

Restricted Direct Primaries, Absence of Internal Party Democracy and the Bastardisation of Democratic Ethos: A Case Study of the 2023 Kogi State All Progressives Congress Gubernatorial Primary Election

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Abstract

This paper examined and explained what is meant by direct primaries particularly in Nigeria's fourth republic. This paper then delved into the meaning and application of restricted direct primaries as well as an absence of internal party democracy, including the contending issues and the many-sidedness of the nebulous concept, as it relates to the conduct of the 2023 Kogi State governorship primaries. In what ways has it aided or undermined the democratic process with regards to indirect primaries as contained in the Electoral Acts 2022, Section 84 (5-8) which states very clearly the modalities to be adopted in conducting direct primaries in elections in Nigeria and anything short of the laid down processes means that no election has taken place at all. We went on to examine the concept of restricted direct primaries. In this paper, a descriptive analytical model was deployed using secondary data collection methodology. The theoretical framework used was the conflict theory of corruption, a political economy mode using class analysis, exposing who gets, what, when and how? Particularly, how stomach infrastructure and financial inducement have taken over Nigeria's political firmament. After which conclusion was drawn and recommendations proffered, such as the fact that our laws should not just be meant for decoration, they must be truly applied, to enable us to have an enduring democratic ethos and governance system. Secondly, if our extant laws are not tested in courts of competent jurisdictions, it will be difficult to appreciate the efficacy and applicability of such laws. Moreover, nobody in the political parties should be too powerful to take unilateral illegal actions that no party member can, take exception to and challenge legally and no single individual can be too powerful to foist an illegality on the generality of the people and at least somebody should have the conviction and boldness to seek legal redress about this anomaly.

Introduction

Internal party democracy and credible elections play a vital role in cultivating a good democratic ethos in Nigeria. Nigeria, Africa's most populous country and largest economy, has had a tumultuous democratic history characterized by military rule, corruption, and electoral fraud. However, by promoting internal party democracy and credible elections, Nigeria can strengthen its democratic institutions, ensure transparency, and accountability, and consolidate democratic values.

Firstly, internal party democracy is crucial in promoting inclusivity and diversity within political parties. Nigeria is a diverse nation with various ethnic, religious, and ideological groups. Internal party democracy allows for a fair competition of ideas and candidates within parties, which in turn fosters pluralism and ensures that the diverse interests of Nigerians are represented. By allowing party members to elect their leaders through transparent and credible processes, internal party democracy enhances democratic participation and creates a sense of ownership among party members.

Furthermore, internal party democracy promotes healthy debate and ideological contestation within parties. This not only enriches the democratic discourse but also helps parties to develop robust policy platforms and objectives. Nigeria's democracy will benefit from strong and ideologically driven political parties that compete based on ideas and principles rather than identity politics or personal interests. Internal party democracy encourages party leaders to be accountable to their members, as they know they can be replaced through fair and transparent processes if they fail to deliver on their promises. Secondly, credible elections are essential for building public confidence in the democratic process. Nigeria has a history of electoral fraud, voter intimidation, and violence during elections. This has undermined trust in the electoral system, weakened the legitimacy of elected leaders, and perpetuated a

culture of impunity. By ensuring credible elections, Nigeria can restore public trust in the electoral process, increase voter participation, and strengthen democratic governance.

Credible elections require transparency, fairness, integrity, and a level playing field for all political actors. Independent electoral commissions and related institutions should conduct elections in a free, fair, and impartial manner, ensuring that every vote counts. Measures such as the use of technology, voter education, and adequate security arrangements are essential to minimize electoral malpractices and enhance the credibility of elections. When citizens have confidence in the election process, they are more likely to accept the outcomes, engage in peaceful political participation, and hold elected leaders accountable.

Additionally, credible elections facilitate a peaceful transfer of power and stability in democratic societies. Nigeria has experienced political instability and violence when electoral processes are seen as flawed or manipulated. By reinforcing credible elections, Nigeria can establish a tradition of peaceful transitions of power, which is vital for democratic consolidation. Peaceful transitions not only improve national unity and stability but also attract investment, ensure economic growth, and enhance Nigeria's global standing.

Hence, internal party democracy and credible elections are indispensable elements for cultivating a good democratic ethos in Nigeria. Internal party democracy promotes inclusivity, healthy competition, and accountability within parties, while credible elections build public confidence, strengthen governance, and ensure peaceful transitions of power. To consolidate democracy in Nigeria, it is essential to reform political party structures, empower party members, and enhance the integrity of the electoral process. Ultimately, a vibrant democratic ethos will contribute to Nigeria's development, social cohesion, and the well-being of its citizens.

The bastardization of democratic ethos in Nigeria is a topic of great concern. Nigeria, being the largest democracy in Africa, has a long history of political instability, corruption, and a lack of respect for democratic principles. In this essay, we will explore the various ways in which the democratic ethos in Nigeria has been undermined and discuss the consequences of such actions.

It is imperative to underscore the fact that one of the main ways in which democratic ethos has been bastardized in Nigeria is through the proliferation of electoral malpractices. Elections are a fundamental pillar of democracy, as they provide citizens with an opportunity to exercise their right to vote and choose their representatives. However, in Nigeria, elections have become synonymous with fraud, rigging, and violence. Politicians often engage in voter intimidation, ballot box snatching, and manipulation of results. This not only undermines the will of the people but also erodes confidence in the democratic process.

Another major issue contributing to the bastardization of democratic ethos in Nigeria is the prevalence of corruption. Corruption is endemic at all levels of Nigerian society, including in politics. Politicians often embezzle public funds, engage in bribery, and misuse state resources for personal gain. This not only undermines the credibility of the political system but also deepens inequalities and impedes development. When those in power prioritize personal interests over the welfare of the people, democratic ideals such as transparency, accountability, and fairness are compromised.

Furthermore, the disregard for the rule of law is another significant factor contributing to the bastardization of democratic ethos in Nigeria. In a true democracy, the rule of law acts as a safeguard against arbitrary actions by the government and ensures the protection of citizens' rights. However, in Nigeria, the rule of law is often ignored or manipulated for political purposes. Politicians and influential individuals can act with impunity, evading prosecution for their crimes while the average citizen faces injustice and a lack of access to justice. This erodes trust in the judicial system and weakens the democratic fabric of the country.

Moreover, the limitation of freedom of expression and the suppression of civil society organizations play a detrimental role in the bastardization of democratic ethos in Nigeria. Democracy thrives on the free flow of ideas and the ability of citizens to express their opinions without fear of reprisal. However, in Nigeria, journalists, activists, and critics are often harassed, intimidated, or even killed for speaking out against the government. This stifles critical voices and limits public debate, thus hindering the democratic process.

In addition, the nepotism and tribalism that permeate Nigerian politics contribute to the bastardization of democratic ethos. Rather than appointing individuals based on merit and competence, political leaders often prioritize their family members, friends, and members of their ethnic or religious group. This leads to the exclusion of qualified candidates and perpetuates a system of patronage, leaving little room for meritocracy and hindering the development of a healthy democratic culture.

The consequences of the bastardization of democratic ethos in Nigeria are far-reaching. Firstly, it leads to a loss of faith in the political system and a growing disillusionment among citizens. When elections are marred by fraud and corruption, people lose confidence in their ability to effect change through voting. This can lead to apathy, voter suppression, or even civil unrest, as people feel marginalized and powerless. Democracy depends on the active participation and engagement of citizens, and the bastardization of democratic ethos undermines this vital aspect.

Secondly, the bastardization of democratic ethos perpetuates a culture of impunity and undermines efforts to combat corruption and foster good governance. When politicians are able to act with impunity and evade prosecution, it sends a clear message that corruption is tolerated and consequences are unlikely. This not only perpetuates a cycle of corruption but also alienates potential investors and hampers economic development.

Furthermore, the bastardization of democratic ethos hinders the consolidation of peace and stability in the country. When democratic principles such as the rule of law and respect for human rights are disregarded, it creates fertile ground for social and political unrest. In Nigeria, this has manifested in the form of ethno-religious conflicts, militancy, and insurgency. When democratic ethos is undermined, it weakens the state's ability to address the root causes of these conflicts and find sustainable solutions. Therefore, the bastardization of democratic ethos in Nigeria is a pressing issue that requires urgent attention. The proliferation of electoral malpractices, corruption, disregard for the rule of law, suppression of freedom of expression, nepotism, and tribalism have all contributed to the erosion of democratic principles in the country. The consequences of such actions are wide-ranging and have significant implications for the political stability, economic development, and social cohesion of Nigeria. It is crucial that steps are taken to restore and uphold democratic values and foster a culture of transparency, accountability, and respect for human rights.

It is in this regard that we want to examine the issue of restricted direct primary and in what ways it conforms to democratic tenets or undermine the democratic process. The questions are (1) was the election genuinely competitive without any tele-guiding from any quarters? (2) Was the outcome of the primaries election a true reflection of the wishes and desires of members of APC in Kogi State? (3) Was the primary election free and fair? (4) Did the election follow the extant provision of the Electoral Act 2023 and the constitution of the APC? (5) How legal is the concept of restricted direct primary and where has it been used in the past? These are some of the pertinent issues that this paper will interrogate.

The objectives of this paper are amongst other things is to (1) find out to what extent restricted direct primaries strengthens or undermine the democratic process. (2) find out if restricted direct primaries aligns with the desires and aspirations of the generality of members of APC across the length and breadth of Kogi State. (3) To unravel the idea behind restricted direct primaries and see if it assists in bringing about free and fair election. (4) To find out if the restricted direct primaries are in sync with the Electoral Act 2022 and constitution of the APC. And, (5) To find out if the restricted direct primaries

are legal or if it is an infraction of the extant provisions of the law and where it has been used in the recent past.

Issues in Primary Elections

Election is a referendum on the performance of those in government at any given point in time, if the generality of the people feels that the political gladiators have performed creditably well, they will be returned to power but if the public office holders have performed woefully, they would be voted out of power. It is in this process that politicians look for ways and means of winning and retaining political power. In conducting party primaries, therefore, in political parties particularly in the fourth republic, elections can be done through direct primaries, indirect primaries and consensus.

Conduct of Primaries Elections according to the 2022 Electoral Act

The issue that usually rears its ugly head in elections is the issue of conduct of primaries of political parties and issues arising from the conduct of the general election. These fundamental issues cut across all the various elections for all the elective posts to be contested for. The proper conduct of a primary election is a 'sine qua non' in a democracy. Let me point out very strongly that if the primary election is not properly handled, the loss of a party springs from the conduct of a primary election. The reason for this is not far-fetched. Some party stalwarts usually referred to as 'godfathers' impose candidates on the electorate. This does not augur well for the sustainability of our democratic ethos and pathos. This is why the Electoral Act, 2022 makes provisions for the conduct of party primaries under Sections 82-85 of the Electoral Act, 2022.

Section 82 of the Electoral Act, 2022 provides as follows; (1) Every political party shall give the commission at least 21 days' notice of any convention, congress, conference or meeting convened for the purpose of merger and electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices specified under this Act (2) The commission may, with or without prior notice to the political party attend and observe any convention, congress, conference or meeting which is convened by a political party for the purpose of a) electing members of the executive committee or other governing bodies; b) nominating candidates for an election or any level; c) approving a merger with any other registered political party; (3) The election of members of the executive committee or other governing body of a political party, including the election to fill a vacant position in any of the aforesaid four bodies, shall be conducted in a democratic manner and allowing for all members of the party or duly elected delegates to vote in support of a candidate of their choice; (4) Notice of any congress, conference or meeting for the purpose of nominating candidates for Area council election shall be given to the commission at least 21 days before such congress, conference or meeting. (5) Failure of a political party to notify the Commission as stated in subsection (1) shall render the convention, congress, conference or meeting invalid. Section 84 of the Electoral Act, 2022 deals essentially with nomination of candidates for party primaries. Section 84 provides as follows; (1) A political party seeking to nominate candidates for elections under this Act shall hold primaries for aspirants to all elective positions which shall be monitored by the Commission. (2) The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct, indirect primaries or consensus. Qualifications of Aspirants and Candidates. (3) A political party shall not impose nomination qualification or disqualification criteria, measures, or conditions on any aspirant or candidate for any election in its constitution, guidelines, or rules for nomination of candidates for elections, except as prescribed under sections 65, 66, 106, 107, 131, 137, 177 and 187 of the Constitution.

Chief Afe Babalola (SAN) observed that notwithstanding the obvious differences in the conduct of direct and indirect primaries, there however exists no real difference because of the association of Nigerian politics with godfatherism and moneybag politics. Though it is easier to bribe fewer delegates to support a faction of the party as opposed to the reduced propensity to tilt the votes of all members of the political party to one candidate if direct primaries were held, it still does not change the fact that

the underlying factor is the ability of a candidate to sway the few delegates, or the larger party members, with money. (Nigerian Tribune 23rd June, 2022).

He went on to explain that on the day of the election, the politician who owes his nomination to his huge investments will naturally seek a win by any possible means. Where his reliance is placed on a political godfather, he can count on his godfather's ability to deploy enormous wealth in a bid to corrupt electoral officials and the electorates and where these fail, violence will be deployed to bring about the desired result. (Nigerian Tribune 23rd June, 2023).

It has also been argued that the direct primary option is made lame when grassroots party members await signals from their leader on who to vote for which they loyally abide by. So why waste time and resources gathering everybody together when they are practically echoing the voice of one man? Even the aspirants confirm this when they visit one party godfather to another without engaging the party members directly when they are vying for the positions or when aggrieved by their loss. (Thisday 4th May, 2021)

The 1991 Lagos gubernatorial race of the punctured third republic and the 2016 United States presidential elections showed that party supporters have a way of expressing their displeasure when powerbrokers present candidates against their will. Members of the then Social Democratic Party in Lagos expressed their disgruntlement by withdrawing their support for the party when the Dapo Sarunmi-Femi Agbalajobi pre-election feud couldn't be resolved amicably. Resulting in the unlikely win of the National Republican Convention nominee, Michael Otedola. While across the Atlantic, we saw supporters of Bernie Sanders opting for opposition candidate, Donald Trump, to communicate their dissatisfaction with the way then President Barack Obama and the Democratic Party hierarchy compelled him to step down for Hilary Clinton despite still in good position to clinch the party ticket. These instances tell us the will of the people has a way of smoking itself out, directly or indirectly. (Thisday 4th May, 2021).

The issue of Restricted Direct Primaries is the idea of the former Governor of Kogi State, Mr. Yahaya Bello, in an attempt to choose who will be the flagbearer of the All Progressives Congress (APC) in Kogi state for the gubernatorial elections slated for November 2023, he said, his party would adopt direct primary but that the primary election would be restricted to financial members alone. Whereas all card carrying members were supposed to participate in the primary. But to ensure that his candidate won at all cost, which was exactly what happened, he concocted the idea, meaning at the end of the day, it was Bello and his cronies that will determine who the financial members were and they will be handpicked as delegates with some financial gratifications at the end of the day.

It would be recalled that the All Progressives Congress has adopted the direct mode of primaries for the conduct of the Governorship Primary Election in Kogi State. The party informed the Independent National Electoral Commission as well as aspirants of its decision to adopt the direct mode, in a letter dated 6th April, 2023, and signed by the Acting National Chairman, Senator Abubakar Kyari.

The letter reads in part: "We refer to our earlier letter dated 25th January, 2023, with reference no: APC/NHDQ/INEC/19/023/191 wherein we notified the Commission of the mode of primary election for the conduct of the Gubernatorial Primary Election in Kogi State. "However, our great party, the All Progressives Congress (APC) has reviewed the modalities for the conduct of the Gubernatorial Primary Election in Kogi State and has therefore resorted to adopt the DIRECT mode of primary election instead of the Indirect Mode as earlier communicated. "The date for the conduct of the primary election still remains Friday 14th April, 2023. Following the above, there shall be a Special Congress to ratify the candidate with the highest number of votes at the Gubernatorial Primary Election in Kogi State scheduled for Saturday, 15th April, 2023." Meanwhile, an Abuja Federal High Court, on Wednesday, nullified the Kogi State All Progressive Congress' delegate list for the purpose of nominating a

governorship candidate for the party in the November governorship elections. Justice James Omotosho while delivering Judgement, voided the ward and local government congresses said to have been conducted on February 7 on the grounds that they were not conducted in compliance with the Electoral Act 2022, and the Constitution of the APC. (Vanguard 12th April, 2023).

However, the special congress, presided over by Bello Matawalle, chairman of the Kogi APC Primary Election Committee and governor of Zamfara State, was held on Saturday at the Muhammadu Buhari Civic Centre in Lokoja, according to a statement. It followed the emergence of Ododo, a former auditor-general for local governments, as the APC candidate at the party's governorship direct primaries. Announcing the results for ratification, Patrick Obahiagbon, secretary of the committee, who represented Matawalle, said: "After the carefully conducted primaries, devoid of rancour and with no violence recorded anywhere in the state, and having garnering 78,704 votes across all the 239 wards of the state, Usman Ododo has been returned as the governorship candidate that will fly the party's flag in the November 11 governorship election in the state." In his acceptance speech, Ododo promised to continue to improve on the security template laid down by the incumbent Governor Yahaya Bello, among many other life-changing legacies of the current administration. (Businessday 16th April, 2023).

Theoretical Explanation

The Conflict theory of Corruption will be used to explain this work. According to Investopedia Conflict theory, is associated with Karl Marx, it is a social theory that posits that society is in a state of perpetual conflict because of competition for limited resources. Conflict theory holds that social order is maintained by domination and power, rather than by consensus and conformity. According to conflict theory, those with wealth and power try to hold on to it by any means possible, chiefly by suppressing the poor and powerless. A basic premise of conflict theory is that individuals and groups within society will work to try to maximize their own wealth and power. Marxist conflict theory refers to conflict theory as put forward by the 19th-century political philosopher, who led the development of communism as a school of thought in economics. Karl Marx's two most famous works are *The Communist Manifesto*, which he published in 1848; and *Das Kapital*, published in 1867. Although he lived in the 19th century, Marx had a substantial influence on politics and economics in the 20th century and is generally considered one of history's most influential and controversial thinkers. It seeks to explain political and economic events in terms of an ongoing struggle over finite resources. In this struggle, Marx emphasizes the antagonistic relationship between social classes, in particular the relationship between the owners of capital—whom Marx calls the "bourgeoisie"—and the working class, whom he calls the "proletariat." Conflict theory had a profound influence on 19th- and 20th-century thought and continues to influence political debates to this day. Karl Marx believed that social conflict was needed for society to function. He showed people not to be scared of conflict but rather to except it as a way of life. Karl Marx believes that people have a "class consciousness" which means that people are aware of differences between one another and that it causes a separation between groups of people. People mostly look at material objects for a sense of class status. If you are wealthy in life then you have many material objects and if you are poor then you have very little.

The conflict theory of corruption offers a valuable perspective on the relationship between corruption and the lack of internal party democracy within political parties. Internal party democracy refers to the degree to which party members have influence and control over party decisions, including candidate selection, policy formulation, and leadership appointments. When applying the conflict theory lens to this issue, it becomes evident that the absence of internal party democracy creates power imbalances and social inequalities within political parties, which in turn facilitates corrupt practices. This paper will explore the conflict theory of corruption as it relates to the lack of internal party democracy, discussing its key concepts, examples, and implications.

The conflict theory asserts that power and inequality are inherent aspects of society, and that conflict arises as a result of the unequal distribution of resources, opportunities, and power. In the context of political parties, power is concentrated within a select group of individuals or factions, while the

majority of party members have little say in decision-making processes. This power imbalance creates an environment ripe for corruption, as those in power have the opportunity to utilize their positions for personal gain, often at the expense of the party and its members.

One key concept within the conflict theory of corruption and internal party democracy is the notion of the ruling elite within political parties. This ruling elite consists of party leaders and high-ranking officials who hold significant power and influence within the party structure. They often control access to resources, such as campaign funds and patronage positions, and use these resources to maintain their own interests and consolidate their power. The lack of internal party democracy allows this ruling elite to make decisions in a non-transparent and arbitrary manner, without being held accountable to the will of the party members. Consequently, corrupt practices, such as bribery, favoritism, and nepotism, can occur without adequate oversight or checks and balances.

Another important concept within the conflict theory of corruption and internal party democracy is the notion of structural violence. Structural violence refers to the systematic ways in which social, political, and economic structures perpetuate harm and inequality. In the context of political parties, structural violence is evident in the way that the absence of internal party democracy marginalizes party members and deprives them of a voice in decision making. This marginalization further perpetuates power imbalances and social inequalities within the party, as the ruling elite maintains their control and influence over party affairs, often to the detriment of the broader membership. As a result, corrupt practices become entrenched within the party, as the ruling elite exploit their positions to further their own interests, while disregarding the needs and desires of the party members.

Several real-world examples illustrate the conflict theory of corruption and its relationship to the lack of internal party democracy. In many countries, political parties are dominated by a small group of leaders who have disproportionate control over party affairs. These leaders often engage in corrupt practices, such as accepting bribes or engaging in patronage, to secure their own positions and maintain their power within the party. This kind of corruption erodes trust and confidence in political parties, as party members and supporters become disillusioned with the lack of internal party democracy and the pervasive corruption that stems from it.

The implications of the conflict theory of corruption and the lack of internal party democracy are significant. Firstly, it highlights the need for greater transparency, accountability, and inclusivity within political party structures. Party members must have a meaningful voice in decision-making processes, and mechanisms for holding leaders accountable for corrupt practices should be established. Additionally, efforts should be made to reduce the concentration of power within political parties and ensure that party resources are allocated based on merit and democratic principles, rather than personal interests.

Furthermore, the conflict theory lens suggests that addressing corruption within political parties requires broader societal change. It calls for a transformation of political and social structures to reduce power imbalances, foster social equality, and promote democratic decision-making processes. This may involve reforms at both the party level and the broader political system. For example, reforms could be introduced to strengthen internal party democracy, such as implementing fair and transparent candidate selection processes, encouraging member participation in policy formulation, and establishing systems of checks and balances within party structures.

In conclusion, the conflict theory of corruption provides useful insights into the relationship between corruption and the lack of internal party democracy within political parties. The concentration of power in the hands of a ruling elite and the marginalization of party members contribute to corrupt practices, which undermine the integrity and effectiveness of political parties. By adopting a conflict theory perspective, we can recognize the need for greater transparency, inclusivity, and democratic decision-making within political party structures. Reforms at both the party and system level are necessary to address corruption effectively and promote a more egalitarian and accountable political environment.

In Nigeria, candidate selection is done through party primaries fashioned after the American model, but nowhere close to it in terms of process and outcome. Accordingly, scholars like Ikeanyibe (2014) have argued that it remains difficult to address the inability of political parties in Nigeria to present candidates for election through party primaries that disregard party rules and respect for internal democracy. The nature of primary election in Nigeria is essentially oligarchic in the dominant parties. Party oligarchs constrict the nomination process by anointing preferred candidates, while those with war chests secure the nomination without appealing to the will of party members. Most often, this creates uncertainties that birth schism, or what Ashindorbe and Danjibo (2019) referred to as ‘intra-elite factionalism’, which ends up weakening the party as an organisation. While the parties have internal mechanisms for resolving disputes of this nature as provided in their constitutions, the reality is that aggrieved members often turn to the judiciary to vent their grievances. Hence the ubiquity of judicial reviews of disputed party primaries in Nigeria. This is what we refer to as the judicialisation of party primaries.

Adejumobi and Kehinde (2007) asserted that the number of political parties that held party primaries to nominate candidates for the 2003 general elections were few, and fewer in the 2007 general elections. After three electoral cycles, it became obvious that undemocratic party primaries have been institutionalised by the dominant parties, and they have also become more sophisticated. This growth in sophistication has been captured most poignantly by Jibrin Ibrahim (2011). According to him, party barons compel other aspirants to withdraw from the nomination race and support a particular candidate. Zoning is also used to exclude aspirants, and this is something backed with violence.

Hamalai et al. (2017, pp. 34-5) averred that ‘party primaries and candidate selection are hardly allowed to be truly democratic.... Instead, the moneybags usually hijack the process in favour of “anointed candidates” often at the expense of a popular candidate’. What we see here is the oligarchisation of the candidate selection procedure by those who own the party. It is for this reason that Agbaje (2010) argued that Nigeria does not have political parties worthy of the name. Instead, what it has are ‘contraptions’ that are nothing but a hurdle to Nigeria’s transition to democracy.

There are two ways available to conduct party primaries in Nigeria that is the direct and indirect method. The direct method simply involves registered members of the party getting an equal opportunity to vote for the flag bearer as the general populace does in a general election. All registered members of a party are allowed to vote in the primary election to elect the party’s representative in the general elections. The indirect method empowers a special group of voters called ‘delegates’ to make the choice for everybody else. Both the two methods were abused and wrongly applied in Nigeria by both the ruling All Progressives Congress that mixed direct and indirect method while, the opposition party conducted indirect primary election. (The Guardian 2nd November, 2018).

Raison d’état for Direct Primary Election

Direct primaries involve the participation of all registered members of a party in the selection of the party’s candidates. Indirect primaries on the other hand rely on the use of delegates who are often party leaders or political appointees at different levels to decide who flies its flag. Since its foundation about seven years ago, the APC has used both direct and indirect primaries to nominate its candidates, but the People’s Democratic Party (PDP) and some other opposition political parties nominate their candidates largely through indirect primaries. Ahead of the 2019 general elections, 18 of the 27 APC state chapters in their governorship primaries in September 2018 opted for indirect primaries, while the remaining nine used the direct method. The nine states that settled for direct primaries include Abia, Akwa-Ibom, Bauchi, Cross-River, Kano, Niger, Ogun, Taraba and Zamfara.

Recall that the former Speaker, while hosting a delegation of the Nigerian youths on a thank-you visit for his role on direct primaries led by the Minister of Youth and Sports Development, Sunday Dare, said he preferred a situation where the political space is opened for all, including the youths, to participate fully. This is even as Nigerian youths thanked the Speaker for single-handedly moving for the amendment in the Electoral Act to have direct primaries as the only method of electing parties’

candidates. Gbajabiamila said some members of the political class might not be comfortable with the arrangement but that the majority of the masses are in support of direct primaries, which he said would give them the opportunity of deciding who would represent them. Advancing some of the reasons, Gbajabiamila said: “If I know that my return will depend on some few men, I may not care about you. But if I know that my return will depend on my accountability and representation to the people, I will do the right thing... The Speaker, therefore, challenged the Nigerian youths to “take advantage of the new amendment,” saying, “power is not served a la carte. (Daily Post 11th November, 2021).

On the other hand, Attahiru Jega, a former Chairman of the Independent National Electoral Commission (INEC), has said the use of direct primaries by political parties might not work out well for now. This, he said, is because many members of some political parties are not properly registered. Also, the Inter-Party Advisory Council, a pressure group of the 18 registered political parties warned that Nigeria does not yet have the political maturity for its take off in the 2023 general election, the organisation said the country was not ready for the direct primary election model in the selection of flag bearers for political parties. In a related development, Senator Kabiru Gaya, ex-chairman of the Senate Committee on Independent National Electoral Commission (INEC), agrees with the notion of direct primary. He said the direct primary option would eliminate godfatherism and allow the people to choose their leaders without any undue influence.

Direct primary is a pre-election process that will give you the right candidates for election. Direct primary is better for us for now. Governors are kicking because they are always manipulating. Direct primaries are the only option that can guarantee true democracy and competence. Direct primaries would not only produce competent and qualified people who are truly representatives of the electorates, but it will also provide an opportunity for massive participation of members.

Governors determine delegates and make sure whosoever they want gets the parties’ tickets in the indirect primary. In effect, that is no election. It is an imposition. But when it is direct primary, the governors cannot be in control of the whole people of the state. It is now left to the parties to make sure that those appearing for election get whatever is given to them. The provisions of the Electoral Amendment Act Amendment Bill that all political parties must adopt direct method of primary election would have solved the problems of imposition of candidates, vote buying, rigging, and manipulation, associated with indirect methods of the delegates system. (The Guardian 11th January, 2022).

It has also been argued that direct primary is a nomination process that involves the direct exercise of franchise by all the eligible members of a political party in a single transaction of nominating a candidate for an election. This slightly contrasts with indirect primary, which is double-layered. It involves, first, the direct voting by all the members of the party to elect delegates who will constitute the Electoral College to nominate the party’s candidates. The delegates, in whom the party members reposed confidence of the proper choice of candidates, will then directly exercise franchise in determining the party’s candidates. From the above description, it is obvious that in both cases all the party’s members have a say in the nomination process... The only challenge with indirect primary is that the election of the delegates is fraught with manipulations, which equally could apply to direct primaries, otherwise, it is much more tasking than direct. Even in point of financial compromise, it is as much expensive, if not more, under indirect than direct, as it requires double massive expenditure to mobilise all members of the party to vote in direct primary... Factors that facilitate the manipulation of the nomination process range from lack of credible membership register, leading to the manipulation of the participants; lack of display of the register, if any, before the voting process to enable objections and verifications; absence of effective security coverage precipitating rigging, means of identifying true members of the party eligible to vote through credible accreditation; availability of proper venues; existence of neutral officials to conduct and superintend the process; and effective, credible and efficient monitoring of the process by officials of the Independent National Electoral Commission. Without a credible membership register, just as in general elections, the purported election or nomination will be a ruse. These are some

of the fundamental essentials of a credible nomination process. (The Nigeria Lawyer 28th October, 2021).

Conversely, others have pointed out that direct primaries were only out to restore sanity; and give the party back to the people, rather than the current practice where the nomination of candidates for election has been hijacked by few party leaders. The practice now is that the indirect primaries have enabled a few political power brokers to hijack party platforms, at the expense of the majority, by only allowing some carefully selected party delegates to elect candidates.

Absence of Internal Party Democracy

The absence or lack of internal democracy refers to a situation within an organization or a group where there is a deficit in democratic principles, processes, and practices. In an environment characterized by the absence or limited presence of internal democracy, decision-making, leadership selection, and governance may be unduly concentrated in the hands of a few individuals or a specific authority, leading to a lack of transparency, fairness, and inclusivity.

The former Secretary to the Government of the Federation, Sen. Anyim Pius Anyim, said the lack of internal democracy in political parties has become a persistent threat to Nigeria's democracy. Anyim said this at the 2022 Annual Political Parties Summit organised by the Inter-Party Advisory Council (IPAC) in Abuja. The summit had the theme: "Political Parties, Elections and the Consolidation of Democracy: Emerging Issues and Needed Intervention in Nigeria".

Anyim stated that former Resident Electoral Commissioner for Akwa Ibom State, Mr. Mike Igini, on Feb. 18, 2019, revealed that there were over 640 pre-election cases in courts, emanating from the 2019 general elections as a result of internal party strife. "The recent squabble over party primaries throughout the country clearly shows that not much has changed and that Nigeria political parties are not operating within norms of democratic principles. "Various political parties have repeatedly failed to adopt and apply the provisions of their constitution to all party members who are interested in running for office. "Candidates are imposed on the party without an election and due process, while others are forced to join or cross carpet to other political parties in protestation of apparent lack of fair and equal opportunities in the conduct of party primaries," he said.

Anyim, also, the former Senate President, added that within the political parties, a lack of social justice had presented serious challenges to the political party's stability. "In the People's Democratic Party (PDP) for instance, the complaints of the G-5 Governors of PDP is not that the party primary election was faulty but that the pre-and post-primary processes did not guarantee justice to them. "In All Progressives Congress (APC) also, the Christian caucus is also aggrieved owing to perceived injustice following the Muslim-Muslim ticket. "Let me, therefore, say that any failure to democracy starts with the political parties," he said. Anyim advised that political parties must not only see the conduct of party primary elections as constituting the core of its democratic mandate but must enthrone social justice. Anyim called for the reformation of political parties to be anchored on social justice. He said that parties must no longer be structured for the sole purpose of acquiring power, but as vehicles for promoting social justice, articulating policies, and mainstreaming good governance in the polity. (PM News 1st December, 2022).

The former Resident Electoral Commissioner (REC) in Niger State, Prof. Sam Egwu observed that lack of internal democracy in political parties is retarding the growth of democracy in the country. Egwu, who spoke in Minna ahead of the bye-election for the Magama/Rijau Federal Constituency seat, lamented that most often political parties "handpicked" their candidates without recourse to members of the parties. In addition, the REC regretted that in many of the parties, some people have hijacked the ownership, making those that are members valueless. "Weakness of democracy still remains the weakness of political parties. Lack of capacities on the part of parties to properly scrutinise their candidates to ensure they respect their own constitution and by-laws is yet

another problem. “We should build political parties that are truly democratic. Parties should be truly funded by members who should share the same vision and ideology,” he said. Egwu went further to say: *“If political parties are not democratic, they cannot be democratic when they win election. “They (political parties) must truly live the image they present to the larger world, God fathers should not dictate to other members of the parties.”* (Thisday Newspaper 4th April, 2021).

The Independent National Electoral Commission (INEC) has described as a major setback the lack of internal democracy among the political parties. A Deputy Director at INEC, Mr. Shehu Wahab who spoke at The Centre for Democracy and Development (CDD-West Africa) flagship programme, Nigerian Political Parties Discussion Series (NPPDS). The NPPDS seeks to promote healthy debate amongst leaders of political parties on national development issues ahead of the 2019 general elections. The theme for this edition of NPPDS is: Internal Party Democracy: Who Fares Better Among Political Parties in Nigeria? Wahab noted that conducting a credible election is not the work of the electoral body alone but that of all. He stressed that every stakeholder has a role to play to ensure that political parties conduct their activities transparently and openly for all to see. He said, “Ensuring that Nigeria has a credible election is not the work of INEC alone, the truth is that people are not willing to play their part and there is little INEC can do in that regard.”

Adding her voice, CDD Director, Ms. Idayat Hassan noted that the lack of internal party democracy is one of the most important challenges bedevilling Nigerian democracy. “Since the advent of democracy, political parties are perceived to be governed by a select few often referred to as godfathers or godmothers, who decides who get what and influence the operations of party structure. “The challenge of internal party democracy manifest in the decision-making processes within the party structure, candidate selection processes, party primaries and inclusion of Youth, Women and Persons Living with Disabilities (PLWD). This failure to democratise has not only weakened the party structure and its ability to institutionalise but is also partly responsible for the proliferation of political parties in the country,” she added. Ms. Hassan said the essence of the vent was to start a discussion ahead of the 2019 elections on what political parties had to offer to the masses. She said, “In the lead-up to the 2019 elections, there has been lots of discontent in the polity about political parties and the option they represent to Nigerian voters. In line with our mandate as a platform to facilitate robust engagements on topical issues in the polity, CDD is organising this edition of NPPDS between the People’s Democratic Party (PDP) and All Progressive Party (APC) and other political parties in Nigeria to address the following questions

Also, Samuel Dabeng of the Savana Centre for Democracy and Development said there is still a lot to be done by all the political parties in the area of internal democracy. He said” .There is a lot to be done in the area of internal democracy. I think from the public response there is still have a need to address that. There seems to be some disagreement in the process of bringing out election and part of the things that is affecting democracy is the level of contribution or control of the political parties by some bigwigs, which I think other people should be allowed to have a say in the process. ” A lot still needed to be done to throw the political parties open to the people by making the processes of registering for membership accessible.” This he said should be a priority for the political parties if they want to have a culture. On the role of Money bags, he said “Parties looking for votes would always want to look for the most convenient way of getting their votes. I appeal to Nigerians not to accept their money, because if they do, they sell their right.”

On his part, Mr. Jaye Gaskiya a political analysts posited that the lack of internal democracy remains a major gap in the country’s political process. He said, “So it is a major gap really, so what today has shown is that one of the things we really need to pay attention to and immediately begin to address is the question of party reforms and the only way parties can be reformed is by opening up their membership to Nigerians. “Parties must be transparent. There is absolutely no reason why an ordinary Nigerian for example a researcher should not be able to access online the register of a party. “You can protect it so that people should not be able to change what is there but people should be able to go online to say so this party has so many numbers of people, the percentage of women, the percentage of people with

disability, the percentage of youth that are members of the party and the rest of that. Information like for example how is the party funded should be available. It should be able to tell us, for example that dues and internal contribution contributed 50% of party resources in the previous year. “We must move to that level, and then the next thing, citizens of Nigeria themselves we need to start sanctioning political parties. Why should you vote for political party that you cannot access? Why should you vote for the candidates of parties you cannot access? So those are the things we need as citizens that we should begin to consider. But without that political cost, parties will not change.”

The Concept of Restricted Direct Primaries

The concept of restricted directed primaries was coined and adopted by ex-Governor Yahaya Adoze Bello of Kogi State to enable him knock off strong and formidable aspirants, for his preferred aspirant to emerge as the APC candidate in the Kogi State APC gubernatorial primary election in preparation for the Kogi state governorship election that has been slated for November, 2023. As elucidated above the APC more than any other political party in Nigeria’s fourth republic has used direct primaries and at no time has the term restricted added to direct primaries. This is because political parties are not secret cults, they are association of people with like minds, where their activities are not conducted clandestinely but democratically, following laid down processes and procedures. It would be recalled that even the election that brought Yahaya Bello to power for a second term in 2019 was more or less a war, where brute force and violence were deployed to win the election at all cost.

It is in light of the above that it has been explained that, it is no longer news that Alhaji Ododo Usman Ahmed, erstwhile Auditor-General, Local Government, emerged winner of the contested Kogi APC Primary held on Friday, 14th April, 2023. Going into the Primary – which was fraught with so much scheming and intrigues that the National Working Committee (NWC) of the APC reversed its earlier decision to conduct indirect primaries to a direct one barely 72 hours to the date – analysts were in agreement that whoever, among the seventeen aspirants jostling for the Lugard House top job, was chosen by GYB as his ‘anointed’ had the brightest chance of emerging as the APC candidate for the November 2023 Governorship election. (Kogi Reports, 4th May, 2023).

The truth of the matter was that there were no elections whatsoever, figures were manufactured and announcements were made. Recall that Smart Adeyemi, an All Progressives Congress (APC) candidate for governor of Kogi State, has called the results of the state’s primary election a “rape of democracy.” Adeyemi also asserted, in remarks made on Arise Television, that if INEC authorities concur that the APC primary election was legitimate, God will descend on them.

Ahmed Usman Ododo, a former Auditor-General for Local Governments in Kogi State, emerged as the flagbearer of the APC for the Kogi State governorship election. Ododo, who scored a total of 78,704 votes, won the direct primary election held on Friday, with a wide margin to defeat six other contestants in the governorship race. He defeated the distant runner-up, Barr. Mohammed Ozigi Salami, got 1,506 votes, while Adeyemi polled the least number of votes – 311.

During an interview, Adeyemi called the process “a sham and disgrace.” He railed, “About eight of us, apart from probably the man that was anointed, none of us has the privilege to vote. In essence, there was no voting anywhere. What they did was to write the result. It was a sham, It was a rape of democracy, It was a disgrace, a betrayal of all those who laid down their lives for the enthronement of democracy in Nigeria

“I have heard of rigging, if there was voting and we alleged rigging. OK we will say we were rigged out, but in this instance, we were at our polling unit at our ward secretariat, and there was no material, nobody, what they did was to invite the chairmen of the local government areas including those of them who were said to have been suspended, were recalled three days to the election and they were given a marching order, collect the material from the panel that came from Abuja and they went to their closets and filled the forms and brought some 10 to 15 people within their compound and area and they said they have voted and that was the result. “While we were still standing at our various wards, we

contestants looked at each other. It was 11 o'clock, it was 12 nobody, 1 pm nobody. We were still there at 2 o'clock when we started hearing the results of the election. "It is unimaginable. This is a new phenomenon that must not stand because if Kogi State gets away with this, other governors will copy this. There was no election. Ask my colleagues, ask the security service, and ask the INEC people unless they want God to descend on them. There was no voting." (RipplesNigeria.com 17th April, 2023)

Also, one of the governorship aspirants of the All Progressives Congress (APC) in Kogi State, Shuaibu Audu, has described as a "sham", the primary that produced Governor Yahaya Bello's ally, Usman Ododo, as the APC candidate for the November 11, 2023 governorship poll in the state. He said he does not have personal issues with the governor but have issues with the way he handled the process through which Ododo emerged as the APC governorship candidate in Kogi. "What I want is for the election to be cancelled and another primary election to be held following the constitution of our great party, the All-Progressives Congress. It is very important for thing to be done properly and things should be done accordingly," Audu said on Channels Television's Politics Today on Wednesday. "I don't have issues with the governor on a personal note but I have an issue with the way he went about the nomination for the candidate of the All Progressives Congress because there was no election."

The son of a former governor of Kogi State, Abubakar Audu, who has now approached the court to seek cancellation of the primary, said that the primary was not held according to the provisions of the party. He lamented that the governor who has ruled the state for eight years is trying to pass the baton to his cousin who he said is from the same ward and polling unit as the governor. On April 15, Ododo was declared winner of the APC primary which was conducted via direct mode of election in the 239 wards across the 21 local government areas of Kogi. (Channels TV 23rd April, 2023).

Furthermore, two members of the All-Progressives Congress (APC) have pleaded with a High Court in Abuja to disqualify the party's governorship candidate in Kogi State, Ahmed Usman-Ododo, and other public office holders who participated in the 11 April primary election without resigning from their positions.

Realwan Akpanachi and Yahaya Seidu-Nuhu, in an originating Summons filed by their counsel, Promise Ogbodu, sued six of the contestants as 1st – 6th defendants. The 1st – 6th defendants include Mr Usman-Ododo, and others who withdrew from the race for him. They are Abdulkareem Jamiu (Chief of Staff), Jibril Momoh (Account-General), Yakubu Okala (Auditor-General), Asiwaju Idris (Finance Commissioner), Salami Ozigi (Commissioner for Local Government and Chieftaincy Affairs) and Mr Usman-Ododo (Auditor-General for Local Government Areas).

Other defendants are the APC and the Independent National Electoral Commission (INEC) as the 7th and the 8th defendants respectively. The News Agency of Nigeria (NAN) reports that the court had directed that a notice of hearing be served on all the respondents for them to appear on April 27 for the hearing. The plaintiffs are alleging violation of the Electoral Act 2022 and the Constitution of the Federal Republic of Nigeria in the primary election.

They claimed that the first six defendants were still political appointees/public servants at the time they contested the governorship primary election of 11 April. They asked the court to determine whether the 1st – 6th defendants "being political appointees/public officers currently in the service of the Kogi Government, can validly participate in the convention or congress of the APC to vie for the nomination as the governorship candidate for the Nov, 11 Governorship election."

"Whether having regard to Section 84 (12) of the Electoral Act (2022) the 7th Respondent (APC) can validly nominate any of the 1st to 6th Respondents as her Candidate for the Kogi State Governorship Election in the face of their failure as political appointees/public servants, to resign from service of the state government at the time of the primary election," they asked.

They also prayed the court to make a declaration, that “being political appointees/public officers currently in the service of the Kogi Government, the 1st to 6th respondents, cannot validly vie for the APC’s nomination as its Governorship Candidate, for the Kogi Election Governorship scheduled for Nov. 11.”

“A declaration that the 7th Respondent cannot validly nominate any of the 1st to 6th Respondents as her Candidate for the Kogi State Governorship Election in the face of their failure as political appointees/public servants, to resign from service of the Kogi Government at the time of the primary election.

“An Order, disqualifying any of the 1st to 6th Respondents from seeking for the nomination of, and being nominated by the 7th Respondent as its Governorship Candidate for the Kogi Governorship Election, scheduled for Nov. 11, ” they further prayed.

NAN reports that Mr Usman-Ododo had emerged winner of the Kogi APC governorship primary election after the other five respondents including the Deputy Governor, Edward Onoja, and one other stepped down for him. (Premium Times 20th April, 2023).

Similarly, some Governorship aspirants of the All Progressives Congress (APC) has rejected the results of the Primary Election of the party held recently in the state. The aspirants include Senator Smart Adeyemi, former Minister of State Labour and Productivity, Professor Stephen Ocheni, son of late ex-Governor Abubakar Audu, Shuiabu, and a member of the National Working Committee of the APC, Murtala Yakubu Ajaka. Speaking on behalf of the aggrieved aspirants at a press conference in Abuja, Senator Adeyemi claimed that no election took place to have warranted the declaration of Ahmed Usman Ododo as the Governorship candidate of the APC for the state. He called on the President-elect Asiwaju Bola Ahmed Tinubu, Vice President-elect Senator Kashim Shettima, National Chairman of the APC, Abdullahi Adamu and the National Working Committee (NWC) of the party, not to allow the results of the primary election to stand. (The Nation 15th April, 2023). Hence, the restricted direct primaries is a pain in the neck and does not guarantee electoral peace and harmony and it was a gross violation of the Electoral Act 2022 as well as the Constitution of the APC.

Conclusion

The restricted direct primaries is a new phenomenon of electoral malpractices and embedded corruption in our electoral process in this country. No election was conducted and election results were announced. It is antithetical to the fundamental principles of democracy; such absurd conduct makes mockery of democratic practice and causes democratic reversal. The election ought to have been outrightly rejected and modalities to conduct another election put in place to have a credible election that reflects the wishes and aspirations of the generality of APC members in Kogi State and not an imposition that negates all democratic norms. It also shows a lack of internal party democracy where the vested interests of members are duly taken care of, rather it glaringly demonstrates the pandering to the core interest of the powerful and moneybags, which is at variance with democratic ethos and norms. It is most unfortunate that this brazen act of electoral fraud as more or less been elevated to the status of official state policy, as nobody frowns at the brazen act of lawlessness.

Recommendations

The extant Electoral Laws should not just be meant for decoration, they must be truly and duly applied, to enable us have enduring democratic ethos and governance system. Secondly, if our extant laws are not tested in courts of competent jurisdictions, it will be difficult to appreciate the efficacy and applicability of such laws. Moreover, nobody in the political parties should be too powerful to take unilateral illegal actions that no party member can take exception to and challenge legally; and no single individual can be too powerful to foist an illegality on the generality of the people and nobody will have the conviction and boldness to seek legal redress. Also, electoral laws should be reviewed from time to time, so that, gaps or lacunas in the law books can be bridged, not to allow devious politicians to exploit them for undue advantage.

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