

DEMOCRACY ON THE PATH TO DETENTION

NIGERIA ELECTORAL SYSTEM IN PERSPECTIVE

Mofe Oluwashola Jeje^a

^aCenter for Democratic Assignment, Baruwa-Ipaja, Lagos, Nigeria

^aCorresponding author: whisper2jmod@yahoo.com

© Ontario International Development Agency. ISSN 1923-6654 (print),
ISSN 1923-6662 (online). Available at <http://www.ssrn.com/link/OIDA-Intl-Journal-Sustainable-Dev.html>

Abstract: Nothing seems to have held out much promise for a country that has suffered under successive military rule for many years than the return to electoral democracy in May, 1999. It was therefore, an 'open sesame' when the military were marched back to the barracks in change of guard for democratic governance in Nigeria. As the event unfolded, the press and many Nigerians cities went agog to celebrate this return in high hope. But unfortunately, the new ruler that emerged, as political events in the last ten years have shown, did not however satisfy the craving need for democracy despite the long wait. Political elites could hardly show that they are any better than the erstwhile military junta. Like the military before them, they could not meet the aspirations of the people for a democratic freedom and for an improvement in the material conditions of their life. It is therefore annoying, that ten years after the return to civilian rule, Nigeria still lacks adequate democratic legitimacy, as every election since then has been marred by violence, intimidation, bribery, vote-rigging, irregularities, system fraud and deliberate manipulation. Results of election primaries were altered and losers were substituted for winners while party constitutions were amended and re-amended at will in order to suit the vim and caprices of party leaders among others. Given the above development, it would appear that the political class has not learnt its lesson. If the masses are to decide and consequently take their future in their hands, they need a genuine democratic atmosphere and the evolution of an enviable and enduring electoral system becomes the critical political question.

Keywords: Corruption, democracy, electoral system, party politics

I. INTRODUCTION

Not a few would disagree that much has been achieved since Nigeria returned to representative democracy in 1999. This is because what is on ground today sharply negates the dream

that was had at the dawn of what was thought to be a new democratic order in 1999.

Those who share this sentiment are of the view that democracy is not only about the physical structures or the letters of democracy, a parliament, regular elections, civilian government officials, a constitution etc as being touted in government circles, but rather, democratic governance, as obtained in true democracies, should necessarily go beyond the above, to embrace the supremacy of the law and the constitution, faith in the ballot box and integrity of the electoral system, sovereignty of the people and ultimately, the advancement of the good of the people by government.

Unfortunately however, the country does not have the right democratic environment equivalent to what obtains in true democracies where people's choices at elections are respected [10]. If as they say, democracy is the government of the people by the people and for the people, one cannot say the people, around whom democracy revolves and derives its strength, are truly part of democratic governance in Nigeria.

The maxim that "power resides with the people" is not, and has never been, a statement of truism in Nigeria electoral history. Never before, have the people been given the right to choose and exercise their power. Instead, these right and power have been largely taken away from the people by roguish politicians who criminally impersonate to exercise these on their behalf with their rigging structures and by government action which uses the excuse for a slimmer government, to sell public properties to party members who will in turn bankroll future elections [1], as well as the covert activities of various agencies government directly and indirectly saddled with successfully managing the electoral process.

As things stand now, nothing enduring has been done to change the status quo except to bicker over the problem, come up with a make-shift solution, and proceed to look the other way. While, the cost of our

inability to develop a good electoral system keeps mounting, it has been asked, how democratic is Nigerian democracy? Could those who feel that Nigeria's democracy is on the path to detention be right? Or are they being unduly critical of Nigeria's democracy? Some explanation or elaboration is necessary. The elaboration is the theme of this piece.

II. DYSFUNCTIONAL BEHAVIOUR IN NIGERIA ELECTORAL SYSTEM

Today, the behaviour of political class in Nigeria shows that democracy is on the path to detention, as politicians desperately want to get into office with every mean possible without going through elections.

This situation gave room for wholesale rascality in high places, characterized by selective perception, selective comprehension, selective distortion and selective retention. Accordingly, corruption or more appropriately, brigandage in public places became rife.

The interplay of the above developments conspired to give overt encouragement to the numerous sour points that have doted the nation's political landscape since it begun its fourth round of the journey into democratic governance in 1999.

During general elections, arms were imported, distributed and freely used for elections by substantive and prospective leaders, such that instead of victory coming through the ballot, it was forcibly secured through the bullet [2]. As such, elections are of little or no consequence. It is not surprising therefore, that cases of hostage-takings, assassinations, kidnapping and armed robbery now abound everywhere involving young jobless Nigerians and students operating with sophisticated weapons provided for them by leaders and those desperate to lead.

This barbaric attempt to prevent decent people from participating in the political process through the killing of several aspirants to public office and the violent muzzling of others portends serious danger for the polity [11].

Without conscience, politicians steal mandates to comfortably seat in government houses and allow their opponents to fight from outside by going to court while the former use state money and machinery to fight back [7]. The electoral commission became completely partisan and partial, and even winning elections depended more on outright rigging than votes cast, courtesy of voters' registers which were either incomplete, as a result of some missing pages, or appeared to have been willfully altered in a way that made, the names of some registered voters with registration cards to be missing, or that the names on

the cards did not correspond with those against the relevant number in the register.

In other cases, the winners are predetermined through means that have no bearing with the will of the people [6]. At party primaries, serious cases of arbitrariness and imposition of candidates for election were widespread. While some party chiefs took sides amongst the different contestants for nomination, others sell their mandates and abandon the party they purport to lead. Some even belong to two parties simultaneously, one by day and the other by night, having been contracted as paid agents against their own party.

Even where it is glaringly clear that fraud has been committed and the people's will has been truncated, these mandate stealers have gone ahead to have their way by breaking the ranks of the opposition, buying those ready to be bought with government money and whipping the rest into line with state machinery [7].

The flawed electoral system is the underlying cause of this culture of desperation and the political estranged behaviour of political elite, which in turn, shapes the nation's political climate [3].

In all of these, the judiciary which is the last hope of ordinary man is also not spared. The interpreter of the law—learned ones—has also been permeated and effectively infected to work in mysterious ways. While the law is an ass globally, the Nigerian law appears to be an ass to the third degree. The nation's courts of law have become exchanges where laws and technicalities are freely traded as shares on the floors while justice is not even listed.

Beyond the political castration of the electorate who have lost the power to elect and re-affirm candidates, is the taking over of the choice of candidates by judges as electoral tribunals that do not usually have more than seven members decide elections that should have been concluded by the votes of millions of Nigerians [5].

This situation is complicated by the 'siddon-look' tendency of the electorates who over the years had been rendered politically impotent through electoral manipulations. As a direct consequence of this, voters also demand for financial inducements before they could cast their votes, and where these are not forthcoming, those whose votes could not find buyer seize and run away with ballot boxes.

So the political class now has untrammelled power over the people who can only look on while the dividends of democracy are by and large monopolized by a few. The reason for this is not far fetch. This is discussed in the next section.

III. UNDERLYING CAUSES

One reason is that, the same elements that the democratic forces fought against under the military are now the one who “inherited” the success of the struggle. Former military governors who ought to be in jail, retired policemen who ought to have been policed, discredited retired soldiers, hirelings of the military pretending to be politicians, and a coterie or assortment of nation-wreckers replaced the active military. People who vowed never to allow free democratic choice are the ones who are now in charge of democracy in Nigeria [12].

Another reason, which is much more potent, is corruption. Corruption lies at the root of the violent struggle for power and election rigging that destroys the country democracy [8]. Men and women saddled with the powers to serve as gatekeepers turned bandits and those charged with oversight powers succumbed to the temptation of Naira in the till. Hardly a week passes without the news of stolen public money, plea bargaining with governors with loot, or spurious allocations for green elephant projects. Only a few states governments deserve the title “government”. Most of them are political fiefs of those adept at violating the democratic hopes of the people. In most states, the Legislatures are dead and the Governors proudly equate themselves with the states. While local governments are subordinate political variables whose federal allocations are decimated by the State governments to which they owe their plump positions [1].

The fact of the matter is that the country’s corridors of power and her political parties are riddled with brigands who see themselves as members of some gentlemen’s club. They both make the rules and defy the rules with impunity. This is because corrupt politicians in the country are shielded by the very institutions that are meant to rein them in and bring them to justice. Otherwise, those involved in various scandals should have been in the slammers by now rather than walking our street as free men. The conduct of politicians challenges the intelligence of even the most brilliant psycho analysts. That is why corruption rules at the nation’s corridors of power reeling from one scandal to another.

As the government attempts to shut one gate of corruption scandal from the prying eyes of the public, another bigger gate of corruption opens. Political appointees, Ministers, Governors and Special Advisers found to have soiled their hands continue to serve in various capacities and appear to be candidates of first choice for national positions [4].

The last but not the least is weak institutions. A properly working democracy creates strong institutions,

not weak ones. As a country, it is not too clear what the expectation are; and if indeed there are, it is not clear how these expectations align with those of the people. So, while individually, we know what we want, collectively, we are short on a common template or framework from which to move the country forward through the various institutions politicians and past military opportunists have created [10]. Our narrow, ethnic, sectarian, group and communal agenda are stronger than the national identity, so, the same issue is often seen in different lights based on misguided considerations. Because of this, the nation is immobilized as it seeks a lowest common denominator to which everyone has no objection, rather than a highest common factor to which all agree. Everyone seeks personal short-cuts and compromises the system. When an individual is in power, he forgets he will one day leave, and acts only for personal benefit instead of creating a system from which all can gain [9].

IV. THE WAY FORWARD

The struggle for democracy and good governance in Nigeria would be advanced if the following recommendations are fought for and obtained:

- 1) The electoral law must be re-fashioned in order to allow for adequate political participation and uphold the principles of fairness and justice. Rigid rules for formation should be removed, independent candidacy should be allowed, bottom-up approach to elections should be adopted starting from the local government to the national level. It is when this is done that inclusive political participation can be engendered, and the current overheating of the political process diffused.
- 2) It is important for political parties to imbibe the principles of democracy at all level, particularly as regards their internal processes and/or moderate the tone and intensity of their struggle for power. It is to be hoped that party members will learn to win votes by the persuasiveness of their programs and policies, rather than by imposition, rigging, bribery and violence. The change in their orientation is necessary because undemocratic behaviour by political parties can rightly be said to be part of the labyrinth of political, social and economic conditions militating against the survival of democracy in Nigeria.
- 3) The situation where people join political parties either because they hope to be nominated to some political offices, or because they intend to sell their services within their parties, must change if political parties are to become engines of new democracy in Nigeria.

- 4) The electoral commission should be assisted by the government and the international community in computing capacity, in terms of establishing data centers and computerizing the voters' register.
 - 5) There remains a high need for security for ballot boxes and election officers after the close of polling, to ensure that cases of seizure of ballot boxes or results are eliminated.
 - 6) In order to ensure a credible electoral umpire, the recommendations of the Uwais Committee for the selection of the electoral Commission Chairman and members, whereby the National Judicial Council nominates the Commission Chairman and its members while the Council of states, chaired by Mr. President, recommends the appointees for Senate confirmation should be accepted and guaranteed in the constitution alongside the Commission's financial autonomy.
 - 7) Since the onus of proof that an election was conducted successfully in accordance to rules lies with Commission, then the requirement of proof beyond reasonable doubt expected from petitioners should be discarded.
 - 8) Penalties should be melted out for media houses that announce results not authenticated by the electoral body. A situation where the press becomes partisan and begins to report or announce results in a premature or partisan manner, may lead to national and international apprehension and doubts about the credibility of our electoral process.
 - 9) The judiciary should be assigned their constitutional responsibility in settling election disputes. Such disputes however, should be disputes between equal candidates and therefore must be settled before the oath of office of the successful parties. A situation where a defeated candidate is in court with a sitting Governor, cannot be expected to ensure equality of elections before the courts.
 - 10) Finally, the inclusion of former military heads of state/government in the council of state suggests a constitutional recognition of their unlawful overthrow of civilian governments, thus legitimizing military coup as an acceptable form of regime change.
- [3] E. Onwudiwe, & O. Iheduru. (2009, April 23). *Cost of Delay in Electoral Reforms*, pp. 56.
 - [4] G. Erapi. (2009, May 27). Politicians as Public Servants. *BusinessDay*, pp. 11.
 - [5] I. Muo. (2009, February 16). Beyond the Tribunals. *BusinessDay*, pp. 18.
 - [6] I. Natufe. (2006, April 26). Dysfunctional Premises of Nigerian Politics. *Guardian Newspaper*, pp. 65.
 - [7] M. Durugbo. (2009, June 07). Time Runs Out for Electoral Manipulators. *BusinessDay*, pp. 12.
 - [8] O. Agbaje. (2009 December 31). The Church and Society. *BusinessDay*, pp. 40.
 - [9] O. Agbaje. (2009, April 08). What Do We Lack? *BusinessDay*, pp. 56.
 - [10] P. Isakpa. (2009, January 19). Like Yar' Adua, Unlike Barkindo? *BusinessDay*, pp. 13.
 - [11] P. Utomi. (2006 August 22). Why We Must Restore Nigeria. *Guardian Newspaper*, pp. 65.
 - [12] W. Adebani. (2009, June 02) A Decade Ago. *BusinessDay*, pp 56.

REFERENCES

- [1] B. Ayoade. (2009, July 23) Applause for Verbal Democracy. *ThisDay*, pp. 23.
- [2] Business Day Editorial. (2009, April 08). *Leaders and Crime Rate*, pp. 10