

Muammar Gaddafi's Third Universal Theory and Popular Participation in the Conduct of the 2023 General Elections in Nigeria.

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[0187] Abstract

The study focused on popular participation in the conduct of representative democratic elections, with emphasis on the 2023 general elections in Nigeria and how it interfaced with Muammar Gaddafi's Third Universal Theory. The study examined how the activities of the parliamentary instrument of governance in the Third Universal Theory, affected popular participation in the conduct of the 2023 general elections in Nigeria. While literature abound, interrogating the place of the legislative instrument of governance in representative democracy, efforts have not been made to examine the impacts of the activities of this institution on popular participation in the conduct of elections in Nigeria, hence this study. Adopting a critical qualitative research design, the paper relied on both primary and secondary sources of data collections, and employed the textual analytical technique to present and analyze collected data. The study, while relying on critical and logical sense of evidences, established that the Parliamentary Instrument of Governance through her legislative activities, such as the deliberate disenfranchisement of some certain sections of the population, affected popular participation in the conduct of the 2023 general elections in Nigeria.

Keywords: General Elections, Legislature, Parliament, Popular Participation, Third Universal Theory.

Introduction

A periodic, competitive, participatory, free and fair election is the foundation upon which every other indicator of representative democracy is built. Where elections fail to be conducted according to the will of the people as encapsulated in the constitution and the electoral laws, it is safe to state that the representative democracy has failed. A close study of the democratizing effects of elections in Africa suggests that a majority of countries have backslidden toward autocracy, while only a few maintain the periodic, free and fair quality of elections (Bogaards, 2013). However, the obvious inherent contradictions that characterize the system of representative democracy mostly practiced across the globe appear ubiquitous rather than peculiar to Africa. For instance, Crozier, Huntington and Watanuki (1975) in their report to the Trilateral Commission on the crisis of democracy in Western Europe, Japan and North America, declared that there are intrinsic challenges to the viability of democratic government which grow directly out of the functioning of democracy itself. "Democratic government does not necessarily function in a self-sustaining or self-correcting equilibrium fashion. It may instead function so as to give rise to forces and tendencies which, if unchecked by some outside agency, will eventually lead to the undermining of democracy" (Crozier, Huntington & Watanuki, 1975: p. 8). In one of the most comprehensive studies of global democracy with focus on the key indicators such as the stability of democratic institutions, political participation, the rule of law, and the strength of the State, the Germany's Bertelsmann Foundation reported that the key components of a functioning democracy such as political participation and civil liberties, have witnessed great regression globally (Kurlantzick, 2013).

The study further reveals that the number of countries whose democratic institutions, elections and political culture are flawed that they can no longer be regarded as real democracies, have doubled between 2006 and 2010. One of the most worrisome manifestations of the internal contradictions of the representative democracy is its tendency to give rooms for the elections of autocrats in the guise of democrats. These autocratic-democrats, when elected, tend to subvert democracy by weaponizing state institutions such as the law courts, the electoral umpire and other neutral agencies. For instance, President Alpha Conde of Guinea in March, 2020 manipulated and replaced the country's 2010 constitution with a new constitution in a bid to abolish the two-term limit and to enable him to contest for a third term (Boucher, 2020; Rosenje, Onyebuchi & Adeniyi, 2021). They however, go as far as buying off the media or forcefully rendering them inactive and changing the rules of politics in the middle of

the game to make the playing field uncondusive to the opponents. "The tragic paradox of the electoral route to authoritarianism is that democracy's assassins use the very institutions of democracy—gradually, subtly, and even legally—to kill it" (Levisky and Ziblatt, 2018: p. 1). Elections in a democracy perform certain major functions such as allowing voters to determine the political colour of their government, making government accountable to the judgment of the people and to produce a legislature that is representative of the distribution of policy preferences amongst the electorate (Thomassen, 2014). When elections fail to perform the above functions in a representative form of democracy, the outcome becomes the general feeling of political normlessness and political powerlessness by the people which comes with certain unpalatable consequences (Johari, 2012).

The above therefore raises the question, whether any form of democracy that is not masses-centered, masses-oriented and almost always masses-conscious, is not a travesty? Hence, in his Third Universal Theory, Muammar Gaddafi opined that all political systems all over the world today are an outcome of the struggle for power between alternative instruments of government. According to him, this struggle maybe peaceful or violent, as can be seen among classes, sects, tribes, parties or individuals. The outcome is always the victory of a particular governing structure-be it that of an individual, group, party or class-and the defeat of the people; the defeat of genuine democracy (Gaddafi, 1975). It is in the light of the foregoing, that this study interrogates the popular participation in the conduct of representative democratic elections in Nigeria against the backdrop of the tenets of Muammar Gaddafi's Third Universal Theory with keen emphasis on the 2023 general elections in Nigeria.

Review of Related Literature

Muammar Gaddafi: The Man and His Third Universal Theory

The Third Universal Theory is one of the original intellectual responses as well as contributions of one of the most controversial but greatest leaders of African origin, Muammar Gaddafi, to the challenges of representative democracy globally. In this theory, Gaddafi referred to what is today accepted and practiced across the globe as the best form of government: the Western system of representative democracy, as nothing but a travesty. The basic tenets of the Gaddafi's Populist-Socialist Third Universal Theory are outlined in a three-part publication known as "The Green Book". Describing the theory, Muammar Gaddafi states thus:

"The Third Universal Theory is a prelude to the total freedom of the popular masses from the shackles of injustice, from despotism, from political domination and economic exploitation, ultimately leading to a society for all mankind. In this society, everyone shall be free; everyone shall have equal power, wealth and weapons so that freedom shall totally and definitively prevail." (Gaddafi in Martin, 2012: p.116).

Gaddafi conceives the Third Universal Theory as an ideology, when accepted by the Third World countries, could resist the imperialism tendency of the two-dominating political-ideological systems, and that could guarantee the protection of the vulnerable individuals in the developing societies of the third world. For Gaddafi (1975: p.1), "the instrument of government is the prime political problem confronting human communities (The problem of the instrument of government entails questions of the following kind. What form should the exercise of authority assume? How ought societies to organize themselves politically in the modern world?)". It is specifically, this political problem of the instrument of government confronting the entire world that the Green Book has come to solve. The Third Universal Theory posits that "all political systems in the world today are a product of the struggle for power between alternative instruments of government". And while this struggle may be peaceful or violent, as can be seen among classes, sects, tribes, parties or individuals, the outcome is always the victory of a particular governing structure - be it that of an individual, group, party or class - and the defeat of the people; which translates to the defeat of genuine democracy.

The concept of representative democracy remains a very complex and most times a highly paradoxical one. When a candidate wins with a simple majority, such as 51% of the total votes, it can lead to a situation where nearly half of the electorate may feel disenfranchised and governed by an entity they did not support. This phenomenon can result in a governing body that represents only a minority, particularly when votes are split among multiple candidates. In such cases, the winner may not necessarily represent the majority's interests, leading to a form of dictatorship masquerading as democracy. As Gaddafi rightly notes, this can be seen as a falsification of genuine democracy, where the governing body prioritizes its own interests over those of the people. This raises important questions about the nature of the representative democracy and how it can be a true representative of the people's

will. At this point, dictatorship which is characterized by the concentration of power in the hands of a single individual or group, often without checks on their authority, now shares the same meaning and features with the representative democracy. No doubt, the above ultimately results in the reckless suppression of individual rights and freedoms, as well as a lack of accountability and transparency in governance.

While the Theory recognizes the position of the parliament as the 'backbone' of the conventional representative democracy prevailing in the world today, it maintains that the parliament remains one of the greatest albatross to democracy, as a misrepresentation of the people, and as such, the parliamentary systems are a false solution to the problem of democracy. The idea that the members of the parliament are originally elected to represent the people is in itself undemocratic since democracy means the authority of the people and not an authority acting on behalf of the people. These so called elected representatives according to Gaddafi, now become a legal barrier between the people and the exercise of authority, excluding the masses from meaningful politics and monopolizing sovereignty in their place, while the people are left with only a facade of democracy, manifested in long queues to cast their election ballots. To adequately understand the nature of parliaments, it's essential to delve into their origins. Parliaments are typically formed through elections from specific constituencies, parties, or coalitions, or by appointment. However, these processes according to Gaddafi, are inherently undemocratic. When a population is divided into constituencies, a single representative is tasked with speaking for thousands, hundreds of thousands, or even millions of people. This creates a wide gap between the representative and their constituents, as the representative is expected to serve the interests of the entire population, rather than just those who elected them.

In traditional democracies, this system is prevalent, leading to a sense of isolation between the masses and their representatives. The representatives become detached from the people they're supposed to serve, making it challenging for citizens to have their voices heard. This paradoxical nature of the representative democratic systems, where the elected representatives are expected to serve the interests of all, while being elected by only a portion of the population, highlights the need for a more inclusive and participatory form of governance. Immediately after winning the electors' votes the representative takes over the people's sovereignty and acts on their behalf. The prevailing traditional democracy endows the members of parliament with a sacredness and immunity which are denied to the rest of the people. Parliaments, therefore, have become a means of plundering and usurping the authority of the people (Gaddafi, 1975: p.2). Stressing further on the manners in which the parliamentary instrument of governance usurps the authority of the people, Gaddafi states that: If parliament is formed from one party as a result of its winning an election, it becomes a parliament of the winning party and not of the people. It represents the party and not the people, and the executive power of the parliament becomes that of the victorious party and not of the people.

The same is true of the parliament of proportional representation in which each party holds a number of seats proportional to their success in the popular vote. The members of the parliament represent their respective parties and not the people, and the power established by such a coalition is the power of the combined parties and not that of the people. Under such systems, the people are the victims whose votes are vied for by exploitative competing factions who dupe the people into political circuses that are outwardly noisy and frantic, but inwardly powerless and irrelevant. Alternatively, the people are seduced into standing in long, apathetic, silent queues to cast their ballots in the same way that they throw waste paper into dustbins (Gaddafi, 1975: p. 2). Being a system that thrives on propaganda, Gaddafi notes that the parliamentary system is a demagogic system where votes can be bought and falsified and in such, the poor people are unable to compete in the election campaigns, and the result is that only the rich get elected.

The Activities of the Parliamentary Instrument of Governance in the Conduct of Representative Democratic Elections in Nigeria: The parliamentary instrument of governance is at the heart of every democratic government worldwide. In fact, it is the parliamentary institution that gives democracy its meaning of the government of the people, by the people and for the people. While Olufemi (2010) maintains that the parliament is the embodiment of the sovereignty of the people in any democratic setting, Louth (2011) sees it as the essential link between the people and those who govern them. The above point by Louth hinges basically on the oversight functions of the legislature in a democracy. Buttressing on the place of the parliamentary instrument of governance in democracy, Usonka (2019: p.97) asserts that "the parliament constitutes a cardinal part of the major pillars of the governance process in the democratic political systems of today's world, including Nigeria". The parliament in the context of Nigeria's constitutional democracy, is seen as the symbol of democracy and its members

represent different strata of the Nigerian society (Awotokun, 2021). The Constitution of the Federal Republic of Nigeria 1999 (as amended) is anchored on the principle of separation of powers as espoused by Baron de Montesquieu thus:

Political liberty is to be found only when there is no abuse of power. But constant experience has shown us that every man invested with power is liable to abuse it, and carry his authority as far as it will go. To prevent this abuse, it is necessary from the nature of things that one power should be a check on another - when the legislative and Executive Powers are united in the same person or body - there can be no liberty - Again there is no liberty if the judicial power is not separated from the legislative and executive. There would be an end of everything if the same person or body, whether of the nobles or of the people were to exercise all three powers (Montesquieu, 1949: p. 3-6).

Emphasizing the position of the Parliamentary instrument of governance in representative democracy among other instruments of governance, David Beetham states inter alia:

Within the traditional separation of powers – between the Executive, Legislature and Judiciary – Parliament as the freely elected body holds a central place in any democracy. It is the institution through which the will of the people is expressed, and through which popular self-government is realized in practice. As agents of the people, parliaments represent them in dealings with the other branches of government, and with various international and sub-national bodies. How well they fulfil this mediating role, and how representative of the people they are in all their diversity, is an important consideration for a democratic parliament (Beetham, 2006: p. 4-5).

While the Constitution of the Federal Republic of Nigeria 1999 (as amended), sections 4-6 made provisions for the separation of powers and functions of the three arms of government in Nigeria's representative democracy, Kazeem (2013) opined that the constitution does not clearly establish a pure separation of powers in which each branch of government is isolated from the others. This is very conspicuous in the manner in which the separation of powers in the representative democratic system determines and dictates the interaction of the Executive, Legislative and Judicial branches. For example, the constitution grants the President a veto power over legislation and creating a role for the Senate in the approval of treaties and the appointment of ministers, while the Judiciary may decide cases or controversies. "Therefore, separation of powers should not be equated with parallel lines whose beginning and end cannot meet. Rather, there is interdependence of functions among the three organs of government" (Kazeem, 2013: p. 81-82).

The above shall take us to the actual provisions of the constitution with regards to the powers allotted to the parliamentary instrument of governance in Nigeria, being the key element of representative democracy according to Olufemi(2010), Louth(2011), Usonka(2019), Awotokun(2021) etc. However, before we delve into that, it is pertinent to state alongside Heywood (2007), Okoosi-Simbine (2010) etc. that the parliament globally has two main types, while some have two chambers mostly known as the bicameral legislatures, others have single chamber popularly known as the unicameral legislature. In the case of Nigeria, the constitution favors the bicameral legislature which includes the House of Senate (Upper House) and House of Representatives (Lower House) jointly referred to as the National Assembly of Nigeria.

In fact, section 4 (1 and 2) of the constitution of the Federal Republic of Nigeria 1999 (as amended) declared that the "legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation which shall consist of a Senate and a House of Representatives". And that "the National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in Part I of the Second Schedule to this Constitution". Nwabueze, (1993: p. 29) had argued that the phrase "peace, order and good government" as highlighted in section 4(2) above has been described as a legal formula for expressing the widest plenitude of legislative power exercisable by a sovereign legislature. Section 4(4) went further to state that "in addition and without prejudice to the powers conferred by subsection (2) of this Section, the National Assembly shall have power to make laws with respect to the following matters, that is to say- (a) any matter in the Concurrent Legislative List set out in the first column of Part II of the Second Schedule to this Constitution to the extent prescribed in the second column opposite thereto; and(b) any other matter with respect to which it is empowered to make laws in accordance with the provisions of this Constitution". While Arowolo (2010), Okoro O. (2012), Usonka(2019), and Osunkoya and Basiru (2019), Odalonu (2020), etc. agreed that the elaborate functions

of the Parliament include the representative function, oversight function, legislative function, finance function, committee function, investigative functions and even constituency responsibilities. Kazeem (2013) argued that “the term “oversight functions” is not expressly employed in our constitutional lexicon, neither is it defined or described by the 1999 constitution, although the concept is sufficiently adopted by the constitution”.

However, it is pertinent to note that section 88(1&2) of the 1999 constitution (as amended) provides thus: **(a)** Subject to the provisions of this Constitution, each House of the National Assembly shall have power by resolution published in its journal or in the Official Gazette of the Government of the Federation to direct or cause to be directed investigation into - any matter or thing with respect to which it has power to make laws; and the conduct of affairs of any person, authority, Ministry or government department charged, or intended to be charged, with the duty of or responsibility for; executing or administering laws enacted by National Assembly, and disbursing or administering moneys appropriated or to be appropriated by the National Assembly. **(b)** The powers conferred on the National Assembly under the provisions of this section are exercisable only for the purpose of enabling it to make laws with respect to any matter within its legislative competence and correct any defects in existing laws; and expose corruption, inefficiency or waste in the execution or administration of laws within its legislative competence and in the disbursement or administration of funds appropriated by it.

The 1999 constitution of the Federal Republic of Nigerian (as amended) having clearly provided for the rule making and oversight or watch-dog function of the parliament, it appears to be silent on what should be the most important aspect of the legislative process which is the true place of the people in the parliament. In the case of Nigeria, the oversight function of the parliament seems not only to be a prominent status in legislative agenda but appears to have topped the representative, as well as the rule-making functions of the parliament. As rightly observed by Okoro in Osunka (2019), “oversight is regarded as an integral part of the legislative process and as overlapping with the law making and policy formulation functions, especially where such legislations are initiated by the executive organ of government”. The nexus that should exist between the people, the constitution and the parliament appears to be missing in the Nigeria’s representative democratic system. As rightly noted below:

If the constitution is the embodiment of the aspirations, ideals and collective will of the people, the parliament is the collective defender and watchdog of the aspiration, ideals and collective will of the people. If the constitution is the social contract between the people and their government, the parliament is the advocate for the people and the arbiter of the national interest. Indeed, if the constitution is (like the Bible, the Quran and other religious treatises) the covenant between the people and their leaders, the parliament is the repository and protector of the oracles of the political covenant and social contract between the people and their government (Odinga (1994: p. 123)

Awotokun blamed the woes of the parliamentary instrument of governance in Nigeria on the 1999 constitution of the Federal Republic of Nigeria (as amended), which according to him, suffers from self-contradictions and was never a product of the common will of the people. According to Awotokun (2021), what was supposed to be a people’s constitution was hurriedly foisted on Nigerians by the departing military government without the people’s input. Being an elite-oriented constitution which Awotokun considers antipodal to constitutional democracy, that activities of the institutions it created such as the parliament, have been engulfed in controversies since inception. While the law-making and oversight activities of the Parliamentary Instrument of governance in Nigeria have been adjudged by several scholars to be anti-people, the representative aspect of it cannot be said to have ever been on the agenda. Agunyai and Olawoyin (2019) rightly observed that the members of Parliament in Nigeria particularly, “rarely represent the interests of and accountable to the people”. Scholars such as Alabi and fashagba (2010), Aleyomi(2013) Kazeem(2013) Agunyai and Olawoyin (2019), Aliu(2019), Osunkoya and Basiru(2019), Agunyai and Ojakorotu (2021), and Awotokun (2021) etc. have decried the series of financial and legislative scandals that have characterized the Parliamentary Instrument of governance in Nigeria since the inception of the fourth republic. Alabi and fashagba (2010) lament that the failure to make laws that will benefit the people and confront corruption headlong may not be unconnected with the fact most members of the National Assembly emerged or won their seats through fraudulent means. In a bid to balance things up while preparing for another round of elections, they involve in incidents of scandals which in the past have resulted in the removal of at least three Senate Presidents and two Speakers of the House of Representatives between 1999 and 2009. This becomes the

order of the day especially where politics is viewed by average politicians through the eyes of business ventures where investments must be recouped with much interest. The above was collaborated by the famous speech made by former Senate President, Adolphus Waraba, when he emphatically argued thus:

Most of us came into the National Assembly with high expectations. It is an investment really to come to the National Assembly. When we go about campaigning and asking for votes, we don't get these votes free. You spend some money. Most of us even sold houses. You come in through legitimate means but you can't recoup what you spent (The News, April 4, 2005: p.50 in Muhammad 2007: p. 13).

Agunyai and Olawoyin (2019) observed that the above ugly trend manifests itself in the way and manner these legislators lobby and scramble for membership of key oversight committees in the legislature and diversion of constituency funds to the detriment of the people they claim to represent. They maintained that the implication of the above is that effective oversight function of the parliament is sacrificed on the altar of corruption, while the legislators collude with the heads of Ministries, Departments and Agencies of the government to loot public funds at the expense of real service delivery to the people. For Obasanjo (2014), the oversight function which has become more prominent than the other functions of the parliament in Nigeria, has been used, overused and abused for extortion. Therefore, there is urgent need to police the police by establishing an independent institution that will be charged with the responsibility to audit, monitor, regulate, standardize and monitor the oversight function of the legislature.

Method of Data Collection/Analysis

The study adopts a Critical Qualitative Research Design. The major objective of critical research design is to critique existing socio-political phenomena while exerting frantic efforts to emancipate the people from oppressive social situations. It therefore relies on both primary and secondary sources of data collection. The primary source of data collection for this study involves the use of a Key Informant Interview (KII) to extract the views of various stakeholders that have first-hand information and experience on the subject of investigation. The key informant interview participants were purposively selected from different institutions and occupational demography relevant to this study based on the practical and professional knowledge they possess concerning the subject of investigation. In line with the foregoing, the interview participants were divided into three (3) categories. Category A comprises of ten (10) Nigerian citizens living abroad, including those residents in the South-Africa, UK, USA, Canada and China. Category B comprises of ten (10) professionals including Scholars of Political Science and International Relations, senior legal practitioners and senior staff of the Independent National Electoral Commission (INEC). Category C comprises of ten (10) academics who were recruited to serve in various capacities as INEC ad-hoc staff in the 2023 general elections in Nigeria. This brings the total number of interview participants to thirty (30). For the secondary sources, the study also relies specifically on running documents such as government gazettes, including the 1999 constitution of the Federal Republic of Nigeria (as amended), the 2010 and the 2022 electoral act of the Federal Republic of Nigeria (as amended); Nigerian Political Parties' constitutions, Nigerian law reports, other official reports especially those from the electoral umpire the Independent National Electoral Commission, etc. The study also adopts Textual Analysis as the suitable method of data presentation and analysis to classify and analyze collected data.

Discussion

The Legislative Activities of the Parliamentary Instrument of Governance and the Disenfranchisement of the People in the Conduct of the 2023 General Elections in Nigeria: Every representative democratic system worldwide owes its meaning and existence to the parliamentary instrument of governance. That is to say that the parliament is the very foundation upon which every other ingredient of representative democracy is built. It is also safe to say that representative democracy, being the most acceptable system of governance globally, begins and ends with the parliamentary institution. The above aligns with the idea of Louth (2011) that the parliamentary instrument of governance remains the essential bridge that links up the people with those who govern them. The parliament is not only a channel through which the will of the people is expressed, it is also the agent of the people which represents them in all their transactions with the other arms of government. As the embodiment of the sovereignty of the Nigerian people, the parliamentary instrument of governance is seen as the symbol of democracy and its members serve as the representative of different constituencies within the society.

Muammar Gaddafi's third universal theory recognizes the position of the Parliament as the 'backbone' of the conventional representative democracy prevailing in the world today. However, the theory maintains that the Parliament remains one of the greatest albatross to true democracy. In fact, it is seen as a misrepresentation of the people, and as such, the parliamentary systems are a false solution to the problems of democracy. Gaddafi views the idea that the members of the parliament, a very few number of persons, are elected to represent the entire people in a state, as undemocratic since democracy means the authority of the people and not an authority to act on behalf of the people. Instead of becoming the bridge that links up the people with those who govern them, these so-called elected representatives, according to Gaddafi, now become a legal barrier between the people and the exercise of authority, excluding the masses from meaningful politics and monopolizing sovereignty in their place. The only feeling of democracy left for the people is the long queues to cast their ballots during the so-called representative democratic elections.

To adequately understand the nature of the parliament as a major tool of governance in representative democracy, it is germane to delve into their origins. Parliaments are typically formed through elections from specific constituencies, parties, or coalitions, or by appointment. However, these processes according to Gaddafi in the third universal theory, are inherently undemocratic. When a population is divided into constituencies, a member of the parliament representing a particular constituency is tasked with speaking for thousands, hundreds of thousands, or even millions of people in the constituency. This creates a wide gap between the parliamentarians and their constituents, as the representative is expected to serve the interests of the entire population, rather than just the faction that elected them. In traditional democracies, this system is prevalent, leading to a sense of isolation between the masses and their representatives. The representatives become detached from the people they're supposed to serve, making it challenging for citizens to have their voices heard. This paradoxical nature of the representative democratic systems, where the elected representatives are expected to serve the interests of all, while being elected by only a portion of the population, highlights the need for a more inclusive and participatory form of governance.

Immediately after winning the electors' votes in elections, the representative takes over the people's sovereignty and acts on their behalf. At this point, the parliament ceases to be the embodiment of the sovereignty of the people as posits by Olufemi (2010), but that of the elected parliamentarians. The prevailing traditional democracy endows the members of parliament with a sacredness and immunity which are denied to the rest of the people. Parliaments, therefore, have become a means of plundering and usurping the authority of the people (Gaddafi, 1975: p.2). Stressing further on the manners in which the parliamentary instrument of governance usurps the authority of the people, Gaddafi states that; If parliament is formed from one party as a result of its winning an election, it becomes a parliament of the winning party and not of the people. It represents the party and not the people, and the executive power of the parliament becomes that of the victorious party and not of the people. The same is true of the parliament of proportional representation in which each party holds a number of seats proportional to their success in the popular vote. The members of the parliament represent their respective parties and not the people, and the power established by such a coalition is the power of the combined parties and not that of the people. Under such systems, the people are the victims whose votes are vied for by exploitative competing factions who dupe the people into political circuses that are outwardly noisy and frantic, but inwardly powerless and irrelevant. Alternatively, the people are seduced into standing in long, apathetic, silent queues to cast their ballots in the same way that they throw waste paper into dustbins (Gaddafi, 1975: p. 2).

Being a system that thrives on propaganda, Gaddafi notes that the parliamentary system is a demagogic system where votes can be bought and falsified and in such, the poor people are unable to compete in the election campaigns, and the result is that only the rich get elected. Just as Mahatma Gandhi posits in his philosophy of Satyagraha, an instrument of governance built on the foundation of false representation of the people should not be expected to be laden with activities that embodies the general will of the people. This is because for Gandhi, it is the means that justifies the end (see Chayhan, 2020 and Jahanbegloo, 2021). Hence, the Third Universal Theory unequivocally posits that in true democracy, there is no representation in lieu of the people. In the case of the parliamentary instrument of governance in Nigeria's representative democratic system, it is safe to state that the will of the people is neither on the agenda of the 1999 constitution that created it, nor considered in most of the activities of the parliament. Being an elite-oriented constitution which Awotokun (2021) considers antipodal to constitutional democracy, the activities of the institutions it created such as the parliament, have been engulfed in several undemocratic cum anti-people activities since inception. According to him, what

was supposed to be a people's constitution was hurriedly foisted on Nigerians by the departing military government without the people's input. While the law-making and oversight activities of the Parliamentary Instrument of governance in Nigeria have been adjudged by several scholars such as Alabi and fashagba (2010), Aleyomi (2013) Kazeem (2013) Agunyai and Olawoyin (2019), Aliu (2019), Osunkoya and Basiru (2019), Agunyai and Ojatorotu (2021), and Awotokun (2021), to be anti-people, the peoples' representation aspect of it cannot be said to have ever been on the agenda.

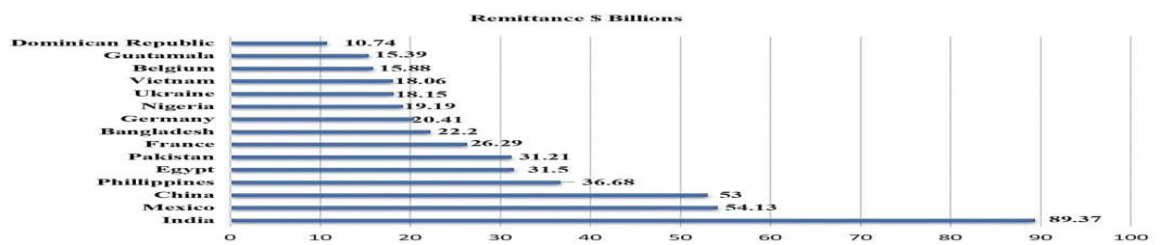
In line with the foregoing, Onyishi Augustine PhD, an interview respondent in category B in this study laments that; Our law-makers are the major reasons why Nigerians in diaspora are not allowed to vote or participate in the electoral process. These people are not in any way the people's representative, they are self-serving and very unconcerned about the plights of the common man and that is the reason why you hardly see them make laws that will benefit the people. Those guys are in the National Assembly are just there to make money yet they are jobless. We are in a country where law-makers who have no known sources of income are richer than business men. These guys see politics as occupation and they believe that when more people are allowed to participate in the electoral process, it becomes difficult for them to manipulate the process to emerge as winners, hence the blatant refusal to allow for wider inclusivity in the electoral process in terms of diaspora voting. The actually know that Nigerians in diaspora are very much enlightened, having toured the globe to see how elections are conducted elsewhere, these politicians see them as threat and would not want to let them get involved. This is the reason why they have consistently not allowed these people to vote, they want to keep it as smaller as they want so it can be easily manipulated. They are discouraging people from coming out to vote so they can easily rig it, If everybody is to come out and participate on the election day, definitely, they will be overwhelmed. Politicians in Nigeria benefit from low voter turnouts and they will never do anything to encourage or improve popular participation in the electoral process (*Senior Political Economy Lecturer in the Department of Political Science, Nnamdi Azikiwe University, Awka, direct personal interview, April 14th, 2025*). Agunyai and Olawoyin (2019) rightly observe that the members of Parliament in Nigeria particularly, "rarely represent the interests of and accountable to the people". The above manifest greatly in their actions and inactions as it pertains the conduct of representative democratic elections in Nigeria, such as the non-recognition in the constitution of the suffrage of the Nigerians in the diaspora, the non-provision in the constitution and the electoral act for the suffrage of the inmates in the correctional facilities across the country, and the disenfranchisement of the INEC staff across the country.

The Non-Recognition of the Suffrage of Nigerians in Diaspora in the 1999 constitution of the FRN in the Conduct of the 2023 General Elections in Nigeria: The Nigerians in diaspora are those Nigerian citizens who are living away from the shores of Nigeria, across the countries of the world. These migrants of the Nigerian origin are spread across ECOWAS (Economic Community of West African States) such as Ghana, Niger, Chad and Ivory Coast. They are also scattered across other African countries, including South Africa, Cameroon and Gabon. Outside Africa, they are equally scattered across the United States of America, the United Kingdom, Germany, France, Ireland, Canada, Saudi Arabia, Japan, China, South Korea, Brazil, among other places. According to the Nigerians in Diaspora Commission (2023), Nigeria prides in over 17 million of her citizens who are performing feats internationally in the fields of Education, Medicine, Health, Sports, Media & Entertainment, Leadership & Politics, Finance, Science & ICT, Transportation, Tourism, Industry and Agribusiness. This growing impetus for migration from Nigeria is neither credited solely to globalization with its associated forces as identified by Aja, Nnaji and Okorie (2024), nor by higher demand for labour in the developed economies and availability of labour in underdeveloped economies as maintained by the International Organization for Migration (2023). Inegbedion (2020) and Odeyemi (2021) identify unemployment, poor infrastructure, poor standard of living, insecurity, inflation, preferences for greener pasture among others, as the major driving force for migration from Nigeria in the recent times.

Additionally, Okunade and Awosusi (2023) also point at easy access to jobs, migration delusion and obsession, quest for a secured future, exhaustion, lingering security issues, declining economic condition, career projection, and study as means to an end, as the major factors fuelling migration in Nigeria. While scholars such as Inegbedion (2020), Okunade and Awosusi (2023) decried brain drain and capital flight as some of the major negative impacts of migration on the country's economy, Nigeria has gained massively from diaspora remittances over the years. An interview respondent in category B in this study, Prof. Habu Mohammed, conceives Nigeria's diaspora population as a significant part of the country's socio-economic sphere, according to him: The Diaspora is a critical element of the Nigerian society. In as much as these people are outside the shores of Nigeria, they are still citizens of Nigeria.

They do not contribute only through remittances but also play significant roles in policy-making. They also constitute a significant enlightened segment of Nigerian society and as such, they will have informed choice in terms of who becomes a leader in any of the leadership positions (*Professorship of Political Science and Director, Mambayya House, the Aminu Kano Centre for Democratic Studie, Bayero University, Kano, mobile phone call, 12th March, 2025*).

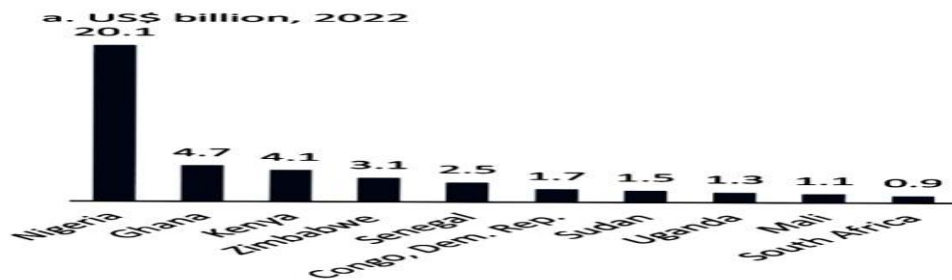
Figure 1: LIST OF COUNTRIES WITH THE MOST REMITTANCES AS OF 2021.



Source: Statista, 2023

From the data made available by statista (2023) in figure 1 above, Nigeria is ranked among the first ten (10) countries of the world with the most diaspora remittances in 2021. From the data, Nigeria received \$ 19.19 billion (representing 20 percent of the continent's total value of remittances in the year), while Egypt received \$31.5 billion (30 percent of the continent's total value of remittances in the year).

Figure 2: TOP REMITTANCE RECIPIENTS IN THE SUB-SAHARAN AFRICAN REGION, 2022.

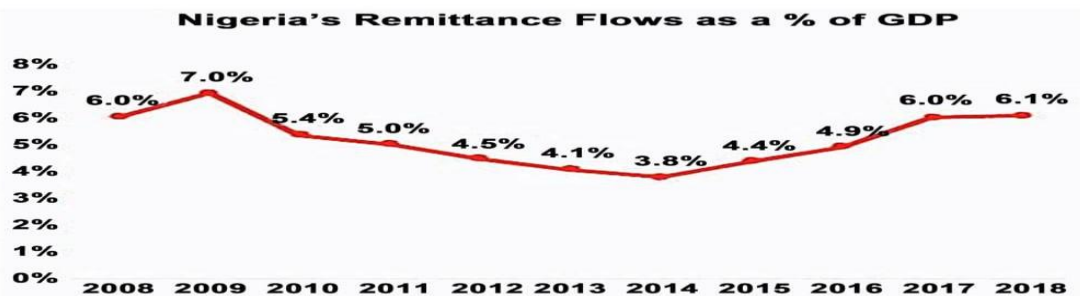


Source: KNOMAD (2023)

Diaspora remittance inflow to Sub-Saharan Africa reached over \$53 billion in 2022, representing about 6.1 percent increase from the previous year, following the strong growth of 16.3 percent in 2021 (KNOMAD, 2023). In the period between 2021 and 2022, Nigeria was the largest recipients of diaspora remittances in the Sub-Saharan Africa, up to \$20.01(see figure 2).

Suffice it to say that Nigeria is one of the many Sub-Saharan African countries where diaspora remittances represent a significant share of the Gross Domestic Product (GDP).

Figure 3: NIGERIA'S REMITTANCE FLOWS AS A % OF GDP

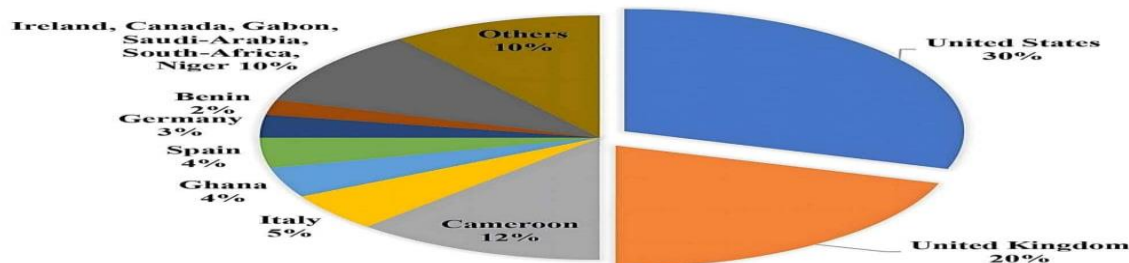


Source: PwC (2019)

In fact, available data substantiate that after crude oil proceeds, the diaspora remittance inflow to Nigeria follows second as the main source of foreign receipts, far more than Foreign Direct investment (FDI), Official Development Assistance (ODA) and portfolio investment flow(World Bank, 2023). The growth trends of Nigeria's remittance flows as a percentage of GDP from 2008-2018 are highlighted in

Figure 3 above. The data above shows that in 2018 alone, diaspora remittances to Nigeria climbed to US\$25 billion, representing 6.1% of the country's GDP. According to PwC (2019), the above also represents 14% year-on-year growth from the \$22 billion receipt in 2017. The 2018 figure amounts to 83% of the Federal Government budget in 2018 and 11 times the Foreign Direct Investment (FDI) flows in the same period. Nigeria's diaspora remittance inflows was also 7 times larger than the net official development assistance (foreign aid) received in 2017(PwC, 2019).

Figure 4: REMITTANCES INFLOWS BY NIGERIANS IN DIASPORA FROM THEIR HOST COUNTRY (IN PERCENTAGE)



Source: World Bank (2023)

The United States of America tops the chart as the major source of diaspora remittances into Nigeria accounting for the one-third (30%) of the total volume of remittances from over 17 million Nigerians scattered all over the world. The US is followed by the UK with 20%, then Cameroon with 12%, Italy with 5%, Ghana and Spain with 4% each, Germany and Benin with 3% each, Ireland, Canada, Gabon, Saudi Arabia, South Africa and Niger with close to 2% each. There is no gainsaying that over the years, diaspora remittances have been one of the major lifelines of Nigeria's macro and micro economy. In fact, the result of the recent survey carried out by Owotemu, Ifechi-Fred, & Faleti indicate that a 1% increase in Nigeria's Diaspora Remittance leads to a 2.33% increase in the Gross Domestic Product (Owotemu, Ifechi-Fred, & Faleti, 2024).

Diaspora voting is not a new phenomenon. In fact, it dates back to the era of the Roman Emperor Augustus (c.62 BC – 14 AD). Emperor Augustus had invented a new kind of suffrage in which members of the local senate in 28 newly established Roman colonies cast votes for candidates for the city offices of Rome and sent them under seal to Rome for the day of the elections (IDEA, 2007). Afterwards, the earliest practice of external voting was in 1862 when Wisconsin became the first state in the United States of America that legally made provisions for absentee voting to accommodate soldiers fighting in the Union army during the civil war (ZESN, 2020). Since then, there has been a global wave of diaspora enfranchisement leading to about 141 countries legally extending voting rights to citizens residing outside their countries (see Nyblade, Wellman & Allen, 2022). The above trend has not only been attributed to the perceived economic impact of the diaspora population to their countries of origin, but scholars such as Hartman (2015) have linked it to the recent efforts to enthrone genuine democracy world over. Shockingly, despite their contributions to the economy in terms of remittances (see figures 3 and 4 above), over 10 million (estimated) Nigerians in diaspora who are of voting age were denied the right to participate in the 2023 general elections conducted in the 21st century Federal Republic of Nigeria. There is no gainsaying that the contributions of the Nigerians in diaspora to Nigeria go beyond mere economic remittances to include policy remittances among others. In line with the foregoing, a respondent in the category A in this study, Mr Godwin C. Godwin revealed that:

Nigerians in diaspora do not only contribute economically through remittances, we also contribute politically. For instance, in the 2023 general elections, we formed several support groups for our respective candidates and contributed thousands of pounds in support of their campaigns back home. We equally contribute in terms of policy suggestions. I am a member of the obedient movement in diaspora. All the major contenders in the 2023 elections received campaign funds from Nigerians in diaspora (A Nigerian Citizen living in Manchester City, England, Whatsapp conversation, 18th March, 2025).

Alongside the respondent above, another interview respondent in category B in this study, Prof. AI. Chukwuma Okoli avers thus: Personally, I am of the view that Nigerians in diaspora are still citizens with a stake in their country's political future and destiny. Denying them voting rights could be seen as undermining their citizenship. Additionally, many Nigerians in diaspora contribute significantly to the economy through remittances, investments, and expertise. They may have a legitimate interest in participating in the electoral process. Many countries allow their diaspora communities to participate

in elections, recognizing their connection to the homeland and their contributions. Reforms aimed at implementing absentee voting systems could enable Nigerians in diaspora to participate in elections. Also e-voting, leveraging technology to facilitate remote voting, could address logistical challenges. Representation for diaspora communities in the electoral process would ensure their voices are heard. Disenfranchisement of diaspora Nigerians in the electoral process has raised a dilemma about balancing logistical challenges with citizenship rights and the contributions of diaspora communities (*Professor of International Relations and Strategy, and a Resident Researcher, Federal University, Lafia, e-mail conversation, March 21st, 2025*). Dr. Asma Sani Maikudi, a Political Scientist and former INEC resident commissioner, had expressed that “over 10 million Nigerians in diaspora who are of voting age is too large a number that should not be disenfranchised for whatever reason” (*Telephone interview, June, 23rd, 2025*).

The above is very significant given that the margin of lead between the winner of the 2023 presidential election and the first runner up was just 1,810,206, with the winner recording 8,794,726 votes while the first runner up recorded 6,984,520 votes. Also in the preceding 2019 general elections, the winner of the presidential election and the first runner up recorded 15,191,847 and 11,262,978 votes respectively, with the margin of 3, 928, 86 (see table 1 below). There is no doubt that if the parliamentary bottlenecks were not there to prevent them, the diaspora votes would have made a difference in those elections.

Table 1: PRESIDENTIAL ELECTIONS RESULTS FROM FOUR ELECTION CYCLES IN NIGERIA

S/N	Political Party	2023	2019	2015	2011
1	All Progressives Congress	8,794,726	15,191,847	15,424,921	
2	People's Democratic Party	6,984,520	11,262,978	12,853,162	22,495,187
3	Labour Party	6,101,533	5,074	-	-
4	New Nigeria People's Party	1,496,687	6,111	-	-
5	All Progressives Grand Alliance	-	66,851	-	-
6	African Democratic Congress	-	97,874	-	51,682
7	Social Democratic Party	-	34,746	-	-
8	Young Progressives Party	-	21,886	-	-
10	All Nigeria Peoples Party	-	-	-	917,012
12	Action Congress of Nigeria	-	-	-	2,079,151
14	Congress for Progressive Change	-	-	-	12,214,853
15	African People Alliance	-	-	53,537	-

Source: Ayeni and Aweh (2023).

Electoral rights all over the world are constitutional matters which do not only derive their existence from local enactments but also from international laws and charters. For instance,

Article 21 of the 1948 Universal Declaration of Human Rights (UDHR); which Nigeria assented to provides that: **(a)** Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. **(b)** Everyone has the right of equal access to public service in his country. **(c)** The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be held by secret vote or by equivalent free voting procedure.

Article 25 of the 1976 International Covenant on Civil and Political Rights (ICCPR); further states that, Every citizen shall have the right and the opportunity without any of the distinctions mentioned in article 2 and without unreasonable restrictions: **(a)** To take part in the conduct of public affairs directly or through freely chosen representatives. **(b)** To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free will of the electors. In fact, article 2 of the ICCPR was without equivocation, in favour of diaspora voting rights, to the extent of prohibiting governments from discriminating in the protection of rights based on race, colour, sex, language, religion or other status. It is worthy to note that Nigeria assented to this law on the 29th of July, 1993.

Within the African region, Article 13 of the African Charter on Human and Peoples' Rights (1981): which Nigeria assented to in 22nd June, 1981 states thus: **(a)** Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law. **(b)** Every citizen shall have the right of equal access to the public service of the country. **(c)** Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Additionally, Article 8 of the African Charter on Democracy, Elections and Governance: clearly provides that: **(a)** State parties shall eliminate discrimination, especially those based political opinion, gender, ethnic, religious and racial grounds as well as any other form of intolerance. **(b)** State parties shall adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social

groups. As a sovereign state, Nigeria did not just assent to the above international treaties, but had also through her parliamentary instruments of governance, domesticated them based on the principles of the Vienna Convention on The Law of Treaties (1969) which states that “every treaty in force is binding upon the parties to it and must be performed by them in good faith”.

Specifically, *section 14(1), (2) (a) (c) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)* unequivocally states thus: The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice. It is hereby, accordingly, declared that; **(a)** Sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority. **(b)** The participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.

Section 17(1) (2) (a) also state that: The State social order is founded on ideals of Freedom, Equality and Justice. In furtherance of the social order; **(a)** Every citizen shall have equality of rights, obligations and opportunities before the law. In line with the above, a respondent in category B in this study, Prof. Dung Pam Sha noted that:

Diaspora individuals are citizens with rights, including the right to participate in the democratic process as long as they do not hold double citizenship. Voting will make them remain engaged with their home country and contribute to its development. Since the diaspora communities often make economic, social, and cultural contributions to their home countries, voting rights can be seen as a way to acknowledge these contributions. Allowing them vote can signify representation of their interests in the decision-making processes of the country. Nigeria can learn from the experiences of countries like: **(a)** Mexico where citizens leaving abroad can vote in presidential elections. **(b)** India where non-resident Indians (NRIs) can participate in elections through postal ballots or online voting. **(c)** Ireland where Irish in the diaspora can vote in presidential elections and referendums (Professor of Political Economy and Development Studies, Department of Political Science, University of Jos, Plateau State, telephone interview, 27th June, 2025).

However, it is rather very unfortunate that the same 1999 constitution that provided for the equal rights of Nigerian citizens, including those in diaspora, became the same instrument with which the parliamentary instrument of governance perpetrated and perpetuated the discrimination of over 17 million Nigerians in diaspora in the conduct of representative democratic elections in Nigeria.

Accordingly, a respondent in category b in this study, Barr. Noel Dara Udeoji PhD. rightly avers that: The issue of diaspora voting is long overdue. These people contribute a lot to the economy of Nigeria. But then, the constitution is against their participation in active politics in Nigeria. Remember that for you to vote in Nigeria, you are not only required by the law to register at a particular ward, but must present yourself on the Election Day to be accredited before voting. For the persons living outside Nigeria, they have already fallen short of the law here. The problem is that the law is strongly behind the manual nature of elections in Nigeria. Until the law is amended to accommodate e-voting, millions of Nigerians in diaspora will not be able to vote and this is very dangerous to our democracy (*Legal practitioner and Senior Lecturer in the Faculty of law, Nnamdi Azikiwe University, Awka, personal interview, 24th April, 2025*). Awotokun (2021) rightly blames the woes of the parliamentary instrument of governance in Nigeria on the 1999 constitution of the Federal Republic of Nigeria (as amended), which according to him, suffers from self-contradictions and was never a product of the common will of the people.

The Chairman of the Independent National Electoral Commission (INEC), Professor Yakubu Mahmood had admitted that the deliberate actions and inactions of the parliamentary Instrument of governance in Nigeria have remained the greatest impediment to the actualization of the voting rights of Nigerians in diaspora (<https://inecnigeria.org/?news=diaspora-voting-presidency-inec-agree-to-work-towards-actualization>). *Sections 77 (2) and 117 (2) of the same 1999 Constitution of the Federal Republic of Nigeria (as amended)* state thus: “Every citizen of Nigeria, who has attained the age of eighteen years, residing in Nigeria at the time of the registration of voters for purposes of election to a legislative house, shall be entitled to be registered as a voter for that election”.

In furtherance to the above provisions, *section 12 (1) (a) (b) (c) (d) (e) of the Electoral Act of the Federal Republic of Nigeria 2022 (as amended)* clearly provides that: A person shall be qualified to be registered as a voter if such a person; **(a)** Is a citizen of Nigeria **(b)** Has attained the age of 18 years **(c)** Is ordinarily resident, works in, originates from the Local Government, Area Council or Ward covered by the registration centre **(d)** Presents himself to the registration officers of the Commission for registration as

a voter and (e) Is not subject to any legal incapacity to vote under any law, rule or regulations in force in Nigeria.

Although there are no sections of the constitution or the electoral act that provides for the disenfranchisement of the Nigerians in diaspora, there is no gainsaying that sections 77 (2) and 117 (2) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and section 12 (1) (a) (b) (c) (d) (e) of the Electoral Act 2022 (as amended); are conspicuously in utter contradiction to **sections 14(1), (2) (a) (c) and 17(1) (2) (a)** of the same 1999 constitution as well as other international treaties on the subject matter which Nigeria is signatory to. In fact, **section 12 (1) (c)** of the electoral act stretched sections 77(2) and 117 (2) of the 1999 constitution further to include that for one to qualify to register and vote in an election in Nigeria, he/she must not only be resident in Nigeria but must either be a worker in or originates from the Local Government, Area Council or Ward covered by the registration centre. **Section 12 (1) (d)** also states that the person must present himself before the registration officers of the INEC at any designated local registration centre. The provisions in the above mentioned sections of the electoral act are unequivocally discriminatory against and in utter violation of the rights to vote of over 17 million Nigerians in diaspora. Also, the provision in **section 12 (1) (e) of the 2022 electoral act** which states that for a person to qualify to register, he/she must not be “subject to any legal incapacity to vote under any law, rule or regulations in force in Nigeria”, has automatically disqualified Nigerians in diaspora; given the provisions of **sections 77 (2) and 117 (2) of the 1999 constitution** and **section 12 (1) (c)** of the 2022 electoral act (as amended). While responding to the pressures mounted on the commission by the members of NiDCOM on the need for a compulsory inclusion of diaspora voting in the 2023 general elections, the Chairman of the INEC, Professor Yakubu Mahmood maintained that unless all these legal and constitutional obstacles are removed, diaspora voting in Nigeria will remain amirage(<https://inecnigeria.org/?news=diaspora-voting-presidency-inec-agree-to-work-toward-actualization>, <https://inecnigeria.org/?news=inec-nass-make-case-for-diaspora-voting>).

In accordance with the above, Prof. Habu Mohammed, a respondent in category B in this study rightly posits that: For the Nigeria’s electoral process to be inclusive, it is very important that these millions of Nigerians living abroad must be included in the process. I am aware that the Diaspora commission and several other groups have engaged in a lot of advocacies to achieve their inclusion in the electoral processes in Nigeria. It is really achievable because other countries of the world have been doing that. I am aware of the constitutional hurdles to achieving diaspora voting in Nigeria, the laws were made by men and can be amended. We have embassies and high commissions all over the world, by law, any land where Nigeria’s embassies and high commissions are located are part of Nigerian land. So whenever any Nigerian visits Nigerian embassy in a foreign land, he or she is automatically in Nigeria, so they can vote there. The national assembly in Nigeria is a critical factor in the disenfranchisement of Nigerians in diaspora. Through electoral reforms, they can make arrangements for electronic voting system so solve all these issues. All these are not impossible, just that maybe, out of selfish interests, our law-makers usually don’t like to make laws that are good for the good governance of the people (*Professorship of Political Science and Director, Mambayya House, the Aminu Kano Centre for Democratic Studies, Bayero University, Kano, mobile phone call, 12th March, 2025*). For more than 20 years now, several Human rights groups, including diaspora-based groups have been agitating over the non-inclusion of the diaspora voting rights in Nigeria’s constitution. Interview respondents in category B in this study such as Prof O. O. Okereke, Prof. Sly Odion Khaine and Dr. Sam Nwagbo agreed that the clamour for voting by the diaspora Community is in order.

These agitations gave rise to the initiation of a bill for diaspora voting right in the National Assembly in 2005, but the bill could not survive past the first reading (Anon, 2007b). In January 2009, a Federal High Court in Abuja granted the plea of a US-based diaspora group and the Independent National Election Commission (INEC) was ordered to put in place relevant machinery to assist Nigerians to register and vote from abroad in any election in Nigeria starting with the 2011 general elections. The court, however, directed INEC to sponsor a bill at the National Assembly to implement its order (Iheduru, 2015, Hartmann, 2015 and Muhammad, 2021). The court in its wisdom, granted the plea based on the provisions of Art. 21 of the 1948 Universal Declaration of Human Rights (UDHR), Art. 25 of the 1976 International Covenant on Civil and Political Rights (ICCPR) and Art. 13 (1) of the African Charter on Human and People’s Rights ratified in *sections 14(1), (2) (a) (c) and 17(1) (2) (a) of the 1999 constitution of the Federal Republic of Nigeria (as amended)*.

Just as the Third Universal Theory rightly assumes, as soon as the members of the parliament win elections, they quickly disconnect themselves from the people, monopolize the peoples’ authority and sovereignty, become dictatorial, isolate them and ensure they are further weakened through the

legislative enactments. In all, the people are at the mercy of the parliamentary instrument of governance and as such, become the greatest losers in Nigeria's representative democratic system. The above is so glaring in the manner in which the members of House of Representatives on 6 May 2009, quickly rejected the bill to grant the rights to vote to the millions of Nigerian citizens in diaspora despite the quantum of their contributions to the country's GDP through oversea remittances. Shockingly, their reason for voting down the bill was that it contravenes the provisions of *sections 77 (2) and 117 (2) of the 1999 constitution (as amended)*. Hartmann (2015: 22) expressed shock that despite all the pressure from the citizens over this matter, "a major revision of Nigeria's Electoral Act was achieved in 2010, but unsurprisingly, external voting provisions were not introduced". The same scenario also played out in the build-up of the 2015 general elections when six members of the House of Representatives led by the current NiDCOM Chairperson, Hon. Abike Dabiri-Erewa, in 2012 sponsored a bill amending the 2010 Electoral Act to grant Nigerian citizens in diaspora the right to vote in the election. The questions one may wish to raise are, if the 1999 constitution has become too rigid that some sections of it that contradicts other sections, as well as many other international treaties on human rights which it ratified, cannot be amended? What then are the duties which the so-called representatives owe the people they represent if they cannot enact laws that will guarantee the peoples' rights to decide who represents them? Successive INEC Chairmen (Prof. Attahiru Jega in 2013, Prof Mahmood Yakubu in 2017 and 2021) had constantly made declarations on the Commission's readiness to undertake the conduct of diaspora voting pending when the National Assembly makes that possible through the amendment of all the legal and constitutional impediments to its actualization.

The build-up of the 2023 general elections, like every past general elections, also witnessed another round of agitations for the inclusion of the diaspora rights to participate in the electoral processes. Addressing the team of the Senior Special Assistant to the President on Foreign Affairs and Diaspora Matters, Mrs Abike Dabiri-Erewa, during a visit to the commission to ascertain her readiness to accommodate diaspora in the 2023 election, Prof. Yakubu made it clear that INEC had already made submissions to the National Assembly for Constitutional and Legal amendments to make Diaspora voting happen (<https://inecnigeria.org/?news=diaspora-voting-presidency-inec-agree-to-work-towards-actualization>). The said submissions were made by the INEC, with the hope that section 12 would also be captured in the amendment of the Electoral Act before the 2023 general elections. According to the INEC chief, the National Assembly's history of refusal to amend the constitution and the electoral act to accommodate diaspora voting has not only affected ordinary Nigerian citizens in diaspora, but has historically disenfranchised Nigerians on missions abroad, (members of the Foreign Service, members of the Diplomatic Corps that are posted out of the country, etc). Unfortunately, despite all the efforts made by different rights groups, NiDCOM, INEC as well as the promises made to INEC by the Chairperson, Senate Committee on Diaspora and Non-Governmental Organizations, Senator Rose Oko to facilitate the amendment of the relevant sections of the Electoral act(<https://inecnigeria.org/?news=inec-nass-make-case-for-diaspora-voting>); the 2022 Electoral Act amendment was concluded and assented to without providing for the diaspora voting. The implication of the above is that the Parliamentary Instrument of Governance in Nigeria's representative democracy yet again deliberately denied over 17 million Nigerians in diaspora their rights to participate in the conduct of the 2023 general elections.

Responding to the question about his feelings regarding his disenfranchisement and the outcome of the 2023 general elections, Mr. Raphael C. Udoji, a respondent in category A in this study expressed that: As a diaspora Nigerian, my inability to vote due to legal restrictions left me feeling disconnected from the democratic process, despite my economic contributions through remittances. The election was marred by logistical issues, including delays in result uploads and allegations of fraud, which led opposition candidates to reject the results and call for a rerun. I view the outcome with mixed feelings. Tinubu's victory reflects continuity of the APC's governance, but the lack of transparency and reported violence undermine its legitimacy in my eyes. The diaspora's active engagement in campaigning, including hosting candidates abroad, showed our interest in Nigeria's future, yet our exclusion from voting feels like a denial of our stake in the nation. I believe enabling diaspora voting could have diversified the electoral process and potentially influenced the outcome, given our exposure to global governance standards (*Nigerian citizen resident in London and disenfranchised in the 2023 general elections, telephone interview, 22nd May, 2025*). He went further to lament thus: I do not fully consider the members of the 10th National Assembly (inaugurated in June 2023) elected from my constituency as my representatives, primarily because I was excluded from participating in their elections due to the lack

of diaspora voting rights. Representation implies a democratic mandate derived from the electorate's choice, and without the ability to vote, I lack a direct role in conferring that mandate.

Additionally, the 1999 Constitution restricts voter registration to residents in Nigeria, which contradicts the principle of "no taxation without representation" or, in this case, "no remittance without representation." My remittances contribute significantly to Nigeria's economy, yet I have no say in choosing those who make laws affecting me and my family. While these lawmakers may represent my constituency geographically, their accountability to diaspora Nigerians is limited, as they are not incentivized to address our specific concerns, such as voting rights or remittance costs. However, I acknowledge that they are my representatives in a legal sense, as they hold office for my constituency. The National Assembly's rejection of diaspora voting legislation in 2021/2022 further reinforces my sense of exclusion, as it suggests a lack of political will to integrate the diaspora into the democratic process. For these reasons, I feel only nominally represented, with a significant gap between legal representation and genuine accountability to my interests as a diaspora Nigerian (*Nigerian citizen resident in London and disenfranchised in the 2023 general elections, telephone interview, 22nd May, 2025*).

In a manner that suggests total disappointment, defeat and abject loss of hope, Miss Eke Angel Trixie, a respondent in category A in this study lamented bitterly thus: My lack of participation in the 2023 election was because of my relocation to the U.S. I had every intent to participate and vote but the unavailability of diaspora voting limited me. My conception of it was from the lack of excitement in the online community, a lot of people wanted different whilst a large population just didn't care anymore. I was part of the population that knew based on predictability (no set statistics, merely assumption and trends so far in history) that President Tinubu had a stronger grip and would emerge but either way I wish I had the opportunity to have a say at least for the sake of my family that still lives in the country. The outcome eventually for me was acceptance without objective because I couldn't see a way to make it better. And hope that the future presents better (*Nigerian citizen resident in Texas, USA and disenfranchised in the 2023 general elections, telephone interview, 23rd May, 2025*).

The Non-Provision in the Constitution and the Electoral Act for the Suffrage of the Inmates in Nigeria's Correctional Facilities in the Conduct of the 2023 General Elections in Nigeria: The Nigeria prison service had been a criminal justice system established on the philosophy of punishment. This gave the room for challenges in the system ranging from administrative problems, poor financing, poor health care, infrastructural/recreational facilities, prison overcrowding, focus on punishment, lack of rehabilitation, poor training and retraining of prison staff, problem of human resource wastage, too regimental on the inmates and lack of non-custodial services (Araromi, 2015 and Ulo, 2019). Following the pressures mounted on the Federal government by some national and international rights groups to adopt the international best practices in her prison service and the then President Muhammadu Buhari's subsequent assent to the Nigerian Prisons Reform Bill almost 11 years after enactment, the name metamorphosed to the Nigerian Correctional Service in August 28, 2019 (see Nigeria Correctional Service Act, 2019). International Organization have committed to several resolutions, declarations and treaties that emphasize the need for inclusivity in the administration of the criminal justice system globally.

For instance, Rule (58) of the Standard Minimum Rules for the Treatment of Prisoners (1977) maintains that the period of imprisonment should be used to reform, rehabilitate and reintegrate prisoners to ensure that they are 'not only willing but able to lead a law-abiding and self-supporting life'. That is to say that Prisoners should be treated in a way that will ensure their continuity afterwards, as members of the wider society. The above can only be achieved on the basis of conscious and concerted efforts geared towards the protection of the human rights of the inmates even in their incarcerations. In line with the foregoing, Principle 5 of the Basic Principles for the Treatment of Prisoners (1990) provides that 'all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights. The Minimum Rules (61) therefore calls on states to safeguard the 'civil interests' of prisoners, as well as their social security interests. On the other hand, Principle 3 of the Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa (2003) entreats states to promote the integration of prisoners into society. Also, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988) enjoins states to respect the inherent dignity of prisoners. The combined review of these International declarations and treaties cited above strongly suggest that prisoners should continue to participate in socio-political activities and should retain all their rights other than those that are intimately linked to their incarcerations (Abebe, 2013).

The rights to vote of Inmates in the correctional facilities, have not been much advocated for in Africa as the rights to vote of citizens in diaspora. However, law courts in some African countries such as South-Africa, Ghana, Kenya, Nigeria, etc. had on several occasions ruled on cases bothering on the disenfranchisement of the prisoners. Most of these cases were decided on the basis of the provisions of Art. 21 of the 1948 Universal Declaration of Human Rights (UDHR), Art. 25 of the 1976 International Covenant on Civil and Political Rights (ICCPR) and Art. 13 (1) of the African Charter on Human and People's Rights as well as the provisions of the individual national laws on human rights. For instance, in determining the case whether the Independent Electoral Commission of South Africa had the duty to make arrangements to ensure that prisoners are registered and able to vote, the Constitutional Court of South-Africa first observed that "there are a substantial number of basic rights that prisoners are entitled to enjoy and that individuals do not lose all their rights upon being sentenced to jail".

The court further ruled that since prisoners are prevented from registering and 83 voting due to their incarceration, and since there is no law that disqualifies them from voting, the commission has the duty to take reasonable steps to register them (Abebe, 2013: 428). In her ruling on the case brought by an NGO, the Centre for Human Rights and Civil Liberties (CHURCIL), on whether prisoners have the right to vote in public elections and referenda, the Supreme Court of Ghana observed that fundamental rights 'must be broadly, liberally, generously or expansively construed, in line with the spirit of the constitution, history, our aspirations, core values, principles, and with a view to promoting and enhancing human rights rather than derogating from it. The court therefore, ruled that the right to vote was guaranteed in the constitution to all citizens, including prisoners...and that the denial of the right of prisoners to vote is not justifiable even for those who have been convicted of high crime against the State, such as subversion or high treason (Abebe, 2013:35). Prof. Dung Pam Sha, an interview respondent in category B in this study rightly argued that: All over the world, inmates are citizens of their countries with rights. Voting is a right so prisoners should not be denied this right. This is because voting may help inmates to feel rehabilitated and reintegrated into society. Inmates with varying degrees of crime may be allowed to vote with the exception of those whose crimes are directly related to electoral fraud or treason and others related to the violation of the democratic processes. Our country Nigeria can learn lessons from: **(a)** Canada where prison inmates serving sentences of less than two years are allowed to vote. **(b)** Germany where inmates are permitted to vote, unless a court of competent jurisdiction has specifically revoked their voting rights. **(c)** South Africa where the Constitutional Court has ruled that prisoner inmates have the right to vote (*Professor of Political Economy and Development Studies, Department of Political Science, University of Jos, Plateau State, telephone interview, 27th June, 2025*).

In Nigeria, Hon. Justice Mohammed Lima of the Federal High Court sitting in Benin City in 2014, affirmed the right of prisoners to vote. In a suit filed by 5 prisoners on behalf of other prisoners in Nigeria, (VICTOR EMENUWE & 4 ORS V INEC & ANOR in suit no: FHC/B/CS/12/14), the applicants' counsel Aigbokhan President, Esq. by an originating summons, asked the court to direct INEC to register inmates in prisons across the country and also seeking that the court restrain INEC and Nigeria Prisons from disturbing, precluding, discriminating and secluding inmates from participating in elections conducted in Nigeria nationwide. In his submissions, the Counsel to the applicants argued that voting is one of the most fundamental issues in the school of democracy, and as such, the right to vote of the inmates is as important as the democracy itself. He reminded the court that the 1999 Constitution (as amended) provides for the right to vote of every adult citizen in any election conducted in Nigeria and that this right extends to inmates in prison or police custody. He further argued that denying inmates the right to vote will eventually bring a distortion to the country's route to social development and will definitely undermine the correctional law and policy geared towards rehabilitation and integration which is integral in the millennium development goal.

The learned Counsel finally reminded the honorable court that if inmates were to lose the right to vote, it would signal a fundamental departure from the Nigerian Constitution and practice of a constitutional democracy. Relying on the strength of the above arguments and the provisions of *sections 14 (1) (2) (a) (b), 17 (2) (a), 24 (b), (c), 25, 77(2), and section 39 of the 1999 Constitution of Federal Republic of Nigeria 1999 (as amended) and Article 13 (1) and 20 (1) of the African Charter on Human and People's Rights*, Hon. Justice Mohammed Lima ruled in favour of the applicants and urged the INEC not to disturb, preclude, discriminate and seclude inmates from participating in election conducted in Nigeria forthwith. Also in 2019, an Appeal Court ruled again in favour of the same five prisoners seeking an order directing INEC to include all the inmates in all the Correctional Facilities in Nigeria on the voters' register and ensure that they participate in all the elections conducted in the Country (ACJR, 2020:4). It is on the basis of the above judgments of different courts in favor of the inmate's right to vote that Prof.

Sly Odion Khaine and Prof Oyari O. Okereke, interview respondents in category B in this study, blamed the electoral umpire for the disenfranchisement of the inmates in the 2023 general elections. According to them, “the prevailing election management body has not perfected the logistics for regular elections without glitches. Conducting election in the correctional centres might be an additional burden. There is no justification whatsoever for the continued disenfranchisement of these inmates, however, it should not be done in a hurry. It might require a pilot exercise. In the long run, it is feasible” (*Professor of comparative politics, Lagos State University, Lagos, Telephone interview, 21st June, 2025, Professor of Public Administration and Public Policy Analysis, Abia State University, Uturu, Telephone interview, 21st June, 2025*).

In the same vein, Barr. Okechukwu Ndeche, PhD, a respondent in category B in this study noted that despite all the court rulings affirming the constitutional rights to vote of the awaiting-trial inmates across correctional facilities in Nigeria, there are still huge legal and logistical encumbrances on the way, according to him; Although there is a Court of Appeal judgment in 2019 affirming the constitutional right to vote of awaiting-trial inmates (if they choose to do so), INEC and the NCoS were unable to operationalize the ruling before the 2023 elections. In my view, there are existing legal, security, and logistical challenges that must be addressed before implementing this right. You vote where you are registered. Votes cast in one unit cannot be transferred to another under the law. Many inmates are registered to vote elsewhere and there are no polling units in the Correctional Centres for them to transfer to or for new and eligible ones to be registered. The legal incapacity to vote imposed by section 12(e) of the Electoral Act 2022 must be recognised. A solution like the INEC Framework for internally displaced persons (IDPs) to vote where they are displaced intrastate in all elections, but where interstate, limited to only the presidential election may be expanded and extended to awaiting trial inmates. It will be good practice to pilot such a framework in FCT Area Council elections (*Political scientist, Lawyer, Director INEC Planning and Monitoring, INEC Abuja, e-mail interview, 23rd June, 2025*).

As at December 23rd 2024, there are **79,237** Inmates held in 244 Correctional centers across Nigeria. Out of the above number, the total of **26, 718** inmates representing 34% are convicted, while the total of **52,519** inmates representing 66% are still awaiting trial (NCoS, 2024). Given the provision of *section 36 (5) of the 1999 Constitution of Nigeria (as amended)* that ‘every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty...’ the rights to vote of the 66% of the inmates who were awaiting trial should have been non-negotiable in the 2023 general election on the legal basis that they are presumed innocent until their trials are concluded and judgments given. For interview respondent Noel Dara Udeoji, PhD:

There is no single justification for disenfranchising the inmates in the 2023 general elections. Legally speaking, an inmate is someone that is accused of a crime, if he has not been tried and convicted, the constitution assumes him innocent before the law until proven guilty. Anything outside that, he is as free as any other citizen. That being the law, why should the inmates be denied their voting rights? It is the duty of INEC to ensure that they vote. But then, there are some logistic roadblocks mounted by the constitution and the electoral act. The idea that one must present self and vote where he registered is already an impediment to the voting rights of the inmates. Do you expect the prison warders to release the inmates to travel to their respective registration areas to vote? How can you achieve that? Or do you expect INEC to build polling units in all the correctional facilities? Think about the risks involved. Look, until the constitution is amended to accommodate e-voting, this thing can never be possible (*Legal practitioner and Senior Lecturer in the Faculty of law, Nnamdi Azikiwe University, Awka, personal interview, 24th April, 2025*).

There is no doubt that the Senate mandated the INEC to consider extending voting right to inmates in the correctional centers in the 2023 general elections (<https://gazettengr.com/2023-eligible-prisoners-should-be-allowed-to-vote-senate-tells-inec/>), but little or no attention was paid to the concerns raised by the INEC as the major impediments to achieving such mandate. The Chairman of the INEC, Professor Yakubu Mahmood had in 2022 lamented that *Section 12 of the Electoral Act 2022 (as amended)* remains their greatest impediment and until amended, the Commission would not be able to conduct elections for thousands of Nigerian citizens in over 244 correctional facilities across the country (<https://von.gov.ng/inec-ncs-discuss-modalities-for-actualising-inmates-voting/>). Augustin Onyishi, PhD, an interview respondent in category B in this study, rightly opined thus: To me, as long as a human being is still alive, he has the right as every other person to say yes or no with regards to who becomes his leader, because whatever policy decision the leaders take affects him directly. So why should he not vote? Unfortunately, the law makers and indeed the political class in Nigeria have not failed to cease any opportunity through the law to alienate the common man and that is the reason why they have not paid attention to the right to vote of the inmates awaiting trial in the prisons (*Senior Political Economy*

Lecturer in the Department of Political Science, Nnamdi Azikiwe University, Awka, direct personal interview, April 14th, 2025).

Unfortunately, the parliamentary instrument of governance in Nigeria's representative democracy which the Third Universal Theory had conceived as anti-people, failed to amend the said section 12 of the electoral act to enable thousands of inmates (including those awaiting trials and those in the non-custodial centers) across the 244 correctional centers to participate in the conduct of the 2023 general elections in Nigeria. Interview respondents in category B in this study such as Prof. AI Chukwuma Okoli, Prof. Habu Mohammed, Dr Asma Sani Maikudi and Dr. Sam Nwagbo vehemently condemned the disenfranchisement of inmates across correctional facilities in the 2023 general elections as one of the highest forms of human rights violations of the 21st century. According to Professor AI Chukwuma Okoli:

The disenfranchisement of awaiting trial inmates in Nigeria's 2023 general elections raised concerns about justice, equality, and human rights. First, awaiting trial inmates are presumed innocent until proven guilty. Denying them voting rights may undermine this fundamental principle. Secondly, such disenfranchisement is a violation of the inmate's rights to participate in the democratic process. Thirdly, some awaiting trial inmates might be wrongly accused or detained. So, disenfranchising them could further marginalize them. Well, considering the principle and precept of "innocent until proven guilty," it is reasonable to posit that awaiting trial inmates should retain their voting rights unless proven guilty. This issue highlights the need for electoral reforms tailored towards the protection of human rights in Nigeria citizens of all statuses (*Professor of International Relations and Strategy, and a Resident Researcher, Federal University, Lafia, e-mail conversations, March 21st, 2025*).

The Disenfranchisement of the Staff of the Independent National Electoral Commission in the conduct of the 2023 General Elections in Nigeria: The parliamentary instrument of governance in Nigeria's representative democracy, through her legislative processes, granted the right to vote to all adult citizens of Nigeria with the right hand and took it away with the left hand. Prof. Habu Mohammed, a respondent in category B of this study had queried the nature of Nigeria's representative democracy thus: This is where I have problem with representative democracy. In fact, how representative is Nigeria's democracy? The votes that are counted and returned during elections, how many of the voters are well informed about the issues involved in governance and elections? A great number of enlightened Nigerians are disenfranchised during elections in Nigeria. Are you talking about Academics who are involved as either collation officers, returning or presiding officers? Most of them are not posted in their polling units. Are you talking about local election observers? What about the security personnel who are not always posted at their polling units? Talk about a large number of senior civil servants, these are the enlightened population of Nigeria that can make informed choices, but they are disenfranchised. I know that if these group of people, given their numbers, are made to vote, they will make significant difference in the electoral outcomes (*Professorship of Political Science and Director, Mambayya House, the Aminu Kano Centre for Democratic Studies, Bayero University, Kano, mobile phone call, 12th March, 2025*).

Awotokun (2021) had rightly argued that 1999 constitution of the Federal Republic of Nigeria (as amended), being an elite constitution that's anti-people, suffers greatly from self-contradictions. Muammar Gaddafi's Third Universal Theory maintains that immediately the peoples' votes are won by the so-called representatives in an election, the parliament ceases to be the embodiment of the peoples' will and sovereignty and live only for themselves, the elites. At this point, the Parliamentary instrument of governance becomes only a means of plundering and usurping the authority of the people to service, protect and provide for themselves with the instrument of the law (see Gaddafi, 1975: p.2). *Section 14(1), (2) (c) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)* declares thus: The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice. It is hereby, accordingly, declared that; the participation by the people in their government shall be ensured in accordance with the provisions of this Constitution. **Section 17(1) (2) (a)** also state that: The State social order is founded on ideals of Freedom, Equality and Justice. In furtherance of the social order; Every citizen shall have equality of rights, obligations and opportunities before the law.

The Parliamentary instrument of governance empowered the Independent National Electoral Commission to recruit and deploy her own staff for the purpose of voter registration and the conduct of free and fair elections in Nigeria. *Section 27(1-3) of the Electoral Act 2022 (as amended)* provides thus: The Commission shall for the purpose of an election or registration of voters under this Act, appoint and designate such officers as may be required provided that no person who is a member of a political party or who has openly expressed support for any candidate shall be so appointed. **(a)** The officers appointed under subsection **(b)** shall perform such functions and discharge such duties as may be

specified by the Commission, in accordance with the provisions of this Act, and shall not be subject to the direction or control of any person or authority other than the Commission in the performance of their functions and discharge of their duties. (c) Notwithstanding the provisions of any other law and for purpose of securing the vote, the Commission shall be responsible for requesting for the deployment of relevant security personnel necessary for elections or registration of voters and shall assign them in the manner determined by the Commission in consultation with the relevant security agencies: Provided that the Commission shall only request for the deployment of the Nigerian Armed Forces for the purpose of securing the distribution and delivery of election materials and protection of election officials.

In undertaking her constitutional duties, INEC usually relies on the services of her staff in accordance with the provisions of Section 27(1-3) of the Electoral Act 2022 (as amended), not only to carry out several electoral functions, but to also provide security for both the INEC officials, the voters and the election materials across the country. These staff are permanent or ad-hoc officials of the commission who handle the conduct and supervision of elections.

Table 2: BREAKDOWN OF THE CATEGORIES OF PERSONNEL AND THEIR DESIGNATIONS, DEPLOYED ACROSS THE COUNTRY DURING THE 2023 GENERAL ELECTIONS IN NIGERIA.

S/N	Category of Personnel	Number of Personnel Deployed	Designation of Personnel Deployed	Station Deployed
1.	Public Servants	1,400,000	INEC Ad-hoc staff	176,846 Polling units across the country
2.	National Youth Service Corps (NYSC) Members	200,000	INEC Ad-hoc staff	176,846 Polling units across the country
3.	Nigerian Police Force	310,973	Security	176,846 Polling units across the country
4.	National Security and Civil Defense Corps	51,000	Security	176,846 Polling units across the country
5.	Federal Road Safety Corps	21,000	Logistics	36 States and FCT
6.	Nigerian Correctional Services	11,336	Security/Logistics	36 States and FCT
7.	National Drugs Law Enforcement Agency	9,447	Security/Logistics	36 States and FCT
8.	Economic and Financial Crimes Commission	350	Security/Monitoring	Collation Centers
9.	Military, DSS and others	93,495	Security/Monitoring	National and State Collation Centers
10.	Road Transport Workers	179,482	Logistics	176,846 Polling units across the country
11.	Sea Transport Workers	3,019	Logistics	Coastal Communities Across the Country
	Total	2,280,102		

Sources: *Businessday* (2022), *INEC* (2023), *Nairametrics* (2023) and *Compiled by the Author*.

Table 2: above shows that INEC employed the total of 2,280,102 personnel on temporary basis, who served the commission in different capacities to support her permanent staff in the conduct of the 2023 general elections in Nigeria. These personnel, including polling officials, supervisors, monitors, and security officials were recruited, screened, trained, deployed and remunerated in order to perform their assigned roles and tasks. The commission employed 1,400,000 public servants mostly from Nigeria's tertiary institutions and 200,000 National Youth Service Corps (NYSC) Members to serve as ad-hoc staff in the 176,846 polling units across the country. 310,973 men of the Nigerian Police Force, 51,000 men of the National Security and Civil Defense Corps, 21,000 men of the Federal Road Safety Corps, 11,336 men of the Nigerian Correctional Services, 9,447 men of the National Drugs Law Enforcement Agency, 350 staff of the Economic and Financial Crimes Commission and 93,495 men of the Nigerian military and the DSS were employed to provide security, monitor and provide logistics in all the polling units and collation centers across the country during the 2023 general elections. Also, about 179,482 road transport workers and 3,019 sea transport workers were employed to provide logistics to the 176,846 polling units across the country, including the coastal communities. The employment of such a large number of personnel in prosecuting the 2023 general elections became necessary given that between the

2019 and 2023 General Elections, the voter population in Nigeria rose from 84,004,084 to 93,469,008, an increase of nearly 10 million voters (INEC, 2023).

It is worthy to note that when employed, these personnel are usually deployed to locations outside their places of residence or wards where they registered for the elections. The above reflected the responses of all the respondents in category C in this study. For respondent Chidiebere C. Ufundu, PhD: I served as a collation officer in Ifite Ogwari in Ayamelum L.G.A. Unfortunately, I could not exercise my franchise because the electoral law out rightly disenfranchised every INEC adhoc staff, including local observers and press men. You know my registration area which is Awka South L.G.A is far away from where I served and there was restricted movement. The electoral law does not permit one to vote in any other place except where one registered. I could not have presented myself at Awka South for voting and at the same time served as a collation officer in faraway Ayamelum L.G.A given that there was restriction on movement and voting ended at 2pm across all the polling units in the state (*INEC Ad-hoc staff in the 2023 general elections, personal interview, 24th March, 2025*). Obinna C. Okeke, PhD summarized his experience thus: I participated as a ward collation officer in the 2023 general elections, I did not even bother to collect my Permanent Voter's Card (PVC) because of my past experience as INEC ADHOC staff during my NYSC. I already knew I was not going to vote.

There was almost a zero chance that you would be posted as a collation officer in your polling unit. Okay, think of even drivers that are expected to move election materials to and fro different polling units. Secondly, you might be tagged biased or partisan by observers or party agents when after voting, you return to the same polling unit as a collation officer. That was exactly my experience as a youth corps member during the 2015 election in Osun state where I worked as a presiding officer (*INEC Ad-hoc staff in the 2023 general elections, personal interview, 14th June, 2025*).

A local government presidential returning officer in the 2023 general elections, Asso.Prof. Obinna Anachuna, lamented that since he started participating in elections as INEC ad-hoc staff many years ago, the only purpose his permanent voter's card has ever served is just as a means of identification, according to him: I served as a local government presidential returning officer in the 2023 general elections. I was absolutely disenfranchised in the 2023 election because where I was posted was not my voting point. My voting point is Awka ward 2 while I served at Orumba South L.G.A as a returning officer. If you check the distance, tell me how I could have voted, since I must present myself to my registration area and be accredited before voting. Since I started serving as ad-hoc staff, my voter's card has been rendered useless.

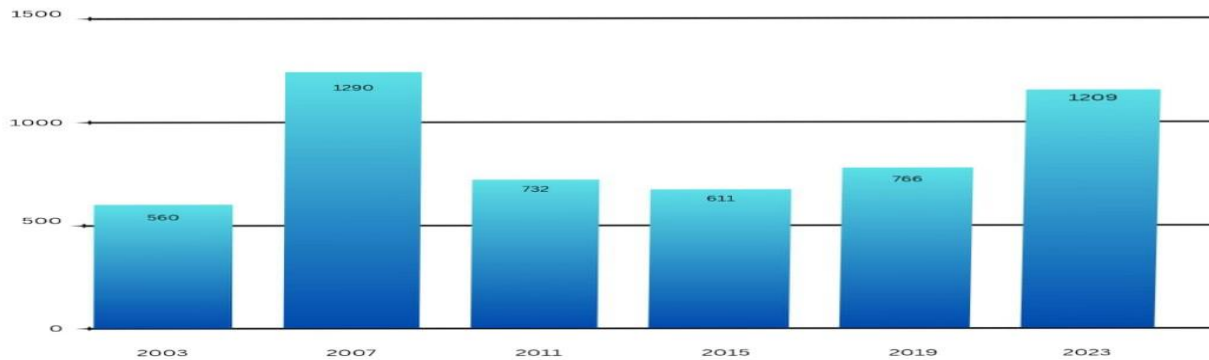
All the ad-hoc staff that worked with me in the same location did not vote also, so don't think I am the only one. This is because of the nature of recruitment that does not permit any staff to be posted to his/her registration area (*INEC Ad-hoc staff in the 2023 general elections, personal interview, 18th June, 2025*). Other respondents in category C in this study such as Ilochi Nneka PhD, Ugwu Anthony C. PhD, Egole John, PhD among others, shared the same view as the respondents mentioned above. Specifically, respondent Nneka Ilochi reacted thus: I was a ward collation officer in the 2023 general elections. I was not able to vote for both the presidential and state house of assembly elections because I was posted to Ihiala ward 6 for the Presidential election and Orumba South for the state house of assembly election, while my registration area and polling unit is Nteje ward 5 in Oyi local Government Area. Have you seen that it was practically impossible for me to vote in the election? (*INEC Ad-hoc staff in the 2023 general elections, personal interview, 17th June, 2025*). Section 12 (1) (c) (d) of the Electoral Act 2022 (as amended) had provided that a person shall be qualified to be registered as a voter if such a person is (c) ordinarily resident, works in, originates from the Local Government, Area Council or Ward covered by the registration centre and (d) presents himself to the registration officers of the Commission for registration as a voter. In line with the above provisions, the *INEC Regulations and Guidelines for the Conduct of Elections* (2022) (5) provides thus: A person is eligible to vote at an election conducted by the Commission if: (a) He/she is a Nigerian Citizen. (b) He/she is a registered as a voter. (c) His/her name appears in the Register of Voters. (d) He/She presents a valid Permanent Voter's Card (PVC) at his/her Polling Unit. Additionally, number 14 (a) and (b) of the *Regulations and Guidelines* states that (a) No person shall be allowed to vote at any Polling Unit other than the one at which his/her name appears in the Register of Voters and he/she presents his/ her PVC to be verified using the Bimodal Voter Accreditation System (BVAS), or as otherwise determined by the Commission. (b) Each Voter shall cast his/her vote in person at the Polling Unit where he/she registered or was assigned, in the manner prescribed by the Commission. From the above, there is no gainsaying that no provisions were made either in the electoral act or in the INEC regulations and guideline, for the over two million patriotic Nigerians deployed outside their wards as INEC staff to vote in the 2023 general elections in Nigeria.

The INEC Director of planning and monitoring, Barr. Okechukwu Ndeche, PhD lamented thus: This has been a recurring challenge not just affecting the Ad Hoc staff, but the entire election workforce that includes security personnel on duty, media workers, party agents, logistics vehicular operators, domestic election observers, essential duty staff like health workers, and permanent staff of INEC on duty at various posts. The situation is similar in context to that of registered voters that are out-of-country, in hospitals, or awaiting-trial-inmates at the time of elections. The disenfranchisement is not deliberate or intentional but technical. The way out in the short run is to develop necessary protocols in the form of frameworks patterned after the IDP Voting. The long-term option is to deploy seamless electronic and or Internet voting systems with necessary security to guarantee integrity of outcomes. Nigeria should study the Indian electoral system for some knowledge and learning experience (*Political scientist, Lawyer, Director of Planning and Monitoring, INEC Abuja, e-mail interview, 23rd June, 2025*). Suffice it to state that the parliamentary instrument of governance in Nigeria's representative democracy, through the provisions of *Section 12 (1) (c) (d) of the Electoral Act 2022 (as amended)*, denied over two million INEC staff their rights to vote in the 2023 general elections. A collation officer posted to Anambra West L.G.A for the 2023 general elections, Mr. Emmanuel Nwune revealed the futile efforts made by him and his co-staff to cast their votes before moving to their different places of primary assignments. According to respondent Emmanuel Nwune: I served as a Collation Officer at Anambra West L.G.A during the 2023 general elections. I tried to vote in my polling unit at Esther Obiakor Estate Awka, in Awkaw South, before going to my place of assignment. I pleaded with the INEC officials at the polling unit to allow me to vote before leaving. However, I was refused the privilege and asked to join the long queue. Considering my assignment at Anambra West L.G.A, I couldn't wait and I left for my place of primary assignment.

This is the same case with every other INEC ad-hoc staff I served with during the election, they told me how they made serious efforts to exercise their franchise before leaving for their places of assignment, but unfortunately, none of them could vote (*INEC Ad-hoc staff in the 2023 general elections, personal interview, 17th June, 2025*). By implication, the **17 million** Nigerians in diaspora, the **79,237** inmates in the correction centers and the **2,280,102** INEC staff who were denied their rights to vote in the 2023 general elections by the parliamentary instrument of governance, are now, in accordance with the Third Universal Theory, governed and represented by the instruments of governance they did not endorse. For Muammar Gaddafi in the Third Universal Theory, the above cannot by any standard qualify as democracy.

The 1999 Constitution of the FRN (as amended) versus the 2022 Electoral Act (as amended): The Deprivation of the Voters' Rights to Petition in the Election Tribunal of the 2023 General Elections. Election petition is the only legal means by which aggrieved persons in an election seek redress through a court of law in Nigeria. The Supreme Court of Nigeria, in the case of Okereke v. Yar'adua & Ors views election petitions as any petition which challenges the validity of the elections of persons into the offices of the President and Vice President of the Federal Republic of Nigeria, Governors, members of the State and National Houses of Assemblies. Section 285 (1) and (2) had provided thus: **(a)** There shall be established for each State of the Federation and the Federal Capital Territory, one or more election tribunals to be known as the National and State Houses of Assembly Election Tribunals which shall, to the exclusion of any Court or Tribunal, have original jurisdiction to hear and determine petitions as to whether - (a) any person has been validly elected as a member of the National Assembly; or (b) any person has been validly elected as member of the House of Assembly of a State. **(b)** There shall be established in each State of the Federation an election tribunal to be known as the Governorship Election Tribunal which shall, to the exclusion of any court or tribunal, have original jurisdiction to hear and determine petitions as to whether any person has been validly elected to the office of Governor or Deputy Governor of a State.

Figure 5: THE NUMBER OF ELECTION PETITIONS FILED IN NIGERIA'S GENERAL ELECTIONS (2003-2023).



Sources: Amata, 2022 and Election Tribunal Database, 2023.

Election petition tribunal has become a major stage in Nigeria's electoral processes. In fact, there is hardly any election circle in Nigeria that is conducted and concluded without going through the rigours of court adjudications (Omenma, 2019a). The 2003 general elections witnessed 560 post-election petitions, 1, 290 petitions were recorded in 2007, 732 petitions in 2011 and 730 in the 2015 general elections. In the 2019 and 2023 general elections, 766 and 1,209 cases respectively, were filed in election tribunals across Nigeria. Being a major stage in the Nigeria's electoral processes and given that elections are legal matters, the establishment and every activities of the election petition tribunal is provided for in the constitution and the electoral act. *Section 119 of the 1999 Constitution of the FRN (as amended)* provides that: The National Assembly shall make provisions as respects - (a) persons who may apply to an election tribunal for the determination of any question as to whether; any person has been validly elected as a member of a House of Assembly, the term of office of any person has ceased, or the seat in a House of Assembly of a member of that House has become vacant (b) circumstances and manner in which, and the conditions upon which, such application may be made; and (c) powers, practice and procedure of the election tribunal in relation to any such application Sub-section (a) above which reads "persons who may apply to an election tribunal for the determination of any question as to whether..." was not in any way specific about the person who are allowed by the constitution to file a case in the election tribunal. With the 1999 Constitution (as amended) being the supreme law of Nigeria, the 'persons' as provided in this sub-section definitely refers to the stakeholders that are involved in the conduct of elections in Nigeria. These stakeholders include the registered voters, political parties, party candidates, the Independent National Electoral Commission and her officials etc.

Every stage of any democratic election revolves around the voters, the citizens who owe the state and themselves the legal duty to elect their representatives. The role of the people in the electoral process cannot be overemphasized. Right from the stage of party politics to the actual casting of ballots, collation and the declaration of election results, the voters are seen playing one active role or the other. In line with the foregoing, one of the interview respondents in category B in this study, Prof. Habu Mohammed opined that: A citizen who registered and actually participated and voted in an election has a locus to petition in election tribunal. If the election I participated in was rigged or if I voted but my vote was not counted, there was a manipulation or fraud committed along the line, my vote is involved, so I should have the right to challenge these in court because I cast my vote and should be concerned about the end result of my vote. So for me, I think Nigerian electorates, particularly those who registered and voted should have a say in all the stages of the electoral process, from the voting to the litigations and so on. The system can find a way to manage the flood gate of petitions that may ensue in this process (*Professorship of Political Science and Director, Mambayya House, the Aminu Kano Centre for Democratic Studies, Bayero University, Kano, mobile phone call, 12th March, 2025*).

Specifically, these Nigerian citizens who are of the voting age, often participate and undertake roles in the electoral processes in varying capacities such as party membership and internal party politicking, party sponsorship, party agents, INEC officials, election observers and monitoring, voting and safeguarding of votes etc. In the acknowledgement of the above, **Part VII of the 2022 Electoral Act (as amended)** listed out the electoral offences and their sanctions, should a citizen commits any and gets convicted in the process of playing his/her roles in the electoral process. On the strength of the above provisions, a respondent in category B in this study, Samuel N. C. Nwagbo, PhD, argued that: If individuals who participated in an election as voters can be dragged to the tribunal for involving in electoral misconducts such as double voting and ballot snatching, such persons should also be allowed to petition in the tribunal if their electoral rights or mandates were tempered with because they are the

major stakeholders in the electoral process. My opinion is that the exclusion of the voters' right to petition in the 2023 general elections' tribunal was a very huge disenfranchisement and should not continue. If the voter's right to petition in election tribunal is allowed, it will go a long way in broadening our democracy and offer a wider spectrum for participation by the electorate. It may come with its challenges such as frivolous petitions that may lead to unending court processes, but we can begin to talk about the modalities, maybe in terms of gatekeeping mechanisms to manage them, because popular participation should not be sacrificed on the altar of legal impediments and technicalities (*Senior lecturer in the Department of Political Science, Nnamdi Azikiwe University, Awka, personal interview, 17th June, 2025*).

Despite the obvious positions and the numerous roles of the adult Nigerian citizens in the electoral process, the prevailing Parliamentary Instrument of Governance in Nigeria has reserved no place for the Voters in what is now considered the final stage in the country's electoral process. This is simply a reflection of the ideas expressed in the Third Universal Theory, that immediately the peoples' votes are won by the so-called representatives in an election, the parliament ceases to be the embodiment of the peoples' will and sovereignty but that of the elites. In fact, Gaddafi views the parliament as the instrument of governance through which the elites plunder and usurp the authority of the people to service, protect and provide for themselves using the instrumentality of the law (see Gaddafi, 1975: p.2). Accordingly, Prof. Al Chukwuma Okoli, a respondent in category B in this study expressed that: The exclusion of voters' rights to petition in the election tribunal based on the Nigerian 1999 Constitution raises constitutional and democratic concerns. Section 6(6)(b) of the 1999 Constitution (as amended) grants the judiciary power to determine questions of law, including electoral disputes. Also, section 285 outlines the jurisdiction of election tribunals, which might not explicitly include voters' rights to petition. So, in line with the requirement of democratic participation, voters have a stake in ensuring the integrity of the electoral process. Allowing them to petition tribunals could enhance democratic participation.

Also, there is a concern about access to justice: voters might be directly affected by electoral irregularities or disputes. Providing them recourse to tribunals could ensure access to justice. Antagonists have, however, argued that the constitution and electoral laws might technically intend for only candidates or parties to challenge election outcomes. They have also contended that allowing voters to petition tribunals might lead to frivolous lawsuits, potentially undermining the electoral process. The above necessitates reforms geared towards clarifying voters' rights to petition tribunals through constitutional amendments could enhance democratic participation. Also, electoral laws could be revised to explicitly include voters' rights to challenge election outcomes. Essentially, the exclusion of voters' rights to petition tribunals highlights the need for constitutional and electoral reforms to balance democratic participation with the integrity of the electoral process (*Professor of International Relations and Strategy, and a Resident Researcher, Federal University, Lafia, e-mail conversations, March 21st, 2025*).

The parliamentary instrument of governance enacted in *section 133 (1) (a) (b) of the 2022 Electoral Act (as amended)* thus: (1) an election petition may be presented by one or more of the following persons— (a) a candidate in an election; or (b) a political party which participated in the election. Since the final stage of electoral contests in Nigeria happen in the election petition tribunals, the above provisions deliberately alienate the millions of Nigerian voters who do not fall within categories A and B above, from that very final stage of deciding who represents them. If the voters can be sued based on their electoral roles as highlighted in Part VII of the 2022 electoral act (as amended), it makes no sense to suggest that over 93 million voting population of Nigerians who risked their lives, stood on long queues to participate in the polls during the 2023 elections, do not have locus standi to challenge any perceived illegality with regards to their legitimacy and authority. Indeed, the parliamentary instrument of governance in Nigeria's representative democracy, through her legislative processes, granted the right to vote to all adult citizens of Nigeria with one hand and took it away with the other hand.

Through the enactments in *section 133 (1) (a) (b) of the 2022 Electoral Act (as amended)*, the Parliamentary Instrument of Governance considered it inconsequential for the interests of the over 93 million adult Nigerians to be considered and protected in the over 1,200 election petitions filed in the tribunals which decided the final results of the 2023 general elections in Nigeria. This deprivation of the voters' rights to petition in the election tribunals of the 2023 general elections in Nigeria is considered undemocratic according to Muammar Gaddafi's Third Universal Theory. In his admonitions, a respondent in category B in this study, Professor Dung Pam Sha identified many benefits of allowing for the right of voters to petition in election tribunals, according to him: Citizens have democratic rights

and those of them who can prove to have participated in an election as a voter should be allowed to petition in an election if the outcome is not satisfactory. When the voter is allowed to petition, it has the potential of: **(a)** protecting the integrity of elections **(b)** upholding citizens' sovereign power **(c)** preventing the abuse of power **(d)** promoting public confidence in democracy **(d)** fulfilling international democratic standards. Some countries do allow voters to petition the appropriate courts to seek redress. They include: **(a)** Kenya where her 2010 Constitution guarantees the right of any voter, candidate, or party to challenge electoral outcomes through the courts. **(b)** India where the country's Representation of the People Act (1951) allows any voter or candidate to file an election petition in the High Court challenging the result of parliamentary or state elections on grounds such as malpractice, bribery, or non-compliance with electoral law. **(c)** Ghana where its 1992 Constitution and Electoral Commission Act allow voters to petition the Supreme Court to challenge presidential election results within 21 days. **(d)** United Kingdom under the Representation of the People Act (1983), allows a voter to file an election petition in the High Court (or Court of Session in Scotland) to contest parliamentary or local elections on grounds like corrupt practices or irregularities. **(d)** Canada where the Canada Elections Act permits electors to file petitions in court against the results of elections to the House of Commons, and the courts have jurisdiction to declare an election void if irregularities are proven (*Professor of Political Economy and Development Studies, Department of Political Science, University of Jos, Plateau State, telephone interview, 27th June, 2025*).

The 1999 Constitution of the FRN (as amended), The 2022 Electoral Act (as amended) and Independent Candidacy in the 2023 General Elections in Nigeria: The parliamentary Instrument of Governance in Nigeria's democracy, through the constitution and the electoral laws, granted Nigerian citizens the rights to vote and be voted for with one hand, and took same away with another hand. This was achieved through their insistence that for one to stand for election in Nigeria, he/she must belong to and be sponsored by a political party. Sections 65, 66, 106, 107, 131, 137, 177, and 182 of the 1999 constitution of the FRN (as amended) and section 101 of the 2022 electoral act (as amended) provide for the requirements for the eligibility of candidates for all the elective positions in Nigerian politics. For instance, section 131 of the 1999 constitution provides thus: A person shall be qualified for election to the office of the President if - (a) he is a citizen of Nigeria by birth; (b) he has attained the age of thirty-five years; (c) he is a member of a political party and is sponsored by that political party; and (d) he has been educated up to at least School Certificate level or its equivalent. Furthermore, section 221 of the same 1999 constitution stressed that "no association, other than a political party, shall canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election".

What the provisions in the constitution and the electoral act quoted above means is that although every adult citizen of Nigeria is free to contest in elections, they are in chains of compulsory political party confinement. A respondent in category B in this study, Augustine Onyishi, PhD rightly captured it thus: The truth is that those who have made politics their career occupation would do anything possible to protect their interests. Politics as a business venture in Nigeria have been monopolized that the gatekeeping mechanisms do not permit the common man to come close to it, one of those mechanisms is the continued refusal to allow for independent candidacy. It is just like some business ventures such as the telecommunications industry, one who's not a billionaire does not go close to it. Think about how much these politicians pegged their respective expression of interest and nomination forms in the 2023 general elections. It was designed to alienate the common man and that's why they will never allow for independent candidacy and that has seriously affected popular participation (*Senior Political Economy Lecturer in the Department of Political Science, Nnamdi Azikiwe University, Awka, direct personal interview, April 14th, 2025*). Section 40 of the 1999 constitution of the FRN (as amended) provides inter alia, that "every person shall be entitled to assemble freely and associate with other person...for the protection of his interests". The right to freely assemble and associate in the above section clearly suggests that every Nigerian citizen has the right to belong or not, to any assembly or organization and that one's choice to belong or not, to any organization including political parties, should not affect the rights of the individual as a citizen of Nigeria. In line with the foregoing, a respondent in category B in this study, Samuel N. C. Nwagbo, PhD, raised concerns about the nature of party politics in Nigeria, according to him: I have argued severally that election on the basis of choices of political parties is not actually a participatory democracy because it is just a means of assisting the political elites to consolidate their interests.

This is true because the elites are the ones that determine who emerges through the party process as the party's candidate. So calling the people now to vote on the basis of what the elites have decided

within the parties' caucuses is tantamount to inviting the people to play the role of mediators in the elites' struggle for power to ensure that one emerges at the end. To me, political parties and their activities constitute a setback to the ideals of democracy because looking at the number of political party members and the population that are not associated with party politics, you will discover that the former is highly insignificant. I can by the way of estimate tell you that over 90% of Nigerians do not belong to any political party while less than 10% may identify with one party, but the former are expected to make their political choices based on the skewed options presented to them by the latter who are numerically insignificant. So if someone who by any reason detests political party processes, either because of its expensive nature or corrupt practices, seeks to run as an independent candidate, that is a huge breakthrough to Nigeria's democracy. Even though it may have its own challenges, for instance, one may see over 1,000 names on the ballot paper who are running for the office of the president alone. Imagine what will become of the ballot paper and how long it may take a voter to locate his choice candidate on the ballot, given the analog nature of our electoral system. However, certain gatekeeping mechanisms can still be introduced to manage the over flooding of the process. Independent candidacy will make our democracy better (*Senior lecturer in the Department of Political Science, Nnamdi Azikiwe University, Awka, personal interview, 17th June, 2025*). Suffice it to state that sections 65, 106, 131, 177 and 221 of the 1999 constitution (as amended) and section 101 of the 2022 electoral act (as amended) contravene sections 35 and 40 of the 1999 constitution as well as article 13 of the African Charter on Human and Peoples' Rights (1981) and article 21 of the 1948 Universal Declaration of Human Rights (UDHR) which Nigeria assented to.

The practice of independent candidacy- candidates that have no party affiliation- have long become a global phenomenon. This is as a result of the general believe that independent candidacy influences the quality of representation through issues as fundamental to democracy as government accountability, responsiveness and voter turnout (Brancati, 2008). Senator Mohammed Tahir Monguno, a member of the 10th Senate in Nigeria argues that independent candidacy does not only deepen democracy by providing a level playing field for all citizens to contribute their quota to national and local developments, but also puts a check on a few people who usually hijack political parties and hinder those that have contrary views from theirs from expressing themselves politically on the platform of a political party (Zakariyau, 2020). A respondent in category B in this study, Professor Dung Pam Sha also highlighted the downsides of the non-provision for independent candidacy in Nigeria's political system, for him. The exclusion of this important provision denies: **(a)** individual politicians of freedom from party constraints and party pressure or influence. **(b)** citizens and the country from gaining fresh perspectives, ideas and approaches to politics, unencumbered by party loyalty. **(c)** communities from enjoying accountable leadership from independent candidates as they don't have to answer to a party leadership. **(d)** communities who do not feel represented by political parties to be represented by the Independents (*Professor of Political Economy and Development Studies, Department of Political Science, University of Jos, Plateau State, telephone interview, 27th June, 2025*).

Independent candidacy therefore provides for more inclusivity and ensures the peoples' freedom from party supremacy and impositions from godfathers. It also provides for more political options for the voters outside the limited options for candidates provided by a few individual within the political parties. The major push for the adoption of the Independent Candidacy in Nigeria's political space started as far back as 2009, when the then members of the National Assembly, with the heavy influence of political party structures, turned deaf ears to the proposal (Ogunshola, 2024). The major target has been to achieve the amendment of sections 65, 66, 106, 107, 131, 137, 177, 182 and 221 of the 1999 constitution of the FRN (as amended) and section 101 of the electoral act (as amended) which have been the greatest impediment to the actualization of independent candidacy in Nigeria. This debate also featured in the 2018 constitutional amendment, as well as in the 2021 constitutional review in preparation for the 2023 general elections. Unfortunately, despite all the advocacies and struggles to include the provisions for independent candidacy during the constitutional amendment processes in the National Assembly, the 9th Assembly of the parliamentary instrument of governance in Nigeria failed to legislate for the inclusion of independent candidacy in the 2023 general elections in Nigeria. A respondent in category B in this study, Professor AI Chukwuma Okoli decried the impact of the non-provision in the 1999 constitution for independent candidacy on popular participation in the 2023 general elections, according to him: The exclusion of independent candidacy in the Nigerian 1999 Constitution impacted popular participation in the 2023 general elections in several ways. First, by only allowing party-nominated candidates, voters' choices were restricted, potentially leading to disillusionment with the electoral process.

Secondly, the absence of independent candidacy options discouraged citizens from participating in elections if they don't identify with existing parties. Thirdly, the exclusion of independent candidates reinforced party dominance, potentially stifling fresh perspectives and alternative voices. Generally, the exclusion of independent candidacy forestalls the prospects of increased alternative choices, fresh perspectives, competitiveness, and accountability in party politics. Revising the Constitution to allow independent candidacy could enhance democratic participation. The exclusion of independent candidacy highlights the need for electoral reforms to promote popular participation, increase voter choice, and enhance democratic engagement (*Professor of International Relations and Strategy, and a Resident Researcher, Federal University, Lafia, e-mail conversations, March 21st, 2025*).

Conclusion

The Parliamentary instrument of governance is the foundation upon which representative democracy is built. This is because in principle, this institution was designed to reflect the collection of the will of the people. However, this institution that was to be a channel through which the people exercise their rights politically have continued unabated to engage in activities that have alienated the people from their own political affairs. Over the years, the parliamentary instrument of governance in Nigeria's representative democracy have proven to be self-serving. Muammar Gaddafi's third universal theory maintains that the Parliament remains one of the greatest albatross to true democracy. In fact, it is seen as a misrepresentation of the people, and as such, the legislative systems are a false solution to the problems of democracy. Gaddafi views the idea that the members of the parliament, a very few number of persons, are elected to represent the entire people in a state, as undemocratic since democracy means the authority of the people and not an authority to act on behalf of the people.

Rather than to enact laws that will provide for inclusivity and popular participation of the greatest number of the citizenry in politics, the legislation have resisted every effort by interest groups and civil society organizations to get this institution to at least amend some sections of the 1999 constitution and the electoral act that have alienated millions of Nigerians from participating in every election in Nigeria. For decades now, the legislature has paid deaf ears to the constant call to enact the needed amendments for sections 77 (2) and 117 (2) of the 1999 Constitution of the Federal Republic of Nigeria and section 12 (1) (a) (b) (c) (d) (e) of the Electoral Act 2022. The questions one may wish to raise are, if the 1999 constitution has become too rigid that some sections of it that contradicts other sections, as well as many other international treaties on human rights which it ratified, cannot be amended? What then are the duties which the so-called representatives owe the people they represent if they cannot enact laws that will guarantee the peoples' rights to decide who represents them? Hence, the Third Universal Theory unequivocally posits that in true democracy, there is no representation in lieu of the people. Instead of becoming the bridge that links up the people with those who govern them, these so called elected instruments of governance, according to Gaddafi, now become a legal barrier between the people and the exercise of authority, excluding the masses from meaningful politics and monopolizing sovereignty in their place. The only feeling of democracy left for the people is the long queues to cast their ballots during the so-called representative democratic elections.

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