

Democracy and the Challenge of Credible Election: Perspectives on the Independent National Electoral Commission (INEC) and the 2023 General Election in Nigeria

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Abstract: *This article analyses democracy and the challenge of credible election. It explores how the failure of Nigeria's independent National Electoral Commission (INEC) to collate and transmit votes in real time via the Bimodal Voter Accreditation System (BVAS) despite the many promises of credibility of electronic voting during the 2023 presidential election negatively affected the electoral process leading to the challenge of the electoral outcome in the court of law. Building on institutional theory, the study argues that, it is not enough to put in place electronic voting rather demonstrates that institutional inefficiency such as delay in uploading and transmitting electoral results into the Bimodal Voter Accreditation System (BVAS) and poor operational capacity of INEC in timely collation of results contradicts transparency a hallmark of democracy. The article examines how the challenge posed by non-timely transmission of election results, undermined the electoral outcome and pose a challenge to credible polls. It concludes that the combination of several factors and particularly elite corruption, led to the failure of INEC to conduct credible polls. In the alternative, the study made some policy recommendations for credible polls.*

Keywords: Democracy, Credible Election, INEC, Institutional Capacity, Nigeria

1. Introduction

There has been a growing recognition of the role of credible election in strengthening democracy in the developing countries, in particular, the way in which electoral irregularity has become an inherent contradictory feature of developing democracies (Bratton, 2008; Igwe & Amadi, 2021). As analytical discourse, election in Nigeria is traced back to the colonial era. Colonialism in Nigeria introduced the elective principle under the Clifford constitution of 1922 under which Nigeria held the first elections in British West Africa (Coleman, 1959), as Nigeria's election began to chart a pathway to conceptual grasp of both governance and self-rule. Thus, the idea of election, whose African origin is a colonial legacy is often regarded as lacking the much-needed credibility and pro-democracy rooting of its Western origin (Falola, 2009; Igwe & Amadi, 2021).

In contrast, election in Nigeria is often seen as a war characterized by hooliganism, touting, chaos and serial crises as its defining features. These prove a less transformative component to the ideals of democracy.

The discourse on election in post 1999 Nigeria following Nigeria's nascent democracy is important in contemporary African politics as Nigeria is Africa's largest democracy. Election involves local and global patterns of socio-political relations, whose Nigerian expressions are in important ways distinctive.

In revisiting the themes of election in Nigeria after several years of military rule, the paper focuses on post 1999 era, specifically on the most recent presidential election in Nigeria namely the 2023 presidential election, the oeuvre of Independent National Electoral Commission (INEC) remains a point of recent scholarly debate.

Since Nigeria's nascent democracy in 1999, the conduct and management of election has been a major challenge to democratization. According to a number of recent studies, free, fair and credible election has been a problem in most developing democracies as elections are marred by either violence or irregularities (Diamond, Jonathan, Juan & Lipset, 1999; Onimisi & Tinuola, 2019; Igwe & Amadi, 2021; ICG, 2023). Collier and Vicente (2014) posit that violence, bribery, and fraud have been central to the political economy of elections in Sub-Saharan Africa.

With the recent political crisis and hooliganism in Nigeria's presidential election and the contest of the outcome of the election in the court of law, alongside the broader rise of post-election violence across Nigeria, it appears that some of the core foundations of electoral democracy are contestable. Such developments have led to an scholarly discourse interrogating the verity of Nigeria's democracy (Igwe & Amadi, 2021).

Much of these response, however, have tended to overlook the longer-term significance of credible polls in fostering democracy transformation and inclusive governance—a knowledge gap which extends to mainstream theorizations in democracy among developing countries, which emphasize democracy as 'the only game in town' based on the Western liberal democratic ideals without critical review of the credentials and basic elements of third world democracy (Linz, & Stepan, 1996). The contestable dynamics of the nature and conduct of the election still veiled the doubt of post-1999 transformative democracy despite the introduction of electronic voting system

. The aim of this paper is to examine the evolving forms of democracy transformation in post 1999 era including the introduction of Bimodal Voter Accreditation System (BVAS), and how the BVAS believed to be an innovation in Nigeria's electoral democracy could not deliver the much expected free, fair and credible election.

Despite the recent electoral Act and the introduction of electronic voting through the use of BVAS, which transmits electoral results in real time, it appears the transmission of results in the 2023 presidential election was compromised. For instance, a recent report by the European Union Election Observer Mission (EUEOM), found that in the presidential and National Assembly elections conducted on the 25th of February 2023, votes for the presidential elections were not transmitted in real time across the nation (EUEOM,2023). Such delay, which is not only unconstitutional, accounts for inefficiency and poor capacity of INEC to manage the electoral process efficiently despite the sum of 305 billion naira approved by the Central Bank of Nigeria (CBN) for electronic voting system.

Against this backdrop, this paper seeks to review this depiction of the 2023 presidential election in Nigeria by critiquing INEC and the conduct of Nigeria's 2023 presidential election. The paper highlights the persistent significance of free, fair and credible election in the core liberal democratic ideal. In particular, it draws attention to the failure of the BVAS believed to be an innovation to Nigeria's electoral system. The paper analyzes democracy and the challenges of credible election in Nigeria. It examines the 2023 presidential election in Nigeria drawing on a critical exploration of INEC and its response to the dynamics of the electoral system following the introduction of the BIVAS.

In particular, the paper follows on the heels of a number of recent reports and scholars who have emphasized the conduct of the 2023 presidential election (EUOEM,2023;ICG,2023) to substantiate whether and how the conduct of the election is in compliance with Nigeria's recent electoral Act or otherwise. In the alternative, it highlights the role of credible election as a key driver of democracy.

This emphasis on the linkages between INEC and poor conduct of election not only underscores some neglected aspects of democracy but also better accounts for the specific ways elites and complicity have undermined democracy deepening and consolidation in Nigeria by identifying how the delay by INEC to transmit the election results in real time, undermined the credibility of the process. Simply put, the massive financial investment on electronic voting and the assumption that electronic voting was an ideal option for transparent election and the contradictory conduct of the election will be examined.

The contribution of our study is two-folds. First, our results reveal a significant negative relationship between INEC and credibility in the conduct of the 2023 presidential election. However, if we consider the reports by other agencies such as EUEOM, Human rights groups such as Human Rights Watch, Amnesty International, International Crisis Group (ICG) etc, our findings highlight that the election was marred by violence and rigging in places Like Lagos and Rivers State. Thus, the paper shows how inefficient electoral system acts as a causal factor in explaining the various forms of irregularities that characterized the presidential election.

In this context, the paper suggests the need for a new policy response to the nature and conduct of Nigeria's elections to forestall future electoral corruption, fraud and violence.

The rest of the paper is structured as follows; theoretical framework, materials and methods, literature review, INEC and challenges of credible election in Nigeria and conclusion.

2.1 Theoretical Framework

Much of the academic research on the relationship between election and democracy is derived from studies in various theories, such as legitimacy (Suchman,1995), stakeholder (Freeman,1984), stewardship (Donaldson & Davis, 1991). Other theories have also been used to analyze governance as central to growth and development. This has been the central thesis of the legitimacy theory, pointing out that election gives a government the legitimacy to perform in the business of governance

This theory suggests that governance should derive from popular opinion, which should prevail over the use of force or imposition, which is not only illegitimate but against popular opinion since democracy is premised on the will of the people.

Prior studies have provided insights into the role of democracy in fostering good governance

(Mkandawire,1999, Sen,1999; Ake,2000). For example, according to Sen (2000) democracy has a universal value, an expansion of this thesis helps understand the various contexts democracy promotes good governance, thereby improving overall performance of a government and the wellbeing of the people.

Nigeria's democracy —like much of the history of young democracies—has been confronted with contradictory outcomes such as arguments regarding the inability of INEC to conduct free, fair and credible elections. Thus, in over two decades of Nigeria's democracy, the much-expected democracy transformation has not taken place despite recent reforms including the electoral Act and the adoption of electronic voting system. On the contrary, election results are still contested in the law courts, what factor(s) account for this anomaly and contradiction?

The need to find answer to this reoccurring problem informed the basis to adopt a more critical but encompassing theory that can provide detailed analysis and deepened exploration of the issues of election and democracy in Nigeria. This paper theorizes election as an organic and constitutive institutional element of democracy, that must evolve from the people individually and collectively as well as their commitment to abide by the workings of democracy within the liberal political order. It demonstrates particularly, the need for evidence within the "institutional political" dimensions of democratic practice such as the conduct of elections.

The ongoing organic tensions and crises within Nigeria's democracy as a political practice, reflect the non-commitment of the institutions charged with the responsibility to conduct free, fair and credible elections within the normative assumptions of democracy (ICG,2023).The contention regarding the credibility of Nigeria's electoral democracy since 1999, thus, limits the scope and depth of democratic forms of governance, thereby providing openings for the interrogation of the credibility of the institutions charged with the responsibility of conducting the election.

This paper therefore follows the institutional theory(Milner, 1997; Easterly and Levine,2003; Rodrik, et al. 2002; North,2004;Fukuyama,2023)and stresses the importance of INEC as an institution in the conduct of election. Proponents posit that institutions matter for the success of governance (Easterly and Levine,2003; Rodrik, et al. 2002; Fukuyama,2023). The theory of institutional capacity holds that actors must demonstrate the capacity to deliver in line with stipulated guidelines in a given public responsibility(Amadi,2018). In this context, did INEC demonstrate the capacity to deliver the conduct of the 2023 presidential election through electronic voting system?

INEC as an electoral umpire is not only responsible for the conduct of the election but must reflect credible institutional apparatus that can guarantee free, fair and credible polls as stipulated in Nigeria's electoral Act and in consonance with the general assumptions of democracy. And especially in fostering inclusive and effective accountable poll—and further to strengthen a distinct electoral democratic order as a foundational and legitimate feature of liberal democratic politics . While INEC has been constitutional bestowed with this important role to strengthen Nigeria's democracy, it appears that the discharge of these responsibilities appear contradictory or in some respects, non-transformative in line with both the provisions of the constitution and the electoral Act (Ejekwonyilo,2023). INEC has also historically demonstrated a consistency with questions of electoral fraud and irregularities —a defamatory element of Nigeria's democracy since 1999. It is this “contradictory notion” emanating from the “question of non- credibility in Nigeria's polls that makes the theory of credible commitment much more plausible to understand contemporary trends in the conduct of Nigeria's 2023 presidential election c and which in particular, offers new insights for democracy transformation.

The theoretical relevance of the institutional analysis is three-fold. First, while demonstrating the many contradictions of INEC as an institution in the conduct of election in Nigeria with questions of inconsistency with uploading and transmitting electoral results, our theoretical approach suggests that there is need for a deepened investigation to identify the various processes of such institutional irregularities. Secondly, the place-based analysis of institutional capacity seeks to understand the specific places specific events happened and why they took place in contradiction or in support of stipulated rules, in our context, the electoral rules.

Thirdly, institutional approach has often been recognized by most critical accounts of political trends, particularly with regards to the reoccurring problems of non- democracy transformation and elite complicity that negates playing by the rules such as the question of corruption, vote buying, arson, shooting in elections etc. and the utilization of electoral violent forces as instrument to alter the laid down rules of democratic elections.

2.3 Materials and Methods

This study adopted a qualitative research design, which builds on content analysis methodology. A deepened review of qualitative data were undertaken, data were sourced from multiple authoritative sources including books, journal articles, bulletins and internet materials. We reviewed recent reports from European Union Election Observer Mission (EUEOM), Armed Conflict Location & Event Data Project (ACLED) and International Crisis Group (ICG).Data were analyzed thematically in line with the research objectives. Specifically, the data sourced were recent publications since 2023 following the conduct of Nigeria's presidential election on February 25,2023. Our choice of presidential election is because of the ongoing contention and tension with the outcome of the election and in particular, the presumed delay by INEC to transmit presidential election votes “in real time” as promised during the pre -election period. Such contradictions, which have several political and policy implications including contesting the credibility of INEC partly informed the present investigation.

Similarly, our review of secondary data offers a deepened insight to understand the various ways INEC and the nature and conduct of the presidential election is reported and why such accounts are important for democracy transformation in Nigeria

3. Literature Review

This section discusses some of the conceptual issues in the discourse. Two intersecting terms will be explored namely; democracy and election.

3.1 Democracy and Election

There are several conceptual debates in the literature discussing democracy (Diamond 1988;Braton,2008;Ikenberry,2018).For Ikenberry, the concept of democracy is framed within its liberal component and in particular, the rise of US hegemony(Ikenberry, 2018).This conceptual debate shares some broad affinities with neo-liberal debates earlier espoused in the works of CB Macpherson (1974),that the “liberal” component remains a distinct feature of Western democracy.

Liberal approaches, emphasize the more consensual aspects building on freedom and constitutionalism as well as marketization embedded in the specific socioeconomic characteristics of liberal capitalist order. According to the liberal proponents, the US-centered, post-WWII order was achieved through the formation of a new transnational “historic bloc” concomitant to newly established

“neoliberal” states in Western Europe and the United States (Gill & Law, 1989; Rupert 1995; Ikenburry,2018). In all its prospects, Ake (2000) questions the feasibility of democracy in Africa. The rise and spread of liberal democracy gained momentum in the 1990s following the end of the old War and triumph of liberal democracy, giving rise to the debate on third wave democracy(Huntington,1991).

The sensitive role of election has made it a crucial element in democratic system because without election, “democratic” leaders will not emerge (Diamond et al.1999). In fact, the electoral system of any country determines to a large extent the quality of its democracy (Braton,2008).

Election is one of the most important elements of democratic governance (Braton,2008), particularly in diverse and multi ethnic societies or what Robert Dahl termed plural society(Dahl,1998).Recently, researchers around the world have increasingly explored the Impact of elections in a democratic system. Several of these empirical studies have shown that in many countries, election is central to the success and promotion of democracy (Igwe &Amadi,2021). Such perspectives highlight the growing importance of credible election among contending vies and ideologies rather than autocratic tendencies or parochial interests, popular election accommodates a wide range of opinion and groups from diverse ethno- linguistic ,religious or cultural background(Igwe & Amadi,2021).

The distribution of power derived from electoral processes is even rather than static as peoples’ opinion are reflected through voting as majority emerges winner (Braton,2008).

There are studies investigating voters’ responsibility as central to the conduct of credible election. Such responsibilities include insisting the votes count and systematically following upon the entire post voting process. In developed democracies ‘voter’ responsibility is essential for credible election. In Canada, Cutler(2008)has empirically examined the complex issues of voters and responsibility highlighting the strategic relevance on monitoring. In a recent study, Cutler (2017) emphasized the need to fulfil certain basic conditions for electoral accountability in a federal system much of the condition includes transparency in the entire electoral process. Proponents of institutional capacity in the conduct of election emphasize the need for what De Vries et al (2011) termed “clarity of responsibility” pointing out how political institutions could condition issues of voting. Dimova(2020)insists that accountability is key to democracy transition beyond elections. Such concerns regarding accountability led Harell et al. (2020) to argue that there is need for a democracy check-up data set to ensure that there is accountability. Similar accounts, reinforce the need for voters to assign responsibility to themselves in the course of election (Hbolt & Tilley,2014).Further, Hobolt et al. (2013)emphasize the need for more clarity of responsibility pointing out that government cohesion could condition voting performance. The contradictions of vote buying and similar vice have been identified as counter to the electoral process(Anderson,2000)

However, according to Collier (2009), elections are meaningless when votes do not count in a country as a result of electoral corruption such as vote buying or where the institutions that could conduct such elections are either weak or the quality of the enforcement of electoral laws are either compromised or poor.

Generally, viewed from several perspectives, we can identify not only the connection between election and democracy but also the specific contexts that election conform to democracy as a political order (Woodley, 2010; Saull, 2015).Such relationships—that at certain contexts define the conduct of elections—derive from adherence to fundamental elements of liberal order.

Although prior studies have examined the need for credibility of Nigeria’s electoral system by examining strict adherence to the electoral Act (ICG,2023; Biriowo,2023), this study explores institutional aspect of Nigeria’s electoral system and identifies a new useful proxy namely *complicity* that empirically suggests the importance of effective electoral system or INEC to enforce extant electoral laws that could foster credible election. Our study shows that despite BVAS, INEC could not conduct credible election. However, a number of factors can also make or mar the electoral system. Some of these factors, which have not been adequately explored in recent scholarship is central to this paper. The present paper focuses on Nigeria’s electoral umpire namely the Independent National electoral Commission(INEC).In this context, research on the relation between democracy and election has highlighted the relevant role of the quality of the electoral umpire, which can guarantee free, fair and credible election.

3.2 Election in post 1999 Nigeria

Since Nigeria’s democracy in 1999 number of studies have examined the country’s elections(Egwu,2007;Ibeanu,2006;Igwe & Amadi,2021) Samuel Huntington’s (1991) celebrated thesis on third wave democracy and many other works such as Dahl, (1998),have inspired scholars to focus more closely on studying how elections should be governed and which governance mechanisms should be implemented to ensure the alignment of the interests and risk preferences of all stakeholders in the electoral process.

Several empirical and theoretical studies have focused on election structures and other democratic mechanisms to determine their effects in ushering in good governance (Collier,2009; Biriowo 2023).

Electoral mechanisms provide assurance that peoples vote will count, however the actualization of this promise remains a problem since Negeri’s democracy in 1999.The literature on post 1999 election in Nigeria points too this direction. For instance, Egwu(2007) argued that Nigeria’s successive elections have been less credible.

Such vices as vote buying subvert credible polls or account to primitive accumulation of votes (Ibeanu,2007). There are numerous mechanisms in place that govern or control the conduct of lections. Some of these mechanisms as voter accreditation are internal and concern, for

example, credibility of electorates in elections . Others are external, and concerns INEC and the conduct of the election such as the transmission of election results.

While typical election credibility thesis refers to the overall conduct and management of the electoral processes— the most important concern has been on the credibility of electoral outcome.

Normally, electoral umpire is meant to play credible roles. On one hand, using their commitment and trust, they can conduct by playing by the rules of the electoral system; in fact, truly independent INEC in Nigeria's context can check electoral irregularities.

When politicians pursue private goals, which can harm the political space. As a consequence, the non control mechanism or complicity of INEC has a negative implication on electoral outcomes. Several studies have shown that this problem is usually more important in situations characterized by a complicit INEC and increasing corruption, for example, when the BVAS was provided for the conduct of Nigeria's 2023 elections by INEC, the people were impressed that their votes would count, INEC reassured them and emphasized that results would be released in "real time" (ICG,2023;ACLED,2023). On the other hand, the electoral Act stipulated several guidelines under which election could be made free, fair and credible.

4. INEC and Challenges of Credible Election in Nigeria

The quality of electoral system is dependent on a number of factors such as the level of independence of the electoral body, the integrity of the electoral officers and the level of adherence to statutory provisions (example Nigeria's electoral act), the degree to which such statutes are enforced and the willingness of political office seekers to play by the laid down electoral rules. This means that to ensure credible elections, it is not only important that laws define both the electorates' rights but also important that an efficient electoral system protects these rights, enforcing the laws and, consequently, protecting the electorate against electoral violence.

Secondly, the electoral system must ensure that political office seekers are made to adhere strictly to laid down rules for the conduct of elections. Such rules help to check irregularities including vote buying and similar corrupt practices of the political office seekers.

The study of INEC and Nigeria's electoral system has a substantial body of literature (Campbell,2010; EUEOM,2023). With specific reference to the 2023 presidential election and, in particular, the nature and character of the conduct of the election across Nigeria, a number of theoretical perspectives have sought to explore the various processes, which played out (ICG,2023; ACLED,2023,HRW,2023). Our primary focus here concentrates on the 2023 presidential election, arguably one of the most recent innovations in Nigeria's election is the introduction of the BVAS. Yet discourses of the specific ways the BVAS aided or marred the election has been in the margins in contemporary research in Nigeria's election, particularly in relation to the electoral Act.

The EU report has provided one of the most sustained account of both the nature of conduct of the election and its outcome. The EU mission in their report clearly identified the violation of the laid down rules by INEC. The report based their consideration on the assumption that the entire electoral process was marred by irregularities.

In addition to INEC not being "independent" as exemplified in chaos, touting and non-cancellation of election results in areas such as Lagos and Port Harcourt where people protested the outcomes of the election remains contestable. As a consequence, all presidential aspirants rejected the outcome of the election results notably Peter Obi of Labour Party and Atiku Abubakar of the People's Democratic Party and Rabi'u Musa Kwankwaso of the Nigerian National Democratic Party (NNDP).

Studies examining the effects of non-credible election on democracy across countries have supported the need for strategic overhaul of the electoral system (EUEOM,2023). Thus, there is no convergence between the voters and the results of the 2023 presidential election.

In a democracy, for elections to be credible it must be free of violence and results must be transmitted in real time where electronic voting system is adopted (Colier,2009). The relevance of this point for understanding both democracy and election is that these contradictions—which had driven much of the post 1999 election in Nigeria—have, to a significant degree, undermine the democratic process.

The numerous crises that has confronted the election has shown the structural interconnections between the corruption and complacency on the part of INEC. ACLED(2023) has provided further empirical and theoretical substance to the complex problems of the election by explicating "the underlying crises and chaos that shape the manner of the electoral processes," whilst demonstrating the ways in which the voters were either sidelined, threatened or battered for voting candidates of their choice. Such voter intimidation caused apathy in the subsequent election (EUEOM,2023).

For these reasons, it is worth exploring the tensions and contradictions in EU's account and its implications for the challenges of credible poll with more critical electoral approaches.

Central to EU's analysis of the election is an emphasis on the contrasts to the liberal-democratic ideals of the "West. According to the EU (2023), the specific non-democratic character of Nigeria's election accounts for the inability of INEC to achieve such historically unprecedented electoral results in terms of free, fair and credible election. Similarly, International Crisis Group(2023) argued quite explicitly that there are various instances of violence and violation of electoral rules such as stuffing of ballot boxes and voter intimidation. Including vote buying as each violent scenario is linked with the other against the shared democratic tradition. Democracy, which has been both an end and a means," thereby works with an explicit "domestic value" in understanding its basic ideals

Particularly significant was the non-transparency of INEC and non-conformity with democratic norms. For example, election results were not transmitted in real time as INEC repeated promised(INCG,2023). Because INEC was less consensual, cooperative, and integrative to democratic forms it has been coercive and specifically, non-transparent(EUOM,2023).

With specific reference to the 2023 general elections and, in particular, the distinct character of the political actors during the elections, a number of studies have sought to explore the various ways electoral violence marred the election (EUOM,2023:ACLED,2023;ICG,2023).According to European Union Observer Mission, "the 2023 general elections did not ensure a

well-run transparent, and inclusive democratic process as assured by the Independent National Electoral Commission (INEC)" (EUEOM,2023:6). A number of recent studies have explored electoral violence in the 2023 general election in Nigeria (ACLEDE,2023; Ebuka,2023;ICG,2023; Biriowo,2023). For instance, situation summary of the Nigeria Election Violence Tracker provided by ACLEDE(2023) highlight that Factional infighting continued to dominate Nigeria's political landscape over the past two weeks as the country approaches the 25 February elections.

Ebuka(2023) identified issues of electoral violence, including vote-Buying, in the 2023 General Election in Nigeria. Similarly, in their studies both Biriowo (2023) and ACLEDE (2023) found that despite the electoral Act the outcome of 2023 general election was not only poor but compromised. This perspective is further corroborated by EUEOM,(2023:6),which asserts that the widely welcomed Electoral Act 2022 (the 2022 Act) introduced measures aimed at building stakeholder trust. However, the Act's first test in a general election revealed crucial gaps in terms of INEC's accountability and transparency, proved to be insufficiently elaborated, and lacked clear provisions for a timely and efficient implementation.

Institutional capacity management also called strategic management, according to Bliss(2023)is the process of laying out plans and organizing available production resources to run a successful organization. As a strategic management strategy, Bliss(2023)identified some of the steps in institutional management to include, identifying the current situation, identifying the desired situation and determining the steps necessary to get there. Bliss further argued that the idea behind the process is to lay out a strategic plan that outlines concrete steps to maximize a company's success. This process can improve business by allowing an analytical view of how the business could best operate.

Did INEC adopt or take such concrete steps in the conduct of Nigeria's 2023 general election?

INEC is a constitutionally independent body composed of a Chairman (Chief Electoral Commissioner) and twelve other commissioners with extensive responsibilities, including organizing all elections down to state level, registering and monitoring political parties, registering voters, delimiting constituencies and prosecuting of electoral offences (EUEOM,2023). The Resident Electoral Commissioners (RECs) operate at the state level they perform their functions as delegated by INEC. The INEC commissioners and the RECs are directly appointed by the President, subject to confirmation by the Senate. INEC maintains permanent offices across the 36 states, the FCT and 774 LGA. The Constitution provides that all members of INEC are strictly non-partisan (EUEOM,2023:15).

5.Conclusion

Contextualizing the connections between INEC and credible election provide an important historical backdrop to understand the challenges of Nigeria's democracy in over two decades.

The study elaborated on the continuing presence of INEC and electoral irregularities in contradictory ways. Here the question of credibility, transparency and accountability—conceived by scholars of democracy as the dialectical fusion of popular consent has rarely been central. Following the historical conditions of Nigeria's election, one would have expected that the introduction of electronic voting system (EVS) would have been a game changer in Nigeria's electoral system as promised by INEC, perhaps ushering in a credible electoral system. Ironically and contrary to expectation, the 2023 presidential election result released by INEC remains contestable and appears not to have reflected the true voting pattern of the people. Such contradictory scenario is precisely the situation in post 2023 general election results in Nigeria, where the younger generation who believed their votes more than ever would count, were denied such representations.

Such contradictory electoral outcome is viewed as both a challenge and contradiction to the ideals of democracy. In Nigeria since 1999, election appears not to have reflected the true will of the voters

Thus, election has been characterized by an unrealistic "dialectic of compromise" that has increasingly undermined the will of the people. Such vice has been at variance with credible polls involving INEC and the political elites on one hand and the people yearning for credible polls on the other. Thereby undermining electoral transformation, and progressive change in Nigeria's electoral democracy.

To overcome this persistent anomaly requires a more patriotic and radical approach. The issue is clearly institutional failure. There is need to build a new institution where the old order could give way. This should involve the people and their direct involvement in the conduct of the election is no longer about electronic voting but how to make the voting pattern work as INEC has failed. Thus, new political orientation and commitment to democracy that works is essential. New electoral laws are needed to provide a new legal framework to conduct the election and punitive measures to electoral officers who fail to abide by the rules of the game. Indeed, the electoral Act was sidestepped and appears not complied with as INEC did not upload the results 'in real time' as promised. New policies to redirect the modus operandi of INEC from the collation to transition of results is needed. Resisting the rules of electronic voting should be decisively dealt with by law. For instance, INEC was neither condemned nor penalized for being complicit.

Building a new electoral model based on a decentralized electoral system and overcoming the independence challenge of INEC through broader inclusion of stakeholders in the electoral process such as civil society groups could transform Negeri's contradictory electoral system. Firstly, the article assessed the political process and legal framework vis-à-vis transparency in a quasi-federal democracy like Nigeria. Secondly, it analyzed how INEC's conduct of the election posed a threat to Nigeria's democracy. The study followed institutional theory and sets of qualitative data, and argued that despite electronic voting, the conduct of credible election remains a challenge. The emphasis of this paper is not to question the nature and conduct of Nigeria's 2023 presidential election, rather, to identify and raise new questions regarding how to institutionalize a credible electoral system where votes can truly count. This study intermittently challenges the prevailing electoral system in particular, with issues regarding the evidence of persistent decay and rupture in over two decades of

democracy in Nigeria and non- transformation associated with the post-1999 electoral democracy from the past and the challenge of electoral fraud and contestation of electoral outcome in the court of law.

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