorial, 28th February, 2024).

Annoying still, despite the above acts of extreme violence, no one was arrested and prosecuted for all the election violence and manipulation of election results. In a report by Olasunkanmi Akoni dated 28th October, 2024, with the heading, "SERAP Sues INEC Over Failure To Prosecute Electoral Offenders" in Vanguard Newspaper, p. 10, we are told that the Socio-Economic Rights and Accountability Project (SERAP), initiated a civil suit against Professor Mahmood Yakubu, Chairman of the Independent National Electoral Commission, INEC, for failing to investigate the allegations of electoral offences committed during the 2023 general elections and ensure their effective prosecution. However, despite this laudable action intended to restore sanity into the electoral system, not one person has been prosecuted at least to serve as a lesson to others, which seems to reinforce the general believe that "INEC has learnt little or nothing from the well-

documented problems during the 2023 general elections" in its plan to tackle "persistent electoral offences, end the impunity of perpetrators, and ensure citizens' right to vote and political participation, especially, after what was generally acclaimed to be a "chaotic 2023 general elections" (Akoni, Olasunkanmi. 28th October, 2024. Vanguard Newspaper).

The incidents of BVAS & ballot boxes snatching, of improper or absent security architecture at the polling units and the fact that Policemen at the voting centres are not required to carry arms. One case in point is the case of Efidi Bina Jennifer, who was stabbed by some thugs at a polling unit along Dipolubi Street, but who after she was given first aid, returned to cast her vote in the February, 25th 2023 Presidential elections, still strapped with heavy bandages on her face, which were still dripping with blood. (Olatunji. 25th February, 2023; & Azeezat. 28th February, 2023, in IntelRegion News). To prove the futility and unreasonableness of tribalism, we ask, "Who would willingly drink poison because (s)he was served the poison with a tribal glass?" This calls for the total overhaul and largescale modification of the entire electoral process vide the amendment of the Electoral Act and the Constitutional framework that will serve that purpose. Unfortunately, we have traced most of these perverse and unconscionable operations of INEC and the INEC infrastructure to flaws in the provision of the Electoral Act. For instance, there exists a gross contradiction in the adverse provision of Section 64 of the Electoral Act 2022 for the use of the BVAs, transfer of polls result to IREV since the same law also provides for complementary use of the manual method of collation of the final results. This "double-dealing" was anchored by the legislature to make room for themselves to use same to edge others out while still arguing that it is lawful. But we know where it is taking us now – the middle of nowhere. The loopholes in the Electoral Act and the 1999 Constitution have definitely and invariably left a vacuum in the process and thus became the basis for the huge manipulation of the results by politicians and corrupt INEC officials.

II. The Judiciary:

The huge joke about the judiciary and elections in Nigeria since the declaration of President Tinubu is in the form of the slogan, "go to court." This instead of demonstrating the authenticity of the election results, it rather queerly shows that the court which hitherto is considered the hope of the common man is become the safe abode of some politicians. It is no surprise that the United States Government has not long ago in its states of affairs in Nigeria, "raised questions of the partisan nature and level of independence within the judiciary." (Onapajo & Uzodike (2012: 149). The situation today has greatly degenerated into a situation in which the courts have become an extension of the political alliance and political affluence of those in power. It is now tenaciously held that Nigeria's politics is a do or die affair, and that the fight for election victory does not stop at the pools, but that it does actually extend to the courts and elections which cannot be legitimately won at the polls may be won in the courts with the aid of some manipulation of the judicial process." (Onapajo & Uzodike 2012: 154).

The scenario in the judiciary has become so bad that the judiciary is made mockery of as holding out justice for the highest bidder. (Nnochiri. 29th September, 2011. Vanguard). In its further analysis of the corruption in the judiciary, Onapajo and Uzodike (2012) declared that politicians

nowadays claim that the wisdom of politicking demands that one simply "Don't waste your money printing billboards, handbills or posters. Don't waste your time throwing away money for mobilisation. Just keep your money in the bank and call a very good lawyer and let him tell you the loopholes in the Constitution or the Electoral Act. Memorise the loopholes and give all the money you've saved to a judge. Tell him: 'I have gotten all the loopholes, they [the opponents] have louted it' [and you shall win at the end of the day]. (Onapajo & Uzodike 2012: 137). This ordinarily would have been insulting had it not been true that this is a true reflection of what our judiciary has become. A money yielding venture, where the highest bidder gets the favourable judgment. It is common practice therefore for politicians and political theorists to have apprehensions towards the judiciary, because there does exist a strong "connection between the judiciary as a state institution and the phenomenon of electoral fraud", and also that by its very structure and the prevailing condition of the contemporary Nigerian judicial system, their responsibility to adjudicate in the process and matters relating to the electoral process leaves us with a judiciary that is increasing prone to very high dimensions of electoral fraud. This is why the "Executive arm of government continues to do all within its powers to cripple and convert the judiciary 'into an instrument for the perpetuation of the government.'" (Omotola 2010: 147).

It is most unfortunate that the judiciary has fallen for it with everything the judiciary boasts of. Onapajo & Uzodike (2012) reported that Kayode Eso, former Supreme Court justice was credited with a statement in which he "lamented in 2008 that Nigeria is now experiencing the emergence of 'billionnaire election tribunal Judges" published in the 23rd September, 2012 edition of *The Punch Newspaper*. (Onapajo & Uzodike 2012: 155). The same work revealed that transparency International through its National Chairman, Ishola Williams also criticized judges for using election tribunals to turn themselves into billionaires. In one instant, it was reported that "the NJC established that a judge from another state served as a conduit for the complainant/petitioner (Umana), offering 60 Million Naira (approximately $380,458) to members of the Tribunal to rule in Umana's favour." (Onapajo & Uzodike 2012: 156). It is so sad that Nigerian judiciary has passed from being the hope of the common man, as today "there is a growing perception backed by empirical evidence that justice is purchasable and has been purchased on several occasions in Nigeria." (Onapajo & Uzodike 2012: 157).

The reality of the above facts is that in Nigeria, the judiciary is not independent at all. The independence ranges from financial autonomy, modes of appointment, terms and conditions of service and uncertainty of tenure, especially, which comes on the heel of anyone judge having to deliver a judgment or verdict against the interest of the government in power. This means that our courts are not truly independent, and the executive can cash in on many areas of needs of the judges to infiltrate and influence them one way or another. Recently, he President Tinubu through the Minister of the FCT, Nyesom Wike announced that the Federal Government has commenced the construction of forty unit apartments for judges. In reaction, Femi Falana, SAN, a human rights lawyer criticised that plan, calling it a form of bribery to influence the judiciary, especially, considering the fact that "Wike is a frequenter of courthouses for political favours, he should not be building houses for judges." Falana condemned a situation in which the executive arm undertakes to pick and choose what the Judiciary should get, when and how it gets it, arguing that

it defeats "the concept of autonomy or independence demands that the judiciary in particular should be able to budget, award contracts for its own projects and implement them to prevent the need to depend on the good grace of outsiders." According to Femi Falana, the amended Nigerian Constitution requires that all funds due to the Judicial Arm be vested on the National Judicial Council, NJC as the governing body for the Judiciary that should be allowed to do its own assessment needs, provide cars and houses, prepare and present its own budget to the National Assembly and to have the appropriated amounts paid to it directly to fund its own programmes. This is more so now that the Judiciary has become, "to the discomfiture of our democracy, a "big player" in our elections" in the sense that almost every election matter ends in the law courts to be adjudicated upon by them. "The Judiciary has become almost as important a "referee" as the Independent National Electoral Commission, INEC. Allowing the Executive to dish out favours to judicial officers is akin to the players in a game providing welfare for the referee." Falana added that allowing the executive to build houses for the courts invariably tends to "paying the piper and calling the tune." He concluded that it should not be allowed to happen at all because in the long and short run, it will lead to decisions biased in favour of the executive. (Bobloco. 22nd November, 2024. "Wike's Houses and judicial Autonomy" Vanguard Editorial in Nairaland accessed from https://nairaland.com on 7th January, 2025 by 4.53pm). See also https://www.vanguardngr.com/2024/11/wikes-houses-and-judicial-autonomy/

In addition the judiciary has been found to have consistently deliver a myriad of decisions that are largely illogical, inconsistent and conflicting on the same subject matter. It is true that when the judiciary delivers any decision that is at variance with established precedents, and which is inconsistent or illogical, this helps to erode public trust and confidence in the judiciary, making it difficult to ensure credible elections. The Court in this circumstance replaced the will of the courts with that of the electorate. In the case of Amaechi and Omehia, Nwoko & Nweke observed that the "decisions of post-election cases by the Judiciary in 2003 assumed a pre-determined and predictable posture as they were witnessed to have mostly favoured a particular political divide", that the said verdict was "an inglorious display of compromise of integrity by the judges of the Supreme Court." Delving further into the deemed flaws observed in that decision, they reproduced the opinion of the Supreme Court, which held that "The decision to substitute Celestine Omehia for Rotimi Chibuike Amaechi by the third respondent (PDP) during the period of pending gubernatorial election represents a display of very grave political rascality and an irresponsible and wanton disrespect for rule of law. Consequently, it is my judgment that this appeal is meritorious and I hereby declare Amaechi as the winner of the said election" (Nwoko & Nweke 2021; 166), concluding by quoting with approval the opinion from Tell Magazine. Facts available indicate that the editorial of Tell Magazine described the judgment as a "'judicial coup', the declaration of Chibuike Amaechi as the duly elected Governor of Rivers State by the Supreme Court – a man who never participated in the general election" (Nwoko & Nweke 2021: 166). In the same vein, the EFCC and the Human Rights Watch were appalled at how "a judge sitting in Ibori's home state threw out every single 170 counts — including evidence that Ibori paid EFCC officials $15 million in an attempt to influence the outcome of the EFCC investigation. The judge ruled that the EFCC had failed to produce a written statement by the man who allegedly conveyed the bribe

corroborating their version of events and that the prosecution's proffered eyewitness testimony would inevitably amount to "worthless hearsay evidence." (Human Rights Watch 2011: 3). This was made more disturbing that EFCC in its determined fight against corruption filed a total of 170 corruption charges against James Ibori, but the court held that the Prosecution was unable to prove any one of them including proving that the said amount which the Central Bank officials confirmed to Human Rights Watch that Ribadu had given the Central Bank the $15 million and that it remained in their possession was not proven by the prosecution. It is interesting that the same James Ibori was extradited from United Arab Emirates to London where he was tried for money laundering and convicted. He has since served his prison terms there. (Human Rights watch 2011: 39, 40).

A similar scenario played out which ground the facticity of the corruption of the judges. It is reported in the Human Rights Watch (pp. 38 & 39) to the effect that "On the day Igbinedion's sentence was handed down, prosecutors received a rude shock. Deviating from the terms of the agreement, the Federal High Court judge, Abdullahi Kafarati, sentenced Igbinedion to a paltry 3.5 million niara (about $25,000) fine instead of prison time and ordered his assets seized. Igbinedion walked free the same day of his sentencing after reportedly paying the fine on the spot, in cash. The fact that Igbinedion had the right amount of cash on hand gave rise to suspicions that he knew what his sentence was going to be before it was handed down. 'Only God knows what happened behind the scenes,' Jacobs said. '[But] he had brought the cash to court, which means he had pre-knowledge.'" (Human Rights Watch 2011: pp 38, 39). This is what informed Onapajo and Uzodike's (2012) lamentation, who relying on the comments accredited to Aare Afe Babalola decried what they termed:

> The influence of the political class over the judiciary is glaring and so overwhelming that it can sometimes predict the outcome of a judicial process. A prominent senior advocate of Nigeria, Afe Babalola, who is also the chairman of the Chartered Institute of Arbitrators of Nigeria, lamented that: 'Nowadays, politicians would text the outcome of the judgement to their party men before the judgement is delivered and prepare their supporters ahead of time for celebration' (Oyetibo 2012 citd by Onapajo & Uzodike 2012: 151).

In the same way, the courts have been under fire for unilaterally endorsing election results that are arrived at unconstitutionally, and which are grossly flawed, after these were declared by an equally corrupt and compromised INEC. When these elections are eventually endorsed by the Courts – Election Petition Tribunals, Appeal Court and Supreme Court – the eventual verdict is binding and acceptable even where they grossly fall apart from and short of laid down standards. Each time the courts of the land fail to address electoral irregularities or when judgments are influenced by external factors, then a moral problem occasioned by the miscarriage of justice occurs, and this accounts for the continual loss of faith in the electoral process and in the courts (Mohammed & Nyeenenwa 2024: 5, 10).

Sadly, however, the judiciary is itself, despite being the third tier of government in Nigeria, is battling with a very high dosage of irreconcilable problems and accompanying vexed grave institutional weaknesses such as excess work load, inadequate funding, poor, decaying and/or lack

of infrastructure and paucity of on the job training for judicial officers which either affect their performance or predispose them to being corrupt. These factors in no small way effectively hinder the ability of these judicial officers to perform their functions to the best of their ability in such a way that the people would have or enjoy credible, fair and free election results verdicts that reflect the will of the people. The Human Rights Watch reporting on EFCC's fight against corruption, in their findings published revealed that with the exception of the Lagos State High Courts, no other State High Courts in the country hear and determine corruption cases filed by the EFCC. This may have a lot to do with the infrastructural decay and the excess loads they individually carry. In its report the Human Rights Watch observed that "Nigeria's weak and overburdened court system is an obstacle to effective anti-corruption prosecutions—and is responsible for considerable injustice in other arenas as well" (Human Rights watch 2011: 59).

It is no news that almost all Nigerian courts work with "an antiquated physical and legal infrastructure that renders them extremely slow and inefficient" (Human Rights watch 2011: 59). Thanks to the government of Lagos State as they are the only exception, Lagos State courts being reputed to be "the only state court system to have modernized its rules of criminal procedure and evidence. The courts provide judges with basic infrastructural upgrades such as recording devices (obviating the need for judges to record all of their proceedings by hand) and relatively comfortable work environments, making it possible for judges to work longer and efficiently" (Human Rights Watch 2011: 60, 61). Corruption has left the infrastructure of the Nigerian courts and complimentary tools of criminal administration such as the substantive rules of evidence and procedure practically untouched since colonial rule, thus producing bizarre and absurd results. (Imhonopi & Ugochukuw 2013: 85). There was no formal mechanism to introduce or admit electronic documents into evidence until much recently, and even after that, most court administrators and practitioners still labour under the burden of its past. The result is the "lack or inadequate deployment of technology to provide management and operational support for the judges to deal better with the increased size and complexity" (Lawal Pedro, SAN., 22nd November, 2021: 9). This means that judges expend a lot of energy and waste so much of their precious time, recording proceedings of clients in longhand while, which definitely makes them to "sweat and choke" in stiflingly hot courtrooms as they strain under the burden of an excessive caseload. (Human Rights Watch 2011: 33).

In his opinion contained in the HEDA publication, while briefly reviewing by legal practitioners and courtse abuse of the Supreme Court's decision in the case of TRANSNAV P.N. LTD V. VELCAN E.H.D. LTD., to the effect that "that every pending application before the court, however frivolous, ought to be heard" by the Judge, he observed that legal practitioners had over time taken undue advantage of this decision to the overturning of Section 396 of the Administration of Criminal Justice Act 2015. This proclivity to delaying trials defeat the express provisions of the law to speedy trial. This is because of what he described as, "the reality of the Nigeria Court system makes it impracticable. It is a known fact that the Nigeria courts, from trial court to appellate courts, are over-stressed and congested. A typical Nigeria Judge has over 700 case file he is hearing, 25 cases on his cause list for the day which must be heard, judgments and rulings to write and other official duties and assignments to attend to. All these makes it impracticable for a judge to hear

every criminal cases on a day-to-day basis or to ensure the strict compliance with Section 396 of the Administration of Criminal Justice Act 2015." (Olarenwaju in Suraju – HEDA 2021: 10, 11). The Judges are also human, and they need rest and convenience, which explains why with such a load of about 700 cases, adjournments are freely allowed to give them a breathing space, while delays become the norm. In fact, while Sections 110 and 306 of the Administration of Criminal Justice Act 2015 outlaws appeals and stay of proceedings, but skilled defense lawyers can exploit these loopholes in the substantive laws to generate months or even years of delays in any given case. (Human Rights Watch: 2011: 33; Onapajo & Uzodike 2012: 137).

That other thing to be worked on is how to reduce the excessive powers domiciled with the Chief Justice of Nigeria. The excessive powers being vested upon him, puts one man in charge of a vast empire, far beyond and above his ability to efficiently supervise, superintend and manage. It is common knowledge that there has been series and multiples of reported cases of corruption of the judiciary and the disturbing phenomenon of lack of discipline by the Chief Justice of Nigeria (CJN). The judiciary has been in the news recently for alleged corruption and being unpredictable, especially, as regards the decisions which returned Ahmed Lawan, the former President of the Senate and the Imo State Governorship appeals in which the Supreme Court returned Governor Hope Uzodinma. Presently, there is the reported cases of multiple judgments and judges merely making merchandise with court orders with respect to the matter between the Minister of the Federal capital territory, Barr. Nyesom Ezenwo Wike and his protégé, Governor Siminalayi Fubara of Rivers State. Yet, of all these disruptions and upheavals, the Chief Justice of Nigeria did nothing, except to simply sit and watch the gladiators play themselves out. In climes where the judiciary is alive and active, one would have expected that some of these judicial officers would have come under the sledge hammer and made to lick their wounds. Nothing has been done to show that it is wrong, that court orders can simply be paid for and purchased like an ordinary merchandise. According to Human Rights Watch, "Not long after, leaked US State Department cables revealed that Dimeji Bankole, at that time Speaker of Nigeria's House of Representatives, claimed to US diplomats he had proof Supreme Court justices had taken bribes to validate Umaru Yar'Adua's election as president in 2007. . . . In the run-up to Nigeria's 2011 polls, lower court judges handed out an unprecedented number of election-related injunctions to various candidates for office. The blizzard of injunctions was so dense that many critics suspected some judges were essentially offering them up for sale.162 (Human Rights watch 2012: 38, 39). This has been largely attributed it to the excessive and too wieldy powers vested on the Chief Justice of Nigeria, which is why he did nothing to address this complaints, and if he was powerless to do anything, never said a thing.

One area of interest that needs urgent attention is and remains the introduction into the principle of the Supreme Court of the doctrine of substantial compliance, which places the evidential burdens of proving that an election result was flawed on the petitioner. The first burden is that the petitioner has to prove irregularities and non-compliance with the electoral law. The other evidential burden to be discharged by the Petitioner is that he/she has to prove that the irregularities and non-compliance with the electoral law affected the results of the election. The substantial compliance doctrine which was first applied by the Supreme Court in Awolowo v. Shagari (1979) NSCC 87 has been extended and used in all subsequent elections after that, hence it has been applied in such

other cases like – Buhari V. Obasanjo (2005) 13 NWLR (PT. 941), Obasanjo V. Yusuf (2004) 9 NWLR (Part 877) 144, Buhari V. INEC & 4 ORS (SC 51/2008) 12 DEC 2008, Abubakar, GCON & 2 ORS V. Yar Adua & 5 ORS (SC72/2008) 12 DEC 2008, CPC V. INEC & 40 ORS SC 426/2011) 28 DEC 2011. This explains why there is no recorded instant when any presidential election was upturned by the Court of Appeal or the Supreme Court in Nigeria, since it will be an uphill task for the petitioner to successfully prove non-compliance on account of the doctrine of substantial compliance. (Okeke: 2023). This the court should take a second look at how this doctrine is destroying our polity. It has continuously been argued that the answer to this lies with the full implementation of the Uwais Report. This report did relieve the petitioner of this onerous burden, when it recommended that the burden of proof for election petitions be placed on INEC and the winner of the election being contested. Given that election matters are sui generis, in a class of its own, it therefore suffices to think and hold that since INEC conducted the election being contested, and since the Respondent is the principal beneficiary of the result, then it will be easy for INEC and the Respondent to prove that the election was conducted substantially in accordance with the electoral law and that he/she won the majority of votes cast at that election. Shifting the burden of proof in election petitions from the Petitioner to INEC and the Respondent will substantially restore confidence in the election petitions process and consequently, in the courts. (Okeke 2023).

It is likely that most if not all of the tainted verdicts and decisions delivered for election petitions delivered by the Courts were attributable to the lopsided number of panelists available and the fact that they seem to come from particular zones, with others having no representation on the board. This brings up the issue of the paucity of the number of judges, which does not tally with the over-bloated population that Nigeria prides in. There is an urgent need to appoint more judges in all the hierarchy of our Courts, the swift and composite digitization of our court system, so that the courts rules and practices permit of electronic filing, hearing, transmission and collation of court processes and sundry documents. The improvement and construction of more modernized court infrastructure, coupled with the creation of special divisions within the judiciary charged to specifically handle cases in which they have the most aptitude would do more good than harm. (Olarenwaju in Suraju – HEDA 2021: 10, 11; Pedro, (SAN) in Suraju – HEDA 2021: 7 – 9). The issue of appointment of judges, because of the sensitive nature of their duties and responsibilities, it ought to follow a "process bereft of political interference." We don't seem to deviate from the recommendations made therein by Mohammed & Nyeenenwa (2024), and we hereunder cite and rely on their vivid and adept thoughts therein and relying on that, stand by and recommend that:

> The amendment of the 1999 Constitution to alter and modify the modes that prescribe for the selection and appointment of judicial officers. The safeguard here is to appoint competent, independent legal practitioners of cognate experience, and of honesty, integrity and unimpeachable character, attested to by the Nigerian Bar Association where he practices as judges; and the other objective is to ensure the impartiality of judges after their appointment to the bench. I therefore recommend that the Constitutional amendment provide for setting up an Independent Judicial Advisory Committees who will be charged with the duty of selecting Judges in the country. Under this regime, if a lawyer desires to be a judge, then he

or she would be required to submit a resume to that effect including his/her detailed personal history. An extensive background check and reference checks are conducted by the Advisory Committee and the DSS. Based on the detailed and careful scrutiny, the qualifications of those who have put their names forward will be assessed and the Advisory Committee then decides which candidates should be recommended. Only those recommended are eligible for appointment. The list of approved candidates is sent to the Honourable Attorney General and Minister of Justice (Federal), or Honourable Attorney General and Commissioner of Justice (for States), who makes recommendations to either the Federal or State Cabinet. This list would then be forwarded to the Senate or State Houses of Assembly for ratification. The selected would have to be sworn in by the President or Governors of States. This will ensure that the persons so appointed are accountable to the people and the Judiciary, their constituencies, and will build public confidence in all persons appointed to the Bench through this means of selection. Imposition of heavy sanctions on all established cases of inappropriate interference, intervention, inducement and influence by any person whatsoever and to achieve this, we suggest that the ought to be an amendment of the provisions of the immunity clause in the 1999 Constitution so that both State Governors and the President would be in danger of being prosecuted if they violate the clause on non-interference with judiciary functions.

The recommendations seem heavy handed because of our antecedents as wilful law breakers and place where our leaders break our laws with a slight on impunity. Only a strict law, with stiff penalties expressly stated would move us forward.

Then there is also the issue of the Chief Justice of Nigeria (CJN) being vested with too much or excessive powers which have over time being abused by its bearer, and which are largely unethically corrupting. In their previous work, Mohammed & Nyeenenwa had relied on Aliyu to say, The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny" (Aliyu, et al., 2023, p.53 in Mohammed & Nyeenenwa 2024: 7). This explains why the public perceptions of the Judiciary have over the years become witheringly scornful and monstrously critical. It has been alleged that and in the public space that court officials and judges are easily bribed by litigants to obviate delays and or obtain favourable judgments but which have not been investigated nor appropriate sanctions handed down to erring judicial officers. We recommend below, in addition to some passing comments made prior, which would form the bind of reasons and directions we would that the nation be directed if we are to get or be driven out of the woods.

III. The Legislature:

The legislature, listed under Section 4 and Chapter V of the Constitution of the Federal Republic of Nigeria, 1999, is the 1st arm of government in Nigeria by its placement in the said constitution. The main duty of the legislature is to "make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List

set out in part 1 of the Second Schedule to the Constitution. (Section 4 (1) of the 1999 Constitution). Coming first in the hierarchies of the government in the Federation of Nigeria therefore, their powers are of paramount import to the smooth functioning of any government. According to John Locke, the prime of place occupied by the legislature derives from the fact that it is this arm of government that is more diverse, representative and encompassing of the arms of government (Locke 1689: 6, 23). The individual rights of the people to participate in governance, says John Locke, is transferred to the Senator, Federal House of Representatives members, and members of States Houses of Assembly to exercise, not as a right, but as a privilege on behalf of the people. The legislature therefore derives all their powers directly and indirectly from the great body of the people and which power they administer by holding offices at the pleasure of the generality of the people of their various constituencies. (Hampsher-Monk 1992: 229). This is the principle on which American democracy is built.

According to Hampsher-Monk, right of representation, by its sovereign nature, is obviously different from the right handed over to the State to enforce the law of nature as the executive. In line with the principle of representative democracy enjoyed by the Legislature, the foundation on which the American democracy is built demands that the legislature check and balances the acts of the executive and the judiciary, by its acts of making laws, screening the appointments by the executive and more than all else, it is:

> Required of its constitution only a government that truly and directly reflects the will of the people. . . if the government could only be made close and answerable to the people, then there could be no tyranny. The development of the idea of checks and balances had come about, after all, only to check and balance the government from tyrannizing over the people. If, through the new device of representation, the people could exercise a close and direct control over their government, the intervention of further checks and balances were at best unnecessary, at worst sinister." (Hampsher-Monk 1992: pp. 228, 228).

The fact remains that once the legislators start putting their eyes into how snatch big time contracts from the executive, which also here covers contracts in the name or style of constituency projects, how to insert these projects into the budgets to be passed by them, and how to over-bloat and fraudulently swell the budgets estimates passed over to them by the executive, then they are engaging in budget padding sprees as a means of having more money at their disposal, and this is at the centre of what derails and defeats their purpose and responsibility as law makers. In their own estimation, Omeje, et al saw such an action as one that is "never contained in the constitution that legislatures should execute any projects but rather should make law concerning such execution while the executive branch should implement them. The point here again is that constituency projects as allotted to the legislatures is purely an avenue for corruption to thrive." (Omeje, Ogbu and Mark 2019. 3). It is to be appreciated that the Nigerian legislature's involvement in how to make money and control budget like the executive gradually leads to failure to enact "laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in part 1 of the Second Schedule to the Constitution." (Section

4 (1) of the 1999 Constitution), which would or should prevent election fraud, campaign financing, voter registration, or voting technology and directed at delivering a free and fair elections, conducted by an impartial and unbiased electoral management body.

In addition, being pre-occupied with how to make money would blind them to carrying out an effective oversight functions over such state apparatus that are involved with election such as INEC, the courts, especially, enacting laws that will arrest the dubious act of indulging in judicial law making. It is on record that after the Supreme Court returned Amaechi as Governor, the National Assembly then enacted the Electoral Act, 2010, which limited persons vested with rights to sue in that election to exclude persons who did not participate in an election from benefiting from the results of that election. (Ughulu & Ihaza 2023: 138). This is one of the things that the legislature ca do, and which we are inferring here. Lack of legislative oversight function could ground some agencies of government, allow wrongs to become internalized and allow fraud and to go unchecked and hence unpunished. It could degenerate to the situation in which the legislators out of bias or prejudice against the head of any of the electoral body who refuses to remit their share of the padded budget, argue against providing say INEC or related organisations with funds sufficient for its electoral work, making it difficult for it to effectively prevent and investigate election fraud. For one, the failure of refusal of the legislature to enact an act(s) of parliament to split INEC along the lines of what the Justice Uwais Panel recommended is why we are still where we are. They it would be state, are playing the party trump card, intent on using their positions to influence the electoral process, the decisions of the court, etc. (Bulkachuwa confession), to influence the electoral process in favour of the ruling party or any of their allies, thus greatly undermining the integrity of the elections.

In the case of Bulkachuwa, during the valedictory session of the 9th Senate, which held on 10th June 2023, Senator Adamu Bulkachuwa, representing Bauchi North Senatorial District revealed that using his wife, Justice Zainab Bulkachuwa, as former President Court of Appeal, "he influenced court judgments in favour of some of his colleagues." (Onwuka. 20th June, 2023 *The Punch Newspaper*). The case of Bulkachuwa shows how people in the legislative houses use power and abuse power in Nigeria. According to Onwuka, Senator Bulkachuwa, husband to a former President of Court of Appeal and he was likely inspired by (a) he wanted to "swim in the euphoria of self-importance of a benefactor, a power broker, a man of influence, a rain maker. A godfather. He wanted to be appreciated by his colleagues." Secondly, Onwuka says, senator Bulkachuwa wanted to demonstrate the haughtiness and impunity that is often displayed by one who owns Nigeria, that nothing would happen to him, and he confirms his fears by asserting that, "Even though individuals and groups like the Nigerian bar Association have called for his arrest, the Police and the DSS neither invited him for questioning nor arrested him." And the third factor, Onwuka says having committed sacrilege and desecration of the polity, he was likely acting under a trance-mood to confess all the evils he has committed. According to Onwuka, "Karma could have compelled him to unknowingly confess in public what he and his wife did in private. Karma hit his tongue and made it loose, making him sing like a bird." (Onwuka 20th June, 2023, Punch Newspaper). The conclusion drawn from this is simply that: "It brought to light the open secret most people know but can't say it: That justice

can be bought or influenced in Nigeria. The casual manner Bulkachuwa said it confirmed that the practice is endemic. It also put Judges in charge of election cases on the spot" (Onwuka 20/06/2023: Punch Newspaper). See also Ayo Yusuf, 18th June, 2023, *ThisDayLive Newspaper* and Ameh Ejekwonyilo, 15th June, 2023 *Premium Times Nigeria*.

It also proven how that legislators ignobly and frequently use their positions as federal lawmakers to engage in gerrymandering, manipulation of electoral district boundaries, creation of wards, etc., to favour their constituencies, the interest of their party or the incumbents. One of burning issues that deserves attention now is that how to enact laws or come up with policies that would allow certain classes of persons, such as those in the diaspora, persons engaged in election duties, and vulnerable groups to participate in the elections unhindered. This is one area the legislature's participation and assistance is paramount. It is sufficient to solicit the active participation of legislators at the various levels to make laws that would strike at the base of the electoral problems bedeviling the country, not one directed at the interest of their political parties or the incumbent after their hands have been oiled. The legislature may not be entirely free from having conflicts of interest, but as representatives of the people, the electorates, they should look at all what they do within the perspectives of how every stakeholder and members of their individual constituencies would benefits, how does their particular actions and inactions deliver on the common good, rather than to act to benefit their ties to special interest groups or personal financial interests. The legislature should look towards developing and reenacting electoral reforms that would help in reducing election fraud, that would seek to hold electoral officials and other stakeholders accountable for their wrong doings, instead of allowing known perpetrators to go unpunished.

Having exhausted the triumvirate conflating problems that appear outstanding from the standpoint of the major actors in elections and election determinants in Nigeria, that is the Independent Electoral Commission (INEC), the Judiciary and the Legislature, we now want to consider what should or could or ought to be done in order to ensure that we reposition and strengthen INEC and the justice system towards conducting transparent and credible elections come 2027. We tag the next section of this work, recommendations and conclusion.

RECOMMENDATIONS

(A) FOR REFORM OF INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)

A. That the Independent Electoral Commission, as proposed by the Honourable Justice Muhammadu Uwais Electoral Reform Panel Report, 2007, ought to and should be unbundled and therefore broken down along its lines of functionality and responsibility, in such a way that that in the end, Nigerians would have the conduct of a free, fair and transparent election, with election results that represent the will of Nigerians. This we propose should be activated by:

1. An amendment to Sections 153 – 158 (1) & (2) of the 1999 Constitutional which should not only stipulate that "Independent National Electoral Commission shall not be subject to

the direction or control of any other authority", but it should rather provide for an active and full-time insulation for the Independent National Electoral Commission (INEC) and composite bodies created therefrom to wit, "That (a) The Political Parties Registration and Regulation Commission, (b) The Electoral Offenses Commission, (c) The Constituency Delineation Commission, and (d) The Independent National Electoral Commission (INEC) shall not be subject to the direction or control of any other authority and shall be free from the political, religious, selfish and sectional interests and sundry influences, especially from the parochial and selfish manipulations by the incumbent in terms of its composition and funding.

2. That the Honourable Justice Muhammadu Uwais Electoral Reform Panel Report, 2007 should be fully implemented, which implies that INEC as presently constituted ought to and should be split into three or more separate bodies and which shall include:
   (a) The Political Parties Registration and Regulation Commission,
   (b) The Electoral Offenses Commission,
   (c) The Constituency Delineation Commission, and
   (d) The Independent National Electoral Commission (INEC).
3. That according to the Honourable Justice Muhammadu Uwais Electoral Reform Panel Report, 2007, that the power to fill vacancies into all the resulting statutory bodies that would be created from what is INEC today, that is (1) The Political Parties Registration and Regulation Commission, (2) The Electoral Offenses Commission, (3) The Constituency Delineation Authority, and (4) The Independent National Electoral Commission (INEC), should no longer be performed by the Executive (President), but it should be transferred to political parties through an election. The National Judicial Council shall nominate six judges of unimpeachable quality, one from each of the six zones, and which panel shall conduct the election to fill the leadership of the four bodies created in place of INEC, and at a place to be designated by them. The Judges nominated from the NJC into the election committee for the INEC, et al., elections shall be changed every year, and the funding of all these election bodies funding should be made priority deduction of a first line charge on the Consolidated Revenue of the Federation, and credited one year before the year of the election.
4. That INEC shall be monitored and checked by the body so charged with the election of INEC Chairman and other members as stated in (3) above.
5. That the Chairman and members, of the four election bodies, that is to say, (1) The Political Parties Registration and Regulation Commission, (2) The Electoral Offenses Commission, (3) The Constituency Delineation Authority, and (4) The Independent National Electoral Commission (INEC) shall be advertising the vacancy in three national dailies. Qualified persons, who are confident that they are ready to change the narrative would come up and would be interviewed by the Nigeria Judicial Council, and the NJC would come out with five or such number of candidates that shall satisfy the laid out criteria. There shall be a composite body consisting of twenty (20) representatives each of all the registered political parties, which shall be forwarded to the NJC Chairman.
6. That the ensuing successful candidates would be made to face an election to be arranged

by electoral college consisting of twenty (20) representatives of all the political parties registered in Nigeria and done in an open place, and for which all forms of financial inducement, bribes or political interference would be outlawed and criminalized.

7. The Constitution and the Electoral Act should be amended so that INEC and the complementary agents that are birthed by INEC as now known would fix one date for conducting both the Presidential, Governorship, Senate, House of Representatives and States Houses of Assembly elections simultaneously, and a different date for holding elections into the office of Council Chairmen of the 36 states and FCT Councils, Abuja simultaneously.
8. That all and any such elections should be held at least six (6) months before the expiration of the term of the current holders of the offices in such a way that the courts would determine all issues of law and infractions before the date of swearing in or inauguration.
9. That the number of Election Petition Tribunals should be increased while the number of judges that sit on each tribunal should be reduced from five to three, so that more tribunals can be established per State and given that election matters are time-bound, the decisions would be delivered before the person so elected would be sworn in.
10. That the burden of proof for election petitions be removed from the Petitioner, and rather it should be placed on INEC and the Respondent, who are beneficiaries of the election that was declared.
11. That we urgently require the creation of an additional 30% of the existing legislative seats at the national, state and local government levels to make room for a more balanced proportional representation, and which ought to include at least a 25% for females and 5% for the physically handicapped.
12. The Electoral Act should also be amended to provide for the use of the modified Option – A4, which would further provide features to meet the expectations of the people. The accompaniment of this feature is expected to include technology driven transparent election result management which would cover direct transmission of polling unit results to the IREV after the counting and unit results declaration, the compulsory use of electronic system of voting through the BVAS Machines, electronic transmission of result to and through the IREV, a platform that allows voters and other interested parties from all over the world, to monitor the electoral progression, view pictures of the election results from each polling unit, including the number of votes cast for each candidate and the percentage of total votes cast, and all such accompaniment of an electronic voting and collation system.
13. We further suggest that other notable areas where the improvement should be made manifest to bolster voters' enthusiasm should be how to encourage participation and policing the elections to ensure that their votes count, reduction in voter suppression, vote buying, non-compliance with the electoral law and guidelines and manipulation of the results during collation. The four (or any such number of bodies) set up in place of INEC should provide means of reportage, or the reliance on whistle blower provision, and it should be provided, using opened channels, which shall be managed by MTN, GOL, 9-MOBIle and Airtell collaboratively with the four election agencies of government, with a caveat that any such pending reports would render the result from that unit potentially

inadmissible, and ultimately be disqualified and cancelled. This will make everyone a stakeholder, and to defend not only their votes, but their stakes and the candidates and their own party. It will with time erode impunity and recklessness on the art of politicians and power brokers. Announcement and placement of results which result from the "Option A-4" procedure on notice boards at the voting and result collation centres, will provide the incentive to all to guide and police the results.

14. That the amended Constitution and Electoral Act should further provide that any result that is not uploaded to the IREV Portal as soon as the election came to an end and the results were counted and declared by the Presiding Officer should be invalidated, as soon as a complaint is lodged against the said result, through the given channels provided, and which should not be blocked as stated in paragraph (13) above, by the Party Agent(s) or a voter at the polling unit, or as soon as the viewers observe such a lapse or default.

15. That from our findings, it is obvious that electronic voting and electronic collation of results and management of our electoral system will drastically reduce the time it takes to vote, collate and release election results. This implies that presidential and governorship election results would be available, released and declared within three to eight hours after the elections have been concluded.

16. That with the introduction of electronic voting, that Nigerians should be permitted by law to vote from anywhere they reside as at the time the election would be holding, and that more importantly, Nigerians in the Diaspora should be given the right to vote through electronic voting platforms, and posted to the IREV from the representatives of the election management bodies serving as attachés in the countries, or using any such means that shall be awfully provided by the amended constitution and electoral act from anywhere in the world.

17. That INEC should not under any circumstances whatsoever be given the option to determine which method of election results transmission and collation to use, but should be mandatorily required to use the BVAS model and to obligatorily transmit all election results from the Polling Units to the IREV, without which all such results would be voided.

18. That the amended electoral act should provide that any such officer or adhoc staff of INEC that delays the prompt transmission, or fails to transmit his/her results to the IREV should be prosecuted for economic sabotage by the commission so charged, and should stand be jailed for ten (10) years imprisonment or pay a fine of Ten Million Naira (₦10,000,000.00) fine.

19. That all cases of unstamped ballot paper(s) found in a ballot box, or found to have been used for an election including the likely introduction of ballot papers not issued to that unit, area or state as recorded by INEC at the Federal, State or Local government materials distribution and collation centres should be criminalized and all and any such INEC Staff found culpable should be prosecuted and liable to a ten (10) years imprisonment or pay a fine of Ten Million Naira (₦10,000,000.00) fine if found guilty.

20. That the Police and all the other Security personnel at the polling booths and centres should be conferred with powers to identify and arrest all persons allegedly committing, or about to commit all and any acts of electoral offences/violations, and the body so charged with

prosecution should commence prosecution of all and any electoral offender alleged to have committed an electoral offence at any polling units, during, before and/or after the elections. The provision that the Police and security officers t wait until the presiding officer gives the order to arrest is repugnant to good reasoning and common sense.

21. That after the Okuama Army massacre of Army officers on official assignment, it is imperative that all the security officers at all polling units carry arms, especially, as they would be given additional duties of making on the spot arrests of electoral offenders.

22. The Security personnel and other INEC personnel that would be engaged on the day of the election should be given the opportunity to cast their own votes, as it is most unjust to constantly disenfranchise such a large number of our citizens because they have to answer the national call to service. We propose that they be allowed to vote electronically a day before the actual day of the elections.

23. That the amended Constitution and the Electoral Act should prescribe stringent measures and stiffer penalties ranging from ten to twenty years imprisonment for all electoral offence, including prosecuting a serving President and Governor and the running mates for electoral offences in the same manner that we previously recommended for political interference and acts disruptive of the independence and autonomy of the Judiciary. (See Mohammed & Nyeenenwa, 2024: 14).

24. All persons including elected persons who are arrested, prosecuted and found guilty by the special courts so set up and manned by officers under paragraph 2 (b) above should be barred from participating in politics and elections for thirty (30) years thereafter. This would compel compliance and obedience to the Electoral Act, Rules and Regulations made under the Act, since it is common knowledge that it is the political elites that have shown their penchant for not playing by the rules of the game, violating the rules and guidelines and for ignominious acts of impunity. We align with Usman A. Yusuf, who succinctly observes thus, "A person who sees another being punished for corruption might not wait to receive the same punishment before deciding to refrain from this activity" (Yusuf 2014: 2). This was also the opinion expressed by Human rights watch, when it was said by them, "Under Ribadu, fear of the EFCC was seen as the beginning of wisdom for political office holders and you could see the impact. Corruption was not eradicated, but people looked over their shoulders before carrying out their corrupt activities. . . Perception is important – if people believe a Policeman will chase them, they are less likely to commit a crime. (Human Rights Watch 2011: 16). What is required is to act towards stamping out electoral misdemeanors, and once the people perceive that acting against the electoral law and guidelines will land them in jail, even the President will like to act safe.

25. The regime of "harsh" sanctions is what will restore confidence in the electoral process, and bring us back to the old days of our political experience when Nnamdi Azikiwe, a man from the East, contested and was elected to the Legislative Council in Lagos from the National Democratic Party (NCNC); Malam Umaru Altine, a Northern Fulani man was elected Mayor of Enugu, in the East and was also re-elected for a second term and when John Umoru, from Etsako in today's Edo State (Western region) was elected for the House of Assembly to represent Port Harcourt in the Eastern Nigerian House of Assembly. This

is how to shut the ethnic antics of today's Bayo Onanuga and "Free andfair elections in Nigeria are necessary to elect honest individuals as leaders who can serve as role models and minimize the negative impact of corruption on economic growth." (Adamaagashi, Izuchukwu P. 2023: 177)

26. Drawing on the inspiration of the above, and that facticity of human behaviour and psychology, we firmly hold that providing stiffer penalties for all forms of electoral offences like political violence, assassinations, arson, manipulation of results, falsification of election results, intimidation of voters, poor and biased electoral officiating, biased election observation, underage voting, hoarding and snatching of ballot boxes, unauthorized announcement of results, vote buying, monetization of politics, god-fatherism, gratification, giving and receiving of gifts by INEC and the political actors and a policy initiative that protects INEC hierarchy and the complementary electoral bodies from playing the trump card for the government in power or merely carrying out the wishes of the incumbent in power.

27. Introduction of complete electronic voting through adopting e-registration, e-voting, diaspora voting, e-collation, workable and functional website for transmission of result, political party registration and inclusivity of youths and persons with disability in the voting exercise.

B. There is an overwhelming need to reform the electoral process in Nigeria so that our democracy becomes responsive, more representative, elective rather than selective, reflection of the wishes of the electorates, and accountable to its citizens' diverse needs. It is pretty necessary to strengthen the electoral process so that its outcome becomes transparent, all-inclusive and a way that it practically enhances electoral integrity and legitimacy. It will be akin to taking one's "accidented" vehicle to a panel beater's garage, it will require a lot of shaping, reshaping, hard hitting shakes and blinding alterations to bring our democracy to shape. But the effort will pay off and we the better for it. The following areas are vital in making the electoral act a bit as responsive and relevant as we dare imagine and propose that in amending the Electoral Act, 2022, that subsequent amendments should take care to in addition to the recommendations above, it should consider:

i) Section 29 (5) and such other provisions which only permit candidates who participated in the elections to pursue pre-election litigation should be extended and expanded to include candidates from other political parties and the general citizenry to file suits against candidates who are adjudged to have questions to answer regarding their qualification to run for public offices to allow for fairness, accountability and responsiveness to the need and yearnings if Nigerians.

ii) Section 64 of the Electoral Act 2022 is ambiguous in the use of BVAS, posting of results, result sheets and sundry documents to the IREV. This provision should make it mandatory and compulsory for use of BVAS and posting of all results and noncompliance should be criminalized.

iii) Section 77 (3) of the Electoral Act, 2022 on submission of register of party members on or before 30 days to the date of the party primaries, congresses and conventions. Sanctions should be spelt out for failure to comply with this new provision.

iv) Sections 31 and 33 of the Electoral Act, 2022 should be reviewed to provide more stringent conditions for a candidate to withdraw and be substituted for any election whatsoever.

v) Section 121 of the Electoral Act should be expanded to expressly proscribe and outlaw vote buying, bribery and conspiracy.

vi) That the responsibility to monitor and investigate party finances provided for in Sections 86 and 87 of the Electoral Act should be made an inter-agency responsibility and not solely that of INEC.it should rather be constituted of INEC and security agencies including the Police, DSS and the EFCC and they should be saddled the duty to investigate all cases of such financial violations that they come to know of.

vii) The constant interference, impunity and flagrant violations of the Electoral Act and acts to circumvent the provision of the Electoral Act by politicians, especially, those in executive offices should be curtailed by removing the "immunity clause' in the 1999 Constitution and criminalizing all act of violation of provisions of the Electoral Act and guidelines or rules made thereunder.

C. INEC Act should be amended to make it mandatory and compellable for all the Presiding Officers at the polling units to transfer all votes recorded after the "Option A-4" voting, directly to the INEC IREV and with the caveat that (1) any result not transmitted to the IREV from the polling unit shall be rejected, and that any such presiding officer who so defaults shall be prosecuted and if found guilty, sentenced to a minimum of ten (10) years imprisonment without an option of a fine.

(B) LEGISLATIVE RECOMMENDATIONS:

The legislative arm of government, being the prime most contact that the people have with government, it is important for this arm to mobilise themselves towards enacting laws that will help in the delivery of credible and free and fair elections in Nigeria. The legislature should work with and for the people because the powers being wielded by the legislature is the power vested in the people and they should enjoy that right. This should be made dependent upon what Hampsher-Monk prescribes should be in the form of the legislator depending upon the people, or what he meant when he said, "The stricter the dependence of the governors on the governed, the better will the government be." (Dinwiddy cited by Hampsher-Monk 1992: 328). This can only be achieved when as Jeremy Bentham said, The purpose of all this regular routine is, in the words of Jeremy Bentham as captured by Hampsher-Monk, intended to "making individuals occupying government answerable to, and therefore their interests indistinguishable from, the governed. (Hampsher-Monk 1992: 329). We therefore on the strength of the importance and far reaching effects of the legislative acts directed towards a fraud free and credible election do suggest that elections and election matters in courts would be decided in the interest of the common good and so that the consequential results would reflect the will of the people if and only if:

1. There is an overriding need to do a massive overhaul of the 1999 Constitution, no longer to go by the piecemeal amendments the 1999 Constitution has received thus far from 1999, but to out-rightly do the needful, and which is re-enact a new people-oriented, peoples' common good directed Nigerian Constitution. What Nigeria needs is a constitution that reflects the spirit of the opening sentence, "We the people of Nigeria", one that addresses why the various nationalities want to stay or live together, the name they would wish to be called thenceforth, the form of government, the type of legislature – unicameral or bicameral, one that recognizes the powers vested in the people, one that reduces the powers vested in the President or Prime Minister, the role of traditional rulers, and whether the state structure or regional structure would be preferred. The Constitution that would make room for a referendum by the people to attend to all major amendments, one that does not guarantee blanket immunity to politicians, who use that provision to perpetrate all forms of crimes, one that criminalises and permanently outlaws the ubiquitous and unconstitutional practice of "cross-carpeting" or midterm change of party affiliation by political opportunists. This we suggest should be accomplished by inserting a clause that would expressly provide that if an elected representative on one political party platform cross-carpets, the person not only loses his seat or office by the automatic working of the law, but that it is an offence and for which the person(s) shall be prosecuted and liable to be jailed for 10 years without an option of a fine; or in the alternative to add a fine of One Hundred Million Naira for a Senator and a member of House of Representatives; a fine of Fifty Million Naira for a member of States House of Assembly or a Local Government Chairman; a fine of One Billion Naira if a Governor or Deputy Governor changes party midterm, and a fine of Ten Billion Naira if the President or Vice President changes his party midterm. We recommend also that the Commission sought to be formed under paragraph 2 (b) under the electoral reforms above would prosecute any such violations, and that there should be a provision that "any person" who changes his/party midterm" without allowing for any sacred cows. The legislature should acting and deriving their powers from their sovereignty in Section 4 of the present blighted 1999 Constitution, should enact a new constitution that would seek to address holistically, the inherent problems and inefficiencies of the 1999 Constitution. This could be gotten by hearing from the people of their representatives.

2. Poor and Ineffective Oversight Functions: The various lapses in the performance, under performance or failure of the electoral process and corrupt outing by the judiciary can be traceable to poor, ineffective and inordinate pursuit of material benefits during or alongside legislative oversight functions. Effective and good oversight functions by the legislature, not directed at getting a share of the budget approved, or good and induced verdicts from the courts, or a slot in employment or such immoral advancements and benefits, would force the election management agencies or authorities to be on their toes, guarantee them the much needed independence, impartiality and transparency in their operations. It will also help in sanitizing the courts and weeding out fraudulent and compromised judges. The performance of good and unstrung and untethered oversight functions would allow the legislators to see the need for adequate funding, making robust laws that would protect the electorate and prevent electoral fraud, etc., electoral dispute resolution, voter education, electoral infrastructure, and security,

voter suppression, gerrymandering, and electoral violence. We rely upon and look up to the legislature to enact laws that would address lack of transparency in the nation's electoral processes and prompt and credible and effective publication of electoral results.

3. Generally, it is recommended that the legislature look forward to make themselves ready to and take on themselves the onerous task of enacting binding legislations that:
   - **i.** That would see to the full and complete implementation of the Honourable Justice Muhammadu Uwais Electoral Reform Panel Report, 2007.
   - **ii.** Make laws that will bring to existence four or such number of legal entities that would take over from the INEC that we now know, and which include: (1) The Political Parties Registration and Regulation Commission, (2) The Electoral Offenses Commission, (3) The Constituency Delineation Authority, and (4) The Independent National Electoral Commission (INEC).
   - **iii.** Make the prosecution of electoral defaults and offences paramount, and which would include the prosecution any elected person who defect or changes party affiliation midterm, not merely pursuant to the seat being declared vacant by the relevant legislative house, but upon any proven report from those who stand to lose by such defection. This will literally ensure that the commission acts decisively in this direction and no lapses would occur from failure to get them notified or based claims of an improper procedure and the said vacancy filled through an election conducted to refill the vacant position(s), that would disdain orders of the court directed at truncating the process. All contests against the process should come in the form of post-election matters.
   - **iv.** Amend the constitution and complimentary laws to limit the tenure of all legislative positions, that is, Senate, House of Representatives and House of Assembly membership. To achieve this, we recommend the amendment of Sections 68 and 109 of the Constitution of the Federal Republic of Nigeria, 1999 by prescribing that members of the Senate, House of Representatives and Houses of Assembly of States shall only serve a maximum of two (2) tenures of Four (4) years each and nothing more. The voting in February, 2023 showed that the people want a change in representations, especially, because the Senate and House of Representatives have become dumping grounds for former Governors and other elected persons who continue to occupy and circulate their redundancy, failures, inefficiency and which obviously helps to overheat the polity. This will also checkmate the sit tight mentality of membership of the Senate, House of Representatives and Houses of Assembly of States who squander their constituency project payments, keep a fraction for re-election campaigns and return to the former positions of redundancy. This will also serve to re-orientate and realign our policies and thrust of governance since all hands will be on deck to deliver dividends of democracy to the people.
   - **v.** Make relevant laws that would eliminate and oust the "Bow and Go" system of screening of nominations for political appointments by the Senate and States' Houses of Assembly." In accordance with section 145 (2) of the 1999 constitution of the Federal Republic of Nigeria. Section 147 (2) of the 1999 Constitution says, "Any appointment to the office of Minister of the Government of the Federation shall, if the nomination of any person to such office is confirmed by the Senate, be made by the President." "Recall that the Senate had in the past

extended the "take a bow" courtesy, where the nominees would not be required to answer any question, to former members of the National Assembly and others considered very important in the screening process." (Henry Umoru – Vanguard 16th July, 2011). This should not continue in cases of national interest, where the people want to know what the nominees would be up to. And in any case where a nominee has a complaint against him/her, his/her screening should be suspended and the petitioner(s) called separately to substantiate their complaints. If there is any iota of doubt, the nominee should be disqualified.

vi. Respect the provision of Section 14 (3) of the 1999 Constitution stipulates that sovereignty belongs to the people, that all organs and arms of government, including all its elected representatives only derive their powers from the people themselves, and are bound to only act based on their consent. If any ministerial or commissioner nominee is to be excused from been screened, including former members of the National Assembly or States House of Assembly, then resort should be had to the people. In the absence of such parley, let all such nominees be engaged and screened according to law. We take a good example from how "The Senate questioned a former Minister of Finance and a Managing Director of World Bank, Dr. Ngozi Okonjo-Iweala who was literarily begged to come to Nigeria, from 12.10pm to1.17pm. Olusegun Aganga, 1.17pm, to 2.35pm. Professor Barth Nnaji, from 10.31 am to 2.03 pm, among others?" (Henry Umoru – Vanguard 16th July, 2011). Screening of political appointees for screening should be screened to ascertain the quality and caliber of persons to be given the responsibilities bestowed on them by the President or Governor. The constituency of these appointees are the Nigerian people, hence any means to subvert this indebtedness to the people should be jettisoned. Here, we view this recommendation within the points made by Senator Enyinnaya Abaribe, as captured by the online news media, *News Wire Law And Events* (26th July, 2019), that, "in global parliamentary practices, confirmation hearings are conducted for nominees to assess competence and qualifications." We are in agreement with him that all and any confirmation hearing by the Nigerian Senate and States' Houses of Assembly ought not to be operated merely for the endorsement but it should be made for the assessment of the nominees. Senator Abaribe had wondered why Nigerian confirmation hearings by the Senate were not directed at assessment, and bereft of words, he cautioned, "I think the Senate owes Nigerians a duty to engage these nominees on topical challenges that the country faces. There is insecurity, corruption, and poverty. We need to address this. The nominees must be able to tell us how they will address the economy so that Nigerians can follow them up. . .The Senate is not helping the Nigerian people to have the good governance that we all yearn for. I think we are in a very pathetic situation" (News Wire Law and Events, 26th July, 2019). This is basically, Lockean, as we can recall that John Locke did state that, in every community, each member, only surrenders or gives up only such quantum of power that is "necessary to the ends for which they unite into society" (Locke 2012: Sect 95, 99).

vii. Enact relevant laws and statutes that would attune the Constitution of Nigeria so that it not only permanently proscribe the ubiquitous unconstitutional practice of cross-carpeting or midterm change of party by political opportunists, by inserting a clause that if an elected representative on one political party platform cross-carpets, the person not only loses his seat

or office by the automatic operation of the law, but that switching party allegiance midway into office should be criminalized, and made an offence and for which the person(s) who engage in it shall be prosecuted and liable to be jailed for 10 years without an option of a fine; or in the alternative to add a fine of One Hundred Million Naira for a Senator and a member of House of Representatives; a fine of Fifty Million Naira for a member of States House of Assembly or a Local Government Chairman; a fine of Five Billion Naira if a Governor or Deputy Governor changes party midterm, and a fine of Ten Billion Naira if the President or Vice President changes his party midterm.

4. All postelection petitions should be determined from Election tribunals to the Supreme Court before the person so elected assumes office. The practice in Kenya and Angola where election petitions are determined by the Constitutional Court and the Supreme Court respectively within 140 days should be adopted. It should be emphasized and binding that all the electoral cases shall be fully determined by the courts before the winners would be sworn in and made workable by amending our laws and Constitution. This means that the legislature should amend the Constitution and the Electoral Act so that they together expressly stipulate that any elected candidate whose election petition matter(s) is still pending before a court (Tribunal to Supreme Court) and for which no verdict has been reached at the Supreme Court or whichever such Court, shall not be sworn in or inaugurated until such a time when the case has been fully determined.

(C) RECOMMENDATIONS FOR THE COURTS AND FOR AN IMPARTIAL, VIABLE AND VIRILE JUDICIARY:

1. The Chief Justice of Nigeria (CJN) it has been contended is vested with excess powers that not only has this caused grave consequences for our judicial system, but it also helps to frustrate and paralyse some other areas where the CJN's attention may be minimal. It has also been the demands from some quarters that the office of the CJN should be unbundled and split so that the CJN concentrates on administering the judiciary, that is the Supreme Court, Court of Appeal and High Courts under his superintendence. It has been suggested and we agree to a large extent that the Chief Justice of Nigeria should no longer assume the Chairmanship of the National Judicial Council (NJC), the Federal Judicial Service Commission (FJSC), the National Judicial Institute (NJI), and the Legal Practitioners Privileges Committee (LPPC) all simultaneously. We liken it to the cautionary note in the Holy Bible which warns, "No man can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye cannot serve God and mammon." (KJV) "You can't worship two gods at once. Loving one god, you'll end up hating the other. Adoration of one feeds contempt for the other. You can't worship God and money." (Message Bible). The truth behind the above statement is that, according to Matthew Henry's commentary, "No man can serve two masters, much less two gods for their commands will some time or other cross or contradict one another, and their occasions interfere. While two masters go together, a servant may follow them both, but when they part, you will see to which he belongs." (Matthew Henry's Commentary – E-

book).

This is the case of making the CJN to preside over five separate bodies at the same time, sit over cases and write judgments and decisions, and also perform administrative duties. Pin the words of (Adamaagashi 2023: 158), "The over-centralisation of authority under Nigeria's federal system, which was reinforced by the lengthy period of military rule, has been maintained to ensure that corruption is rife in the nation. The country's centre of authority, the government, controls the volume and type of economic activity. The government is, in essence, the economy." If this statement is collapsed upon what is obtainable in the judiciary, we are left with one centre of authority, the CJN, he controls everything that has to do with the law, legal practice and law interpretation. In short, the CJN is simply put, "the Law." This boasts smells of absolute power, which the pundits have repeatedly cautioned that it corrupts absolutely. This is why we support and join calls that the overbearing and overburdensome powers bestowed on the CJN, be unbundled. It will make for efficiency, purposeful leadership, effectiveness and convenience of the litigants, the bench and the bar and will address allegations of high handedness, lopsided appointments and actions taken in obvious violation of the moral code for judicial officers, breach of the rules against conflict of interest and without the least regard to: "the public interest, the interest of justice and the need to prevent abuse of legal process." and See Constitution of the Federal Republic of Nigeria, refer to S. 174(1)(b) and (c) Section 174(3), which though refers to the office of the Attorney General, but serves for the judicial officers as well. One such is the employment of the children of the CJN as a Judge without passing through due process. This offends Section 1, Part 1, of the 5th Schedule to the 1999 Constitution, which says, "A public Officer shall not conduct himself in a position where his personal interest conflicts with his duties and responsibilities. This is why the office of the CJN needs unbundling. (5th Schedule to the 1999 Constitution).

2. The bench, body of judges have had a more than enough share of corruption, proven and flying as mere allegations. As interpreters of the law, it is good to ask our Judges, when they swore oaths of office, were they innured from the provions of Section 6 of Part 1, of the 5th Schedule to the Constitution of the Federal Republic of Nigeria, 1999 (as amended), which provides that:

> **6.** (1) A public officer shall not ask for or accept property or benefits of any kind for himself or any other person on account of anything done or omitted to be done by him in the discharge of his duties.
> (2) for the purposes of sub-paragraph (1) of this paragraph, the receipt by a public officer of any gifts or benefits from commercial firms, business enterprises or persons who have contracts with the government shall be presumed to have been received in contravention of the said sub-paragraph unless the contrary is proved.
> (3) A public officer shall only accept personal gifts or benefits from relatives or personal friends to such extent and on such occasions as are recognised by custom:
> (4) Provided that any gift or donation to a public officer on any public or ceremonial occasion shall be treated as a gift to the appropriate institution represented by the public officer, and

accordingly, the mere acceptance or receipt of any such gift s hall not be treated as a contravention of this provision.

The widespread nature and recklessness with which the judiciary has become a place for profiteering has put the integrity and confidence of the people on the judiciary been the hope of the common man in chains, under lock and key of money. The Judiciary should swiftly swing into action and address this monstrous cancer before it devours the entire nation. "When judges and court officials are compromised, it results in the abuse of power, and the delivery of justice is compromised. Corruption in the justice system also creates an unequal justice system, where the rich and powerful can influence outcomes in their favour. Wealthy and influential persons can bribe judges and prosecutors to steer case outcomes to their advantage. This has led to a sense of impunity among the elite, where they believe they can get away with any wrongdoing." (). A worse scenario was that depicted in the report published in the Premium Times by by Ameh Ejekwonyilo, (Premium Times, 1st March 2024) tagged, "Corruption in Nigerian Judiciary is Extensive."

In her speech after being sworn in as the CJN, the current CJN, Kekere-Ekun promised to fight corruption in the judiciary. It is our suggestion that it goes more than mere rhetorics. Fighting corruption in the judiciary demands raw action, determination and political will. We suggest that a medium of communication be opened, where whistleblowers and victims of demands for payments of bribes and gratification would lodge their complaint, the machinery to thoroughly investigate these complaints should be set up and promptitude in addressing and tackling proven cases of errant judicial officers would pay off good dividends. would feed the office f the CJN with complaints and reports of such demands. From filing of court processes, to service of same, to applications for CTC of court documents, of for adjournments to allocation of suits, big money change hands in the Nigerian judiciary. (See the report of the United Nations Office on Drugs, 2023). It is counterproductive to have proven cases and instances of corruption of the bench, where and when court verdicts and interlocutory injunctions and orders are awarded to the highest bidders, and which should one and for all, fought to a standstill, and that will begin from how members of the bench are recruited.

3. The means and manner of recruitment of members of the bench informs at a glance, why it is difficult for the NJC to exercise disciplinary control over judicial officers after they are appointed by the CJN because the serving members of the bench are members of their family, persons with whom they share common patrilineal and matrilineal relationships. That is what corruption has turned our judiciary into. But if the CJN is unbundled, a separate and distinct body may take over the discipline of erring judges, and even if it remains the CJN, he will better manage how to discipline erring judges because his work load would have reduced considerably. It is hence recommended that the CJN retain the administrative and judicial leadership of the judiciary, but constitutional and other legal provisions be put in place which makes it binding on the CJN to mandatorily seek the ratification and approval of his responsibilities and functions which have a direct bearing on the generality of the populace such as employment, discipline, posting to election duties, so he would be assisted to take out obviously corrupt members of the bench notorious for taking bribes. This is suggested to ensure

that other colleagues of the highest echelon of the bench are carried along. This agreement is directed at having to validate whatever decisions the CJN arrives at, which hitherto lacked any such mutual support and has led to complaints in the past. We further suggest that the NJC have the office of a deputy chairman, who should be the next in command to the serving CJN.

4. In our proposal that the office of the CJN be unbundled, we propose that the incumbent CJN continues to hold sway as the Chairman of the NJC, but it should also have an executive secretary, who would be any of the retired Justices of the Supreme Court. He can initiate disciplinary actions against erring judges, if and when the CJN deters or is not forth coming on that issue. We suggest that the Chairmanship of the Legal Practitioners Privileges Committee be ceded to any of the past CJNs alive, one who could undertake that assignment. However, in appointing Senior Advocates of Nigeria, the input of the incumbent CJN should be sought as a condition precedent to conferring that title on deserving legal practitioners.
5. The cacophony that greeted the statement credited to Bulkachuwa, should inform the fact that all cases of election petition should not stop at the court of Appeal. If the cases of those Governors and Legislators whose elections, e.g., the case of Usman Tuggar represented by Agbakoba, whose fraudulent election victory was won by Bulkachuwa in court, Olisa Agbakoba, SAN., did say, "Senator Bulkachuwa's statement at the valedictory of the 9th Senate is a monumental disgrace for our institutions. This man deserves to be taken up immediately by the authorities. It is a blight on my confidence in our systems. I represented Usman Tuggar in relation to the disputed elections between him and Senator Bulkachuwa for Bauchi Nlorth Senatorial. We lost in three courts. Senator Bulkachuwa seems to suggest why." (Yusuf, 18th June, 2023). However in all these bodies the decisions and undertakings would only be validated by the membership of the Supreme Court Justices recently serving.
6. This will put paid to the cases of the overbearing and ubiquitous powers vested in the Chief Justice of Nigeria, and along with these changes, a robust and a review of the code of ethics for judicial officers by the NJC, prompt and decisive investigation and sanctioning of erring judicial officers and the strengthening of the integrity requirement for the appointment of judges and especially, making it more transparent as a device towards achieving judicial accountability.

(D) CONCLUSION:

According to John Dewey, an American 20th century Philosopher, "We do not learn from experience . . . we learn from reflecting on experience." We have reviewed, analysed and critically reflected on our experiences during and from the 2023 elections and from same have identified lessons and also learned from our experiences. While we acknowledge that there is nowhere a work of this nature can capture everything, for instance the ranting and threats of Musiliu Akinsanya (MC Oluomo) of Lagos State Parks Management Committee, who recorded himself issuing threats against non-supporters of APC, Bayo Onanuga, made posts issuing ethnic threats, FFK and Prof. Wole Soyinka issuing orders to kill and attack the Igbos voters in Lagos, and Chief Frederick Nwajagu, Eze Ndigbo of Ajao Estate, Okota, Lagos State, who "made a comment in response to the ethnic attacks on his community, saying that since they were not safe anymore, they would invite the Indigenous People of Biafra to protect them" and to show how dislocated along ethnic

lines we are, the Police and DSS promptly responded by arresting and charging Chief Frederick Nwajagu, Eze Ndigbo of Ajao Estate, Okota, Lagos State for "terrorism," maybe because he is an Igbo man, but nothing has been done to either FFK and Musiliu Akinsanya (MC Oluomo), Bayo Onanuga and Prof. Wole Soyinka to this date (Onwuka, 10th June, 2023, *The Punch Newspaper*). For anyone to cover all the topics and issues would be daunting, hence we have restricted ourselves to those that would provide a general reprieve and touch at the base of the issues which once managed, would be the trump card. This is located within the laws of the land and the political will of the legislature, the executive and the judiciary to pass good laws directed at promoting the common good and welfare of the people, and implementing and interpreting these laws so that the will of the people of Nigeria is upheld, respected and made sacrosanct.

In this work, we have made fantastic and classical recommendations by which seek to integrate these insights into our electoral undertakings. I have painstakingly explored the challenges, failures and short comings of the 2023 general elections as researched and gleaned from what is placed in the public space by Nigerians. Legal Practitioners, as one such group of patriotic Nigerians we believe that we have a big task working towards re-ordering and reorganizing and reforming our electoral system for optimum performance. And for the records, if our electoral system is one that affords everyone an equal and fair playing ground, then we must be certain that with the sort of enthusiasm and zeal that Nigerians exhibited in 2023, that Nigeria is very close to getting ourselves out of the woods.

We have whipped up a huge dosage of patriotism and an unbiased commitment to the ideals of a democratic state by coming with such magnitude of an unbiased and dispassionate observation regarding where, why, when, which and what went wrong with the February 25th, 2023 general elections. By collapsing our experience therefrom onto our in-depth contemplation, questioning, speculation and philosophically rigorous analysis and of that experience, we have presented to us a layout of such problems we anticipated, which aren't all there are, and made consequential recommendations thereto. We hope and believe that if these recommendations are studied and diligently adopted into our body of statutes, it will engender far reaching electoral, political and judicial reforms which will take us out of the woods of permutation and fraud. Finally, we recommend that politicians should not be allowed to manipulate, disobey laws with impunity, and find their ways around an enacted electoral law, guideline and rule that are enacted so that our democracy will grow and deliver to its citizens, the dividends of democracy that would satisfy the yearnings of Nigerians, at home and in the diaspora.

Our research argues that the amendments sought after should capture the full and complete implementation of the Justice Mohammed Uwais Report, 2007; by demanding the split of INEC, the unbundling of the judiciary, and the introduction of such other radical changes that will make all electoral offence felonious. We conclude that if the eventual electoral process mandates the use of BVAs, the immediate electronic transfer of all polls result to IREV, electronic collation and transmission of results, the prohibition of all and any use of manual methods for the final collation of election results, that electoral fraud, manipulation and all forms of undue interference and

impunity would disappear. We also add that such other groups that have been left out of the voting process like the security personnel and Nigerians in the diaspora should be incorporated.

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