

Election and Electoral Fraud in Nigeria’s Democratic Experience of the Fourth Republic: An Exposition.

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Abstract

Electoral fraud; its epidmization and intractability remain one of the major infelicities of politicking in the Nigerian state. It has come with very damnable consequences on governance and the overall development of the nation with the ultimate causality being the poor masses constituting the majority of the nation’s population. This paper attempts to fashion out a framework within which the observational data on the nature of election and electoral fraud within the context of the democratic experience of the fourth republic of the Nigerian state can be understood and to also proffer workable solutions.

Keywords: Election, Electoral Fraud, Governance, Electoral Accountability and Violence

Introduction

An electoral system legitimizes power and makes a democratic political system work. What makes an electoral system tick is the presence of a reliable system of elections. Election or voting is supposed to be a preference revelation of the electorate and the primary stage in the efforts towards realizing a democratic political system.

The history and practice of election in Nigeria is long and tumultuous. Five elections were conducted by the British before independence in 1960 (1923, 1946, 1951, 1954, 1959 see Alonge F.K: 2005) without any incidence of electoral fraud. With the departure of the British, Nigerians were saddled with the responsibility of conducting their own affairs. Every election thereafter has been one of turbulence; characterized by ever increasing level of perversion from the true nature and essence of electioneering depicting a disappointing degree of naiveté about the electoral process. All elections became a do or die affair occasioned by frightening credentials of brazen forms of electoral brigandage and violence resulting in horrendous destruction of lives and properties solidifying the abstract concept of violence and man's anarchist instinct to a clear and terrifying vision. Election period in the Nigerian state is usually a season of fear, war and rumors of war. The whole exercise is always capped with hotly contested litigations. The throw up from the whole situation so far, is the picture of a state that has shown great disdain for the ideals of democratic politics and governance. The summation seems to be that the Nigerian state exhibits a democracy, especially within the context of electoral values that is highly polluted and bereft of decorum. The ultimate causality in all of these is of course a populace who in the time of great wealth are immersed in greater penury, poverty and pauperization.

It is against this background that this paper seeks to fashion out a frame work within which the vast number of observational data on the nature of election and electoral fraud within the context of the democratic experience of the fourth republic of the Nigerian state can be understood. The paper also seeks to proffer policy suggestion that will facilitate the right altitudinal rearmament for enhancing credible elections in Nigeria.

Conceptual Discourse

The concept of this study have elicited various definitions from different scholars, but for the purpose of this study a few that are considered apposite and of immense instructive value to understanding the central theme of this study shall be discussed.

Election

The Encyclopedia Britannica (2005) defines election as the formal process of selecting a person for public office or of rejecting a political proposition by voting. Drawing from the conception of liberal democracy and Robert Dahl's concept of oligarchy, Diamond (2002:353) construes election as the right of the people to choose at regular intervals among competing leaders and policies. Mackenzie (cited in Diamond: 2000) sees election as rituals of choice with a binding character being derived from the participation of the individual as a chooser in a social act which legitimizes authority of the person chosen. Also instructive to this discourse is Alao's (2009: VI) definition which considers election as a process of preference revelation involving the ranking of alternatives whose outcome is established through preference aggregation. In addition, Inokoba P.Ketal (2011) defines election as a formal procedure recognized by law as well as decision taken by the electorates to decide those who occupy public offices and also policy directions.

Despite coming from different scholars, a fundamental linkage exists between these definitions. The linkage exposes quite clearly some unarguable facts about the concept of election to wit:

- i. It is a means through which people make choice of leadership
- ii. It provides a means of legitimizing the right of the rulers to govern
- iii. It provides a platform through which the sovereignty of the people is operationalized and sustained
- iv. It is a means of making choice as between alternatives both in policies and contestant for political offices.

Elections are considered the most critical of the many aspects of any programme of democratic transition and a foundational element of contemporary representative democracy

as well. The Encyclopedia Britannica (2005) distinguishes between the forms and substance of elections. It informs that in some political systems, electoral forms are present but the substance of election is missing as when voters do not have a free and genuine choice between and at least two candidates or in the electoral situation in other respects compromised.

Where and when the substance of election is lacking, the electoral process could be prone to manipulation or compromised in some regards that could give rise to a problematic situation where it could be difficult to ascertain the actual preference of the electorates among candidates, and where also the outcome of the aggregation of the preference might not represent the true desires of the electorates. Put simply, when and where this situation occurs electoral fraud has occurred.

Electoral Fraud

The United State Department of Justice defines electoral fraud as conducts that corrupts the process by which ballots are obtained, marked, obtained or tabulated; the process by which elections results are canvassed and certified or the process by which voters are registered (cited in Birch, 2007). Coming from the justice department, this definition situates electoral fraud within the context of existing laws and particularly electoral laws in a given state. Fabric (2003:6:233) defines electoral fraud as all clandestine efforts to shape election results. Though very brief and succinct, Fabric's categorization of electoral fraud comes with some problems. The problems responsibility derives from the use of the word "clandestine". With the word, the definition eliminates from consideration obviously fraudulent activities that might be committed in the open such as ballot-stuffing, ballot box snatching and vote buying. The definition also brings into fraud, a range of legitimate activities that are not normally carried out in the open but in closed door sessions by political parties to strategize or fine tune strategies for purpose of success in election. Andreas (2002:15) captures electoral fraud as involving the introduction of bias into the administration of election which can take place from the stage of voter registration to the final tally of ballot boxes. This includes such activities as forging of voters' identity cards, burning of ballots boxes or padding the vote totals of favored parties or candidates. However, a more instructive definition is that provided by Birch et al (2012; 2). In their definition, electoral fraud is defined as electoral crime and

substandard practices that result in failure or refusal to act (i.e. inability to provide necessary oversight); acts of deception (i.e. providing false or misleading information); acts of coercion (i.e. intimidating or forcing a voter or other electoral participants to behave in an involuntary manner) and of destruction (i.e. physical violence towards individuals or institutions). This definition provides a comprehensive summation of the principal characterization of electoral fraud which includes deception, coercion and omission.

However, from the summation of the submissions of these different scholars, the simple decipherable conclusion is that electoral fraud refers to illegal interference with the process of an election, especially with the intent of attaining a desired election outcome.

Electoral Fraud and Nigeria's Democracy of the Fourth Republic

The chequered history of Nigeria's democracy from 1999 till date has been one tainted with an abiding level of electoral fraud accompanied by gruesome consequences on governance in the Nigerian state. A vivid testimony to the fact of electoral fraud in the Nigerian polity can be found in the reports of various groups that have so far monitored elections in the country. All the reports (cited in Subaru 2002) bore condemnable commentary pointing to fraud in Nigeria's election process.

The report of the Transition Monitoring Group (TMC) on the 1999 general election revealed that votes recorded for the National Assembly and Presidential elections were in excess of the accredited voters. In 2003, the European Observation Mission reported that in a number of states the conduct of elections did not comply with Nigerian and international laws. Furthermore, Subaru (2007) observed that the 2007 election was more fraudulent than the previous ones and indeed the worst in contemporary election in the history of Nigeria. In addition, another glaring revelation of electoral fraud in Nigeria's democratic process emerged from the magnitude of election petitions highlighted in the International Conference on "Emerging Electoral Jurisprudence in Africa" organized by the Independent National Electoral Commission (INEC) held in conjunction with Ford Foundation in Abuja on January 19, 2015. It was revealed that the 2011 general elections produced 733 election petitions while the 2007 general elections produced 3000 election petitions. All of these petitions were

based on what petitioners perceived as fraud in the electoral process and the adverse effects of the fraud on their interests and chances as candidates in the various elections.

In some cases, electoral fraud was established and petitions decided in favors of petitioners. Prominent was that of Adams Oshiomole vs. Professor Oserheimen Osunbor in which a case of fraud was established in the election of Professor Oserhemien Osunbor as governor of Edo state. The election was annulled and decision was given in favor of the petitioner who was consequently sworn in as governor of Edo state. It was the same situation in Rauf Aregbesola vs Olagunsoye Oyinlola. Olagunsoye Oyinlola's election was annulled in favor of Rauf Aregbesola who was the petitioner. In like manner, Dr. Segun Oni's election was annulled on account of a case of fraud filed in a petition by Dr. Kayode Fayemi who was later sworn in as govern based on the decision of the election tribunal that considered the petition. Some other cases were those of Rotimi Ameachi vs Celestine Omehai and Olusegun Mimiko vs Olusegun Agagu. The election of Celestine Omaha and Olusegun Agagu were annulled in favor of Olusegun Mimiko and Rotimi Ameachi respectively on the grounds of proven cases of electoral fraud.

The 2015 governorship elections in Rivers and Lagos state are currently under serious litigation for alleged cases of fraud in the election processes. In what was considered a case of irregularities and malpractices, the election petition tribunal for state and national assembly in Ogun state nullified the victory of seven candidates of the People's Democratic Party including that of a senator representing Ogun East Senatorial District, Prince Buruji Kashamu in the 2015 general election (Punch Newspaper 11/10/2015). Beyond the nullification and reversal of results, the preponderance of election petitions seems to suggest that it is the judiciary rather than the voters that determine electoral outcomes in Nigerians. Besides it also gives an insight into the low level of confidence Nigerians have in their Electoral System.

Electoral fraud in Nigeria comes in different forms. Of these forms, the pre-election rigging and post election rigging methods are forms and stages of electoral fraud that appear outstanding in the democratic experience of the Nigerian state. The common processes include multiple and force registration, vote buying, voters intimidation, ballot box snatching, stuffing and false declaration of winners. In addition to these forms, there has been increasing

number of claims in some circles especially among political elites and public analysts that there is indeed a new and sophisticated dimension to electoral fraud in Nigeria. This is the manipulation of the judicial process to produce false winners. A very good case in point was the claim of judicial manipulation in the hearing of a petition on alleged case of electoral fraud initiated by Rauf Aregbesola in respect of the election of Olagunsoye Oyinlola as governor of Osun state. The election was eventually nullified and decision given in favor of Rauf Aregbesola based on proven case of electoral malpractice and judicial manipulation.

Some Causes of Electoral Fraud in the Politics of the Nigerian State

Fundamental insight into the causes of electoral fraud in the Nigerian state can come better from the instrumentality of Hamza Alave's Neo-Marxist formulation on post colonial state or states with colonial antecedents like Nigeria. In his formulation, Alave wrote about the overdeveloped or the interventionist character of post colonial state referring to their economic centrality where the state is a unique base of economic power and also provides the means for consolidation and electoral survival. He noted that the inevitable consequence of the economic centrality is that the issue of acquisition of state power becomes an object of intense competition. (cited in Subaru, 1986). In this context, politics becomes a game of intense desperation and one in which political actors and their followers will do anything possible to realize their goals whether foul or fair.

The Nigerian state exemplifies in every clear picture, Alave's conception of the overdeveloped nature or economic centrality of post colonial states. With a unique economic base deriving from oil revenue and its participation in all sectors of the economy, the Nigerian state is a resource in itself. It is majorly the only means of survival available to most Nigerians. This situation accounts for the desperation to acquire state power and the disposition by political actors to resort to electoral fraud in the process.

Subaru (1986) and Ake (1981) share in Alave's Neo-Marxist theoretical construct of economic centrality of post colonial state. Subaru argues that the implication of this situation is that the state is commonly seen by political actors as an apparatus for the realization of their economic ambitions or capital accumulation and consequently too, politics becomes desperate, intense and frantic struggle for positions in the state apparatus by any means. Ake

submits that the Nigerian state appears to intervene everywhere and to own virtually everything including access to status and wealth. Inevitably, a desperate struggle to win control of state power ensues since this control means for all practical purposes being all powerful and owning everything. Alavi's, Ake's and Subaru theoretical formulations provide a fundamental framework within which the phenomenon of electoral fraud in the Nigerian state can be understood. It draws a linkage between electoral fraud and the nature of the Nigerian state. The simple logic is the nature of the Nigerian state accounts for the desperation among political actors to acquire state power and this desperation in turn creates the deposition towards electoral manipulation and fraud.

The incidence and consistency of electoral fraud in Nigerian polity can also be attributed to the zero sum nature of Nigerian politics where winner takes all. This situation accounts for the indisposition of winners and losers towards compromise and consensus building a mentality that is unable to contemplate and accept the possibility of losing elections. The consequence is always a fierce competition for state power. This tendency leaves the politics of the Nigerian state not only open to electoral fraud but ultimately to conflict and crisis.

Another very obvious reason for the incidence of electoral fraud in Nigeria can be found in the low level democratic culture among political actors and their supporters. This can be attributed largely to what O'Connell (cited in Subaru 1986) described as the insufficient internalization of the rules of constitutional democracy. The result has been little value or reverence for the rule of law. This situation can be attributed to the long period of militarization of governance in Nigeria. The years of militarization of the Nigerian polity before the emergence of the fourth republic denied the nation and her citizens the chances to attain the required level of political maturity that could enhance the sufficient internalization of the rules of constitutional democracy to guarantee reverence and absolute reliance on the rule of law.

A further explanatory variable of utility value on the issue of electoral fraud can be linked to the high level of poverty prevailing among a large percentage of the Nigerian populace. Votes are a democratic resource. Buying and selling of votes is a typology of electoral fraud. In an environment of poverty like Nigeria, buying and selling of votes is normally seen as a

source of additional income and the market value is usually determined by the competition among the rich who wish to acquire power in addition to wealth.

Consequences of Electoral Fraud on Governance in the Nigerian State

One major consequence of the malaise of electoral fraud on the Nigerian state has been the distortion of the preference of the people and their disempowerment. This situation has consistently given room for the installation of mediocre political elites who dominate the political process to further their economic ambitions or quests for capital accumulation. The effect of this has been the denial of the Nigerian state the opportunity to evolve quality leadership and an enduring democratic culture.

There is a nexus between electoral fraud and violence. An electioneering process fraught with fraud or mere allegation of fraud is bound to provoke protest and demonstration from parties and persons whose interests are adversely affected by the outcome of the results of such elections. In most cases, these protests and demonstration take very violent dimensions often occasioned by enormous loss of lives and properties. Indelible examples can be found in the violence that occasioned the 1965 western region elections, the 1983 Ondo state gubernatorial election and 2011 presidential election in the northern part of the country. The violence in all cases was a direct consequence of allegation and counter allegation of electoral malpractices and irregularities that trailed these elections. The violent nature of Nigerian politics and tendency for politicians to want take electoral fraud as their route in the immense value of the state. This situation has been of dire consequences to democratic stability and had been one major reason for truncation of democratic governance in the Nigerian state by the military as witnessed in 1966, 1976 and 1983 respectively. The military intervention denied the nation the opportunity to evolve an enduring democratic culture thereby living the nation in a near perpetual state of political infancy. The ultimate causality in all of these of course is national development. As noted earlier, a nexus exist between electoral fraud, violence and insecurity. A polity where all of these are present cannot attract foreign investors and the economy suffers stagnancy. In a situation of economic stagnancy, the capacity of a nation and its people for development becomes limited. What usually follows in this kind of circumstance is always a reduction in the living standard of the people.

Conclusion and Recommendation

The paper has argued that the preponderance of electoral fraud in Nigerian's electoral process is the inevitable consequence of the nature of the Nigerian state. The zero sum nature of Nigerian politics and the low levels democratic culture among political actors and their followership. It also posits that electoral fraud does not only distort the preference of the people but also disempowers them and thus giving room for the installation of mediocre. Finally, it concluded that electoral fraud impacts negatively on governance and overall development of the nation.

A lot of efforts in form of propositions and recommendation have been put forward on how best to curb elect orals fraud in Nigerian but in spite of all these efforts the menace of electoral fraud has continued unabated. The simple reason why this is so, is that the Nigerian state has not shown the requisite political will to tackle the problem.

In order to tackle the menace effectively, there is need for sound political orientation designed to assist political actors and their followers in understanding and imbibing the basic rules of electioneering. This can be achieved through regular advertorials in the print media and jingles in the electronic media.

Most importantly there is need for a system of electoral accountability where sponsors and perpetrators of electoral fraud are identified and prosecuted to serve as deterrence to others who might want to sponsors or facilitate electoral fraud in any way. Why electoral fraud seems to have continued unabated is simply because there have not been sufficient deterrent measures. Nigerian has 140 prisons (Sheu Sanni;2015) and there is hardly any record of any person sentences on account of electoral fraud in any rather the class of people we find are petty thieves, stragglers and low level scammers who are not sufficiently connected.

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