

Post-Election Litigation and Socio-Economic Underdevelopment in Nigeria: The Nexus and Effectual Exposition

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Abstract: The study focuses on post- election litigations as it has become a norm in the conduct of election in Nigeria and its effects on socio- economic development. Through secondary and primary data particularly observation methods of injury, the study reveal that reign of systemic corruption in Nigeria has negative effects on the electoral ecosystem which equally affects the genuine operations of the judiciary over true verdicts of post-election litigations. The paper also reveal that diversion of public funds meant for developments in pretext into elephant (big and unending) projects but financial conduit for financing post-election litigations depicts the nexus between post-election litigation and socio-economic underdevelopment in Nigeria. Besides, the paper establish that the role of godfatherism in Nigeria politics, appointment of incompetent hands in government at the expense of technocrats, enthronement of nurtured fraudulent politicians as leaders and fear of uncertainty which deters investors among others are effects of post-election litigations on socio-economic development in Nigeria. Political education, life imprisonment for corrupt electoral staff, Judges and Justices, stoppage of money politics which fuels the role of godfatherism and its related illegality are among others are recommended herein by this paper.

Keywords: Democracy, Post-election, Litigation, Socio-economic, Underdevelopment.

I. INTRODUCTION

The state of nature as it was viewed by John Locke in Omoregbe (2010) was peaceful, however, men could not satisfy their needs, they voluntarily renounce the state of nature and formed an organized society, which restricts their freedom and submit themselves under the rule of a civil government as it pays them to do so. Therefore, democratic government from immemorial is a government formed by people for their socio-economic development, and as such the aspirants who wish to be part of the government must observe and oblige to the electoral processes and electorally emerged, and rule as legitimate government.

A democratic government is to administer and maintain a political climate that would commands obedience from the citizens and bring about socio-economic development in the state must emerge out of free, fair and credible election(s) organize by an impartial electoral body.

Election is a joint preference of individuals on a person or group of persons as their leader(s) through voting. In the

global world, election is a tool of democratic state for selection of leaders because it has earned itself through electoral processes the sincerity of the emergence of people's choice of leaders (Okereka & Ogbe, 2016).

Legitimacy of leaders ensued political climate devoid of post-election litigations which is essential for electoral comfort of the elected to engineer socio-economic development as well as harness and manage the state resources for such development. Sadly, in Nigeria, the asserted political climate that brings about socio-economic development is eluded by post-election litigations due to electoral frauds, which enthrone most Nigerian political aspirants into leadership.

Objectively, this paper through secondary and primary (observation) methods of inquiry looks at the benefits of democracy, nature of Nigeria electoral ecosystem, cases of post-election litigations in some states, the nexus between post-election litigation and socio-economic underdevelopment, the challenges confronting Nigerian electoral body and effects of post-election litigations on socio-economic development in Nigeria.

The Benefits of Democracy and its Protection in Nigeria

Democracy is the most admirable form of government globally due to the freedom it offers citizens of a state as noted by Ogbe (2015), which he equally identified its advantages as follows:

- Change of government without violence by means of elections through which the choice of the people determines the state ruling party. Democracy immunizes the state against monopoly of the ruling party/authority because it creates avenue for competition between the ruling political party that wishes to regain powers and other awaiting political party wishes to take over power/authority, a situation that makes the ruling government/party to work harder for the welfare of the people in order to regain power. Hence, democracy makes the ruling government responsible to the electorates.
- Democracy is a known system of government that widens the space for citizens' participation in the process of changing their government through elections. Also, by emphasizing rule of law, democracy promotes fairness and

protection of people's rights, and citizens have the right to vote and be voted for.

Importantly, democracy as people oriented government offers and equips the ruling government better through the elected leaders a good knowledge of the people's needs that they represent. The afore-stated benefits of democracy can only be realized if the electoral system/body responsible for conduct of free and fair election and both the political aspirants and their political parties are willing to partake, and make elections free and fair. An incumbent must not determine who succeeds him of political office/position as it has become a culture in Nigeria politics today. The incumbent factor of deciding who takes over from him in Nigeria politics is democratic –immorality. This is because incumbent factor is unacceptable standard in practice of democracy and its fuels the numerous post-election litigation cases that ravage Nigeria democracy, as it aided by weak Nigeria judicial system. This act (incumbent factor) must be killed before it destroys the other democrats and democracy in Nigeria.

II. THEORETICAL ANCHORAGE

The concept of corruption and election are not unfamiliar because they are sources of worry in Nigeria by Nigerians due to their negative impacts on Nigeria polity. Therefore, electoral corruption is conceptualized and adopted as the theoretical base for this paper. Nwaze

(2012:83) reveals the content of electoral corruption as;

The purchase of votes with money, promises of office or special favours, coercion, intimidation as well as interference with freedom of election, that in the process, votes are bought, people are killed or maimed in the name of election, losers end up as winners and voters turn up in areas where there were no ballots.

Therefore, electoral corruption can be viewed in this study as the subversion of votes and voting process by desperate politician(s) and his supporters thereby impose himself on the people to form a government. Since imposed government is not formed by the people and not for the people, the government is bound to fail as it is formed through massive electoral fraud. The nexus between post-election litigation and socio-economic underdevelopment is that postelection litigation is aftermath effect of electoral corruption (fraud/rigging). The spiral effect is that, the funds that supposed to have been used by government for socio - economic development often times spent on re-run elections after tribunal or court ruling. Thereafter, incompetent hands are appointed who cannot initiate and execute developmental projects. The corruption virus in the country has also affected and weaken the judiciary in high degree that either defendant or plaintiff who spent much money and highly connected secure post-election litigation as this observation is in accordance with the retired Supreme Court Justice findings, Justice Kayoed Esho among others that in election petition

matters, just in a twinkle of an eye, some judges became millionaires (Nwaze, 2012).

Therefore, the illegitimate electoral activities of the politicians and some of the judicial officials aid socio-economic underdevelopment in Nigeria.

The Nature of Nigeria Electoral Ecosystem

The word "ecosystem" is originated in the sciences specifically biology which connotes the influence of an environment on its habitants, and it (ecosystem) proofs the say that man is a product of his environment. Nigeria ecosystem is characterized with corruption. The nature of the corruption in Nigeria can be best described as systemic corruption. Okowa describes systemic corruption as a situation in which corruption has become the way of life of a society because it has been institutionalized and raised to level of a parameter. (Obi, 2005). Igwe (2012) in expository mission explains systemic corruption as a situation in which corruption becomes an integrated aspect of the economic, social and political system such that honesty becomes irrational. He notes that systemic corruption exists in a state affairs (environment) in which; (a) the major institutions and processes of the state are routinely dominated and usurped by corrupt individuals and group (b) most people have no alternative to dealing with corrupt official (c) deviant conduct is institutionalized to an extent that people are not faulted for participating in such act (that is protection of dysfunctional institutions).

The Nigerian electoral ecosystem is also affected with the corruption as the institutions (the electoral body and judiciary) instituted to handle elections and post-electoral matters are weakened to the extent that the issues of dignity, integrity and credibility have been violated at the altar of partiality as evident among other cases of N225,000.00 bribe by Mr. Rickey Tarfa (SAN) in order to secure favourable judgment (PremiumTimes, 2016) and that of Anambra State 2013 gubernatorial election marred with irregularities, which Independent National Electoral Commission (INEC) chairman Prof. Jega admitted that the commission staff posted caused some of the said irregularities (Ogbe, Mgbonyebi and Ejovi, 2015), Besides, the 3 judges were recommended for compulsory sack by the National Judicial Council (NJC) namely Justice Mohammed Iadan Tsamiya of Appeal Ilorin Division, I.A. Umezulike, the Chief Judge of Enugu State and Justice Kabiru M. Aula of the High Court of Justice, Kano State to President Muhammadu Buhari in its (NJC) 8th meeting held in 29th September, 2016 for accepting gratifications from litigants before their courts (Nnochiri, 2016) and that of Federal Government decision to arrest and detain some court Judges and suspected fraudulent court Registrars believed to have aided and abetted the sale of justice (Daniel, 2016), further proof the corrupt and weak nature of the Nigeria judicial system as it affects the electoral system.

Consequently, the electoral frauds and illegal activities of the judicial officials influenced most of the results of elections and that of post-election litigation verdicts, which declare unwanted leaders of the people who pay no attention to the people developmental yearnings. Though, the Apex court seems sometimes but not most times try to be fair in its rulings.

The Nexus between Post-election Litigation and Socio-economic Underdevelopment

Underdevelopment as a concept is made up of two words – under, which means below or beneath position while development is a process of developing or developed (Oxford Advanced Learner’s Dictionary). So, underdevelopment means state of having not achieved a target or appreciable position. Therefore, socio-economic underdevelopment refers to state of having not achieved a desired and appreciable socio-economic development by a country. This depicts that the existing human and material resources have not been exploited to usher socio-economic development.

In order to achieve the desired and appreciable socio-economic development, the qualitative and compulsory needed instruments must be established by government. The needed qualitative and compulsory instruments are; education to provide needed manpower, health care for the sick, railways and roads, security for the masses, stable political system among others.

The connection between post-election litigation and socio-economic underdevelopment is implicit but very destructive to Nigerian socio-economic development. The governmental institutions that supposed to have recruited people’s choice leaders and that of judicial institutions of the last hope of the common man in capacity of “watchdog” are weakened by the wave of corruption in the country. The public funds meant for quality developmental programmes for the people are diverted and swallowed by post-election litigation cases. The legal institution that supposed to have sacked the questionable electoral victors and returned the people’s choice (the truly elected) for socio-economic development aids and consolidates the questionable electoral victors in power.

Sadly, the litigants of post-election in Nigeria, most times do not genuinely initiate people oriented programmes when they have secured victory or if any, the contracts of such projects and programmes are given to their own companies at exorbitant price and uncompleted or poorly completed. The corruption in the legal system as commonly discussed on Nigerian media, it (corruption) has caused both the plaintiffs and defendants, to give bribe. Consequently, post- election litigation victors as observed, financially concentrate on how to fulfill the promise made to their “patron-saints” (godfathers) and their political cleavages after elections at the detriment of socio-economic development.

The Challenges facing Nigeria Electoral Commission

Conduct of free and fair elections in Nigeria periodically speaking from 2003 till date has been a source of worry to many as electoral commission called Independent National Electoral Commission (INEC) faces numerous challenges. Oyeneye, Onyenwem and Olosunde (2006) identify some of challenges facing INEC in conduct of free and fair elections in Nigeria. They are:

Interference in the activities of the INEC by ruling government who wishes to influence elections results to remain in power. Moreso, electoral malpractices perpetrated by party candidates and their supporters even the partisan activities of the electoral officials.

Also, logistics problems arise from the commission, lack of efficient transportation facilitates to convey electoral materials and officials to voting centers. Ineffective communication necessary for the organization and supervision of free and fair elections as well as insufficient electoral materials which may weaken the capability of the INEC to conduct free and fair elections, are equally its challenges.

Lack of security during voting which provides an opportunity for political thugry and disruption of elections as well as the low level of literacy as most of the electorates may not be able to vote intelligently.

Effects of Post-Election Litigation on Socio-Economic Development in Nigeria

Post-election litigation cases have multiple negative effects on Nigerian socio-economic development. Post-election litigation engineers and encourages different dimensions of malfeasance which have affected socio-economic development quest in the country, which is unknown to many in Nigeria. Below are some of the observed effects of post-election litigations on socio-economic development:

Welfare packages for “patron-saints” at the expense of the Masses: Patron-Saints is used in this paper as persons or group of persons that act in one way or the other as godfather to electoral aspirants before, during election(s) and post-election litigation. The Nigerian political climate favours the practice of patron-saints” (godfatherism) in her politics today, in different dimensions either by aiding aspirants to victory during election or at the post-election litigations. So, since elected candidates have many godfathers with financial promises and other agreement to oblige, the issues of public welfare is thrown to the wind.

Most times, the victors of the post-election litigations in their first tenure in office embarked on a very few capital intensive projects that would linger to their second tenure while in second tenure, they embarked on unproductive and unsustainable capital intensive projects with the intentions of abandonment because the contractors of the projects are either the godfathers or connected to the incumbent.

One of the effects of post-election litigation on socio-economic development efforts by government in Nigeria is the appointment of incompetent hands at the expense of technocrats whose wealth of experience and professionalism to initiate productive and sustainable developmental programmes, as evident in the President Muhammadu Buhari administration which experiencing economic recession, which the 8th Senate called on the president to reconstitute his cabinet due to their incompetence to handle the economic recession in the country (TVC News, Nigeria, 22/09/2016).

Observationally, most of the core appointments made by the state governors in Nigeria come after their post-election litigation victory to accommodate the sons or the errand boys of the godfathers who are on mission as conduits for financial fulfillment of the financial conditions and other agreements reached between them. Therefore, after the monthly financial settlement from the received federal allocations and diversion of internal generated revenue, little or no fund is left for payment of workers monthly salary much more for socio-economic development quest by Nigerians.

Recruitment of nurtured fraudulent politicians as leaders: A true leadership is sine-qua-non and indispensable factor to good governance and its sustainability in a society. Good governance implies among other participation, accountability, transparency and responsiveness which are crucial to socio-economic development. Elected officials “midwife” by electoral frauds would ever engineer and administer socio-economic underdevelopment as the issue of good governance is thrown to the wind. The said elected officials and their government as noted by Okereka and Ogbe (2016) are irresponsive to people-oriented development and welfare they feel irresponsible to the people rather to their political godfathers and political cleavages at the expense of the masses empowerment and other areas of societal development.

Deterring investors: Post-election litigation is an effect of electoral fraud, which general the outcome is crises, particularly if it has to do with general elections as evident in 1993 presidential election as well as the do or die 2007 general elections in Nigeria. A country that over time has recurrent unhealthy and uncertainty political atmosphere due to electoral campaigns and post-election litigations, discourage potential investors as well as source of uncertainty to existing investors, which may cause their exit as observed in Nigeria 2015 general elections.

Hindrance to infrastructural development: Post-election litigation encourages misappropriation and misallocation of public funds by questionable elected officials through elephant projects as observed in Nigeria which often uncompleted in their tenure(s). Therefore, public funds which would have been directed to needed welfare programmes are channeled in pretext into elephant projects but objectively, for financing post-election litigations and its related matters.

Partial development drive: This can also be regarded as denial of socio-economic development

f areas/constituencies of post-election plaintiff. The area (plaintiff constituency) may require socio-economic infrastructural development to be able to exploit the area’s economic potentials are being denied simply because the plaintiff hailed from the area. The said situation was evident in one of the towns in an oil rich state in the south-south region of Nigeria for sixteen years of successive rule by a particular political party/government, which has multiple negative effects on development of the locality.

Testimonies of Post-election Litigations on Development in Nigeria

The following are extracted quotations that testified the negative impact of post-election litigations on development by politicians, supporters, the elected and political appointees.

“That is why I said that it is sad because it was unnecessary distracting, unnecessary expenses and indeed, unnecessary dispensation of efforts” – Mr. Peter Mrakpor, the state (Delta) commissioner for Justice (Ikehi & Onyolu, 2016:2).

“Now that the fight is over, everybody will now turn his productive energy to the development of the state” - Mr. Yomi Layinka, the Special Adviser to Oyo State Governor elect on media and strategy (Ajayi, 2016:11)

“...Apologies to the people of the state for distracting the state with legal battles they knew they would not win” – Dr. Ifeanyi Okowa, the Delta State Governor elect (Ahon & Nnochiri, 2016:12).

“Post –electoral dispute, though sometimes, a drag on the speed of performance, serves as a means of strengthening the victor for the task of governance- Hon Leo Ogor, Isoko Federal Constituency Representative in the House of Representative. (The Pointer Sunday, 2016:3).

The post-election litigation victory declared by the Supreme Court would now allow my government to sit up for business - Late President Umaru Yar’ Adua, the ex-president of Nigeria (Babatope & Oladipupo, 2010:189).

III. CONCLUSION

Post-election litigation is an aftermath of fraudulent election. Post-election litigation is presently part of electoral process in Nigeria, as Nigeria politicians and their supporters often and fond of indulging in act of electoral fraud. The retribution of post-election litigation by postelection litigation victors on electorates is socio-economic underdevelopment as public funds meant for development in pretext into elephant projects in financing post-election litigation(s).

IV. RECOMMENDATIONS

In Nigeria, the effects of post-election litigation are socio-economic underdevelopment therefore, the following are

recommended to combat the electoral fraud and ensure true verdict of postelection litigation in Nigeria:

1. Political education should be carryout by government, civil societies and political parties to educate the electorates on relationship between legitimate government and development.
2. All political parties should ensure and practice true internal democracy within their parties in order to have consensus party flag bearer(s).
3. Corrupt electoral staff, judges and justices should be prosecuted and jailed for life to serve as deterrent to others.
4. Government should create jobs to arrest poverty, which motivates electorates in electoral malpractices with aspirants and their supporters.
5. The identified obstacles to the conduct of free and fair election by the Independent National Electoral Commission (INEC) should be resolve by government.
6. Money politics in Nigeria should be de-emphasized by everyone as it fuels godfatherism and appointment of incompetent hands as avenues of settling promises made by either the plaintiff or defendant of post-election case(s)

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