

DEMOCRACY DEFERRED: THE EFFECTS OF ELECTORAL MALPRACTICE ON NIGERIA'S PATH TO DEMOCRATIC CONSOLIDATION

Moses T. Aluaigba

Dr Moses T. Aluaigba is a Senior Research Fellow at the Aminu Kano Centre for Democratic Research and Training
Bayero University, Kano, Nigeria
email: aluaigba@mambayyahouse.org

ABSTRACT

The conduct of free and fair elections provides a yardstick to measure the quality of democracy in a country. Credible elections are the platform on which the populace partakes in democracy by electing representatives of their choice as public office holders. This process enhances the confidence of voters in democratisation, and rekindles the prospect of consolidating democratic institutions, particularly in democratising states. The conduct of elections in Nigeria since 1999 has been inundated with spiralling malpractices in the electioneering process. The trend has worsened with each round of elections, as typified by the 1999, 2003 and 2007 polls. During these three elections, rigging, violence and intimidation flourished. How do such malpractices affect the quality of Nigeria's democracy? How do electoral malpractices affect the outcome of elections in Nigeria? Can democracy be consolidated in Nigeria in the face of elections that do not reflect the will of the voters? How can Nigeria chart a credible path towards stabilising the country's democracy? This paper presents qualitative data and an analysis of the above questions. I argue that it is not the regularity of elections that can strengthen democratic heritage in Nigeria, but how transparent the country's electoral process is.

Keywords: vote rigging, transparency, electoral offences, pseudo-democracy

INTRODUCTION

The 'third wave' of democracy globally in the late 20th century guaranteed its proliferation. By the twilight of that century, democracy had been engraved in many countries of the world. Today, the measurement of a country's political credentials is based on how democratic the country is, which makes democracy the 'only game in town' (Linz & Stephen 1997, p. 15).

What is responsible for democracy's resilience and overshadowing impact over other forms of government? Democracy, compared with other variants of government, has become popular globally because of the opportunity it provides people to determine who their leaders should be. Since its original experiment in the ancient Greek city-state of Athens about 250 years ago, democracy has endured across many regions of the world and varied cultures. This survival ability of democracy stems from its philosophy, which offers the *demos* in a political community the privilege to exercise their will and freedom to choose (Dunn cited in Jega 2007, p. 3). The abiding faith of people in the process of democracy hinges on its core principles of participation and accountability. Through the machinery of elections, democracy ensures that voters control decisions about who should represent them and where and when policies that affect their lives are made. What distinguishes democratic rule from its authoritarian counterpart is democracy's emphasis on mass participation – made possible by the conduct of elections.

Under a democratic regime, the accountability of leaders to the people who elected them becomes an inescapable norm. The survival of public office holders in their positions depends on how well they perform in office. It also depends on how the leaders justify, through performance, the mandate given to them by the people during election, knowing full well that they risk losing their appointments if they fail to perform. Non-performance and non-accountability of political office holders is anathema under democracy; pedagogically, democracy stipulates that the acts of elected public officials must conform to the will of the electorate. Therefore, the conduct of free and fair elections is the beacon upon which a healthy democracy thrives. During democratic elections, three things should happen. One, citizens have the freedom to select their representatives. Two, citizens have the option of choosing from an array of candidates soliciting their support. Three, public office holders can be re-elected at the expiration of a specified period of time (Bunce 2010).

In Nigeria elections have become, to use Schedler's (2002) phraseology, the 'menu of manipulation'. Since 1999 the outcomes of elections in the country have scarcely reflected the will of the voters owing to an avalanche of electoral malpractices (Aluaigba 2009a; Bratton 2008; Ezeani 2005; Oddih 2007; Ojo 2008; Suberu 2007). This nagging political phenomenon cast doubts on the evolution

of a viable democracy in Nigeria. Indeed, the vast cache of misdemeanours in governance in Nigeria is a mockery of democracy and a parody of what democracy represents (Aluaigba 2002). This arises from the precipitating consequences of electoral fraud on the quality of democracy in the country.

In what ways do these malpractices affect the quality of the Nigerian democracy? How do electoral malpractices affect the outcome of elections in Nigeria? Can democracy be consolidated in Nigeria, in the face of elections that do not reflect the will of the voters? How can Nigeria chart a credible path towards stabilising the country's democracy? The qualitative analysis presented in this paper attempts to provide answers to these questions, using theory and secondary data. The paper has six sections: an introduction, an overview of conceptual issues and elections in Nigeria since 1999, a summary of electoral malpractices at the Nigerian polls, a description of the consequences of these malpractices, and a conclusion with recommendations.

CONCEPTUAL CLARIFICATION

Democracy

Democracy is a concept that receives tremendous attention from political scientists and other scholars. Numerous attempts have been made to define the concept, with a resulting plethora of definitions of democracy. What is evident in most of the definitions is an apparent shift away from the classic popularised definition of the concept by Abraham Lincoln (16th American President, 1861–1865), who stated that democracy is 'government of the people, by the people, for the people'. More modern definitions conceive of democracy being based on specific variables or factors. Some scholars view democracy as political competition through periodic elections, others see it as citizen participation, and still others link democracy to civil and political liberties. Addi (1997, p. 107) perceives democracy as 'the process by which power changes hands without violence or force'. The focus of Addi's definition is the peaceful transfer of political power in a society. Similarly, according to Morlino (2004, p. 5) the concept of democracy implies 'a regime has at least universal adult suffrage; recurring, free, competitive and fair elections; more than one political party; and more than one source of information'. Morlino stipulates the existence of democratic institutions and rights in a polity to attenuate its being qualified as a democracy.

Aristotle's view on democracy was that

... the most pure democracy is that which is so called principally from that equality which prevails in it; for this is what the state directs; that the poor shall not be in greater subjection than the rich; nor that

the supreme power shall be lodged in either of these, but that both shall share it.

cited in *Encyclopaedia Britannica* 1768, p. 216

Aristotle's emphasis on the meaning of democracy as equality of all individuals in a society is corroborated by the work of Kapstein and Converse (2008), in which they attribute the causes of breakdown of democracy in a country. According to these authors, democracy as a mode of government has thrived in some countries but failed in other countries because of the prevalence of poverty and inequality that instil segregation in society.

Arising from these varied conceptions of democracy, when it is practised in consonance with its precepts, democracy provides a political platform through elections for the engagement of all members of a community in the process that determines who governs them. Thus, political power belongs to the people and not to the elected leaders. People may easily 'dethrone' a leader if he or she does not perform.

Democratic consolidation

Democratic consolidation is construed as a stage in a country's democratic process where democracy acquires some characteristics of stability. Consolidation cannot take place unless certain political features are present in a country operating a democratic regime. Some of these features have been identified as 'routinized, recurrent and predictable patterns of political behaviour...; defining clear workable rules of the game, establishing more authoritative, proficient, and dependable structures for mediating political conflicts ...' (Diamond 1999, p. 75). In addition, for a democracy to consolidate, the predisposition to authoritarian reversal should be remote. The military – as an alternate domain of the exercise of political power – should exhibit total loyalty to democratic institutions, thus forestalling the possibility or threat of overthrowing an elected government. Most importantly, democratic consolidation becomes overt in a society when the rights of citizens are guaranteed, and the ruling elite is accountable and responsive to the populace. A further hallmark of democratic consolidation is that the masses are well acquainted with political procedures and norms – that is, the masses 'routinize, internalize, habituate, and legitimate' (Im 2000, p. 23) these norms and procedures.

Democratic consolidation thus incorporates vast criss-crossing or variegated governance issues that border on people-centred government, and responsive political leadership that is absolutely accountable to the electorate. It also implies permanence of the regime. This is not to say that consolidated democracies are immune against political squabbles. Even in old and stable democracies, instability

resulting from political upheavals – which in turn result from dwindling economic fortunes – can culminate in social distortions. This pattern can be seen in recent anti-austerity demonstrations in Europe in 2011 and 2012 which were the result of the global economic recession that began in 2008.

Linz and Stephen (1997, p. 23) outline two impediments to democratic consolidation. These are the threat of ethnic conflicts in multi-ethnic states, and the disenchantment by citizenry which arises from the inability of democratic regimes to deliver democratic dividends to improve the living conditions of the masses. This is precisely the case in the ‘third wave’ democracies, especially those that evolved in the 1990s in Africa – including Nigeria. In these countries, there has been growing disenchantment of the citizenry because of worsening social conditions of the people after more than a decade of the start of democracy. Democratic consolidation therefore means much more than mere existence of institutions and periodic elections.

Electoral malpractice

Electoral malpractice generally refers to an instance where acceptable norms and principles that confer credibility on elections are desecrated; and in their place duplicity, falsehood, manipulation and cheating by any means are deployed to sway the outcome of elections. Ezeani (2005) defines electoral malpractice as ‘illegalities committed by government, officials responsible for the conduct of elections, political parties, groups or individuals with sinister intention to influence an election in favour of a candidate(s)’ (Ezeani 2005, p. 415). Birch (2011) divides electoral malpractices – which she calls ‘electoral corruption’ – into three categories. They are malpractices that relate to the legal framework, malpractice related to preference formation, and malpractices centred on electoral administration. Electoral malpractice in any form is anathema to democracy because of its retrogressive effect on the quality of democracy in a country. As a corollary, electoral malpractices are not condoned anywhere in the world but rather censured. Abhorrence of electoral malpractice is necessary. If malpractices such as winning elections through rigging, massive use of money, use of violence against political adversaries and so on are unbridled, the tendency is for a negative culture of ‘political larceny’ to be inculcated by politicians. This ultimately dilutes the potency of elections as a means of peaceful transfer of political power and as a tool to legitimise political power.

LEGAL FRAMEWORK FOR CONDUCT OF ELECTIONS IN NIGERIA

Elections are an important aspect of liberal democracy. As stated above, the integrity and credibility of elections are strong measures of a deepened democracy

in a country. In every country where democracy thrives, stringent laws exist to guide the conduct of polls. However, because it is through elections that people decide who occupies particular elective public offices, politicians and groups sometimes resort to the use of vile unscrupulous methods to win elections. Therefore, it behoves any political entity to put in place rules and regulations that all stakeholders in the electoral process must obey. These regulations also spell out the punishment to be meted out to any ailing individual and group that engages in electoral malpractice. In Nigeria, the legal framework that defines how elections in the country are conducted, what constitutes electoral offences, and how offenders are punished is found in the Constitution of the Federal Republic of Nigeria 1999 and the Electoral Act 2010, as amended.

The 1999 Constitution deals mainly with the structures necessary for the conduct of elections for the various political offices in Nigeria and the constitution of the electoral body, the Independent National Electoral Commission (INEC) as well as Election Tribunals. By contrast, the Electoral Act 2010 contains detailed definitions of electoral malpractices and the punishment accrued to them. For example, the 1999 Constitution in sections 76, 77 and 78 provides the modalities for electing members of the National Assembly and the qualifications of Nigerians who can vote during National Assembly elections. Similarly, sections 116, 117 and 118 of the Constitution contain information on how and when elections for State Houses of Assembly are to be conducted. Furthermore, as it affects the office of the President of the Federal Republic of Nigeria, sections 131, 132, 133 and 134 of the 1999 Constitution specify the qualities of any Nigerian who wishes to contest in a presidential election, and how he or she will emerge as a president-elect in a national poll. Specifications are also stipulated for candidates seeking elections to office as State Governor in sections 177, 178 and 179. In order to resolve disputes arising from elections for the above offices, section 285 of the 1999 Constitution makes provision for the establishment of Election Tribunals at the state and federal levels to handle such disputes. In the Third Schedule, Part I, sections 14 and 15 of the Constitution provide for the establishment of INEC, the qualities of its chairman, and its functions and powers.

With regard to electoral offences, the Electoral Act 2010 clearly states offences and punishments for buying or selling voters' cards, as well as crimes committed during registration of voters. For instance, section 23(c) of the Act states that anyone who 'buys or offers to buy voters' card on his own behalf or on behalf of any other person, commits an offence and should be liable, on conviction, to a fine not exceeding ₦500,000.00 or imprisonment not exceeding two years or both'. As it affects registration of voters, section 24(2b) provides that anyone who 'in any way hinders another person from registering as a voter commits an offence and is liable on conviction, to a fine not exceeding ₦500,000.00 or imprisonment

not exceeding 5 years'. Other electoral offences covered by the Electoral Act 2010 include impersonation and voting when not qualified to do so (section 122), bribery and conspiracy (section 124), non-secrecy in voting (section 125), voting by unregistered persons (section 127), disorderly conduct at elections (section 128), offences on election day (section 129), undue influence (section 130), threatening other voters (section 131) and so on. All these legal provisions are meant to forestall incidents of electoral malpractice in order to enhance the credibility and integrity of elections in Nigeria. However, as discussed next, such fraudulent acts are still prevalent in Nigeria's electoral process.

OVERVIEW OF ELECTORAL MALPRACTICE IN NIGERIA SINCE 1999

Since the re-emergence of democracy in Nigeria in the Fourth Republic, the country has conducted five nationwide elections (in 1999, 2003, 2007, 2011 and 2015). These elections have shared many common features and few things differentiate them. For instance, the elections were all conducted periodically as expected, they were closely monitored by domestic and international observers, they arouse varied contestations from Nigerian politicians and voters, and they were all marred by varying degrees and calibres of malpractice. Apart from the 2011 and 2015 polls, the credibility and acceptability of the elections waned further with each subsequent election. The inference from the conduct and outcome of these elections is that Nigeria is yet to demonstrate the attributes of a growing democracy (Yagbojaju 2011, p. 93). This section summarises the elections in Nigeria by highlighting their general characteristics, the nature of malpractices, and an assessment of how each election differed from the others in terms of acceptability and credibility.

After a long period of over three decades of military rule, elections that ushered in Nigeria's Fourth Republic were organised in a staggered manner. The Governorship and state Houses of Assembly elections were held on 9 January 1999. The National Assembly elections followed on 20 February, and the Presidential election was conducted on 27 February 1999. This marked the end of the transition programme of the military regime led by General Abdusalami Abubakar. The 1999 elections were won by Olusegun Obasanjo of the Peoples Democratic Party (PDP), and he was subsequently (on 29 May 1999) sworn in as Nigeria's first president in the Fourth Republic.

As noted by Okolie (2005, p. 439), 'transition elections' are usually relatively peaceful because a country is transitioning from an authoritarian to a civil regime. This was true of the 1999 elections, which 'took place without systematic rigging' (Omotsho 2008, p. 3). Nigerians were generally fed up with military dictatorship and ready to embrace a democratic order, and the 1999 polls gave

them the opportunity to attain this aspiration. This is not to say that the 1999 general elections were devoid of electoral corruption or malpractices or that malpractice was confined to known past electoral irregularities. Such fraudulent electoral practices included the late commencement of polling, late arrival of electoral materials, missing names of eligible voters on the register, early closure of voting at some polling stations and voting during legally unstipulated hours. The most noticeable were cases of bribing of voters and vote buying, as reported by election observers. For instance,

in Oshimili North LGA in Delta State, a party gave out the money that facilitated the sharing of ballot papers among the parties, and as a result, that party had 75% to thumb print, while the other two parties shared the remaining ballot papers.

cited in Sha 2008, p. 127

In another instance of vote buying,

In Kano, malpractices were on all sides. While in Gaya Local Government Area (LGA) some voters were offering their votes for sale for as little as N10.00, in other areas, such as Madobi, the INEC officials and party agents connived in bribery and rigging. The fallout of bribery at Sabon Gari ward, Magami polling station in Zamfara State.... Attempts at underage voting were also a feature in this state, for example, at Dambawa 5B polling stations in Tsafe Ward, ten underage boys were brought for voting, but were detected.

cited in Sha 2008, p. 127

What set the 1999 elections apart from subsequent elections was the subtleness of the nature, magnitude and sophistication in the mode of electoral malpractices. For instance, deadly malpractice such as physical violence during and after an election (resulting in high casualty levels) was less noticeable.

The next election in Nigeria after 1999 was held on 12 and 19 April and 3 May 2003 for the National Assembly, Presidency and governorship State Assemblies respectively. The 2003 elections were the litmus test for Nigeria's democracy. The 1999 elections had been conducted by the military, whereas the 2003 election was the first to be held by a civilian government. The 2003 polls led to the first successful inter-civilian transfer of power in Nigeria since a botched attempt at civilian-civilian power transition in 1983 amidst a military coup. However, the 2003 election, like its predecessors, was bedevilled by similar electoral ills to those that had previously occurred in Nigeria. The visible malpractices during the 2003

elections included massive use of money for vote buying, stuffing of ballot boxes, ballot-box snatching, falsifying election results to favour or disfavour particular candidates, and fraudulently announcing that candidates who had in fact lost, had won (Ojo 2008, p. 116). European Union (EU) observers of the elections noted that

though the ballot box was full by around midday, only 85 names on the list of 743 registered voters were ticked [on the register]. At a third polling station, 50 cast ballots were suspiciously folded in the same way, and the first 50 names on the voter list were ticked [on the register] in alphabetical order.

cited in Calingaert 2006, p. 144

The degree of electoral corruption displayed in the 2003 polls gave the impression that there was a deliberate attempt by the ruling PDP to retain power at all costs and by any means. Indeed, according to Elaigwu (2006),

the 2003 elections were very fraudulent and were so acknowledged by both domestic as well as foreign observers and monitors. It is therefore not surprising that three years after, some petitions are just being sorted out by the electoral tribunals and Appeal Courts. ... All political parties in power at the state level put their rigging machines on overdrive and ended up with overkill. The [elections] were disastrous – they were demonstrable evidences of democratic deficit, which has the potential for endangering the democratic process.

Elaigwu 2006, p. 10

The clamour by opposition parties for the cancellation of the elections had little effect, and President Olusegun Obasanjo was sworn in on 29 May 2003 for a second term.

On 14 and 21 April 2007, Nigerians went to the poll to elect another set of leaders. However, the 2007 general elections turned out to be the most disparaged and discredited of the lot. They were dubbed the worst ever held in any part of the world and in Nigeria's electoral history, in terms of the high level of fraudulent practices (Jega 2009, p. 20). This debasement has led scholars to describe the 2007 elections as a 'fitful path' to democracy (Ibrahim 2007), 'muddled' elections (Suberu 2007), elections conducted when democracy was in 'retreat' (Rawlence & Albin-Lackey 2007), 'failed elections' (International Crisis Group 2007) and as a 'troubled transition' from civilian-to-civilian regime (*Africa Confidential* 11 May 2007). The core reason for these negative portrayals is the elections were marred by all imaginable kinds of malfeasance.

In the build-up to the 2007 elections, political pundits were of the opinion that the polls were programmed to fail. The numeracy of politically motivated assassinations, inter- and intra-party feuds, interpersonal wrangling among politicians, the rickety preparations by INEC, and the undemocratic primaries conducted by virtually all 50 political parties that contested the elections all culminated in the 2007 electoral debacle. The utterances of ex-president Obasanjo flared political tension when he pronounced the elections as a do-or-die affair for the ruling PDP. The immediate interpretation of Obasanjo's statement by opposition political parties and observers of Nigeria's political transition at the time was that the April 2007 elections were damned to be non-transparent. This was because the then president and his ruling PDP had on their side control of all the state apparatuses of coercion and manipulation, such as the police, armed forces, security services, the Economic Financial Crimes Commission (EFCC) and INEC (Suberu 2007, p. 97). This apprehension was validated when the elections were indeed conducted in a most fraudulent manner.

Prior to the 2007 elections, the huge sums of money raised by some political parties prepared the ground for a monetised electoral process. For instance, the ruling PDP raised a colossal amount of money from unverified sources, was unequalled by the money raised by all other parties combined. These funds were a cog in the wheels of the elections. For instance,

a veteran politician in Abuja says political funding explains some of the fraud [committed in the 2007 elections]. He explained that the PDP is effectively 37 different parties – one for each state and one at the centre, each party raises its money, usually through corrupt deals between contractors and the state government.

Africa Confidential 11 May 2007, p. 2

Even after the PDP's 'victory' in the 2007 polls, the party raised whopping sums of money unparalleled by any other party in Nigeria. On 15 November 2008 at a ceremony to raise funds for a new PDP secretariat project in Abuja, business tycoons such as Femi Otedola and Aliko Dangote reportedly contributed ₦1 billion and ₦3 billion respectively, and Strabag (a construction company in Nigeria) donated ₦100 million. An anonymous donor contributed ₦100 million (Okocha & Taiwo 2008). This manner of aggressive fundraising by political parties was the backbone of electoral malpractice in the 2007 polls, because donors could be sure to recoup their money through the award of contracts if the party they supported won the election (Aluaigba 2009b, p. 110). Moreover, in electioneering in Nigeria since 1999, 'money is used to influence everyone involved in the election process, from INEC officials to party agents, security agents and the electorate' (Bryan & Baer 2005, p. 101). Such practices were in vogue during the 2007 general elections.

A study on the conduct of the 2007 general elections (Aluaigba 2009a) indicates that electoral malpractices most prevalent during the elections were, in order of frequency, as follows: deliberate changing of election results, stuffing of ballot boxes, use of violence, misdeeds by security agents, connivance by polling officials and party agents to rig elections, intimidation of voters and vote buying. Other malpractices are shown in Figure 1 below. These included lack of secrecy in voting, false declaration of election results, snatching of ballot boxes, underage voting and so on. The occurrence of these corrupt practices was confirmed by both domestic and international observers who monitored the polls.

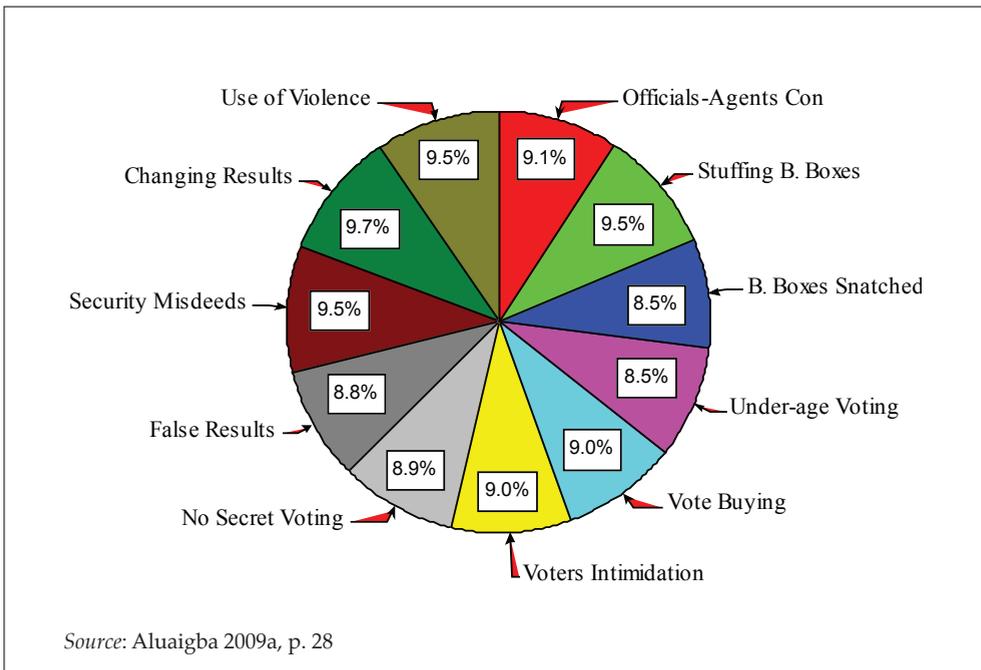


Figure 1
Electoral malpractices witnessed during Nigeria’s 2007 general elections

On the incidence of vote buying during the 2007 elections, another survey confirmed the sordid act when it reported that:

In vote-buying transactions in Nigeria, voters are usually offered money (68 percent of all reported attempts in 2007), commodities (such as food or clothing, 26 percent) or jobs (6 percent). In the latest and previous Nigerian elections, the modal (i.e., most common) inducement

was 500 naira, or about US\$4. But the median price of a vote payment rose between 2003 and 2007, from 1,750 naira to 2,250 naira, largely because the proportion of large payments (10,000 naira or more per vote) increased over time.

Bratton 2008, p. 4

There was also tremendous use of violence during the elections, such that

across the federation (and notably in Anambra, Delta, Jigawa, Katsina, Nasarawa, Ondo, and Osun States), violence surrounding the voting's conduct or outcome took an estimated two-hundred lives, including those of 39 police officers. Arsonists struck the INEC offices, police stations, and the houses of local PDP leaders.

Suberu 2007, p. 100

To ensure victory for the ruling party at all costs, there was premeditated effort to create an artificial shortage of voting materials in opposition areas, and the use of incumbency in the PDP-controlled states (*Africa Research Bulletin* 2007), to reduce the final number of votes for opposing political parties. As a corollary there were agitations by opposing political parties for a re-run of the elections after the PDP was declared the winner of the polls by INEC. The inference from these events was a general consensus by analysts and assessors of the conduct of the 2007 elections that democracy had been raped and the will of Nigerian voters subverted. This was done through the blatant obliteration of the trust Nigerians had bestowed on the security agents and the electoral umpire, INEC, despite the repeated assurances given to Nigerians by INEC chairman Professor Maurice Iwu that the electoral process would be free and fair to all.

The 2011 general elections were held on three different dates (9, 16 and 26) of April that year to elect members of the National Assembly, president, and governors or State Assembly members respectively. The first round of elections scheduled to take place on 2 April was postponed to 9 April. The reasons for the delay were described by INEC Chairman, Professor Attahiru M. Jega, as logistical problems (Akaeze 2011, p. 18) and an inevitable measure to forestall a shortage of election materials on election day. Prior to the election, predictions were rife among Nigerians with regard to the credibility of the 2011 polls, owing to the orgy of electoral fraud in past elections. However, the Jega-led INEC assuaged the fears of Nigerians, and by the end of the 2011 elections the general assessment of the polls, by both domestic and international observers, was that they had been relatively free and fair, and the results were more credible than those of the 1999, 2003 and 2007 polls.

The improvement in the credibility profile of the 2011 elections may be attributed to the new leadership of INEC, which was determined to reform the electoral body to enhance better administration of elections in Nigeria. Indeed, INEC was commended for the improvements recorded in logistics and the relatively smooth voting process during the polls, despite the initial disappointment occasioned by the postponement. The result of the elections ended the total dominance of the PDP, which had overwhelmingly held power since 1999. The party lost its two-thirds majority control of the Senate and won the governorship election in only 23 states out of 36, compared with the 2007 elections in which it had captured 27 states. Unlike in the previous elections, in which members of the National Assembly had substantially retained their seats, in the 2011 polls a good number of members lost their seats. For instance, 72 of the 109 senators lost their seats, and 260 of the 360 members of the House of Representatives also did not return to the house. These trends were indications of the piecemeal but holistic progress made by Nigeria in its march towards democratic consolidation.

Notwithstanding the successes achieved by INEC in the 2011 elections, on closer assessment the polls have been viewed as being far from free, fair and transparent according to international standards, because of the preponderance of electoral malpractice. The malpractices that reared their ugly heads during the 2011 ballot in Nigeria included late arrival of voting materials in many polling units, and incidents of ballot-box snatching and stuffing. Others were intimidation, arrest and detention of election observers, underage voting in some parts of the country and vote buying (Ibrahim 2011, p. 2; Jimoh & Olaniyi 2011, p. 4; Yusuf 2011, p. 31). Another serious shortfall during the elections was the inability of INEC to control the collation process. Most of the rigging took place at this stage of polling; hence, despite INEC's innovative initiative that encouraged communities to monitor the collation of results, this could not materialise. This failure culminated in a declaration of false results in some places. For example, 'there were a number of places where no voting took place but where results appear to have been compiled, including large parts of Idoma land in Benue South and also Isoko land and Warri in Delta State' (Sahara Reporters 2011, p. 1). There was insufficient security at some polling stations, which led to the tragic death of nine National Youth Service Corps members who were serving as the INEC's ad hoc staff in Bauchi State. The heavy security that was provided in some other violence-prone areas worked against the elections as voters were intimidated by the heavy presence of soldiers and stayed away from the polling stations.

Similar to this problem of insecurity, and more detrimental to Nigeria's democratisation process, was the post-election violence in Northern Nigeria that claimed over 1000 lives. This further marked the elections as the bloodiest

in Nigeria's electoral history. On 18 April 2011, following the announcement of the presidential election results in favour of the ruling PDP candidate President Goodluck Jonathan, there were reported cases of rioting in some cities in Northern Nigeria – including Kano, Katsina and Yola. The riot spread to 14 states in the region but was most severe in Adamawa, Bauchi, Kaduna, Kano, Nasarawa and some parts of Niger. The protesters attacked residences of PDP stalwarts as well as businesses, churches, and in some cases mosques in reprisal attacks. As observed by Aniekwe and Kushie (2011, p. 6), electoral violence can be prompted by voters' frustration arising from the fear of unwarranted defeat because of a corrupt electioneering process or injustice in electoral dispute adjudication by the judiciary. These factors fuelled the post-2011 election violence in Northern Nigeria.

The 2015 general elections in Nigeria, conducted on 28 March and 11 April 2015, have been described as the best in Nigeria's electoral history (Gabriel 2015). This election was rated highly by both domestic and international observers because of the comprehensive preparations made and the relatively peaceful and proper conduct of the polls by INEC. Indeed, the characterisation of the 2015 polls as credible was the result of innovations and the introduction of technology in the electoral process by INEC. For instance, prior to the election itself there was the use of biometric voters' registration. During the actual polls, INEC introduced the Smart Card Reader. Also, sensitive electoral materials such as the result sheets and ballot papers were customised and possessed high security features and codes. However, despite these great improvements in the electoral process, evidence indicates that the 2015 elections were not totally flawless. Some of the shortcomings related to operational deficiencies on the part of INEC were 'late arrival of election materials, overcrowding, failure of the card reader, result manipulation and voting of under-aged in some units in the Northern part of the country' (Udu 2015, p. 102). Other electoral malpractices evident during the 2015 polls were snatching of electoral materials and ballot boxes by thugs, and inflation of election figures. For example, in Akwa Ibom State 'approximately 430,000 voters were accredited to vote in that state for Governor and State House of Assembly. BUT THE GOVERNOR-ELECT WON WITH ALMOST 900,000 VOTES!!!' (Sobowale 2015). The cancellation and order to conduct new gubernatorial elections in states such as Akwa Ibom and Rivers in December 2015, issued by the Appeal Court and Election Tribunal respectively, suggests that these electoral vices did occur during the March and April polls. However, Nigeria's Supreme Court eventually upheld the Akwa Ibom and Rivers governorship elections. This final decision corroborates the general assessment of the 2015 polls in Nigeria as one of the most credible in the country's electoral history.

What is obvious from the above review of elections in Nigeria since 1999 is that none of them can be absolved from venality, falsehood and duplicity

occasioned by flagrant usurpation of electoral laws and abuse of the will of Nigerian electorate. As discussed in the next section, these electoral malpractices have grave consequences for the nature of governance Nigerians have experienced since 1999. These negative effects in turn affect the quality of democracy being moulded in the country since the military vacated power years ago. Apart from desecrating the values of democracy that are built on transparency, accountability and good governance, electoral malpractices have dispelled the hopes of Nigerian citizens. At the resurgence of democracy in 1999, Nigerians' optimism hinged on reaping the dividends of democracy that would manifest in improving the living conditions of the people.

EFFECTS OF ELECTORAL MALPRACTICE ON NIGERIA'S DEMOCRATISATION

Electoral malpractices are undoubtedly an impediment to the democratisation process. This is especially true in countries that have scaled the hurdle of transitioning from authoritarian to democratic regimes and are navigating the political contour of transitioning to a consolidated democracy. Having gone through the bitter experience of electoral corruption since 1999, there are a number of ways Nigeria has been affected or will be affected by the problems created by the conduct of elections devoid of transparency. First, electoral malpractices tend to accelerate the level of voter apathy in a population. People refrain from voting in subsequent elections if previous or current polls are 'won' through vile means like rigging, false declaration of losers as winners, and bribing of electoral officials. In the 2011 general elections in Nigeria, the 26 April 2011 Gubernatorial / State Houses of Assembly polls had a very low voter turnout because of the real or perceived duplicity that had taken place in the 9 and 16 April National Assembly and Presidential elections respectively. The general feeling among Nigerian voters was that their votes were not going to count. Whether they voted or failed to vote, 'winners' must emerge through 'politricks Nigeria style' (Lustig 2007, p. 8). This trend is dangerous for the maturity of Nigeria's democracy.

Second, in a country like Nigeria that is democratising, frequent recourse by politicians to fraud to win elections defeats the *raison d'être* of elections as the basis for legitimising the occupation of political office, and the exercise of political power and authority that accompanies it. Elected political office-holders who won elections through rigging will, for instance, be lethargic about accountability to the electorate or voters. This apathy results from the notion that they bought their way through money and were not voted into office. This tendency illustrates why 'the much anticipated "democracy dividend", whether construed as improvements in governance, stability, or economic welfare, has not materialized' since 1999 (Lewis

2003, p. 131). No doubt, there has been concerted grumbling among Nigerians voicing their dissatisfaction with the performance of their elected public office-holders, as evident in the 9 January 2012 mass agitation to protest the hike in fuel prices by the administration led by President Jonathan.

Third, the Nigerian experience has shown that when the contest for elective positions by politicians is perceived as an investment – the returns of which must be recouped once they win elections and enter office (Ilo 2004, p. 25), there is a tendency for heightened larceny from the public treasury. It follows that democracy dividends can never be delivered to the electorate, because money meant for public projects is diverted into private pockets as rents, pre-bends and rewards to ‘godfathers’ who sponsored the public office-holders. This pattern indubitably will jeopardise Nigeria’s quest for a consolidated democratic heritage.

Table 1 below illustrates the rising level of corruption exemplified by looting of the public treasury in Nigeria since 1999. The rating of Nigeria by Transparency International (TI) between 1999 and 2012 shows that the country has declined in its position on the TI ratings (Table 1). Nigeria was rated better in 1999 than in 2012; after 1999, the country took several steps backwards in TI rankings because of the increased level of corruption in the public domain. However, since 2015, Nigeria’s rating by TI has improved remarkably, ostensibly because of the anti-corruption crusade under the new administration led by President Muhammadu Buhari.

Table 1
5-year perception index and ranking of Nigeria
by Transparency International

Year	Position Occupied by Nigeria	No. of Countries Surveyed	Score
1999	98	99	1.6
2003	132	133	1.4
2007	147	179	2.2
2011	143	183	2.4
2012	139	176	27

Sources: Compiled from the following Transparency International websites:

<http://www.transparency.org/cpi2011/results>

<http://www.transparency.org/cpi2012/results>

<http://www.transparency.org/research/>

Fourth, continual reliance on corrupt practices such as rigging, intimidation and violence to obtain victory in elections can ignite political protests. Such protests can – either rapidly or slowly – degenerate and metamorphose into full-fledged

anarchy. The heightened level of violence and terrorism that exacerbated insecurity in 2012 in Nigeria, especially through the activity of the Boko Haram sect (Walker 2012), gathered momentum after the post-election violent protests in the North, following the election on 18 April 2011. The general view in the North was that the protests were the result of perceived cheating in the 2011 elections, which had produced former President Jonathan of the PDP as the winner, while the favourite candidate in the North – retired General Muhammadu Buhari (Rtd.) of the Congress for Progressive Change (CPC) – had lost. Similarly, in 1993 the annulment of the 12 June 1993 presidential election by the military junta of General Ibrahim Babangida, presumed to have been won by Chief MKO Abiola (a Yorubaman), was interpreted mostly by the Yoruba in Nigeria's South-West Zone to have been rigged out of the country's political process. This led to a momentous political crisis that threatened the unity of Nigeria. Studies have shown that violence, vote buying, negative use of money and so on are impediments to transitioning to a viable democracy, and are anathema in a country that is serious about consolidating its democracy (Aluaigba 2010; Bratton 2008; Obadare 1999).

Fifth, in a pseudo-democracy like the Nigeria variant, where elections are fraught with malpractices, the value of political parties as a vehicle for peaceful transfer of power is also defaced. This is always the case where there exists a strong ruling party whose control of power weakens other opposition parties because of its political might. At a point, members of these opposition parties cross the carpet to join the ruling party. This trend makes politicians evermore less principled in their political conduct because the obsession to acquire political power in order to amass illegal wealth outweighs all other considerations, including integrity and reputation. In the build-up to the 2007 elections, while many members of other opposition parties defected to the ruling PDP, key members of the PDP – including the Vice President under former President Obasanjo, Alhaji Atiku Abubakar – defected to the Action Congress (AC) party, now called All Progressives Congress. This paved the way for Atiku to run as the party's presidential bearer in the 2007 election. Surprisingly, in 2009 Atiku re-defected back to the PDP. This attitude among Nigerian politicians is demeaning to the country's effort at stabilising its democracy.

How do all the above factors affect Nigeria's quest for a consolidated democratic heritage? Aluaigba (2009c) has elaborated on the impediments to achieving democratic consolidation in Nigeria, including the use of violence during elections, the influence of money on election outcomes, godfathers and so on. It suffices to reiterate that electoral malpractices are antithetical to democratic ethics; they emasculate the very foundation on which democracy is established and diminish the prospects of moulding the framework for its workability. Certainly, as Huntington (1991–92, p. 580) has averred, 'in all democratic regimes

the principal officers of government are chosen through competitive elections in which the bulk of the population can participate.' Short of this quality of election, it will be virtually impossible for democracy to reside in the country. This is the case in Nigeria where eligible voters are denied the right to choose their leaders, through intimidation and other numerous acts of electoral fraud.

CONCLUSION

There is no refutation of the fact that the conduct of free and fair elections marks a watershed in a country's march to democratic consolidation, despite the concomitant socio-political hiccups that often characterise the process of democratisation. Elections in Nigeria since 1999 have continually been a charade, given the avalanche of fraudulent electoral practices discussed above. However, the minimal improvements observed in the 2011 and 2015 elections are indications that the conduct of credible elections in Nigeria is possible if the required reforms are made, especially with regard to INEC and the reorientation of the mind-set of Nigerians towards elections. We must be reminded of Schumpeter's allusion (cited in Adejumbi 2000) that democracy is meaningful only when a society is able to accept or reject the people who want to govern it. That acceptance or rejection can become realistic only through elections. That is why the holding of elections is inescapable in liberal democracies. To overcome the encumbrances impinging on the conduct of free and fair elections in Nigeria through the monster of electoral malpractice, the country must take resolute steps to overhaul the entire electoral process. Nigerians' attitudes towards elections must be repositioned to attenuate for past failures that have left them in a state of political angst.

First, it is clear from the various reports on elections in Nigeria that elections are usually rigged during the collation of election results. To curtail the manipulation of results at collation centres, INEC should seek collaboration with established and reputable civil society organisations in Nigeria – such as the Transition Monitoring Group, Electoral Reform Network, Alliance for Credible Elections and Transparency International in Nigeria – to prop up the observation and monitoring of polling on election days. This will help to dispel aspirant rigging agents, whether officials of the INEC or party agents. Second, to overcome institutional deficiencies, INEC should through the National Assembly seek more institutional powers and financial independence from the executive, so the Commission's Chairman can gain the powers to appoint Resident Electoral Commissioners with the approval of the National Assembly. This would ensure the INEC is truly independent.

Third, the penalties for electoral misconduct and malpractices, as contained in the 1999 Constitution and the Amended Electoral Act 2011, should be strictly

applied by both INEC and the judiciary. Culprits of electoral fraud must be punished in line with the provisions of the laws. Fourth, the extensive negative use of money in elections should be curtailed by strictly regulating the finances of political parties and politicians.

Finally, it is important to check violence during elections by addressing its root causes. For instance, macro measures – such as tackling unemployment by creating job opportunities through reformation of the agricultural sector and improving electricity supply – would help to reduce youth involvement in election-related violence. If the magnitude of electoral malpractice that has occurred during polls in Nigeria does not decline in subsequent elections, democratic consolidation in the country might as well have been deferred to a later epoch in political history. The determination of the era when elections will reflect the wishes of Nigerians depends absolutely on the hindsight of major stakeholders in Nigeria's electoral process. The government, INEC, political parties and the Nigerian electorate must recognise the exigency to fortify democracy in the country and assiduously work towards it.

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