

EFFECT OF POVERTY IN THE REALIZATION OF IDEALS OF DEMOCRACY IN THE NIGERIA ELECTORAL PROCESS*

Abstract

In every democratic system of government, there are certain ideals that must be present so as to truly qualify the system as democratic. Electoral process plays vital roles in the realization of those ideals. These ideals range from proper observance of the constitutional principle of rule of law, the application of doctrine of separation of powers among the various tiers of government, free and fair election, independence of the judiciary, checks and balances, obedience to court among other ideals of democracy. To achieve these ideals of democracy, attention must be paid to various factors that may come in contact with the electoral process and tend to hinder the attainment of the ideals of democracy in the electoral process. Electoral process is influenced by so many factors one of which that is the pivotal to this research is poverty. The aim of this research is to appraise the legal implication of poverty in the attainment of ideals of democracy in the electoral process in Nigeria. The paper covers how poverty affects pre-election activities, during election activities and post-election activities. The methodology adopted in this paper is the doctrine legal research methodology using the analytical approach with the aid of statutory enactments, case law, textbooks. At the end of the research, the writers concluded that poverty has negatively affected the realization of the ideals of democracy in the Nigeria electoral process. The writers therefore, recommends a total overhaul of the electoral processes by pulling in places machineries that will prevent the effect which poverty has on the Nigeria electoral processes.

Keywords: Poverty, Democracy, Electoral Process, Nigeria

1. Introduction

Democracy is far from being a reality in Nigeria. Discriminatory practices in democratic system breed ethnic dissension, which often translates into political violence as is the case in contemporary Nigeria. Democracy refers to those whose responsibility is to exercise political authorities in a society that perform it with the explicit consent and genuine mandate expressed at periodic intervals by the electorate through an open, free and fair electoral process.¹ This implies that democracy must be a system of government where the people dictate the pace with the general consent of the governed. Unfortunately, Nigeria's election has so far thwarted the foundation upon which democracy is built due to election rigging. Election rigging since independence in 1960 has delayed Nigeria's hope for a consolidated democracy. For democracy to be consolidated, the government in power must be legitimate. Poverty on the other hand is dynamic. Poverty is defined relative to the standards of living in a society at a specific time.² People live in poverty when they are denied an income sufficient for their material needs and when these circumstances exclude them from taking part in activities which are an accepted part of daily life in that society. Poverty is a difficult cycle to break and often passed from one generation to the next. Typical consequences of poverty include alcohol and substance abuse; less access to education; poor housing and living conditions, and increased levels of disease. Heightened poverty is likely to cause increased tensions in society, as inequality increases Nigeria is in the category where election management is less successful.³ The rules guiding elections are ambiguous, ever changing or easily maneuvered; the electoral regulations and rules is institutionally less effective; the political bigwigs are the gladiators in their conduct; hence the electorates are often powerless as they live in the mercy of the political stalwarts and political outcomes. Food prices skyrocketed, so many could not work, while many employers could not pay salaries. State governments too found it difficult to pay salaries. Worse still, thousands were laid off, worsening the already bloated unemployment market. Nigeria has officially slid into its worst economic recession in over three decades. For so many Nigerians, it is a case of jumping out of the frying pan into the fire. In the face of the challenges today, is there hope for Nigeria's democracy?

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¹Ojie, A.E. (2006). Democracy, Ethnicity, and the Problem of Extrajudicial Killing in Nigeria. *Journal of Black Studies* 36; 546. Doi:10.1177/0021934705280304, <http://dx.doi.org/10.1177/0021934705280304>

² M. Ravallion, (1992) Poverty comparison: a guide to concepts and methods. Washington DC: The World Bank

³ H. P. Lötter. *Poverty as a threat to Democratic values*. Public Affairs Quarterly Vol. 22, No. 2 (Apr. 2008), pp. 177-195 Published By: University of Illinois Press <https://www.jstor.org/stable/40441488>

2. Concept of Democracy

Historically, the word ‘democracy’ is derived from Greek words, ‘*demos*’ which means ‘people’ and ‘*kratia*’ meaning ‘rule’. It therefore literally means rule by the people, or of the people.⁴ These definitions have triggered off some intractable questions such as: ‘who are the people, and who do they rule?’ The question in itself cannot be a causal currency since every government, whether military, despotic, totalitarian, oligarchic etc., claim to have the legitimate support of the people. The main thrust of democratic system is mainly carried out through election, which enables electors or the people to choose their representatives from those who may show interest and are recommended usually by political parties. This invariably explains the use of the term ‘the people’, in the definition. But let it be quickly added that the term, ‘the people’ does not also mean every individual in the polity. Every person in the country may not have the right and/or the opportunity to participate in decision-making or be fully involved in governance. To solve this problem, some theorists have attempted some definitions of Democracy. Hook defined democracy as one in which the basic decisions of government rest upon the freely given consent of the people.⁵ Again, the governed is supreme and the government is only but a servant. Appadorai defined democracy as the system of government under which the people exercise their governing power either directly or indirectly through representatives periodically elected by themselves.⁶ Democracy is that form of government that must of necessity seek and act in accordance with the ‘will’ and ‘consent’ of the citizen as to who should rule and how. The implication of this is that, no man or ruler can impose himself on the people. The people must approve of such ruler’s capability and ability to rule democratically. This is usually done through election. Democracy has also been defined as the rule of the majority over the minority⁷. This definition expresses the fact that in a democratic government, the office holders must be given consent by a majority of the people in a given society. This is however contrary to what it used to mean to some people that majority of the people must be in the government circle. This definition has drawn the anger of many people to democracy as the tyranny of the majority over the minority. This is based on the assumption that the decision of the majority always supersedes that of the minority.

3. Ideals of Democracy

The notion of an ideal democracy can be useful for identifying and understanding the democratic characteristics of actually existing governments, be they of city-states, nation-states, or larger associations.⁸ It is important to note that the term *ideal* is ambiguous. In one sense, a system is ideal if it is considered apart from, or in the absence of, certain empirical conditions, which in actuality are always present to some degree.⁹ Ideal systems in this sense are used to identify what features of an actual system are essential to it, or what underlying laws are responsible, in combination with empirical factors, for a system’s behavior in actual circumstances. In another sense, a system is ideal if it is best from a moral point of view. An ideal system in this sense is a goal toward which a person or society ought to strive (even if it is not perfectly attainable in practice) and a standard against which the moral worth of what has been achieved, or of what exists, can be measured. These two senses are often confused. Systems that are ideal in the first sense may, but need not, be ideal in the second sense. Accordingly, a description of an ideal democracy, such as the one below, need not be intended to prescribe a particular political system.

4. Features of an Ideal Democracy

Different countries have developed their own unique forms of government, incorporating features to suit their socio-cultural requirements. These may include two-party system, multiple party systems or indirect methods of representative election. However, irrespective of what their practices are, every government that operates a democratic system has certain aspects of their governance which are common with other democracies. These features of democracy are basic empowering tools that every citizen in the country is equipped with, irrespective of any form of social status or standing. Here are the features of Democracy in points:

Existence of the Constitution: In every democratic nation, there is usually the existence of a constitution which is either written or unwritten. A constitution can simply be defined as the fundamental laws or rules which guides a state or society. It establishes the institutions of the government such as the legislature, the executive and the

⁴Jack Lively, ‘Democracy’ (1975). *Backwill: Oxford Press*; 238

⁵ S. Hook ‘In defence of democracy: Introductory Philosophy’ (1967) *New York: Harper and Son*; 468. See also N. G. Wilson ‘Encyclopedia of Ancient Greece’ (2006), *NY: Routledge*, 511 where the author posits that democracy is a people-power or rule by the people

⁶A. Appadorai, ‘The Substance of Politics’ (1975) *Oxford: Oxford University Press*. 233

⁷ E. B. Schutz, ‘Democracy’, (1966) *New York: Barror Educational Series*.

⁸ C. Partenman, ‘Participating and Democratic Theory’ *Cambridge: Cambridge Univ. Press*

⁹ Jennifer Oser and Marc Hooghe, ‘Democratic Ideals and Levels of Political Participation: The Role of Political and Social Conceptualizations of Democracy’, (2018, Vol 20, Issue 3) *The British Journal of Politics and International Relations* <<https://journals.sagepub.com/doi/10.1177/1369148118768140>> accessed 4th November 2021

judiciary and defines their powers.¹⁰ The constitution also contains the rights and duties of the citizens and the government. It is imperative to note that there are two types of institutions namely: formal and informal institutions. Formal institutions are those which discharge formal functions such as the three arms of the government. On the other hand, informal institutions are those which discharge informal responsibilities such as the political parties and the press. In a democratic society, the constitution usually states how these institutions function.

Popular participation in politics: One of the most important features of democracy is popular participation in politics.¹¹ From the definition of democracy explained above, it is clear that any system which does not encourage people to participate in the political decision making of the government is not democratic. Consequently, popular participation is not just a feature of democracy; it is an essential part of the system. People have to participate in politics either directly or through a representative which is legitimately recognized by them. Take for instance, in Nigeria (**a federal system**), people at the local level, who cannot actively participate in politics at the central level, are allowed to elect senators who represent their opinions at the central level. **No doubt, popular participation in politics is one of the features of democracy that cannot be jettisoned.**

Periodic Election: Every democratic country in the world must hold elections, in one way or another and that has to be done periodically.¹² These elections are the voice of the public, the primary way by which they can control and change the Government as they wish. Since, the people are the supreme in a democratic state, there is usually a fixed tenure for conducting elections. This is to make sure that the political powers of the state are not concentrated in a single hand. In Nigeria as well as United States of America for instance, the presidents are elected to a four-year term, with limitation of two terms. It is pertinent to note that periodic elections is a very essential feature of democracy because, where there is one particular leader administering the affairs of a state for his lifetime, that state cannot be said to be a democratic state. The people must be allowed to choose and change their leaders because they are supreme.

Free and Fair Elections: These elections must also have complete transparency and impartiality in terms of imparting voting rights to each and every adult citizen of the country. There must be no partiality or oppression on the basis of race, sex, caste, creed, political views, demographic or any other structural difference or discrimination.¹³ Every vote must be valued, and every vote must have one value, i.e. it must carry the same weight in electing representatives. Fulfilling this criterion is paramount for every democracy, as even today some countries don't give voting rights to women or people with alternate sexuality. This disqualifies them from being a democracy on the fundamental level and makes the spirit of elections meaningless. Although, elections are held to determine leaders, electoral malpractice is widespread conception and many elections are not free and fair according to the international standard.¹⁴

Legitimacy: Legitimacy is a value whereby something or someone is recognized and accepted as right and proper.¹⁵ Legitimacy is understood as the popular acceptance and recognition by the public of the authority of a governing régime, whereby authority has political power through consent and mutual understandings, not coercion. The political legitimacy of a civil government derives from agreement among the autonomous constituent institutions—legislative, judicial, executive—combined for the national common good.¹⁶ One way civil society grants legitimacy to government is through public elections. The political legitimacy of a civil government derives from agreement among the autonomous constituent institutions—legislative, judicial, executive—combined for the national common good. There are also those who refute the legitimacy offered by

¹⁰Akhil Amar 'The Bill of Rights as a Constitution', (1991, Vol. 100, No. 5, 1991) *The Yale Law Journal*, pp. 1131–1210, <www.jstor.org/stable/796690> accessed 28 October 2021.

¹¹ Mark Warren 'What Can Democratic Participation Mean Today?' (2002, Vol. 30 No. 5) *Political Theory*, pp. 677–701 <www.jstor.org/stable/3072498>. accessed 28 October 2021.

¹² John Plamenatz, 'Democratic and Illusion: An Examination of Certain Aspects of Modern Democratic Theory'. (1973, Vol. VI) *Electoral Studies and Democratic Theory Political Studies*, London: Longmans Press. Pp. 19–58

¹³Sylvia Bishop and Anke Hoeffler, 'Free and Fair Elections: A New Database' (2006, Vol. 53, No. 4) *Journal of Peace Research*, Sage Publications, Inc., pp. 608–616 <<https://www.jstor.org/stable/43920613>> accessed 4th November 2021

¹⁴ S. Birch, 'Comparative Political Studies: Electoral Systems and Electoral Misconduct', (2012, Vol. 40, Issue 12) Sage Publications p 1533–1556

¹⁵ J. Chen, 'Useful Complaints: How Petitions Assist Decentralized Authoritarianism in China' (2016) New York: Lexington Books. p. 165.

¹⁶M. L. Phelps, 'Doppelgangers of the State: Private Security and Transferable Legitimacy' (December 2014, Vol. 42, Issue 6) *Politics & Policy* 824–849 <<https://onlinelibrary.wiley.com/doi/full/10.1111/polp.12100>>

public elections, pointing out that the amount of legitimacy public elections can grant depends significantly on the electoral system conducting the elections.¹⁷

Separation of Powers: This doctrine is focused on the three governmental powers in their interdependence and divergences as they work the tightrope of balancing each other for the good of society.¹⁸ Since government in the modern form, must be composed by the three organs, they must be confined to respective spheres of authority through a strict balancing act and through credible checks and balances.¹⁹ Taiwo stated that one of the significant objective achieved by the observance of the doctrine of separation of powers, is the prevention of concentration of governmental power in a single body or person.²⁰ It therefore, follows that the powers of any government must be divided into three - legislative, executive and judicial. The 1999 Constitution of Nigeria (as amended) upholds this classification or division in Sections 4, 5 and 6.²¹ Absolute power leads to tyranny.²² What the doctrine can be taken to mean, is the prevention of tyranny by the conferment of too much power on any one person or body, and the check of one power by another'. The whole purport or essence of the doctrine of separation of powers is the prevention of autocratic governance or tyrannical rule, despotism and oppression. This was captured succinctly in *Myers v. United States*²³ per Hon. Justice Brandeis where it was held that the doctrine of separation of powers was adopted not to promote efficiency per se but to preclude the exercise of arbitrary power.

Checks and Balances: The significance of checks and balances in the allocation and use of government powers is underscored by the fact of the sharing of powers. The theory of check and balances²⁴ is an extension of the theory of separation of powers.²⁵ Montesquieu's theory of checks and balances is a principle of government under which separate branches are empowered to prevent actions by other branches and are induced to share power. Such a system allows each of the arms to defend its position in the constitutional framework of government. It works if it is allowed to be flexible. Each arm of government must recognize the limits to which it can go and enforce these limits.²⁶ In that same light, checks and balances in a democratic state, ensures that the different arms of Government checks the activities of each other. It should be noted that for the principle of Checks and balances to be effective, there is need to give each arm autonomy to act on their own but not outside what is provided in the law. Financial autonomy is also very important to ensure the effectiveness of checks and balances in a democratic government. No doubt, it is a very important feature of an ideal democracy.

Freedom of Speech, Expression and Choice: A democracy which suppresses or withholds the public voice would be violating one of the basic features of democracy. The voice of the public, even if it is critical to the ruling party, should be allowed to flow freely, letting people formulate their own ideas and expressions, without being in fear of persecution. On the same lines, a citizen of a democratic country should be able to make independent decisions based on their own discretion, as long as they do not pose a threat to the laws of the land or any other person. This freedom of actions is what makes a democracy fruitful. Protesting against what a person feels is wrong should be a legal right, as it is basically the only thing that keeps the ruling parties in check with their actions and policies. Once you eliminate that, you take away all the strength of a group of people thus nullifying the concept of democracy itself.

5. Nigeria and its Practice of Democracy

The democratic question in Nigeria can best be understood by viewing it from the total package of the democratic stride or programme by the government of Nigeria. The state has failed to emerge as a nation - state; it is rather a 'state of nations, which before the 1914 Amalgamation had existed as autonomous political entities having their

¹⁷ Dogan, Mattei: 'Conceptions of Legitimacy, Encyclopedia of Government and Politics' 2nd Edition, Mary Hawkesworth and Maurice Kogan eds, Vol. 2, pp. 116-219. London: Routledge 2003

¹⁸ Quoted by the Judge in *Agbaje V COP* (1969) 1 MNLR 176 at 177.

¹⁹ See Abiola Ojo, 'Separation of Powers in a Presidential System of Government' in *Public Law Journal*, 1981 p 105

²⁰ Ademola Adetayo Taiwo, 'Separation of Powers; A key Principle of Democratic Governance' (Ibadan, Ababa Press Ltd, (2013) p.32.

²¹ See S. 4, 5 & 6 of the 1999 Constitution (as amended).

²² G. N. Okeke, 'Introduction to Consular Immunities and Privileges, Jurisprudence and Constitutional Law' (2010), Enugu, Nolix Educational Publications p.195

²³ (1962) 272 US 52 Earl Warren CJ had in *USA. Bromim* 381 US 437, 443 (1965) opined that 'the separation of powers under the American Constitution was obviously not instituted with the idea that it would promote government efficiency. It was on the contrary, looked at as a bulwark against tyranny'.

²⁴ The theory of checks and balances was propounded by Montesquieu in his book titled, **The Spirit of the Laws**.

²⁵ J. Ikongbeh JCA, 'Separation of Powers under the Constitution of Nigeria 1999: A Critical Review of its Application since 29th May, 1999' (2003, Vol. 1 No. 1), *Nigeria Law Journal*, p.92.

²⁶ See A. Ojo, *Constitutional Law and Military Rule in Nigeria* (1987) p.149. Also quoted in A.A. Borokini 'The Doctrine of Separation of Powers and the 1999 Constitution' in *Journal of Private and Commercial Law, Faculty of Law, University of Ado-Ekiti, Ado-Ekiti, Ekiti State* p. 147.

own political systems, social and religious values.²⁷ The force that brought Nigeria or Nigerians together is not able to agglutinate them anymore. A state as have been noted earlier is, normally presupposed to be the product of a social contract. The people or groups constituting a new state, like the parties in a formal contract, comprise autonomous human beings with convergence of interests, which the constitution safeguards. No people ought to be coerced into consenting to the terms of the constitution.²⁸ However, once the constitution has been adopted in good faith, one is obliged to obey and to defend it. A State's constitution should, therefore, define the national interest, which constitutes the common good. It should also protect fundamental rights of the individuals which include political, economic and religious rights. This is irrespective of whether they are rich or poor, strong or weak, highly placed or mawkish, the majority or the minority. On the contrary the Nigerian constitution does not protect these rights. Nigerian case is a country where the ruler can connive with others to interpret the constitution to his ethnic or elitist advantage. It's quite saddening that all the peripheral groups in Nigeria, especially the minorities have been subjected and subjugated to unspeakable and dehumanizing effects of indigenous colonialism. And this has engendered gruesome economic exploitation, political marginalization and ecological devastation, ultimately raising questions on the democratic nature of Nigerian political system. Domestic colonialism enforces a cultural perspective to the division of labour. This view was expressed by Henchter²⁹. According to him, in a situation of internal colonialism, there will be a social stratification of ethnic or cultural groups, with the core group occupying the best class positions and the peripheral groups the inferior positions'.³⁰ Henchter's theory captures the Nigerian democratic setting in a good way. The discriminatory treatment is only a tip of the iceberg; a microcosm of what obtains in the Nigerian society. As a society that purports to practice democracy, it is saddening to note that what obtains is only lips service to the concept. Democracy is far from being a reality in Nigeria. Discriminatory practices in democratic system breed ethnic dissension, which often translates into political violence as is the case in contemporary Nigeria. Indicators of political violence that draw strength from discriminatory practices in Nigeria are found in the Nigeria Delta militancy and renewed agitations for the sovereign state of Biafra by the Indigenous Peoples of Biafra (IPOB).

6. Elections in Nigeria

Election facilitates and shapes democracy. Democracy is regarded as the best form of government because its ideology promotes the people will through election. The people have the political right to decide who should govern them in a free and fairly conducted election. Therefore, elections constitute an essential principle in liberal democracy. Election in a democracy is very important because it is a process through which the expression of the people is shown via legitimacy and leadership succession.³¹ Election is defined as a post mortem, that investigate the record of office holders whose actual performance may have little to do with promises made when they were previously elected.³² This is a way of censuring and reposing a ruler that is popularly accepted and ejecting an unpopular leader. This method shuns mutiny and chaos in a system hence it reflects peaceful handover from one administration to the other so long as the process is devoid of election rigging.

Election is a means of choosing and electing choice representatives to the Nigerian federal government and the various states in Nigeria.³³ During the electoral process in Nigeria, the people elect a representative to the office of the President at the federal level as a head of state, a Governor is elected across the 36 states in Nigeria and representatives for the legislature (the National Assembly).³⁴ The president (head of state) is elected by the people. The House of Representatives and the Senate are the two chambers of the National Assembly. Recall that the House of Representatives has 360 members which are elected for a four-year term in single-seat constituencies and there are 109 members in the senate members elected as senate members.³⁵ Nigeria operates a multi-party system. Often, two or three parties are the strongest and a third party that is electorally successful. The election in Nigeria is held every 4 years and often holds in the month of February. Handing over of the old government to

²⁷ C. M. Perry (Ed.) *The philosophy of American Democracy* (1943), Chicago: Chicago Univ. Press.

²⁸ T. Ogan 'Democratic Ideals and the Nigerian State: What Hope for the Future', (July 2018, Vol. 7(3), *International Journal of Arts and Humanities (IJAH) Ethiopia*, pp 13-21

²⁹ M. Henchter, M. cited in James G. Kellas, 'The Politics of Nationalism and Ethnicity' (1990) London: Macmillan Press.

³⁰ *Ibid* p. 46

³¹ L. A. Jinadu, 'Historical Analysis of Elections and Election Management in Nigeria'. Paper presented at the Civil Society Organization meeting on electoral reform organized by the Open Society Initiative for West Africa (OSIWA) in Abuja, Nigeria, Oct. 19 (2007).

³² O. Nwokeke and J. Jawan: 'The Electoral Process and Democratic Consolidation in Nigeria' (2011, Vol. 4, No. 2), *Journal of Politics and Law* < <https://www.ccsenet.org/journal/index.php/jpl/article/view/12002>> accessed 3rd November 2021.

³³ S. Oni and F. Chidozie and G. Agbude. 'Electoral Politics in the Fourth Republic of Nigeria's Democratic Governance' (August 2014, Vol.3, No.12, 2013) < <https://core.ac.uk/download/pdf/32225172.pdf>> assessed 1st November 2021

³⁴ J. B. Adekanye, 'Elections and Electoral Practices in Nigeria: Dynamics and Implications. The Constitution: (1990, Vol.5 No.2.), *Journal of Constitutional Development*.

³⁵ G. Hanibal, 'Nigeria: Election Laws | Law Library of Congress'. www.loc.gov. Retrieved 25 May 2020.

the newly elected government takes place in the month of May. Over the years, Nigeria has grappled with the challenges of conducting free and fair elections and concomitantly raising the bar of its engagement with the democratic process. In spite of the acclaimed success recorded in the previous elections, there is widespread perception that politicians rarely win elections in Nigeria. Instead, it is generally believed that the electoral body, the Independent National Electoral Commission (INEC) or the State Independent Electoral Commission (SIEC), declares a winner whose dubious electoral victory, is in turn, often validated by the tribunals/courts.³⁶ However, free and fair election would mean nothing if aggrieved candidates in an election cannot vent their grievances in a proper legal forum. Access to such legal forum would also not mean much if such forum is only an extension of the executive arm of government. For instance, the then ruling People's Democratic Party (PDP) government was accused of interfering with the judiciary and ensuring that judgment in election matters are delivered in its favour.³⁷ For typical Nigerian politician, the golden rule of politics is victory at all costs and by all means possible. The process, therefore desecrated with impunity. The end justifies the means. Thus, politics is regarded as a dirty game.³⁸ INEC occupies an important position in the Nigerian electoral process. The Constitution has assigned three roles to INEC, to wit: control and monitor political parties; to propel political parties in the direction of national unity; and thirdly, to ensure the conduct of democratic elections.³⁹

In preceding part of this work, periodic free and fair election was identified as one of the tenets of a democratic system. Nigeria striving to achieve true democracy conducts election into political positions every four years. To be eligible to vote in an election a person must be a citizen of Nigeria, at least 18 years of age, ordinarily resident in, working in, or originating from the area covered by the registration center and registered to vote.⁴⁰ Voter registration is continuous and stops not less than 90 days before an election. Every voter who is registered to vote at an election of a member of the National Assembly is also entitled to vote at an election to the office of President. The 1999 Constitution and the Electoral Act 2015 regulate the conduct and financing of political parties, and prohibit certain conduct during the campaign, including the use of abusive language likely to injure religious, ethnic, tribal or sectional feelings and intemperate, slanderous or base language designed or likely to provoke violent reaction or emotions.⁴¹

There are factors which constitute obstructions to the conduct of free and fair election in achieving true democracy in Nigeria. One of such issue is financial inducement of voters by political parties and candidates to an election. The Electoral Act makes it an offence to offer or receive financial inducements.⁴² However, financial inducement of voters has remained part and practice of political parties in Nigerian elections. The electorates see politics during election, as an opportunity to sell their votes to represent their own share of the national cake since they do not have access to where the national cake is being shared. On the part of political parties and candidates, they view it as a call for investment from which huge profit is expected and not as call to serve humanity.⁴³ The corruptible act of money politics and vote buying for long has stimulated acts such as siphoning of public fund, embezzlement, looting, diversion, misappropriation and a lot of others that are strong debasement to development. Funds which were meant for public utilization in the form of infrastructural development, socio-economic transformation and a lot of others are mostly diverted for such act and the aftermath is backwardness which mostly manifested in form of poverty, bad roads, and poor states of hospitals, job actions, conflicts, nepotism and a lot of others to the society in anticipation of vote. Money politics erodes legitimacy which is a very important attribute of democratic government. This is because, those who come to power using money politics do not do so based on popular consent, freely expressed but on financial inducement made possible by poverty. In that case, there is no trust and without trust, there is no legitimacy in government.⁴⁴

Also, the security change bedeviling most communities in Nigeria constitutes a clog to achievement of free and fair election as required in a democratic setting. In addition to the long-standing conflict with Boko Haram in the

³⁶ Dakas C.J. Dakas and F. Kwede, 'The Right of Franchise and the Imperative of a Credible Electoral System in Nigeria', (2011, Vol. 1, No. 1), *Benson Idahosa University Law Journal*, p. 339.

³⁷ R. Ahmad, M. Sani and D. Efevwerhan, 'Democracy as a Global Determinant Factor to Legitimate Governance and Self-Determination', (2011, Vol. 1, No. 1), *Benson Idahosa University Law Journal*, p. 76.

³⁸ Dakas, C. J. Dakas, 'Judicial Reform of the Legal Framework for Human Rights Litigation in Nigeria: Novelties and Perplexities', being text delivered at the training organized by the National Secretariat of the Nigerian Bar Association (NBA), at Oshogbo, Osun State, (February 21, 2012).

³⁹ O. Agude, *Understanding the Nigerian Constitution of 1999*, (Lagos, M. J. Professional Publishers Limited, 2000, p. 113

⁴⁰ S. 77(2) CFRN

⁴¹ Section 95(1) and 95(2) Electoral Act 2010 (as amended).

⁴² Section 124, Electoral Act 2015 (as amended)..

⁴³ A. E. Davies, 'Money and Politics in the Nigeria Electoral Process' (2006), A Memo of Department of Political Science, University of Ilorin – Ilorin.

⁴⁴ J. M. Jaja & J. Agumagu, 'Stomach Infrastructure: The Poverty of the Nigerian Electorate' (November 2019, Vol. 13 No.), *African Research Review* <<https://www.ajol.info/index.php/afrev/article/view/191347>> accessed 1st November 2021

North East, there are present clashes between cattle herders and settled farmers throughout Nigeria. While these clashes were primarily over access to grazing land, the conflict had been politicized, particularly along religious and ethnic lines. It is reported that more than 1,000 Nigerians died in 2018 due to herder/farmer conflict and inter-religious clashes.⁴⁵ Long-standing inter-communal conflicts flared up violently, with substantial loss of life. In addition, a growing number of kidnappings, armed robbery, thuggery and banditry contributed to an environment of fear and insecurity in some parts of the country.⁴⁶ Without assurance of safety, voters would not turnout for election, leading to a result that does not reflect the wish of the people.

Furthermore, another hindrance to achieving a free and fair election lies in the adverse effect of poverty in Nigeria. Nigeria is Africa's largest economy by gross domestic product (GDP). However, according to the World Poverty Clock, 87 million Nigerians live in extreme poverty, representing 46.7 per cent of the population. Over 70% of Nigerian population lives in abject poverty.⁴⁷ It is classified by UNDP as 141 poorest nations on the Human Development Index. Poverty in Nigeria from all empirically verifiable fact is a deliberate creation of the Nigeria's political class; it acts as a clog in the wheel of the country movement to a true and people's democracy. Thus, the state of poverty in Nigeria is compounded by the widening class polarization politically and economically, where over 95% of the country wealth is controlled by about 0.01 percent of population.⁴⁸ With more than half the population eligible to vote, the poor economy and unemployment remain key concerns across the country. Within this context, money in politics has remained a concern, with widespread allegations against the major parties of vote-buying and inducements to influence the elections.

7. Effect of Poverty in Nigerian Elections

Poverty has been identified as one of the biggest threats to Nigerian electoral system and by extension, the realization of ideals of democracy which results to good governance. It is the bane of democracy in Nigeria today.⁴⁹ Not only does poverty compromise elections and the delivery of the dividends of democracy by elected officials, it also affects the sanctity of the electoral process.⁵⁰ Poverty makes the people weak and easily susceptible to political manipulation, leading to vote buying by candidates and their political parties in an election.⁵¹ In Nigeria, poverty is a menace that has continued to defy solutions irrespective of various reforms which were introduced to control its spread. Its attendant effect has now been seen in the electoral process through malpractices by all stakeholders in elections, including the candidates, electorates, the courts etc. This research considers the adverse effect of poverty in the Nigerian electoral system below:

Vote Buying - The people who are poor, and whose next meals are not guaranteed can easily sell their conscience/votes by receiving gifts from politicians in return for their support.⁵² Poverty allows everything for grabs by the highest bidder. This is evident in the purchase of Permanent Voter Cards by party candidates or their agents. Those who are confronted daily with existential problems cannot think of their franchise when offered money to sell their votes. The sale of INEC-issued PVCs was reported during the Ekiti and Osun governorship elections.⁵³

Poverty leads to unequal political participation – Contemporary democracy supports the position that free and equal citizens form the core of democracy. Every citizen is supposed to enjoy equal rights and privileges even in election both as a candidate or an electorate. Poor people lack economic means and are politically incapacitated from participating in an election. Sponsorship of election in Nigeria is very expensive and can only be undertaken

⁴⁵J. Kikwete et al, 'The Report of Commonwealth Observer Group – Nigeria General Election (February 2019) <<https://thecommonwealth.org/sites/default/files/inline/NigeriaCOGFullReport.pdf>>

⁴⁶ A. Adeyemo, 'Ekiti Rerun: Any Lessons for Nigeria?' (15th May 2009) Thisday, 15 May, p. 22. The article sees the Ekiti rerun election as an event that left a dark scar on the Nigerian electoral system. According to Adeyemo, the Ekiti election which could have served as a golden opportunity for Nigeria to re-brand itself and send a positive message to the international community and underscore the nations determination to reform her electoral system was however marred by intimidation of voters, arson, thuggery, hooliganism, harassment of journalists and snatching of ballot boxes among others.

⁴⁷ L. S. Sanusi, '105 Million Nigerian Still Live Below the Poverty Line' (Thursday January 22, 2011) Daily Trust.

⁴⁸ S. Oshewolo, 'Galloping Poverty in Nigeria: An Appraisal of the Government Interventionist Policies' (2010), *Journal of Sustainable Development in Africa*.

⁴⁹ L. D. Gilbert and C. B. Barigbon, 'The Politics of Poverty in Democratic Participation: Nigeria in Perspective' (2015, Vol.5, No.18) *Developing Country Studies*, pp 114-124

⁵⁰N. Akinnaso, 'Poverty and the 2019 Elections' (15th January 2019) <https://punchng.com/poverty-and-the-2019-elections/> accessed 4th November 2021.

⁵¹ A. Adekoya & O. Olumid, 'Election Gifting and the Ordeal of Democracy in Nigeria', *European Scientific Journal* February 2019 edition Vol.15, No.5. <https://core.ac.uk/download/pdf/236413476.pdf>

⁵² D. N.D. & A. Oladeji, 'Vote Buying in Nigeria: An assessment of the 2007 General Elections' (2007) *Journal of African Elections*. 6 (2), 180-200.

⁵³ *Ibid*

by the very rich citizen. What this means is that a poor or an average citizen cannot effectively participate in an election even if he has knowledge and capacity to work in the greater interest of the people. Financial inequality/poverty is turned into political inequality, thereby undermining equal participation through the voice of the poor. Money is obviously at the forefront of Nigerian politics. The resultant effect of the above is that participation in an election has become the privilege of the rich class and not the possession of the nation. Consequently, the fundamental needs of the poor are often overlooked or insufficiently provided⁵⁴

Poverty leads to political violence - There is a dialectical relation between poverty and violence in Nigeria. Violence is a product of social organization of Nigeria in which majority of the people are excluded from the socio-economic and political processes of the state. It reflects marginalization and injustice.⁵⁵ It is little wonder that the miscreants and hoodlums that perpetuate violence are people with poor social background – area boys, *Almajiri* – illiterate and unemployed. On the other hand, violence once unleashed further reinforces poverty through loss of property, displacement of people and creation of refugees. There seems to be a relationship between poverty and violence in which poverty breeds violence which further reinforces poverty. The experience of Nigeria since 1980s and especially after 1999 demonstrates that once violence takes place, the people are impoverished.

Poverty breeds corruption and electoral fraud in the judiciary – the judiciary is one of the key players in election as it entertains both pre-election and post-election matters. In this respect, courts in addition to being the hope of common man, is a final resort for politicians that feel aggrieved by the process or outcome of an election. Unfortunately, electoral fraud in judiciary is no longer only a perception but has been backed by facts following happenings in the judiciary as Judges are not adequately remunerated. Ishola Williams⁵⁶ was equivocal in this respect when he said that ‘all the Judges are just using the election tribunals to make money. All those who had gone through election tribunals are millionaires today. I challenge them to say No’.⁵⁷ In May 2005 the President, upon the recommendation of the NJC⁵⁸, dismissed two Justices of the Court of Appeal⁵⁹ following their acceptance of bribes to rule in favour of a particular candidate in the disputed 2003 Anambra South senatorial election. The dismissal was on the recommendation of NJC who upon investigation established that the Justices received bribes to award victory to a party in an appeal over a decision concerning an election dispute.⁶⁰

8. Conclusion and Recommendations

A democratic society is one in which those who rule are answerable to and govern with the consent of those who are ruled. This implies that the people are entitled to choose those, who will make laws to order their affairs, to define the scope and extent of their authority, to prescribe the machinery for checking abuses or excesses of power and to criticize and bring legitimate pressure to bear upon those who rule them.⁶¹ If democracy is the rule of the people predicated on their free will or consent as described above, then Nigeria cannot not be said to be a democratic state. This is because the tenets of democracy, which tend to place all on equal pedestal in the application and operation of state policy cannot be said to be operational in Nigeria. The Nigerian brand of democracy is that, which is described as the rule of the majority over the minority subjects and subjugates the vocal and the restive minority to an unspeakable cruelty and inquisition. Nigerian democratic system is one, which considers rulers as omniscience and the citizenry as absolutely ignorant, thereby destroying the political consciousness of the latter. In the case of Nigeria, those who are entrusted with the powers of government through election often have an almost irresistible temptation to deviate from the ideals of democracy and consequently fail to deliver on the dividends of true democracy which includes prosperity and wellbeing of citizens. Despite the failure of these political leaders entrusted with responsibility to achieve democracy, they seek

⁵⁴ H. P. P. Lötter, ‘Poverty as Threat to Democratic Values.’ (2008, Vol. 22, No. 2) *Public Affairs Quarterly*, North American Philosophical Publications, University of Illinois Press, pp. 177–95. <http://www.jstor.org/stable/40441488>.

⁵⁵ S. Mohammed and A. Ibrahim, ‘Poverty Reduction as a Panacea for Violence-free Elections in Nigeria’, (2020) Vol.1(2), *Fuwukari International Journal of Sociology and Development*, pp 1-13 <https://www.researchgate.net/publication/341980867_Poverty_Reduction_as_a_Panacea_for_Violence-free_Elections_in_Nigeria> accessed 4th November 2021

⁵⁶ The Chairman of Transparency International in Nigeria,

⁵⁷ T. Oyetibo, ‘The Role of the Judiciary in Combating Corruption in Nigeria’. Premium Times, 12 September 2012. <<https://www.premiumtimesng.com/opinion/101606-the-role-of-the-judiciary-in-combating-corruption-in-nigeria-by-tayo-oyetibo-san.html>>

⁵⁸ NJC means National Judicial Council, a body vested with powers to make recommendations for the appointment and dismissal of judicial officers.

⁵⁹ The two Court of Appeal Justices are Justice O. Opene and Justice A. Adeniji

⁶⁰ N. Uzodike and H. Onapajo, ‘Rigging Through the Courts: The Judiciary and Electoral Fraud in Nigeria’, (October 2014, Vol. 13, No. 2), *Journal of African Elections* <<https://www.eisa.org/pdf/JAE13.2Onapajo.pdf>> accessed 5th November 2021; Attack on Justice – Federal Republic of Nigeria <<https://www.icj.org/wp-content/uploads/2012/04/Nigeria-Attack-on-Justice-5-Publication-2008.pdf>>

⁶¹ FRA Williams, ‘Fundamental Rights and the Prospect for Democracy in Nigeria’ (1967) *University of Pennsylvania Law Review* Vol.115 p 1073.

re-election using the same people to achieve their personal political and economic success. Poverty plays a big role in the failure of Nigerian people to demand for true democracy in the face of bad governance and abuse of power. Poverty makes it nearly impossible for the Nigerians who possess ultimate power in elections to see problems clearly, let alone think of their solution. Poverty appears to have become a deliberate weapon in the hands of the political elite for manipulation and exploitation. Poor people are vulnerable and due to the low level of political awareness in the country, intimidation and manipulation become easy tools for the political elites. As a matter of fact, majority of the poor are ready to submit their mandate for monetary benefit. They become blind folded with meagre amount realized from business of politics which is selling of their votes.

The researchers make the following recommendations towards achieving ideals of democracy, particularly as it relates to election. There should be stability in Nigerian electoral politics to bolster the electorate's confidence and that of the general society in election conducts and its efficacy. Economic and governance questions have to be addressed by strengthening democratic governance. This can be achieved by promoting citizens' participation, accountability and transparency in governance and elections. The various institutions of political participation like political parties, civil society and electoral process should be strengthened to give room for genuine participation by the citizens. The people should be placed at the fore of governance as democracy cannot be strengthened without popular participation and empowerment. Programs and Strategies aimed at poverty alleviation should be pursued by government at all levels to achieve balance of economic power. Poverty erodes the ideals of democracy and its dividends to citizens. There should be conscious sensitization of the people on the ill effect of vote selling which makes elections very expensive to prosecute and consequently leads to greed by politicians in order to have money to stand for another election. There should be expansion of the bargaining power of the poor and those who represent them. This entails action on several fronts which include rejecting technocratic styles of decision making, which limit the involvement of citizens and their representatives in policy-making processes; widening the participation of civil society in policy process; institutionalizing civil and political rights to encourage broader participation in policy making and supporting organizations that seek to protect the rights of citizens. Election process should be made easier and simpler to encourage participation of even low-income citizens in the process either as candidate or voters.