

Electoral Malpractices and the Challenges of Democratic Sustainability in Nigeria, 1979-1999

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Abstract

Electoral malpractices have posed serious challenges to democratic sustainability in Nigerian since independence. The process of electoral malpractices often started from the registration of voters through the nomination of candidates, the conduct of elections as well as to the point of announcing losers and winners. The results of conducting elections not devoid of rigging have culminated into protest and counter protest as well as the fall of different regimes in the political history of Nigeria. The consequences of these have been cautious efforts by successive administration to engender an electoral framework that would ensure free, fair and credible elections. This work examines the nature and patterns of electoral process in Nigeria from 1979 elections, which marked the beginning of the second republic, and 1999 elections, which commenced the start of the fourth republic in Nigerian political history. And concludes that in order to avoid a repeat of history there should be serious reforms of all the political parties, the governmental electoral umpire saddled with the responsibilities of conducting elections and more importantly the attitudinal change of Nigerians toward conducting elections that would be acceptable to everyone and the international communities.

Keywords: elections, sustainability, democratic governance, political parties

Introduction

Electoral malpractices have been a main feature of electoral processes and elections in Nigeria since independence. It has become a major impediment to the conduct of credible, free and fair election, which fundamentally ensures legitimacy for representative government and the consolidation and sustainability of democracy through an entrenched desirable political culture. In the history of Nigerian politics, electoral malpractices have resulted, at different times, in failed democratic process, a phenomenon that has kept the country on the back seat of development in all ramifications. By definition malpractice, in law, refers to the deliberate misrepresentation of fact for the purpose of depriving someone of a valuable possession or legal right; any omission or concealment that is injurious to another or that allows a person to take unconscionable advantage of another may constitute criminal fraud

(Aworawo, 2002:56). In this regard, therefore, electoral malpractice is defined as illegal interference with the process of an election, an act that tends to involve influencing vote counts to bring about a desired election outcome. According to Michael Ogbeidi (2003:151) electoral malpractices are palpable illegalities committed with a corrupt, fraudulent or sinister intention to influence an election in favour of a candidate(s) by means of illegal voting, bribery, rigging, undue influence, intimidation and other acts of coercion brought to bear on voters, falsification of election results, fraudulent announcement of a defeated candidate as winner – with or without altering the recorded results. Historically, election malpractice is probably as old as elections themselves. It is illegal and a design likely to control the electoral process and use any measure to achieve a desired result. Basically, electoral malpractice is not limited to political polls and can happen in any kind of election, where the potential gain is worth the risk for the cheater.

To this end, this paper examines the History of electoral malpractices in Nigeria; particularly in the areas of political development, rigging of elections, causes of electoral malpractices, strategy to check the trend and recommendation for the conduct of future election devoid of manipulations.

A Historical Survey of Electoral Malpractices in Nigeria

Nigerian electoral history is replete with cases of violence and crisis occasioned by electoral malpractices, beginning from the elections of the First Republic. Regrettably, elections, which by design are intended to bring about an orderly change, in Nigeria had rather created an atmosphere of chaos and political crisis, which has made peaceful democratic change an impossible one. From the general elections of 1964 to the 1999 presidential election, the story replays the same odyssey. Beginning, from the 1964 General Elections, the multiparty structure, which marked the 1959 pre-independent elections was practically replaced by a two-party system, namely The Nigerian National Alliance (NNA) and the United Progressive Grand Alliance (UPGA). The tone was thus set for an election that appeared programmed to plunge the nation into crises, the seeds of which had been sown by events in the young nation which had barely a year earlier, become a Sovereign Republic.

It was alleged that the NNA used the power of incumbency to rig the election. Election officers did not register voters in areas dominated by UPGA, while many candidates of UPGA standing for election were not cleared to contest. Before the election, the deputy leader of NNDP, which was part of the NNA, Chief Femi Fani-Kayode made an embarrassing statement to prove that the government always actually influence the election. He said if the people do not vote the angels would vote for NNDP (Gboyega et al, 1990:14). All the rules were made to favour the NNDP according to Remi Anifowoshe (1990:219). He argued that the electoral regulation, both original and amended, of the 1965 regional election was openly and blatantly abused and were turned by the NNDP agent against the opponents. For example, the polling agent of UPGA were excluded from the polling booths since they could not have their identity card counter signed by the electoral officers, hence, it was difficult to check the fraudulent acts of the NNDP agents.

Consequently, the elections were largely boycotted in the East, Midwest, Lagos and parts of the Western Region. In the North, 61 of the NNA candidates were returned unopposed. NNDP candidates in the West, where S. L. Akintola was the Premier, were equally returned unopposed for the NNA. UPGA denounced the outcome, calling the election a "farce." The NNA insisted that the elections

were valid wherever they took place and that by-elections should only be held in the Eastern Region constituencies where the boycott was total. The political atmosphere became charged. Intimidation and brutalisation of political opponents oftentimes resulting in deaths including the vandalism of their property were rampant. Manipulation of the political process for partisan appropriation of the perquisites of office and suffocation of ethnic minorities fuelling ethnic animosities and suspicion, provided a conducive climate for the military coup d'état of 15th January 1966 which claimed the lives of some leading actors in Nigerian politics.

Large-scale malpractices was not noticeable in the 1979 elections owing to the fact that it was suppressed by the military government. As a matter of fact, the turnout of voters for the election was low; it ranged between 25 and 35 percent of the registered voters. Consequently, the large number indicated by the result therefore possibly is an indication that the register of voters must have been inflated (Oyediran, 1985:1-4). However, there was an issue that almost stalled the outcome of the election; this was the presidential election controversy which revolved around the interpretation of section 34 subsection (i)(c)(ii) of the Electoral Decree No. 13 of 1977, which states that:

A president shall be duly elected to such an office where there has been more than one candidate. He has the highest number of vote cast and

He has no less than one-quarter (1/4) of the vote cast at the election each of at least two-third (2/3) of all state in the federation (The 1979 Constitution).

Alhaji Shehu Usman Aliyu Shagari, of the NPN was the eventual winner of the Presidential Elections on 26th September 1979 after the Supreme Court had interpreted the knotty provisions of the constitution on what constitutes two-thirds of 19 states, critical requirement to ascertain overall winner.

The 1983 election was one of, if not, the most fraudulent elections in the history of elections in Nigerian in terms of the scale of electoral malpractices. The election was bastardised by the misuse of the power of incumbency, money, and the politics of bitterness and intolerance inherited from the First Republic. The rigging was well pronounced and open; all the political parties rigged the election in their various spheres of influence.

The electoral body charged with the responsibility of managing the 1983 elections, the Federal Electoral Commission (FEDECO), proved to be highly incapable of handling the election and actually became partisan playing along with the ruling party. Officials of the commission played active part in the irregularities and malpractices that characterised the election. It was obvious from all indication that the conducting the 1983 elections in a free and fair atmosphere was actually beyond the capacity of FEDECO, because less than two weeks to the compilation of the voters register nothing was done to show that the commission was serious with carrying out the exercise (Jibrin, 1999:40).

On many occasions, politicians made utterances that made it look certain that the elections were going to be another futile exercise. For instance, the leader of the NPN boasted before the elections that NPN would not only record a landslide victory, but a "moonslide victory," meaning a total sweep of the polls. Umaru Dikko and Chief Adisa Akinloye, also openly declared that as far as they know, there were only two political parties in Nigeria: The National Party of Nigeria (NPN) and the Army. What this means in effect was that only NPN should win elections and if it loses, then it would bring in the military to take over the reins of government (Falola and Ihonvbere, 1985:107).

Before the election, ballot boxes were discovered in people's houses, stuffed with ballot papers. Ballot boxes were even stolen from some polling booths. Judges, the police and other security operatives were not left out. Courts upheld a number of fraudulent elections on purely technical grounds. But only in few cases were the courts capable of reversing election results as in Ondo State gubernatorial elections of 1983 and some other local government elections. The 1983 gubernatorial election in Ondo State was hotly contested by Alani Omoboriowo and Chief Michael Ajasin. The votes of Alani Omoboriowo representing NPN was inflated from 703, 792 to 1,228,981 while that of Chief Michael Ajasin of the UPN was deflated from 1,563,377 to 1,015,385. Expectedly, the illegality resulted in serious violence; houses were burnt and properties destroyed, supporters of the two parties constantly engaged in fight until victory was installed to Ajasin (Anifowoshe, 1990:218-219).

The Police Force and other security operatives, which were suppose to protect the citizens and ensure the citizens operated within the bounds of the law were themselves the lawbreakers. They became prejudiced and aided in the massive rigging that characterised the elections of 1983. In the view of Oyediran (1985:4) "with such a partisan police force, it was practically impossible to hold free and fair elections in 1983." The various support given to the police by the government prior to the elections ensured that the police was on the side of NPN. This was why the Police Force was cynically referred to then as "the NPN Police Force. Again, as a direct consequence of the unprecedented electoral fraud that marred the 1983 elections, the country was plunge into political violence, hence the military again stepped in and seized the reins of government.

Between 1989 and 1993, Nigerians went through another rounds of election, however, it was obvious the politicians have learnt no lesson from history. Although the elections of this period were adjudged free and fair, the process was indeed not credible. The parties that participated in the 1993 presidential election, the Social Democratic Party (SDP) and the National Republic Convention (NRC), engaged in wide-ranging fraud. Their role in the malpractices and irregularities eventually culminated in the annulment of the election. The SDP and the NRC were particularly corrupt. On the day of the election, they tucked money inside breads, which were given out to voters to influence their vote. Officials of the electoral body, National Electoral Commission (NEC), collected bribes from candidates and parties in order to rig the election in their favour. Though adjudged free and fair compared with the 1983 elections, the famous June 12 1993 was reminiscence of previous elections in Nigeria.

The elections conducted under Abacha's transition programme suffered the same fate. As a matter of fact, because Abacha wanted to succeed himself in office he manipulated the entire process to reflect his interest. All the five 'Abacha parties,' namely, the United Nigeria Congress Party (UNCP), the Committee for National Consensus (CNC), the National Centre Party of Nigeria (NCPN), the Democratic Party of Nigeria (DPN) and the Grassroots Democratic Movement (GDM) and the electoral body, National Electoral Commission Of Nigeria (NECON), were only acting out a written script by the military because the whole process was masterminded by the Abacha' regime. Voter registration, which was a crucial phase of the transitional programme, ended in mid-February 1997, but the compilation of voters' lists was marred by irregularities. The UNCP was the big winner in the elections while DPN was second. The National Democratic Coalition (NADECO), an opposition party that had been ruled ineligible to take part in the election, contested the validity of the 1997 local elections. According to

NADECO, all the parties that took part had no platform and were motivated only by a desire for power, with all of them supporting the military junta's programme (Nwabueze and Chukwu, 2005:20-22).

The 1999 elections, which ushered in the Fourth Republic were conducted by the Independent National Electoral Commission (INEC) established by General Abdulsalami Abubakar. The transitional programme to civilian rule was scheduled for May 29 1999; hence like the 1979 elections the electoral process was jam-packed. It was alleged that only political parties accepted by the military-backed Electoral Commission were allowed to stand election. Although nine parties stood in the local elections, this was reduced to three in the presidential elections, namely the People's Democratic Party (PDP) and a coalition of the All People's Party (APP) and the Alliance for Democracy (AD). Most of the political actors were drawn from the pool of politicians that had participated in elections since the first Republic or who had been in government as military personnel (Onuoha 2004:20).

Consequently, since only military-backed parties were allowed to participate in the elections, the 1999 voting process was only pretence of democracy. There were apparent discrepancy between the numbers of voters turning up at polling stations and the much higher results announced. In some places, more votes casted were more than the number of voters registered. Up to one third of the 60 million voters registration cards went astray according to the Electoral Commission and billions of naira changed hands, as votes were bought and sold. Even the team of international observers who are supposed to give legitimacy to the proceedings had to point to significant vote rigging (Chris, 2008:2-4). Regrettably, however, the election fraud and the replacement of direct military rule by a military-backed regime in 1999 only enabled the ruling military and other sections of the ruling class to retain their hold on power.

Electoral Deceit and Political Development

Electoral success is a vital ingredient to a democratic process and Nigeria's case may not be an exception. Electoral malpractice has contributed to impeding the attainment of political development in Nigeria. With the existence of electoral fraud in an electoral process, the orderly change of government becomes muddled and controversial. Electoral fraud further makes it difficult to legitimise the winning party; when this happens, the nation may pass through stages of legitimacy crisis.

With electoral fraud, military coups became imminent, and when there is a coup, there is a temporary termination of democracy as it occurred during and after the 1963 elections which recorded large scale fraud, breakdown of law and order, and the impossibility of changing an insufferable government through the ballot box, Ben Nwabueze stressed that "a government which by election rigging makes itself irremovable is definitely inviting it's overthrows by the military as the only possible means of change in the circumstances (Nwabueze and Chukwu op cit). When election is rigged, it deprives the electorates the fundamental right of choosing their leadership; hence they do not have say in the political process because the representatives may formulate policies without heir consent.

However, the electorates were not ready to participate in the idea of political development in terms of having accurate knowledge, judgement and opinion of political objects. The electorates regarded election by default as that of a process to choose its representatives at any cost without the conscious efforts toward realising the value of election. In essence the Nigerian political culture was very low. It is important to stress that whether the electorates understand the issue at stake in an election or not, misinterpreted electoral problems, understand the significance of election or not, politicians should give

the process a chance to succeed, respect the verdicts of the electorates and allow it learn from its ignorance.

Precisely because of this history of electoral fraud, elections in the country have often been associated with political tension, crisis, and even violence. The outcomes of many elections have been so fiercely contested that the survival of the democratic order has been compromised. This sad history of electoral fraud or rigging has serious implications for Nigeria's democratic future because the phenomenon is growing rather than declining. The principal forms of rigging and fraud were perfected in the elections of 1964, 1965, 1979, 1983, and 1999 (Ihonvebere, 1999:15). The result is that the outcome of elections has been the subversion of the democratic process rather than its consolidation. Not surprisingly, major political conflicts have emerged around rigged elections (Ahmadu, 2005:101). The forms of electoral fraud include the following:

1. Inflation or deflation of voters lists
2. Compilation of fictitious names on voters' registers;
3. Illegal compilation of separate voters' lists;
4. Illegal printing of voters' cards;
5. Illegal possession of ballot boxes;
6. Stuffing of ballot boxes also called "ghost voting;"
7. Falsification of election results;
8. Illegal thumb-printing of ballot papers;
9. Voting by children;
10. Vote selling
11. Impersonating a voter.
12. Voter import from neighbouring communities or countries
13. Illegal printing of forms used for collation and declaration of election results;
14. Deliberate refusal to supply election materials to certain areas;
15. Announcing results in places where no elections were held;
16. Unauthorized announcement of election results;
17. Harassment of candidates, agents, and voters;
18. Change of list of electoral officials;
19. Bribery, corruption or threatening of election officials
20. Social engineering: the practice of obtaining confidential information by manipulating users.
21. Box-switching and inflation of figures.
22. Theft or destruction of ballot boxes.
23. Destruction of election material in order to annul results for individual polling stations or even whole constituencies.
24. Booth capturing, whereby thugs of one party "capture" a polling booth and stamp their votes, threatening everyone (Bayo:1990:2)

The varied forms of electoral malpractice and the high number of incidents of electoral violence rekindled old fears that the basic institutional weaknesses associated with the electoral system could bring the democratic experiment to grief. This fear is even more palpable as Nigeria moves on hoping to consolidate democracy.

Sources of Electoral Malpractices in Nigeria

Electoral malpractices in Nigeria are caused by a number of factors. A major factor is the issue of political leadership succession which has been a major challenge to democracy in Nigeria and to political stability and corporate existence of the country. This is because it has been a lot difficult for the political class to overcome the legacy of past regimes and build the culture and institutions that uphold democracy. They usually want to stay forever in government; hence they resort to using every means possible, including the power of incumbency, to remain in power including the manipulation of the electoral machinery. Electoral fraud inevitably is a consequence of this inordinate political end. Apart from the factor of political leadership succession, another factor is the use of state machinery to amass enormous wealth by public office holders. This has made politics an attractive venture and therefore made the conduct of elections ever more problematic in Nigeria. Politicians want to find their way into political office whatever it cost, because such position has become the easiest way to access enormous public fund.

The control of the electoral body by the executive arm of government puts the body in an impossible position to carry out its functions unfettered as an unbiased umpire. The history of the various electoral bodies that have managed electoral process in the country showed that appointment of the chief officers of the bodies made the neutrality of the body practically unthinkable. Besides, the body depends on the ruling government to fund the electoral process and as the saying goes: he who pays the piper dictates the tune. This has hindered the conduct of credible, free and fair elections in Nigeria since independence.

The low level of political culture is also a cause. The cognitive and evaluative orientation of the Nigerian electorate made them to be susceptible to intimidation, bribery, and manipulation, which promotes malpractices in elections. The orientation of the electorate towards the institutions that provides political leadership is important in entrenching a positive political culture in a society, but in a society like ours where religious and ethnic inclinations has eroded the consciousness of the electorate, it makes a free and fair election almost impossible.

There are also the monetisation and materialisation of politics, which are engendered by mass poverty. Electorates monetize their votes by selling them to the highest bidding contestants. Materialisation of votes takes forms of vote exchanges for such intangible quantity of consumables such as rice, table salt, cooking oil and kerosene to mention but a few. Monetisation and materialisation are all about securing a living through their votes. When these are involved, the quality of electoral process and the qualification and competence of contestants do not count in the choice of the electorates. In this way the electoral process becomes bastardised (Ajayi, 2007: 144).

The do or die syndrome is another factor that promote electoral fraud. Usually, in Nigerian politics, politicians regarded wining election as an end in itself, not as a means to serve the society, but to serve and enrich their pockets so elections were made a "do or die affairs" which politicians had to win at whatever cost. Winning elections at al costs by political competitors consequently becomes a limitation on a credible electoral process.

Conclusion

In the overall, this work has discussed electoral malpractices and related issues extensively. An examination of electoral fraud – its various forms, causes and how to effectively prevent the phenomenon – in the context of Nigeria's past electoral processes showed that electoral swindle has been a major factor inhibiting the conduct of credible, free and fair election that ensures an orderly change of government and sustain democracy.

The history of the country is replete with failed elections and abortion of democracy occasioned by electoral fraud, among other factors. The phenomenon of electoral fraud has since the independence engendered a political culture that has made the management of credible electoral process that will lead to an orderly change of government almost impossible.

Recommendation

Consequently, for Nigeria to move forward and institutionalise democratic culture through credible election, electoral malpractices must be effectively checked by correcting all the lapses apparent in the electoral system, institutions and machinery.

The electoral commissions should be made autonomous with the appointment of its officials to be effected through the national council of state and the nominees confirmed by the National Assembly and federal executive. Officials and officers of the electoral body should be paid handsomely and moreover, funds should be available to the body and should be made through special allocation in the national budget. The electoral body should provide voter identity cards with embossed photographs and biometric features should be provided in place of the old voter's card which encouraged impersonation and other fraud associated with voter's card.

The electorate should be vigilant; voters should keep watch over all voting procedures. They should monitor the voting, counting, recording and collation of election results at all levels as was done during the 1993 presidential election in most polling centres. Election collation panel should be present at all levels. It should include the party agents, representatives of the police, monitoring teams, both local and foreign observers, labour union, student, religions bodies. Another way to check or prevent electoral fraud is by election observation through the presence of foreign and local independent observers groups, as well as civil society groups on election days, monitoring proceedings that can forestall to a large extent the incidence of some forms of electoral fraud.

Civic education should be accorded a high priority. The argument has been made that the real challenge to ensuring free and fair elections in Nigeria borders much on knowledge of what happens in the past. The tasks of enlightening the citizenry of their rights and duties and defending the integrity of their votes are crucial. Considering the fact that politicians use religion and ethnicity as tools of political manipulation, the content of civic education should provide effective responses to such tendencies. Similarly, people should be educated about how to demand accountability from their leaders through town hall meetings and by making effective use of the constitution's recall provisions. However, carrying out civic education too close to the elections must be avoided because its full benefits would not be realised in such situation.

The mass media also need to play a more significant role in promoting and strengthening the credibility of the electoral system. Three main points are important in this regard. First, democratic stakeholders should encourage proliferation of privately controlled, as opposed to government, media.

Privately owned media are more likely to give better coverage to opposition political parties. Second, Nigeria needs to explore the possibility of community radio stations, which are inexpensive to establish. The present legal regime is not favourable to such stations, and parliament should create an enabling environment for them. Third, activists have not made adequate use of the Internet and e-mail to reach out and put information concerning elections in the public domain. The possibilities of using the Internet for national and international advocacy in securing free and fair elections should be developed.

Finally, government at all levels should confront mass poverty and unemployment. As long as people remain poor and lack access to basic means of livelihood, they will remain susceptible to all kinds of manipulation, including fomenting violence during elections. In other words, increasing political awareness without addressing the problem of poverty will not change the situation. More importantly there must be attitudinal change of Nigerians.

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