

ISSC 2016 : International Soft Science Conference

Electoral Malpractice and the Challenges of Democratic Consolidation in Nigeria's Fourth Republic

Yusuf Isma'ila^{a*}, Zaheruddin Othman^a

* Corresponding author: Yusuf Isma'ila, ismailayusuf36@yahoo.com

^aCollege of Law, Government and International Studies, Universiti Utara Malaysia, 06010 Sintok, Kedah

Abstract

<http://dx.doi.org/10.15405/epsbs.2016.08.42>

Like many other new democracies, Nigeria's democratization has been embedded with electoral malpractices. Perhaps consolidating democracy in Nigeria appears to be in crisis as a result of the challenges of electoral malpractices which manifest in form of corruption, insecurity and weak democratic institutions. Thus the importance of consolidating democracy in Nigeria depends largely on the conduct of free, fair and credible election. The aim of this paper is not only examine how electoral malpractice threatened and undermines the quest for democratic governance in Nigeria's fourth republic but use critical approach to transform the system.

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Keywords: malpractice; democratic consolidation; fourth republic; transition; Nigeria.

1. Introduction

It means one thing to conduct an election and make a transition to democracy or even conduct regular elections for years after transition. It also means another thing to have credible election that is generally accepted as free and fair by citizens and international community. Acceptability of election results by stakeholders would therefore increases the chances of consolidation of democracy. This paper is an investigation of electoral irregularities which challenges consolidating democracy in Nigeria's fourth republic. It discusses questioning legitimacy of a government as a result of electoral fraud and subsequent violence which may even lead to "deconsolidation" of democracy. The challenges of electoral malpractice since 1999 to date in Nigeria's fourth republic democratic experiment has indeed become source of concern, thus questioning consolidating democracy in the country. This



contribution is to recommend measures for combating the menace of electoral malpractice in the system.

2. Methodology

Using mainly secondary data, qualitative research design is adopted. It focuses on the complex and nuanced process of the creation and maintenance of meanings that cannot be easily provided by other methods (Creswell, 2007). It is considered suitable for understanding experiences such as conduct of elections in Nigeria. It is “how people make sense of their lives, experiences, and their structures of the world” (Atieno, 2009:3).

3. Electoral malpractices

“Scholars seeking to define and categorize practices that undermine electoral process have generally used one of two basic approaches, which we have termed inclusive and restrictive” (Vickery and Sein, 2012:3). They conceived inclusive (fraud, malpractice and manipulation) to be as broad as possible, no matter the imprecision. Some writers in this category situate their definitions normatively, finding that electoral wrongdoing violates domestic norms or internationally accepted standards for free and fair elections. Restrictive approach focus only or mostly on the letter of the law (i.e., fraud can be identified by whether it violates existing domestic legal provisions). This enables a context-specific approach to combating various kinds of electoral wrongdoing, and it makes obvious sense for the election management body to use a country’s domestic laws as benchmarks in its fraud or malpractice control activities.

Electoral malpractice has been categorized into three types, pre –election, election period and post-election period (Norris, 2012; Olawole, Adewunmi and Oluwole, 2013; Ugwuja, 2015). “The manipulation of rules, the manipulation of voters and the manipulation of voting” (Birch, 2010:1). By manipulation of rules, electoral laws are distorted so as to favor one party or contestant in an election. For example, when the rules administering candidacy “prevent certain political forces from contesting elections, or when large sectors of the adult population are excluded from voting”. The manipulation of voters is either to distort voters’ preferences or to sway preference expression. The first one involves “illicit forms of campaign tactics that are deceptive and that violate campaign finance laws or severe bias in media coverage of the election”. The second form consist of “alteration of how preferences are expressed at the polling station, through vote-buying or intimidation in the aim of increasing the vote of a specific political force”. Voting manipulation consist of electoral maladministration, such as ballot-box stuffing, mis-reporting, “under-provision of voting facilities in opposition strong-holds, lack of transparency in the organization of the election, bias in the way electoral disputes are adjudicated in the courts, and so on” (ibid:2).

“Right to vote is rather a public function conferred upon the citizen for reason of social expediency” (Olawole, Adewunmi and Oluwole, 2013: 11). There is strong relationship in Africa’s electoral malpractices “with the type and forms of historical system practiced by each society, coupled with the class structure, social stratification, aestheticism and religious differences”. Thus conclude that “until elections become completely competitive and the electorates are free to make a choice between

alternatives and that a liberal political system is put in place, there will always be electoral malpractice". In Africa, the scenario is "a curse to the electorate and a gimmick played by politicians who seek to legitimize the illegitimate practice of coercing citizens into voting for them on the backdrop of rampant electoral rigging" (Mapuva 2013: 88).

3.1. Democratic consolidation

Democratic consolidation addresses the concern of strengthening or otherwise of political institutions such as political parties, legislature and electoral umpires. It deals with governmental administration in relation with accountability, transparency, constitutionalism, rule of law and bureaucracy. It encompasses the understanding of the acceptance and obedience of formal and informal institutions of democracy (Manesh, 2013). However, the most reviewed notions regarding democratic consolidation is that when is democracy "consolidated", when it is "likely to endure" and expected to "last well into the future" (Schedler, 1997, O'Donnell, 1996, Valenzuela, 1990). The most significant issue associated with democratic consolidation is "transition from authoritarian regimes to democratic regimes" (O'Donnell, 1996). The main focus is centered on "how really democratic the post-transition political institutions are and on their long-term prospects, i.e., whether they are prone to succumb to a new round of authoritarian rule or whether they will prove to be stable or "consolidated (Valenzuela, 1990). He avers that the process of achieving democratic consolidation involves scrapping the institutions, procedures, and expectations that are ambiguous with the minimal workings of a democratic regime, so that the new ones that are "created or recreated with the transition to a democratic government to develop further".

Consolidation of democracy consists narrowing of democratic uncertainties through normalization of behavioural and institutional changes. The normalisation "requires the expansion of citizen access, development of democratic citizenship and culture, broadening of leadership recruitment and training, and other functions that civil society performs. But, most of all, and most urgently, it requires political institutionalisation" (cited in Matlosa, 2008:12). Thus democracy is consolidated whenever political and economic situations of a particular system of institutions "become the only game in town, when no one can imagine acting outside the democratic institutions, when all losers (of political contest) want to try again within the same institution under which they have just lost" (O'Donnell, *ibid*). It is argued that a democracy is consolidated "when power is alternated between rival parties, support for system is continued during time of economic hardship, rebels are defeated and punished, the regime remain stable in the face of restructuring of the party system, and there exists no significant anti-system" (Okoye, Emma and Chukwuemeka, 2012: 6).

4. Implications of electoral malpractices on democratic consolidation in Nigeria's fourth republic

Since democratic consolidation is an embodiment of longevity of a civilian regime as well as recognition and respect of democratic institutions, fairness, freest and credible elections must not therefore be an exception to these embodiments. Although there is significant breakthrough regarding the fourth republic experiment in Nigeria such as being the first time civilian government stayed for sixteen years without military intervention. Five general elections were conducted within the time

frame as well as alternation of power by incumbent to the opposition in 2015. Yet there is so much to be desired in the conduct of democratic practices of the fourth republic in general and the conduct of the electoral process in particular. Perhaps, the predicaments of practice of democracy in the fourth republic have threatened its consolidation, hence it is characterized with bane of democratic governance. The implications of these therefore manifest in issues such as disrespect and outright violations of electoral act with impunity due to weak democratic institutions, electoral violence, ethno-religious politics, rampant corruption and mismanagement, poverty and lack of internal democracy which is visible in incumbency factor, godfatherism and excessive monetization in politics (Egbelubem 2011).

The moral foundation of the state in its capability to meet its obligation to the citizens, and citizen's ability to obey the laws of the state has been questioned. As instructively observed, these issues which have triggered electoral crises are mostly technical and logistical problems, however for many politicians, winning election is more important than deaths that occurs due to application of violence as part of their overall campaign strategy. For Nigerian politicians it's either to gain an unfair advantage over their opponents, or to disrupt the process outright when it is clear that they are not of the winning side of the divide. "This makes our democracy to remain nascent and unconsolidated thereby leading to minimal benefit emanating from it". It is therefore visible "how democracy and not election is the problem in the Nigerian System" (Osabiya 2014:63).

4.1. Corruption

Corruption challenges Nigeria's drive for democratic consolidation for the fact that political office holders during the fourth republic elections manipulate either by hook or by crook to their positions, in which corruption is part and parcel of those manipulations. Therefore public office holders disregard often with impunity, government accountability, transparency and service delivery as a result of corrupt practices. One major dimension of corruption that has crippled consolidation of democracy in Nigeria is "political corruption" which consists the 'abuse of trusted power by political leaders for personal gain'. "It has assumed a scandalous proportion in Nigeria since the restoration of democracy in 1999. Nigeria reportedly lost an average of \$4 billion - \$8 billion annually to corruption between 1999 and 2007" (Mustapha, 2010; Human Right Watch, 2007 cited in Aliu, 2013: 102). The consistent ranking of Nigeria among the highly corrupt nations by the global anti-corruption agency, Transparency International (TI) during the period, and the startling revelations by the Economic and Financial Crimes Commission (EFCC), Nigeria's anti-corruption watchdog of billions of dollars of state fund allegedly stolen by politicians and political leaders underscore the pervasiveness of corruption in the polity since the beginning of the fourth republic.

As aptly captured, corruption under the new democracy has been pervasive, open and shameless. The implications of such act manifest in infrastructural decay and persistence of abject poverty among the Nigerian masses (Ojo, 2009). In fact, the power sector crisis, fingered for stunning the economy, owed largely to the misappropriation and embezzlement of government investments in the sector. It was revealed that "Nigeria generates less than a pitiable 1,000 megawatts compared to South Africa, a country of 42 million people, which generates over 42, 000 megawatts" (cited in Oni, 2014: 24).

4.2. Violence

Political and electoral violence are the major forms of violence that hinders democratic consolidation in Nigeria. Political violence disrupts free competition and undermines political participation but promotes mediocrity. By doing so, it creates potential disaffection, rancour and acrimony that heat up the political system. The general elections of 1999, 2003 and 2007 were characterized by thuggery and violence. This trend suggests that democracy in Nigeria “is not only growing at a very slow trend but also oscillates between stagnancy and backwardness, thus degenerating into a crisis level where democratic ideals become threatened and governance becomes privatised, if not personalised, by the powerful” (Arowolo and Aluko, 2012: 807).

Electoral violence is thus a major source of democratic instability “with palpable threats of deconsolidation”. While on one hand democracy and peace are, “ideally, mutually reinforcing, with elections serving as the connecting cord between them”. On the other hand “elections do not only allow for political competition, participation and legitimacy, but also permit peaceful change of power, thereby making it possible to assign accountability to those who govern” (Omotola, 2008:53-54).

5. Weak democratic institutions

Weak institutions of democracy like legislature, political parties and Electoral management body in Nigeria have been unable to protect and promote consolidation of democracy.

5.1. Legislature

The fourth republic legislature is weak and a premature institution, largely inexperienced at its inauguration in 1999 compared to the executive (Aliu, and Oni, *ibid*). Because legislative functions have been scrapped since the military comeback of December 1983. Sadly too, it only lasted for two years (1991-1993) before it was again suspended by the Abacha military junta after overthrowing the Shonekan Interim National Government. Again the nation waited for six years to witness another legislative business. But in contrast, the executive always retains its status whenever the military strikes and on many occasions combined the legislative duties. The point to make here is that legislative and executive responsibilities are usually fused and discharged by the executive branch of government whenever the military takes over power. “This act has undoubtedly institutionalized a system and culture of government that is extremely executive-centred. The unequal development of the two branches of government has given birth to an overdeveloped executive in terms of powers and responsibilities”. (Oni, *ibid*: 18).

5.2. Political parties

Lack of concrete ideologies and weaknesses of the political parties such as lack of internal democracy produced undemocratic elections in fourth republic. The features of internal elections in political parties were pervasive and a negation of all known democratic tenets, ranging from imposition candidates, godfatherism to excessive monetization of the election processes and intra-party conflict. The implications of intra-party conflicts on Nigeria’s democratisation includes: decamping of aggrieved members to other political parties, distrust, animosity and indiscipline among party

members, lack of credibility and bad image for political parties. Thus “factionalize the party in conflict, waste of time and resources, divided loyalty among party members, discontent among party members, breakdown of party activities, instability in the party and over-heating the polity” (Momodu and Gambo 2013: 9-10).

While the activities of “Godfathers have demeaned the development and consolidation of democracy in Nigeria. Godfatherism negates all tenets of democracy. It blocks the democratic process by obstructing selection of good and qualified candidates for elective posts” (Egbeblem, *ibid*: 249). Incumbency on the other hand is the manipulation of democratic process by those in power. They adopt and monopolise state machinery to maintain their hold on power. The Obasanjo's impunity, for instance, was noted for its selective judgement and flagrant disrespect for and disobedience to the rule of law; this is also a function of ineffective rules and weak institution. “It is only natural and expected, therefore, that in a situation where political opponents are clamped down upon, the political space becomes heated and tension-soaked as the opponents strive to 'balance the terror” (Arowolo and Aluko, *ibid*: 805).

Incumbency and impunity in party politics involves the struggle for political power leading unhealthy competitions by political parties. The widespread occurrences of political thuggery in the fourth republic threaten democratic consolidation in Nigeria. It is widely ascertained that “thugs were usually hired, maintained and equipped by some politicians to subvert the electoral process to their utmost political advantage” (Adeosun, 2014: 9). The implication from 1999 to date has led to series of electoral crisis and violence for example aftermath of the 2003 general elections claimed the lives of over one hundred innocent lives while leaving several injured. “The aftermath of the 2007 elections left about three hundred people dead, and following the April 2011 Presidential voting more than 200 people dead” (Yusuf, 2015: 25).

The poor outcome of electoral process led to often wide gap between the number of people that register to vote and the actual number of people that comes out to cast their votes. For instance, “the Kogi State 2011 gubernatorial election where out of the 1,325,272 registered voters only 518,949 electorate voted” (Omodia, 2012: 312).

5.3. Independent national electoral commission (INEC)

Although there is significant improvement regarding the electoral administration in 2011 and 2015 elections, yet there are gaps that threaten democratic consolidation. For instance the questions surrounding the independency of INEC, which includes the appointment of Chairman and electoral commissioners, financial autonomy and its reliance on ad hoc staff in conducting elections. “Since its creation in 1999, INEC has been characterized by a lack of independence, professionalism and administrative efficiency” (Fall *et al.* 2011 cited in Kerr, 2012: 11). The appointment process for INEC commissioners at both the federal and state level gives the first indication of the deficiency in INEC's institutional autonomy. The Constitution gives the President authority to appoint all 12 commissioners (and the 36 Resident Electoral Commissioners) with the approval of the Senate. The presidents' monopoly over the appointment process has direct implications for INEC's popular legitimacy and its ability to impartially organize elections. This implication is disturbing to the process of consolidating

democracy. "For instance the non-partisanship' of INEC which is supposed to be an independent and credible body was doubted more than ever, especially in 2003 and 2007 elections" (Osabiya, 2014:62).

Other weaknesses includes inability to educate the illiterate majority about the importance of voting and how to vote, inability to prosecute electoral offenders (Jega, 2012, Okoye, 2013, Nkolika and Emesibe, 2015), thus by implications these spell deconsolidation of democracy. Despite the need for a total systemic overhaul at the political, economic and social levels, there is crucial need for honest people with integrity like the immediate past INEC chairman, to handle electoral administration with sincerity (Oyekanmi, 2015).

6. Conclusion

This contribution investigates the challenges of electoral malpractices on democratic consolidation in Nigeria with particular focus on the fourth republic. It emphasizes the vital importance of election to democratic consolidation. The evidence reveals that the strict adherence to democratic values and ideals will bring about good democratic governance in the country. It shows the need for resuscitating the decaying democratic institutions, attitudes, resources and infrastructure at all levels of society as it affects electoral process for effective quest for democratic governance (Isma'ila and Othman, 2015).

7. Suggestion and recommendation

This paper suggests and recommends the need to combat godfatherism and incumbency, violence, corruption and impunity so as to enhance the electoral process. Thus unless the political leaders strictly adhered to the application of rule of law, constitutionalism and democratic values, the legitimacy of government and consolidation of democracy may not be sustained. It is suggested that further studies be carried out to focus on corruption as it challenges democratic consolidation in Nigeria's fourth republic.

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