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Money and Politics in Nigeria



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Lastly, the opinions expressed in this book are those of the individual authors and do not necessarily reflect the views of IFES-Nigeria or DfID.

Micheline Begin
Country Director
IFES-Nigeria.

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IFES IN NIGERIA

Since its inception in 1987, IFES has earned the confidence of election authorities, governments, and non-governmental organizations around the world. IFES' approach is successful in large part because of the unparalleled expertise of our technically-diverse team. IFES effortlessly mobilizes its expert staff and senior consultants based in Washington, DC and throughout IFES' field locations to ensure that our programs are carried out by the most qualified and appropriate talent.

In Nigeria, IFES has worked with the Independent National Electoral Commission (INEC) since 1998 to enhance the credibility of the electoral process. In the run-up to the April 2007 elections, IFES worked with INEC and other key election stakeholders to implement reform measures called for following the last election cycle, as well as to establish systems for enforcement of campaign finance regulations, monitoring and mitigation of electoral violence, and education of voters. Some of the major achievements of IFES under this program include: Stimulation of public discourse on a revised election bill which was ultimately passed and signed into law in June 2006; Creation of an in-house Training Unit within INEC; Development of standard voter and civic education materials for use by Nigerian schools, CSOs, and the media; Adoption of a regulatory framework for political finance disclosure under the auspices of INEC and with the buy-in of political parties; Production of two nation-wide public opinion surveys on the April 2007 general elections ; Fast-tracking of the election dispute resolution process through collaboration with the Office of the President of Court of Appeal to train judges of the Election Petition Tribunals as well as issuance of Practice Direction for use of the Tribunals; Formation of the National Association for Peaceful Elections in Nigeria (NAPEN) to monitor election-related violence; and Provision of memoranda to the Electoral Reform Committee (ERC) for the consideration of the Committee as Nigeria contemplates the manner in which it conducts elections.

Additionally, IFES has worked on political finance reform, anti-corruption, and constitutional and electoral law reform. With a focus on political finance reform, IFES established a Political Finance Monitoring Group (PFMG), which includes representatives from nearly 50 organizations interested in clean elections, including political parties, the Independent National Electoral Commission, anti-corruption agencies, citizens' groups, academia and the media.

The Group tracks violations of Nigeria's political finance laws and reports them to agencies that prosecute such crimes. The Monitoring Group is working

with citizens' watchdog groups across Nigeria. These watchdog groups track party finances in their local area and sending field reports back to the Monitoring Group. The Monitoring Group then investigates the reports and sends them on to the proper authorities should they document actual breaches of Nigerian laws or regulations guiding campaign financing.

IFES has built an impressive network of partners in government and civil society to focus on various issues of importance to Nigeria. This has provided IFES with a foundation for long-term capacity development, and continued cooperation with key players. Though a great deal of work has been accomplished, a long road to reform and democratization remains. The road ahead is not an easy one, yet IFES is committed to the networks that it has helped to create as Nigeria moves on the way forward to democratic consolidation.

IFES - NIGERIA

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ABBREVIATIONS AND ACRONYMS

AC:	Action Congress
ACB:	African Continental Bank
AD:	Alliance for Democracy
AG:	Action Group
ANPP:	All Nigerian Peoples Party
APGA:	All Progressives' Grand Alliance
APP:	All People's Party
ASP:	Assistant Superintendent of Police
CAC:	Corporate Affairs Commission
CCB:	Code of Conduct Bureau
CDA:	Civic Democratic Alliance
CEDAW:	Convention on Elimination of Discrimination against Women
CPP:	Citizens Popular Party
DFID:	Department for International Development
DPM:	Director of Personnel Management
ECOWAS:	Economic Community of West African States
EFCC:	Economic and Financial Crimes Commission
EO:	Electoral Officers
ERC:	Electoral Reform Committee
ERN:	Electoral Reform Network
ETF:	Education Trust Fund
EU:	European Union
EUEOM:	European Union Election Observation Mission
FCT:	Federal Capital Territory
FGN:	Federal Government of Nigeria
FOMWAN:	Federation of Muslim Women Associations of Nigeria
FRSC:	Federal Road Safety Commission
GDP:	Gross Domestic Product
GNPP:	Great Nigeria Peoples Party
GRA:	Government Reserved Area
HDR:	The Human Development Report
HRW:	Human Rights Watch
ICPC:	Independent Corrupt Practices and Other Related Offences Commission
IFES:	International Foundation for Electoral Systems
IGP:	Inspector General of Police
IMF:	International Monetary Fund

INEC:	Independent National Electoral Commission
ING:	Interim National Government
IRI:	International Republican Institute
JDPC:	Justice, Development and Peace Commission
LG:	Local Government
LGC:	Local Government Council
MAMSER:	Mass Mobilization for Self Reliance and Economic Reform
MILAD:	Military Administrator
NAFDAC:	National Agency For Food and Drug Administration and Control
NCNC:	National Council of Nigerian Citizen
NDI:	National Democratic Institute
NDP:	National Democratic Party
NEC:	National Electoral Commission
NECON:	National Electoral Commission of Nigeria
NEPA:	National Electric Power Authority
NEPU:	Northern Elements Peoples Union
NGO:	Non-governmental Organization
NNA:	Nigerian National Alliance
NNDP:	Nigerian National Democratic Party
NOA:	National Orientation Agency
NPF:	Northern Progressive Front
NPP:	Nigerian People's Party
NRC:	National Republican Convention
NUC:	National Universities Commission
NURTW:	National Union of Road Transport Workers
NYM:	Nigerian Youth Movement
ODAG:	Office of Democracy and Governance
OPEC:	Organization of Petroleum Exporting Countries
PDP:	Peoples Democratic Party
PFMG:	Political Finance Monitoring Group
PHCN:	Power Holding Company of Nigeria
PMC:	Party Monitoring Committee
PRP:	Peoples Redemption Party
REC:	Resident Electoral Commissioner
Rtd:	Retired
SIEC:	State Independent Electoral Commission
SDP:	Social Democratic Party
SSS:	State Security Service
TMG:	Transition Monitoring Group
UNPP:	United Nigeria People's Party

UPGA: United Progressive Grand Alliance
UPN: Unity Party of Nigeria
US: United States
USAID: United State Agency for International Development
WAI: War Against Indiscipline
WAIC: War Against Indiscipline and Corruption
WRAPA: Women's Rights Advancement and Protection
Alternatives

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PREFACE

The most populous country in Africa, Nigeria is a country of 140 million inhabitants, broken into 250 ethnic/linguistic groups. Nigeria is often characterized by poor governance, corruption and social injustice, manifestations apparent in all facets of Nigerian society. This notwithstanding, however, Nigerians always appreciated the importance of good governance. However, long years of military rule slowed development of democratic values and a culture of transparency and accountability in governance. Consequently, corruption pervaded all spheres of public and private life with serious implications for service delivery.

Nigeria returned to civil rule in May 1999 after four decades of military rule. The 1999 elections marked the beginning of a transition from military to civil rule. The country held three elections, including the April 2007 elections that brought President Umaru Yar'Adua to power following the victory of his party, the Peoples Democratic Party (PDP). Political transition advanced to another phase with successful conduct of the 2003 elections. In the lead-up to the 2007 elections Nigerians were considerably hopeful the elections would be free and fair. But there were concerns in many circles about the poor state of readiness of the Independent National Electoral Commission (INEC) and law enforcement agencies. The outcome of the April polls further betrayed peoples' confidence in the electoral system.

Traditionally, elections in Nigeria provoke reactions ranging from verbal attacks on the election management bodies to outright violent protests. From testimonies of the general public which are corroborated in reports by domestic and international observers, the 2007 elections were marred by irregularities. There were some initial protests and agitations by a section of civil society, including labour unions, over the outcomes and results of the elections. However, perceptions of many Nigerians changed with the expectation that President Umaru Yar'Adua's administration would move the country toward a path of national reconciliation. Also, regular public pronouncements by President Yar Adua in favour of "government of national unity" enhanced the new administration's public image. The mood in many circles today is that of "let us give peace a chance." Not long ago President Yar Adua inaugurated a 22-person Electoral Reform Committee, comprised of representatives of civil society and labour. This action further endeared President Yar Adua to civil society and a section of the international community who welcomed and supported the reform agenda of President Yar Adua.

Although Nigerians are increasingly losing confidence in the electoral system, their confidence in the judiciary is growing fast following several

landmark judicial decisions by the Supreme Court on constitutional matters regarding elections and decisions of some election tribunals over turning some of the April 2007 election results. Also, the country's judiciary duly considered lessons learned from previous election tribunals and generated timely guidelines to enhance overall efficiency of the tribunals for the 2007 elections. The tribunals were inaugurated timely and so far have worked with overt determination to assert their independence from any form of interference. Nigerian election tribunals are now set up to settle disputes arising from the 2007 elections and have recorded the highest numbers of over-turned election results in the country's history.

Most of the decisions of the election tribunals justified the statements of domestic and international observers on the 2007 elections pointing out weaknesses in the Nigerian electoral system. The most notable thing about these reports, particularly those by National Democratic Institute (NDI), International Republican Institute (IRI), Economic Community of West African States (ECOWAS), and the European Union (EU), is the similarity of conclusions on the problems and difficulties of INEC in terms of lack of autonomy, inadequate funding, and lack of appropriate organizational and managerial capacities.

The EU statement is the most detailed and comprehensive review of the entire election process. While statements of the observers provoked defensive comments from INEC, many Nigerians are in agreement with the trends and conclusions highlighted in the reports. On one hand there is a general lack of confidence in the electoral system. On the other hand, Nigerians acknowledge elections as a key democratic institution and prefer to use “regular, open and honest elections” rather than “other methods” to choose leaders. These responses no doubt signal to all vital stakeholders in the Nigerian electoral process the need for broad-based electoral reforms targeting the country's democratic institutions which at present are very weak, undeveloped, and grossly incapable of positively influencing the direction of electoral politics in the country. One critical area for reform is in the method of political financing and unrestrained private funding of political parties and candidates.

Political corruption, in its several forms, including unregulated use of money in politics, has not yet received adequate attention in the policy environment, civil society circles or the research community in Nigeria. All these platforms generally lack necessary information, skills and knowledge to engage the issues. These challenges, coupled with the lack of political support for anti-corruption initiatives in the country, have made the task of mapping trends and patterns in 'money and politics' certainly not an easy one. The task is further complicated since the activities and operations of many governmental agencies and political parties in the country are shrouded in secrecy. Nonetheless, the intellectual efforts that culminated in the production of this

book accepted from the onset that knowledge-driven advocacy and civic actions against political corruption are possible in the country.

Discussions on 'money and politics' in Nigeria should address the following broad questions: Where is the country today? How did it get there? Where should it be? What are the strategic requirements to get the country to where it ought to be? Who are the critical stakeholders in this calculation? Attention should also be given to the following specific questions: Is the existing legal framework for conducting elections adequate to address problems of money in politics? Can the 2006 Electoral Act provide the necessary foundation for party finance reform? What is the prospect of electoral reform beyond rhetoric declarations and official pronouncements? How can political parties and other critical stakeholders in the Nigerian electoral process engage the issue of regulating the use of money in politics? What is the extent of influence on environmental factors such as weak parties and 'godfatherism' as major hindrances to current efforts at electoral reform? What are the necessary and sufficient conditions for successful electoral reform?

The above questions have become prominent in the discourse about money and politics in Nigeria. These questions are asked today as part of an emerging consensus in the country around electoral democracy; one that accepts electoral reform is necessary for restoring public confidence in the democratic experiment. Thus, generally there is a growing awareness on the need to review the 2006 Act, reform political parties, redefine citizen eligibility to vote, ensure safety of citizens votes, limit the influence of money in elections, control election-related conflicts, and regulate financing to parties and candidates, as key elements in the electoral reform process.

The most useful way of looking at the broad issues crucial to the consolidation of democracy in Nigeria, including the electoral reform and other related issues in the Nigerian democratic experiment, is from a historical perspective. Over three decades of military rule distorted social values and undermined democratic institutions in Nigeria, political parties and civil society inclusive. It was worse for the development of the country's party system. The political parties were in complete limbo, and almost near extinction, courtesy of the numerous military coups and counter-coups that punctuated Nigeria's political history. The rise and fall of the Nigerian military is well documented in the literature on politics and development in Nigeria. Suffice to say, however, that the military held all democratic institutions captive between 1966 (when they first struck) and 1999 (when they retreated in humiliation), except for their occasional ceremonious "stepping aside."

Although the country held three national elections since 1999, Nigeria's democratic institutions remain largely weak and undeveloped. Looking at the events of the past few years, one can reasonably argue the democratic system in

Nigeria is still in its infancy, and there are forces at work that could undermine the foundations of a new democracy. One challenge is ensuring transparency in the electoral process. The electoral system of a country is the critical institution which shapes and influences the rules of political competition for state power because it determines what parties look like, who is represented in the legislature, how accountable these representatives are to the electorate and above all who governs. It is good to know that the way an electoral system operates determines the degree of public confidence and support for the democratic system itself. An electoral system regulates elections and other related activities. The weakness of the legal framework in controlling the use of money in politics, the long-time indifference of Nigerians to the problem of party finance, and the rent-seeking behaviour of political elites and their parties constitute major challenges to the Nigerian electoral system.

Weak structures and ineffective operations of political parties made things worse for the electoral environment in the country. Well-functioning political parties are essential for the success of democracy. However, in the particular case of Nigeria, there are limited opportunities for the development of political parties. Political party activities resumed in Nigeria towards the end of 1998 after a long period of military rule during which party activities were banned. Only three political parties – Alliance for Democracy (AD), All Nigerian Peoples Party (ANPP) and People Democratic Party (PDP) – contested elections in 1999. Although there were 30 parties in place in 2003, only two parties – PDP and ANPP – dominated the Presidential and National Assembly elections. It turned out many of the parties contesting the 2003 elections lacked the required experience. For example, on the matter of transparency and accountability in party funding, many political parties lacked expertise and resources to maintain proper records. In 2005, a report by INEC on the audited accounts of the 30 political parties for the years 1999 to 2003 shows “that most of if not all 30 parties did not keep books and records along with significant accounting failures, including the failure to account for vehicles, failure to prepare a budget, and personalization of party funds... even the ruling Peoples Democratic Part (PDP) whose members hold the office of president, approximately 75% of the seats in the National Assembly, as well as most of the seats of government in the states, had no proper accounting records.”¹

The 2003 general elections presented opportunities and challenges that necessitated electoral reform in Nigeria. For example, former President Obasanjo at various times publicly showed deep concern for the high cost of election campaigns in the country. He drew attention to the option that political parties, rather than individual office seekers, should canvass for votes in elections. President Obasanjo, in an address at the INEC-Civil Society Forum Seminar on 27 November 2003, also lamented the dangers associated with

¹Amy M. Loprest, *Transparent Public Funding in Nigeria: Review and Recommendations*, March 2005, p.4.

uncontrolled use of money during elections. Judging by the concerns expressed from several quarters, the time appeared ripe for the re-examination of the very foundation of Nigeria's electoral system.

The idea of comprehensive electoral reform received prominence only after the 2003 elections. The early efforts in this direction culminated in the enactment of the 2006 Act. The outcomes of the 2007 general elections further raised awareness among various stakeholders for the need of an overhaul of the Nigerian electoral system. One area that received wide publicity by INEC and comments and reactions from the general public is the need to introduce reforms to regulate monetary transactions by parties, politicians and candidates at all levels of the electoral process. Also, there were concerns on how to emphasize disclosure of information on political party finances with the understanding that disclosure will curb political corruption, prevent inflow of funds from undesirable sources and enable the public to know more about sources of funds into the coffers of parties and candidates. There was marked dissatisfaction with the provisions in the 1999 Constitution which many found incapable of regulating party financing.

Under the 1999 Constitution, the Independent National Election Commission (INEC) has constitutional responsibility to monitor finances of political parties, conduct an annual examination and audit of the funds of political parties and publish a report for the public information. Section 228(c) of the 1999 Constitution gives power to the National Assembly to provide an annual grant to the Independent National Electoral Commission (INEC) for disbursement to political parties on a fair and equitable basis to assist them in their functions. Accordingly, the National Assembly approved a N600 million budget for the 30 registered parties in the April 2003 general elections. INEC disbursed N180 million to all political parties with N6 million each, in line with Section 80(2)(a) of the Electoral Act 2002 stating “30% of the grant shall be shared among the political parties participation in respect of a general elections for the grant has been made.” In accordance with Section 80(2)(b) of the Electoral Act 2002, N420 million was disbursed by INEC to seven political parties including: the Alliance for Democracy (AD), All Nigerian Peoples Party (ANPP), Peoples' Democratic Party (PDP), All Progressives Grand Alliance, (APGA), National Democratic Party (NDP), Peoples Redemption Party (PRP), and United Nigeria Peoples Party (UNPP).

The responsibility to monitor the use of money in campaign activities of politicians and their parties poses some challenges to the Commission. For instance, during the 1999 elections there were complaints and allegations by civic groups about large donations by influential political figures and businessmen to some parties. The Transition Monitoring Group - a coalition of civil society organizations, in a statement on the conduct of the PDP, ANPP, UNPP, and NDP primaries in January 2003, complained “there was widespread

bribery of delegates with sacks stuffed with money to influence their votes.” Sarah Jibril, a presidential candidate in the 2003 elections, petitioned the leadership of her party over alleged misappropriation of grants from INEC. The Commission was able to investigate some reported cases and even monitored party finances to some extent. For instance, following the reported allegation of mismanagement of funds which was released to political parties by INEC, the Commission in September 2003 ordered an account audit of the four political parties. But for a very long time INEC was unable to perform audits or issue reports on the finance of political parties due to lack of cooperation from most political parties.

The problem of weak regulatory framework for the control of the use of money in politics is not limited to the 1999 Constitution. In the 2002 Electoral Act, used for the 2003 elections, Section 84(3) states “Election expenses of Political Party shall be submitted to the Commission in a separate audited return within three months after polling day and such shall be signed by the party's auditors and countersigned by the Chairman of the Party as the case may be and shall be supported by a sworn affidavit by the signatories as to the correctness of its contents.” In the case of the 2003 elections the deadline for submission of the audited report was 3 August; after the final polling day of 3 May 2003. Most political parties violated the deadline and by the end of 2003 only a few submitted their reports to the Commission.

Under the 2006 Act there are two main sources of funding for political parties. Public funding comes from the government, as stated in Sections 90 and 91 of the 2006 Electoral Act. Private funding, on the other hand, has to do with monies and material contributions made to the political parties. This includes membership dues, levies, proceeds from lunching, fines, proceeds from investments, interests on savings, voluntary donations, etc. (Sections 92, 93(9) of the Electoral Act 2006). In Section 226, the Constitution mandates the INEC to submit the audited reports of political parties to the National Assembly. These constitutional provisions are expatiated in Sections 88 to 95 of Electoral Act 2006. In spite of these provisions, there are problem areas. First, Section 93(9) of Electoral Act 2006 contradicts the constitutional provision in Section 221 of the 1999 Constitution as well as Section 308 of the Companies and Allied Matters Act 1990, both which prohibit corporate bodies from making contributions to political parties.

Secondly, provisions on reporting and disclosure by political parties were regularly breached. The INEC audit report on all political parties is yet to be made public, even though it has been months after the 2007 elections. Despite the extension of deadlines given to parties for submission of their financial reports to INEC, only 26 out of 50 political parties submitted their reports. Reasons for delay range from indifference to fraud as was the case in 2003. In the words of Dr I. J Igbani, then INEC National Commissioner and Chairman

of Political Party Monitoring Committee (PPMC), “During the audit of the 2003 accounts of the political parties, the Commission observed certain shortcomings in the submissions by many political parties. These include: (a) unaccounted political party expenditures; (b) unconfirmed and unidentified sources of funds; and (c) poor financial record keeping.” A breakdown of the report shows ruling Peoples Democratic Party (PDP) and the All Nigeria People's Party (ANPP) had no proper accounting records while the Alliance for Democracy (AD) had no conventional record. Seventeen of the political parties had no record of accounting at all. In addition to improper accounting records, the ANPP, which happens to be one of the oldest parties, is said to have operated without a budget. As a corollary to that, financial scandals have become recurring decimals among the Nigerian political parties. This has increased public disillusionment and undermined public confidence in the political process.

The experiences from previous elections, and the last three since return to civil rule, have demonstrated the need for electoral reform, including the need for an adequate control mechanism for party finance. The outcomes of the 2003 elections drew the attention of many to the need to reflect on how politics is financed and how to regulate political party funding in Nigeria. The rising high cost of elections and its links to political corruption attracted comments across the country. Many wondered why there were no effective laws to ensure disclosure of expenditures and contributions to campaign activities. At the end of the general elections in 2003, there was no argument regarding whether electoral reform was long overdue in the country. Neither was there doubt about whether Nigerians were willing to support the process. What was uncertain was whether there was sufficient political will to begin and end the process without allowing it to be clouded with personal, selfish interests. The administration of former President Olusegun Obasanjo made some efforts in that direction before it got swallowed up in the third term struggles.

The Independent National Electoral Commission (INEC) with technical support from development partners, took the lead in the electoral reform process. Some civil society groups, notably the Electoral Reform Network (ERN), received assistance from a section of the donor community for advocacy activities. The submission of a Draft Electoral Bill to the National Assembly in December 2004 began the electoral reform process. The original bill can be categorized into five broad areas:

- (I) Consolidation of various enactments (INEC Establishment Act, INEC Establishment Amendment, Electoral Act 2002 and the 1999 Constitution);
- (ii) Introduction of the INEC fund, into which all monies accruing to the Commission except monies required for personal emoluments of members and staff shall be paid;

- (iii) Appointment of the Secretary to the Commission, who under the 2002 Act was appointed by the President from among serving permanent secretaries;
- (iv) Introduction of new provisions to deal with assistance to disabled voters to enable participation, without hindrance, in the Commission's activities; and
- (v) Introduction of campaign finance provisions for both parties and their candidates

Out of all specific areas for reform in the draft bill, those on political party financing and related matters attracted the most attention. These provisions included: Section 99 (1-7) Maximum election expenses for candidates to various offices; Section 99(10) Maximum individual contribution to a candidate; Section 101(2) Maximum expenses for election for a political party; Section 102(1) Maximum donation by individual or other entity to political party; Section 110(1) Limitation of campaign period to 45 days; Sections 134-150 Punishments for electoral offences have been made more stringent; and Section 167(2) Prosecution of certain electoral offences by legal officers of the commission or other legal practitioners appointed by the commission.

The enactment of the Electoral Act 2006 was a very tortuous process for INEC who holds responsibility for conducting general elections, and looked forward to the benefits of conducting the 2007 elections with new electoral laws. Electoral Act 2006 was passed by the National Assembly on 31 May 2006. The delay in passing the bill by the National Assembly raised concerns among a few civil society organizations that suspected deliberate attempts against the 2007 elections. The bill was eventually passed by the National Assembly. However, it took the threats from some out-spoken members of the National Assembly before the President signed the bill, giving it the power of law. The delay in the process was due to lack of consensus among members of the political class on the logic and contents of the on-going electoral reform.

In the 2006 Electoral Act, 27 Sections deal with political parties (Sections 78 to 105). It is interesting to note the Act pays considerable attention to the danger of unregulated use of money in the electoral processes. Section 93 replaces Section 84 of the 2002 Act along with 100 and 101, respectively. These provisions limit the amount to be spent by the Presidential and Governorship candidates to N500,000,000 and N100,000,000, respectively (Section 93 sub-section 1-3 of the 2006 Electoral Act). The expenses incurred by candidates for the senatorial seat are pegged down to N20,000,000, N10, 000,000 for the House of Representatives, N5,000,000 for Chairmanship and N500,000 for Councillorship election. Section 93 (Sub-section 8 paragraph a,b,c) disregards “any expenditure incurred before the notification of the date fixed for the election with respect to services rendered or material supplied before such

notification” in determination of the “total expenditure incurred in relation to the candidature of any person at any election.” The 2007 elections were held under the 2006 Act. It should be possible to assess the effectiveness of the relevant provisions in the Act to regulate financial donations to a candidate's electioneering campaign before they are nominated or even the notification of the date fixed for elections.

Data on the cost of the 2007 election campaigns are still not available. The laws state that INEC must report cases of contravention to law enforcement agencies. Unfortunately, the law only requires disclosure of contributions after, not before, elections. Even at that, both the parties and INEC failed to publicly disclose financial reports of political parties as stipulated in the electoral laws. INEC has never lived up to its responsibility in this respect since 1999 when it first conducted national elections. Although there is a structure within INEC with responsibility for party finance monitoring, not much has been accomplished in terms of ensuring disclosure of sources of party funding or even adequate reporting of campaign expenses. The Commission published a political finance manual for use by political parties and appointed external auditors. It is evident political parties and INEC are not working together in this area. For example, majority of the political parties claimed to be unaware of the existing political finance manual published and distributed by INEC. At the end of an extended deadline for submission of financial reports by political parties to 31 January, 2008 only 26 out of 50 registered parties submitted anything close to financial reports. On the part of civil society, there is significant growth in awareness of danger of unregulated use of money in politics and its links with corruption. However, no organization seems to be tracking campaign expenses. While political parties accuse one another of vote buying during elections, there seem to be indifference as to the unregulated use of money during party primaries. Worse still, disclosure is not yet part of the dominant political culture in the country.

There are now 50 political parties in Nigeria with varying levels of capacity to influence electoral politics. Most political parties in the country have not met the standard criteria. They are confronted with lack of resources, inadequate staffing, and lack of organizational capacity. But more importantly these political parties manifest problems associated with the lack of internal democracy in their structures and operations. For instance, in many political parties, the decision making process, resources allocations, and the nomination of candidates for political appointments are dominated by a few rich and influential members; referred to as ‘godfathers.’ The prominence of the latter in Nigerian electoral politics continues to complicate the electoral environment with unrestrained private funding for political parties.

The ruling Peoples Democratic Party's (PDP) won a majority in the 2007 general elections at all levels of government. The new government was

inaugurated at national and state levels on 29 May 2007. However, the 2007 elections were reported by both domestic and international observers as having been riddled with a wide range of procedural “irregularities” and electoral frauds. In the past, the period immediately after elections had been characterized by violence, providing the military with rationale for intervention.² Although there were initial protests and agitations over the outcomes and results of the elections which gave the PDP the presidency, a majority of state governors and also majority seats in the legislative houses, perceptions of reconciliation by the new administration of President Umar Yar’ Adua seemed to reduce tensions. The announcement made by President Yar’ Adua in favour of “government of national unity” enhanced the public image of the new administration. The friendly disposition of President Yar’ Adua toward opposition parties, the desire to make his government more inclusive, coupled with official pronouncements in support of electoral reform attracted support from the opposition, notably the All Nigerian People's Party (ANPP), and to some extent civil society. However, principal actors in the recently held national elections - General Mohammed Buhari and the former Vice-president Atiku Abubakar - remained resolute in their commitment to legal action against the results of the presidential elections.

The situation in Nigeria appeared fairly stable during the first few weeks of President Yar'Adua's administration, despite the fact, many Nigerians were frustrated with the shortcomings of the election process that produced the Yar’ Adua administration. Setting up the Presidential Committee on Electoral Reform under the chairmanship of Justice Uwais, a former Chief Justice of Nigeria, further demonstrated the administration's commitment to reform the electoral process. However, when some election tribunals began to over-turn the results of many of the ‘victors’ in the 2007 elections, it dawned on many Nigerians what went wrong in the process and outcomes of the 2007 elections.

Limited information still exists in the public domain on the cost of elections, violation of party finance regulations and activities and operations of political parties in Nigeria. As a result, there is rising consciousness about the dangers of political corruption in the country and the need to control the influence of money in politics as a part of the electoral reform process. This consciousness, however, needs to be consolidated into concrete policy frameworks and programmes, drawing upon global best practices. This requires a public advocacy component to target behavioural change. In this calculation, the role of civil society is paramount. Enacting laws and creating institutions will not, ‘per se’, achieve the desired goals. For this to be achieved, there is need for a multi-track approach

²Two particular cases suffice here for illustration: The military first intervened in Nigeria after the whole country was thrown into civil unrest following the 1964 elections. In many parts of the Southwest it is still difficult to wipe out sad memories of 'operation we tie' from its victims. Again, in 1983 the military junta claimed they struck after the country became almost ungovernable from the effects and series of violent reactions to the “landslide victory” of the ruling party, National Party of Nigeria (NPN), at the polls.

which entails strengthening the capacity of INEC to deal with the problem of party finance, build capacity of political parties to keep proper records of financial transactions, and support civil society organizations to monitor expenditures on elections.

Civil society groups are critical stakeholders in the Nigerian electoral process. Civil society groups in Nigeria got their first taste of organized electoral participation in 1998-99. During the 1999 elections, the Transition Monitoring Group (TMG), a coalition of civil society groups working to promote democracy and good governance in Nigeria coordinated the activities of many civil society groups that participated in the elections. By 2003 the scope and quality of participation by civil society organizations extended significantly: four large civil society groups the Labor Election Monitoring Team; the Federation of Muslim Women's Associations of Nigeria (FOMWAN), the Muslim League for Accountability (MULLAC); and the Justice, Development and Peace Commission of the Catholic Church (JDPC) joined TMG in election observation. Also, a number of smaller women's groups and conflict mitigation networks participated. Apart from observing elections, Nigerian civil society was also involved extensively in civic education with support from donor agencies; notably the United States Agency for International Development (USAID), the UK Department for International Development (DfID) and the European Union (EU). This admittedly reflects the newly emerging trend in development assistance which sees political party reform as a major area requiring systematic intervention.

By 2007, not much improvement was recorded in the area of civil society engagement with issue of political financing. Today, however, there exists a network of civil society groups and other stakeholders -the Political Finance Monitoring Group (PFMG). Members of this network meet periodically to discuss methods for developing solutions to problems of political finance. The expansion of groups involved in this network and its consolidation is desirable. It will measure the ability of the Nigerian civil society to watch over the electoral process, accounting for the influence of money in politics.

There is a section of vital stakeholders in the Nigerian electoral process that think the electoral processes initiated by President Yar'Adua holds great prospect for democratic consolidation in the country. The attention of Nigerians is regularly drawn to the commitment of the new administration, the favourable disposition towards and support of the international community for electoral reform and the personality and pedigree of the members of the Electoral Reform Committee. There is the sense in which these variables add value to the process, however, much depends on the existence of an appropriate political culture that supports the enterprising nature of members of the Electoral Reform Committee.

Electoral reform has several political ramifications demanding complex

structural and institutional reform as well as extensive political will. The success of the reform depends largely on sufficient commitment and participation of all the stakeholders - government, civil society, development partners, donors etc. Without sufficient involvement and participation of all stakeholders in the reform process, efforts and initiatives aimed at changing the electoral behaviour in the country stand the risk of sabotage.

Finally, elements of electoral reform, including political finance reform, definitely require further research to precisely identify and define issues. Efforts at electoral reform should consider the importance of scientific research which entails data and information gathering, analysis and re-analysis. There is a need to generate a lot of information and data on different aspects of party finance in the country. Research programmes are needed to generate reliable and regular flow of data on other areas of money and politics and its effects on electoral politics. There is the sense in which it can be said that this book represents a step in this direction.

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INTRODUCTION

MONEY AND POLITICS IN NIGERIA: AN OVERVIEW

Victor A. O. Adetula

This book is a product of two seminars on the theme of 'money and politics' held by IFES at the University of Jos and the University of Ibadan in May 2006. It addresses the dimensions of political corruption in Nigeria that has begun to attract the attention of various stakeholders in the Nigerian electoral process. Since the return to electoral politics in 1999, and particularly after the 2003 general elections, Nigeria's political parties have been criticized by the media, academics, observers and the electorate for corrupt and unbridled use of money in politics. The anti-corruption initiatives of the administration of Chief Olusegun Obasanjo provided a suitable environment for some civil society groups to engage governments and other stakeholders on the issue of corruption and its effect on governance. There exists an awakened consciousness in Nigeria about the danger of political corruption including political finance malpractices. However, the question remains whether the rise in consciousness translates into new social values and attitudes for stakeholders government, election management bodies, political parties, civil society in the electoral process and in the way they interact with money and politics.

In a nation-wide survey on the perceptions of Nigerians regarding corruption and governance conducted in 2001 by a consortium of experts from Nigerian universities, over 80% of the sampled population regarded corruption as "serious." Respondents also ranked political parties among the most corrupt institutions in the country.¹ The details of the findings from the survey listed the 30 top most corrupt institutions in Nigeria with the police as number one. In ranking government agencies and parastatals according to their levels of involvement in corrupt practices, the first and second most corrupt government agencies in Nigeria are the police and the National Electric Power Authority (NEPA) (now Power Holding Company of Nigeria, PHCN), respectively. The third, fourth, fifth and sixth most corrupt institutions of government are political parties, the executive arm of federal, state and local governments, members of the national and state assemblies and the court. The Customs and Exercise Department, Federal Road Safety Commission (FRSC) offices of the Accountant-General at federal and state levels and Water Boards are also among the top ten corrupt governmental agencies.

¹*NIGERIA: Corruption and Governance Diagnostic Study, Analysis of Survey Results*, 2003, p. 3

Other surveys conducted by IFES in 2007 reveal public perceptions on “corruption in the realm of politics.” The report reveals that a majority of Nigerians think it is wrong for an ordinary person to sell a vote in return for goods or money. However, more than a third of the sampled population thinks it is understandable to do so. Furthermore, “most think it is wrong for political parties to offer money to people in return for their vote, but a third think it is understandable for them to do so. A quarter of Nigerian adults admit someone tried to offer them a reward or gift to vote for certain candidates in the election.”² Today in Nigeria, money politics, vote buying, godfatherism and “share the money” are regular household phrases and slogans portraying moral decadence of politicians. These usages adequately describe rent-seeking behaviour of politicians, political parties and voters. Such practices include accepting bribes from patrons and distributing money to buy votes. This has implications for good governance processes, including political participation. A portion of the Communiqué issued by the Nigerian Political Science Association at the end of a one-day round-table on “Understanding the Electoral Process in Nigeria” in 1 February 2007 states: “The role of money in politics is strong. 'Godfathers,' 'money bags' and incumbents use police orderlies and state security paraphernalia to intimidate voters and undermine elections.”

Money politics is quickly shrinking the political space, becoming a key variable in determining who participates in electoral politics and how. For example, nomination fees for party members seeking elective positions have become so high that only the rich and daring “political entrepreneurs” can participate in party primaries. In 1992, for example, presidential hopefuls spent over one billion naira during the primaries while other not-so-rich contenders had about 120 million naira as a budget for primaries. Although the reckless ‘abiku’ political transition programme of General Ibrahim Babangida's administration was aborted, this trend of unrestrained use of money for political influence persists to date. Women and youth are the most vulnerable in this situation because of their little or lack of access to wealth.

Today, money drowns votes and voices in Nigeria as ‘godfathers’ openly confess about shady deals, funding or sponsoring elections for 'godsons' and purchasing electoral victory. Businessmen and women are not left out in this illegitimate and illicit use of money for political influence. In a recent interview General T.Y Danjuma admitted, “I helped to finance his (President Olusegun Obasanjo) first term election. I raised \$7 million. Slightly more than half of it came from my business associates.” General Danjuma also added, “Not once

² IFES, “A Nigerian Perspective on the 2007 Presidential and Parliamentary elections: Results From Pre-and Post Election Surveys” (August 2007)

did he (Obasanjo) find out from me where this money came from. Was it from me, from my business associates, whether I stole it or whatever he didn't ask me!”³ There are many such as the aforementioned in the political apocrypha of Nigeria and on the conscience of many political merchants.

How did Nigeria get to this point?

The problem of unregulated use of money in politics did not begin today. There are antecedents in the history of modern Nigeria, beginning with the politics of nationalism in the 1950s, similar to rent-seeking behaviours of parties, politicians and voters. For example, the absence of strict legislation to regulate party finance made it possible for politicians and political parties to engage in illegal party financing and corruption in the Nigeria's First Republic. The electoral laws under which elections were conducted in the 1950s and 1960s were derived from the provision of the British Representation of the Peoples Act of 1948/9 and its regulations. The 1959 elections were conducted under the provision of the Nigeria (Electoral Provisions) Order-in-Council, LN 117 of 1958 enacted by the British Parliament. During this period, there was no clearly defined regulatory framework on party finance and political party funding was primarily carried out through private parties since candidates were responsible for election expenses. Two cases of corruption involving political parties were judicially investigated. In 1956, the Foster Sutton Tribunal of Enquiry investigated allegation of impropriety in the conduct of some politicians from the National Council of Nigerian Citizens (NCNC) with business interests in the African Continental Bank (ACB). Similarly in 1962 the Coker Commission of Inquiry was set up to look into the affairs of six Western Nigeria public corporations allegedly involved in corruption with the leadership of the Action Group.

During Nigeria's Second Republic (1979 -1983), a combination of private and public funding was used for the first time. Political parties occupied the central position in politics of the Second Republic. The 1979 Constitution of the Federal Republic of Nigeria clearly stated, “No association other than a political party [was allowed to] canvas for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election.” The 1979 Constitution in Section 205 empowers the National Assembly to make laws “for an annual grant to the Federal Electoral Commission from disbursement to political parties on a fair and equitable basis to assist them in the discharge of their function.” The government rendered financial assistance to political parties by way of subventions. In addition, private funding, except from outside Nigeria, was allowed, according to Section 205 of the 1979 Constitution. There was no limit on how many corporate bodies

³See *The Guardian*, Sunday, February 24, 2008, p.71

and individuals could contribute to political parties. Apart from the ban on political parties receiving external funds as in Section 205 of the 1979 Constitution, and the prohibition of associations other than political parties from making contribution to the funds of political parties or the election of any candidates at any election, as in Section 201 of the 1979 Constitution, there were no stricter constitutional or statutory regulations on the use of party financing such as those of disclosure of donations. The result was illegal use of money to influence decision making in political parties and the political process in general.

Although the 1979 Constitution provided some form of check especially with respect to external control of political parties, but even that was not achieved in the 1979-1983 elections. The loopholes were exploited by the financially and politically ambitious few who were able to use their wealth to hijack political parties of their choice. With unbridled use of money, little or no attention was paid to political mobilization by those seeking elective positions. Politicians attached much importance to money which they used to buy the votes of the electorates. One example was the occasion in Lagos in 1982 where ten members of a political party donated N5 million at a fund-raising ceremony. The experiences of the 1979 and 1983 elections were such that political parties and politicians had unrestricted freedom to use money from both legal and illegal sources to finance their campaigns and other activities associated with their election expenses. During the Second Republic, the role and activities of 'contractors' in government and political parties and other cases of political 'patronage' became very rampant. The reports of the various special tribunals that tried politicians and office holders revealed gross abuse of public office and impropriety in dealing with political parties.

The 1999 Constitution of the Federal Republic of Nigeria basically reproduced the 1979 Constitution with some substantive amendments. Under the 1999 Constitution, the Independent National Election Commission (INEC) has constitutional responsibility to monitor the finances of political parties, conduct an annual examination and audit of the funds of political parties and publish a report for public information. Section 228(c) of the 1999 Constitution gives power to the National Assembly to provide for an annual grant to the Independent National Electoral Commission (INEC) for disbursement to political parties on a fair and equitable basis to assist them with their functions. Accordingly, the National Assembly approved a N600 million budget for the 30 registered parties in the April 2003 general elections. INEC disbursed N180 million to all political parties at N6 million each in accordance with Section 80(2)(a) of the 2002 Electoral Act: "30% of the grant shall be shared among the political parties participation in respect of a general elections for the grant has been made." In accordance with Section 80(2)(b) of the 2002 Electoral Act, N420 million was disbursed by INEC to seven political parties which include: the Alliance for Democracy (AD), All Nigerian Peoples Party (ANPP), Peoples'

Democratic Party (PDP), All Progressives' Grand Alliance, (APGA), National Democratic Party (NDP), Peoples Redemption Party (PRP) and United Nigeria People's Party (UNPP).

The responsibility to monitor the use of money in campaign activities of politicians and their parties poses some challenges for the Commission. For instance, during the 1999 elections there were complaints and allegations by civic group about large donations by influential political figures and businessmen to some parties. The Transition Monitoring Group - a coalition of civil society organizations, in a statement on the conduct of the PDP, ANPP, UNPP, and NDP primaries in January 2003, complained, "there was widespread bribery of delegates with sacks stuffed with money to influence their votes." Also, Sarah Jibril, one of the presidential candidates in the 2003 elections petitioned the leadership of her party over alleged misappropriation of funds. The Commission was able to investigate some of the reported cases and even monitored party finances to some extent. For instance, following the reported allegation of mismanagement of funds released to political parties by INEC, the Commission in September 2003 ordered an audit on four political parties. But for very long time INEC was unable to perform audits or issue reports on the finance of political parties due mainly to a lack of cooperation from most of the political parties.

Section 84(3) of the 2002 Electoral Act states, "Election expenses of Political Party shall be submitted to the Commission in a separate audited return within three months after polling day and such shall be signed by the party's auditors and countersigned by the Chairman of the Party as the case may be and shall be supported by a sworn affidavit by the signatories as to the correctness of its contents." In the case of the 2003 elections the due date for submission of the audited report of political parties was 3 August after the final polling day of 3 May 2003. Most political parties violated the deadline and by the end of 2003 only a few submitted their reports to the Commission.

Admittedly details of subventions to political parties are not readily available. There are no available record on the exact amount of money spent by candidates and political parties in Nigeria. However, there are indications of heavy reliance on private funding in all the three elections in Nigeria since 1999; more so that virtually all parties lack organizational capacity to generate their own income through legitimate means. According to former President Obasanjo, "the parties and candidates together spent during the last elections, more than would have been needed to fight a successful war." This view of President Obasanjo is corroborated by a perceptive writer who observed, "More than any election in Nigeria's chequered political history, the 2003 national elections was determined by how much money candidates had. The electoral process has become so expensive that only the rich or those dependent on rich backers can run." The writer also noted, "There is also the disturbing trend of

questionable business people backing candidates with grey money.” The increasing influence of ‘godfatherism’ in contemporary Nigerian politics can be linked to uncontrolled party financing as witnessed in both Anambra and Oyo States where State Governors had to negotiate and renegotiate peace with ‘godfathers’ and money-bags politicians who claimed to have helped them win elections by all means! The absence of effective regulation of the amount of private funding that political party can receive from private sources made all forms of political mercantilism attractive and possible.

For the 2003 general elections, political parties received funding from the public purse via grants approved by the National Assembly in pursuant of Subsection (1) of Section 80 of the 2002 Electoral Act. This money was insufficient to sustain parties and therefore they obtained funding from private sources. One source of funding for political parties during the 2003 elections was the Nigerian business community. For example, Corporate Nigeria was the chief fundraiser of the Obasanjo/Atiku campaign. While there was no law against political donations by private individuals, the Companies and Allied Matters Act (1990), Section 308, prohibits corporate bodies from making political donations. Some have spoken about the contradictions in the two laws and suggested the need to set an explicit reference to permitted sources of funding (including corporate donors, state owned companies, state institutions).

The 2007 general elections were conducted with the 2006 Electoral Act, a hallmark of the electoral reform process led by the Obasanjo administration. However, many unresolved issues around party finance and corruption still exist. Public funding is guaranteed for political parties in Section 228(c) of the 1999 Constitution as well as Sections 90 and 91 of the 2006 Electoral Act.⁴ Section 90 of the 2006 Electoral Act states that the National Assembly may approve a grant for disbursement to political parties contesting elections. Also, Section 91(1) says the National Assembly may make an annual grant to INEC for distribution to political parties to assist them in their operations. These funds, according to Section 91(2) (a & b) are to be shared on a ratio (10:90) in favour of parties that have representation in the National Assembly. However, following the decision of an Abuja Federal High Court on the case filed by the Citizen Popular Party (CPP) and nineteen other opposition parties,⁵ INEC was left with no other option but to share funds among political parties equally. Apart from public funds, electioneering campaigns and other party activities, the 2007 elections were supported through private sources including monies and in-kind contributions made to political parties or candidates from:

⁴ Electoral Act 2006 was signed into law on 6th June 2006 and was amended February 2007 by the National Assembly

⁵ The judgment was delivered 15 December 2006 by Justice Abimbola O. Ogie of Federal High Court, Abuja

subscriptions, fees and levies from party membership,⁶ fines, proceeds from investments made by the party, subventions and donations, gifts and grants by individuals or groups of individuals as authorized by the law, loans, interests on savings, and sale of party nomination forms, etc.⁷

Reliable data on the costs of election campaigns and other related activities in Nigeria is difficult to obtain. Research in the area of party finance is underdeveloped in the country; hence, advocacy for policy change are rarely based on adequate information and good knowledge of the various dimensions of the problem. These notwithstanding, there are growing concerns about high costs of election campaigns and other related activities and the implications for political corruption in the country.

This publication is one of the pioneering efforts to bridge the gap in knowledge production and best practice in advocacy around the theme of money and politics, party finance and political corruption in Nigeria. Different aspects of the problem in Nigeria are addressed in this book. Marcin Walecki's contribution-“Political Money and Corruption: Limiting Corruption in Political Finance”- conceptually introduces corrupt and illegal political finance and frames a checklist of initiatives to limit corruption in political finance. The issues raised in most of the other contributions can be viewed against this checklist which was derived from experiences elsewhere. The all-embracing issue of political finance reform is addressed by Victor Adetula in his contribution “Electoral Act 2006, Civil Society Engagement and the Prospect of Political Finance Reform in Nigeria.” This chapter analyzes the ravaging effects of money and the salvaging efforts of civil society. Unfortunately, much needed reforms are too slow to arrive and party funding still remains confused and problematic.

In Nigeria, money-bags own political parties and deploy them at will. They donate party secretariats and huge funds and in return dominate the party decision process. The independence and supremacy of the party is compromised. A definition of ‘godfathers’ is given in the contribution by John Ayoade - “Godfather Politics in Nigeria.” The chapter indicates the negative and pernicious role and effect of ‘godfathers’ in Nigerian politics. Reading through the contribution, it is easy to see how ‘godfathers’ strangulate democracies. ‘Godfathers’ are, among other things, merchants of violence and fear. They operate private military armies and obstruct good governance. The chapter by Emmanuel Aiyede - “The Role of INEC, ICPC and EFCC in Combating Political Corruption” reviews the performance of the newly inaugurated institutions in Nigeria for combating corruption and proving two

⁶ *Thisday* newspaper of 4 July 2007 reported that PDP has asked members of the party in the National Assembly to contribute N500million towards the building of the multi-billion party secretariat in Abuja

⁷ See Sections 92, 93(9) of the Electoral Act 2006 and Article 18 of the 2001 Peoples Democratic Party (PDP) Constitution as amended in 2006

things. First, corruption persists not for lack of efforts and second it persists because good laws and/or intentions are not enough as deterrents. The efficacy of any law lies in its enforcement. Culprits are never known to enforce any law against them. The contribution by Ezekiel Adeyi -“Funding of Political Parties and Candidates in Nigeria: Analysis of the Past and Present”- examines the problem of illicit party funding in the political history of Nigeria. It is indeed useful to see the parallels and common elements that cut across different historical periods. The contribution by Kachollon Best “Gender, Money and Politics in Nigeria” examines the financial and political handicap affecting women in Nigeria.

Other pathologies like vote buying and violence are also addressed in the book. This volume is a modest wake-up call for Nigeria to address a monster preventing democracy from taking root. That awareness is a ‘sine qua non’ to the solution in order to prevent the whispers of discomfort from cumulating into arrears of anger in search of a pay day.

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POLITICAL MONEY AND CORRUPTION: LIMITING CORRUPTION IN POLITICAL FINANCE

Marcin Walecki

Introduction

Political finance is influenced by, and influences, relations between parties, politicians, party membership and the electorate. Money matters for democracy because much of democratic political activity simply could not occur without it. Narrow definitions of political finance tend to focus on 'campaign and party funding'.¹ In fact, many extra-party actors are involved in political competition with the objective of shaping public policy agenda, influencing legislation or electoral debates and outcomes. A primary example was the Fujimori-Montesinos case in Peru. In mid-September 2000, a videotape was released that showed Vladimiro Montesinos, the head of Peru's National Intelligence Service, apparently engaging in vote-buying by handing some US \$15,000 to opposition congressman Luis Alberto Kouri to switch sides and give the government a majority in parliament. The scandal led to the resignation of Alberto Fujimori as President of Peru.

According to a typology developed by Vifredo Pareto, there are three motives for providing political funds: 1) idealistic or ideological, 2) social, aiming at social honours or access, and 3) financial, striving for material benefits.² The latter comes as no surprise, but it can have major political consequences: in Germany, in July 2002, Rudolf Scharping, Germany's defense minister, was replaced after the magazine Stern reported that he had taken DM 140,000 from Moritz Hunzinger, a PR consultant with links to the arms industry. German cabinet members are prohibited from earning anything other than their salaries. Scharping admitted to taking the payments, but said most of the money had gone to charity or had been used for 'political work'.³ In another case, Kimitaka Kuze, head of the Japanese Financial Reconstruction Commission, was forced to step down in July 2000 following revelations he had received nearly US \$2.1 million from Mitsubishi Trust and Banking Corp. between 1989 and 1994.⁴

¹ A full list of activities related to political finance might include: (1) Election campaign funds; (2) Political party funds; (3) Grants to elected officials; (4) Political organisation funds; (5) Pressure and interest group funds; (6) Political lobbying funds; (7) Litigation funds in politically relevant cases; (8) Partisan mass media funds; (9) Corrupt political funds; (10) Unofficial payments to elected officials; (11) Unofficial payments to civil servants; (12) Unofficial payments to the mass media; and (13) Payments intended to improve the electoral process as a whole.

² Vifredo Pareto, *The Mind and Society* Vol. 4 (London: Jonathan Cape, 1935).

³ *Guardian* (United Kingdom), 19 July 2002.

⁴ *Associated Press*, 1 August 2000.

Problems of political finance are at the heart of the debate on political corruption. Yet the meaning of political finance-related corruption is often unclear. In general, 'corrupt' political finance involves behaviour on the part of a candidate or a party, in which they improperly or unlawfully conduct financial operations for the gain of a political party, interest group, or of an individual candidate.

First, against the general perception among public opinion, it should be stressed that political finance and political corruption are separate notions. Only when their valences overlap does the zone of corrupt political funding emerge. Second, the narrow definitions of political corruption, such as “the use of public office for unauthorized private gain”, do not include many forms of political finance-related corruption. Mainly because high positions within political parties are often not included into definition of public office and the abuse of money as a political resource can often benefit parties or organizations as well as individuals.⁵

Thirdly, there is an important difference between political finance regulations and actual practices, and the meaning of 'corrupt' political financing should not limit itself to the term 'illegal political finance'. Illegal political finance refers to contributions or use of money that contravene existing laws on political financing. The concept is based on legalistic criteria and assumes that a political act is corrupt when it violates formal standards of behaviour set down by a political system. Such a definition of corrupt political finance is generally clear; however, certain problems emerge. Laws are not necessarily consistent in interpretation or application across different countries. Furthermore, this definition suffers from being simultaneously too narrow and too broad in scope; some illegal acts are not necessarily corrupt (foreign funding of democratic opposition, such as Polish Solidarity Trade Union in the 1980s) and some corrupt acts are not necessarily illegal (campaign contributions from organised crime).

Illegality is crucial to many definitions of political corruption; however, some legally sanctioned but dubious uses of state resources in semi-authoritarian and authoritarian regimes cannot be defined as corruption according to this approach. Thus, the law is not a proper guide not only because it is not perfect with regard to encompassing all cases widely perceived as corrupt, but also because the law itself may be a result of political corruption.

Indeed, the range and scope of illegal political funding depends on country-specific funding regulations, while irregular political finance emerges in the gap between a country's legal provisions and the reality of its corrupt political funding practices. In this case, the irregular or 'informal political finance

⁵ See Michael Pinto-Duschinsky “Financing Politics: A Global View” *Journal of Democracy* Volume 13, Number 4 October 2002.

system' refers to legal contributions from disreputable sources or acceptance of money in return for favours.

The restrictions imposed on political parties and individual candidates by funding regulations often create loopholes allowing for irregular political finance. As an example of a legal but questionable donation, in 2001, Indian billionaire Lakshmi Mittal had donated £125,000 to Labour Party funds prior to receiving British Prime Minister Tony Blair's backing for the takeover of the Romanian Sidex steel plant.

Political finance scandals might initially consist of simple criminality by politicians, or may be more overtly concerned with corruption in political finance. A problem in definition arises from the fact that money obtained corruptly by politicians for their private use may well be used to fund their campaign, in which case we have a case of political finance corruption. Such was the case with the Elf affair: in 2003, 37 defendants were accused of accepting nearly €400 million from Elf Aquitaine, the former state oil group, for personal enrichment and political kickbacks during the late 1980s and early 1990s. Elf created an elaborate system of politically endorsed 'commissions' and 'subscriptions' used to pay off African Heads of State in return for exclusive access to oil reserves and political influence. Elf also made illegal donations to former German chancellor Helmut Kohl's Christian Democrat Union in order to buy the Leuna oil refinery in East Germany. The company's top executives admitted that Elf money was regularly used to finance French political parties and presidential candidates, as well as to pay for late Socialist president Francois Mitterrand's divorce (which costs the equivalent of €5 million).⁶

Examples from post-Communist countries highlight the private character of political corruption. For example in Poland and Ukraine, out of five per cent kickbacks, 0.5 per cent goes to party coffers and 4.5 per cent ends up in private accounts.⁷ Yet 'personal' gain, in the case of a politician, does not necessarily have the aim of improving his or her material position; it can be intended to maintain a political position.

Furthermore, a fragmented and non-institutionalised party system encourages big business (in Central and Eastern Europe, 'the oligarchs') to form client circles and establish their own political parties, set up parliamentary factions or become media-owners. Examples from Ukraine illustrate how informal political actors financial/industrial groups and political oligarchs can dominate the political spectrum by forming business-oriented parties. The best examples of such parties include Social Democratic Party of Ukraine (United), Party 'Democratic Union, Party 'Labour Ukraine', Ukraine's Green Party, Party of the Regions (PR), together with Batkivshchyna. In recent years,

⁶*BBC News* (United Kingdom), 18 June 2001; *Financial Times* (United Kingdom), 15 April 2003.

⁷Donatella della Porta and Alberto Vannucci, *Corrupt Exchanges: Actors, Resources, and Mechanisms of Political Corruption* (New York: Aldine de Gruyter, 1999)

these parties had a clear majority in the Ukrainian parliament.⁸ In addition, these parties control most of the national media, including major TV channels and the national newspapers.

Politics in such countries is, to a large extent, a combination of business projects run by powerful oligarchs enjoying political immunity and individuals using office as a means for gaining wealth. Thus, there is no obvious boundary between individual criminality and systemic corruption of political finance. In 1999, a Geneva court convicted former Ukrainian Prime Minister Pavlo Lazarenko of money laundering and confiscated US \$6.6 million from his Swiss bank account. Lazarenko accepted two charges of money laundering. According to his lawyer, he confused his public office of regional governor and his private commercial interests. The government of Antigua and Barbuda announced that Lazarenko's bank accounts had been used for laundering US \$80 million. Now in jail in San Francisco, Lazarenko faces charges of laundering US \$114 million allegedly stolen while in office.⁹

It is easier to describe the hundreds of political funding scandals than to analyse their character. Money matters for democracy because much of its political activity simply could not occur without it. However, when discussing its costs and benefits one should stress that the misuse of money in politics can create some major problems for a political regime. Since the nineteenth century, most of the democracies have managed to eliminate the buying of votes and associated methods of electoral bribery. Yet, even those regimes face a situation where a number of different problems related to money in politics still remains to be solved. The remaining secrecy in political finance systems often results in: 1) funding from undesirable sources; 2) improper influence of the money over policy outcomes; and 3) financial barriers for average citizens against standing for political office.

However, a system that prohibits corrupt electoral practices in the funding of parties and election campaigns should be designed differently from a system that promotes political equality. The unfair electoral advantages of some parties or candidates in democratic regimes are not classified here as political finance related corruption as they result from the unequal distribution of income and wealth among the public into the political process. However, the abuse of state resources giving a baseless electoral advantage would be a different case. The major types of political finance-related corruption are described in Table 1, though there are ambiguities as to whether a particular case of political corruption is directly related to party and campaign finance.

⁸ Author's interviews with senior politicians, Warsaw and Kiev 2001.

⁹ [Http://dailynews.yahoo.com/h/nm/20000630/wl/ukraine_lazarenko_dc_1.html](http://dailynews.yahoo.com/h/nm/20000630/wl/ukraine_lazarenko_dc_1.html)

Table 1: Major types of political finance-related corruption

Type	Actor Group*	Description
Illegal expenditure including vote buying	Voters and election officials	A political party or candidate may directly or indirectly bribe voters and election officials. They may alternatively offer the electorate different kinds of incentives (gifts, food, alcohol, or even short-term employment). Beside elections, in some parliaments there is an unofficial market for votes – parliamentarians or councilors might be paid for votes or for joining different caucuses.
Funding from infamous sources	Candidates and political parties	A political party or candidate may accept money from organised crime (such as Drugs traffickers), terrorist groups or foreign governments. These groups might even form their own political parties.
Selling appointments, honours, or access to information	Public servants and candidates	Contributors may gain rewards in the form of job selections, appointments (ambassadorial, ministerial or judicial), decorations or titles of nobility. Money may also be used to buy a seat in Parliament, a place on a party's national list or a candidacy.
Abuse of state resources	Public sector	Certain state resources, such as money and infrastructure, which are available to office holders may be extensively used for electioneering. In addition, through the unauthorised channeling of public funding into controlled companies, organisations or individuals, the political party or candidate may capture state resources.
Personal enrichment	Candidates and politicians	Candidates are required to contribute significant amounts, much higher than their official income, to a party's election fund and also to pay for their individual campaign. Politics becomes a rich man's game and elected representatives accumulate necessary funds to pay for the next elections by taking a percentage on secret commissions and accepting bribes.
Demanding contributions from public servants	Public servants and public sector	A political party or candidate in need of money often imposes excises upon office holders, both public and elected. In some regimes a political party may also force public servants to become party members and then extort kickbacks for some of its expenditure from their salaries.
Activities disobeying political finance regulations	Political parties and candidates	A political party or candidate may accept donations from prohibited sources or spend more than the legal ceiling permits. Violations of disclosure requirements, such as inaccurate accounting or reporting, or lack of transparent funding, are often the cause of political scandals.
Political contributions for favours, contracts or policy change	Private sector	One of the motives for political contributions to a political party or candidate is the possibility of payoffs in the shape of licenses and government public contracts. Donations may also be given for a governmental policy change or legislation favourable to a specific interest group.
Forcing private sector to pay 'protection money'	Private sector	Extortion, for instance though blackmail, tax raids and customs inspections may be used to force entrepreneurs to hand over part of their profits to a political party.
Limiting access to funding for opposition parties	Opposition parties and candidates	Authoritarian regimes with a patrimonial economic system and political repression may seriously constrain financial resources available to opposition parties.

*Actor group that is particularly vulnerable/corruptible

The most advanced consolidated democracies and consolidated autocracies¹⁰ have low levels of illegal private political finance. In consolidated democracies, progress in liberalising the economy, strengthening bureaucratic accountability and promoting transparency in political finance might be expected to place some, albeit still imperfect, constraints on the extent to which individual firms can be directly affected by illegal political finance. However, regimes in consolidated autocracies are often based on strong presidential systems or one party systems, with the opposition political parties having only weak power. In these regimes, economic power is also derived from political patronage. Most people engaged in economic activity in consolidated autocracies are closely linked to the president and his inner circle; thus, there is no interest in supporting opposition political parties. This, plus the concentration of economic resources in the executive branch and the lack of foreign investment limit financial resources for political parties gradually wipes out the opposition political parties, as they simply cannot rely on the financial support of their members or controlled interest groups. At the same time the vast public resources available to officeholders are deliberately used for sustaining the authoritarian regime.

In many societies, the role of large donors raises concerns about the operation of representative government. This issue of private donors is also relevant in newly established democracies. In one of its surveys of the transition countries of Central and Eastern Europe, the World Bank uses 'illegal political finance' as one of six dimensions of the 'state capture' phenomenon.¹¹ The resulting Illegal Private Political Finance Index measures the percentage of firms that consider themselves directly affected by illegal political donations.¹²

The index does not give a full picture of corrupt political finance. It fails to take into consideration many forms of irregular political finance, including misappropriation of public funds (unauthorised use of public resources for political purposes such as a ruling party using its influence to embezzle funds from the coffers of state-owned companies) or, as many scholars call it, 'abuse of state resources' for political finance purposes (the use of state employees, offices and vehicles for campaign purposes). An example of this took place in Russia, where President Putin was accused after the 2000 elections of having used profits from Swiss-based firms Andava and Focus Service, both working

¹⁰ Based on Freedom House methodology, countries whose combined averages for democratisation fall between 1.0 and 3.25 are designated 'consolidated democracies'; between 3.31 and 5.56 'transitional governments';

and between 6.50 and 6.94 'consolidated autocracies'.

See www.freedomhouse.org/research/nitransit/2001/index.htm

¹¹ State capture is defined as 'shaping the formation of the basic rules of the game (i.e. laws, rules, decrees and regulations) through illicit and non-transparent private payments to public officials.'

¹² The data comes from the 1999 Business Environment and Enterprise Performance Survey (BEEPS). See <http://www.worldbank.com>.

with Aeroflot, to finance the pro-Kremlin Unity (Yedinstvo) party and the presidential campaign. Moreover, Putin-ally Boris Berezovsky acknowledged that he had transferred cash from Aeroflot to 'fund the presidential campaign'.¹³

Thus, it is important not only to evaluate illegal private political finance, but also to analyse the degree of illegal state funding and abuse of state resources. Government favouritism to maintain privileged positions within the economic system for powerful political and economic elites, together with the general lack of political accountability, leads to corrupt political finance.

Controlling political finance: an exercise in damage limitation

Every democratic system has to regulate the flow of money into politics. Unregulated political financing presents certain problems for modern liberal democracy. It fails to guarantee that candidates and political parties compete on equal terms. Political competition under unregulated political financing, according to the scholar Keith Ewing, would be like 'inviting two people to participate in the race, with one participant turning up with a bicycle, and the other with a sports car'.¹⁴

In general, measures concerning political financing are divided into regulations and subventions. Most democracies restrict the use of at least some sources of private donations, either by banning them or by setting contribution limits. Restrictions on donations are aimed at preventing parties and candidates from obligating themselves to private interests. Headline cases make this imperative, such as in Argentina; where in 2001 the ex-head of state-run Banco Nación, Aldo Dadone, was arrested on charges of 'illicit association' and jailed for accepting bribes from the local branch of IBM. In 1993, IBM officials allegedly paid millions in bribes to secure a US \$250 million contract at the bank during Dadone's tenure. More than 20 officials from Banco Nación, IBM and the administration of Argentina's former President Carlos Menem were indicted during the investigation of the bribe case. Not only is Argentina now trying to crack down on grand corruption, it has enacted much stricter rules in the area of political finance.

The regulation of political expenditure generally involves restrictions concerning direct vote buying or limitations on the expenditures of political parties or individual candidates (both parliamentary and presidential). Restrictions on how much parties spend on their activity, such as election campaigning, are based on the assumption that unregulated political finance fail to guarantee a level playing field in the competition for power. Yet general limits on campaign expenditure should by no means be perceived as an ideal legal mechanism that states in the process of democratisation should utilize in attempting to regulate campaign finance. Particularly in authoritarian regimes

¹³ www.cnn.com/2000/world/Europe/11/16/Russia.media

¹⁴ Keith D. Ewing, *Money, Politics and Law* (Oxford: Oxford University Press, 1992).

such as Belarus and Ukraine, imposing low and strict limits on campaign expenditure might marginalise opposition and, as a result, aid the non-democratic regime by allowing it to take advantage of other resources, such as state-controlled TV. Furthermore, in some countries, artificially low legal limits on permitted campaign spending make the reporting of political party expenditure irrelevant, as is the case in India and Israel.

Democracies employ different strategies to control the flow of money into politics, creating a framework within which political parties and individual candidates can operate. More effective formulas for public control of political money seem to require the existence of a comprehensive system of political finance based on three necessary pillars: (1) full disclosure, (2) independent enforcement agency and (3) reasonable public funding. Disclosure requires systematic reporting, auditing, public access to records and publicity. The objective of disclosure of political finances is to make politicians' accounts a subject of public knowledge and political debate. Enforcement demands an independent agency endowed with the necessary legal powers to supervise, verify, investigate and if required, institute legal proceedings. Assuming private funding as a constant, regular public funding diversifies the sources of funding.

Transparent public funding, in fact, is one of the options for combating the practices of abusing state resources and plutocratic funding that fuels the financial corruption of politics. Public funding limits the opportunity for corporations and wealthy individuals to exercise external control, capturing political parties and their policy-making capacities. It relieves parties, to a large extent, from pressure of constant fundraising and reduces the prospects for some types of political finance-related corruption, such as from funding from infamous sources and from the abuse of state resources. Furthermore, in semi-authoritarian regimes, such as Russia and Ukraine, lack of significant public funding serves the purpose of starving the opposition of resources. Nonetheless, even substantial public funding is not a sufficient condition to eliminate other types of political finance-related corruption, such as personal enrichment, illegal expenditure or vote buying.

Lack of enforcement

Regardless of complex regulations, analyses show a worrying gap between legal requirements and the political practice of funding politics. One implication of the ineffectiveness of control mechanisms within the political finance system has been the growing level of political corruption. The major weakness that undermines the working of effective political finance systems is the lack of fully independent enforcement mechanisms.

Any enforcement agency's autonomy must result from many factors, including its membership, terms of appointment, funding and administrative

jurisdiction. The budget of an enforcement agency should preserve its impartiality and independence (while at the same time retaining a degree of accountability for the proper use of public funds). The enforcement agency should have specialized personnel and should be unconditionally supported by the judiciary, policy and other anti-corruption bodies.

Furthermore, effective enforcement of political finance regulations requires the law to impose sanctions and penalties serving as deterrents to violators. However, effective and proportionate sanctions should not be limited to the criminal law. Recent evidence from Britain and Poland, two countries that significantly reformed their political finance systems, shows that more effective and prompt enforcement seems to result from administrative fines and the possibility of limiting the amount of public funding (such as cuts in reimbursement of election expenses or direct state subsidies) rather than from severe criminal penalties; in fact, if the penalties are too severe for the circumstances they might discourage enforcement. The difficulty of using criminal sanctions effectively also stems from the fact that a large number of prosecutors are reluctant to regard many of the political finance offences as being suitable for criminal law.¹⁵

Moreover, severe sanctions against illegal funding and financial transgressions, including imprisonment, or the deregistration of a candidate or political party might not only lead to never-ending, costly legal battles, but they may be a dangerous tool for a political, selective enforcement, penalising minor violations. Such was the case of the Ukrainian leading anti-corruption parliamentarian Oleksandr Zhyr, the former head of the Parliamentary inquiry commission on the Heorhiy Gongadze case¹⁶. In the July 2002 by-election, the election authorities de-registered his candidacy a day before the election, based on a court decision that he had engaged in improper campaign spending.

In fact, most newly established democracies make a slow start in promoting the specialisation of the police, judiciary and other enforcement bodies in the fight against illegal funding of political parties and electoral campaigns. Independent monitoring, including supervision over the accounts of political parties, should be provided. Independent and professional audits are necessary to review the campaign and the party's financial reports, and its reports should be presented and published. An independent auditor, who is qualified to examine complicated financial transactions and able to analyse different accounts, should have right of access to all the financial documents and should

¹⁵ Author's interview with representatives of the Polish Ministry of Justice and the National Electoral Commission, Warsaw, June 2002.

¹⁶ The prominent opposition journalist of the Internet Newspaper *Ukrainska Pravda*, Heorhiy Gongadze, disappeared in September 2000 and two months later his decapitated body was found outside of Kiev. A few weeks later an authentic audio recording was published containing conversations between President Kuchma and other government officials discussing details of Gongadze's removal. In September 2001, the Prosecutor General's office confirmed that the murder was politically motivated, although no arrests were made. See <http://www.pravda.com.ua>.

be required to issue a written verdict. In an ideal scenario, auditors would be in a position to give an opinion as to whether a financial report presents a true and fair view of the income and expenditure incurred, rather than only confirming that the report was completed in accordance with legal requirements.

Further, effective enforcement of party funding requires political parties to introduce internal control mechanisms in the form of financial agents and managers, codes of conduct, accounting procedures, financial checks and balances and ethical committees helping to oversee financial management and fundraising activities. An example of the lack of safeguards was in the Czech Republic, where in February 1998, Jiri Skalicky, the Deputy Prime Minister and Minister for the Environment, resigned as a result of a political scandal concerning secret, anonymous donations allegedly made to their party, the Civic Democratic Alliance (CDA), by Czech companies via an organisation registered in the Virgin Islands.¹⁷

In general, higher professional standards should be applied to parties' financial management and fundraising activities than to an average private organisation. Parties should be also required to maintain professional bookkeeping and most payments to or by a party should be made through a bank account. Ideally, parties should hold separate accounts for routine and campaign activities to conduct and report all party financial activities through relevant accounts.

Finally, non-governmental organisations (NGOs) have become increasingly active in addressing the issues related to political finance and political corruption. In general, the role of NGOs can be divided into four main types: 1) promoting greater disclosure and transparency, 2) searching for evidence of illegal and corrupt political finance, 3) evaluating the effectiveness of funding regulations and 4) creating public pressure and providing support for reform in party and campaign finance. Pressure from NGOs and the mass media is necessary in order to create an atmosphere which promotes anti-corruptive initiatives, as the two can serve as very reliable 'watchdogs' of party and campaign finance in many contemporary democracies.

In particular, NGOs have made an important contribution to the reform of party funding regulation by conducting party and campaign finance monitoring. The Argentine chapter of Transparency International, Poder Ciudadano, was one of the first to develop a model to monitor campaign spending. This methodology has been modified and applied by NGOs in Latvia, Romania, Slovakia and Ukraine. In the United States, a group of NGOs has been active for years in monitoring campaign finance contributions to election candidates and the subsequent activities of elected representatives that benefit

¹⁷ Keesings's Contemporary Archives (44) 42686, February 1988.

their donors. The Citizens' Research Foundation in Los Angeles, under the former directorship of Herbert E. Alexander, is a leading example. The Center for Responsive Politics provides useful information on donors and spending in congressional and presidential races. Common Cause is another important advocacy NGO lobbying for campaign finance reform.

Conclusions

Corrupt political funding undermines the democratic system. Together with other forms of political corruption, it leads to a compromising of democratic ideals, the growth of political apathy among voters and mistrust of the authorities, as well as the consolidation of authoritarian tendencies in the state. The public interprets irregularities in party and campaign finance in a broader context, leading to distrust of the institutions and processes of politics. A large number of voters think that parties respond primarily to organised, special interests and that politicians are not concerned about ordinary citizens. Thus, the financing of political parties is generally perceived by public opinion as corrupt. It is worth bearing in mind that even the best contemporary Western political finance systems are themselves far from ideal.

In many democratic regimes, new restrictions and substantial state subsidies have been introduced as a response to financial scandals and public pressure, to prevent corruption by limiting undesirable and disproportionate influence over parties and candidates. These measures include 1) bans on certain types of donation, 2) contribution limits, 3) public subsidies, 4) indirect public funding and subsidies-in-kind (including regulations concerning political broadcasting), 5) spending limits for political parties and presidential candidates, 6) comprehensive disclosure and reporting regulations, and 7) severe penalties. Some experts have argued that political finance regulations have brought increased probity, transparency, and a degree of equity to the monetary aspects of politics in established democracies.¹⁸ The funding of political parties in most democratic regimes is more transparent than a decade ago. But some regimes have to begin to enforce existing regulations, or to search for a better system of regulating money in politics and improve their practices. Improvement in political finance systems both in and across countries will be a long process.

¹⁸Herbert Alexander (2001), p. 204.

Table 2

A Checklist of Initiatives to limit Corruption in Political Finance

- 1) The legal framework of political finance should be: (a) comprehensive (including provisions for sources of funding, allowed expenses, disclosure, reporting, enforcement and sanctions), (b) stated in clear and unambiguous language, and (c) objective and based on political consensus.
- 2) Political parties should introduce internal control mechanisms including financial agents, codes of conduct, accounting procedures, financial checks and balances and ethical committees helping to oversee financial management and fundraising activities.
- 3) Parties should be required to maintain professional bookkeeping and conduct most of their financial operations through bank accounts.
- 4) State enterprises and other public bodies should remain politically neutral. Legal entities providing goods or services for any public administration and public-owned companies should be prohibited from making donations to political parties. Extra measures to prevent such prohibitions from being circumvented should be adopted.
- 5) State support to political parties should be realistic and based on objective and fair criteria.
- 6) Public servants should not be required to join political parties or make contributions as a way of obtaining employment or promotions.
- 7) An independent and professional audit should review the campaign and the party's financial reports.
- 8) Pressure from NGOs, international organisations, academic scholars, and foremost, the mass media should create an atmosphere which promotes anti-corruption initiatives.

Chapter 2

ELECTORAL ACT 2006, CIVIL SOCIETY ENGAGEMENT AND THE PROSPECT OF POLITICAL FINANCE REFORM IN NIGERIA

Victor A.O. Adetula

The relationship between money and politics is a powerful one that has implications for democracy, especially in transitional democracies where appropriate political institutions are largely undeveloped or even non-existent. In many of such countries effective legal and institutional framework for regulating political party financing, through which political parties and candidates for political office are compelled to declare their funding source, and election expenses are regulated, are either inadequate or not in existence. The absence of effective political finance regulatory frameworks is easily a source of corruption in many nascent democracies in Africa, Asia and Latin America. The relevant concepts here are 'party' and 'party financing', and they vary from one society to another. This makes a universal theory of political finance regulation a mirage. Also, the complexity of political finance and the unimpressive testimonies from established democracies have further complicated the situation for many new democracies.

Recent history, however, has witnessed the pooling together of resources all over the world into a network of global awareness against unregulated use of money in politics. The critical forces in this process include mass mobilization on global scale, capacity building for civil society organizations and support for electoral reform programs by bilateral and multilaterals donors. The latter indeed, more than ever, now ascribes more value to political finance reform in the designing and implementation of their development assistance programs. All around the world there is increasing pressure for the regulation of private funding to political parties. In the United States, the McCain-Feingold Act (Bipartisan Campaign Reform Act) was passed in 2002, to regulate the financing of political campaigns, and in UK the Political Parties, Elections and Referendums Act was passed in 1997 after a series of allegations of corruption. In South Africa the demand for regulation is rising and there is growing awareness around the issue of private funding of parties. At African regional level the African Union Convention on Combating and Preventing Corruption (2003) includes a clause on the importance of regulating private funding and calls states to do so.

The related themes of anti-corruption crusading, transparency and accountability in political process are now provoking concern across many

countries, and there is the sense in which it can be said that Nigeria is beginning to derive strength from this global current. This development has resulted in a new policy consciousness against corruption in Nigeria. Although 'the warfare against corruption' has concentrated mainly on the creation of agencies and commissions, it would however appear that the effects of the warfare have trickled down to the domain of party politics where the desire for change in the structures of political finance and its regulation can be said to have received a new momentum especially after the 2003 elections.¹

On 6 June 2006 President Olusegun Obasanjo signed harmonized Electoral Bill into law to become the Electoral Act, 2006.² With this the electoral reform process that started almost immediately after the 2003 elections recorded a significant landmark. The new electoral law has substantial provisions to regulate political party financing, and this has provoked some questions that are central to this chapter. Does the Electoral Act, 2006 provide for sufficient avenues and agents of political finance reform? Does the Act adequately address the problems of unregulated use of money in politics? Do the provisions in the Act provide the necessary legal foundation for political finance reform? What is the prospect of political finance reform in Nigeria? In this chapter we examine the prospect and possibility of political finance reform within the context of the Electoral Act 2006. The focus in this chapter on the problems of political finance is deliberate, and it derives from the increasing decline in public confidence in the electoral system which in some cases is traceable to political scandals especially scandals involving the abuse of the use of money in the electoral processes.

The links between party financing and corruption are so important that to ignore party financing is simply to open wide the door for corruption, in addition to the betrayal of public trust and the escalating of cost of politics in the country. We accept and declare from the onset that electoral reforms generally are necessary for restoring public confidence in the political process. Generally Nigerians are not satisfied with the performance of the electoral system in providing for free choice and fair selection of leaders. In a national

¹The outcomes of the 2003 elections indeed drew the attention of many to the need to reflect on how politics is financed in Nigeria, and also how to regulate political party funding. For example, President Obasanjo has persistently decried the rising high cost of elections in Nigeria and its links to political corruption.

²The signing of the Act into law was not accompanied by any fanfare. Indeed many members of the National Assembly were not aware that the bill had been signed into law by the President. Indeed it was reported that the public announcement by Senator Florence Ita-Giwa that President Obasanjo received the bill on 2 June and signed it on 6 June 2006 was in response to the threat made by the Chairman of the House of Representatives Committee on Appropriation, Farouk Lawal, that the House would be considering overriding the President if after 30 days he failed to assent to the Bill. In many circles the 'low key' context around the President's assent is an indication of President Obasanjo having some reservations about the new law. It was also rumoured that the President was not going to sign the Act but for the INEC's plea that it needed a working instrument to conduct the 2007 elections. It is plausible to argue that both the Presidency and INEC cannot be said to have gotten all that they wanted in the new law, hence the 'slow motion' that characterized the concluding phase of enactment process.

representative survey of Nigerians, when asked about their assessment of the 2003 elections, only 9 per cent believe the elections were “completely free and fair”, while 41 per cent feel the elections were “not free and fair” at all, and another 22 per cent believe the elections showed “major problems”³

Vote buying has been reported in all the elections held since 1999. For example, as many as 28 per cent of voters were offered gifts during the 2003 campaign.⁴ Based on the public perception of the vote-buying transaction, voters are usually offered money (68 percent of all attempts), commodities (such as food or clothing, 26 percent) or jobs (6 percent). In the current and previous elections, voters were most commonly offered a (modal) inducement of 500 naira.⁵ Analysis of the survey by Afrobarometer reveals that “the median price of a vote payment rose between 2003 and 2007, from 1750 naira to 2250 naira, largely because the proportion of large payments (10,000 naira or more per vote) is apparently increasing over time”.⁶ Among Nigerian eligible voters interviewed in a February 2007, more than one in ten eligible voters agree that, even by midway through the election campaign in February 2007, “a candidate or someone from a political party had offered you something in return for your vote” (12 percent). Although this level of direct experience with vote buying is slightly lower than in 2003 (16 percent), actual vote buying in the 2007 elections in Nigeria matched that of 2003.⁷ We found reason to quote Afrobarometer source in ‘ex tenso’:

In total, the Afrobarometer recorded 485 cases of vote buying as experienced by 296 respondents out of a random sample of 2410 Nigerians. Because there were more crimes than victims, it follows that many individuals (196, or about two-thirds of all victims) were approached from more than one partisan group. The largest political parties were the most active in vote buying. According to the survey respondents, the Peoples Democratic Party made 40 percent of all reported attempts to buy votes, followed by the All Nigeria Peoples Party (31 percent) and the Action Congress (10 percent)...In part because of competing inducements, vote buying is probably an ineffective strategy for securing votes.⁸

No doubt that vote buying has contributed significantly to the lack of confidence among Nigerians in the electoral system. This in turn has disposed some people toward violence as a means of securing the removal of leaders which highlights the relationship between violence and the abuse of money in

³ The source is the Afrobarometer survey that was carried out in Nigeria from September- December 2005. See <www.Afrobarometer.org>

⁴ Ibid.

⁵ The source is the Afrobarometer survey that was carried out in February 2007. See <www.Afrobarometer.org>

⁶ “Preliminary Observations Nigeria's April 2007 Elections: The Public Mood” See <www.Afrobarometer.org>

⁷ Ibid.

⁸ Ibid.

politics.

With particular reference to political finance reform in Nigeria, we support initiatives that call for new restrictions on political finance activities, better enforcement of existing laws, and more disclosure and a greater public awareness of the role of money in politics. Indifference to the problem of political finance encourages deterioration of politics. We take due cognizance of the importance and role of money in politics. More than that, we do agree that real politics is not about raising money for election campaigns as it is about engaging in public discourse, and also the collective action guided by that discourse. Political finance reform should focus on how to create an environment, and as well develop a strategy that will create the necessary legal and institutional framework for 'ordinary' people to participate in real politics without intimidation. Evidence abounds across the world to the fact that unregulated use of money in politics promotes large and systematic political inequalities.

Background setting and electoral context

Nigeria has a history of poor governance characterized by corruption, social injustice and political instability. But poor governance was not 'the original state' with Nigeria. Nigerians have always appreciated the importance of good governance, however decades of military rule distorted democratic social values and undermine democratic institutions. Also, since the 1970s increase cash flow from the oil sector has deepened rent-seeking behavior especially in the absence of a political culture that promotes and supports transparency and accountability. In consequence, corruption has become pervasive in all spheres of public and private lives. This trend is also encouraged by lack of social and economic empowerment for the majority of the people who also are largely excluded from participating in the political process and have no means to hold political leaders and their administrations accountable for their decisions and actions. In such environments, the weaknesses in public administration provide public servants the opportunities to engage in corrupt practices. All these are manifestations of the crisis of governance. Things have become worse since then, and corruption is becoming a way of life in Nigeria. In recent years, surveys commissioned by Transparency International have regularly scored Nigeria as one of the most corrupt countries in the world. In year 2001, Nigeria was on top of other corrupt nations, and in 2002 she was rated second most corrupt country in the world. In 2005, Nigeria was among the third most corrupt countries, as shown in Transparency International's Corruption Perception Index (a perception of corruption on the part of business people, academics and risk analysts).⁹

⁹ *Global Corruption Report, 2006*, Transparency International.

Nigeria had problem of corruption at some scale even during the first republic. However, since the intervention of military in politics Nigeria's record of transparency has been on the decline. With each military regime the depth of corruption seems to have increased and the moral basis on which good governance is built further destroyed. For example, most of the Military Governors that served in the General Yakubu Gowon's administration (1966-1975) were found guilty of corruption. Also, General Sani Abacha, former Nigeria's military ruler (1993-1998), and his cohorts would always be remembered for monies carted away to foreign banks. When General Sani Abacha (Rtd) died in 1998 the estimates of the money he looted during five years in office was put between US \$2 billion and US \$ 5 billion.¹⁰

The paradox however was that military governments had always made the loudest noise against corruption in Nigeria. Allegation of corruption and mismanagement were usually on top of the list of reasons for staging coups and counter-coups to overthrow 'discredited' civilian administration.¹¹ Successive military governments have put up various institutions, laws and campaigns against corruption in open profession of their anti-corruption stands and in projection of the Nigeria military as the nation's anti-corruption vanguards. In this regard they inaugurated programmes that scarcely could go beyond mere sloganeering such as WAI (War against Indiscipline), WAIC (War Against Indiscipline and Corruption), MAMSER (Mass Mobilization for Self Reliance and Economic Reform). As it is with hegemonic ideologies, these slogans dominated the scene only for a period but failed to create a new morality and culture of accountability and transparency in the society. The sloganeering of the 1980s and 1990s had antecedents in the philosophy of "low profile" invented by General Olusegun Obasanjo as military Head of State (1976-1979), and Alhaji Shehu Shagari's administration's "ethical revolution" (1979-1983) which all together amounted to nothing near any significant change in both official and private perceptions of corruption. Since the return to rule by civilian anti-graft laws and policies as well as reform programmes are now essential parts of official perception of corruption. In short, there is today a sense of policy consciousness in Nigeria that has derived more strength from the global current which in Nigeria is institutionalized via the creation of agencies and commissions. Such include the Independent Corrupt Practices and other Related Offences Commission (ICPC), Economic and Financial Crimes Commission (EFCC) and Office of Special Adviser to the President on Budget and Due Process etc. Indeed the present government has declared a war against corruption.

¹⁰ *Global Corruption Report 2004*. Transparency International. P. 102

¹¹ The most important reason given by the organizers of Nigeria's first military coup in 1966 was the pervasive and endemic corruption in high places. The Buhari-Idiagbon government of 1984-5 mounted a vigorous national campaign through the "War Against Indiscipline" (WAI), while the Babangida and Abacha regimes added corruption to the war "War Against Indiscipline and Corruption" (WAI-C).

It is important to ask how the citizens perceive government's effort and its impact. Slightly more than a third of the respondents in the 2005 nation-wide survey by Afrobarometer felt that the government was handling the fight against corruption fairly well or very well. This figure is substantially lower than 48% recorded in the results of 2001 Afrobarometer survey in Nigeria, and higher than 26% recorded in 2003. Despite the 'anti-corruption warfare' waged by the government, the citizens interviewed towards the 2005 continue to perceive increasing level of corruption in the office of the President (54%), among national law-makers (59%), by government officials (59%), police (75%), judges and magistrates (41%), and teachers and school administrators (36%). In all cases (except for judges and magistrates which remain same in 2003 and 2005), the percentage of citizens who perceived corruption steadily increased from 2001 to 2003 and 2005 surveys.¹²

The above provides the general background to the context for political finance reform in Nigeria. It is possible to argue that the political finance reform took some steam from the 'anti-corruption warfare' of the administration of President Olusegun Obasanjo which should be appreciated within the context of the administration's overall economic reform programme. Predictably, the prospects and challenges of the political finance reform will be determined in the main by the internal political and social dynamics, crises and contradictions that characterized the Nigerian polity. The 2003 elections stand out as one key political event in this context.

The need for electoral reform became clearer in Nigeria after the 2003 general elections. Prior to this time only very few political actors had seriously considered the idea of electoral reform in a comprehensive way. However, the extensive and detailed post-election assessments and reviews that took place after the 2003 elections, were indicative of the growing concern about the performance of critical stakeholders in the Nigerian electoral process, and the need to undertake electoral reform to correct past mistakes and lay the foundation for a better future for electoral politics in Nigeria. For example, the experience of the 2003 elections set INEC on the path of re-thinking. One recall in particular the various post-election reviews and assessments by the Independent National Electoral Commission (INEC)¹³ and other stakeholders in the Nigerian electoral process, which we considered indicative of new policy consciousness and official perception of the problem of electoral administration in Nigeria. The Executive is not left out. For example, President

¹² Afrobarometer survey that was carried out in Nigeria from September- December 2005. See <www.Afrobarometer.org>

¹³ INEC in response to the criticisms and complaints over the 2003 elections organized a workshop seminar for a cross section of stakeholders in Kaduna in July of 2003. One of the key recommendations emanating from the seminar was the urgent need to reform the legal regime for the electoral process. Also, in November 2003, an INEC-Civil Society workshop on the reform of the legal regime was held in Abuja with the participation of political parties.

Obasanjo at various times publicly has shown deep concern for the high cost of election campaigns in the country. He has drawn attention to the option that political parties, rather than individual office seekers, should canvass for votes in elections. President Obasanjo, in an address at the INEC-Civil Society Forum Seminar in 27 November 2003, laments at the dangers associated with uncontrolled use of money during elections: His words:

With so much resources being deployed to capture elective offices, it is not difficult to see the correlation between politics and the potential for high level corruption. The greatest losers are the ordinary people, those voters whose faith and investment in the system are hijacked and subverted because money, not their will, are made the determining factor in elections. Can we not move from politics of money and materialism to politics of ideas, issues and development?

President Obasanjo, at the same forum, examined the cost of conducting elections in Nigeria: Even more worrisome, however, is the total absence of any controls on spending by candidates and parties towards elections.

I have said that we prepare for elections as if we are going to war, and I can state without hesitation, drawing from my previous life, that the parties and candidates together spend during the last elections, more than would have been needed to fight a successful war. The will of the people cannot find expression and flourish in the face of so much money directed solely at achieving victory. Elective offices become mere commodities to be purchased by the highest bidder, and those who literally invest merely see it as an avenue to recoup and make profits. Politics becomes business, and the business of politics becomes merely to divert public funds from the crying needs of our people for real development in their lives.

Money and politics in Nigeria

The 1959 election preceded the grant of political independence to Nigeria in 1960. The electoral laws under which elections were conducted throughout the period of the 1950s and 1960s were derived from the provision of the British Representation of the Peoples Act of 1948/9 and regulations made in it. The 1959 elections were conducted under the provision of the Nigeria (Electoral Provisions) Order-in-Council, LN 117 of 1958 enacted by the British Parliament. During this period there was no clearly defined regulatory framework on party finance and the funding of political parties was dominantly through private funding as parties and candidates were responsible for election expenses. The absence of strict legislation to regulate party finance made it possible for politicians and political parties to engage in illegal party financing and corruption in the First Republic. At least two dramatic cases of corruption involving political parties were judicially investigated. In 1956 the Foster Sutton Tribunal of Enquiry investigated allegation of impropriety in the conduct of some politicians from the National Council of Nigerian Citizens (NCNC) with business interests in the African Continental Bank (ACB). Similarly, in 1962 the

Coker Commission of Inquiry was set up to look into the affairs of six Western Nigeria public corporations that were allegedly involved in corruption with the leadership of Action Group.

During the Nigeria's Second Republic (1979 -1983) a combination of private and public funding was used for the first time. The political parties occupied the central position in the politics of the Second Republic. The 1979 Constitution clearly states that “No association other than a political party [was allowed to] canvas for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election”. The 1979 Constitution (Section 205) empowers the National Assembly to make laws “for an annual grant to the Federal Electoral Commission for disbursement to political parties on a fair and equitable basis to assist them in the discharge of their function”. Government accordingly rendered financial assistance to the parties by way of subventions. In addition, private funding, except from outside Nigeria, was allowed, according to Section 205 of the 1979 Constitution. There was no limit on how many corporate bodies and individuals could contribute to political parties. Apart from the ban on political parties from receiving external funds as in Section 205 of the 1979 Constitution and the prohibition of associations other than political parties from making contribution to the funds of political parties or the election of any candidates at any election, as in Section 201 of the 1979 Constitution, there were no any stricter constitutional or statutory regulation on the use on party financing such as those of disclosure of donations to political parties. The result was illegal use of money to influence decision making in political parties and the political process in general.

Although the 1979 Constitution provide for some form of check especially with respect to external control of political parties. But even that was not achieved in the 1979-1983 elections. The loopholes were exploited by the financially and politically ambitious few that eventually were able to use their wealth to hijack political parties of their choice. With unbridled use of money little or no attention were paid to political mobilization by those seeking elective positions. Politicians attached much importance to money which they used to buy the votes of the electorates. The experiences of the 1979 and 1983 elections were such that political parties and politicians had unrestricted freedom to use money from both legal and illegal sources to finance their campaigns and other activities associated with their election expenses. During the Second Republic the role and activities of 'contractors' in government and political parties, and other cases of political 'patronage' became very rampant. The reports of the various special tribunals that tried politicians and office holders revealed gross abuse of public office and impropriety in dealing with political parties.

The 1999 Constitution consists of the relevant provisions in the 1979

Constitution, and also with some substantive amendments. Under the 1999 Constitution, the Independent National Election Commission (INEC) has constitutional responsibility to monitor the finances of political parties, conduct an annual examination and audit of the funds of political parties and publish a report for the public information. Section 228 (c) of the 1999 Constitution gives power to the National Assembly to provide for an annual grant to the Independent National Electoral Commission (INEC) for disbursement to political parties on a fair and equitable basis to assist them the discharge of their functions. Accordingly, the National Assembly approved a N600 million budget for the 30 registered parties in the April 2003 general elections. INEC disbursed N180 million to all the political parties at N6 million each in, line with Section 80 (2) (a) of the Electoral Act 2002 that “30% of the grant shall be shared among the political parties participation in respect of a general elections for the grant has been made”. Also, in accordance with Section 80 (2) (b) of the Electoral Act 2002, N420 million was disbursed by INEC to 7 political parties which include: the Alliance for Democracy (AD), All Nigerian Peoples Party (ANPP), Peoples' Democratic Party (PDP), All Progressives' Grand Alliance, (APGA) , National Democratic Party (NDP), Peoples Redemption Party (PRP), and United Nigeria Peoples Party (UNPP).

The responsibility to monitor the use of money in the campaign activities of politicians and their parties poses some challenges for the Commission. For instance, during the 1999 elections there were complaints and allegations by civic groups about large donations by influential political figures and businessmen to some parties. The Transition Monitoring Group - a coalition of civil society organizations, in statement on the conduct of the PDP, ANPP, UNPP, and NDP primaries in January 2003, complained that “there was widespread bribery of delegates with sacks stuffed with money to influence their votes”. Also, Sarah Jibril, one of the presidential candidates in the 2003 elections petitioned the leadership of her party (Progressive Action Congress) over alleged misappropriation of grants. The Commission was able to investigate some of the reported cases and even monitored party finances to some extent. For instance, following the reported allegation of mismanagement of funds released to political parties by INEC, the Commission in September 2003 ordered the audit of the account of four political parties. But for very long time INEC was unable to perform audits or issue reports on the finance of political parties due mainly to lack of cooperation from most of the political parties.

Section 84 (3) of the Electoral Act 2002 states that “Election expenses of Political Party shall be submitted to the Commission in a separate audited return within three months after polling day and such shall be signed by the party's auditors and countersigned by the Chairman of the Party as the case may be and shall be supported by a sworn affidavit by the signatories as to the correctness of

its contents”. In the case of the 2003 elections the due date for the submission of the audited report of political parties was 3 August after the final polling day of 3 May 2003. Most of the political parties violated the deadline and by the end of 2003 only few had submitted their reports to the Commission.

Issues for political finance reform

Detail of subventions to political parties is not readily available. But it is common knowledge that political parties to some extent are funded by the Nigerian taxpayers. This makes accountability and transparency in party financing very imperative and also an issue of great national value.

Admittedly there are no available record on the exact amount of money spent by candidates and political parties. However, there are indications however of heavy reliance on private funding in last three elections in Nigeria. More so that virtually all the parties lack the organizational capacity to generate their own income through legitimate means. According to President Obasanjo, “the parties and candidates together spent during the last elections, more than would have been needed to fight a successful war”. As contesting elections has become so expensive, only those who are wealthy or who have wealthy backers can run. The increasing influence of 'godfatherism' in contemporary Nigerian politics can be linked to the influence of money in electoral politics through uncontrolled party financing as was witnessed in both Anambra and Oyo states where State Governors have had to 'negotiate' and 'renegotiate' peace with 'godfathers' and 'money bags' politicians who claimed helped them to win elections 'by all means'! The absence of effective regulation of the amount of private funding that political party can receive from private sources made all forms of political mercantilism attractive and possible.

While preparing for the 2003 elections, political parties received funding from the public purse via grant approved by the National Assembly in pursuant of Subsection (1) of Section 80 of the Electoral Act of 2002. Expectedly the money received by the political parties however was insufficient to sustain them, and they therefore had to obtain funding from private sources. One of the sources of funding for political parties during the 2003 elections was the support from the Nigerian business community. For example, it has been reported that corporations contributed substantially to the Obasanjo/Atiku campaign in the 2003 election. While there is no law against political donations by private individuals, Section 308 of the Companies and Allied Matters Act (1990), prohibits corporate bodies from making political donations. In some circles, contradictions were read into the two laws, and INEC was urged to work towards reconciling the laws, and set an explicit reference to permitted sources of funding (including corporate donors, state owned companies, state institutions). Also, the 2002 Electoral Act requires that external funds to political parties be transferred to INEC. But the law is silent on what to do with

such funds. It was under this circumstance that the 2003 elections were conducted.

Electoral Act 2006 and political finance

In 2004 the Independent National Electoral Commission (INEC) prepared the Draft Electoral Bill 2004 which was submitted to the National Assembly. This indeed kick started the electoral reform process. The broad areas of reform in the original bill can be categorized into five: (i) consolidation of various pieces of enactments e.g. INEC Establishment Act; INEC Establishment (Amendment) Act, Electoral Act 2002 and the 1999 Constitution date the various legislations into one; (ii) introduction of the INEC fund, into which all monies accruing to the Commission except monies required for personal emoluments of members and staff shall, henceforth be paid; (iii) appointment of the Secretary to the Commission, who under the 2002 Act was appointed by the President from among serving permanent secretaries; and (iv) introduction of new provisions to deal with assistance to disabled voters to enable them participate, without hindrance, in the Commission's activities; and campaign finance for both parties and their candidates.¹⁴ Out of all the specific areas of reforms in the draft bill, those on political parties financing and related matters attracted attention most. These provisions include : Section 99 (1-7) Maximum election expenses for candidates to various offices; Section 99 (10) Maximum individual contribution to a candidate; Section 101 (2) Maximum expenses for election for a political party; Section 102 (1) Maximum donation by individual or other entity to political party; Section 110 (1) Limitation of campaign period to 45 days; Sections 134-150 Punishments for electoral offences have been made more stringent; (xv) Section 167 (2) Prosecution of certain electoral offences by legal officers of the commission or other legal practitioners appointed by the commission.

The enactment of the Electoral Act 2006 was a very tortuous process especially for INEC that has the responsibility to prepare for elections soon and had looked forward to the benefits of conducting the 2007 elections with a new electoral law. Electoral Act 2006 was passed by National Assembly on 31 May 2006. The delay in the passing of the bill by the National Assembly raised some concerns especially among some civil society organizations that suspected some deliberate attempts to work against the 2007 elections. And when eventually the bill was passed by the National Assembly, it took the threat from some out-spoken members of the National Assembly before the President accented to the bill which gave it the power of law. The delay in the process can be explained in terms of the lack of consensus among members of the political class on the logic and contents of the on-going electoral reform.

¹⁴ The Act for the first time places ceilings on contributions by individuals and organizations to political parties, campaign expenses by political parties and candidates alike.

In all, the Electoral Act, 2006 has 27 Sections dealing with political parties (Sections 78 to 105). It is interesting to note that the Act pays considerable attention to the danger of unregulated use of money in the electoral processes. Section 93 replaces Section 84 of the 2002 Act along with 100 and 101. These provisions limit the amount to be spent by the Presidential and Governorship candidates to N500, 000,000 and N100, 000,000 respectively (see Section 93 Sub-section 1- 3 of the Electoral Act 2006). The expenses to be incurred by candidates to the Senatorial Seat are pegged down to N20, 000,000, N10, 000,000 for the seat for House of Representative, N5,000,000 for State House of Assembly and Chairmanship elections, and N500, 000 in the case of Councillorship election. Section 93 (Subsection 8 paragraph b) disregards “any expenditure incurred before the notification of the date fixed for the election with respect to services rendered or material supplied before such notification” in the determination of the “total expenditure incurred in relation to the candidature of any person at any election”. This is commendable. If and when implemented this provision should be able to regulate financial donations to candidates' electioneering campaigns even before they are nominated or even the notification of the date fixed for elections.

Data on the actual cost of election campaigns in the country is hard to get. No organizations seem to be tracking campaign expenses. Worst still, disclosure is not yet as popular among politicians. Nevertheless, it is generally assumed that the cost of election campaigns is high in the country¹⁵. There is the effect of inflation on election expenses that makes any forecast about future expenses on elections unreliable. In this circumstance, stating a particular amount as the limit of election expenses is not considered realistic. Section 91 of the Act provides for the National Assembly to make annual grant to INEC for distribution to the registered political parties to assist them in their operation. INEC shall distribute such grant as follows: (a) 10% of the grant shall be shared equally among all the registered political parties; (b) the remaining 90% of the grant shall be shared among the registered political parties in proportion to the number of seats won by each party in the National Assembly. With the possibility of INEC registering about 50 political parties, and a maximum allowed expenditures ranging from N500,000,000 (for presidential election) down to N500,000 (for local government elections), 10% shared of the grant might turn out to be a ridiculously small amount for each party. The truth is that in Nigeria candidates raise and spend considerable amounts of money in their election campaigns. According to Section 93 (Sub-section 9) of the Electoral Act, 2006, “No individual or other entity shall donate more than N1, 000,000 to any

¹⁵ In Nigeria one indicator of the high cost of election campaign is the cost of candidate's posters and bills. The printing of posters with the picture of candidate is usually the start off point in the campaign. Given that candidate posters ought to be out almost a year before the election indicates how much is spent on the posters as well as its distribution, ensuring that they appear in strategic places.

candidate”. Rather than stating a particular amount as the limit of expenses on election, it may be worth considering empowering INEC to from time to time issue guidelines that deal with the problem of campaign finance.

Section 93 (Sub-section 11) stipulates that “Any individual who knowingly acts in contravention of subsection 10 shall be liable to N500, 000 fine or 9 months imprisonment or both”. The target on individual (and not necessarily the party) for sanction for violation of electoral regulation is another improvement; it makes the individual responsible for his/her electoral behavior. Section 94 of the Electoral Act 2006 requires political parties to submit to INEC an audited return within six months after an election. Sub-section 3 stipulates that “such return shall be signed by the party's auditors and counter-signed by the Chairman of the Party and be supported by a sworn affidavit by signatories as to the correctness of its contents. While this provision is a welcome development toward checking illegal deployment of funds, it has not sufficiently criminalized any act of failure to forward such returns. The provisions in Section 95 (1- 4) provide for disclosure by political parties. Sub-section 1 states that “No political party shall accept or keep in its possession any anonymous monetary or other contributions, gifts, properties, etc from any source whatsoever”. The principle of disclosure which is backbone of party finance regulation is further entrenched in the new electoral law via Sub-sections 2- 4 that require political parties to “keep an account and asset book” for all monetary and other forms of contributions received by the parties, as well as the details (name and address) of contributors to the party. Sub-section 3 specifically states that “No political party shall accept any money or other contribution exceeding N100, 000 unless it can identify the source of the money or other contribution to the Commission.

Prospects and challenges

As the Nigerian political transition progresses towards the consolidation of the foundation for democracy, the need for a clear set of rules and strict control over political funds cannot be overemphasized. Key elements and issues in electoral reform such as the legal regulation on the activities of political parties and its finance-related aspects that often do not receive adequate attention in the transitional phases of democratic experiment are beginning to receive attention in Nigeria. This is the context in which 2006 Electoral Act is seen as progressive movement toward democratic consolidation in Nigeria. Therefore political parties, civil society groups and other critical stakeholders in the Nigerian electoral process will need to brazen up to the challenges.

From the provisions in the new electoral law, there is noticeable commitment to regulating party financing. Generally, the objectives of regulations concerning political money we note can vary considerably, depending on the stage of democratic transition. In the particular case of Nigeria, the new law appears to have focused on political party finance reform

via the following key issue areas: (i) controlling fraud and political finance related corruption; (ii) promoting active and efficient political parties; and (iii) ensuring openness and transparency in the electoral process. So far what has been an accomplished amount to reviewing the previous legislations to accommodate regulation of sources of income of candidates and parties (including foreign funding, subsidies-in-kind, and political expenditure) and paying more attention to implementation through sanctions. However, much still need to be done to get the political parties to imbibe the principles of financial transparency and accountability in their activities and operations. We therefore recommend the introduction of verifiable disclosure and procedures and enforceable ceilings for all finances, whether party's or candidate's. Easy accessibility to basic information as who gives to whom and for what should be guaranteed. There is also the need to draw the line on the limits of contributions as well as decide whether it is more prudent to contribute to the party, and not candidates. For this to be achieved there is need for a multi-track approach which entails strengthening the capacity of INEC to deal with the problem of party finance, building the capacity of political parties to keep proper records of financial transactions, and also supporting civil society organizations to monitor expenditures on elections.

Civil society groups are critical stakeholders in the Nigerian electoral process. Nigeria has a rich heritage of associations that supports the development of a large, plural and vibrant civil society. These associations have continued to thrive as a country-wide survey on changes in attitudes toward democracy and markets in Nigeria shows.¹⁶ According to the survey, a substantial number of Nigerians belong to associations that operate outside state control; nine out of ten respondents claim membership in various associational forms that include religious group, community development association, trade/farmers union, and professional/business association.

However, in spite of this, Nigeria's experience with civil society organizations and coalitions in the electoral process is very recent. Civil society groups in Nigeria only got their first taste of organized electoral participation in 1998/99. During the 1998/99 election the Transition Monitoring Group (TMG) a coalition of civil society groups working to promote democracy and good governance in Nigeria - coordinated the activities of many civil society groups that participated in the elections. By 2003, the scope and quality of participation by civil society organizations has extended significantly: Four other large civil society - the Labor Election Monitoring Team; the Federation of Muslim Women's Associations of Nigeria (FOMWAN), the Muslim League for Accountability (MULLAC); and the Justice, Development and Peace Commission of the Catholic Church (JDPC) - joined TMG in election

¹⁶ Afrobarometer survey that was carried out in Nigeria in 2001. See <www.Afrobarometer.org>

observation. Also, a number of smaller women's groups and conflict mitigation networks participated. The expansion of groups involved in this process is an important step, indicating the ability of Nigerian civil society to participate in keeping watch over the electoral process. Apart from observing elections, Nigerian civil society was also involved extensively in civic education, with support from donor agencies notably United States Agency for International Development (USAID) and the European Union (EU).

However, in terms of monitoring party finance/campaign finance, the involvement of civil society organizations in Nigeria has not included awareness creation around the danger of unregulated use of money in politics. Although there are few scanty uncoordinated efforts at monitoring campaign finance especially since the enactment of the Electoral Act 2006, not so much was accomplished in the lead-up to the 2007 elections.

First, the civil society groups generally lack the necessary resource base and organizational capacity to effectively engage government, political parties and INEC/SIECs and advocate for political finance reform. Secondly, political parties on their part have become increasingly intolerant of the civil society especially on the matter of campaign finance. For example, civil society organizations do not have access to information about political parties funding and expenses. This has negative consequence for party finance reform. It is expected that civil society groups will consider seriously the possibilities of playing important role in political party finance monitoring.

The above notwithstanding, civil society groups, the media, academics and professional groups will continue to be useful and relevant in the struggle to promote transparency and accountability in the electoral process. For instance, they could get involved in the monitoring and tracking of how campaign finance activities are reported and disclosed, how government regulators and outside organizations monitor campaign spending, and how effectively violations of campaign finance laws are prosecuted and punished. Also, civil society groups have responsibility to promote civic and voter education on the negative consequence of irregular party financing on democracy.

While it cannot be said that there is any controversy about electoral reform in Nigeria, however, the complexities of strategies and modalities for effective reform requires in-depth attention than have been given by all the stakeholders. On the one hand, one can argue with some conviction that the prospects for effective reform of the electoral process in Nigeria are very bright. The enactment of the Electoral Act 2006 is a landmark. Also, there seems to be open show of commitment to electoral reform by the Nigerian government which is receiving the support of the international community. On the other hand, dominant social forces within Nigeria also demonstrate lack of interest in the political finance reform. The dominance of money-driven political culture that pervade almost every fabric of social life in Nigeria, supported and encouraged

by the continued attraction to ostentatious living by many, lack of political will and readiness on the part of the political class to undertake and support electoral reform, and the general apathy and lack of capacity and courage on the part of civil society organizations in Nigeria to organize across ethnic and regional sentiments, have robust debate around relevant issues, and engage the electoral reform project as a development discourse, all have tendency to limit the prospects of political finance reform in Nigeria. The development of a new political culture requires civic institutions to teach people that real politics is not about money, but about engaging in public discourse and collective action guided by that discourse.

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Chapter 3

FUNDING OF POLITICAL PARTIES AND CANDIDATES IN NIGERIA: ANALYSIS OF THE PAST AND PRESENT

Ezekiel Major Adeyi

The amalgamation of the Southern and Northern administrations in Nigeria by Lord Lugard, the appointed Governor-General of the British colonial administration, took place in 1914 (which has been referred to in many instances as (the Lord Lugard's 'Mistake of 1914')¹. There is the sense in which it can be said that this externally induced process of state formation prepared the ground for the take off of political party activities in Nigeria.

Early nationalist parties and pre-independence

Sir Hugh Clifford who took over from Lugard established the Nigerian Legislative Council with 30 official members and three elected unofficial members, representing the municipalities of Calabar and Lagos. Clifford abolished the Nigerian Council, and the Lagos Legislative Council, which the Nigerian Legislative Council replaced. To meet the challenges posed by Clifford's reform, the Nigerian National Democratic Party (NNDP) was founded. The founding fathers were Herbert Macaulay, Adeniyi Jones, Egerton Shyndgle, Thomas Haratio Jackson, Karimu Kotun, J.T. White, and Bank Crick. These nationalists had a mission, and it was accomplished when it won all the three seats allocated for Lagos in the Nigerian Legislative Council in 1922

What role did money played in this early part of party politics in Nigeria? An interesting question to ask is how NNDP won all the three seats? Answers to these questions would no doubt grant us a better understanding of the subject matter. In order to fully understand the issues, we may have a brisk look at the 1938 election into the Legislative Council. During this election, the Nigerian Youth Movement (NYM) defeated NNDP, in a landslide victory, snatching the entire three seats.² Arguably, the dominant political culture under which party politics was conducted was expressed in the agitation for self-rule on which there was consensus largely among the early nationalists. While money was important in party politics in those days, it was not a decisive determinant of 'who gets what' if money was to play a significant role, the colonial government would have successfully planted its stooges to occupy the three seats!

¹Edmund D. Morel, *Nigeria, Its Peoples and its Problems*, London: Cass Library of African Studies, 1964

²Nnamdi Azikwe, *The Development of Political Parties in Nigeria*, London, 1957.

There are historical evidences that reveal the existence of positive social values in party politics in Nigeria. Apart from strong nationalist instinct that characterized their activities, the early nationalist parties were strengthened by a clusters of civil groups which included group of workers (such as trade unions) women groups (such as the Federation of Nigerian Women Societies), students and youth groups (such as the Zikist Movement). Besides providing the necessary training ground for Nigeria's first generation of political leaders, civic organizations were actually the springboards for early nationalist parties in Nigeria.³ The closeness with civic organization may have contributed to some of the useful orientations found in many of the activities of the early political parties in Nigeria.

In the period before independence funding of parties were done through levies, dues and generous donations by members. It was the leadership of the various political parties that was largely in charge of coordination. Candidates for elections did not operate separate campaign financing mechanisms. This was possible because the early parties enjoyed supremacy over any individual or group interests within the parties.⁴ Also the early nationalists were focused, and were not distracted by money; they wanted to ensure the end of colonialism. Nomination of candidates was by consensus not through primary or shadow election. This process did not give room for 'do or die' politics which is now rampant among modern political parties in Nigeria. The money bags were committed to the party's larger interest rather than the self ambition of individual candidates. From the above we see that electoral contest, during colonialism, more or else regarded as a communal effort: All hands were on deck, and the people had common goals to which they were devotedly committed. It was not a struggle out of idleness, or desire to make cheap money. The defeat of NNDP by NYM in the election into the Lagos Town Council in 1938 was therefore not as a result of money politics, but effective mobilization and education of the electorate.

Era of self-government and independence.

Party politics became a potent weapon for the struggle for self-government and independence from early forties. This led to the emergence of four big political parties and several smaller ones. On 26 August 1944, the National Council of Nigeria and Camerouns (NCNC) was established, personalities like Herbert Macaulay, J O Lucas, Nnamdi Azikwe, A W Howells, L.P. Ojukwu, L.A. Onajobi, Alex Taylor, E A. Akerele, D.A. Alakija and J.I.C Taylor were founding members and officers.⁵ Three years later, the Action Group (AG) was

³Victor A.O. Adetula, Keynote paper for the Civil Society and Political Party Advocacy Workshop II, organized by the International Republic Institute (IRI), held at the Nicon Hilton Hotel, Abuja, 2nd & 3rd August, 2005.

⁴Chief Obafemi Awolowo disclosed this view at the 1982 Annual Convention of Unity Party of Nigeria (UPN) held in Yola, while mediating in an intra-party conflict.

⁵ See Azikwe Nnamdi, op cit 1957.

born, when it metamorphosed from a cultural organization 'Egbe Omo Oduduwa' into a political party. The ideological view of Barrister Bode Thomas, formed the theoretical base for the formation of Action Group, with Chief Awolowo as the President, in 1947. The Northern People's Congress (NPC) came into existence after the 1951 general elections. It was the Northern Regional government party, having come after the election. The uniqueness of NPC could be understood in this way as the foundation members had won election and formed government before forming the party. In addition to NCNC, AG, and NPC there were several minor political parties, like Northern Elements Peoples Union (NEPU) and United Middle Belt Congress (UMBC) who made serious impact in the electoral process. It is of great interest to note that the 'big three parties' controlled the three regions during elections (Eastern, Western and Northern).

Between 1951 and 1959, there were regional and federal elections. By 1 October 1954, four Regional Premiers had emerged namely Sardauna of Sokoto, Sir Ahmadu Bello for the North; Dr. Nnamdi Azikwe for the East; Chief Obafemi Awolowo, for the West; and Dr. E.M.L. Endeley, Southern Camerouns. Each of the regions, using different electoral regulations conducted elections to the Federal House of Representatives. Eastern Region conducted the election on 10 November using the secret ballot, Western Region, 11 November with adult who had paid taxes in 1953-54 as eligible voters, while the Southern Camerouns and Northern Region used electoral college system.

The question to ask is how political parties were funded during this era. Funding of parties was basically the responsibility of the political parties. This generated serious problems as there was no ceiling to the amount parties and candidates could spend on elections. The adoption of secret ballot in Eastern Region by NCNC institutionalized money politics in the region. Public funds were siphoned and used to buy over leaders of the opposition secretly. Instead of reaching out to individual voters, the NCNC, recalled Chief Bisi Onabanjo, an Action Group chieftain, that the ruling NCNC held secret meetings with some leaders of minority tribes in the Eastern Region where they were given money secretly and charged to educate their supporters on how they should vote NCNC, instead of the opposition parties. Chief Onabanjo recalled situations where the NCNC allocated money to some of their leaders with the expectation, that they would mobilize the electorate in their favour. He disclosed that more than 50% of the allocated funds did not get to the designated leaders; rather these party members kept higher fraction of the said money to themselves and intimidate innocent voters on the dangers of not voting for them.⁶

⁶Chief Bisi Onabanjo, first civilian Governor of Ogun state, disclosed this when recalling what led to the collapse of Nigeria's First Republic. See chapter three of *Bisi Onabanjo- -Portrait of Democrat.* by Adeyi, Ezekiel Major, (yet to be published).

The Western Region had an adult suffrage which was limited to adult who had paid taxes in the 1953-54 years bracket. Many supporters of the Action Group, the ruling party in the region, had their taxes paid by the party to enable them vote. Rich and affluent members of the party met at Ibadan and resolved to pay taxes of adults whose tax receipts were in turn used as voter's card by the party.⁷ This was generally held that the Action Group government in control of the region illegally used monies from government coffers to pay taxes for party members. This abuse of public office was seen as a 'smart' way of dealing with the opposition parties at the polls. Similar experience was rumoured in the Northern Region by members of the opposition parties that alleged that the NPC government used money from government coffers (although under different financial headings⁸ to constitute electoral college; that traditional rulers and district officers were effectively used, after usually allocating to them huge amount of money for organizing the process of Electoral College

During the 1954 federal elections, financing of political parties and candidates was not significantly different from the past. However, the 1959 federal election, showed how parties expended without limit for the struggle for electoral victory. Funding of NCNC during the 1959 federal election involved the Eastern Region government and manipulation of banking procedures. NCNC took undue advantage of Eastern Region ownership of African Continental Bank (ACB) to raise money for her electoral campaign expenses, illegally. The eventual collapse of ACB, decades after could be traced to this abuse. It was Mr. E.O. Eyo, NCNC government Chief Whip with the support of opposition groups in Eastern House of Assembly who dragged Dr. Azikwe to the Office of the Colonial Secretary for misconduct and misuse of public fund. Sir Strafford Forster Sutton, Chief Justice of Nigeria, was then appointed to look at the matter. He later found Dr. Azikwe guilty.⁹ Unlike the NPC, which could not draw clear line between government and party, the NCNC had several opposition parties that were critical of government financial transactions. Thus the NCNC had difficulties in using public funds to prosecute its electoral war. This explains why it had to be dragged to the Office of the Colonial Secretary in the matter of the ACB scandal.

The Action Group was determined to form the federal government. The party engaged in extensive campaigns across the country which compelled it to spend more than the other political parties. The AG used helicopter to access almost all parts of the country. There was no electoral law regulating campaign expenses. Thus many successful AG members that were doing well in

⁷ Chief Onabanjo, *ibid*, expressed this view, to establish loyalty and commitment of Action Group members.

⁸These were the accounts of former NPC members who decamped or joined UPN in the Second Republic, while castigating the NPN, NPC reincarnate party at political rallies in 1978 at across the Northern Region

⁹Details of this are contained in *The Nigeria Year Book, 1958*.

commerce funded the party's campaign activities. Most of these members had enjoyed party patronage and were to pay back by funding the party. Party patronage for members of the Action Group was dominant, and the underlying expectation was that beneficiaries of government's patronizing gestures would fund the party in return. Expectedly most of them that benefited from governments' contract awards kept to the promise.¹⁰

It is possible to argue that the level of private accumulation by top party members of AG was quite high, and this made it easy for them to finance the party, especially when the party had anticipated winning the federal election and subsequently controlling the government at the national level. Apart from funding their party, members of AG also funded the UMBC after it went into alliance with it in the Northern Region.¹¹ The AG took the liberty of the absence of law regulating party financing to invest heavily in the Middle Belt during the 1959 federal election. On 12 December 1959, the federal election was conducted and result released on 21 December 1959.¹² The NPC had 142 seats, while other parties won 9 seats. If money were to be the sole deciding factor, AG would have won the election, hands down! The Coker Commission of Inquiry was set up by the Balewa Administration on 20 June 1962 to look into the public finances of Western Region since 1954. The Commission came up with findings that implicated some political leaders in the Western Region.

The 1964 federal election saw political parties going into alliances and re-grouping. The NPC and NNDP formed Nigeria National Alliance (NNA) on 20 August 1964. The formation of the NNA was mainly in reaction to the United Progressive Grand Alliance (UPGA) formed by NCNC, AG, and the Northern Progressive Front (NPF) on 3 June 1964. These developments, however, did not significantly change in the dominant patterns and styles of political financing by parties and candidates during the election. It was simply the same usual game! There were no records kept, but the actors were more careful and watchful this time around, given the lessons of previous experience and the indictment of some of the key party financiers by the Coker Commission. The campaign for election into the Federal House of Representatives commenced on 10 October 1964. Prominent personalities that dominated previous elections were conspicuously absent this time around. Dr. Azikwe was already the Governor General, and Chief Awolowo and some frontline AG members were already serving jail terms for reasonable felony. Again in the 1964 elections, money did not come up as the key determining factor. The federal government was

¹⁰ Chief Toye Ogunsuyi, who was then a member of the United Kingdom branch of Action Group, revealed this at the official flag off 2003 campaign by Alliance for Democracy [AD] in Jos.

¹¹ See Adeyi Ezekiel Major's *Politics Emancipation: The Struggles of Solomon D. Lar*

¹² Coker Commission of inquiry was set up by Balewa Administration on 20 June 1962 to look into the public finances of Western Region since 1954. All the financiers of AG were indicted by the Commission headed by Justice G. O. Coker.

controlled by NPC, and there was allegation of abuse of state apparatus to ensure electoral victory.

First post-military party politics

After thirteen years of military rule, the Murtala/Obasanjo administration handed over to another civilian government in 1979. Five political parties were registered by the Federal Electoral Commission (FEDECO) in 1978. The parties were Unity Party of Nigeria (UPN) an off shot of AG, the National Party of Nigeria (NPN) which was an NPC reincarnated, the Great Nigeria Peoples Party (GNPP) a mix grill of the Borno Youth Movement and faction of the NPC, the Nigeria People's Party (NPP) a combination of NCNC, and some elements of UMBC, and the People's Redemption Party (PRP) which metamorphosed from the famous Northern Element People's Union (NEPU).

Given the background of these political parties, especially their links with the political actors in the First Republic, it was not strange to see the same level of fiscal irresponsibility in party financing. Although there was no provision for public funding of political parties, however, both UPN and NPN lavished money on their campaign activities, followed by NPP and GNPP. The PRP, the political party of the 'talakawa' (peasants) was left behind to battle with the task of meeting basic office and electoral campaign needs of its followers!

The UPN raised financial support from Western based businessmen who donated vehicles and cash to support the UPN presidential campaign. Just as the Action Group invested in the Middle Belt during the 1959 election, UPN candidates from Eastern and Northern states were virtually funded by the party, from their nomination fees to campaign expenses. The Directorate of Organization was responsible for sourcing for funds for party and candidates, and its records of activities and operations were not made public. Individuals were mobilized to support party activities especially electioneering campaigns through generous donations. A committee chaired by Chief Alfred Rewane, was set up by the party leadership to coordinate this mode of party financing.¹³ At regular intervals, fund-raising dinners were organized to support the contributions by the members of the party caucus. As with most political parties each registered member of UPN was expected to pay a monthly due to his/her ward. However, the collection of membership dues was effective only in states controlled by the party. For NPN, the only difference was its wider source of party funding. Most of the candidates of the party donated money or vehicles to secure party nominations and tickets to contest elections. For example it was widely reported that Chief M K O Abiola single-handedly bank rolled the expenses of the party in Ogun State.

¹³The author was the State Secretary of UPN in Plateau State, and had access to privileged information as a member of the National Executive Council of the UPN.

Also like UPN, candidates who could not pay for nomination fees were assisted to pay up by the leadership of the NPN. The GNPP did the same. On the part of PRP, it lacked the capacity to file candidates in most parts of the country. As a political party it was most visible in Kano and Kaduna States where it had the concentration of its members and supporters. In other parts of the country the candidates of PRP were just on their own; without any support from the party headquarters. On the part of the NPP, it had its selected states as target. It only sponsored candidates in constituency it felt it had essential followership, and where it may likely win elections.

After the 1979 elections, parties that won formed governments in their respective constituencies. State where political parties were in control of state power hurriedly helped to revive their respective parties. Party patronage became the order of the day. Contracts were awarded exclusively to party loyalists who would in turn donate huge amount to the parties. Party membership card of the ruling party became 'entry visa' to tender boards meetings and likes. In 1983 when it was time for another rounds of elections, NPN- the ruling party- had edge over others considering its 'money power' with which it had weakened other contenders even before the 1983 elections. Other parties were no less guilty in states where they controlled the government. The consequence was massive political corruption and fiscal recklessness at all levels of government.

The military intervention on 31 December 1983 abruptly terminated the Nigerian Second Republic. The military regime of General Mohammed Buhari established cases of misused of public funds by many politicians of the Second Republic. Several of them were sentenced to jail terms by military tribunals for crimes ranging from financial impropriety to looting of public treasury. For example, the Lagos Zone of the military tribunal charged three UPN governors Chief Bola Ige, Chief Micheal Ajasin and Chief Bisi Onabanjo of Oyo, Ondo, and Ogun respectively for corruptly enriching UPN by way of kick back of N2.8 million representing 10% of a N28 million contract sum awarded to Boargues (Nig) Ltd., which was meant for the construction of a building for the Great Nigeria Insurance Corporation - a member of Odua Investment Companies. In the Ibadan Zone, the military tribunal jailed Professor Ambrose Alli Governor of Bendel State -and his Commissioner for Finance, Augustine Omoleye, for obtaining kick back from one Mr. Babatunde Adeyemi, Chairman and Managing Director Hispanic Construction (Nig) Ltd. who handled a contract of N48.5 Million and allegedly the kick back which is N983, 000 was given to UPN. Also, the Enugu Zone of the military tribunal jailed Governors Melford Okilo and Jim Nwobodo for similar offence, while the Kaduna Zone did not spare Governors Bakin Zuwo, Abubakar Rimi, and Adamu Attah. The Jos Zone jailed Governor Solomon Lar for withdrawing huge sum of money as 'security vote'. Virtually all the politicians of the Second Republic tried and jailed were found guilty of corruptly enriching their political parties. Justice Mohammed

Bello panel that was set up later reviewed some of the sentences, and pronounced Chief Solomon Lar of Plateau, Alhaji Abubakar Rimi of Kano and few others as not guilty of corruption, while many others served their jail terms.¹⁴

Second post-military party politics

The transition programme of General Ibrahim Babangida further damaged the party system. The IBB government registered two political parties - Social Democratic Party (SDP) and National Republican Convention (NRC). Offices of the two parties were built by government in all the Local Government Headquarters, across the country and state capitals. Civil servants were appointed to provide administrative leadership within the parties' structures. Some politicians referred to as "the old breeds" were banned; and the "new breeds", with strong link with the military class, were empowered by the latter. New breed politicians emerged and were given money by government to run their electioneering campaigns. Under the guise of discouraging political 'godfatherism', the parties were well funded equally by the government which literally turned the political parties to government parastatals. As elections were drawing closer, individual candidates opened their campaign offices, sourced for funds independent of the parties. Some candidates organized their special fund raising activities, and some were almost operating parallel organizations with their parties. This introduced a new trend in party funding in Nigeria. Candidates' financial support to the party dwindled. The consequence was that the parties were reduced to clearing houses where candidates came only to obtain tickets for elections. This trend made it more difficult to track campaign financing and party funding as there were no records on income and expenditure of the political parties and those of the candidates.

The parties gradually came under the influence of the 'money bags' that were able to pay their ways through the most difficult situations! Evidence of this trend was there in the primaries that led to the emergence of the two candidates that contested the presidential election in June 1993, the results of which was annulled by the government of General Ibrahim Babangida. There was no guideline or law regulating on how to source for funds by the candidates and parties. Campaign offices of the candidates were better equipped than the party offices. The candidates' parties on their part became dependent on the largesse of their candidates and regularly were looking unto them for supports.

The administration of General Sani Abacha aborted the Third Republic and registered five political parties to replace Babangida's parties. Like the previous military regime of General Babangida, the regime of General Abacha provided funding to the parties and appointed government officials as unofficial patrons

¹⁴ Adeyi Ezekiel Major, *Ibid.*

or overseers of the party. Party candidates were not restricted from using their money for party activities; they continued to use their personal money to run their campaign offices, even after they had won the primaries. This further consolidated the trend that began with the Babangida's new breed politicians, where candidates just use the parties to secure nominations, and then source for funds independent of the parties.

The birth of Fourth Republic saw the formation of People Democratic Party (PDP), Alliance for Democracy (AD) and All Peoples Party (APP) (now All Nigerian Peoples Party, ANPP). All the three registered political parties contested the 1998/99 elections. The 'money bags', who played prominent role during the infamous Abacha regime, joined the founders of the parties. They not only made their money available to the parties, they also contested and won elections using their financial muscles. The principle of party supremacy soon lost its meaning as campaign organizations took over from party secretariats.

Chief Olusegun Obasanjo emerged as the PDP presidential flag bearer in the 1999 election. It was reported that several individuals and corporate bodies supported his campaign directly without reference to the party and that his campaign networks organized fund raising activities without rendering account to the party or the Independent National Electoral Commission (INEC). The same trend was observed at the state level where the gubernatorial candidates organized and ran parallel organizations with their parties. Similarly, some candidates for the federal and state legislative assemblies raised funds for their campaigns independent of their political parties. Several millions of naira was raised but no records were kept or even made available as no regulatory body is put in place to check the parties and the candidates.

The 2003 elections further consolidated the trend discussed above. The PDP reportedly directed all her governors to pay in hundreds of millions naira to the party's coffer as a way of supporting the party. Not too long ago, the Plateau State Governor, Chief Joshua Dariye, confessed that he donated substantial parts of the funds meant for ecological development of the state to PDP, the campaign organization of President Obasanjo and for other illegal and corrupt uses. Also, there are allegations of corporate organizations' donation towards President Obasanjo's re-election campaign.¹⁵

Impact of money on party politics

Party politics in Nigeria at the beginning was based essentially on issues. The 1954 election clearly demonstrated the commitment of parties and candidates to nationalist aspirations and the goal of ensuring self-government. This pattern changed dramatically during the 1959 federal elections as the political leaders spent money to ensure the success of their parties. Even at that the supremacy of

¹⁵Most of the Nigerian newspapers and magazines published this report by Governor Dariye, *The News* magazine of 18th September, 2006 with the cover story M.A .D IN ASO ROCK is good reference here.

the party was still in tact reasonably. Candidates were not celebrated or seen as being above the party. Abuse of office, became noticeable with what politicians do with public funds. The African Continental Bank scandal and the indictment of some politicians by the Coker Commission of Inquiry signaled danger as political leaders saw nothing wrong in diverting public funds for party financing. The 1964 federal election further confirmed the abuse of public office for party enrichment. All the parties in government misused their mandates.

During the Second Republic virtually all the political parties used patronage to raise fund for their parties. We saw public officers jailed by the military tribunals that were set up in 1984. The Babangida/Abacha era introduced a new dimension to party funding. Individual candidates now operate parallel campaign office. The consequence is divided loyalty. Non-party card members now work in campaign offices of individual candidates while party secretariats hold little or no influence again in electioneering campaigns. Those who work in campaign offices are often rewarded better than party members, after election. Non-implementation of party programmes now characterized party politics as candidates owe their elections and re-elections to factors other than their respective parties.

The trend today where sources of funding for parties and candidates campaigns cannot be tracked or recorded because of abuse and misuse has implications for election-related conflicts that may escalate into serious violence and threaten national security.¹⁶ The absence of party discipline in virtually all the existing political parties can be linked to the influence of money in party politics. Consider for instance the upsurge of campaign organizations for candidates spread across the country running parallel structures with political parties. This development has weakened party discipline as candidates see themselves as financiers of their election, who just used the party as a platform to contest election.

What is to be done?

The electoral laws should set a workable regulation on campaign expenses for all elections. Political parties should out law separate campaign office by aspirants and candidates. Such practice usually weakens party supremacy, and promotes corruption. Financial support for election should be limited to registered party members. Fund raising dinner, where contractors were invited, is an open invitation to abuse of public office and misappropriation. Proper auditing of party account on yearly basis would encourage transparency and accountability. Financial aid to parties should not only come before the election, but should be reasonable enough to meet basic electioneering needs. Nomination fees for candidates should be removed, to allow free contest for all citizens.

¹⁶ See Victor A.O Adetula & Dung Pam Sha “Sectarian Conflicts in Nigeria and their Implications for Electoral Violence”, Paper presented at IFES Seminar on 'Preventing Electoral Violence in Nigeria', 27 - 28 June, 2006, Sheraton Hotel and Towers, Abuja.

Chapter 4

THE ROLE OF INEC, ICPC AND EFCC IN COMBATING POLITICAL CORRUPTION

E. Remi Aiyede

Political corruption is a cankerworm that has eaten deep into the fabric of the Nigerian political system. The general global perception about corruption in Nigeria is that it is a pervasive phenomenon. It is generally acknowledged that corruption and corrupt practices are endemic and systemic in both public and private sectors of Nigeria. Corruption has had debilitating effects on the country as it has had elsewhere. Corruption is encountered in the routine processes of governance both in public and private sectors, and it pollutes the business environment generally. It undermines the integrity of government and public institutions.

From a relatively mild manifestation at the country's independence, corruption grew rapidly at an alarming rate through the Second Republic. During the several years of military misrule, it became institutionalized and assaulted every facet of the country's political and socio-economic life. In fact, during this time some have said that it took on the status of Nigeria's political value. As Gboyega puts it, "it was as if the Government existed so that corruption might thrive".¹ Corruption has accounted for the distortion and diversion of government welfare programmes and undermined the goals of development. Indeed, it has continued to undermine the effectiveness of the political process, especially the capacity of the principal electoral body, the Independent National Electoral Commission (INEC) to achieve and institutionalize free and fair elections. Thus, as the march to the 2007 elections began, it was important that the problem of corruption within the political process be addressed, given its adverse effect on the effort to consolidate democracy.

This chapter therefore examines political corruption in the light of the recent developments in the fight against the menace and in the context of the preparations for the 2007 general elections. In the following sections, it explores the concepts associated with corruption, outlines the debilitating effects corruption has had on politics, economy and society, in particular, the electoral process. It also elaborates on the conditions that encourage the flourishing of corruption in the literature. It then explores the roles of critical

¹ A. Gboyega, 1996. 'Corruption and Democratization in Nigeria, 1983-1993: An overview' in Alex Gboyega ed. *Corruption and Democratisation in Nigeria*. Lagos: Friedrich Ebert Foundation. Pp.3-12.

anti-corruption agencies within the electoral governance arena, namely, Independent Corrupt Practices and Other Related Offences Commission (ICPC), the Economic and Financial Crimes Commission (EFCC) and INEC. The aim is to critically appraise their roles, relationships, contextual challenges and effectiveness in combating political corruption and to develop insight for reducing political corruption generally.

What is political corruption?

In broad terms, political corruption is the abuse or misuse of public or governmental power for illegitimate private advantage. It is an effort to secure wealth or power through illegal means for private benefit at public expense.² For Sen, it involves the violation of established rules for personal gain and profit. Such an abuse of public power may not necessarily be for one's private benefit.³ It may be for the benefit of one's party, class, tribe, friend, or family.⁴ Forms of political corruption include bribery, extortion, influence peddling, fraud, embezzlement, and nepotism. While corruption often facilitates criminal enterprise such as drug trafficking, money laundering, and criminal prostitution, it is not restricted to these organised crime activities, and it does not always support or shield other crimes.

What constitutes illegal corrupt practices differs depending on the country or jurisdiction. Certain political funding practices that are legal in one place may be illegal in another. In some countries, police and prosecutors have broad discretion over who to arrest and charge and the line between discretion and corruption can be difficult to draw. In countries with strong interest group politics, practices that could easily constitute corruption elsewhere are sometimes sanctified as official group preferences. Thus, there is an attempt to shift the definition from the purely legalistic arena into the realm of ethics. Hence, Walecki defines corrupt political finance as behaviour on the part of a candidate or a party that involves improper or unlawful conduct of financial operations for the gain of a political party, interest group, or of an individual candidate.⁵

The Nigerian anti-corruption law (the Corrupt Practices and Other Related Offences Act of 2000) has identified a long list of practices that constitute corruption. These practices include: the use of pecuniary advantage, gratification, influence peddling, insincerity in advice with a view to gaining advantage, less than a full day's work for a full day's pay, tardiness and laziness,

² Lipset, Seymour M. and Gabriel S. Lenz. 2000. 'Corruption, Culture and Markets', in. Lawrence E. Harrison and Samuel P. Huntington, eds. *Culture Matters*. New York: Basic Books.

³ Sen, Amartya. 1999. *Development as Freedom*. New York: Anchor Books.

⁴ Tanzi, Vito. 1998. *Corruption Around the World: Causes, Consequences, Scope, and Curses*. IMF Working Paper no. 63.

⁵ Walecki, Marcin n.d. 'Political Money and Corruption'. IFES Political Finance White Paper Series.

failure to report cases of inducement to the Commission and so on.⁶ The challenge is not that of definition but that of mustering the political will and evolving strong and effective institutions to deal with the problem. The urgency of this challenge is borne out of the real adverse consequences of political corruption on development.

Effects of political corruption

Corruption poses a serious development challenge. In the political realm, it undermines democracy and good governance by flouting or even subverting formal processes. Corruption in elections and in legislative bodies reduces accountability and distorts representation in policymaking; corruption in the judiciary compromises the rule of law; and corruption in public administration results in the unfair and inefficient provision of services. More generally, corruption erodes the institutional capacity of government as procedures are disregarded, resources are siphoned off, and public offices are bought and sold. Thus, corruption undermines the legitimacy of government and democratic values of trust and tolerance.

In Nigeria, corruption has made election results to have very little or nothing to do with the performance in office of politicians. Precisely because performance is not a critical factor in electoral outcome, the incentive to perform is very weak. And because corruption is effective in achieving electoral victory the incentive to resort to corrupt practices is very high. The main decisive factors in the outcome of elections have been ethnicity, intimidation and massive vote buying and rigging. As far back as the 1950s vote buying and rigging have been identified as major characteristics of elections in Nigeria.⁷ The tragic outcome is that political parties in Nigeria today do not articulate any concrete programme during campaigns on how to take the country out of the woods. Political parties have spent billions of naira not merely on campaigns but in outright bribery and buying of votes. This has been a source of worry to the National Assembly which has now put a ceiling on electoral spending to check the problem of monetisation of the electoral process.⁸ One emergent problem in Nigeria is that common among advanced democracies, corporate financing, and the fear that corporations are simply buying the votes of elected officials.

According to the Institute for Democracy and Electoral Assistance (International IDEA) the issues to be addressed concerning election-based political corruption in Nigeria include: Rigging (stuffing of ballot boxes, over

⁶ Federal Republic of Nigeria (FGN) 2000. *Corruption and other Related Offences Act*. Abuja: Government Printer; Akanbi, M.M.A. 2004. *Corruption and the Challenges of Good Governance in Nigeria*. Lagos: Faculty of the Social Sciences, Distinguished Guest Lecture Series.

⁷ Dudely, Bill. 1973. *Instability and Political Order: Politics and Crisis in Nigeria*. Ibadan: Macmillan Press; Dudley, B. 1982. *An Introduction to Nigerian Government and Politics*. Ibadan: Macmillan Press; Federal Republic of Nigeria (FGN) 1987. *Report of the Political Bureau* (Lagos: Government Printer).

⁸ Federal Republic of Nigeria (FGN), 2006. *Electoral Act 2006*, Abuja: Government Printers.

bloated voting registers, special treatment of voters and election officials, disappearance or destruction of ballot boxes, etc.); distortion of or doctoring of results; lack of discipline in the form, spirit and implementation of the election process; excessive monetization of politics in general.⁹

Human Rights Watch (HRW), in a detailed report on the 2003 elections, observed that the elections were marred by serious incidents of violence, which left scores dead and many others injured. According to the report, 'The scale of violence and intimidation, much of which went unreported called into question the credibility of these elections'. It went further: 'The majority of serious abuses were perpetrated by members or supporters of the ruling party, the People's Democratic Party (PDP). In a number of locations, elections simply did not take place as groups of armed thugs linked to political parties and candidates intimidated and threatened voters in order to falsify results'.¹⁰ These claims were substantiated with detailed accounts of election malpractices in various towns and cities across the states of Nigeria.¹¹

Political corruption is facilitated by the weak institutional capacity of INEC and other institutions that are to enforce the rules and check the excesses of politicians and political parties. For instance, the European Union Election Observation Mission (EUEOM) identified INEC's insufficient level of technical and logistical preparation, passivity in reported patterns of systematic fraud, lack of initiative and operational capacity by Resident Electoral Commissioner (RECs), and limited technical competence of many Electoral Officers (EOs) as major impediments at the 2003 elections.¹¹ Similar complaints apply to the police, the State Security Service (SSS) and the National Intelligence Agency (NIA).

Beyond the political and bureaucratic dysfunctions, corruption also undermines economic development by generating considerable distortions and inefficiency. In the private sector, corruption increases the cost of business through the price of illicit payments. It raises the management cost of negotiating with officials and increases the risk of agreements being breached. Besides, the possibility of detection and the consequent scandal and penalty may be real. Although some claim corruption reduces costs by cutting red tape, the availability of bribes can also induce officials to contrive new rules and delays. Where corruption inflates the cost of business, it also distorts the playing field, shielding firms with connections from competition and thereby sustaining inefficient firms.

⁹ International IDEA (2000). *Democracy in Nigeria: Continuing Dialogue(s) for Nation Building*. Stockholm: International Institute for Electoral Assistance: 107-124.

¹⁰ Human Rights Watch. 2004. *Nigeria's 2003 Elections: The Unacknowledged Violence*. New York: Human Rights Watch. Available at <http://hrw.org/reports/2004/nigeria0604/nigeria0604.pdf>

¹¹ European Union Election Observation Mission (EUEOM). (2003). *Final Report on the 2003 National Assembly Election, Presidential Election, Gubernatorial Election and the State Houses of Assembly Elections*. EUEOM.

Corruption also generates economic distortions in the public sector by diverting public investment into capital projects where bribes and kickbacks are more plentiful. Officials may increase the technical complexity of public sector projects to conceal or pave way for such dealings, thus further distorting investment. Corruption also lowers compliance with construction, environmental, or other regulations, reduces the quality of government services and infrastructure, and increases budgetary pressures on government. It is claimed that approximately US\$ 200 billion was invested in Nigeria, between 1973 and 1993, with very little development to show for it.¹²

Economists argue that one of the factors behind the differing economic development in Africa and Asia is that in the former, corruption has primarily taken the form of rent extraction with the resulting financial capital moved overseas rather invested at home. Corrupt administrations in Asia like Suharto's have often taken a cut on everything (requiring bribes), but otherwise provided more of the conditions for development, through infrastructure investment, law and order, etc. University of Massachusetts researchers estimated that from 1970 to 1996, Capital flight from 30 sub-Saharan African countries totalled \$187bn, exceeding those nations' external debts due to political corruption.¹³

Conditions favourable for political corruption

In the literature some conditions are considered to provide breeding ground for corruption. For instance, when government structures concentrate power in decision makers who are not practically accountable to the people and democratic processes are absent or dysfunctional, corruption thrives. But effective democratic processes, parliamentary systems, political stability, and freedom of the press are all associated with lower corruption.¹⁴ When the state is involved in large investments of capital, especially those channeled towards provision of goods, services and resources below market prices, public officers enjoy incentives to seek rents. Civil services structures that are characterised by politically motivated hiring, patronage and nepotism, and poor remuneration are usually hives of corruption.

Corruption also thrives where society is dominated by self-interested closed cliques and 'old boy' networks, illiterate, apathetic or ignorant populace, with inadequate public discernment of political choices, where personal integrity is rated as less important than other characteristics. Generally, when the rule of law is weak, the judicial system is ineffective and there are ineffective penalties and the probability of punishment of offenders is low then corruption will

¹² The World Bank. 1995. *Federal Public Expenditure Review*. Washington D.C.: The World Bank.

¹³ Habib, Moshin and Leon Zurawicki 2002. Corruption and Foreign Direct Investment, *Journal of International Business Studies*, 291-307.

¹⁴ Lerderman, Daniel; Norman Loayza and Rodrigo Reis Soares. 2001. "Accountability and Corruption: Political Institutions Matter". World Bank Policy Research Working Paper No. 2708. Washington D.C.: The World Bank.

blossom. With regard to the electoral processes, costly political campaigns, with expenses exceeding normal sources of political funding, and the absence of adequate controls to prevent bribery or "campaign donations" provide room for corrupt practices.¹⁵

Electoral governance and anti-corruption agencies

“Electoral governance is the wider set of activities that creates and maintains the broad institutional framework in which voting and electoral competition take place”.¹⁶ It is the outcome of (a) the strategic calculations and moves by key political actors, (b) the social structural context that defines power relations in society, and (c) the path contingencies that shape the trajectories and outcomes of democratic transitions.¹⁷

The important point is that the rules of electoral competition and electoral governance are subject to change according to mutations in politics and power relations in society. They are underlined by struggles by stakeholders and political actors who work to improve their chances in the scheme of power. Thus, the effort to combat corruption must engage this process. Indeed, electoral governance provides a meeting point for all anti-corruption agencies and the election management body.

Mozaffar and Schedler provide a very useful model of electoral governance. According to this model, electoral governance operates at three levels: rule making, rule application, and rule adjudication. Rule Making involves choosing and defining the basic rules of the electoral game. These include the rules of electoral competition that define the electoral formula, the district magnitude, assembly size, electoral time table and the franchise. It also include the rules governing voter registration, party and candidate registration, campaign financing and regulation, election observation, ballot design, polling stations, voting, counting, and tabulating, election management bodies and dispute settlement authorities. Rule application deals with organizing the electoral game. It encompasses registration of voters, candidates, and parties; registration of election observers, voter education, electoral organization, voting, counting, and reporting. And, rule adjudication is about certifying elections results and resolving disputes. This covers admission of complaints, processing of cases and publication and implementation of rulings.¹⁸

This framework of electoral governance provide a field for us to interrogate

¹⁵ Dreber, Axel; Christos Kotsogiannis and Steve McCorriston 2004. Corruption Around the World: Evidence from a Structural Model. Available at <http://129.3.20.41/eps/pe/papers/0406/0406004.pdf>

¹⁶ Mozaffar, S. and A. Schedler (2002). “The Comparative Study of Electoral Governance Introduction,” *International Political Science Review*, 23(1):5-27.

¹⁷ Mozaffar, S. (2002). “Patterns of Electoral Governance in Africa's Emerging Democracies , *International Political Science Review*, 33(1):85-101.

¹⁸ Mozaffar, S. and A. Schedler (2002). “The Comparative Study of Electoral Governance, Introduction,” *International Political Science Review*, 23(1):5-27.

the two major anti-corruption agencies in Nigeria's Fourth Republic the Independent Corrupt Practices and Other Related Offences Commission (ICPC) and the Economic and Financial Crimes Commission (EFCC) -- and their role in relation to the electoral management body, the INEC. The rest of this paper will focus on each of these agencies, recognising that political corruption is usually more pronounced at election times. What are the statutory functions of the INEC, ICPC and EFCC? How effective are they? In what ways do their functions overlap? In what ways do these organisations relate? What are the existing platforms of cooperation amongst them? How can synergy be achieved in the effort to deal with the problems of electoral malpractices and monetization of politics? Will the involvement of EFCC and ICPC in policing elections not amount to an expansion of the capacity of the current government to determine electoral outcome since it exercises control over these bodies? What further institutional, structural and symbolic changes can be made in the Nigerian Federation to enhance the capacity of these organisations to reduce political corruption?

Independent National Electoral Commission (INEC)

Although the origin of electoral bodies in Nigeria is traced to the period before independence when the Electoral Commission of Nigeria (ECN) was established to conduct the 1959 elections, the country has not had a consistent experience of electoral democracy that should ensure the institutionalisation of a single electoral body. Thus, electoral management in Nigeria has been characterised by instability. Such bodies have experienced dissolutions and recreations in the country's four decades of existence. The Federal Electoral Commission (FEC), established in 1960 was dissolved after the military coup of 1966. In 1978, a new Federal Electoral Commission (FEDECO) was constituted by the regime of General Olusegun Obasanjo. FEDECO organized the elections of 1979, which ushered in the Second Republic under the leadership of Alhaji Shehu Shagari. It also conducted the general elections of 1983.

FEDECO was scrapped at the end of that year (1983) by the military administration of General Mohammed Buhari, which seized power on December 31, 1983. In 1987, the military government of General Ibrahim Badamosi Babangida established the National Electoral Commission (NEC) to execute the Government's transition to Civil Rule programme. NEC conducted all elections, which put in place democratic institutions from the Local Government Councils to National Assembly. It also conducted a Presidential election on June 12, 1993. NEC was reconstituted with a view to conducting a fresh presidential election, but was dissolved shortly afterwards by yet another military government which came into power in November 1993.

In December 1995, the military government of General Sani Abacha, which

earlier dissolved NEC in 1993, established the National Electoral Commission of Nigeria (NECON), which also conducted another set of elections; Local Government councils to National Assembly. These elected institutions were however not inaugurated before the sudden death of General Abacha, on June 8, 1998, aborted the process. In 1998 General Abdulsalam Abubakar's Administration dissolved NECON and established the Independent National Electoral Commission (INEC).

Established in accordance with Section 153(f) of the 1999 Constitution, INEC is charged with the following responsibilities: Organize, undertake and supervise all elections to the offices of the President and Vice-president, the Governor and Deputy Governor of a state, and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation; Register political parties in accordance with the provisions of this Constitution and an act of the National Assembly; Monitor the organization and operation of the political parties, including their finances; Arrange for the annual examination and auditing of the funds and accounts of political parties, and publish a report on such examination and audit for public information; Arrange and conduct the registration of persons qualified to vote as well as prepare, maintain and revise the register of voters for the purpose of any election under this Constitution; Monitors political campaigns and provide rules and regulations, which shall govern the political parties; Ensure that all Electoral Commissioners, Electoral and Returning officers take and subscribe to the oath of office prescribed by law; Delegate any of its powers to any Resident Electoral Commissioner; and carry out such other functions as may be conferred upon it by an Act of the National Assembly.¹⁹

The roles of INEC in promoting the legitimacy of elections by reducing political corruption is further elaborated by the Electoral Act 2006, drawing on Sections 226 and 227 of the 1999 Constitution. In fact, the Act expands the functions of INEC to include (a) conduct of 'voter and civic education', (b) promotion of 'knowledge of sound democratic election processes'; and (c) conduct of 'any referendum required to be conducted pursuant to the provision of the 1999 Constitution or any other law, Act of the National Assembly' (Section 2.).²⁰

The INEC has acquired experience in conducting elections into all public offices in Nigeria since 1998. It organized all transitional elections that ushered in the 4th Republic on May 29, 1999 and the 2003 general elections. It remains the most visible and critical organ of electoral governance for the 2007 elections. INEC is central to rule making and rule application. It also plays an active part in the process of rule adjudication, arising from its central role at the

¹⁹ Federal Republic of Nigeria (FGN). (1999). *Constitution of the Federal Republic of Nigeria*. Abuja: Government Printer.

²⁰ Federal Republic of Nigeria (FGN), 2006. *Electoral Act 2006*, Abuja: Government Printers.

level of rulemaking and rule implementation. It is usually major actor in the drafting of the electoral bill which the executive presents to the National Assembly in view of a general election. Since 1999 two electoral bills have been enacted into law: the Electoral Act 2002 and the Electoral Act 2006. Thus, its capacity and sensitivity and competence are very crucial to electoral success in Nigeria. In 2005 it issued a *Political Party Finance Handbook* as a guide to political parties for meeting standard procedures in party finance.

Yet its record leaves much to be desired. The organisation has experienced instability as a result of the intervention of the military in politics. This has made it incredibly difficult for its structures to be institutionalised across the country. Its weakness is shown in the series of controversies, litigations that trail successive elections and court decisions on election matters. Indeed, there are several allegations of complicity of its officials in electoral malpractices and several court cases which were decided by the courts to overturn its official decisions. What is more, some INEC officials are not able to exercise control and enforce observance of rules of voting at the polling booth and other places. In one judgement delivered by the Appeal Court, INEC's role in a decision was condemned as an attempt to make "mockery of the judiciary", an "act which is utterly condemnable".²¹

One of the major problems of INEC is finance. Not only is the body unable to muster enough funds at critical moments to prosecute elections, embezzlement and mismanagement of funds are also major problems. Some of its officials have been charged to court by the EFCC for fraud in the award of contracts. Its budget lines are sometimes withheld by the Federal Ministry of Finance thereby causing it to postpone or delay the performance of some of its critical electoral functions. INEC's budget is still subject to the vetting and approval of the Federal Ministry of Finance. That means the practice of withholding INEC's budgetary votes will likely continue. The Commission has complained that its budgeted allocation of N54.5 billion, against its request for N60.5 billion for the execution of the 2007 elections is inadequate.²²

The INEC chairman has expressed commitment time and again to checking electoral fraud in 2007 using the electronic voting system but this move has been foreclosed for the 2007 elections by the Electoral Act 2006 Section 3 2 sub-section 4. Part VIII, Sections 124-139, of the Electoral Act 2006 has provided a detail electoral offences from Improper use of voters cards to disorderly behaviour at political meetings, wilful defacement or destruction of nomination paper; forgery of registration card; or knowingly giving false information or making false statement with reference to any application for registration, etc. but INEC has not demonstrated good capacity to cooperate with other law enforcement agencies to enforce these provisions.

²¹ Ameh, John. 2006. 'Ngige Out, Obi in'. *The Punch* (newspaper) Lagos: March 16.

²² Marco, Derrick (Idasa) 2005. *Conflict Tracking Dossier: Towards the 2007 Elections, a Quarterly Review*. December.

At some point the chairman announced that it would not allow international monitors in the country during the 2007 election on the grounds that they were usually unduly partisan, overzealous and ignorant of the rules during the 2003 elections. But later he reversed himself after public opprobrium to the decision by stakeholders. Besides, some civil society organisations have strongly opposed INEC's guidelines on election monitoring. Thus, a lot needs to be done to position INEC for the fight against political corruption and for cooperation with the EFCC and the ICPC and other law enforcement agencies.

Independent Corrupt Practices and Other Related Offences Commission (ICPC)

Independent Corrupt Practices and Other Related Offences Commission was inaugurated on September 29th, 2000 as the hub of Nigeria's fight against corruption. The Commission is to receive complaints, investigate and prosecute offenders. It is also to educate and enlighten the public about and against bribery, corruption and related offences. Of particular interest is its role of reviewing and modifying the activities of public bodies, where such practices may aid corruption. Thus, it has a role to play in cleaning the electoral system of political corruption.

The ICPC is generally considered to have been one of the most promising yet disappointing anti-corruption agencies set up by the government of President Obasanjo. It was originally bogged down with litigations. For instance, by the case filed by the Attorney General of Ondo State, arising from ICPC's first corruption case in May 2001, querying the constitutionality of the Act 2000, the activities of the Commission were effectively paralyzed until June 7, 2002 when the Supreme Court upheld the validity of the legislation. Then in 2003, the National Assembly sought to scrap the Commission by revoking the The Corrupt Practices and Other Related Offences Act of 2000 and pass a new Act which was overturned by the Abuja Federal High Court on the grounds that the law was passed without following due procedure.

Since then the ICPC has been able to prosecute a few public officers and has several cases pending in court.²³ It is collaborating with anti-corruption NGOs and has established anti-corruption clubs in schools. It has also set up anti-corruption and Transparency Monitoring Units in ministries and parastatals across the country.²⁴

However, overall the ICPC has a potential for combating corruption but its

²³ Ogbonna, Maureen. 2004. "The ICPC and the Fight against Corruption" in Hassan Saliu ed. *Nigeria under Democratic Rule, (1999-2003)*, volume one, Ilorin: Department of Political Science, University of Ilorin. Pp.171-194.

²⁴ Akanbi, M.M.A. 2004. *Corruption and the Challenges of Good Governance in Nigeria*. Lagos: Faculty of the Social Sciences, Distinguished Guest Lecture Series.

²⁶ Federal Republic of Nigeria (FGN). 2004. *Economic and Financial Crimes Commission Establishment Act 2004*. Abuja: Government Printer.

capacity seems to be weak. There is need to shore up its capacity for it to effectively perform its statutory role. It must be recognised that this will have to be done in a context where pro-corruption forces seek to scrap it or make it useless as an anti-corruption agency. Indeed, another agency that has generated popular excitement in the anti corruption war is the EFCC. To this we will now turn.

Economic and Financial Crimes Commission (EFCC)

The Economic and Financial Crimes Commission (EFCC) is the second anti-corruption agency set up by the President Obasanjo government. Its focus is to combat financial and economic crimes. The Commission is empowered to prevent, investigate, prosecute and penalise economic and financial crimes and is charged with the responsibility of enforcing the provisions of other laws and regulations relating to economic and financial crimes, including: Economic and Financial Crimes Commission Establishment act (2004), the Money Laundering Act 1995, the Money Laundering (Prohibition) act 2004, the Advance Fee Fraud and Other Fraud Related Offences Act 1995, the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994, the Banks and other Financial Institutions Act 1991, and Miscellaneous Offences Act.²⁵

The EFCC under the leadership of Nuhu Ribadu has been quite effective in carrying out its statutory roles and its activities have made newspaper headlines.²⁶ It has acquired experience in handling cases of advance fee fraud (commonly called 419), such as obtaining by false pretence through different fraudulent schemes e.g. contract scam, credit card scam, inheritance scam, job scam, lottery scam, wash wash scam (money washing scam), marriage scam, immigration scam, counterfeiting, and religious scam. It also investigated cases of cyber crime, including cases involving banks and other financial institutions, cases of issuance of Dud cheque, fraudulent encashment of negotiable instruments, foreign exchange malpractices and other financial malpractices in financial institutions.

The definition of economic and financial crimes under its purview includes cases associated with good governance, transparency and accountability in government. It investigates cases of abuse of office, official corruption, bribery of government officials, diversion of public funds through fraudulent award of contracts, corruption in land allocation, tax fraud, capital market fraud, Money laundering, Oil Bunkering etc. Thus, the EFCC is quite useful in combating electoral fraud. Indeed, it is a veritable instrument for promoting good governance. The EFCC was instrumental to the October 2005 arrest in London

²⁵Ojewale, Olu. 2006. 'The Unusual Crime Fighter', *Tell No.3 January 16*. pp. 18-24

²⁶See details on the EFCC website: www.efccnigeria.org

of former Governor D.S.P. Alamieyeseigha of Bayelsa State, who was eventually impeached, tried and convicted on corruption and money laundering charges in Nigeria.²⁷

As we noted earlier, the EFCC has been a remarkable anti-corruption organ in Nigeria. It has recorded successes, convicting and sentencing individuals, including men in high places, who have been involved in economic and financial crimes. It has also made significant progress in the assets recovery drive. In fact, it is reputed to have been working with several international policing and intelligence organisations to deal with money laundering, including cases involving some state governors in Nigeria. Its experience will be very useful in checking electoral fraud and related malpractices.

The challenge, however, is the emerging view that EFCC is being used by the government to deal with perceived opponents and enemies. Some individuals have questioned its failure to investigate the financial crimes associated with the 2003 elections. Others have protested its failure to investigate the allegation of bribery in the National Assembly during the debate on the failed Constitutional Amendment Bill that sought to extend the tenure of the President and state chief executives. It has also been accused of not respecting the rule of law.

Conclusion: issues and challenges

There is no doubt that the INEC, ICPC and EFCC have to cooperate in combating corruption in the electoral process. The challenges in the effort to conduct elections should be the basis for structuring and catalysing cooperation. Generally, there are both long term and short term challenges that needs to be addressed. One important foundation is that these agencies must be made independent of the executive. These organisations will continuously need a leadership that is able to assert its independence and build up integrity within its rank and file. Happily, the Electoral Act 2006 has given INEC the power to appoint its own secretary. It has also made it impossible for the President to single-handedly remove a Resident Electoral Commissioner. According to the Act, a Resident Electoral Commissioner can only be removed by the President acting on an address supported by two-third majority of the Senate praying that such Resident Electoral Commissioner be so removed for inability to discharge the functions of his office or for misconduct. The long term goal will be to ensure that the membership of INEC be drawn from all Registered Political Parties. Such Members should not be removed except by a resolution of two-third of the Members of the National Assembly as proposed during the debate on constitutional amendments.

²⁷Albert, I.O. 2006. "Highlights of Significant Issues for the Period" in Marco, Derrick (Idasa) 2006. *Conflict Tracking Dossier: Towards the 2007 Elections, a Quarterly Review*. April.

There should be a guarantee of funds to these bodies outside of the executive budget. Their capacity would also have to be continuously strengthened, given the deep seated nature of the problem of political corruption in Nigeria. Some reforms require constitutional amendments. For instance, the structure of INEC and the appointment of its Commissioners are constitutional issues. There are areas of conflicts amongst these agencies as well. For instance, EFCC and ICPC are not only out to deal with politicians and political parties who may be involved in political corruption, INEC officials are also likely target of the investigations given the fact that some INEC officials have been culprits.

There are also fundamental reforms that can be done regarding monitoring of party finance to make cooperation among these organs easy. It will be too much to expect INEC to acquire investigative capacity to determine or track down political parties that cleverly flout the transparency requirements of the Electoral Act 2006. This is the case in respect of the requirements by Section 95 of the Electoral Act, that says no party “shall accept or keep in its possession any anonymous monetary or other contributions, gifts, properties, etc from any source whatsoever’. The same applies to the sections that place ceiling on election expenses (Section 93), prevents political parties from holding or possessing funds outside Nigeria. What is more, INEC itself has admitted its inability to effectively audit political party accounts.²⁸

Experience shows that the police have not been able to track such issues effectively or meet the level of urgency required in electoral matters. The EFCC has shown a good capacity to track the movement of money. It has the requisite skills, experience and linkages to deal with such matters. Perhaps, there should be a Campaign Financing Commission with representatives of the EFCC and ICPC in its membership. Other members of this commission should be drawn from all registered political parties; and such members should not be removed except by two-thirds decision of the Senate.

There are legislations that help support a more transparent and accountable governance process. These include a freedom of information law, whistle blower protection law, conflict of interest laws and procurement laws. These laws have to be put in place while continuous effort is being made to strengthen the judicial system for quick and effective delivery of justice.

²⁸ INEC (Independent National Electoral Commission).2005. *Political Party Finance Handbook*. Abuja INEC. March.

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Chapter 5

GENDER, MONEY AND POLITICS IN NIGERIA

Kachollom C. S. Best

The ascent of Nigeria to the principles of gender equity and equality in all spheres of national life remains a far cry decades after the United Nations (UN) declaration of the year 1975 as the International Year of the Woman, and 1975-1985 as the decade of the woman. The UN had adopted the Convention for the Elimination of all forms of Discrimination Against Women (CEDAW) in 1979, but this was ratified in Nigeria in 1985¹ and later Nigeria's commitment was further buttressed by the much acclaimed Beijing Platform for Action of 1995, which Nigeria fully participated alongside most nations of the world.

Nigeria's post independence political history has however been checkered by protracted military rule characterized by coups and counter coups, which had provided little room for civilian participation nor the observance of the principles of checks and balances. The return of Nigeria to democratic rule has however not led to a drastic change in the position of the common Nigerian woman, particularly as actors in electoral politics. The persistence of gender inequalities, the salience of money in electioneering and campaigns inhibit the participation of women in politics, which this chapter addresses. The participation of women at all levels of social living has to be situated in the context of the prevalent gender relations in any society. Gupta aptly described gender as

...the widely shared expectations and norms within a society about appropriate male and female behavior, characteristics, and roles. It is a social and cultural construct that differentiates women from men and defines the ways in which women and men interact with each other²

Globally, these interactions are largely on an unequal basis, which informed the principle behind many conventions that sought to create a more just world for everyone, particularly women, who though a numerical majority, are a gender minority due to their marginalization in public living and relegation to the domestic setting particularly in a patriarchal society like Nigeria. The gender disparities and the salient role of patriarchy in individual, communal and public

¹ UNICEF (2001) *Children's and Women's Rights: A Wake-up Call*, National Planning Commission and Unicef

² Gupta, 2000 'Gender, Sexuality, an HIV/AIDS: The What, the Why and the How' Plenary address presented at the XIIIth International AIDS Conference Durban, South Africa (quotation on p.1)

living has greatly affected the participation of the genders in politics.

This chapter is divided into four sections, with the first being the introduction. The second part of the presentation will look at a historical sketch of women's participation in politics to date. The third part discusses the salience of money and gender in politics, while the last section concludes the work.

Nigerian women's participation in politics: a historical sketch

Pre colonial Nigeria was made of diverse ethnic nationalities that governed themselves either through Kings, chiefs, elders or in the Northern part of the country, through Emirates with the Jihads of Othman Danfodio, these sometimes engaged in territorial expansions with raids on neighbouring states. Historical accounts indicate that men largely controlled the political sphere with exceptions like Queen Amina of Zazzau, Oba Orompo of Old Oyo and some pockets of Igboland. Women "...in traditional society were considered too weak and emotional to exercise responsible leadership".³ There are debates on women's positions in pre-colonial societies where for instance Ityavyar and Obiajunwa⁴ believe that these societies were characterized by sex differences and a sexual division of labour, but that gender differences were the outcome of colonial rule. Agina-Ude posits that there are '...indisputable ...gender gaps in political participation and other spheres of life [that] reflect discriminatory gender power relation, which have permeated the realms of culture, religion and tradition'.⁵ Though women could have representations to the political leaders on matters concerning them, they did not enjoy equal representations in the councils. In some parts of Berom traditional society like Gyel, a man called 'Hwa Gwom' i.e. 'Woman Chief' was present at council to represent the interest of women.⁶ In some societies, the ritual leaders, i.e. chief priests also doubled as the political leaders, but women did not attain to such positions. They could serve as chief priestesses to certain gods but definitely not to the supreme being of those societies, as a matter of fact, women were barred from partaking in certain rituals where the 'secrets of the land' are passed on to succeeding generations of men and in certain festivals particularly the popular 'masquerades'.⁷

The colonial period served to further widen gender inequalities with the introduction of a cash economy, the development of urban centers and subsequent migration of men to service the colonial bureaucratic machinery and

³ Unicef, 2001 p. 256

⁴ Ityavyar, D. A. and Obiajunwa, S. N., *The State and Women in Nigeria*, Jos University Press, 1992.

⁵ Agina-Ude, A. 'Strategies for Expanding Female Participation in the 2003 Elections and Beyond' *The Nigerian Social Scientist* vol.6 no.1, March 2003, pp 3-7 (quotation on p. 4)

⁶ Kaneng Davou Paul, Unpublished B.A thesis, ' '

⁷ Shut, T. T. (1995) 'Women and Fundamental Human Rights in Africa in *University of Jos Journal of Political Science Vol.1 No.1, October 1995* pp 108 118

the mines, leaving women to carry the double burden of subsistence agriculture in the rural areas.⁸ Formal Western education and training was first provided for the men as they serviced the colonial machinery, while women's attainment of education was largely ignored in line with the prevalent gender roles that relegated the woman's position to the domestic sphere as well as the Victorian mentality of the imperial power from Britain.⁹ The rising of nationalist agitations for independence led to the granting of the rights to vote for both men and women in Southern Nigeria in 1954 and there was a token representation of women in post colonial politics (1960 – 1965) with a few like Mrs. Wuraola Esan and Mrs. Bernice Kerry in Parliament while Mrs. Margaret Ekpo and Mrs. Janet Muokela were in the Eastern House of Assembly.¹⁰ Women in Northern Nigeria however only had the right to vote and be voted for in 1976 through a decree promulgated by the military Government. Prior to this, women suffragists especially Hajiya Gambo Sawaba had variously been sanctioned through expulsion from Kano, flogging in Zaria and she attained the record of the woman with the greatest number of imprisonments then.¹¹ Thus the first post independence government was characterized by a deeply patriarchal mind set steeped in gender stereotypes that overtly militated against the participation of women in politics, particularly in the Northern parts of the country.

It is noteworthy that the autocratic military regimes played salient roles in advancing the cause of women albeit in unconstitutional manner as the regimes operated through decrees that lasted only the life span of the administration in question. Despite the final enfranchisement of all Nigerian women by 1976, their outing in the Second Republic (1979 - 1983) was quite limited as there was just a female to 57 Senators and 11 female members of the House of Representatives out of 445. Women were not elected into any offices at the State and local government levels.¹² The Babangida regime (1985-1993) witnessed the greatest promotion of gender awareness and the cause of women particularly through the widely reported Better Life Programme of Mrs. Maryam Babangida and subsequently that of Mrs. Maryam Abacha tagged Family Economic Advancement Programme. It has been noted that due to the unconstitutionality of the military regimes, 'soja come, soja go, decree come, decree go and 'Madam's pet project come, Madam's pet project go'. Thus, there

⁸Tanko, N.M., and Best, K.C.S. (1990) 'The role of women in Small Scale Industry: A Case study of Plateau State of Nigeria', in Bashir, I.L. and Ojowu O. *Policy Issues in Small Scale Industrial Development in Nigeria*, CDS, University of Jos, 1990; and Ityavyar and Obiajunwa, 1992

⁹Agina-Ude 2003, Best, S. (2006) 'Opportunities and Challenges of Institutional Gender Strengthening in African universities: A case of the University of Jos, Nigeria a paper presented at an international conference on *Change in Climate? Prospects for Gender Equity in Universities*, the Australian Technology Network (ATN) Women's Executive Development Programme (WEXDEV), Adelaide, Australia

¹⁰ Unicef 2001, Agina-Ude, 2003

¹¹Unicef, 2001

¹²Agina-Ude, 2003 p. 3

were no tangible gains that accrued to the Nigerian woman enough to reposition her economically to lessen the gender disparities and inequalities.

However, the Babangida's transition programme witnessed the highest women's representation in politics and governance. Beginning with the Political Bureau: that had two female members out of the total 19 members. In 1990: there were three women in the Local Government Councils out of the total of 591; State Houses of Assembly had 27 women out of 1172 (but no women in 14 States); House of Representatives had 14 women out of 589; and the Senate had one female member out of 91 members. In 1991 there were eight female presidential aspirants altogether. However, in 1993 there was only one female presidential aspirant. The Abacha's Transition (1993-1998) saw : 20 females in the House of Representatives which was made up of 360 members, and also nine female senators out of 109. The Abubakar's Transition (1999) got three women into the Senate, twelve members of the House of Representatives, 143 women as Councillors out of 8,810, and nine as Chairperson of Local Government out of 774.¹³

Though military regimes have been reported to be more liberal in promoting gender awareness in the country, we observe that such gestures were limited to the civilian populace. It is on record that no military regime ever appointed a single female as Governor or Sole Administrator from their ranks despite their support for their wives' 'pet projects' and the offices and public funds that were released for such. The military's 'magnanimity' did not extend to their female counterparts in the barracks and though the 1999 Constitution was written during military rule, it did not provide equitable opportunities for female appointments as officers in the armed and police forces in the country.¹⁴ The present democratic dispensation was first ushered in by a military regime, i.e., the Gen. Abubakar's government and the gains of the military regimes were witnessed in the token representation of women at all levels both the Presidential and Gubernatorial levels.

The 2003 elections was the first successful civilian to civilian power hand over in the country. The President's address to a group of women in his first tenure in office announced that in the pursuance of gender mainstreaming, and affirmative action from the Beijing Declaration, 30% of the offices would be reserved for women, a position that is upheld in The National Policy on Women. The results of the 2003 elections do not support this position even when the ruling party, the People's Democratic Party (PDP) had 'magnanimously' exempted women from paying the requisite charges for their intending flag-bearers. Table 1 below provides the breakdown of the female aspirants for the 2003 primaries elections from 30 out of the 36 states of the federation.

¹³ Agina-Ude, A. 2003.. pp 3-7 quotation on p. 4

¹⁴ D Osedeme, "Fundamental Rights, women and the Constitution" in *Women in Public Life*, July-September 2003, Gender and Development Action (GADA) p. 6

Table 1: The distribution of female aspirants in the 2003 primaries by posts

S/no.	Elective Office	No of Women Aspirants
1.	Senate	39
2.	House of Representatives	100
3.	Governor	10
4.	House of Assembly	128
5.	Chairperson	90
6.	Councillor	494
	Total	861

Source: *Women's Rights Advancement and Protection Alternatives (WRAPA)*, 2003.¹⁵

During the primaries, 304 women were successful (contested and won or unopposed); 89 were unsuccessful (did not make the primaries) 61 withdrew (conceded for some reasons); 325 had no results (results not declared or primaries not held) and 56 defeated (contested and lost).¹⁶ Three women out of this total made it to the Senate, 21 to the House of Representatives, and 29 to the States' Houses of Assembly.¹⁷ It is observed that none of the three female Senator was returned thus creating a weak link for women in developing a career in politics. In the next section, we shall examine the constraints experienced by women seeking political offices particularly the role of money and gender.

¹⁵ Women's Rights Advancement and Protection Alternatives (WRAPA), *NIGERIA 2003 Elections The Experiences of Women Aspirants in Political Party Primaries* Women's Rights Advancement and Protection Alternatives, pp 13

¹⁶ WRAPA 2003:15.

¹⁷ The front and back pages of GADA's monthly magazine, *Women in Public Life*, Vol. 5 nos. 7 - 9, July - Sept 2003 provide the list of the women elected into these offices. Comparative data on appointive and elective positions of women in Ghana, Kenya and Nigeria is provided on page 17, which indicates that Nigeria still lags behind in efforts to achieve affirmative action. The *Women in Public Life*, Vol. 5 no. 5, Jan - March 2003 and the April - June *Women in Public Life*, Vol. 5 nos. 4 - 6, 2003 issues of the publication provides a list of women's performance at the primaries while the October - December issue provides names of women in different appointive posts.

The 2007 elections did not herald a departure from previous elections as women's participation was still low. A former female member of the House of Representatives between 2003 - 2007 laments the outcome of the elections¹⁸: From a total of 7160 people who contested in the 2007 elections, only 628 were women. She further gives a breakdown of the positions, which shows that only one woman out of twenty five people aspired for the post of President. 5 women were considered for Vice President. Of the 474 that contested the gubernatorial post, only 14 women dared join the race, while 21 were selected for Deputy Governors. In the National Assembly elections, 799 people contested for the senate out of which 59 were women. Similarly, there were just 358 women out of 2342 contestants for the House of Representatives. Of the 5647 contestants in States Assemblies, just 358 women joined the race. The outcome of the elections showed that among 109 Senators, only 9 are women; from 360 members of the House of Representatives, there were 27 women. The stay of the the First Female Speaker of the House of Representatives was cut short by allegations of corruption. There are five Deputy governors in Imo, Lagos, Ogun, Osun and Plateau States. Overall, women witnessed just a 2% increase from previous elections.¹⁹ A former Federal Minister expressed her disappointment at the poor outing of women, whom she described as the underdogs of Nigerian politics²⁰

Gender and money politics

The term 'gender' evokes diverse reactions in society where some are favourably disposed towards it while others feel threatened that women are receiving undue attention to the disadvantage of the male folk, thus destabilizing the 'status quo'.²¹ Due to perceptions that woman's roles are best expressed in the domestic arena or at most in subservient positions to men, the political terrain in Nigeria is made difficult particularly for women who not only aspire to leadership positions but also compete with men over these.²² Thus, such women meet with stiff gender stereotypes as their political activities and behaviour is put to question. The major form of attack is launched on their moral conduct and many have suffered damaging rumours that largely discredit their character. Such stereotypes have damaging effects on marital and familial unions and opponents from the same party would use these to gain advantage within the party hierarchy. Conversely, the flagrant display of moral misconduct from male politicians does not attract sanctions, in some cases; it is

¹⁸Hon Patricia Udogu granted this interview to Chuks Okocha of *Thisday* in Lagos on 30th September 2007. The interview posted on the web in October, 2007 titled 'Why Nigerian Women Fail Elections'

¹⁹Election Tribunals are on-going, so we are not sure on the whether or not these elections will be upheld

²⁰ This Day, op cit.

²¹ Best, 2006.

²² Ikpeme, B. (2003) "Are Nigerian Women Really in Politics?" *Women in Public Life*, Vol. 5 nos. 7-9, July Sept 2003

celebrated and generally expected. Such misconducts are not used to gauge the suitability of the male aspirant for public office, thus creating separate criteria for men and women. A popular female singer who stood for primaries for the seat of Chairperson of her local government narrated her experience: "Because you would be attending late night meetings and you would be staying in a hotel, then you are a prostitute, then they would say, 'we are going to give you some millions to be my girlfriend' . . . and lots more."²³

The expectation of women as the moral custodians of their societies is used to checkmate their political participation and most are not seen first as human beings aspiring to better their society through governance but as sex objects even within the party hierarchy.²⁴ Moreover, the use of female candidates' marital statuses as a precondition for elective office exerts further pressure on women who have to prove themselves far beyond the men to be accepted.

Gender power relations are evident in the supportive roles women play in politics as 'mobilisers' of other women. The delineation of roles along gender lines is climaxed in 'women's wing' or the creation of 'women leaders' in most political parties, giving credence to the assertion that politics is a 'man's game'. This further pushes women away from mainstream politicking and the decision making process in party politics. The consciousness of women at such levels of politicking as women and their potentials both as leaders in partisan politics and for advancing the cause of generality of women may be quite limited. Some of the men in such party hierarchies do not accord the women equal statuses or treat them with respect as exemplified by allegations that the National Vice Chairman East of one of Nigeria's leading political parties called the National Women's Leader a 'street woman' for holding and expressing a contrary opinion on some controversies in his region.²⁵

Most women were also marginalized within their party hierarchies particularly the more established political parties. In recounting their various experiences, some of the women who contested in the 1999 and 2003 primaries reported pressures from the party chieftains to step aside for or handover their victory to their preferred candidates, whom the women could not oppose and hope to win. The belief that the women contestants would not succeed in securing the much needed victory for their parties was shown in replacements with male candidates who mostly were also said to have been in the party much

²³ *Women in Public Life*, January to March, 2003 p. 10

²⁴ *ibid*

²⁵ *Women in Public Life*, October–December 2003, p. 7. Incidentally, the husband of the aggrieved lady is a strong and influential member of the party. The fate of single women would better be imagined when they have to work with such party stalwarts!

earlier than the women.²⁶

The role of money in politics especially for those seeking political office has become the norm. Perhaps, the Nigerian electorate has become apathetic that whether run by the military or civilians, they have little hope for enjoying the dividends of the national cake. While not much could be done when the military class in power flagrantly siphoned wealth (though their coup speeches had expressed the desire to turn around the downward trend of the nation's economy), some electorate expect or demand for compensations in cash or kind as the only opportunity to nibble at the crumbs from what is left of the 'national cake'. A female Senatorial aspirant under the PDP in Lagos during the 2003 elections lamented thus "Women accept rice, garri and other foodstuff from people who now use them to impose candidates on us".²⁷

The use of money in campaigns to secure votes is an open secret in Nigeria, popularly called 'kayan aiki' that is, 'the implements for work' in Plateau State. Thus when an aspirant makes his/her intentions known, the first question that is normally asked by well-wishers is, 'how much do you have?' In the report, the female chairperson aspirant in the 2003 primaries recounts some of those flagrant uses of monies to secure the seats:

...the intrigues are many as you have candidates who brought in money to the field and were distributing, you have candidates who sent buses to get under-aged school children to vote for them, you had candidates who when they are through with this ward they would get their supporters transported to another ward to stand on line and vote for them and you had candidates who paid off officials...²⁸

In a survey conducted by Women's Rights Advancement and Protection Alternatives (WRAPA), Nigeria on the 2003 elections, 90% of the aspirants reported the lack of finances as a major constraint, which gave their opponents an edge as even delegates to the party primaries had to be paid. Many of such women did not have resources to set up and run campaign structures, offices and for logistics so the 'buying' of delegates' votes was far above their reach even if they wanted to join this murky terrain.²⁹

The PDP 'magnanimously' declared during the last elections that women contesting under the PDP flag were exempted from the payment of any registration fees to the party. This gesture was also extended to female aspirants by some of the other political parties by their respective parties. This did not translate into a 'harvest' of female political office holders under the PDP or the other parties despite the waiver. The account of the large sums of money required to run a campaign given above technically sidelines majority of the

²⁶ *Women in Public Life*, July to September, 2003 p. 9, 10, 12, 16

²⁷ *Women in Public Life*, April to June, 2003 p. 18

²⁸ *Women in Public Life*, January to March, 2003 p. 10

²⁹ WRAPA, 2003 p. 17.

people, and women are the most economically and socially powerless group. The Human Development Report (HDR) of 2001 showed that 70% of Nigerians are poor and 70% of the poor are women.³⁰ Thus for most women who have broken the gender mould to aspire for political office, they largely have only the goodwill of their followership and this would not take them far on a rough terrain.

The waiver of registration fees was used against the women both by their opponents and some of the parties' officials. A female Senatorial aspirant for Edo South was reported to have also enjoyed the waiver of nomination fees for women offered by the All Nigeria People's Party (ANPP) and she made a donation of N200,000.00 to her party. Her opponent used the waiver to campaign against her informing delegates that he paid N1,000,000.00 to the party, so why would they vote for a person who paid nothing? She lost the election.³¹ A similar experience was recounted by a PDP Senatorial aspirant for Lagos Central who did not believe she lost the elections and protested but was reminded that she did not pay for her form.³²

Another dimension to campaign financing is that though wealthy individuals and corporate bodies 'donate' towards this cause, the process is selective and the motives for such are far from altruistic as evidenced by the controversies that engulfed some states where elected officials did not keep their part of the agreement with these god fathers that brought them to power. The god-fathers largely view the financing of political campaigns as an investment that should yield dividends at given periods, to which willing candidates consent: '...you have people who would come with money to say "yes we want you to stand for us, when you win, this is how much we would be getting from you every month"'.³³ The issue of consenting to god-fathers to finance campaigns for women is that their interference, which is normally for selfish interests would impinge on the performance of the beneficiaries in public office, and this would more or less terminate the political careers of female politicians as such poor performance would likely be tied to their gender.

Furthermore, women who are generally weak both economically and socially are not likely to be seen as viable investments by god-fathers, especially as most would not have some of the 'matching capital' required to assure the prospective benefactors that the aspirant is willing to fight to the 'death'. The view of partisan politics as a man's terrain would equally discourage financiers from making contributions in a cause that may not be widely acceptable even to other women. We note that some of the women who got into some posts have ridden on the popularity or influence of fathers or husbands; in this case, such

³⁰ UNDP, Human Development Report 2001, UNDP, Oxford University Press, New York, Oxford

³¹ *Women in Public Life*, July to September, 2003, p. 16

³² *Ibid*

³³ *Women in Public Life*, January to March, 2003 p. 10

women would tend to be supported as members of a class rather than as women who have the mandate of others to advance the cause of gender equality.

The unregulated use of money in campaigns have dire economic and social costs on families of aspirants in the pre and post election period both for those who eventually win and those who lose. Male aspirants sometimes mortgage all their resources and family assets to seek political office and when such are unsuccessful, the family is thrown into poverty. On the other hand, it is not certain that women have equitable access and right to use family resources for campaign financing.

The lack of standardized regulations on the number of persons that are appointed into various offices greatly increases the overhead costs of our democracy as well encourages corruption. Offices are created not to meet the challenges of development, but to satisfy pressures from individuals some constituencies or even the party machinery. Such pressures are often justified that some rewards are needed by these pressure groups for their participation in the campaigns that led to the victory of the office holder. Much of these pressures originate from the party of the incumbent and other heavily influential persons, therefore, women who are not generally very influential and do not have equitable representations in the party hierarchy are least likely to have even a fair share of the appointive posts. Even when 'compensations' are offered to candidates who had contested and lost, the excuse that the female aspirants did not pay for their nominations forms was good reason not to offer them any such positions. Despite the active participation in agreements and treaties that commit Nigeria to affirmative action both at international, regional and local levels, women are yet to enjoy the 30% seats at Federal, State and Local government levels. Women like those heading the Federal Finance Ministry and NAFDAC have proven the adeptness of women in managing affairs.

The issue of violence and thuggery also discourages women from politics particularly that intimidation is seen by those who exert influence as their preserve. Women are generally not known to resort to violence in the scale found in politics. 70% of aspirants interviewed by WRAPA indicated that the resort to violence had greatly affected their performance at the 2003 primaries.³⁴ Moreover, those desperate enough to contemplate matching violence with violence may face financial constraints in employing the services of the thugs. The local government chairperson aspirant whose experiences we have shared also reported that thugs were used in certain localities both to stop her posters from being pasted and her agents from going to certain places to watch over her votes. A female political party official was not so lucky as thugs from a particular candidate attacked and nearly lynched her, leading to her hospitalization. In

³⁴ WRAPA, 2003 p. 17.

addition to causing her physical injury, she was further dehumanized as she was violently stripped naked in public by the party thugs³⁵! These experiences were among party members vying for the same posts and not from contestants from other parties. Thus women do not receive protection even within the party to secure a just and fair election.

Conclusion

This chapter has discussed the salience of gender and money in politics in the Nigerian terrain and how these negatively affect the participation of women. The chapter outlined the historical role of women in politics and found that the combination of patriarchy as a driving force of gender, the adverse effect of colonialism, the widening disparities in education and income has further relegated women to the second position in public life. This is further affected by reluctance of successive governments to muster the political will to implement agreements that are meant to create a gender equitable environment for all. The following suggestions may be considered to foster women's participation in politics; Women need to network across regional, ethnic, class and religious divides to secure their interests as women. The formation and constant mobilization of women across ethnic, class and political loyalties will further enhance women's capacity to negotiate for equitable representations in politics; There is need to in the long term, explore other forms of electoral systems that are more inclusive to enhance women and other minorities' chances of getting into public office. The Nordic countries have been noted to have high representations in parliament and this has been attributed to their use of proportional representations. This is likely to reduce the violence that characterize the majoritarian system where 'winner takes it all';³⁶ Groups and NGOs working in development should increase awareness on the need for gender equity and the salient roles that women can play in governance; The few women that have made it in politics and governance should coalesce as a group of role models to offer support and encouragement to those who come in; Legislation setting the guidelines to obtaining funds to support political participation should be drawn; Mechanisms for sanctioning those who employ violence to intimidate opponents and the electorate should be set in place to enhance women's participation in politics.

³⁵ *Women in Public Life*, April to June, 2003 p. 18

³⁶ J. Ojo, 'Electoral Reforms and the Nigerian Situation: Is there a Place for Alternative Electoral Systems in Nigeria'; Paper presented at the Gender and Development Action's Summit on *Electoral Systems and Women's Participation In Nigeria's Politics*, held at Bolingo Hotels, 28th April 2004

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Chapter 6

MONEY POLITICS AND ELECTORAL VIOLENCE IN NIGERIA

Sam O. Smah

Rotten, corrupt, wasteful, abusive, incompetent governance is the fundamental bane of development. Unless we improve governance, we cannot foster development- USAID 2002

Introduction

The political process requires funding in order to operate; therefore, money is a necessary requirement for the success of an election. However, the amount of money, the source of the money, and the specific purpose the money serves in the execution of a campaign or electoral activity are important matters to consider. At the outset, it should be acknowledged that money is needed and is used in all electioneering activities all over the world. The problem of money in politics arises only when set limits, sources, and uses are either violated or abused by politicians and other relevant actors. In a situation where prescribed limits or sources are ignored, the political space and the institutions governing the processes of elections and politicking become compromised.

In societies undergoing political transition like Nigeria, legal frameworks and the implementation of the existing legal limitations regarding election financing, accounting, and auditing are weak and unsustainable. The failure of the system to be transparent raises fundamental issues, which touch on justice and equity principles. Since independence in 1960, Nigeria's experience has shown that the electoral laws made are hardly enforced comprehensively. The violation of the laws with impunity by political actors and players creates a fragile system that is ready to collapse at the perception of real or imagined injustice and deprivation. However, the main roots of violence associated with the political process are the basic political culture and its zero-sum philosophy. In addition to the zero-sum philosophy, there is an 'investment' mentality that governs party and election funding in Nigeria. These twin-faceted and related issues, which are explained in the following section, remain the cardinal fulcrum upon which the culture of violence, illustrated in assassinations, attempted assassinations or arson, is built and sustained.

Various types of democracies from different parts of the world exhibit different kinds and magnitudes of weaknesses, thus making some states more vulnerable than others. It is pertinent to note that in countries like Nigeria, corruption is a major problem. The legitimacy of authorities in power is compromised by widespread incidences of corruption in public and private life.

The electoral process is not immune to corruption; indeed, while corruption in most spheres of the national life is often undetected due to the very low level of literacy, awareness, or social consciousness, corruption in the electoral system provokes violent protest. This is against the backdrop of perceived injustices, deprivation and collective assault that are meted out on the sensibilities of all financiers and other citizens who may have genuinely participated in the electoral process at one point or the other. This chapter examines the complex issue of electoral financing/election funding as well as the associated violence that follows the loss of an election and the threats that particular candidates pose to others in 'winning' an election.

General conceptual issues

The discussion that follows highlights some of the associated issues surrounding electoral violence. Money is at the heart of all of these issues.

The zero-sum-game mentality

Unlike in other parts of the world, attempting and losing an election in Nigeria means to be expelled from political life. The winner takes all. Those who win in elections do so at the expense of the losers. Once an individual's chances are scuttled by his opponents for whatever reason, he or she becomes completely irrelevant. He or she cannot contest an election again. It is against this backdrop that one works so hard to win such an election. When a candidate is sure of losing an election, his or her members' or followers' votes are traded for positions in the regime of the winners. Vote-buying at the party or flag bearers' level becomes one of the most accessible means of securing political relevance and participation. If negotiations fail to produce a 'workable' bargain at this level, then violence takes centre-stage.

The 'investment' mentality

Political investors and other major financiers of the political process or of individuals seeking appointed positions often fund these activities for ulterior motives. Knowing fully well that losing an election in Nigeria has dire financial consequences, the certainty of candidates getting 'something' in the end, through vote-buying and other corrupt activities, encourages the willingness towards funding of political activities, especially elections. As such, electoral funding is an investment with (expected) returns.

The Electoral Act 2002¹ approves that political parties can raise money from the following limited sources; i) membership fees; ii) income generated by property owned by political parties; iii) profit from the income of the enterprises owned by the political party; iv) public funding, that is grants from the state; v)

¹ The Electoral Act, 2002 represents the most important document regulating party activities in Nigeria. However, a revised version is presently awaiting the assent of Mr. President.

contributions from legal entities and natural persons.² This law causes contributors to feel a sense of investment in an enterprise from which they can expect to make profits. As a matter of fact, this piece of legislation suggests that parties are registered as business enterprises by the Independent National Electoral Commission (INEC).

The eventual failure to gain massive returns from such investments triggers violence. This could be at the individual or corporate/social level. At the individual level, campaign officials, candidates, and officials representing political institutions become ready targets of assassinations and murder. For example, after the 2003 general elections, the Chairman of Kogi State Independent Electoral Commission was murdered on March 3, 2004 by yet to be identified assassins.

At the societal level, corporate organisations may organize protests, which sometimes may be lawful and other times are unlawful, to express their grievances. These may turn out to be fuelled or taken over by aggrieved parties, interest groups, and other big time losers. However, in some other instances, activities of the 'opposition' may be termed 'heating up the polity' by the government of the day. Police brutality, abductions, and other forms of state-sponsored terrorism usually become veritable philosophies of law enforcement under the guise of protecting lives and property.

The political culture

The evolution of the Nigerian nation-state has been inundated by crises that now leave us with a persistent fearful way of life in the social and political terrains. It is important to recall that the so-called "national" politics, compared to "village level" institutions existing in pre-colonial communities, derives its power, legitimacy, and/or relevance among the elite classes. What is crucial to understanding the nature of politics and political associations is the exchange of money for various election-related gains and losses. It is clear that only in rare occasions is even the contest of election results at the courts not a calculated attempt to secure monetary advantage as a basis to forfeit challenging the results. It is thus common knowledge that the 'settling' of candidates who lose elections at intra-party primaries and general elections forms an important part of the electoral system in Nigeria.

In other words, the unified Nigeria is basically a creation of the elite who have so much to derive from its corporate existence, be it at election or other high stake contests. In a nutshell, at the federal centre stands a gigantic superstructure

². Also, campaign funds are allowed to be spent on the following items; i) political party broadcasts; ii) advertisement; iii) distribution of unsolicited articles to electorate; iv) circulation of manifesto or other policy documents; v) media/publicity; vi) market research and canvassing; vii) transportation; viii) rallies or other events. The problem does not lie as much in the legal approval of expenditure headings as in the control of the flow of income and expenditure. This is where the issue lies in the Nigerian experience.

called the “National State” whose duties are to acquire economic resources from all over Nigeria and distribute them to the elite while the communities from which such resources are derived are left with nothing.

The history of social and political development in Nigeria has, therefore, been characterized by systematic truncation of aspirations for genuine social order beginning with the arbitrary colonial 'amalgamations' to the post-independence election rigging, especially from 1964/1965 elections.³ Results have always been tampered with at all levels of elections. One of the quickest means of winning elections is to vote-buy the electoral institutions, which are by law supposedly saddled with the responsibilities of ensuring equity, justice, and transparency at the polls. Thus, elections are not free and fair and results are manipulated to favour losers. Institutional vote-buying breeds official hostilities towards the people who have legitimately won in elections. This is one of the factors responsible for electoral violence in Nigeria.

Moneybag politics

The common saying that “he who pays the piper dictates the tune” is applicable to the Nigerian electoral experience. The analysis of situations leading to the 'impeachment' of Governor Chris Ngige of Anambra State and Governor Rasheed Ladoja of Oyo State due to the apparent instigations of 'godfathers' who were alleged to have sponsored the election of the erstwhile State governors is pertinent in this instance. In both cases, presidential, security, and judicial backing was instrumental in securing the dismissal of the governors.

The admission by the ruling Peoples Democratic Party (PDP) that Governor Chris Ngige of Anambra State was not duly elected in the first instance further raises fundamental questions about the integrity and independence of INEC. Indeed, it is curious that INEC⁴ awarded him the certificate of returns after the 2003 elections but then turned around and denied him when he ran into problems with his supposed financier, Mr. Chris Uba. It was proved in the course of investigations, court appearances, and interviews that Mr. Chris Uba insisted that certain things should be done to his taste. Such things included appointment into key portfolios, contract awards, and other forms of privileged patronages. The fact that the Governor could not oblige him provoked the controversy.

It has been stated earlier that a great deal of money is needed to execute a

³The 1964/65 elections in Nigeria created some problems bordering on the legitimacy and sincerity of the electoral body charged with the responsibility of conducting the elections. Disagreements between and among politicians and the ensuing violence led to the military coup of 1966 which claimed the lives of politicians.

⁴INEC's role in conducting elections and resolving serious electoral problems appears compromised. A clear example of injustice against the electorate is the bid to recall the Deputy Senate President Alhaji Ibrahim Mantu by his Plateau Central Senatorial Zone in Plateau State. INEC virtually frustrated the exercise through delays and other manipulations that affected the timing for the exercise as provided for by electoral law.

political ambition. However, the fundamental issue is what the money is spent on. While, for example, in the United States, the bulk of political money is used on expenses, such as finance rallies, buying of airtime for issue debates, and related purposes, that are clearly accounted for, in Nigeria, the bulk of political money is spent on “logistics and security.” Often this label means that the money is used to buy off voters' cards, prosecute thuggery on opponents, engage in double/multiple voting, fix votes, and change results. Oftentimes those involved in these activities are paid off security officials who were supposed to ensure that elections were not only conducted but are fair, free, and conclusive. In most cases, those vested with the responsibilities of conducting a free and fair election (from voting to announcement of results) instead engage in activities, such as denial of voting materials in opponents' areas of strengths, double counting, falsification of results usually in favour of pre-determined parties or candidates. Election results are declared in voting wards where election materials and officials never got there.

These are indices of the role of political investors and 'dirty money' in the electioneering activities. Just as a candidate seeking an appointed position willingly agrees to do 'this and that' for a sponsor, election officials and other state-funded security officials become vulnerable to 'moneybag' politicians. Losing in an election is a major trigger for political violence, especially if the 'investors' and 'agents' did not reap from what they sowed. Walecki (2003)⁵ observes that the problems of political finance are not only at the heart of the debate on political corruption but are also the major indicators of political violence.

Transparency and social justice

Election monitoring, especially by civil society groups and international observers is a critical element from which an election can be judged to be transparent or not. According to International IDEA⁶, the likely credibility of an election and the presence of election observance are enhanced by such considerations as the existence of basic rights and freedom in the country, the current constitution and electoral laws, and the credibility of the electoral authorities, among others.

The existence of basic rights and freedoms addresses such issues as follows:⁷ Freedom of movement, assembly, expression, and political organization for both individuals and groups; Freedom from threats and intimidation, including access to effective protection and rule of law; Existence of arrangements for

⁵M Walecki, “Political money and political corruption: Considerations for Nigeria”. Paper presented at an INEC - Civil Society Forum Seminar on Agenda for Electoral Reform on 27 - 28 November 2003, Abuja, Nigeria.

⁶ International IDEA, *Guidelines for Determining Involvement in International Election Observation* Sweden: Bulls Tryckeri Ab, Hamstad, 2000

⁷ See G S Godwin-Gill, *Free and Fair Elections: International Law Practice*, Geneva: Inter-Parliamentary Union, 1994

equitable access to the media, especially media controlled by the national authorities; Existence of arrangements preventing the use of the resources of the state for the benefit of the incumbent political party.

Unfortunately, even where these are officially provided for in the documents, the disposition of most of the incumbents as experienced in Nigeria is not to guarantee full implementation. Most times, it is also the failure of guaranteeing the protection of all interests in the act of enforcement that leads to political violence. Many officials come under severe criticism for failure to guarantee the rule of law when they apply the law in differently similar situations, revealing hidden agenda.

A transparent election process must be seen to encourage practices that satisfy voters, candidates and parties. In Albania, for example, parties are allowed to watch the elections. In India, at both polling and counting stations, every candidate has an agent watching, and the rights to challenge voters. In Chile, counting is public and parties are expected to write observations. Party representation is key in Chile in the electoral process⁸. In any case, if legislation permits agents but denies access, it is not only a violation but also a precursor to violence. In circumstances of injustices, the electoral body must be prepared (personnel, funding, materials, etc) to do elections again.

Weak/non-existent legal and judicial frameworks

Does the Constitution or electoral law exist in the country? If so, how effective is it in prescribing dispute resolution mechanisms and identified steps that can be taken if serious deficiencies in the electoral process are brought to light? Where this is non-existent or administrators of the electoral process choose to be unwilling to enforce, a lot of opportunities are created for violence. In other words, if the rule of law does not prevail, it is tantamount to the absence of rules guiding the conduct of elections. The rule of law is a situation where the court/judiciary makes pronouncements on cases before them in strict compliance with existing law and facts on hand. Access to justice in this respect is defined as quick dispensation of justice, as justice delayed is justice denied. A corrupt judicial system casts serious doubts on the integrity of the electoral process.

Poverty, exclusion and insecurity

In Nigeria, the 2004 household statistics released by the National Planning Commission (FGN, 2004)⁹ indicate that poverty has hit the +70% rate in the population. If this information is anything to go by, elections can only be

⁸ International IDEA, *Democracy Forum*, Stockholm, June 1996

⁹ The generality of Nigerians surveyed by the Federal Office of Statistics were living below the poverty line. By 2005, poverty rates had risen to 75% among the population.

characterised by widespread corruption and violence. This is because 'political money' is the only contact platform for politicians and the electorate. Free distribution of as low as N10 (ten naira) in most cases and in other cases larger gifts such as motorbikes, umbrellas, seasoners (salt, magi cubes, etc), or giving of scholarship and soft loans, which are by all experiences usually unsustainable, form the critical campaign strategies and delivery of the 'dividends of democracy'.

The common expression, 'dividend of democracy' implies the sharing of the returns/profits made from an investment. This is one of the division points that explain election funding in Nigeria. Anybody campaigning for an elected position must be seen to be doing this otherwise, the electorate would not vote for him or her. In the villages, dwellers will be expecting that any person campaigning for their vote would have to give them these 'necessities' of life—mostly seasoners, umbrellas, and so on. Practically speaking, poverty is a great asset to the politician. Connected with the prevailing political culture, this practice extends far into the appointment of members of the governing boards of parastatals, companies and agencies of government. One would have thought that the party that controls the government would appoint members into those key positions on merit, but this is not generally the case.

In May 2004, it was alleged that Assistant Superintendents of Police (ASPs) were recruited due to payments of one hundred and fifty thousand naira (N150,000.00) each to the recruitment officers in the Ministry of Police Affairs.¹⁰ This was supposedly a professional exercise. Also, one time-impeached speaker of the House of Representatives, Alhaji Salisu Buhari, who falsely claimed he obtained a doctorate degree from the University of Chicago in the US, is now Chairman of the Education Trust Fund (ETF).¹¹

The exclusion of the vast majority of citizens in terms of access to the minimum level and requirement of survival, combined with the low level of literacy and political or social awareness in the country creates a state of desperation; a condition that results from deep-seated feelings of personal insecurity. Speaking about the 1996 election in India, Dr. M.S. Gill (in *International IDEA* 1996:9) observes that:

The 1996 election was relatively inexpensive. However, in the larger philosophy on the perfection of elections, it is not regulations,

¹⁰The authenticity of this report is yet to be established. However, a recent confession of a police officer arrested for armed robbery in Abuja indicates that many police officers may actually be using the Police uniform as a cover for crime. The origin of such crime is likely in the fact that right from recruitment exercises, values of criminality and corruption were instilled in officers at the beginning of their careers.

¹¹Many Nigerian leaders are carrying certificates that mislead the public about their true qualifications and identities. Unfortunately, the revelations only matter if such people are opponents. Our society promotes falsehood and makes heroes out of people who should be jailed for serious crimes as false declaration of assets and qualifications. People like that are the ones who become leaders, appointive or elective

supervision, or punishment, but literacy and economic development that will guarantee good elections. Elections are difficult in abysmal poverty.

Dr. Pierre Schori (International IDEA 1996:59) also raises the issue of security in democracy, by arguing that poverty is a greater threat to peace than traditional threats like ballistic missiles and nuclear warheads. A new paradigm for global, democratic peace is one that focuses attention on economic productivity rather than on arms. In France, for example, President Jacques Chirac abolished compulsory military service and instead asked youth to volunteer to work in social organizations in France or in developing countries. For this new regime of actions for peace and security:

It must be realized that the security of the individual is as important as the security of the state and that human security is for all and not for just a few. Accordingly, security is an essential element of democracy as the insecurity of individuals, usually the result of poverty, deprivation and social injustice, is a threat to democracy since one of the major reasons for individuals to form states is security (International IDEA, 1996:59).

Political money and money laundering¹²

According to the 1999 Constitution (FGN, 1999) in Section 225(3)(a)(b), no political party is allowed to “hold or possess any funds or other assets outside Nigeria, or be entitled to retain any funds remitted or sent to it from outside Nigeria”.

The above quote is repeated in Section 77 of the Electoral Act 2002 (FGN, 2002). If violated, Section 225(4) of the 1999 Constitution provides that the party shall cause to have the funds “...paid over or transferred to the (INEC) Commission within twenty-one days of its receipt with such information as the Commission may require”. In the Electoral Act 2002, the penalty for both holding/possession and retaining remitted funds from outside Nigeria is to “...forfeit the funds or assets to the commission and on conviction shall be liable to a fine of not more than N500,000.00”- whatever the initial amounts involved (Section 77). This combination of provisions raises several critical issues.

The first issue regarding the source of funding of political/electoral activities is that while funding may not come from outside Nigeria directly, foreigners and foreign-based companies and corporations can give money to political parties in Nigeria. This in itself makes the transfer of such money from outside Nigeria much easier. Indeed, the process of laundering drug money to finance political parties is facilitated by this fact.

¹²Money laundering here refers to converting illegal money into businesses or deployed to purposes that give it legitimacy, such as donations to a political party or candidate for electioneering campaigns.

Second, the provision in both the 1999 Constitution and the Electoral Act 2002 is defective in that it does not set any limits on funds to be generated by political parties at home. Worse still, the sources from which such money should NOT come were not spelt out. This gives incumbent Ministers, State Governors, and Local Government Chairmen, interested in contesting elections unbridled opportunities to withhold public funds and launder same for future political activities. An indication that this practice is currently taking place is the long period of unpaid salary arrears owed workers. This is in spite of the huge sums collected by States, Ministries and Local Governments from the Federation Account, not to mention internally generated revenue.

In addition, because there is no limit to fundraising, there are also no limits set for spending. Therefore, it becomes normal that the political party with the higher “security vote” is more than likely to emerge the declared winner at the polls. The 1999 Constitution (FGN, 1999, FGN 2002)¹³ and the Electoral Act 2002 both make weak provisions in respect to how political parties could source or receive funds (see Sections 15 c and d and Sections 225 and 226). Such provisions include for INEC to monitor the organisation and operation of all political parties, including their finances, the examination of their annual accounts and auditing, their annual reports, and the publication of statement of assets and liabilities.

According to INEC, the Electoral Act, 2002¹⁴ makes legislation on a broad spectrum of issues.¹⁵ Section 83(2) makes it mandatory for every political party to maintain a record of contributions and amount contributed. However, Section 83 (1), which gives INEC the option whether to place limits on such contributions, is truly quite silent on placing limits to contributions. Furthermore, Section 84(5) makes it compulsory for the political party to make annual audited accounts to INEC and to publish them in at least two national newspapers. However, there is hardly, if ever, any such publications in national dailies in circulation in Nigeria.

If Section 84 is to be taken seriously, then the electoral process in Nigeria further lends itself to fraud. For example, only N20 is allowed to be expended on the head of each voter in an electoral ward of not more than 500 people. That is, a politician or political party is not expected to expend more than ten thousand naira (N10, 000) in electioneering activities in each ward. However, lists of the electorate are lacking in most constituencies, so it is difficult to determine that overspending per voter has occurred. Apart from this, this is

¹³Federal Government of Nigeria (FGN), Electoral Act, 2002, Abuja: Government Printer, 2002 & Federal Government of Nigeria (FGN), The 1999 Constitution of the Federal Republic of Nigeria, Abuja: Government Printer, 1999

¹⁴The 2006 Amendment of the Electoral Act shifts ground on a number of issues, but still remains silent on funding limit and control of party finances

¹⁵ Sections 77 to 84 of the Electoral Act 2002 deal with offences, finances of political parties, limits of contributions and election expenses.

practically impossible given the terrain of some parts of the country, which the law is silent about.

Third, the actions of parties and not of individual politicians are controlled in the law (FGN 2002, 1999).¹⁶ Where individual politicians are not personally held responsible for their conduct with respect to electoral funding, it is imperative to note that all financial mismanagement and fraudulent electoral processes that take place will not be accounted for. The entire political system suffers in this case. It has been demonstrated that in states like Plateau and Anambra, especially between 1999 and 2003, public servants, delivery of social services, and development suffered serious setbacks because of the inability of the government to pay salaries and release funds for developmental purposes.

Fourth, if parties are found guilty of holding or possessing funds from abroad, the Commission will acquire the funds. However, the statutes do not stipulate what the Commission will do with the money. This is another avenue for electoral corruption because the party in power will likely control the appointment of officials for the running of the Commission, thereby, placing the party at an undue financial advantage over other parties. Indeed, there is an undue emphasis on money in Nigerian politics. This breeds corruption and violence. FGN (2005)¹⁷ reports of the financial involvement of politicians in the 2003 general elections. President Olusegun Obasanjo was quoted as expressing worries at the;

...total absence of any controls on spending by candidates and parties towards elections. I have said that we prepare for elections as if we are going to war, and I can state without hesitation, drawing from my previous life, that the parties and candidates together spent during the last elections, more than would have been needed to fight a successful war... Elective offices become mere commodities to be purchased by the highest bidder, and those who literally invest merely see it as an avenue to recoup and make profits. Politics becomes business, and the business of politics becomes merely to divert public funds from the crying needs of our people for real development in their lives (FGN 2005:5).

The President called for a change of attitude from a politics of money and materialism to a politics of ideas, issues, and development. The politics of money and materialism is the business of 'godfathers', who constitute

¹⁶ *ibid*

¹⁷ See INEC's publication, Political Party Finance Handbook, March 2005. In spite of this, there is no indication of compliance by political parties registered and participating in the electoral process in Nigeria

themselves into political warlords and garrison commanders within their political forts and fortresses. Political 'godfathers'¹⁸ use both money and violence to run their estates.

On the heels of the eventual impeachment of the former Oyo State Governor, Rasheed Ladoja, the state security apparatus apparently took the side of Alhaji Lamidi Adedibu as police officers were sighted on national television marching with his assembly men during the impeachment crises. After the crises were apparently over, and the Adedibu's camp took over the affairs of government in the State, Alhaji Adedibu was reported to have presented a gift of brand new Peugeot cars to each of the 18 legislators who were loyal to his course and facilitated the impeachment of the erstwhile Governor. The nexus between unregulated money in politics, the rule of law, and violence was vividly demonstrated in this case.

ODAG (2003) notes that money is definitely important in politics. However, without adequate control of it, transiting democracies face four major risks, in particular. These associated risks are that; It gives undue advantage to some over others and constrains competition, thereby creating uneven playing field;

Certain sectors of a population lacking money are prevented from running for office or getting meaningful representation, hence creating unequal access to office; The risk that those who donate funds will control the politicians they finance, with them serving as co-opted politicians (godfathers); The risk that dirty or illicit money will corrupt the system and undermine the rule of law and democratic institutions, through tainted politics.

These four major risks are so important that the electoral system has to be fool-proof to guarantee adequate disclosure of funding sources. Unfortunately, in Nigeria, the present legal framework on party financing is somewhat inept in its provisions, coupled with the general unwillingness to enforce such existing control laws. There is even another realm of confusion that is manifested in the process of campaign activities. That has to do with whom to hold responsible for accountability. Nigeria is practicing the American presidential system, which is candidate-driven. However, oftentimes, the party-driven parliamentary system is in vogue. So, during an electioneering period, parties take centre stage until elections are concluded before candidates become the focus. There is need for consistency in the political system practiced in the country. Only a good legal framework will address this anomaly adequately.

From the political finance-related corruption checklist presented in Walecki (2003, p.6),¹⁹ electoral corrupt practices in Nigeria constitute, mainly of: Illegal expenditure including vote buying indirectly through offer of incentives (gifts,

¹⁸ The National Chairman of the ruling Peoples Democratic Party Alhaji Ahmadu Ali was reported to have described Alhaji Adedibu as 'the garrison commander of Ibadan politics', a statement that gave tacit support for the removal of the Governor of the State by the authorities in the PDP in Abuja.

¹⁹ This paper is a watershed in the understanding of party financing in Nigeria

food, alcohol, employment etc) to the electorate; Selling of appointments, honors or access to information such as through job selection, appointments on ambassadorial, ministerial, judicial, board membership lists; Abuse of state resources available to office holders are extensively used for electioneering or unauthorised channeling of public funds into controlled companies, organisations or individuals so that the political party and individuals may capture state power; Personal enrichment by which politics becomes a rich man's game and elected representatives accumulate necessary funds to pay for the next elections; Political contributions for favours, contracts, or policy change, where financial support to party or elected representatives is in view of payoffs such as licenses and government public contracts, policy change, or legislation favorable to a specific interest group.

This list is by no means exhaustive. However, it is clear that electoral corruption is predicated on the promise and possibility of securing juicy political appointments, contracts, or licenses to obtain crude materials or import certain consumable items that have high, import duty free, quick profit-value. The desperation to set the party agenda by individuals desiring to guarantee entry into or maintain continuous access to patronage determines the zeal with which party officials and highly vulnerable and monetarily- induced security agents and followers prosecute unjust elections.

Given the enormity of financial and human resources expended in elections as well as the extent to which injustice has resulted in a party or candidate losing an election, violence may be the logical, rational line of action taken. In other words, electoral violence may be the result of losing an election in spite of huge financial expenses or due to irregularities in the counting and release of results that steal a win from those who worked for it. The theoretical foundation and pattern of electoral violence in Nigeria since 1999 is what is now presented.

Electoral violence in Nigeria (1999-2006): Selected cases

1999: On September 9th, Mr. Sunday Ugwu was killed by gunmen who mistook him for his elder brother Nwabueze Ugwu, a member of the Enugu State House of Assembly; On October 20th, Air Cdr Anthony Ikhazoboh (Rtd), former Minister of Sports was shot in the presence of his wife when assassins trailed him to his Victoria Island home in Lagos.

2000: In December, Dr. Layi Balogun, a frontline politician and renowned architect was killed by hired assassins at No. 26 Oluwole Sreet, Akoka, Lagos. The police warned against politicizing the assassination.

2001: On December 11th, Alhaji Moshood Olusegun Alejo, a chief engineer with Lagos Island Local Government council Lagos, was killed by unknown gunmen; Hon. Monday Taurbari Ndor, a member of the Rivers State House of Assembly was dragged out of his car and shot dead by unknown assailants on December 18; On December 28th, Mr. Dan Kemebigha, Counsel to Odi Youths

in Bayelsa State was murdered after he and two others had taken the State Government and the House of Assembly to court over the House's self-accounting law, which he sought to be nullified.

2002: On August 13th, Mrs Janet Olapade, a PDP leader in Odigbo LGC of Ondo State was murdered; In November, Dele Arojo, a PDP Governorship candidate in Ogun State was murdered in Lagos; In December, Alhaji Isyaku Mohammed, the United Nigeria People's Party (UNPP) chieftain in Kano state was assassinated in Kano; On December 12th, Chief John Mononia Agbatutu, a PDP Delta Central Senatorial District aspirant was murdered by his driver in the pretext of a road accident; On December 19th, Mr. Odunayo Olagbaju, a member of the Osun State House of Assembly was murdered by a mob at More, Ile-Ife; On December 23rd, Chief Bola Ige, Justice Minister and Attorney-General of the Federation, was shot dead at his Bodija residence in Ibadan by hired assassins. One of the prime suspects in the murder of the late Chief Ige "Fryo" reportedly died in detention due to diarrhea.

2003: On February 8th, Chief Ogbonna Uche Ogbonnaya, Orlu Senatorial District candidate of ANPP was killed. Three suspects were paraded in connection with his death; On February 22nd, Theodore Agwatu, the Principal Secretary to the Imo State Governor was murdered; In March, Mr. Yemi Oni, A.D stalwart in Ekiti State was shot dead by gunmen in his Ado-Ekiti GRA residence; On March 5th, the South-South Vice- Chairman of ANPP, Chief Marshall Sokari Harry was murdered in his Abuja residence by yet to be identified assassins; On March 21st, Mr. Anthony Nwodo, ANPP's Secretary in Eza North LGC in Ebonyi State was murdered. Five persons were arrested by the police in connection with this incident; On April 20th, five persons were killed when President Obasanjo's daughter, Iyabo, was attacked by unknown gunmen at Ibogun road, Ifo, Ogun State. The alleged leader of the gang identified as Musa Babatunde was arrested; In May, Otunba Dare Kolade, a PDP chieftain was shot dead by the police in Owo, along with his two cousins, on his way to Akure to attend a party meeting. The victims were reportedly mistaken for armed robbers by the police; On May 3rd, Mrs. Joyce Maimuna, Katai, a Commissioner of Women Affairs and Special Development in Nassarawa State was murdered by suspected party loyalists in the electoral violence that erupted in the Toto LGC. Forty persons were arrested; In October, Prof. Chimere Ikoku, a PDP chieftain and former Vice-Chancellor of the University of Nigeria Nsukka was assassinated by gunmen.

2004 (January to March): On February 6th, Chief Aminasoari Dikibo, the PDP National Vice-Chairman (South-South) was assassinated by unknown gunmen at Ishiagwu on Kwale/Ogwashi Uku/Asaba Road in Delta State. President Obasanjo said he was killed by armed robbers and the Police denied they arrested some suspects in Asaba who were flown to Abuja; On March 6th, the convoy of the Lagos State Governor, Asiwaju Bola Tinubu was attacked on

its way to Enugu. The Governor was not in the convoy. In the ensuing exchange of gunfire one of the Governor's aides was hit; On March 2nd, the convoy of Mr. George Akume, Governor of Benue State was attacked by a gang of armed militants. While he escaped, PDP chieftain and his close confidant and erstwhile Managing Director of Nigeria Airways Mr. Andrew Agon and a Police Sergeant, Joseph Nyam were murdered in cold blood; On March 3rd, the caretaker Committee chairman of Bassa LGA of Kogi State, Mr. Luke Shigaba was murdered by gunmen suspected to be assassins. The State's Chairman of KSIEC was also killed by assassins; On 4th March, armed robbers in Ekpoma, Edo State killed three people and critically injuring several others, including the Chairmanship candidate of Owan West LGA, Mr. Daniel Asekhame. A Policeman was one of the three persons shot dead.

As it can be discerned from the previous sections, the periods leading to the 2003 general elections were particularly characterized by insecurity owing to political and social crises. The tempo however, died down in the succeeding years. However, there are two observed developments that may have coincided with the decline in the number of such crimes.

The first observation is that most serious assassinations were either among the ranks of the ruling party, the PDP, or in states controlled by the party. This was an enough indictment for the party, which by share sense of ignominy it would be described as a house of murderers and assassins. If this was not the case, there was need to put mechanisms in place to forestall recurrence of cases of increasing wave of assassinations in the country. It is instructive that since the inception of the government six and a half years ago, there have been three Inspectors-General of Police (IGPs), the first two of whom were removed from office for incompetence and corrupt self-enrichment. The immediate past IGP Tafa Balogun, for example, was jailed six months by the Economic and Financial Crimes Commission (EFCC) for official corruption and related economic crimes.

Second, election years are critical years in Nigeria. Prior to actual dates and times of elections, opponents become targets of assassinations and murder. The nexus between incidences of murder and assassinations and election years seem to be strongly correlated. There is, however, the need to investigate this further.

From the above, albeit incomplete, list and other developments in the polity, what is clear, however, is that no segment of society is left out of the reach of the murderous gangs - academics, politicians, security officers, senior citizens, businessmen and women, students and so on. This pattern of assassinations gives credence to the fact that assassination plots are carried out by well organized gangs.

Discussion

It is imperative at this juncture to recall that the Nigerian political terrain is populated by a potpourri of people whose meeting point is their personal interest; accumulation of wealth. The opportunities are there. For example, many Nigerians are socially, economically and politically displaced and are, therefore, powerless. On their behalf, politicians, other individuals, and groups with enormous economic and social power, privilege, and other resources see politics as the gateway to controlling the vast economic resources of the land. It is politics based on parochial interest, not on selfless service or sacrifice.

Politics is instrumental in class mobility. Those at the federal level aspire to launder huge sums in foreign banks quickly and move their families and relations to those countries to live on their “political returns”. Part of such loots is reinvested into the political process by 'second term' or 'third term' bidders. Indeed, is there any Governor, Minister, Head of State, or high profile officers in the oil and banking sector, including editorial board members of national dailies, television stations and other media houses, among others, who do not own property and fat bank accounts abroad?

According to Abidde ([www.gamji.com/News 2523](http://www.gamji.com/News_2523)),²⁰ Nigeria is a land of political assassinations. Nigeria is a land where:

We kill our young, the matured; we kill our innovators; we kill our gadfly; we kill those who dare to be different. We have become a nation of killers. When we are not busy chopping off people's torsos, we fan religious and ethnic violence; and we foster clientelism, nepotism and sectionalism. And when we are not busy annihilating, we engage in gutter-politics. Our national politics, as it is today is devoid of ideas and platforms; it overflows with rage, hate, vengeance, extreme dislike and cut throat competition; overall however, what we have are schools of sharks and bands of rats and skunks; and an array of recycled politicians and recycled yes men and women, engaged in a venomous struggle for oil money, undeserved political power and influence - with a sickening need to appear relevant in the current political arena.

Furthermore, one school of thought views the matrix between 'illegal' money in party or electoral financing and the spate of injustice and corruption as part of the burgeoning capitalism (Danilenko, 1983, Alexander, 1976). According to this view:

Wide use of money as a weapon of political influence creates a spawning ground for corruption and makes it objectively inevitable, all the more so because the legislators and officials are as much interested in the deal as businessmen because they get “dividends”

²⁰ S Abidde, 'Political Assassinations: Annihilating our best and our Future', 6 April 2003, (<http://www.Gamji.com/NEWS2523>)

from it- increase their chances of keeping lucrative posts and making a political career... "Incumbents win because they get the money, and they get the money because they are incumbents". So it is a vicious circle. Most of the people holding elective offices are usually re-elected. That strengthens the existing ties between representatives of government power and the business community, and stabilizes the channels through which the money is pumped into politics, i.e. promotes corruption. It is not surprising therefore that in spite of periodic outcries over odious cases of corruption which for some reason get publicity in the ...world there is by and large a tolerant attitude towards the phenomenon. Often corruption is taken for granted (Danilenko, 1983:32-33)²¹

Concerning political/electoral corruption in Nigeria, Chigo and Philips (2003)²² report that oil is the mainstay of the Nigerian economy and society and the real basis for the continuing existence of corporate Nigeria. In fact, the oil industry gives Nigeria more than 80% of its revenue from crude sales. When President Olusegun Obasanjo assumed office on May 29, 1999, he refused to appoint a Minister of Petroleum Resources except a junior Minister that ran errands for him on matters relating to the Organisation of Petroleum Exporting Countries (OPEC). However, during this same period, several unexecuted contracts which were awarded totaling over \$400 million for the turn-around maintenance (TAM) and repairs of refineries, were revoked without the contractors being blacklisted, taken to court, or sanctioned for contract failure. Those reporters further argue that:

It is widely believed that Obasanjo, who is fully in charge of the Petroleum Ministry, is shielding the contractors because they are mainly moneybags [political investors] who helped in funding his election campaigns, and that TAM contract was used to settle them (Chigo and Philips, 2003:18)

Indeed, beginning from the era of Military President Ibrahim Babangida (1985 - 1993), the settlement syndrome has allegedly come to stay in the operations of government/public affairs in Nigeria. The establishment of the Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices and other Related Offences Commission (ICPC), and other anti-corruption initiatives by the Obasanjo administration are aimed at fighting corruption, including money laundering in the electoral process. However, officials who had attempted to fight corruption professionally have had their 'hands burnt'. For example, the then acting Auditor-General of the Federation,

²¹ V Danilenko, "Political Corruption: Part and parcel of Bourgeois Society", *International Affairs*, September, 1983

²² This report was fairly detailed and supported by facts to warrant acceptance of it for any serious analytical purposes.

Mr. Vincent Azie was retired prematurely because he wrote a report on government accounts that indicted the Presidency and other parastatal organisations of government, alleging that;

During his first term in office, Obasanjo's Ministers allegedly stole more than N23 billion from public till in just 2001, and he condoned it...the amount represented financial frauds ranging from embezzlement, payment for jobs not done, over-invoicing, double debiting, inflation of contract figures, to release of money without the consent of the approving authority in 10 major Ministries (Chigo and Philips, 2003:19)

Another criminological perspective to this scenario is the interrelationship between the alleged role of money in politics and violence in which the volatile political, judicial, economic, and social environments serve as triggers any time failed elections present the opportunity. All aggrieved persons and groups may therefore be cashing in on the 'electoral crises' as the scapegoat for the expression of their own systemic grievances.

Conclusion

While conflict is a natural feature of a democracy, violence associated with the democratic process and leadership is necessarily a function of leadership. After all, politics is all about wresting power in order to distribute the scarce resources to critical areas of development, of which security is top on the list. Security is a derivative of a just and equitable society. Oppression leads to rebellion and resistance. Thus, in a democracy, the electoral process must be as transparent as possible if the main aspiration is to build a virile society based on equality, equity, fairness, and justice. Funding of electoral processes must be reformed to make access and participation possible for a broader spectrum of society. The use of political money must be controlled, as unregulated flow and application of such money is a sign of inequality, instability, and insecurity, which pose serious risks for the overall development of the society.

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GODFATHER POLITICS IN NIGERIA

John A. Ayoade, mni

The godfather has become a scary phenomenon in Nigerian politics. It started as a benign political accretion of the position of either political notables or dreaded political rascals who are recalcitrant to the deterrence of the legal regime. For political notables, the attraction is that their credibility can sway political support such that they can determine the electoral fortune of candidates. They are therefore sought after and cultivated by candidates. They are strong party men and can also determine the nomination process because they often wield much influence on the party machine. The influence of some of those notables is only significant within the parties where they operate. Where such parties are dominant, their influence equally radiate the electoral landscape of the entire political constituency and their support can secure electoral victory.

But there are some other notables whose influence transcends the political party. They constitute a political colossus in the entire political constituency such that they are much sought after by parties and candidates alike. They are highly politically mobile and can sway political support to the political party and/or candidate behind which they throw their political weight. This category of godfathers whether the party chieftains which we discussed earlier or the constituency colossus which we discussed later are people of influence and considerable political weight. This category bastions in the support and respect that they enjoy as a consequence of their political activities. Such godfathers are benign and benevolent and are symptomatic of effective party discipline. Thus orders emanated from only the parties such that the control of the party machine guarantees the success of the godfather. Such godfathers then become the effective gatekeepers of the party and ipso facto of the political landscape. This is an extension of the theory of oligarchy which is a system property of the party. But it transforms into the take-over of control of the elite nucleus by an individual.

That was the situation in the First, Second and Third Republics. In the First and Second Republics, the political parties evolved and were structured such that the lines of communication and control were well defined. Aberrant behaviour was contained, curtailed and punished. It was an era characterized by party supremacy. The political parties had constitutions and members abided by them. The political leaders thrown up by these parties derived their

powers from the Constitutions of the parties and their control over the parties varied directly with their observance of the party constitution. Their control over the party was also a function of their charisma. They deserved the respect of their supporters. They did not demand it. The respect was voluntary not forced. Respect issued freely from the supporters as an act of submission to a superior.

The Third Republic witnessed the attempt to reduce the possible transformation of charisma into a suffocating personality cult that reduced civic-minded political concerns. There was a deliberate attempt to widen the political party base through an officially engineered party formation process. The Babangida administration decreed two parties into existence i.e. the Social Democratic Party and the National Republican Convention. The Government produced draft constitutions and appointed Administrative Secretaries for the two parties. Interested Nigerians were then requested to register in either of the two parties. At the close of registration, the registered members of the two political parties held their party Congresses to elect their officers. As the saying went then, there were no founders as all of them were joiners. Thus nobody had an ascriptive right of control over the parties. The parties were mass-formed and mass-owned. This was an attempt to prevent the emergence of a claimant(s) to the party like when the formation of a party is the product of a person's plan and action. Unfortunately, the Parties only had a brief existence i.e. 1989-1993 as they were dissolved by General Sani Abacha on November 17, 1993. Perhaps they could have proved an exception to Robert Michel's "Iron Law of Oligarchy". But the early signals did not leave much room for comfort as Maj. Gen. Musa Yar'adua was already emerging as the power behind the throne in the Social Democratic Party. Gen Abacha dictatorship 1993-1997 stopped the trend and his successor, Gen Abdusalam Abubakar relaunched the era of multiple political parties. His transition plan recommended the formation of political parties. This was telescoped into a very short period and the political parties were put together in stampeded haste more or less as improvised contraptions to take over power from the military. As it turned out, these political contraptions lack form or format and defied any logical or ideological frame.

Whereas a political party is characterized by a singleness of ideological frame shared by and subscribed to by its members the post-restoration political parties are mere congeries of political strange bed-fellows held together either by the hope of gaining political control or by the actual control of a government(s). The lack of ideological cohesion showed that there is no valid rallying point. They are therefore parties without a soul and susceptible to the whims of political upstarts and adventurers. Since party constitutions are normally products of its ideological persuasion the absence of an ideology results in a political void which makes nonsense of any party constitution.

Party constitutions resulting from such disparate arrangements often lack a foundational ethical base and are easily breached. The parties lack the basic value to obviate factions and eliminate fissiparous tendencies. Thus in less than a year to the 2007 General Elections there is no party that is free from internal dissension. Even the one that is held together by the control of the Federal Government stands the risk of breaking into its original elements. In fact the Peoples Democratic Party as it is called wantonly flouts its own Constitution and is fast degenerating into an atomic organization at war with itself. It is wracked and may be wrecked by the lack of political will to accept the supremacy of the party over certain significant members and the government produced by the party. The consequence is party indiscipline and the atrophy of party organs.

It will appear that there is a convergence of the two theories in explaining the rise of godfathers. The Mitchelian “Iron Law of Oligarchy” is to the effect that power abhors vacuum and a leadership often emerges to steer the course of any organization. The emergence of such a powerful individual or clique whittles down the prescriptive powers of the organization and the powers of the oligarch increases inversely as the hold of the organization decreases. Two concomitant conditions facilitate and perpetuate the supremacy of the godfather. First, the emergence of the oligarch signals the decline of the party and the rise of impunity. The oligarch therefore survives if and when he is assured of the protection of misdemeanour. Consequently, godfathers need official protection. The implication of this is that there is a high correlation between godfatherism and incumbency. The hierarchic nature of power centres in a Federation dictates that a higher tier of incumbency can neutralize the lower tier of incumbency. Thus the oligarch that enjoys the protection of a third tier of government may be brought to book by the second tier of government. Similarly an oligarch that survives with the protection of a second tier government can be brought to book by the federal might. This situation occurs only when there is a political asymmetry between the tiers of government. Thus an Alliance for Democracy godfather operating in a Local Government stands the risk of the wrath of the law of a Peoples Democratic Party State Government. In the same vein, federal might will descend on a state opposition godfather. In the final analysis, therefore, only a godfather supportive of the incumbent of the Federal Government can act with impunity in any tier of government. This is because of the Nigeria Police whose authority holds sway throughout the country. The clamour by the States for the constitutional power to establish their own Police is aimed at reducing federal Police powers. However the hurdle of the resolution of the conflict of authority in a federation would still have to be addressed. Therefore as things stand today, impunity which is the hallmark of godfatherism is feasible only when it is supportive of federal incumbency. The only caveat to this is that federal sanction against impunity would be minimized where the opposition is so strong as to marshal a

reprisal. This is a realistic tactical connivance.

The second concomitant condition under which godfatherism flourishes is when party supremacy is replaced by the supremacy of the government over the party. Normally, in a democracy, the party ante-dates the government as the government is the political product of the party. The party therefore oversees the government to ensure compliance with its political platform in order to ensure its future electoral success. The party antedates the government and has an interest in ensuring its sustainability. In the normal run of events, parties are permanent while governments are transient. Party supremacy therefore operates in such a way as to protect government against itself. Unfortunately, in Nigeria, two strategic factors tend to work against party supremacy. The two factors are party finance and the benefactor position of government. In Nigeria today, political parties are no longer subscription organizations as they used to be. Members only carry party cards and they do not put their money where their mouth is. Parties are therefore exposed to financiers who normally expect returns on investment. Citizen hold on party decision-making machine varies directly as the amount of financial support. Consequently the party in spite of its constitution stops being a mass public stakeholder organization. Instead it has become a privatized shareholder organization. These shareholders are the godfathers of the party who act 'in loco parentis'. They determine the agenda of the party and caprice substitutes for the constitution. We have been treated to this kind of situation by the Peoples Democratic Party which initiated a new registration of membership to exclude those who belong to a particular faction of the party. Although the PDP boasts that it is the largest party in Africa, it worked to reduce its own membership! But in doing that, it avoided the use of PDP party organs in states controlled by PDP Governors that are not in the good books of the party shareholders. Examples of such states are Adamawa and Oyo. Earlier in the process it had 'elected' party officers by consensus rather than by the vote. It was reminiscent of the negative creativity of the contrivance General Kutu Acheampong of Ghana which he characterized as "election by selection through consultation" which is a sad euphemism for anti-democratism.

The second strategic factor that tends to work against party supremacy is the fact that government is the biggest repository of distributable resources. Government is the custodian of juicy contracts, appointments and other official considerations. Party officers as distinct from party officials are not paid official salaries but their positions give them access to the President, the Governors, the Parastatals and other spoils-bearing agencies. They are also appointable to Boards, Commissions, Councils, etc which give them some income. As long as party functionaries expect and receive contracts and appointments from government the ascendancy of government over the party is guaranteed. In fact the party is held together by the wise strategic distribution of these resources. Relative party stability is a function of the availability of

distributable resources. Therefore parties without access to such distributable resources are prone to political defections and decamping because all the parties are porous or utility parties without ideological differentiation. The opposition parties therefore suffer a double jeopardy. They are denied access to government resources in the form of contracts, appointments, etc. and as a result suffer a loss of their membership.

Who are godfathers?

The term godfather has often been used interchangeably with some other terms that mean different things. These terms are Mentor, Financier, Benefactor to name just a few. A mentor is a senior person who is desirous of guiding a junior person to acquire expertise and competence in the same profession or vocation. Mentoring has a positive connotation because the objective is noble. Benefaction is closely related to mentoring except that it does not have as close affinity to apprenticeship as mentoring. However the benefactor puts his/her resources at the disposal of the beneficiary. Such resources include goodwill, support and finance. It is in the area of finance that the benefactor is tangentially related to the financier who does not necessarily share the socio-political views of the person he finances. He bankrolls the person without overtly identifying with the views of such a person. In fact, it is not uncommon in politics for a financier to bankroll two opposed persons and positions. When that happens it becomes a strategic covert process of neutralizing possible opposition and protecting one's interests. Financiers, unlike mentors and benefactors want to remain anonymous and usually cover their tracks. Usually, mentors and benefactors do not expect rewards but financiers expect and receive rewards. They are however not overly political because they have an autonomous source of income which they want to protect and/or perpetuate. Direct involvement in politics could harm such interests, so financiers only want to get out of harm's way. But financiers are different from money-bags who are overtly political and fund the political process in order to derive direct personal advantage. While financiers are to a large extent apolitical, money-bags are politicians who deploy money to hijack political positions and decisions. While the financier spends money in order to be left alone, the money-bag spends money to get a stranglehold on politics.

The money-bag is not a godfather although a strain of godfathers also spend money to affect political decisions. The 'money-bag' is in the business of politics for personal benefit while the godfather is selfish and deceptively philanthropic working for other people sometimes for exaggerated political recompense. The godfather is not in the business of philanthropy. In fact, it is the intention of the godfather to rule by proxy. Oftentimes, godfathers are not qualified to hold office as prescribed by the laws. They therefore succeed in circumventing the law by installing their protégé. Consequently, all aid is tied. The relationship between godfather and godson is not free floating. It is

contractual and the contract is sometimes written and even sealed spiritually with an oath. It is for this reason that some people have argued that the title godfather is a misnomer and should be properly seen as cultfathers because they aspire to rule the physical and the spiritual worlds of their clients. But it is not a patron-client relationship because of the serial symbiosis between them. The godfather gives support to install the godson oftentimes by devious anti-democratic means. Their strategies are everything but fair. They are merchants of fear. They dispense violence freely and fully on those who stand in their way. In this they play the additional role of Warlord. They establish, train and maintain a standing personal 'army' which they ostensibly supplement with a sprinkling of the official police detachment. In order to effect electoral change, they bribe election officials to deliver the winning election figures. They also bribe the police and other security agents to look the other way when they traffic in ballot boxes and sack opponent strongholds. The godson, having taken office, returns the gesture hundredfold to the point that the godfather becomes an inscrutable parasite on government. The initial support given by the godfather then becomes an investment with a colossal rate of returns because the godfather becomes the 'de facto' governor. The godfather makes substantial critical governance decisions, appointments and is recipient of either major juicy contracts or earns inordinate stipends. Godfathers sometimes reverse executive decisions. They even issue decrees to the utter embarrassment of their godsons. They traverse the polity as a colossus benefiting from gross anti-democratism. Godfatherism negates all tenets of democracy once it becomes malignant.

Properties of a godfather

To be a successful godfather a person must have all, or nearly all, of the following attributes. He must have political connections, security connections, a private security outfit, a reputation for unorthodox (sometimes anti-social) behavior and money or access to money. The godfather needs the right political connections for his protection. As indicated earlier, the power and influence of the godfather is enhanced by political connections at the highest tier of government. Where this is absent the individual can only operate as a mentor, benefactor or financier. He must avoid a brush with the law because it will be visited with heavy penalty. Thus from 1979-1983, Dr. Olusola Saraki possibly only operated as a financier or benefactor to Alhaji Adamu Attah the Governor of Kwara State. The relationship turned sour and he withdrew the support. Dr Olusola Saraki then shifted his support to Chief Cornelius Adebayo who was in the Unity Party of Nigeria although he was in the National Party of Nigeria. Chief Cornelius Adebayo went ahead to win the gubernatorial election in Kwara in 1983. Dr Olusola Saraki was clearly the deciding factor in the election as he had proved that whichever candidate he backed could win the election irrespective of party affiliation.

He performed the same feat in 1999 when he backed Commodore Mohammed Lawal (rtd) for the governorship of Kwara State and he won the election. At that time, both Lawal and Saraki belonged to the All Nigeria Peoples Party. But the relationship between Lawal and Saraki turned sour. Saraki decamped to the Peoples Democratic Party and sponsored his son, Dr. Bukola Saraki for the governorship of Kwara State against Mohammed Lawal. His son, Dr. Bukola Saraki defeated Mohammed Lawal. Once again, Dr. Olusola Saraki shifted support for candidate and political party and his candidate won the election. It thus appears, therefore, that the relationship between the benefactor and the beneficiary is smooth at last. The election of 2011 when his son, Dr. Bukola Saraki, would have completed the mandatory two terms would be a very interesting political event. By and large, Dr. Olusola Saraki single-handedly accounted for the aggregate political events of the Kwara State of Nigeria since 1979 (Olaniyi, 2007).

Another example of the significance of political connections is the Anambra case where Chris Uba installed Dr. Chris Ngige as Governor for only one term as he had signed an agreement saying “I SHALL NOT seek re-election or stand for nomination to recontest the gubernatorial seat of Anambra State for a second term” (Adeyemo, 2004:18). Prior to the election, Dr. Ngige also signed a covenant of relationship on March 28, 2003 in which he pledged to continue to do the biddings of Chris Uba. In addition, on May 5, 2003 he was also alleged to have signed three undated letters of resignation as PDP Candidate, Governor-elect, and Governor respectively (Adeyemo, 2004:18). Thus if he reneged on his pledge the appropriate letter would be dated and submitted as a letter of resignation.

Chris Uba was alleged to have put in place a collegial administration in the name of a caucus. And on May 19, 2003 the Caucus decided (Adeyemo, 2004:16 and 17)

That the incoming government will revolve around the Caucus leader, Chris Uba, and where he so expressingly (sic) directs, members of the caucus. The Governor-elect must ensure he clears in advance all policy routine administration issues including all contracts, appointments and decisions with the caucus leader, Chris Uba before implementation.

The decision further said that any person in this caucus holding a public office must see himself as working for the caucus and the caucus leader and must therefore clear with him in all matters of state interest and Mr. President and c-in-c of the Federal Republic of Nigeria.

Chris Ngige was alleged to have reneged on his promises within six weeks of his inauguration as Governor. Consequently he was abducted by the Police on July 10, 2003 and was saved by a telephone call that he made from where he was

kept. Ngige was alleged to have resigned as Governor on July 10, 2003 using the presigned letter of resignation of May 5, 2003 (Agbo, 2004a:18). That attempt to remove him from office failed and it was followed in November 2003 by a four-day riot resulting in the wanton destruction of public property. The mercenaries were allegedly paid N10,000 each per day for four days of the operation. The massive arson of public property in the State was organized to discredit Dr. Ngige (Agbo, 2004b: 32-33). In fact, in a release, the Uba camp claimed that the action was taken to “let the world know that we have taken charge to implant a new government” and thus enjoined everyone to join the crusade because “Ngige is going today” (Agbo, 2004a:23). It is believed that the Godfather can make and unmake. In this vein, Dan Ulasi, a believer in Chris Uba, is quoted as saying

If you read what the Minister of Works said about Obasanjo and his first term (sic). The President realized that he came through a source and you will see that it would appear the source managed his government for the first four years and the President pretended to be a fool because he knew that people spent a lot of money to make him President from prison (Adeyemo 2004:21).

The Anambra case demonstrated the importance of political connections to the survival of the Godfather himself. Andy Uba, the senior brother of Chris Uba, the Godfather was a Special Adviser to the President, Chief Olusegun Obasanjo, while Ugochukwu Uba is a Senator of the Federal Republic of Nigeria. Before the advent of the Ubas in the political firmament of Anambra, Chief Emeka Offor who is said to be close to the Presidency on account of his large donation to the Presidential campaign in 1999 bestrode the State as godfather of the governor, Chinwoke Mbadinuju (Adebanjo 2001:34). Mbadinuju the Governor himself confessed to the fact that Offor contributed N4m to his campaign and on that account nominated the Commissioner for Finance and the Commissioner for Works (Adebanjo 2001:36). Just like Uba, Offor also insisted that Mbadinuju would not return as Governor of the state in 2003 (Adebanjo 2001:32). And through a combination of factors beyond the scope of this paper he lost the nomination for the office giving room for the Uba-Ngige show.

The legal battle for the removal of Ngige as Governor however continued until the Supreme Court invalidated his election and Mr. Peter Obi, who actually won the election, became Governor. The Anambra case demonstrated the significance of political connections. Chris Uba had confessed to an electoral crime but got away with it. The troika of the Uba brothers still dominate the politics of Anambra because they have political and security connections as well as the finance for the project.

Oyo State is not the case of a benefactor because Alhaji Lamidi Adedibu did

not invest the colossal sum that the project required. Senator Rasheed Ladoja who eventually became the Governor of the State was alleged to have supplied the funds for the project. But Alhaji Adedibu is a man of tremendous political clout and courage. He has nurtured and maintained a formidable grassroots support and he is an astute mobilizer. He has very strong political and security connections as well as access to funds when needed to oil his political machine. He claimed to have deployed all those resources to secure the election of Senator Rasheed Ladoja. He is therefore quoted as saying:

“I installed him there when people opposed him” (Oguchi 2005:2). Speaking like Louis XIV of France, he said “I am the politics in Oyo State and I am the issue to discuss by all and sundry (Oguchi 2005:2).

He fell out with Ladoja, because according to him, he failed to honour all agreements entered into before his election and for keeping the former Chairman of the Oyo State National Union of Road Transport Workers (NURTW) Alhaji Lateef Akinsola (Tokyo) in Agodi Prison for 29 months. Furthermore, he asserted that before Ladoja's election he controlled the political machine. He claimed that after the election, Ladoja “withdrew the machinery (sic) to himself and refused to give them appointment or to compensate them. This is now “the time for me to withdraw all the machinery (sic) from him and compensate them...” (Oguchi 2005:2).

Alhaji Adedibu deployed the eighteen members of the House of Assembly who supported him to institute the impeachment of Ladoja. These legislators were camped in D'Rovans Hotel, Ibadan. Since they did not constitute two-thirds of the thirty-two member legislature they suspended five of the fourteen members including the Speaker who supported Governor Ladoja. They then claimed that they (18) constituted two thirds of the remaining 27 members of the legislature!! Many people saw the impeachment process as opaque and the Supreme Court upturned it after eleven months. Alhaji Adedibu had support from President Obasanjo as he himself boasted: “It is not that Obasanjo is supporting me blindly. He has reasons to support me. He has waded into the crisis several times... There was a time when Obasanjo prostrated for me about six times” (Oguchi 2005:1).

In 1999, Alimodu Sheriff was said to have financed the Borno State gubernatorial election. His candidate won the election and was Governor of Borno State from 1999-2003. But the relationship between him and his benefactor was not cordial. Consequently in 2003 the benefactor himself decided to contest the election which he won to become the Governor.

Godfather and Nigerian politics

Godfathers block the democratic process by obstructing candidate selection and even executive selection once government is installed. Their nominees are often forced down the throat of their godsons. Enugu under Dr. Nnamani is a case in point. Chief Jim Nwobodo, a former Governor of Enugu State claimed to have steamrolled the election of Dr. Chimaraoke Nnamani as governor. This was stoutly denied by Nnamani. However, both camps agree that after the party primary between Dr. Nnamani and Nduka Agu, Jim Nwobodo supported Nnamani (Dawodu 2004:2). But be that as it may, Nnamani agreed that he did the bidding of Jim Nwobodo in appointing his nominees as Commissioners in his government. The trouble only started when it was perceived that Nnamani embarked on the deconstruction of Jim Nwobodo political machine (Oparah 2008:2). However unlike other godsons, Nnamani was victorious because he had the backing of President Obasanjo (Oparah 2008:2). The Enugu case confirmed the rule stated earlier that whether or not a Godfather succeeded depended on the political or ideological symmetry with the higher level of government. Nnamani was therefore able to disperse his political adversaries: Jim Nwobodo lost his political clout, Dr. Okwesielezie Nwodo also lost his position as the National Secretary of the Peoples Democratic Party (Dawodu 2004:1).

Godfathers force the cost of elections up. Although godfathers have immense political clout, they are not necessarily popular. They, therefore, often rely heavily on money and force. They share out money to their supporters and voters. A permanent feature of their homes is the large crowds that often wait around to collect money. The purpose of sharing out money is to establish a network and create political bonding. However if that fails to win support they unleash violence both as deterrence and punishment. Thus elections cannot be free and fair nor can governance be transparent or people-friendly. The 'quid pro quo' between godfather and godson creates poor resource allocation and heightens the per capita cost of government. But worse still, the antics of godfathers and its demonstration effect vulgarizes the total administrative process thus reducing the legitimacy of government. Normally, an election forces on the elected proximate policy maker a moral rule that citizens' wishes count. Democratic elections also help to protect the liberties of the people. It is that contract of faith that first disappears under the electoral authoritarianism of godfathers.

Elections would only remain a farce when they are not rule-compliant. Democracy is rule-driven and no election can be better than the extent to which people obey electoral rules. Godfatherism has created more problems than enough. It has created doubt about the legitimacy of the electoral process and the elected. It therefore creates an environment that delinks people from the State. The opposition tends to refuse to obey what conscience forbids. They

therefore react by becoming apathetic or, at the other extreme, violent. Those that remain apathetic do so only because they do not hold strong political views while those who turn violent cannot accommodate the blatant disregard of rules. That is why a participant at a recent political conference in Akure said that politics in Ondo State is peaceful because there is no godfather. For that participant, godfathers are merchants of fear.

Godfathers produce an unresponsive leadership. The only person that must be obeyed is the godfather. The government can therefore act with impunity. In such situations the governed cannot govern the governors which is the most important quality of democracy. When choice is blocked, as it is by the godfather, and rights become privileges, citizens are sometimes tempted to migrate to the party of the godfather who actually does not need them because the votes do not count. Thus party hopping does not add to the quality of life of the people and frustration results into violence. Godfatherism is one of the biggest dangers to democracy today and paradoxically it only survives with government support. The reality in Nigeria today is that the most successful godfathers (properly defined) are protégé of the Federal Government which is the ultimate law enforcer. Godfathers enjoy 'ad valorem' treatment and a strange avuncular relationship with the leadership of the Federal Government. That is what makes godfatherism an investment with possibly the highest rate of returns for any investment. It is a spoils system of manipulating public incentives. Personnel decisions, contracting and administration of laws are conditioned by personal and/or partisan support. When Godfathers hold sway the party easily transforms into party of patronage even if it was originally a party of principle. Godfatherism therefore also holds high potentials for destroying the political party.

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Chapter 8

MONEY POLITICS, POLITICAL CORRUPTION AND LOCAL GOVERNMENT ELECTIONS IN NIGERIA

Jide Ojo

Introduction

The issue of local government is generating more attention in Nigeria today than ever before. Issues range from tenure of elected local government officials to corruption in local government administration to implications on local governance in Nigeria. The inconclusive attempt by the administration of Chief Olusegun Obasanjo to undertake local government reform and its associated politics have also received some attention. It is worth recalling that several efforts, beginning with local government reform in 1976 have been made to overhaul the third tier of government to enable it live up to its billing. Since the return to civil rule in 1999 there has been an attempt to democratize local governance essentially through electoral politics. In this chapter, we try to examine some of the past attempts at organizing local government elections, the influence of money politics and also how political corruption hindered the effectiveness of service delivery at the local government level. Taking a cue from elite theory, we analyze political corruption at the local government level and conclude with recommendations on how to effectively address problems associated with political corruption at that level.

The adaptation of elite theory for studying political phenomenon is based on the assumption that in every society a minority of the population makes major decisions in society which affect all. Because decisions made by elites have political implications, they exert considerable political influence on policy decisions and outcomes. Major advocates of elite theory include Vilfredo Pareto (1848 - 1923), Gaetano Mosca (1858 - 1941) and Robert Michels to mention a few.¹ For instance, Robert Michels, in propounding his theory of 'Iron Law of Oligarchy,' said party organization is controlled by a group of leaders who cannot be checked or held accountable by those who elect them. This applies to all organizations where organizational factors such as funding and access to the media are controlled by the very few with excess power. According to Robert Michels, whatever form of government is adopted

¹See V.D Mahajan, *Political Theory* S. Chad and Company Limited, New Delhi, 2005, cited in J.O Aluko, "2007 Local Government Elections in Nigeria: The Prospect and Challenges", paper delivered at Idasa Workshop on Local Government and Electoral Democracy held in Minna, Niger State, October 17 -18, 2007

in such society, in practice, is inevitably reduced to oligarchy or the rule of the chosen few.²

Local government administration is one structure under the control of the elite class in Nigeria making it susceptible to corruption. This is evident in the political history of Nigeria where politicians as early as the 1950s strived to control local government administration as a vital instrument of power. This probably explains why during this period, the late Dr Azikiwe, late Chief Awolowo and the late Alhaji Ahmadu Bello were ministers in charge of local government in their respective regions, in addition to being Premiers.³ This trend continues to date with State Governors holding on to the portfolio of local government administration; oft treated as an appendage of the Office of the Governor.

Conceptual clarifications

Local Government

The United Nations (Office of Public Administration) defines local government as: "A political sub-division of a nation or (in the federal system) state which is constituted by law and has substantial control of local affairs including the power to impose taxes or to exert labour for prescribed purposes. The governing body of such an entity is elected or otherwise locally selected."⁴ Four basic objectives of local governments are: To make appropriate services and development activities responsive to local wishes and initiatives by developing them to local representative bodies; To facilitate the exercise of democratic self-government close to local levels of society and encourage initiative and leadership potential; To mobilize human and material resources through the involvement of members of the public in their local development; To provide a two-way channel of communication between local communities and government (both State and Federal).⁵

Money politics

Money politics is basically how politics is financed. Politics has been in existence from the beginning of time. The issue of how political parties fund their activities from registration, administration, campaigning during elections and how parties propel their ideologies has become very topical. In a like manner, candidates campaign finance viz. sourcing of funds for campaigns and

²Ibid.

³See Aluko J.O, Evolution of Local Government in Nigeria in Institutionalising Integrity: A Local Government Training Manual, ICPC, 2007, p. 11

⁴R.F Ola, *Local Government Administration in Nigeria*, K.U and Paul Instrumental, London, 1983; p.7

⁵See Tunde Ojofeitimi, *Challenges of New Local Government in Nigeria*, Occasional papers, 1992, p.2 cited in Aluko J.O. ' 2007 Local Elections in Nigeria: The Prospects and Challenges', paper presented at Idasa workshop on Local Government and Electoral Democracy, 17- 18 October, 2007, p. 5

election expenses (covering expenses pre-party primaries and general elections and thereafter) has attracted the attention of academic researchers and political analysts.

Political party financing covers the entire electoral cycle including processes and procedures of political party operations and associated costs with electioneering. Michael Pinto-Duschinsky⁶ gave a broad definition of political finance as inclusive of thirteen different things: Election campaign funds; Political party funds; Grants to elected officials; Political organization funds; Pressure and interest group funds; Political lobbying funds; Litigation funds in politically relevant cases; Partisan mass media funds; Corrupt political funds; Unofficial payments to elected officials; Unofficial payments to civil servants; Unofficial payments to the mass media; Payments intended to improve the electoral process.

The concept of political finance is used in many instances to capture legal and illegal electioneering and non-electioneering sourcing and spending of money in politics. Marcin Walecki⁷ said in its narrowest form, political finance could be money for electioneering or campaign finance. This money may be collected and spent by candidates for public office and also by their political parties or by other individuals or organized group of supporters. There are two major actors in political financing - political parties and the candidates; the financiers and the financed. There are equally two primary sources of political finance: public funds and private funds.

Political corruption

There is a thin line between political finance and political corruption. Investment in electoral politics, for instance, can present a safe haven for corrupt persons in dire need of protection. Such individuals may invest their spoils in order to make profits of power and of the purse; for protection, to dispense influence and to steal more. For example, former or serving members of the armed forces, public servants, government contractors and businessmen and women who possibly are treasury looters; drug barons and fraudsters and are looking for means of laundering their stolen and ill-gotten wealth decide to go into active partisan politics. Ndubisi Obiorah's comment on problem of political corruption in Nigeria and its link with electoral politics is apt here:

“Retiring military officers and their civilian business cronies deployed the massive wealth generated from the proceeds of grand corruption to creating and financing the political networks. That formed the nuclei of several of the political groups that sought and obtained registration as

⁶See Michael Pinto Duschinsky, “Financing Politics: A Global View” *Journal of Democracy* Volume 13, Number 4, October 2002, p.p 69-86.

⁷ Marcin Walecki “Political Money and Corruption” in *Money, Politics and Corruption in Nigeria*, IFES White Paper, May 2006 MAP Publication.

political parties. Deploying their massive financial resources, they were able to install ex-military officers and their civilian business cronies in control of the two largest political parties and in high federal and state public offices. Most politicians in Nigeria's Fourth Republic receive financial 'sponsorship' from local and regional political entrepreneurs to finance their bids for public office. The 'sponsorship' is effectively a business transaction in which the 'patron' recovers the 'investment' in the forms of prebendal benefits awarded by the 'client' politician, on assuming public office, to the 'patron'. In certain notorious cases where 'patron' and 'client' failed to define with sufficient precision, the dimensions of the return on the investment or the 'client' balks at delivering per the agreed terms upon assuming office, the fallout has led to mass violence and regime destabilization."⁸

Such persons as described above are likely to violate laws and regulations on party finance. Essentially, violations of the political finance regime comes in various ways including exceeding expenditure limits, accepting money from prohibited donors, using campaign funds for illegal purposes and abuse of state and administrative resources for the benefit of incumbent parties and public office holders.⁹ Often times, candidates, with the support of their parties do their best to circumvent laws and regulations on political finance. However, it would be parochial to situate the problem of political corruption exclusively in the context of patron-client relationship. The lack of transparency and accountability that pervades activities of almost all political parties has its share in perpetuating political corruption. Many of the crises rocking political parties in the country are traceable to poor internal democracy, mismanagement of party funds, lack of accountability and transparency. All these make political corruption thrive well.

Political corruption, especially within parties, created monsters now popularly referred to as *godfathers* and *godmothers*. Indeed, it is plausible to argue the latter have tremendous influence on the process and outcomes of elections, be it national or local, in the country. The emergence of *godfathers* and *godmothers* into positions of eminence in the electoral process made party financing one of the best investment in Nigeria; much more profitable than investment in telecommunications, banking or oil and gas. This is because once an entrepreneur succeeds in installing his or her candidates, or a candidate wins an election, assurance of immediate multifold return on investment is guaranteed. According to Eze Onyekpere, "Monetizing politics has a lot of negative effects on the polity and will lead to state capture, hijack of policy making and implementation organs. Generally, it will work against the interests of the poor and the marginalized."¹⁰ Former President Olusegun Obasanjo once

⁸Ndubuisi Obiorah, "Financing Democracy: Key issues in Political Party and Election Campaign Funding in Nigeria" Paper delivered at IFES Workshop on Draft Electoral Bill 2004 on April 14, 2005.

⁹See Eze Onyekpere 'Political Finance and Democracy' a text prepared to sensitize Nigerians on party finance and published in several editions of *Thisday* newspaper in 2006

¹⁰Ibid.

commented, “With so much resources being deployed to capture elective offices, it is not difficult to see the correlation between politics and the potential for high level corruption. The greatest losers are the ordinary people, those voters whose faith and investment in the system are hijacked and subverted because money, not their will, is made the determining factor in elections.”¹¹

The absence of effective control and regulation of the use of money in politics allows individuals and corporate bodies to donate without restraint or discrimination to candidates and political parties. In the event a party or candidate becomes victorious in elections, those who made huge donations in cash and kind will be able to get away with policies of self-interest at the expense of national interest. Such is already witnessed in Nigeria. In a similar vein, those who have to sell off their property to contest election will definitely recoup such expenses if they win the election. Such was the case of the former Senate President, Adolphus Wabara, who was quoted as saying, “membership of the National Assembly is an investment because most of us sold our houses to get to the Senate....the maturity is there but it is the ability to recoup whatever you spent legitimately that is the problem.”¹²

Legal and political context of party finance

Section 15(b) of the Third Schedule of the Constitution of the Federal Republic of Nigeria empowers the Independent National Electoral Commission (INEC) to register political parties in accordance with provisions in Section 222 of the Constitution. Under this law 50 political parties have been registered so far. Unlike what obtains in some other countries notably the United States of America, political parties in Nigeria receive grants from the government through INEC. Public funding is guaranteed for political parties in Section 228 (C) of the 1999 Constitution as well as Sections 90 and 91 of the 2006 Electoral Act. There are two types of public funds accruing to registered political parties in Nigeria. While Section 90 of the 2006 Electoral Act says the National Assembly may approve a grant for disbursement to the political parties contesting elections; Section 91(1) says the National Assembly may make an annual grant to INEC for distribution to political parties to assist them in their operations. These funds, according to Section 91(2) (a & b) are to be shared on a ratio 10:90 in favour of parties that have representation in the National Assembly. However, aftermath of the court case instituted by 20 opposition parties at an Abuja Federal High Court successfully challenged the lopsided sharing formula which they say is at variance with provisions of Section 228 of the 1999 Constitution, INEC now shares public funds to political parties equally. Private funding

¹¹President Olusegun Obasanjo in an address delivered at the INEC-Civil Society Forum Seminar on 27 November 2003.

¹²Interview with the former Senate President, Adolphus Wabara in Sunday Punch of 5 June 2004

includes monies and in-kind contributions made to the political parties or candidates. This includes subscriptions, fees and levies from membership of the party,¹³ fines, proceeds from investments made by the party, subventions and donations, gifts and grants by individuals or groups of individuals as authorised by the law, loans, interests on savings, sale of party nomination forms etc.¹⁴ For the purposes of local government elections, Section 93(6) of the Constitution says “In the case of Chairmanship election, the maximum amount of election expenses to be incurred shall be (N5,000,000) while in subsection 7 of the same section it says “In the case of councillorship election the maximum amount of election expenses to be incurred shall be (N500, 000).”

1999 Constitution and local government elections

Section 3(6) of the 1999 Constitution provides for 768 Local Government Areas and 6 Area Councils in Nigeria.¹⁵ Section 7(1) guarantees democratically elected local government administration in the country. Section 7(6) provides for statutory allocation provisions to local governments by both the National and State Assemblies. In Section 7(4), the government of a state is enjoined to ensure every person who is eligible to vote and be voted for in a House of Assembly election is also given the right to vote and be voted for at a local government council election. Furthermore, Section 11 of the concurrent legislative list said, “The National Assembly may make laws for the Federation with respect to the registration of voters and the procedure regulating elections to a local government council” while Section 12 of the concurrent list says, “Nothing in Paragraph 11 hereof shall preclude a House of Assembly from making laws with respect to election to a local government council, in addition to, but not inconsistent with any law made by the National Assembly.” In consonance with the provisions of Section 7(5), the functions of local government are set out in the Fourth Schedule of the 1999 Constitution. Part VII of the 2006 Electoral Act comprising of Sections 120 to 123 set up the procedure for Local Government Council Elections.

The State Independent Electoral Commission¹⁶ was established as one of three State Executive Bodies in Section 197(b) of the CFRN 1999. Qualification for membership of the body is found in Section 200. Composition and function of SIEC could be found in Part 11, Section 3(B) of the Third Schedule of the 1999 CFRN. The Commission is primarily to organise, undertake and supervise

¹³ For example, *Thisday* of 4 July 2007 reported that PDP has asked members of the party in the NASS to contribute N500million towards the building of the multi-billion party secretariat in Abuja

¹⁴ See Sections 92, 93(9) of the Electoral Act 2006 and Article 18 of the 2001 Peoples Democratic Party (PDP) Constitution as amended in 2006

¹⁵ All existing Local Government Councils in Nigeria are listed in the First Schedule-Section 3, Part 1 and 2 of the 1999 Constitution

¹⁶ The Forum of State Independent Electoral (FOSIECON) was established in Gusau, Zamfara State in 1999 as a means of rubbing minds and cross-pollinating ideas towards making SIECs stable and viable towards realizing a polity devoid of rancour

all elections to local government councils within the State as well as advice INEC on compilation of a voters register. In addition, SIEC is also to enforce the provision of Section 93(6&7) quoted above as well as Section 93(10, f & g) which spells out penalty for breach. Section 202 of the 1999 Constitution of Nigeria attempts to guarantee the independence of SIEC alongside other state executive bodies. It states, “In exercising its power to make appointments or to exercise disciplinary control over persons, the State Civil Service Commission, the State Independent Electoral Commission and the State Judicial Service Commission shall not be subject to the direction and control of any other authority or person.”¹⁷ Unfortunately, Section 200 of the 2006 Electoral Act weakened the independence of the SIEC with the provision that “No person shall be qualified for appointment as a member of any of the bodies aforesaid if: (a) he is not qualified or if he is disqualified for election as a member of a House of Assembly.” Section 106(d) stated membership of political party and sponsorship by the party as one of the pre-conditions set for aspirants to the House of Assembly. This means SIEC commissioners must be card carrying members of political parties, in compliance with provisions of Section 200 (1a).

Chronology of local government administration (1976 -2007)

- I. 1976 -1979: Elected council with election on personal merit (Zero party parliamentary system).
- ii. October - 1979 December 1983: Hand-picked (i.e. selected) Local Government Chairmen and Councillors.
- iii. January 1984 - August 1985: Sole administrators/ Management Council
- iv. August 1984 - December 1987: Management Committee System with Sole administrator (Civil Servants as chairmen).
- v. January 1988 - July 1989: Elected Chairmen and Councillors with Supervisors all elected on personal merit/ recognition.
- vi. August 1989 - December 1990: Management Committees with Sole Administrators (Civil servants as chairmen).
- vii. January 1991 - November 1993: Elected councils on party basis (Social Democratic Party (SDP) and National Republican Convention (NRC).
- viii. November 1993 - April 1994: Administration of Local Government by the Secretaries (Director of Personnel Management (DPM) under the Military Administrators' (MILAD) directive
- ix. April 1994 - 1997: Selected Chairmen and 4 Supervisors (Indigenes) to run the affairs of the Councils.
- x. 1997 - June 1998: Elected councils of the 5 registered political parties under Abacha Regime
- xi. July 1998 - May 1999, Sole Administrators (Civil servants) with 4

¹⁷Electoral Act 2006, Section 2002

- indigenes selected as supervisors.
- xii. June 1999 - June 2002: Elected council on political party basis (Return to civilian era 4th Republic) (Presidential system).
 - xiii. June 2002 - June 2003: Selected councils by state governors called Transition Committees
 - xiv. June 2003 - 26 March 2004: No uniform system initially; some states used Directors of Personnel Management of the Local Government; others used the state government party supporters to form new 'transition committees.' All states later opted for the latter arrangement.
 - xv. 27 March 2004 - 30 March, 2007: Councils elected on party basis, second experiment under the 4th Republic.
 - xvi. 1 April 2007 - March 2008: about half of the states have elected their local government representatives while others are planning to do so before the middle of 2008.¹⁸

The implication of the above chronology is that local government in Nigeria has not experienced democratic values of regular, democratically elected officials even under so-called civilian administrations. The scenarios above show since the 1976 Local Government Council Elections, subsequent elections at that level did not take place until 1987 when the military conducted elections based on a zero party system. What is more so notable is throughout the civilian administration of 1979 - 1983, there was no election of local government councils. Rather, local government sole administrators and caretaker committees were the norm. After the expiration of the term of elected local government chairmen and councillors in 2002, next council polls originally scheduled for early 2003 were postponed due to disputes over the date for elections, the need to review the voters register and allegations of bias on the part of the SIEC. Local government elections eventually took place across Nigeria on March 27, 2004, except in Anambra State. With the expiration of their tenure in 2006, the councils were dissolved and transition committees appointed in their place, an act unknown to the 1999 Constitution of Nigeria.¹⁹ The common denominator in these elections is the widespread irregularities of conduct. These include inflated vote returns, ballot box stuffing, altered results, and disenfranchisement of voters, as well as administrative problems such as late delivery of voting materials, violence and intimidation of voters and electoral officers by hired political thugs, amongst others.²⁰

¹⁸ J.O, Aluko, *Corruption in the Local Government System in Nigeria*; Book Builders Editions , Africa, 2006 pp. 128 - 130

¹⁹ H.S Galadima, 'The Challenges of Local Government Elections in Nigeria, *Idasa Conflict Tracking Dossier*, Issue 8, October 2007.

²⁰ Ibid.

Political corruption at Local Government level

Incidence of political corruption is not unique to local government in Nigeria; it permeates every level of government in the country. We can contextualize why and how these incidences of corruption happen, particularly as it relates to local government elections. For instance, any aspirant to chairmanship or councillorship position in any local government in Nigeria starts with being an active and dues paying party member. Then there is payment to obtain the nomination form for the position and thereafter the contest of the party primaries. After emergence as candidate of the party, there are payments to be made to the State Independent Electoral Commission. For instance, Abia SIEC charged N200,000 for a Chairmanship position and N50,000 councillorship position as administrative fees. Likewise, Kano SIEC collected N100,000 for a Chairmanship position and N50,000 for a Councillorship position while Ebonyi State charged N70,000 for a Chairmanship and N10,000 for a Councillorship position.²¹ By the time these candidates cross the hurdle of SIEC's screening, there are still many other expenses to incur. A campaign office with staff and equipment, campaign vehicles, billboards, posters, handbills, jingles, flyers and souvenirs all have to be procured. Organizing successful campaign rallies also involve huge costs. All the above are legal spending. More expenses are incurred on illegal spending such as paying for police protection, payment to disrupt opposition campaign rallies and steal ballot boxes and other sundry payments to buy loyalty and support of womens' groups, youth groups and community and opinion leaders, etc. Even when elections have been won and lost, there is always the prospect of facing the election petition tribunal to defend or claim the mandate with the attendant cost of legal representation.

By the time all these formal and informal; legitimate and illegitimate; legal and illegal spending is incurred, it should be expected the candidate has overshot the ceilings proposed in the Electoral Act capping the spending of chairmanship candidates to N5million and councillorship positions to N500,000. With some of them running bankrupt for contesting local elections, it stands to reason the first thing they want to do is recoup their investment with interest. There are also political barons to settle. For those whose elections were sponsored by these crops of political investors, payback starts from the date of inauguration to the end of their tenure in office. This is why political corruption and misuse of administrative resources is increasing at local and other levels of government. This is why many chairmen and councilors will be in office for three years and will have no development projects to show for their 36 months in office. The stakes are high, as is the benefit accrued to the positions. What with unaccounted allowances, privileges and unlimited access to local government resources. Niger State Governor, Dr. Babangida Muazu Aliyu, while reviewing the

²¹ IFES Local Government Election Observation Report 2007

deplorable situation of local government in Niger State recently asked, “Of what benefit is it if all that the Councils could do in the last decade was to pay often over bloated salaries bills to mostly redundant workforce through a system that encouraged corrupt practices by the Council officials, both the elected and the career staff?”²² His Excellency shared with the audience the incredible story of local government in Niger State where audit showed 1,000 staff are on the nominal while 500 are actual staff of the Council of which only 100 come to office regularly.

In the opinion of Professor Alex Gboyega, the concept of local government in Nigeria is a misnomer. He argued that the appellation “government” is less descriptive of the capacity and focus of our local government. According to him, “it is estimated that only about 20% of statutory allocations from the Federation Account passes through to the Local Governments, the remaining 80% being deducted for various purposes, genuine as well as spurious. A combination of weak internal and external audit, excessive demands on elected local leaders by the electorate and local party officials, the greed of elected local officials themselves and absence of any mechanism for sound public procurement measures and fiscal responsibility ensure that the 20% of statutory allocation that passes through to local governments is frittered away on taking care of the comforts of the local elite.”²³

Conclusion

In this chapter we have been able to examine many issues in relation to local government and elections in Nigeria. We adapted the elite theory to help us in our analysis of the problem, including issues bordering on political corruption at the local government. Below are key recommendations:

There is need to localize local government elections. The State Independent Electoral Commission should insist parties aspiring to contest local government elections should show organizational presence in two thirds of the wards in the local government. This proposal will enhance interest in local government elections and encourage local interests groups to focus on how to organize and take control of local governance. This does not preclude national political parties to participate in the local government elections but will lead to healthy competition.²⁴ Impartial and timely enforcement of existing regulations by INEC, SIECs and anti-corruption agencies to bring sanctions against violators. It is hoped INEC will take advantage of the powers granted it by S. 158 of the Electoral Act 2006 while SIEC should be proactive in seeking similar

²²Address by Dr Muazu Babangida Aliyu, Executive Governor of Niger State at the opening ceremony of a two-day Local Government and Electoral Democracy workshop organised by Idasa-Nigeria at Shiroro Hotel, Minna: 17-18 October, 2007

²³Alex Gboyega 'Let Us Deregulate our Local Governance' a keynote address presented at a two day local government and electoral democracy workshop organised by Idasa in Minna on 17 18 October, 2007

²⁴Ibid.

prosecutorial power under the State electoral law. This enhances the Commission's ability to enforce Section 93 (6&7) and Section 93 (10 f & g) of the Electoral Act 2006.

For effective enforcement, political parties will need to introduce internal control mechanisms in the form of financial agents and managers, code of conduct, accounting procedures, financial checks and balances and ethical committees to help oversee financial management and fund-raising activities. The capacity of Civil Society groups; anti-corruption agencies like EFCC and ICPC and the media needs to be built to monitor campaign finance as well as act as whistle-blowers or agents of disclosure on activities of political parties, candidates and SIECs when there is a breach. Political parties should outlaw separate campaign office by aspirants and candidates. Such practice usually weakens party supremacy and promotes corruption.

The law needs to be specific about the mode of retirement of election expenses of candidates. Clause 100 of the 2004 Electoral Bill made provisions for candidates to submit audited returns of their election campaign expenses two months after the election, supported by a verifying affidavit while INEC was to publish same within 10 days; however this very important clause was removed by the National Assembly. There is no gainsaying the fact that governments at all level need to join in the fight against poverty and corruption. There is also a need for robust collaboration between and among INEC, SIECs, Federal Inland Revenue Service (Tax Office), Corporate Affairs Commission (CAC), State Security Service, the Police, the Judiciary, professional bodies like various accounting organizations, Nigerian Bar Association and anti-corruption agencies like EFCC, ICPC and Code of Conduct Bureau (CCB) in the crusade against political corruption.

There is a need to pass the Freedom of Information bill; the Press Freedom bill and other anti-corruption bills by the current National Assembly. Nigeria should also borrow a leaf from the Liberian example where all party candidates are made to publicly declare their assets before being issued a nomination form by their parties. Moreover, anyone who wins an election without a financial report will not be sworn in.²⁵ The action of President Umaru Musa Yar'Adua in setting the pace by making his asset declaration public is commendable and exemplary.²⁶ Kudos to Governor Ibrahim Idris of Kogi State, Senator Ahmed Sani Yerima and Governor Gbenga Daniel for following suit. All local government chairmen and councilors must publicly declare their assets before assumption of office and immediately at the end of their tenure. It is imperative to review the act setting up the Code of Conduct Bureau to declassify asset

²⁵ Asset Declaration Form of the incumbent President of Liberia as well as all her fellow contestants in the 2005 Liberian General Elections can still be found on the website of Liberian Electoral Commission on http://www.necliberia.org/links/Candidates_Pres.shtml

²⁶ President Umaru Musa Yar'Adua made his asset declaration form public on 28 June, 2007

declaration forms of all elected public office holders and political appointees. Political parties should be true to their Code of Conduct as contained in the Section on Political Finance on Page 11 of the 2007 Code.

There should be a law permitting the auditing of campaign donations to candidates; any excess not expended on the campaign should either be forfeited to government or donated in aid of some public cause. Moreover, there is an imperative need to educate Nigerians on legal restrictions on campaign finance, damaging effects of political corruption and the need to demand for accountability from their political parties and candidates.

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Chapter 9

VOTE BUYING IN NIGERIA

Emmanuel O. Ojo

From these fundamental principles, and in particular the principles of ruling and being ruled, are derived the following features of democracy: (1) elections: all citizens eligible for all offices ...¹

Aristotle, *The Politics*, vi, 2
(translated by T.A. Sinclair).

The above quotation from Aristotle epitomises the imperative of elections to both sustenance and consolidation of democracy in all climes and regions of the world. However, the major distinction between electoral democracy and electoral authoritarianism builds upon the common affirmation that democracy requires elections, but not just any kind of elections. The idea of democratic self-government is incompatible with electoral farces. In the common phrasing, elections must be “free and fair” in order to pass as democratic. Under electoral democracy, contests comply with minimal democratic norms; under electoral authoritarianism, they do not.² In an electoral democracy which is the aspiration of Nigerians, a *free* and *fair* election is indeed a *sine qua non*. No polity can be adjudged democratic if elections are not free and fair. Elections do not only serve the purpose of peacefully changing government, it also enhances and confers political legitimacy on the government.³ Not only that a democratic election is the process of involving citizens in political decision-making. Put differently, elections are an instrumentality through which people choose their leaders and keep them accountable.

The snag however is that in Nigeria and several other African countries, elections are far from being free and fair. One of the palpable factors is the menace of vote buying. This political malady is indeed pervasive in Nigeria as this paper glaringly demonstrates. In a recent work, A.E. Davies observed that:

¹ Cited in Lee De Cola, “A Survey Analysis of Voting Behaviour in Ibadan, Nigeria”, *The Nigerian Journal of Economic and Social Studies*, Vol. 22, No.1, March, 1980, p.1.

² See, Andreas Schedler, 'Elections Without Democracy: The Menu of Manipulation', *Journal of Democracy*, Vol. 13, Vol. 2, April 2002, pp. 36-50.

³ Emmanuel O. Ojo, “Governance and Legitimacy Crisis in Nigeria”, *Research for Development*, (The Journal of the Nigerian Institute of Social and Economic Research), Vol. 18, Nos. 1&2, December 2003, pp. 103-130.

Paradoxically, money itself has become a dominant factor ... money seems to have taken the centre stage in the political process in most countries and in Nigerian politics, it is, sadly, now playing an increasingly critical role. It even appears to be so dominant in the electoral process to such an extent that the word 'money politics' with a pejorative connotation, has crept into the country's political lexicon. It is now a critical variable when assessing the level of political corruption in the country.⁴

In his perceptive works, Paul Nugent, noted that in most African countries, the incumbents certainly enjoyed an enormous advantage by virtue of their control of the financial purse strings. This enabled them to offer voters certain material inducements in return for their compliance on polling day. Be that as it may, "vote buying was always a second-best strategy. The winning side engaging in straight forward vote buying".⁵ The concomitant effect of vote buying in electoral contests in the words of a politician is that "elections are not for the poor. It is an extremely expensive enterprise very very expensive"⁶

At this juncture, it needs be emphasised that though much has been written on the challenges of sustainable democracy in Nigeria and African countries generally;⁷ but there is a yearning gap in the extant literature on democracy and democratization in Nigeria vis-à-vis the debilitating impact of money in the country's bid to nurture and sustain her fledgling democracy. This paper is a modest effort to fill that gap. To achieve this aim, the paper has been organised into a number of sections. With those introductory remarks, the paper proceeds to conceptualise vote buying in all its ramifications. The third part chronicles its manifestations in Nigerian politics from the colonial era till date. Part four bothers on the negative impacts of money politics in the democratic processes. The paper infers that much as the influence of money can not be completely obliterated in the body politic, it needs to be effectively checked. A number of policy recommendations are made too.

⁴ Arthur E. Davies, "Money Politics in Nigerian Electoral Process", *mimeo*, Department of Political Science, University of Ilorin, Ilorin, Nigeria.

⁵ Paul Nugent, "Banknotes and Symbolic Capital: Ghana's Elections under the Fourth Republic", *a mimeo*, Department of Political Studies, Edinburgh University, 2005, p.1.

⁶ Cited in Paul Nugent, "Winners, Losers and also Rans: Money, Moral Authority and Voting Patterns in the Ghana 2000 Election", *African Affairs*, Vol. 100, 2001, pp. 405-428.

⁷ For some of the notable works on challenges of sustainable democracy in Africa and Nigeria in particular see Emmanuel O. Ojo, "Democratic Transition in Nigeria: A Panoramic Overview of the Hurdles", in Aguda, A.S., et. al. (eds.), *Governance, Democracy and Civil Society, Ife Social Science Review*, (July), 1998; Bruce Baker, "Can Democracy in Africa be Sustained?" *Commonwealth and Comparative Politics*, Vol. 38, No.3, Nov. 2000, pp. 9-34; Roy May, "The Limits of Democracy in Commonwealth Africa", *Commonwealth and Comparative Politics*, Vol. 38, No. 3, Nov. 2000, pp. 171-180, Georges Nzongola-Ntalaja, "The Democratic Project in Africa: The Journey So Far", *Newsletter of the Social Science Academy of Nigeria*", Vol. 4, No. 1, March, 2001 and Rotimi T. Suberu, "Can Nigeria's New Democracy Survive?", *Current History*, May, 2001, pp. 207-212. Also see, Samuel Decalo, "The Process, Prospects and Constraints of Democratization in Africa", *African Affairs*, Vol. 91, 1992, pp. 7-35 and this writer's edited volume *Challenges of Sustainable Democracy in Nigeria*, John Archers Publishers Limited, Ibadan, Nigeria, 2006 (forthcoming).

Vote buying: an historical and comparative perspective

Vote buying, in its literal sense, is a simple economic exchange. Candidates ‘buy’ and citizens/electorates ‘sell’ votes, as they buy and sell apples, shoes, or television sets. The act of vote buying by this view is a contract, or perhaps an auction in which voters sell their votes to the highest bidder.⁸ Parties and candidates who offer particularistic material benefits to voters may generally aspire to purchase political support at the ballot box in accordance with the idea of market exchange. Though, their commercial aspirations, however, may run into objective as well as inter-subjective barriers. On the objective side, seller’s compliance is uncertain, as vote buying is an illicit business and as such does not take place within a ‘normal’ market protected by social and legal norms. On the inter-subjective side, empirical accounts of participant perspective reveal that those electoral practices we describe as ‘vote buying’ may carry different meanings in different cultural contexts.⁹

Broadly speaking, vote-trading propositions may target either electoral choices or electoral participation. They may be intended to persuade individuals to vote in certain ways, or to vote or to not vote in the first place. Strategies to alter turnout may focus on demobilizing active opponents or on mobilizing passive supporters. As the former is often described as ‘negative’ vote buying or “abstention buying”, we may think of the latter as ‘participation buying’.¹⁰

In both historical and comparative perspectives, vote buying as a phenomenon is neither system specific nor space bound. It is common to all political systems, be it advanced or developing, mediaeval or contemporary. It obtains in all regions and climes, it only differs in magnitude and manifestations from one polity to the other. Locales where episodic, election-related gift giving or favour rendering is common include Benin, Taiwan, Japan, northern Portugal and in the Philippines. Moral debts can be created in more oblique manner as well. As one Filipino observer noted:

Once a candidate has sworn in a registered voter as a partisan poll watcher, he or she can expect that the latter will vote for him or her. Our Filipino trait of *utang na loob* (debt of gratitude) is evident in this case. Once a person has granted us something, a favour, we would do everything to pay that favour back to him or her, sometimes even at the expense of ourselves. We tend to view persons who did

⁸ See, Frederic Charles Schaffer and Andreas Schedler, “What is Vote Buying?”. The Limits of the Market Model”, being text of paper delivered at the conference “Poverty, Democracy and Clientelism: The Political Economy of Vote Buying”, Stanford University, Department of Political Science, Bellagio Center, Rockefeller Foundation, 28 Nov.-2 Dec. 2005. The revised version under the title “What is Vote Buying?” is published in *Elections for Sale: The Causes and Consequences of Vote Buying*, edited by Frederic Charles Schaffer, Lynne Rienner Publishers, (Boulder, Co., and London), 2006. This paper though on Nigeria benefited immensely from both works which are indeed profound.

⁹ Ibid.

¹⁰ Ibid.

us some good things as benefactors and we view ourselves as beneficiaries who can please them by doing the same for them.¹¹

This practice, sometimes called “indirect” vote buying (as it rests upon pay offs that are not directly and explicitly tied to reciprocity in the polling booth), was also known in 19th century England and early 20th century France, and is common today in the Philippines and elsewhere. In Taiwan, vote brokers typically approach relatives, friends and neighbors. A similar tactic is commonly employed in Thailand. In the 1992 election for instance, campaign workers for one candidate sought in each village “to recruit the person best placed to deliver support, generally someone with significant social status in the village. Other qualifications include being respectable, well-known, a local leader (either official or unofficial), the candidate's relative or close friend, or some other characteristics that would make people honour their vote promises”¹².

As it is in new democracies, such as the Philippines and Mexico, reform-minded parties and civil associations have been worrying about corrupt political entrepreneurs trying to buy the votes of the poor.¹³ Paul Nugent discovered same trend in Ghana too. According to him, elections in Ghana have proven to be an expensive business for everyone concerned. Presidential aspirants have needed to spend liberally in order to secure the party nomination in the first place. Then, in the run-up to the polls, when constituencies are to be visited voluntary donations just have to be made to one good cause or another. During the campaign itself, the candidates have to visit all nooks and crannies, accompanied by a large entourage of retainers who have to be housed, fed and transported. The candidates usually 'greet' the chiefs at every port of call, which typically involves the purchase of schnapps and the presentation of gifts which, however token, certainly add up.¹⁴ Though, legal limits may be fixed on what and how much should be spent on electioneering campaigns, strict enforcement and compliance may still be problematic. The problem would not be too different from the situation in the United States of America, an advanced democracy in all its ramifications, where, although legal limit has been set, such limit has been honoured more in breach than in observance, and American politics too has been very much oil by money from 'fat cat' contributors.¹⁵

¹¹See, Weng Bara, “How Partisan Poll Watching is Transformed into an Indirect Vote Buying”, Chapel Net: Christian Action for Peaceful and Meaningful Elections. <http://members.tripod.com/~chapelnet/weng/html>. Also noted in Schaffer and Schedler op. cit. This perception tallies with African sense of gratitude too for little favour.

¹² See, Callahan William A.: *Pollwatching, Elections and Civil Society in Southeast Asia*, Burlington, VT: Ashgate, 2000.

¹³ Andreas Schedler, “Elections Without Democracy ...” op. cit., p. 44.

¹⁴ Paul Nugent, 2005, op. Cit.

¹⁵ See, Rodee, C.L. et.al., *Introduction to Political Science*, McGraw-Hill, London, 1976, p.159. Also, see Wright J.R. “PACs contributions and roll calls: An organizational Perspective”, *The American Political Science Review*, Vol. 79, No. 2, pp. 400-414.

Vote buying in colonial and post-colonial Nigeria

With the advent of colonial rule, democratic norms, canons and institutions were brought to Africa. One of the practices which colonialism introduced and completely alien to African politics is electioneering campaign as prelude to elections. In pre-colonial Africa, public office holders were recruited through heredity, *gerontocracy* or selection. This, however, varies from one society to the other but not via elections and ballot boxes as the colonizers brought.¹⁶ Thus, manifestation of vote buying was far from being visible in that era. Agreed that king-makers could be given gifts, but never to short-change the right candidate, as the society had a way by tradition of calling for redress. It was even a taboo to do that in Africa.

Under colonial rule, the first elections in Nigeria in 1922 were limited to only two coastal cities of Lagos and Calabar. It needs be placed on record that politics in colonial era was not a cash and carry thing. A number of reasons could be adduced for this. First, there were small and few political parties. Competition was not as keen as it is now. Also, political parties and politicians were operating under the eagle eye of colonial masters superintending over elections. Thirdly, colonial economy was highly agrarian to the extent that the degree of monetised economy as we have it today was unimaginable. Not only that politicians were used to campaigning for votes with logical arguments to impress it on the electorates why candidate “A” should be preferred to “B”. One can also recall with nostalgia that parliamentary system, which was bequeathed unto Nigeria, was equally less expensive to politicians then. While not all parts of the country was effectively covered by any single political party, Saburi Biobaku recalled that:

Having failed to agree on a national federal government in the eve of independence, the dominant parties in the north and southeast formed the government with that in the southwest in the opposition. Each party represented the predominant ethnic group in its region and each incidentally, controlled the government in its region.¹⁷

Thus, with small parties and low intensity electoral contests, influence of money was minimal. At the time, politicians only dole out T-shirts, with party emblems, foodstuffs and other sundry things. Even, the population size of the country cum the value of money then greatly discouraged money politics. One other observable phenomenon then was emergence of tribal heroes. Each

¹⁶ For modes of attaining public offices from one society to the other, see Fortes N. and Evans-Pritchard, E. (eds.), *African Political Systems*, International African Institute, Oxford University Press, London, 1950.

¹⁷ Saburi Biobaku, “Lest We Fail (A Review of the Past and Future Prospects of the Nigerian Nation), being 1986 Ilorin Lecture, delivered on October 31, 1986.

section of the country produced charismatic leaders, who only needed to appeal to the sensibility of the electorates rather than doling out newly minted currencies before they could secure their votes. Politicians preferred to appeal to ethnic and religious sentiments to get support than extravagant spending.

With political independence in 1960, more political parties joined the fray. Competition became keener as nationalist leaders from different parts of the country were desperate to take complete control of the reigns of government. But unfortunately, in Nigeria as in most of the developing countries, owing to the poor economic base, the middle class is a very small minority of the population. Western democracy is therefore not securely founded because it lacks one of the essential ingredients of success – an influential middle class. This fact, which is sometimes a surprise to African leaders, was well known to Aristotle more than two thousand years ago. According to him, “when democracies have no middle class and the poor are greatly superior in number, trouble ensues and they are speedily ruined”.¹⁸ The poor depends on the rich for survival, while the rich predominate in politics as gladiators, the poor becomes either onlooker, apathetic or instruments in the hands of the rich to achieve their political ambitions. Those who are not rich are being confined to mere voters and political careers becoming the privilege of those who are wealthy enough to afford the leisure to devote to politics. This is perhaps the basis of money politics in Nigeria's First Republic, which eventually culminated into its demise¹⁹ through takeover by the military in January 1966.

By July 1966, Lt. Col. Yakubu Gowon took over the reign of government after the killing of General Aguiyi Ironsi in a violent take-over of government. Gowon's administration coincided with the oil boom era. Petrol-naira started flowing. Government officials were neck-deep in unprecedented kleptocracy. The military cashed-in on this to unseat Gowon but the harm had been done. So much money in circulation with the accompanying high rate of violent crimes. With 13 years of continuous military rule, by 1 October 1979 the transition programme enunciated by General Murtala Mohammed was concluded by General Olusegun Obasanjo who handed over to Alhaji Shehu Shagari. Money politics had assumed greater dimension then. Crude oil money was still flowing. Contractors that benefitted immensely from Gowon era turned politicians. Most of them congregated into the defunct National Party of Nigeria (NPN). The party closer to NPN in competition and electoral success was the defunct United Party of Nigeria (UPN). In the Second Republic, it was NPN that visibly

¹⁸ See, Ernest Barker, (ed.), *The Politics of Aristotle*. Clarendon Press, Oxford, 1952, Part IV, ch. VI, Column 14, p. 182.

¹⁹ For the role of wealth, poverty and affluence vis-à-vis the collapse of the First Republic. See, J.O. Akintunde, “The Demise of Democracy in the First Republic of Nigeria: A Causal Analysis”., in *ODU*, University of Ife Journal of African Studies, Vol. 4, No. 1, July 1967.²³ For details of how Gen. Sani Abacha's administration plundered the country, see, Emmanuel O. Ojo, “The Military and the Phenomenon of Corruption in Nigeria: A case study of Gen. Sani Abacha's Administration (1993-1998)”, *Unilag Journal of Politics*, Vol. 2, No.1, Sept. 2005, pp. 198-215.

displayed affluence and used money to lure members. Meanwhile, because of the brazen election rigging and violence cum corruption and unwarranted life of affluence that characterised the Second Republic, the military eventually terminated it in 1983. The Buhari/Idiagbon regime that truncated the Second Republic was unable to initiate any transition programme before a palace coup by General Ibrahim Babangida and his cohorts put a sudden end to that regime in 1985. Thus, the influence of money politics can not be examined.

The transition programme of General Babangida was perhaps the most expensive ever, all in an attempt to correct the ills of the past. First, the so-called moneybags were dissuaded from founding political parties. All political associations jostling for recognition by government were thrown away because of the fear that they could be traced to one moneybag or the other. Eventually, General Babangida's military junta announced and declared two political parties into existence with military fiat. The two parties were the Social Democratic Party (SDP) and the National Republican Convention (NRC), one a little to the left and the other a little to the right. Government had to take the pain to build party secretariat in all the local government areas all over the country. It would be recalled that banning and unbanning of the presidential aspirants characterised the transition programme. All in an attempt to whittle down the influence of money too. The long drawn transition programme of General Babangida, which started in August 1985 reached a climax on 12 June 1993, with presidential election. To the dismay and chagrin of Nigerians on 23 June 1993, General Babangida annulled the presidential election result. The resultant effect was a stalemate and political logjam. Part of the reasons adduced for the annulment was not unconnected with the influence of money in the entire exercise ab initio.

The ill feeling resulting from the presidential party primaries was so much that this statement by one of the aspirants best illustrates the mood: "Money was paid to party functionaries who were demanding and negotiating the amount of money to be given to them for payment to ward officers and others, and for how many votes will be allocated to aspirants."²⁰ Justifying the annulment of the presidential election result, General Babangida disclosed that: "There were authenticated reports of election malpractice against party agents, officials of the NEC and voters ... there were proofs of manipulations, offer and acceptance of money and other forms of inducements."²¹ He said further that: "Evidence available to the government put the total amount of money spent by the presidential candidates at over 2.1 billion naira."²²

²⁰ See, Nereus I. Nwosu, "The Nigerian Presidential Election of 1993", *Indian Journal of Politics*, Vol. XXX, Nos. 1-2, 1996, p.78.

²¹ Cited in Emmanuel O. Ojo, "The Military and Democratic Transition in Nigeria: An Indepth Analysis of Gen. Babangida's Transition Programme (1985-1993)", *Journal of Political and Military Sociology*, (Summer) Vol. 28, No. 1, 2000, pp. 11 & 12.

²² *Ibid.*, P.12.

It was in the wake of the impasse that General Babangida “stepped-aside” and hurriedly put in place an Interim National Government (ING), headed by Chief Ernest Shonekan. The ING collapsed after 82 days. It was difficult to feel the pulse of money politics. Following the court verdict that the ING was illegal, General Sani Abacha staged a coup d-etat, dissolved all the extant democratic structures retained by the ING and once again reverted the country to a full blown military dictatorship. He later developed interest to transmute himself into a civilian president. On 3 March, 1998, Abacha's political strategists organised a two million youth rally to persuade him to contest presidential election. The youth organisations were faceless. A lot of money went into the dream, all in an attempt to make Abacha acceptable to the people. His government went down in history to be the most corrupt administration in the political annals of the country.²³

The demise of General Abacha on June 8, 1998 brought about General Abdulsalam Abubakar who took over after the death of his predecessor. His transition programme was the shortest in the history of political transitions in Nigeria. Following the elections, he handed over to President Olusegun Obasanjo on May 29, 1999. The short transition programme was expectedly costly for the contesting political parties. This is due partly to the size of the country both in land mass and population size along with keen competition by contestants in a multiparty system.

Furthermore, between 1999 till date, the body politic has witnessed unprecedented influence of money. The role of money in the current democratic dispensation is indeed amazing too. To start with, the 2003 civilian-civilian transition programme was a matter of money to buy votes. Politicians were spending so recklessly that everyone knew that politics had become a matter of money.

The mass media was alive to its traditional and constitutional responsibilities in reporting the role of money in the body politic. To start with, in a nation-wide broadcast, Mr. President dismissed his Minister of Education, whom he accused of offering bribe to some Senators, including the former Senate President, who demanded gratification to facilitate the approval of his Ministry's budget proposal in the appropriation bill.²⁴ The sordid corrupt practice is not limited to the Senate because a member of the House of Representatives has also confirmed that legislators often asked ministers and heads of public agencies to give them some money before any budgetary or extra-budgetary proposals from their agencies could be approved.²⁵ Not only

²³ For details of how Gen. Sani Abacha's administration plundered the country, see, Emmanuel O. Ojo, “The Military and the Phenomenon of Corruption in Nigeria: A case study of Gen. Sani Abacha's Administration (1993-1998)”, *Unilag Journal of Politics*, Vol. 2, No.1, Sept. 2005, pp. 198-215.

²⁴ See, *Vanguard*, March 23, 2005, Lagos.

²⁵ Also see, *Sunday Vanguard*, September 25, 2005, Lagos.

that in November 2000, a member of the House of Representatives, Adams Jangada, Chairman of the Anti-Corruption Committee, had tendered some four million naira (N4m) packed in eight 'Ghana-must-go bags', claiming it was a bribe offered to some members of the House by the trio of the President, Chief Olusegun Obasanjo, the Vice President, Atiku Abubakar and Governor Peter Odili of Rivers State. The allegation caused a commotion and, for over an hour, the lawmakers engaged in a free-for-all.²⁶ Indeed, Nigerian mass media were awash with rumors of sharp practices, which informed the frequent dissolutions of the Federal Executive Councils in the first two years of democracy, resulting in what Claude Ake referred to as governmental instability.²⁷ Corruption and dirty money politics under the new democracy has been “pervasive, open and shameless”, as the Lagos-based Comet newspaper has editorialised.²⁸

The nascent democracy reached its zenith of political venality and indecency when negative impacts of money politics tainted with 'god-fatherism' consumed three governors in Kwara, Anambra and Oyo States. In 2006, reports were prevalent that money exchanged hands in the failed bid to effect constitutional amendment to provide for tenure elongation of both the President and Governors for a third term of four years, making a total of twelve years in public office. The fundamental question is: what are the pre-disposing factors aiding vote buying? That is the focus of the next segment of this paper.

Vote buying and its predisposing factors

The use of money to buy votes does not stop at election time. It is a common practice in Nigeria as it is in many other countries as noted earlier in this paper. Numerous private interest groups which seek policy goals and legislation to serve their narrow private needs, still continues to use all the means at their disposal including money, to solidify or expand their influence on the elected officials.²⁹ The relative ease with which elected officials show their gratitude by endorsing the legislative and policy proposals of campaign contributors seem to support the hypothesis that there is a correlation between special interest donations to political parties and candidates, and legislative votes.³⁰ Money has, in fact, been made to become 'the mother's milk of politics',³¹ which the political gladiators must drink to remain in business. In a chat with International Foundation for Electoral Systems (IFES) official, Craig

²⁶ See, 'Corruption Rocks Aso Rock', *Tell*, Lagos, 20 Nov. 2000. Also cited in Emmanuel O. Ojo., “The Mass Media and the Challenges of Sustainable Democratic Values in Nigeria: Possibilities and Limitations”, *Media, Culture and Society*, Sage Publications, London, Vol. 25, 2003, pp. 821-840.

²⁷ Claude Ake, “Governmental Instability in Nigeria”, *Nigerian Forum*, Jan.-March 1988, pp. 28-33

²⁸ Cited in Rotimi T. Suberu, 2001, op.cit.

²⁹ See, Wright, 1985, op. cit., p. 402.

³⁰ Shank, A. *American Politics, Policies and Privities*. Allyn and Bawn Inc., Boston, 1984, p. 159.

³¹ Sohner, C.P., *The People's Power: American Government and Politics Today*, Scott, Foresman and Company, Illinois, 1973, p.190.

Donsanto, he identified three conditions that make the environment conducive for vote buying. Those are: Close competition between political factions within the jurisdiction for an important office; Poverty: rich people, the privileged among us, do not sell their votes; and Apathy.³² When you get all these three conditions working together, this is the grandest fertiliser for the vote buying to happen.

In a perceptive work, A.E. Davies identifies seven predisposing factors responsible for vote buying in Nigeria,³³ it is these factors that our subsequent discussions in this segment revolves around. To start-with, the inability of the political parties and the contestants to put in place comprehensive and comprehensible manifestoes for scrutiny by the voters is aiding vote buying. Instead of clear-cut manifestoes that would enable the electorate to make a rational political choice, meaningless slogans, demagogic and rabble-rousing speeches are made. In the words of Davies, “such speeches either overestimate or underestimate the political perception of the voters, but are rarely educative and convincing”. In Nigeria, candidates' ignorance of their own party programmes (when there are any) is embarrassing. Candidates spin the issues they think can attract votes, which may sometimes negate party positions. The picture painted above produces representative but not participatory democracy³⁴ which consequently encourages vote buying.

Also, the political cynicism on the part of the voters who believe that political office holders are incurably corrupt, self-seeking and incompetent that politics is a dirty and dishonourable enterprise, that the whole political process is a fraud, and a betrayal of the public trust.³⁵ This cynical view of politics is further accentuated by unfulfilled promises made by winners of past elections. Thus, demanding for money from the candidates canvassing for votes is equivalent to asking for pay-off, another way by which the people receive their own share of the national cake. On the other hand, candidates giving money to secure votes probably believe that they are investing against electoral failure.

Be that as it is, one other factor is focusing on personalities rather than on issues. By the mode of their campaign, most candidates draw the attention of the electorate away from the political parties to themselves. The consequence of this is that the political parties and their message become less important to the

³² See, interview with Craig Donsanto, Director of the Election Crimes Branch of the Public Integrity section of the U.S. Department of Justice. He spoke with Dr. Marcin Walecki, IFES Senior Adviser for Political Finance, on the experiences of the United States and Mexico in combating electoral crimes. The interview is published in IFES-Nigeria Political Finance Newsletter, April 2006, vol. 4, pp. 4-6.33

³³ See, Arthur E. Davies, op. Cit.

³⁴ See, J.A.A. Ayoade, “Campaign Abuses: Experience from the 2003 Elections”, IFES-Nigeria Political Finance Newsletter, April 2006, vol. 4, pp. 2 & 3.

³⁵ Campbell, A. “The Passive Citizen”, *Acta Sociologica*, VI:9-21, 1962. Also cited in A.E. Davies, op.cit.

electorate. The candidates then take the centre stage and would, therefore, need to spend more money than their parties could afford in order to mobilize support for themselves. In the same vein, the people's perception greatly reinforced by obscene display of opulence by public office holders and ostentatious living of many politicians, that every elected or appointed public officer is amassing wealth from the public treasury. This seems to have strengthened the resolve of many voters to sell their votes to the highest bidder.³⁶

Meanwhile, the penchant of politicians to strive to win elections, even at the party primary levels, at all cost for that matter, makes desperate contestations to engage in all sorts of malpractice including offering financial and material inducements to voters.

Cashing-in on the poverty of the people, Nigerian politicians are well known for distributing foodstuffs and other consumable materials to voters shortly before the elections and sometimes on election day, contrary to the provisions of the extant electoral law that prohibits such practice. Instances abound too, when candidates threw some money into the air during campaign rallies, making people to scramble for it and getting injured in the process.³⁷ Moreover, the noticeable weakness in party whip, characteristic of party politics in presidential system, when elected members exercise considerable degree of freedom when voting on legislative proposals. Such freedom makes the legislators to be more susceptible to receive gratification from the private interest groups. The interest groups employ what Shank calls 'legalised bribery'.³⁸ They make large donations to some spurious private or community programmes in which the target legislators are interested, and give expensive gifts to the legislators or sponsor their overseas travels among others, all in the name of public relations to secure the votes of the legislators in the legislature. Finally, the absence of any legislation that puts any ceiling on financial contributions to political parties and candidates by groups or individuals. The Nigerian constitution is not completely silent on party finances. However, its provisions in respect of the finances of political parties relate only to their sources of funds and other assets. For instance, Section 225(3) of the 1999 constitution merely prohibits any political party to: (a) retain any funds or assets remitted or sent to it from outside Nigeria. The requirement that political

³⁶See, Olusegun Obasanjo and Akin Mabogunje, *Elements of Democracy* ALF Publications, Abeokuta, 1992, p.138.

³⁷Said Adejumo, "The Two Political Parties and the Electoral Process in Nigeria: 1989-1993" in Georges Nzongola-Ntalaja and M.C. Lee (eds.), *The State and Democracy in Africa*, Harare, AAPS Books, 1997, pp. 125-145.

³⁸Cited in A.E. Davies, *op.cit.*

parties prepare and submit audited account to the electoral body is only intended to ensure transparency and accountability. The National Assembly is yet to issue guidelines to regulate the activities of lobbyists and other political action groups who operates formally or informally, buying the votes of legislators for their causes in the legislature.

Nevertheless, perhaps the strongest predisposing factor for vote buying in Nigeria is excruciating poverty among the masses of the people. Despite some \$280 billion in export revenues since the discovery of oil in the late 1950s, at least half of the entire population lives in abject poverty. Literacy is below that of Democratic Republic of Congo.³⁹ Gross Domestic Product (GDP), per person is lower now than it was before the beginning of the oil boom of the 70s. To even return to the living standard of that time, the economy would have to grow by an unlikely five per cent per year until 2010. With an estimated population of well over 140 million (2006 estimate), the GDP (1998 estimate) is \$36 billion, while estimated real growth rate (2000) is 2.7%. Per capital GDP (1999 estimate), is \$300 with an inflationary rate of 6.6% (2000 estimate). The value of the national currency, the Naira, has fallen from N2.00k to Pound Sterling in the early seventies to as much as N250.00 to a Pound now. The 1999 UN Human Development Index gives it a slightly better though still disheartening score 146 out of 174.⁴⁰ On the other hand, government claims that since the inception of democracy in 1999, the country “certainly ranks among the ten fastest growing economies in the world in the last two years”. That for five consecutive years (2000-2004) Nigeria has had positive per capital income growth rates, and on the aggregate, this is the only time it has happened during a democratically elected regime in Nigeria.⁴¹ Though the impact of the reforms are yet to be felt. Thus, a pauperizing economy can not but promote vote buying. It is just a means of survival by electorate. Perhaps until the economy improves tremendously, the phenomenon of vote buying may still be lingering with us.

Concluding remarks

From the foregoing, we have conceptualised vote buying as a form of trading buying and selling and the commodity exchanging hands is simply the votes/franchise of the people. The predisposing factors too have been highlighted and properly analysed within the Nigerian context. The fundamental question is: what are the direct and indirect impacts of the

³⁹ See, Karl Maier, “Midnight in Nigeria”, Nigeria at Forty, (Special Edition), *The News*, Vol. 15, No. 14, October 9, 2000, pp.32-35. The piece is an excerpt from Karl Maier's exciting book entitled *This House Has Fallen: Midnight in Nigeria*. For the gloomy picture of Nigeria's economy also see Eghosa Osaghae, *Nigeria since Independence: Crippled Giant*, C. Hurst & Co., London, 1998.

⁴⁰ See, Karl Maier, op.cit.

⁴¹ See, Andreas Schedler, op. cit., 2002.

phenomenon on Nigeria's nascent democracy. To start with, any polity where voters are not completely or as much as possible insulated from undue outside pressures, most especially money, they can not choose freely. In the words of Andreas Schedler, "if power and money determines electoral choices, constitutional guarantees of democratic freedom and equality turn into dead letters."⁴² This is why concerns about the "clientelist control" of poor voters tend to arise whenever electoral competition unfolds in context of glaring socio-economic inequality. The concomitant effect of this is simply that wrong choices are made in terms of candidates who are political merchants or reluctant moneybags that may not be able to impact positively on the democratic development of the polity.

When this percolates to the legislature, where money becomes language of politics, the quality of legislation becomes nothing to write home about. Legislators who are supposed to be an effective check on the executive compromises themselves. Bills are rushed. Budgets are passed without needed scrutiny and appointments are equally ratified not after thorough screening of the candidates. Sometime ago, the former Minister of Federal Capital Territory (FCT) Mallam El-Rufai disclosed that legislators demanded money from him so that he would sail through the hurdle of ministerial screening by the National Assembly.

Without gainsaying, any electoral system that thrives in vote buying will definitely not midwife a transparent government. Whereas, the imperative of transparency and accountability cannot be over-emphasised in any democratic system. Where candidates have invested much before being elected or appointed into public office, simple economic rationality will impel it on them to make the money they have invested in as many folds as possible. Where that is the case, accountability and transparency known to be one of the hallmarks of good governance and democracy⁴³ becomes jettisoned to the detriment of the system.

Finally, good materials that are capable of making positive impacts in the system are completely alienated from the democratic processes simply because they can not afford the cost. Many senior civil servant retirees and academics have garnered sufficient experiences during their long years in service for them to provide effective leadership in the polity but for being poor or not financially strong to withstand the 'cost', they shy-away from politics. Their services are thus completely lost to the system. Those who desperately source fund somewhere else, when elected they become political weaklings because the political financier dictates to them what they should do, and not do. The popular

⁴² See, Charles C. Soludo, "The Political Economy of Sustainable Democracy in Nigeria", *New Age*, Lagos, Thursday, June 2, 2005.

⁴³ See, A.E. Davies, "Reflections on the Imperative of Transparency and Accountability for Good Governance", *Ilorin Journal of Business and Social Sciences*, Vol. 8, Nos. 1&2, 2003, pp.

aphorism applies here that “he who pays the piper dictates the tune”.

Conclusively, this paper now recommends the following policy options as remedy to the political cankerworm that has eaten deep to the marrow of the polity. Nigerians require a re-orientation of societal values that everything is not money. The kind of materialistic instinct, which pervades the society for now, is uncalled for. The National Orientation Agency (NOA) should be made to be fairly autonomous from the apron strings of the Presidency and Federal Information Ministry; Where candidates are found to have violated expenditure limits, such candidates should be disqualified. Likewise, sourcing funds from outside the country either directly or indirectly may be discouraged too as such practice compromises the sovereignty of the country as foreign comprador desire to have a say and financial returns too may sponsor candidates; Political parties may have to be organised in such a way that all members would contribute to the cost of running both the party and funding of election campaign by candidates. Where politicians go all out to fund their campaign alone, they can go to any extent to get money.

Not only that, party officials should be trained on how to manage electioneering campaigns in which candidates have a well thought out manifestoes. Unlike in the Second Republic when major political parties glaringly articulated their cardinal programmes, the case is not so for now. Voters are as confused as the politicians themselves. The economy must be improved upon. Where poverty is reduced to the barest minimum, the voters can make independent electoral decisions. Finally, the mass media has a role to play in sensitising voters to know their primary responsibilities in electing credible candidates. Where the media is celebrating moneybags, the phenomenon of money politics may continue to be with us.

VOTE BUYING AND THE QUALITY OF DEMOCRACY

Dung Pam Sha

Introduction

Our objective in this chapter is to discuss the impact of vote buying on the quality of democracy in countries undergoing political and democratic transitions. In doing this, we have attempted to answer the following questions: what constitutes vote buying? Who buys votes? Who sells votes? Why is vote buying prominent in emerging or transitional democracies? What impact does vote buying have on the quality of democracy? How can the practice be stopped? The argument of the small reflection is that vote buying in all its ramifications, violates democratic norms and negatively affects the quality of political transition in Nigeria.

Vote Buying and treating defined

Vote buying is a corrupt act which usually takes the form of “a gift or gratuity bestowed for the purpose of influencing the action or conduct of the receiver; especially money or any valuable consideration given or promised for the betrayal of a trust or the corrupt performance of an allotted duty, as to a fiduciary agent, a judge, legislator or other public officer, a witness, a voter, etc.”¹ As a corrupt act, vote buying can be defined as any form of persuasion in which financial gain is suggested by one person to another with the intention of influencing a person's vote. This includes not only the payment of a simple bribe, but also the payment of excessive traveling expenses and the payments of excessive election workers. Political bribery involves a situation where persuasion income is channeled and also the attitude of the voter to his vote preference is commercial. In this case, voters are approached in public houses and at home and would be offered financial rewards if they voted for the right candidate.²

Section 24 of the Nigerian Electoral Act 2006 (Offences of Buying and Selling of Voter's Card) defined vote buying as selling or attempting to sell any voter's card whether issued in the name of any voter or not ; or buying or offering to buy any voter's card whether on the buyer's behalf or on behalf of any

¹ *Century Dictionary* quoted in Brooks, 1970:57

² King, 1970: 389

other person. Section 131 of the Electoral Act 2006 (Prohibition of Bribery Conspiracy) also outlines the following actions as vote buying: (a) direct or indirect offering or aiding in offering inducement in any form whatever to a person or a political campaign for the purpose of corruptly influencing that person or any other person to support or refrain from supporting a political party or candidate; (b) direct or indirect giving or offering to give any money or valuable consideration to any person during a political campaign in order to induce that person or any other person to support or refrain from supporting a political party or candidate; (c) accepting any inducement, money or valuable consideration from any person, candidate or political party in order to compel that person or any other person to support or refrain from supporting a political party or candidate.

Treating

Treating is defined in Section 137 of the Electoral Act 2006. The section states that a person who (a) corruptly by himself or by any other person at any time after the date of an election has been announced, directly or indirectly gives or provides or pays money to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrain from voting at such elections or (b) being a voter, corruptly accepts or takes money or any other inducement during any of the period stated above; commits an offence and shall be liable on conviction to a fine of N100,000 or twelve months imprisonment or both.

The actors who buy votes in Nigeria include patrons (“godfathers”) in the political system; political parties, which could be in the ruling or opposition parties and individual politicians at local government council, state and at national levels. Vote buying occurs when competition for power amongst contending political groups is stiff. This is when the balance of power within the constituency is nearly equal. One or both groups may be engaged in vote buying. Buyers of votes are motivated by the following factors: capturing state power; maintaining authoritarian control of political office and keeping the opposition out of power. The struggle to control the apparatus of the state becomes intense because such control guarantees wealth, power and authority. Politics in Nigeria is seen by the ruling elites as the only “viable industry” in the country. (Kyari, 2003: 284) contends that politics is a:

...means for self-service in Nigeria today, it has also become the surest, quickest, easiest and most rewarding avenue for escaping the gnawing poverty to which most Nigerians are today condemned. First it requires no training, no capital to initiate a political career in Nigeria in the first instance. You need a

strong jaw, a capable pair of legs, and a godfather. Strong atavistic instinct, cynical attitude to Nigeria's development and willingness to stand behind your godfather will not only complete the list of qualities you need, but would also accredit you to the winning party of the times. Politics... is not a matter of issues or ideology, but simply of 'the stomach' as its most successful practitioners would readily tell you.

The sellers of votes are pushed into this act either because of poverty or as a method of getting part of national cake. These are the unemployed youths, men and women in both rural and urban settings. Another category of sellers are those parasitic politicians who survive in illegal acquisition of voters cards during voter registration exercises.

Arena of political vote buying in Nigeria

Vote buying takes place at various institutional levels in the polity. However it is often difficult to ascertain the exact amounts of money used for this purpose because of the secretive way this is done. Some of the levels at which vote buying takes place include the following: Vote buying in the legislature: the legislature is the law and policy making institution in every democracy and this explains why individuals and groups would normally want to illegally influence its members to enact laws that would be in their favour. The media has informed Nigerians of the phenomenon of vote buying in the legislature. Some of the celebrated cases include (a) bribing of legislators to approve education budget for the Federal Ministry of Education in 2005 (b) bribing of legislators to approve (MTN) contracts in 2003 (c) bribing of legislators to vote for tenure elongation in 2005/6 (d) bribing of legislators to vote against tenure elongation 2005/6.

The first case mentioned above is that of vote buying of legislators to change (increase) budgetary allocations. This case involved the Minister of Education, the National Universities Commission and the members of the Education Committee of the Senate and House of Representatives and the Vice Chancellor, Federal University of Technology Owerri in a N55 million vote buying scandal to increase the budgetary allocations of the said University and the Ministry of Education. It is reported that the Minister of Education invited his acting Permanent Secretary and some Directors to withdraw money under their control in order to bribe members of the Budget/Finance Committee of the National Assembly to ensure that their budget will not be reduced, in fact, in order that the budget for the Ministry submitted by the Executive may be increased.

Second, the Directors actually produced from their votes the sum of N35million, while an additional loan of N20 million was taken from the National Universities Commission (NUC) to pay a total bribe of N55 million which was collected by the Senate President, Adolphus Wabara; Senator John Azuta Mbata, Chairman, Senate Appropriation Committee, Senator Ibrahim Abdulazeez, Chairman Senate Committee on Education; Senator (Dr) Chris

Adihije, Senator Badamasi Macciddo, Senator Emmanuel Okpede, and a member of the House of Representatives, Hon. (Dr) Shehu Matazu who is the Chairman of the House Committee on Education. (President Obasanjo National Broadcast on the N55 million Scam). The President announced the dismissal of the Education Minister from office; the Permanent Secretary and the five Directors of the Ministry were to be disciplined by the Federal Civil Service Commission; The Senators and the Members of the House of Representative involved were to be handed over to be disciplined by their various Houses, the Vice Chancellor and the Executive Secretary of the NUC were to be handed over to the Independent Corrupt Practices Commission. The money according to the President was recovered. (Vanguard, March 24, 2005:13-14; Vanguard, April 1, 2005; Daily Trust, April 1, 2005)

Another celebrated case of vote buying is that related to “Third Term” debate which was openly reported in the national press. This is a problem of political succession, a crisis characterized by subtle refusal by ruling elites to leave office at the expiration of their tenure. President Obasanjo and his supporters had vigorously campaigned for the elongation of his tenure in office as the President of Nigeria. This was resisted by various sections of the Nigerian population such as the civil society, politicians within the PDP especially those who were waiting by the wings to taste power, and also politicians from the other parties who were tired of what they considered as a tenure full of executive excesses and personalization of power. This singular attempt by President Obasanjo to overstay in office cost the nation financial resources, valuable time, constitutional amendments and the slowing down of the transition programme.

It has been argued that both those who supported and opposed tenure elongation for President Olusegun Obasanjo collected large sums of money from their sponsors. We haven't ascertained the figures involved, but we think that money exchanged hands and certainly not all legislators participated in the collection. The Punch Newspaper (April 24, 2006 p.1 - 2) reported that Senator of the Federal Republic of Nigeria were to be given 109 Peugeot cars for official use. The purchase according to newspaper has been delayed since 2004 and it was just done few days to the debate on the Constitutional amendment which tenure elongation was expected to be approved. The papers stated that: the orders are coming barely one year to the end of the current Senate and in the midst of the controversial plan to extend the tenure of political office-holders. The debate on the general principles of the bill to amend the Constitution is expected to begin in the Senate on Tuesday [May 2, 2006). The import of this action by those approving the budget and those in control of the implementation is that the purchase of the vehicles was expected to influence the discussions on Constitutional amendment and particularly the tenure elongation.

It was widely reported in the media that members of the National Assembly, the State Governors and the members of the State Houses of Assembly were given various sums of money to support tenure elongation and also help

influence the opinions of their constituencies. It was believed that the pro-tenure elongation parliamentarians were to enjoy the sum of N40 million each while parliamentarians at the states levels and other pro-tenure elongation politicians collected the N10 million. Vote buying occurs within the political party (during party primaries; party congresses etc) and in the polity during national elections. It was reported that in the 1999 elections instance of bribery took place. The Election Observers' Reports states:

Bribery allegations were equally widespread, but TMG monitors also made actual reports of bribery. In Oshimili North LGA in Delta State, a party gave out the money that facilitated the sharing of the ballot papers among the three parties, and as a result, that party had 75% to thumb-print, while the other two parties shared the remaining ballot papers. In Ekiti State, the wife of one of the parties' gubernatorial candidate was arrested with a large sum of money and indeed, a pot of charms. It was alleged that she had been using money to bribe voters. [Http://www.africa.upenn.edu/Urgent_Action/apic_21899.html](http://www.africa.upenn.edu/Urgent_Action/apic_21899.html)

The report of the Transition Monitoring Group on the presidential elections held on Saturday, 27th February 1999 states that:

In Kano malpractices were on all sides. While in Gaya LGA some voters were offering their votes for sale for as little as N10.00, in other areas, such as Madobi, INEC officials and party agents connived in bribery and rigging. The fallout of bribery at Sabon Gari ward, Magami polling station in Zamfara State has already been noted above. Attempts at underaged voting were also a feature in this state, for example at Danbawa 5B polling stations in Tsafe ward, ten underaged boys were brought for voting, but were detected. [Http://nigeriaworld.com/focus/politics/tmg_report1.html](http://nigeriaworld.com/focus/politics/tmg_report1.html)

Vote buying takes place during registration of voters. In the past registration exercises, registration officers sold empty or completed voters cards to politicians of opposing camps (this results in accusations of insufficient registration materials). The Transition Monitoring Group (TMG) reported numerous cases of vote buying nationwide during the 2002 voter registration exercise. The Observers in Kwara State, Ilorin East Local Government Area reported that some powerful politicians bought votes and voters sold their votes. TMG wrote:

...one Alhaja Fumilayo Olokoba (leader of the Women's Wing of the ANPP) mobilized registrants to one of the units and gave them N200 each in exchange for their cards. Similarly, one Mrs. Mayaki Balogun Sani, a seamstress, was alleged to have taken all her apprentices for registration after which she collected their registration cards from them. In Gbabia-bidun (002) in Balogun-Fulani 3 Ward in Ilorin South Local Government Area on the 23rd September 2002, party agents approached registered voters as they left the centre and sought to buy their cards. Those who obliged them were paid sums ranging from N100.00 N250.00 per card. (TMG: 2003: 40)

TMG reported similar selling and buying of voters cards during the registration exercise nationwide. One classic case of vote selling and buying took place in Rivers State and TMG report thus:

In River State, hoarding and selling of voters' cards was rampant...in Khalga Local Government Area, supervisors hoarded materials for PDP agents; on the 21st day of September 2002 in Ward 10 Ikwere Local Government Area, INEC officials hoarded registration materials and were later sold to top politicians. In Khalga Local Government Area, a registration officer carried out registration in his house at night to those willing to pay. In Obio/Akpor, there were cases of buying and selling of registration materials and the registration of people in absentia. In Onelga Local Government Area, INEC supervisory/registration officers hoarded registration materials for PDP top officials....(TMG, 2003: 42-3)

Vote buying and quality of democracy

Vote buying as noted earlier is largely illegal, criminal and therefore unconstitutional. It has tremendous impact on the process of transitioning to democracy in a number of ways. First, vote buying promotes the primacy of money in politics to the detriment of merit, ideology and free and fair competitive political competition. The character and quality of persons seeking mandates are not questioned and worrying too, this does not feature in national discourses. In addition, there has been a disappearance from political praxis, debates on ideas and issues affecting the populace. Old and unproductive politicians are re-cycled into the political process, with obvious implications that such individuals are only concern with personal projects and primitive accumulation of wealth. In this case the work towards the development of democracy is not given attention. Vote buying therefore obstructs the consolidation of democracy in Nigeria because of the ultra-privatization of transition project by money bags, political instability due to recurring electoral and political violence amongst political groups. This instability weakens the national economy.

Second, vote buying promotes elitist politics and weakens popular participation. Only persons with the resources get access to political offices in Nigeria. Communities with grassroots solidarities hardly have access to political power because of their inability to participate actively in the monetized political system. Third, the political parties that bought votes monopolize power to the exclusion of financially weak parties. They become new sets of autocrats in the political process. In such situation they can become disconnected from the people.

Fourth, political institutions (parliaments and government houses in Nigeria for instance) are currently inhabited by some politicians with stolen mandates via vote buying. This has affected the image and respects for such national institutions which are suppose to direct the course of democracy. This situation will ultimately have a devastating impact on the legitimacy of such institutions. Political instability may be an outcome of continuous existence of

illegitimate institutions.

Fifth, regimes that have forcefully come to power through vote buying, such regime spend considerable time recouping from its political investment, usually through the pilfering of state resources. In such situation, little resources are available for the fulfilment of campaign promises and peoples' livelihood expectation. Worse still, little attention is paid to the development of democracy. Governance in such a situation becomes a factor in the creation of generalised crisis in society.

Dealing with vote buying in Nigeria

The electoral law has very specific penalties for vote buying and selling and they range from disqualification of the violators as voters, or disqualification of violators who are in position of authority from retaining such office, to fines and imprisonment. The 2002 Electoral Law (Disqualification as a voter or Disqualification from retaining an elected office) Section 127 for instance said individuals who violate the law by buying, selling, procuring or dealing with voters will be “disqualified during a period of 4 years from the date of his conviction from being (a) registered as a voter or voting at any election and (b) elected under this Act or if elected before his conviction, from retaining the office to which he was elected”.

Fine and or Imprisonment: Although this is not clear in the Electoral Act 2006, Section 13 of the Electoral Act 2002 states that individuals who violates the law by buying, selling, procuring or dealing with voters are liable, on conviction, to a fine not exceeding N100,000.00 or imprisonment not exceeding twelve months or both. Section 87 of the Electoral Act 2002 states that “any person or political party which contravenes the provisions of this section is guilty of an offence and liable on conviction: (i) in the case of individual, to a fine of N100,000 or imprisonment for a term of one year; and (ii) in the case of a political party, to a fine of N250,000 in the first instance, and N500,000 for any subsequent offence, payable jointly by the Chairman, Secretary and Treasurer of the political party at the National, State , Local Government Area, Area Council or Ward level, as the case may be.

Section 131 of the 2006 Act states that “any person who does any of the following:

- (a) directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers , promises;
- (b) promises to procure or to endeavor to procure, any money or valuable consideration to or for any voter, or for any person on behalf of any voter, or to any person, in order to induce any voter to vote, to refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, any elections;
- (c) directly or indirectly, by himself or by any other person on his

behalf, corruptly makes any gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure or to endeavor to procure the return of any person as a member of a Legislative House or to an elective office or the vote of any voter at any election;

- (d) upon or in consequence of any gift, loan, offer, promise, procurement or agreement as aforesaid, corruptly procures, or engages or promises or endeavours to procure, the return of any person as a member of a Legislative House or to an elective office or the vote of any voter at any election;
- (e) advances or pays or cause to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; or
- (f) after any election directly, or indirectly, by himself, or by any other person on his or her behalf receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting or having induced any candidate to refrain from canvassing for votes for himself/herself at any such elections commit an offence and on conviction is liable to a fine of N100, 000 or twelve months imprisonment or both.

Section 131 (2) of the 2006 Act states that a voter shall be guilty of an offence of bribery who before or during an election directly or indirectly himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself, or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election.

Limitations of the sanctions against vote buying

Though there are attempts in dealing with vote buying in the electoral law, particularly the 2006 Electoral Act, some of the laws have limitations such as : The measures are stiff enough to deter buyers and sellers of votes, but there are weak institutional capacities and mechanisms to apply them; The implementing authorities (such as INEC, SIEC) of the electoral laws have not been able to maintain the requisite autonomy. What has compounded their problem is their involvement in acts of corruption; Awareness of the law on vote buying and treating is minimal amongst the electorate; Corrupt acts such as “treating” may not be considered as corruption by many in our poverty ridden situation where the state capacity for social provisioning is weak. For instance, an individual politician who will obviously want to exploit state weakness may decide to

provide a service to a community on the eve of an election. This amounts to treating because the politician's intention is to influence electoral outcome.

Recommendations for reducing vote buying

Since vote buying has continued to be a threat to the growth and development of democracy, there is need to develop articulate credible ways of dealing with the problem. Below are some of the methods of handling this problem: There is need for political awareness of the laws regarding vote buying and treating. INEC, political parties and civil society have to take up this responsibility; INEC and other relevant agencies should be empowered and grant absolute autonomy to handle cases relating to vote buying and treating; The law against vote buying should be written in simpler language and made accessible to the electorates.

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