

The Voracity Effect and Electoral Integrity: The Challenge of Managing Elections in Nigeria

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The electoral process in Nigeria as in most developing democracies is fraught with several challenges, these spans operational, technological and institutional among several others. In the storied history of electioneering in Nigeria therefore, only two exercises have been internationally acclaimed to be patently credible, the June 1993 and March/April 2015 general elections. This underscores the onerous responsibility for conducting free and fair elections in Nigeria.

The present intervention argues that electoral processes are reflective of the quality of the regulative and constitutive frameworks (institutions) governing society and by extension that the extent to which the Independent National Electoral Commission (INEC) can mid-wive credible elections is dependent upon its own institutional coherence and those of ancillary organizations and the legal framework it operates within.

The analysis draws upon the voracity effect model (Tornell and Lane 1999), to underscore the challenges for managing elections in severely fractured polities with weak institutions, and will delineate the pitfalls to delivering credible elections in Nigeria.

The intervention will draw upon aspects of the 2015 general elections to elucidate its argument of improved institutional capacity of INEC in historical perspective and compare the leadership of the two electoral commissions that have delivered on electoral integrity.

Introduction:

The challenge of an enduring democratic culture has plagued the Nigerian State from inception of self-rule; from the first post-independence general elections in 1963, electoral disputes have fuelled political instability and no presidential election has been devoid of disputations prior to the 2015 exercise. Despite the progressive erosion of democratic promise, Nigerians maintained a predilection for pluralistic politics and military rule, though extensive¹, was always regarded as an aberration; as Lewis observes:

Although Nigerians have grown less satisfied with the performance of the government, they continue to display considerable patience with the democratic system, and they have limited tolerance for nondemocratic political alternatives (Lewis 2003:138)

¹ The military ruled Nigeria on and off for 28 years between 1966 and 1999 when democratic rule was reinstated.

Yet, the survival of democratic rule was consequent on a durable electoral system of impeachable integrity (see also Elklit and Reynolds 2002, Lewis 2003).

Successive military regimes in attempts to install credible and enduring democratic contests continuously undertake the restructuring of the national electoral institute charged with the conduct and management of elections as Aderemi notes:...succeeding military administrations feel compelled to reconstitute brand new regulatory bodies to replace the decayed predecessor (Aderemi 2005:326)and according to Omotola:

To be sure, between 1959 and 1999 the EMB² was renamed six times. Before the civil war it was the Electoral Commission of Nigeria (ECN, 1959–63); then the Federal Electoral Commission (FEC, 1963–6). In the latter part of the 1970s it was the Federal Electoral Commission (FEDECO, 1976–9). During the Babangida regime (1986–93), it was renamed the National Electoral Commission (NEC). General Sani Abacha (1993–8) replaced the NEC with the National Electoral Commission of Nigeria (NECON), while General Abdusallami Abukakar, Abacha’s successor (1998–9), rechristened it the Independent National Electoral Commission (INEC).

However, the pace of organizational reform outpace constitutional reengineering; amendments to the constitution and the electoral act are often more problematic to negotiate and quite frankly less emphasized. This betrays a dominant mentality that electoral outcomes are more dependent on the performance of the electoral body and the integrity of its personnel than the broad constitutional setting they are conducted within. In the effort to craft an effective electoral infrastructure capable of sustaining long term democratic practice both sets of reforms we argue are essential.

Thus the 2015 elections was not only a contest for the popularity of political gladiators but also served a perennial purpose, a test for the viability of the electoral commission and probity of its helmsmen.

The outcomes from the 2015 general elections boosted Nigeria’s democratic credentials in two major respects; firstly since 1963, the incumbent political party at the centre was defeated in an election it superintended. Secondly, the inevitable legal tussles that have

² Electoral Monitoring Body

attended presidential elections did not ensue in the aftermath of the 2015 elections³. These achievements in the wake of another electoral milestone in 2003; the successful conduct of elections under civilian auspices, may seem to indicate an upward electoral cum democratic trajectory. However, the dynamics of the 2015 exercise we argue, suggests that the ‘successes’ are more reflective of a reformed, better disciplined and determined electoral commission with capable leadership, than of an advanced electoral or democratic culture and re-invokes Alavis’s overdeveloped thesis. The relative success of the 2015 polls we contend belies the onerous challenge for future electioneering in the country and of the extent of disarray of the electoral infrastructure as well as managing a particularly convoluted political competition. In other words, the impressive conduct of the 2015 general elections was a result of exceptional and determined leadership, which overcame institutional shortcomings by uncommon doggedness and not the product of a vastly improved or advanced electoral system.

The political intrigues leading to the 2015 general elections presaged a difficult poll; most commentators, local and international forecast an arduous presidential poll and a violent aftermath, even pedestrian analyses surmised widespread protest in the North in the event of a ruling party (People Democratic Party) victory or resurgence of violence in the Niger Delta should the opposition All Progressive Congress (APC) triumph. According to an International Foundation for Electoral Systems (IFES) pre-election survey:

Despite a clear majority of Nigerians expressing their intent to vote, over two-thirds of Nigerians (69%) are worried that violence may take place around the...elections

And according to the prognosis of the Council on Foreign Relations (CFR):

The 2015 elections again may precipitate violence that could destabilize Nigeria, and Washington has even less leverage in Abuja than it did in 2011...The 2015 elections are likely to be more violent

³ This in large part was due to the statesmanship and magnanimity of President Jonathan to concede defeat before final results were declared but highly enhanced by the patent credibility of the polls conducted by INEC.

Pre-election local media was also replete with such sentiments.

The widespread gloom was rooted in the immediate pre-election political configuration- the increasing perception of the incumbent Jonathan administration as inept and corrupt, the PDP crisis which led to mass cross-carpeting of leading members to the opposition APC effectively decimating the ruling party as a political force, the potential for violence by well-equipped militia groups in the geographical zones of the leading presidential candidates. The Niger Delta militia groups backed President Jonathan and their lynchpin Asari Dokubo leader of the Niger Delta Volunteer Force (NDVF) openly threatened mayhem should ‘our son’ lose⁴. Another ex-Niger Delta militant Atake Tompolo was reported to have purchased seven ‘decommissioned Norwegian warships’ a couple of months to the polls (see Punch Newspaper December 13, 2014). The well-coordinated post-election violence in the North which resulted in the ‘greatest bloodshed since the 1967–70 civil war’ (Council on Foreign Relations 2015:2) also portended a fearful sense of *déjà vu* should General Buhari lose again).

The other underlying issues involved the eligibility of President Jonathan to contest the election, having been in the saddle for 6 years, serving out the term of the late President Umaru Yar’Adua and a full elected term. His candidature was viewed as a breach of the zoning formula implicit in Nigeria’s political arithmetic. The nature of Nigeria’s geopolitical competition also suggested a precarious situation; the North, the erstwhile dominant region had been side-lined from the presidency for an unprecedented sixteen years except Yar’Adua’s brief three year presidency between 2007 and 2010 and was desperate to regain power from the ‘South’. Thus the 2015 elections pitted a waning ruling party with vast

⁴<http://saharareporters.com/2015/02/03/niger-delta-militant-asari-dokubo-threatens-buhari-amaechi-sylva-and-niger-delta-voters>

amounts of oil rents at its disposal against an opposition party that was gaining in popularity and whose ranks had been swelled by influential PDP decampers.

With regards to the ethno-religious situation, the ruling PDP support base was largely in the Niger Delta, a minority region in Nigeria's tripod subnational political calculations and the Igbo dominated South-eastern region, The opposition APC was largely a South-western political platform, and provided the main challenge to the runaway hegemony of the PDP at the centre up until the eve of the 2015 polls⁵. This extended a trend in Nigeria's political history where the South-western based party had always composed the opposition to the ruling party. In 2015 however, the APC was in merger with several other Northern political caucuses, including a powerful splinter PDP group. Given the numerical ratios of the geographical voter bases, it was apparent to more perceptive observers that only overbearing use of incumbent advantage would even make the contest close, that the APC would coast home to a victory by some margin. In terms of religious mix, both parties were sensitive by presenting a combined ticket of the leading faiths, Christianity and Islam, The PDP chose president Jonathan a Christian from the Niger Delta and Nemadi Sambo, a Muslim from the North-central zone. The APC had General Buhari a Muslim and former military ruler from the North-central zone and Yemi Osinbajo a Christian law Professor from the Southwest.

Anxiety over the 2015 polls became heightened in February, when the elections scheduled for later in the month were postponed by the electoral commission, INEC based on the advice of security chiefs, that the military was unable to guarantee security due to insurgency in the North-eastern region by the Boko Haram terrorist group. A second reason advanced by INEC was that there was need to extend the period for distributing the newly devised Permanent Voters Card (PVC). The six week postponement to March, as expected, generated heated debates; the APC accused the PDP of masterminding the shift to buy time but the incumbent

⁵ The PDP prided itself as been the largest political party in Africa and a former Chairman of its Board of Trustees boasted the party would rule Nigeria for 50 consecutive years.

party maintained this was solely at INEC's discretion. The consequence was heightened tension and more pessimism for a violent aftermath. The prevailing political condition during the 2015 general elections to a large extent embodied several of the fissures that have characterised Nigeria's political history and that have made the polity notoriously unstable until the advent of the fourth republic.

The 2015 General Elections and the Voracity Model

The 'Voracity effect' argument was first enunciated by Tornell and Lane (1999) to analyse economic policy and growth in resource abundant developing societies, it studies the effect of large rents on economic growth in countries with a diffused power structure and where institutions⁶ are weak. The overall assertion is that in such societies (with a diffused power structure) rents are unlikely to promote sustained economic growth except there are strong institutions to broker class and group contest for resource allocation. We will extend this model to the analysis of political stability in weakly institutionalized developing democracies where the political class is also severely fractured. This is apposite for a nuanced understanding of the 2015 Nigerian general elections, especially why a credible and widely applauded exercise was achieved in a tensed political environment and with considerable institutional challenge.

Tornell and Lane premised their model on three assumptions:

- i. If there is an absence of institutional barriers to 'discretionary distribution'⁷ and there are multiple powerful groups competing for resources, the growth rate of the economy is reduced, compared with societies in which there is a single group or where there is broad consensus among groups. According to them, this is because

⁶ The definition of institutions adopted here is of constitutional frameworks and the agencies charged with their enforcement.

⁷ 'Discretionary distribution' by Tornell and Lane connote 'non-market' based allocation principles

the existence of non-cooperative powerful groups 'generates a redistributive struggle and as a result, a greater share of resources ends up in non-taxable inefficient activities'. Groups for Tornell and Lane include 'provincial governments that extract transfers from the centre, strong unions and industrial conglomerates that seek protection, and patronage networks that obtain kickbacks from public works' (Tornell and Lane 1999:22).

- ii. Second, the model argues that the larger the number of powerful groups in a society, the lesser the concentration of power in any dominant group or better put, the more diffused the power structure of the society and the better the prospects for economic performance.
- iii. Finally, without the existence of institutional capacity to check discretionary redistribution, 'an increase in the raw rate of return in the formal sector, reduces growth'.

The implication of intensified lobby for resources or voracity effect according to the model, is that captured rent which is ostensibly shared as booty by groups and their members is relocated from the formal sector to evade taxation, this behaviour reduces the amount of investible rent for development projects, the theorists beg this analysis further by arguing counter-intuitively that, development projects actually thrive better when 'raw rate of return' did not increase.

Nigeria's political landscape presents a particularly difficult electoral challenge, the federation is composed of over 250 distinct ethnic nationalities and has over 400 linguistic groups; of these, three are dominant, namely the Yoruba, Igbo and Hausa/ Fulani. It is significant to note however, that none of these three principal groups makes for more than 25% of the total population; this means, in essence, that Nigeria is composed of a motley group of small ethnic groups dominated by three fairly even groups. The religious ratios are

similar with fairly equal numbers of Muslims and Christians, which dominate and pockets of less significant others. The lack of a clearly hegemonic ethnic or religious group means that political competition among the dominant subnational groups is convoluted and inevitably viewed within ethnic and religious lenses. Political contests tend to be acrimonious and often engender political instability. This is more so, if the 'regulative' and 'constitutive' institutions⁸ are pliant. The Nigerian political structure is more challenging than other comparable political systems such as India, Indonesia and Brazil with different ethno-religious structures. In India for instance, the 81% Hindu dominance means that non-Hindu political agitation is never serious to upset the political balance, the caste system further solidifies the political arrangement by limiting the eligibility for political leadership albeit undemocratically. In Indonesia, Javanese demographic preponderance (41.7%) and Muslim dominance (89%) has restricted political contest to Javanese Muslims, and despite indigenous Chinese (*Peranakan*) entrepreneurial dominance, the Chinese do not offer any political threat.

A second characteristic of Nigerian politics that presents a challenge for electoral management is the nature of the political elite. The Nigerian power elite is historically fractured by ethnicity, this arose in the throes of colonialism and the British policy of indirect rule which allowed for autonomous groups to exist in parallel with geographically contiguous but culturally diverse groups as rival co-federates. The emergent political parties in the nationalism era also reflected this divide with Northern and Southern parties mutually distrustful of each other campaigning for different agenda, the northern elites wary of political domination by the better educated southerners pushed for prolonged British colonial rule until the north was able to bridge the socio-political gap between it and the south,

⁸ As used by Dudley 1982

southern elites on the other hand wanted immediate decolonization and political independence from the British.

The significance of this is that the substance of early elite competition was for ethnic group representation especially in the federal fiscal structure rather than for personal or group material gain. This trend would continue to the end of the First republic (1960-1966) and centrifugal ethnic rivalry is the prime explanation for the collapse of Nigeria's first democratic dispensation (Dudley 1973, Idang 1973, Bennett and Kirk-Greene 1978)⁹.

The multiplicity of interest groups based on class, ethnicity, religion and socio-economic orientations in Nigeria, in the absence of credible and efficient institutional framework meant greater latitude for subjective/ discretionary destabilising decision making by public officials (Hyden 1983, Salehyan and Linebarger 2015).

Another significant consequence of Nigeria's complex political context is the absence of a coalescing goal in the spirit of nationalism, every ethnic group being encouraged to, and seeing itself as a distinct and marginalised group at different levels. Policy-making for national development is often secondary to ethnic group interests as articulated by sectional elites. This has a long historical background:

Colonial officials found the North much more congenial than the South, no doubt in part because Nigerians with Western-style education (typically the products of mission schools in the South) tended to be more critical of the British. The Islamic civilization in the North was considered superior and its superiority was explained in racist terms (the Hamitic hypothesis of white invaders).

It is important to stress that the administrative divisions instituted by Lugard and his successors were to a considerable extent artificial. Particular ethnic divisions were largely a creation of the British; people began to see themselves in ethnic terms because the British insisted on seeing them in this way (Bevan et al 1999:10-11).

⁹ This is however not to argue that corruption and personal enrichment were not motivations for political power in this period but that ethnic contestation was a more prominent feature.

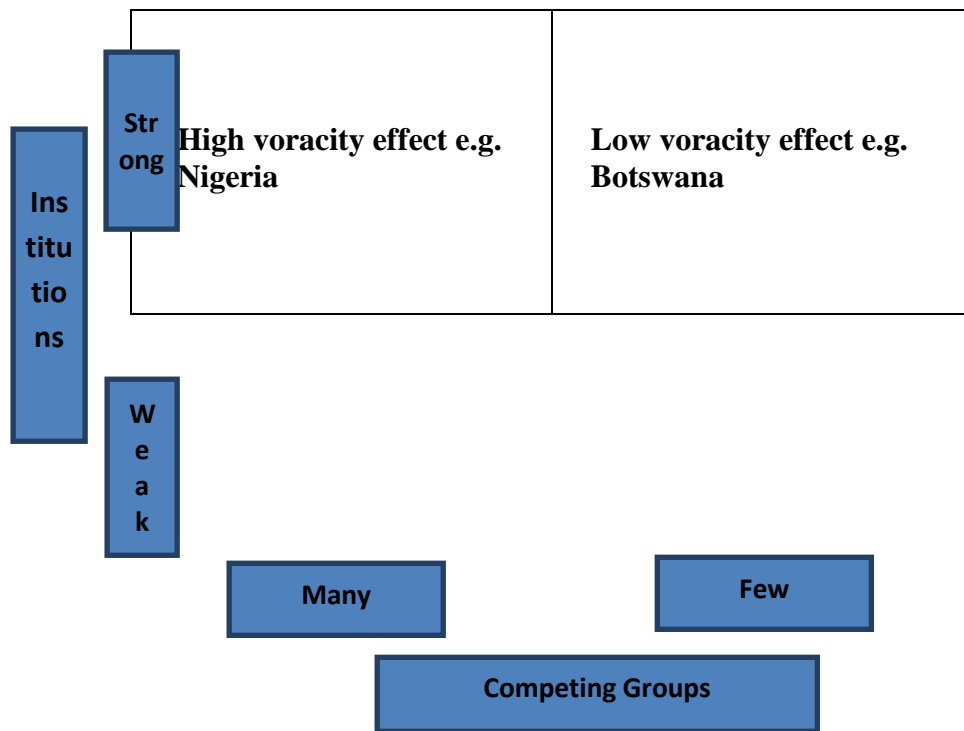
The North-South divide employed by Bevan et al above is over simplified, as each region comprised hundreds of ethnic groups further differentiated by religion, culture and language all of which generated centrifugal political tensions.

Another feature that makes ethnic relations and political competition precarious in Nigeria is the demographic equation and the direct relationship of this to fiscal federalism and the electoral process. The 'North' in Nigeria is held to be more than the population of the South, the simple implication is that no Southerner can win electoral contests except with criss-crossing support across the federation, in other words only Northern votes are decisive in elections.

Despite, the several centrifugal intrigues in the political posturing before the 2015 Nigerian general elections, some of which have been alluded to, the 2015 why was the exercise exceptionally credible, widely lauded and largely devoid of violence? We will postulate that, the Nigerian 2015 polls, especially the presidential election, was a litmus test for the integrity of the INEC chairman, that a major reason the elections were largely devoid of systemic fraud is directly related to the reputation and determination of the INEC Chairman, Attahiru Jega to maintain his integrity as a forthright and disciplined academic.

The Voracity Effect

Low voracity effect e.g. USA	Low voracity effect e.g. Scandinavian countries
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The 2015 Elections: Strong Man, Weak Institutions

Nigeria's election Tzar for the 2011 and 2015 polls Attahiru Jega, was appointed on the heels of widespread disaffection with the 2007 exercise; his appointment came as part of an overhaul of the electoral commission and sack of the maligned former chief electoral officer, Professor Maurice Iwu. Being largely touted to be apolitical and a respected academic coupled with his principled and widely commended leadership of the Academic Staff Union of Universities (ASUU) the umbrella body for Nigerian professional academicians, he was largely seen as a credible choice despite his conservative Northern heritage. In the throes of political bickering among the political parties and their supporters, INEC and inevitably Jega became the cynosure of public eye; his potential to sway the outcome of the contest fraudulently was quite patent and given the prevalent culture of patronage in Nigeria and the weakness of law enforcement agencies, coupled with the immense capacity of incumbent

political leaders to buy patronage, academic permutations became secondary to conjectures as to whether the INEC boss would sell out or hold firm.

Shortly before the postponement of the polls from February/March to March/April and as the odds against the ruling party increased, there were widespread reports of attempt to replace Jega with a sibling of a card carrying member of the ruling PDP. However, Jega remained in the saddle, either because the PDP was repelled by public support for the INEC chairman or was deterred by some other considerations or never intended to replace Jega.

A major testy case in the run up to elections was the PVC distribution exercise, the ruling party complained bitterly of sabotage, that INEC was disenfranchising its supporters by deliberately dragging the process in its stronghold states, again the INEC chairman was directly held responsible for orchestrating this but again, he was unscathed as the allegations proved to be baseless (see Punch newspapers February 11, 2015). According to Punch:

PDP director of Media and Publicity of the Presidential Campaign Organisation, Chief Femi Fani-Kayode, alleged that Jega had meetings with some unnamed leaders of the main opposition, the All Progressives Congress in Dubai. He alleged that the meeting was aimed at making sure that those who were yet to get the Permanent Voter Cards were denied the opportunity of receiving them. The former minister of aviation put the number of these set of voters at 23million.

Fani-Kayode was quoted to have claimed that ‘these PVCs are still in China and Jega has strategically delayed their arrival to suit his electioneering permutations’.

The assault on Jega was not restricted to PDP stalwarts, although the preponderant opinion was of a very credible process and of an impartial INEC, several commentators still opined that the INEC systematically rigged the election in favour of General Buhari and the APC particularly vitriolic assault was by Femi Aribisala in his column of April 7, 2015 in the Premium Times. His article titled ‘How Jega Defeated Jonathan for Buhari in the Election’ catalogued several biases by Jega, although no substance was adduced in evidence.

Two different episodes in the conduct of the election punctuate Jega’s doggedness to deliver a credible exercise.

Firstly the tirade on him by a PDP chieftain Godsdai Orubebe, who accused Jega of showing bias in all the fissures of the Nigerian political class in the favour of the APC along with a group of persons, who disrupted the collation of results process by seizing the microphone and insisting Jega left the hall for his office served to demonstrate Jega's maturity and wisdom. Aside from maintaining a calm demeanour his insistence that law enforcement agents left Orubebe was quite commendable and could arguable have saved the process from a planned violent interruption.

Secondly, Jega personally and on national television single-handedly tallied the announced results, spending hours on end and refusing to delegate this function to subordinates. This was to forestall any grounds for sabotage and fraud.

Thirdly, the resolve and dignified manner with which Jega responded to the rife rumour of his planned sack and replacement by Dr Femi Mimiko, junior brother to the Ondo State governor, a card carrying member of the ruling PDP also staved off a crisis that was potentially disruptive of the entire exercise. Jega was reported to have resisted voluntary resignation.

Conclusions:

Electoral governance in any democracy irrespective of form (parliamentary vs presidential; unitary or federal states) or system (direct vs proportional) is a collective responsibility of various institutions; the electoral commission which is charged with the conduct of elections are dependent on various other ancillary institutions, formal and informal to discharge this responsibility. To this extent, elections management cannot be entirely ascribed to a single institution. Because, of the dualistic classification of socio-political institutions involved in electoral governance, North's rather loose interpretation is especially appropriate to broadly capture these institutions.

According to North:

Institutions include any form of constraint that human beings devise to shape human interactions... formal constraints such as rules human beings devise and informal constraints such as conventions and codes of behaviour...institutions may be created as was the United States Constitution or they may simply evolve over time as does the common law (North 1990:4)

In the sense of North above, electoral institutions will involve all written and unwritten socially approved protocols guiding conduct in an electoral contest; it will also include the organizations formally charged with making these convention/codes or laws; those charged with enforcing compliance, those implementing them and such other institutions that facilitate the process. Thus the political parties, the media, the judiciary, the legislature, the police, observers and the voters themselves form part of the electoral infrastructure. It is instructive to note that any, or a collusion of these agents can jeopardise both the integrity of the process and outcomes.

Electoral governance in Nigerian polls have been beset by administrative malfeasance and various electoral malpractices. Compiling an accurate voters' register is often the first stumbling block for electoral commissions. Without any sort of comprehensive database, the register is updated periodically every general election season; because of its centrality to the outcome, the voters' register is often contested.

The argument we make is that electoral contests in societies with a high voracity effect, where political competition is spurious i.e. involving many groups divided by a myriad of factors, and where institutions are weak or pliant presents a more unwieldy system and is prone to instability and electoral violence. Nigeria we argue belongs in this category but the success of the 2015 general elections, is an exceptionality credited to the leadership provided by the chairman of the commission charged with organizing the process.

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