

Political Parties and Election/Campaign Financing in Nigeria: Interrogating the 2015 General Elections

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Abstract

It is a truism that funds are very critical to the proper and effective functioning of democratic political process and politics. Without funds, it would be absolutely difficult for political parties to articulate their ideas and visions to the public and, without which the electorates cannot make informed choices during elections. Unfortunately, party campaigns in most African countries are fraught with despicable levels of corruption. Granted that some efforts have been made to reform laws regulating political campaigns and party funding, campaign financing and their abuses thereof remain shrouded in mystery. It is in this connection that this essay critically interrogates political parties and election/campaign financing in Nigeria, with specific emphasis on the 2015 general elections. The chapter demonstrates that despite the existence of an enabling Act to sanitize campaign financing in Nigeria, the suspicious manner in which the presidential candidates of the two major political parties mobilized huge campaign funds in the wake of the 2015 general elections, reveals not just the contempt with which they hold this law, but also exposes the blatant corruption and commercialization of the electioneering process. Relying extensively on secondary sources and employing both descriptive, narrative, and empirical tools in analyzing the subject matter, the chapter also argues that the commercialization of the electioneering process does not only disempower citizens during the post-election period, but has other far reaching- implications for the nation's democratic trajectory. The essay is concluded by stressing the need, not just to strengthen institutions but, to make them more proactive in the discharge of their statutory responsibilities.

Keywords: Political Parties, Campaign Finance, Political Finance, Constitution, Electoral Act

Introduction and Focus of Paper

Unarguably, political parties have come to play significant and fundamental roles in most democracies. In spite these fundamental roles, the activities and operations of political parties,

and of course their significant roles are sometimes taken for granted. As political machines established to contest for, win elections, and wield governmental power, they are critical link between the state and civil society, between the institutions of government and the groups and interest that operate within the society (Heywood, 2007: 271). Although political parties often come under severe attacks by civil society for failing to substantially address society's variegated challenges, we can certainly not afford to lose sight of the roles they play in a political and democratic process. Elsewhere, Ukase (2006: 184) has underscored the importance of political parties thus:

Party system and party politics constitute the sub-structure or foundation of any viable and durable democratic order, for this provides insight into how programmes of actions are articulated and how interests are formed and aggregated in the society. Given these enormous responsibilities, the success or failure of any political arrangement depends to a large extent on the nature and character of its political parties and party system.

The functions of political parties have already been explicated elsewhere by scholars and, therefore, need no replication here (Ukase, 2006; Heywood, 2007; Salih, 2003; Randall, 1988; Clapham, 1985 and Kura, 2011). Be that as it may, Heywood (2007: 276) has listed the broad functions of political parties to include the following: representation, elite formation and recruitment, goal formation, interest formation and aggregation, socialization and mobilization and organization of government. Granted that political parties are often defined by a central function – that of filling political offices and the wielding of governmental power, their impact on the political system is substantially broader and more complex. In this connection, there are dangers in sweepingly generalizing about the functions of parties. For instance, while political parties open to electoral contests and competitions are perceived as bastions of democracy, regime parties that enjoy a monopoly of the political and democratic process are seen as instruments of manipulation and control.

That said, money is critical if political parties must be seen to be performing their statutory obligations within their respective spaces. Without the necessary funds, it would be certainly difficult for politicians and political parties to articulate and showcase their ideas and visions to the electorate. Political parties, therefore, require funds to be able to sell their

programmes and manifestoes to the public. It is only by so doing that the electorate can make informed choices about which political party to support or not. Underscoring the importance of funding, Doorenspleet (2003: 182) states that, "funding determines the number of campaign staff, the number of vehicles to reach voters in the country, the amount of advertising on radio and television, and so on." In a nutshell, funding can substantially aid party institutionalization. Unfortunately, party funding, especially campaign financing globally but particularly in most African countries is fraught with despicable levels of corruption. For example, Hopkin (cited in Kura, 2011: 271-272) argues that the manner in which parties fund their activities has been quite embarrassing. He stressed that series of corruption scandals have affected parties and their leaders. He pointed out that in Italy, France, Belgium, Spain, Germany and the United Kingdom (UK), parties have been involved in funding scandals and violation of funding regulations. Similarly, studies have evidently documented the growing increase in corruption through political party funding (Hopkin cited in Kura: 272).

In Africa, the issue of party/ campaign financing is also fraught with a lot of controversies and scandals. For example, studies have shown that in some countries such as South Africa and Botswana, where private and foreign donations to political parties are not subject to any regulations, the dominant (ruling) parties have continued to attract substantial domestic and foreign donations to the detriment of the opposition parties (Doorenspleet; 182). Apart from the fact that these ruling parties have better access to public and private funding, they also have better access to state resources, thereby increasing their opportunity for further electoral success. Nigeria has had its own fair share of campaign funding palaver. For instance, since the return of democratic governance in 1999, party/campaign financing have remained an issue of conjecture. Granted that some efforts have been made to reform laws regulating political campaigns and party funding, campaign financing and their abuses thereof have remained a recurring decimal.

It is against this background that this essay critically interrogates political parties and election/campaign financing in Nigeria, with specific emphasis on the two main presidential candidates (President Goodluck Jonathan of the People's Democratic Party [PDP] and General Muhammadu Buhari of the All Progressive Congress [APC]) in the 2015 general elections. This

essay also provides answers to the following questions: what are the constitutional and statutory limits of political parties with respect to campaign financing? Have political parties kept faith with these regulations? What institution(s) are charged with the responsibility of monitoring the compliance of political parties with these regulations and have they been able to effectively carry out these statutory obligations? What can be done to strengthen institutional checks on campaign financing in Nigeria? These and other variegated issues are the main thrust of this paper. For the purpose of achieving the above, this essay is divided into seven sections. Following the introduction, section two treats conceptual issues, while chapter three examines the constitutional and statutory limits/restraints to campaign financing. Section four analyses the historical trajectory of campaign financing in Nigeria since 1999, while section five specifically x-rays the experience in 2015. Section six provides realistic policy options and recommendations that would help in checking and monitoring campaign financing. Section seven concludes the essay.

Political Parties and Campaign Financing: Some Conceptual Notes

Concepts in the humanities and social sciences are often subject to a variety of definitions. Thus, concepts perceived to be very simple and also complex oftentimes elicit varying meanings and interpretations. It is, therefore, important to conceptualize three key concepts – *political parties, campaign finance and corrupt campaign finance*, so as to appreciate the context in which the researcher has applied same in the research.

Political Parties

In defining political parties, Mohammed Salih has distinguished between the formalist and substantive definitions of the concept. According to him, while the formalist definition of political parties allows us to generalize about some universally assumed functions of political parties, the substantive approach allows us to tease out the peculiarity of African political parties as products of the socio-economic and political culture of their respective countries (Salih: 3). Relying on Weiner (1967: 1-2), Salih espouses the formalist definition thus:

Parties are instruments of collective human action and creatures of political elite
– either politicians trying to control governments or government elites trying to

control the masses. In competitive systems, parties are organized by politicians to win elections; in authoritarian systems, parties are organized to affect the attitudes and behaviour of the population. In both instances, an organizational structure must be forged. Money must be raised, cadres recruited, officers elected or selected and procedures for internal governing established and agreed upon. In fact party building has a logic of its own.

Although the substantive approach brings out the peculiarity of African political parties, the formalist approach cited above is generic and captures much about Western and African political parties. However, our point of departure is that there is no basis isolating African political parties from the broader conceptualization of the term. This is because, Weiner's contention that "political parties are organized for the deliberate purpose of controlling state power and that they have specific organizational structure, procedures, leadership, members, ideology, finance, etc. is true for all political parties, Western and non-Western" (Cited in Salih: 3).

Heywood (2003: 272); Leacock (cited in Agarwal, 2008: 389); The African Leadership Forum (2001: 3), Kura (2011), Ukase, P.I. and Geri, T.G. (2012; 33-33), and a host of many other scholars view political parties more within the context of controlling governmental power. For instance, Heywood (2003: 272) view a political party as a group of people that are organized for the purpose of winning governmental power, by electoral means. He is, however, quick to caution that political parties should not be confused with pressure groups as it is often the case. This is because the functions of a political party is entirely different from that of pressure groups. Political parties are also organizations whose members have values, ideals and aspirations in common and at least participate in the organized contests/struggles for political power (Kura: 268).

Coleman and Roseberg defined political parties as associations formally organized with the explicit and declared purpose of acquiring and to some extent maintaining legal control, either singly or in coalition or electoral competition with other associations over the personnel and the policy of the government of an actual or prospective sovereign state (cited in Kura:268). The definition of the African Leadership Forum is also apt. According to them:

A political party is defined as an aggregate of people united by a common and collective desire to capture political power and authority within a legitimate and legal political framework by canvassing for votes in a democratic polity (African Leadership Forum, 2000:3).

However one views it, there are certain common denominators in all these definitions elucidated above; that of acquiring power and maintaining legal control of their respective spaces.

Campaign Financing

It is important to stress from the onset that there is a hiatus in research on issues of campaign and party funding generally but particularly in Nigeria. Despite extensive studies on virtually all aspects of political parties, researchers appear to have paid little or no attention on financial issues, especially campaign finances (Fisher and Eisenstadt, 2004). In fact, studies hardly exist on our shelves on campaign/election financing of political parties and their implications for our political and democratic trajectory. That said, what then is party or campaign finance? The narrowest meaning of the term is "money for electioneering" (Duschinsky, 2006: 189). However, because political parties play a crucial role in election campaign in many parts of the world and because it is hard to sometimes draw a distinct line between the campaign costs of party organizations and their routine expenses, party funds are sometimes considered as "campaign finance" too. According to this perspective, party funds go beyond campaign expenses but also involve the cost of maintaining permanent offices, payment of salaries of staff, carrying out policy research; and engaging in political education, voter registration, and other regular functions of parties (Duschinsky, 2006: 189). Besides, it is also felt that beyond campaigns and parties, money is spent on direct political purposes such as political foundations and other organizations. These organizations, though legally distinct from parties, are allied to them and advance their interests. They are responsible for the costs of political lobbying, newspapers and media expenses advertisements that are created and paid for to promote a partisan line. They also take care of the costs of litigation in politically relevant cases involving their parties.

Be that as it may, generalizing and/ or merging campaign and political financing as Duschinsky has done, especially in our context, is likely to create some confusion for us. This is because why some countries have separate laws for both campaign and political finance, other countries have unified laws for them. In Nigeria, for example, there are separate laws which delineates campaign and political finances, and merging them would, therefore, create some ambiguities in our analysis.

Corrupt Campaign/Political Finance

The meaning of *corrupt campaign/political finance* is often unclear, eliciting conflicting and varying explanations from scholars and politicians, therefore needs some clarification. It must be noted that conventional definitions of political corruption (such as the use of public offices for unauthorized private gains) often do not apply to corrupt political financing. It has been argued albeit successfully that the use of public office for private gain does not apply to all forms of political fund raising (Duschinsky: 190). It is felt that, challengers to respective political offices are by definition outside of public office, but may still accept money in exchange for promise to misuse public office or grant special offers or assistance to those who supposedly assisted them during electioneering campaigns, at the detriment of the community or state after they emerged victorious at the polls or during electoral contests. This in itself poses a serious problem in the polity especially during the post-election period. For instance, Duschinsky differentiates between ordinary political corruption and corruption in the field of political financing thus: "the difference between ordinary political corruption and corruption in the field of political financing is that, in the latter case, money is not necessarily used for private gain, but rather for the gain of a political party or of a candidate" (Duschinsky: 190).

Generally speaking, references in common parlance to "corrupt" political financing could be categorized into the following:

- i. *Political contributions that are inconsistent or contravene existing and extant laws on political financing:* This include illegal donations which are often regarded as scandalous, even if there is no suggestion that the donors obtained any improper benefit in return for their contributions.

- ii. *The use for campaign or party objectives of money that a political office holder has received from a corrupt transaction:* Here, all that differentiates corrupt political funding from other forms of political corruption is the use to which the bribe is put by the bribe taker. For instance, instead of taking corrupt money for personal uses, the bribe taker gives part or all the proceeds to his/her party or campaign chest.
- iii. *Unauthorized use of state resources for partisan political purposes:* This is a common noticeable feature of ruling parties' campaigns in established and developing democracies alike. For example, in parts of Africa and Soviet Union, long term victory allows a dominant party better access to state resources available to office holders at the national and state levels. Such funds are blatantly used for electioneering purposes.
- iv. *Acceptance of money in return for an unauthorized favour or the promise of a favour in the event of election to an office:* Here, the bribe giver provides some funds to the contestant during the electioneering period with the extraction of a promise from the latter he would use his/her privileged position, after emerging victorious at the polls, to grant him/her undue financial favour or privileges.
- v. *Contributions from disreputable sources:* It is a general presumption that tainted sources are likely to have tainted motives. Grants/financial assistance received from disreputable sources by political parties during electioneering periods create the impression that such assistance was granted in exchange of favour or promises of future favour (See Duschinsky: 190-191 and Doorenspleet; 182).

All the forms of corrupt political funding described above have to do with parties and election campaigns and are certainly of interest to us in this paper. Nigeria, particularly, has had its own fair share of the challenges of handling the various ramifications of campaign financing since the return of democratic governance in 1999. Despite available extant laws on campaign and political financing, the State has not been able to grapple with the antics of politicians and this should not only worry us but should also be of interest to all and sundry.

Constitutional and Statutory Limits/Restraints to Campaign/Political Financing in Nigeria

Globally, there are no shortages of regulations governing campaign money. It must interest us to note that most of these regulations were introduced as responses to the dimensions and magnitude of scandals witnessed in the countries concerned. The frequency with which new laws regulating the injection of money into politics are introduced are a clear indications of the challenges of making workable and implementable laws by various countries. It should also be noted, however, that the range of issues relating to aspects of campaign and party financing are so variegated that some of the provisions relating to same are contained in broader laws about elections such as the constitution or electoral laws. Sometimes, they are also included in anti-corruption legislations or media laws. Laws about voluntary associations and organizations may also contain provisions containing aspects of political financing. Given that there are plethora of laws on political financing, there are usually many laws in various countries that deals with this subject. The existence of multiplicity of separate laws often complicate the task of regulatory body or bodies responsible for enforcing these laws. Essentially, the main provisions of political/campaign financing are centered on the following areas:

- i. Prohibition against corrupt and illegal practices (such as vote buying).
- ii. Financial deposits for candidates for public office
- iii. Disclosure rules
- iv. Spending limits
- v. Contribution limits
- vi. Bans on certain types of contributions (such as foreign contributions, anonymous contributions, or contributions from business corporations).
- vii. Political broadcasting rules
- viii. Rules concerning the funding of internal party contest.
- ix. Rules concerning the declaration of assets by candidates for public office
- x. Measures to control the use of public resources for campaign purposes

In Nigeria, there are various constitutional and other legal instruments guiding the operation of political parties, especially as it relates to campaign financing. These include the 1999 Constitution of the Federal Republic of Nigeria as amended, the 2002 and 2006 Electoral

Acts, and 2010 Electoral Act as amended. Others include the statutory rules of the Independent National Electoral Commission (INEC) and other informal rules. These laws provide copious provisions of the extent and limitation of political parties with respect to campaign/political financing. The constitution, for instance, is the first grund-norm governing the activities of political parties in the country. Some studies have already made available detailed provisions of the rules and regulations governing the internal and external operations of political parties derived from the 1999 Constitution, therefore, we shall not allow that detain us here (See section 222-229 of the 1999 Constitution as amended). What is of utmost interest is the limitations placed on political parties especially with respect to their funding activities by the 1999 Constitution.

For instance, section 225 sub section 2 of the 1999 Constitution is unambiguous on the finances of political parties. It states that:

Every political party shall submit to the Independent National Electoral Commission a detailed annual statement and analysis of its sources of funds and other assets together with a similar statement of its expenditure in such form as the commission may require.

Sub sections 3, 4, 5 and 6 of the same provision are even more forthcoming on the roles of INEC in checking the financial dealings and status of political parties. For instance, sub-section 3 states that no political party shall -

- (a) Hold or possess any funds or other assets outside Nigeria; or
- (b) Be entitled to retain any funds or assets remitted or sent to it from outside Nigeria.

Sub-section 4 states that:

Any funds or other assets remitted or sent to a political party from outside Nigeria shall be paid over or transferred to the commission within twenty-one days of its receipt with such information as the commission may require.

Sub-section 5 further states that:

The Commission shall have power to give directions to political parties regarding the books or records of financial transactions which they shall keep and, to examine all such books and records.

Significantly, section 226 sub-section 1 permits INEC to mandatorily prepare and submit annually to the National Assembly a report of the accounts and balance sheet of every political party. In preparing its report, sub-section 2 of the same provision empowers INEC to:

Carry out investigations as will enable it form an opinion as to whether proper books of account and proper records have been kept by any political party, and if the Commission is of the opinion that proper books and accounts have not been kept by a political party, the Commission shall so report.

It is also important to examine the provisions of section 228 of the 1999 Constitution, especially as it deals with public funding of political parties and punishment for those that contravene sections 221, 225 (3) and 227 of this constitution. To be specific section 228 states inter-alia:

The National Assembly may by law provide-

- (a) for the punishment of any person involved in the management or control of any political party found after due inquiry to have contravened any of the provisions of sections 221, 225 (3) and 227;
- (b) for the disqualification of any person from holding public office on the ground that he knowingly aids or abets a political party in contravening section 225 (3) of this constitution;
- (c) for an annual grant to the Independent National Electoral Commission for disbursement to political parties on a fair and equitable basis to assist them in the discharge of their functions; and
- (d) for the conferment on the Commission of other powers as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the commission more effectively ensure that political parties observe the provisions of this part of the chapter.

These are constitutional instruments aimed at closely monitoring and supervising the activities of the income and expenditure of political parties. There are, however, some gaps, especially in the implementation of these provisions. Looking at the provision of section 228, it is clear that the framers of the 1999 Constitution bestowed on the National Assembly the powers to make laws to provide for the type of punishment that should be imposed on

politicians and political parties that contravene the aforementioned provisions, but it has been difficult for INEC to enforce this law. Similarly, section 228 (c) is unambiguous on the provision of public funding to political parties on equitable basis, to assist them in the discharge of their functions. Also, the National Assembly has enacted relevant laws to give effect to this provision but the extent of implementation is difficult to ascertain. In the same vein, section 226 (1) requires INEC so report to the National Assembly when political parties fail to keep proper books and accounts. The fundamental question is, what is the National Assembly expected to do when a political party contravene this provision? Does the Commission or National Assembly have the powers to punish erring political parties? Truth of the matter is that INEC has not been performing this constitutional functions since the return of democratic governance in 1999 as checks would indicate; neither has the National Assembly been proactive in putting the Commission on its toes to comply with these provisions.

The provision of public funds (sometimes referred to as subsidies) to political parties as provided for in section 228(c) of the 1999 Constitution is very important in this analysis. This is because it is not only aimed at assisting political parties in carrying out their activities, but also an attempt at preventing them from getting funding from questionable and suspicious sources. The introduction of public subsidies to political parties and individual candidates commenced in the late 1950s and has been sustained by many countries, despite few efforts by countries such as Italy and Venezuela to abolish or limit existing subsidies (Duschinsky: 192). Research conducted reveals that by 2002, 59 percent of countries had laws providing for some direct public funding of parties and their candidates (see www.moneyandpolitics.net/researchpubs/pdf/financing_politics.pdf, p.72).

State subsidy or aid is especially common in Western Europe and in countries that emerged from the Soviet bloc. It is less common in Asia, the Caribbean, and the Pacific. Examples of countries that provide state subsidies to political parties in Africa include: Nigeria, Benin, Malawi, Mozambique, Namibia and South Africa. Those that do not provide subsidies include Botswana, Ghana, Madagascar, Mali, Mauritius and Senegal (Doorenspleet, 2003: 182). The type and scale of funding also varies from country to country. For example, in some countries these subsidies are limited to election campaign activities, while in others it extends

to other activities between and beyond elections. In some African countries, cash-strapped governments have completely eliminated subsidies to political parties, despite providing for it in their laws.

Perhaps, one area where the National Assembly has given effect to the 1999 Constitution is in the area of the enactment of Electoral Acts. It is a statutory requirement in regulating the activities of political parties in Nigeria, particularly during general elections. The Electoral Act is enacted by the National Assembly based on recommendations of INEC. It is usually enacted before any general elections and provisions of the Electoral Act guide the conduct of such an election. Since the return of democratic governance in 1999, the National Assembly has passed several Electoral Acts. These includes the 2002, 2006 and 2010 (and some amendments) which guided the conduct of the 2003, 2007, 2011 and the 2015 general elections. It is important to note that there was no Electoral Act for the 2015 general elections, as INEC relied on the 2010 Electoral Act as amended to guide and regulate the conduct of that election. In this entire process, INEC is key because it is empowered by the 1999 Constitution to implement provisions of the Electoral Act. Let us briefly examine some of the provisions of these Electoral Act, particularly the 2010 Act as amended, which guided and regulated the conduct of the 2015 elections, especially as it affected campaign financing.

For example, the 2002 Electoral Act, which guided the conduct of the 2003 general elections had an ambiguous provision, especially as it relates to election expenses. For instance, section 84(2) stated that:

Election expenses incurred by a Political Party for the management or the conduct of an election shall not exceed in the aggregate the sum determined by multiplying 20 naira by the number of names appearing in the final voters' list for each constituency where there is a candidate sponsored by the political party.

This provision was not just ambiguous but also very confusing. For instance, it attempted to address campaign financing within respective constituencies but failed to address the finances for presidential and gubernatorial candidates. This is because presidential and gubernatorial candidates have the entire country or state as their constituencies. Besides, a cursory interpretation of that provision would suggest that for constituency elections,

candidates were not expected to spend monies in excess of the number of people registered by INEC within that constituency. What this meant is that if a state constituency had fifty thousand voters, this would be multiplied by N20, which would amount to N1 million only. Most state and federal constituencies did not have up to that number of voters in their registers. In addition, section 79(2) required political parties to submit all campaign expenses to INEC, not later than 90 days from the date of the elections. More worrisome was the penalty to be imposed on political parties that flouted that provision. For example, political parties in breach of this provision were liable upon conviction to a fine of N100, 000, payable jointly or severally by the leaders of the political party. This penalty was so mild that it would have been more profitable to breach this provision, all things being equal.

To make the electioneering process relatively transparent, the 2006 Electoral Act tried to address the ambiguity in the 2002 Electoral Act by clearly stipulating the maximum limits of campaign expenses by candidates for respective political offices. For instance, section 93(1-12) of the 2006 Electoral Act clearly stipulates the ceiling of elections expenses. This is intended to curtail the influence of money in electioneering process. Also, table 1 reveals that presidential candidates had the highest spending limit of N500 million during electioneering campaigns, while governorship candidates had a ceiling of N100 million. Next in that order were candidates for Senate and House of Representatives who could not spend more than N20 million and N10 million respectively. Contestants into State Houses of Assembly had N5 million spending limits, while Local Government chairmanship and councillorship position spending ceiling were put at N5 million and N500, 000.00 respectively. The same Act (section 93(9) also limited individual and corporate donations to any contestant to N1 million. A novelty in this law is the limit of individual and corporate donations to any candidates put at not more than N1 million [see Section 93(9) of the 2006 Electoral Act].

Table 1: Spending Limits by Candidates during the 2007 General Election

Position	Spending Limits in Naira
Presidential candidate	N500 million
Governorship candidate	N100 million
Senatorial candidate	N20 million
House of Representative candidate	N10 million
House of Assembly candidate	N5 million
LG Chairmanship candidate	N5 million
LG Councillorship candidate	N500,000.00

Source: *Federal Republic of Nigeria, Electoral Act 2006*

In the same vein, the 2010 Electoral Act as amended has similar provisions to that of 2006. The major difference being that the spending limits during electioneering campaigns was reviewed upward in the Act. The 2010 Act does not only grant INEC the power to place a limit on the amount of money or other assets, which an individual or group of persons can contribute to a political party, it also stipulates spending limits to candidates [See section 90(1)]. For instance, section 91(2) of the same Act puts the spending limits for Presidential candidates at N1 billion, while candidates for Governorship election are required not to spend more than N200 million as shown in table 2 [section 91(3)]. Similarly, the maximum elections expenses to be incurred in respect of Senatorial and House of Representatives seat are N40 million and N20 million respectively [See section 91(4)] as captured in table 2. Furthermore, "in the case of State Assembly election, the maximum amount of election expenses to be incurred shall be N10 million" [See section 91(5)].

Table 2: Spending Limits by Candidates during the 2010 General Election

Position	Spending Limits in Naira
Presidential candidate	N1 billion
Governorship candidate	N200 million
Senatorial candidate	N40 million
House of Representative candidate	N20 million
House of Assembly candidate	N10 million

Source: *Federal Republic of Nigeria, Electoral Act 2010 (Amended).*

The Act also requires all political parties to separately submit audited election expenses to INEC within 6 months after an election [section 92(3)]. A political party which contravenes

the provisions of section 92(3) commits an offence and is liable on conviction to a maximum fine of N1 million. In the case of failure to submit an accurate audited report within the stipulated period, the court may impose a maximum penalty of N200, 000. 00 per day on any party for the period after the return was due until it is submitted to the commission. Specifically, section 92(7) clearly stipulates the penalty political parties shall face when they contravene section 93 (2-5) thus:

A political party that incurs election expenses beyond the limit stipulated in this Act commits an offence and is liable on conviction to maximum of N1, 000,000.00 and forfeiture to the Commission of the amount by which the expenses exceed the limits set by the Commission.

To further check the fund-raising activities of political parties, section 93 (3) of the 2010 Electoral Act stipulates that:

A political party shall not accept any monetary contribution exceeding N1, 000,000.00 unless it can identify the source of the money or other contribution to the Commission.

The extent to which candidates of political parties, donors and INEC complied with these extant laws would be the focus of our analysis in the next segment of this paper.

Interrogating Nigeria's Election/Campaign Financing Trajectory Since 2003

What we have attempted to do, hitherto, is to bring to the fore the constitutional and statutory issues/framework as a basis for analyzing our subject matter. We have already demonstrated that there are extant laws governing campaign financing during successive elections in Nigeria since 1999, but the snag which we shall determine in this section is first, whether political parties in the country and their candidates have worked within the maximum financial limits set by the Electoral Act. Second, whether INEC has been able to implement appropriate penalties when political parties failed to comply with these limits.

The Experience during the 2003 Election

We have already stated that sources for finances elections in Nigeria are very scanty, but available information particularly for the 2003 general elections, are revealing and tells much about the extent to which political parties flagrantly abused the 2002 Electoral Act. For instance, in the run off to the 2003 elections, the People’s Democratic Party (PDP) presidential candidate, President Olusegun Obasanjo and his running mate, Vice President Atiku Abubakar, raised over N5.5 billion naira as campaign finances as shown in tables 3 and 4. This amount overwhelmingly exceeded the maximum limits fixed by the 2002 Electoral Act. Similarly, former governors of Delta and Lagos states, James Ibori (PDP) and Bola Tinubu of the Alliance for Democracy (AD), who were the governorship candidates in that same election raised N2.3 billion and N1.3 billion respectively as campaign funds during the 2003 governorship election as captured in tables 3, 5 and 6. Also, table 3 indicates that Bukola Saraki (PDP), governorship candidate in Kwara State raised N160 million, while Lucky Igbinedion (PDP) Edo state raised N500 million. Others include the former Speaker of the House of Representatives, Ghali Na’ Abba (PDP) and his deputy, Chibodom Nwuche (PDP), who raised N150 million and N500 million respectively. Great Ogboru (AD), governorship candidate in Edo state raised N200 million. It should be noted that apart from Saraki and Ogboru, all the other candidates were holding public offices and contesting gubernatorial elections for a second tenure.

Table 3: Selected Donations to Individual Party Candidates

Candidate	Position	Political Party	Amount (N)
Obasanjo/Atiku	President	PDP	N5.5 billion
Governor James Ibori	Governor	PDP	N2.3 billion
Governor Bola Tinubu	Governor	AD	N1.3 billion
Bukola Saraki	Governor	PDP	N160 million
Great Ugboru	Governor	AD	N200 million
Lucky Igbenedion	Governor	PDP	N500 million
Ghali Na’Abba	House of Rep	PDP	N150 million
Chibodum Nwuche	House of Rep	PDP	N500 million

Source: Adopted and modified from Kura, S.Y.B (2011), "Political Parties and Democracy in Nigeria: Candidate Selection, Campaign and Party Financing in People’s Democratic Party" in *Journal of Sustainable Development in Africa*, Vol. 13, No. 6.

Table 4: List of Contributors to Obasanjo/Atiku Presidential Campaign

Contributors	Amount (N)
Friends of Atiku	N1 billion
Aliko Dangote	N250 million
Emeka Offor	N200 million
21 PDP Governors	N210 million
Group from Europe	N144 million
Rivers friends of Obasanjo/Atiku	N150 million
Construction Companies in the Country	N200 million
Dr. Samuel Uche (Businessman)	N50 million
PDP Caucus in the Senate	N12 million
Principal Staff of the Villa (Aso Rock)	N10.6 million
AVM Shekari	N10 million
First Atlantic Bank	N10 million
Ministers	N10 million
Otunba Fasawe	N6.5 million
PDP National Working Committee	N3.6 million
Dr. Ngozi Anyaegbunam	N500,000.00
Dr. Gamaliel Onosode	N100,000.00
Corporate Nigeria (Pledges)	N2 billion
Grand Alliance	Boeing 727 & 2 Luxury Buses for campaign
Another Group	Two Luxury Buses
TOTAL (Cash)	

Source: Adopted and modified from Kura, S.Y.B (2011), "Political Parties and Democracy in Nigeria."

Table 5: List of Contributors to James Ibori Governorship Campaign

Contributors	Amount
Vice President Atiku Abubakar	N34 million
Michael Ibru (On behalf of Ibru family and friends)	N250 million
Mr. Peter Okocha (on behalf of Delta North Professionals)	N200 million
Chief Michael Oki	N200 million
Olorugun John Oguma	N120 million
Chief Mike Omeruah	N120 million
Chief Newton Jibunor	N100 million
Chief Nam Okechukwu	N100 million
Alhaji Inuwa Umoru	N100 million
Bube Okorodudu	N10 million
Mr. Tony Anenih Jnr on behalf of friends of Ibori	N50 million
Chief Emeka Offor	N5 million

Anonymous Donor	N35 million
Mr. Terry Wayas	N35 million
Austin Odili	N30 million
Chief Tony Anenih, Chief Lucky Igbiniedion and others	N26 million
Zenith Bank	N25 million
Mr Wale Tinubu	N20 million
Alhaji Abdulrazaq Abdulraham	N10 million
Chief Diepreye Alamieyesiegha	N10 million
Akintola Williams	N10 million
Core Group	N10 million
Chief Tom Ikimi boat worth	N7 million
Chief Edwin Clarke on behalf of Ijaws of Delta	N5 million
Delta State House of Assembly	N6 million

Source: Adopted and modified from Kura, S.Y.B (2011), "Political Parties and Democracy in Nigeria."

Table 6: List of Contributors to Bola Tinubu Governorship Campaign

Contributors	Amount
Mr. Wale Tinubu	N100 million
The Governor's friend	N150 million
The Deputy Governor's friends	N76 million
Femi Otedola, M.D of Zenon Oil & Gas	N10 million
Prince Albert Awofisayo, Continental Pharmaceutical Ltd	N10 million
Chief Remi Adiakwu Bakare	N10 million
Chief Ayoku, the Babalaje of Lagos	N10 million
Alhaji and Alhaji K.O Tinubu and children	N10 million
Friends of the Lagos State Executive Secretaries	N10 million
Senator Tokunbo Afikoyumi	N5 million
Mrs. Stela Okoli	N5 million
Lady Joy Udensi	N10 million
Friends of Lagos State Permanent Secretaries	N2 million
The Tinubu family	N1 million
Chief Abiodun Kasamu	N1 million

Source: Adopted and modified from Kura, S.Y.B (2011), "Political Parties and Democracy in Nigeria."

A critical look at tables 3, 4, 5, and 6 clearly indicates that the laws governing campaign financing as encapsulated in the 2002 Electoral Act were flagrantly and recklessly abused by political parties and their candidates without any form of accompanying punishment as provided for in section 84(6) of the Act. The campaign funds raised by these candidates in the

2003 elections raises other fundamental questions. First, there were also no indication that political parties who failed to submit their election expenses to INEC were punished as provided for in section 79(1-2) of the same Act. The second issue is moral and ethical: what were the sources of these individual contributions? How did political office holders such as the Vice President, Atiku Abubakar, governors, ministers, legislators, etc in tables 3, 4, 5 and 6, whose monthly emoluments were in the full glare of the public raise such huge sums of money to contribute to election campaign finances of candidates? What were the philanthropic posture of some of the companies that donated to these campaigns? We shall return to these issues later in our analysis.

The Experience during the 2015 General Elections

Like the previous general elections, tracking campaign expenses in the 2015 general elections is very difficult. A financial adviser for the International Foundation on Electoral Systems confirmed this when he explained that no reliable information exists for how much money was spent during the 2011 elections (<http://edition.cnn.com/2012/01/24/world/global-campaign-finance>). The situation was not in any way different in 2015. Quite often, much of the donations that candidates and political parties receive are classified, while it is also difficult to track and quantify those that come in kind. For example, it is difficult to quantify the amount of money expended on media advertorials, which consumes a chunk of campaign finances. This is largely attributed to the haphazard nature the adverts were given out by political parties and the respective candidates (<http://www.politcoscope.com/2015-money-race-nigeria-election>).

The 2010 Electoral Act (amended) requires political parties not only to submit their campaign expenses to INEC within six months after an election but shall ensure that same is published in at least two national newspapers [section 92(6)]. Regrettably, this is hardly the case. As one commentator puts it: "it is a fact that Nigeria has a history of not coming out with election spending figures, and data are equally unavailable on the actual spending of politicians on campaigns" (<http://www.politcoscope.com/2015-money-race-nigeria-election>). In this connection, much of what is available is derived from newspaper reportage. Against this background, our analysis here would be restricted to campaign finances of the two major

political parties - the People's Democratic Party (PDP) and the All Progressive Congress (APC), especially as it had to do with the presidential election. For instance, as soon as INEC gave the nod to political parties to commence electioneering activities, candidates commenced the process of raising funds and expending for their campaigns. For instance, the PDP organized a fund raising dinner for its presidential candidate, President Goodluck Jonathan, at which it raised more than N22 billion, as shown in table 7. From just one fund raising dinner, Jonathan breached the maximum limits prescribed by the 2010 Electoral Act.

Though the donors attempted to dodge these laws claiming their donations were made on behalf of groups, the Nigerian electoral law in section 91 (2) and 91 (9) clearly stipulate that neither individual nor group/entity may donate over N1 million (<http://www.thenigerianvoice.com/news>). After condemnation from a cross section of Nigerians, some of who called for police investigation over the frivolous amount raised at the fund raising dinner, it took the Chairman of the organizing committee, Professor Jerry Gana, about two weeks to come up with a skewed defense. According to him, the money realized from the dinner was not meant for Jonathan's campaign alone but that part of the money would also be used for building the party secretariat (<http://www.thenigerianvoice.com/news>). The money raised at this launch justified President Jonathan's earlier rejection of the recommendations of electoral reforms headed by Senator Ken Nnamani, to strictly monitor/regulate election expenses, for the obvious reason that "it will be a booby trap for him" (<http://www.thenigerianvoice.com/news>). The truth of the matter is that the invitation to the campaign fund raising dinner which was publicized by the media did not indicate that it was a twin event – campaign and building of the party's secretariat as Gana would want Nigerians to believe.

Table 7: List of Donors to President Goodluck Jonathan 2015 Campaign

Contributors	Amount
Tunde Ayeni	N1 billion
Tunde and Group of friends	N2.6 billion
Jerry Gana and friends	N5 billion
National Automotive Council	N450 million
PDP Governors Forum (N50 million each x 21 governors)	NN1.05 billion

Bala Shagaya Representing the Oil and Gas sector	N5 billion
Construction Sector	N310 million
Transport and Aviation Sector represented by Didi Ndimou	N1 billion
The Real Estate Sector represented by Oluchi Okoye	N4 billion
Food and Agric Sector represented by Chief Ominife Uzeogbu	N500 million
Cizally Limited	N250 million
Power sector represented by Tunde ayeni	N500 million
National association of Stevedores	N25 million
Mr. Sam Egwu	N1 million
Halima Jibril	N5 million
Ajuji Best Hotel	N1 million
TOTAL	N22.442 Billion

Source: Adopted and modified from *ThisDayLive*, 21st December, 2014.

The campaign finances of the APC presidential candidate, Muhammed Buhari are sketchy, but as at January 2015, the Buhari Support Group (BSO) claimed that it raised N54 million from Nigerians in support of his campaign (www.naij.com/348842-nigerians-donate-money-to-support-buhari-campaign-html). However, a study of the campaign expenditure of both Jonathan and Buhari indicated that they breached the maximum limits encapsulated in the Act. For instance, a coalition of Civil Society Organizations (CSOs) under the aegis of the Centre for Social Justice (CSJ) in conjunction with United States Agency for International Development (USAID), and the International Foundation for Electoral Systems (IFES), raised an alarm over the threats posed to the growth of the Nigerian economy by election spending, contending that there is an inextricable link between election spending and the health of the economy. According to the consortium of CSOs:

With attention shifted from governance and a lot of expenditure on campaign, the state of the economy in terms of depreciating exchange, inflation and reduced economic growth rate were bound to occur (Guardian, March 12, 2015).

The report put the total amount spent so far by the two major political parties - PDP and APC on advertisements in the print media alone at N1.382 billion. Specifically, the group said "the total up to February 14, 2015 for the APC presidential candidate is N332.583 million, while the total up to February 14, 2015 for the PDP presidential candidate is N1.049 billion." (Guardian, March 12, 2015). The group went further to list other campaign expenses of both

candidates to justify the breach of the Act. As shown in Table 8, the PDP spent N1.057 billion on campaign rallies while the APC spent N595.082 million. On bill boards, the PDP expended N155.13 million as against the APCs N99.23 million. Others are electronic media campaign coverage which catted N508.35 million from the PDP and N391.05 million from the APC; while electronic media advert gulped N7.399 million and N5.556 million for the PDP and APC respectively as revealed in table 8. In all the PDP expended N2.5 billion while the APC spent N1.091 billion as captured in table 8. When you add this amount to the expenditure incurred in the print media, you will arrive at a total of N3.882 billion for the PDP and N1.433 billion for the APC. All these are conservative figures since they have not taken into account other expenditures like hotel accommodation, transportation cost (air, sea and road), security, feeding, to mention but a few.

The point being established here is that by our estimation, both candidates breached the income and expenditure limits set up in the 2010 Electoral Act. Despite spirited efforts by the PDP to cover up for the campaign funds it raised, their expenditure profile clearly shows that the two main political parties flagrantly flouted laid down laws on campaign financing since they both raised and spent more than N1 billion. The donation of N21 billion to the PDP during its fund raising dinner violated Nigeria’s electoral laws. The individuals and groups who donated also breached the Act since it stipulates that neither individuals nor groups/entity may donate more than N1 million.

Table 8: Aspects of Campaign Expenditure by Presidential Candidates of the PDP and APC

Purpose of Expenditure	PDP	APC
Campaign Rallies	N1.057 billion	N595,082 million
Bill Boards	N155.13 million	N99.23 million
Electronic Media Campaign Coverage	N508.35 million	N391.05 million
Electronic Media Advert	N7.339 million	N5.556 million
TOTAL	N2.5 billion	N1.091 billion

Source: *Guardian*, March 12, 2015

Implications on the Nation's Democratic Process

The way and manner political parties and their candidates went about generating funds during the previous general elections, but specifically during the 2015 general elections raised a lot of worrisome questions. Corruption of the electioneering process was exemplified by political parties' mobilization of huge campaign funds, to run campaigns – funds, which to say the least, were fraudulent. Granted that campaigns come with reasonable cost-implications, but the commercialization of the electoral process reminiscent in the way and manner political parties and their candidates raised funds calls to question the legal and moral standing of those seeking to lead the nation (The Guardian, 2015). The Guardian newspaper was even more forthcoming on this issue. In one of its editorials, it stated inter alia:

That business, interest groups and sundry individuals raised within a few hours, for instance, the billions of naira to support campaign for elective office of an individual in a clime where millions of people are unemployed, is a tragic drama..... Glaringly, the donors to all parties have sent a strong message that they have only played their cards face-up for selfish interests, the implication being that such donors would be key actors in the control of the nation's economic levers upon a successful run of their beneficiaries in the election (The Guardian, 2015).

First, there were indications that contributions from individual party members came from those who were privileged to have access to plump government offices, while the other bulk came from businessmen and contractors who enjoyed patronages from the government (Kura: 286). Regrettably, this pattern of donation has untoward far-reaching implications for the nation's political and democratic trajectory. For instance, this donations reflect the nature and character of African politics, which elevates patron-client networks and neo-patrimonialism in an unprecedented fashion. Okpeh Okpeh was more forthcoming on this issue:

Neo-patrimonialism also relates to the tendency whereby members of the ruling class patronize each other with favours (both in cash and in kind) in order to remain relevant in the power game. By this logic, an upstart in politics must first and foremost find a powerful patron (usually called Godfather) from within the power elite bracket to market him to those that matter. This negotiation is usually conducted on the basis of all kinds of dubious agreements between the would-be politician and his/her patron and has nothing to do with genuinely serving the people. In the final analysis, the mandate of the electorate is abused

in the interest of the patron and his allies and the political process is jeopardized (Okpeh, 2013: 440-441).

Isaac Asabor argues in the same vein that:

Many Nigerians have witnessed how monies contributed for the purposes of political campaigns have brought the once rosy relationship between politicians and their "godfathers" to an abrupt end. Worse still, in this context, many godfathers as individuals, companies and parastatals are involved. How many of them would he "compensate" when the time for repayment comes? (<http://www.news24.com.ng/elections/MyNews24/The-moral-burden>).

Ostensibly, money has the instrumental capacity to determine a lot of things. For instance, money determines elections results, influences the choice of the electorates, it can make or mar people's mandate. In fact, as Okpeh (2013:462) has rightly explained, money is a strong factor in the way and manner politics is played in Nigeria. Money has made it possible for the ruling elites to dominate the nation's politics at the detriment of the collective interest of the masses. Moreover, one of the baneful consequences of money is that it has led to the disconnection between the leadership and followership in the political process. Worse still, money has not only contributed to the enthronement and consolidation of class rule, it has truncated our political culture and created a political process devoid of idealism. The multiplier effect of these is crass opportunism, corruption, and mediocrity (Okpeh, 2013: 464); Oyovbaire, 1999 and Lawrence, 2003). This system of funding noticed during the 2015 elections does not only exacerbate corruption, it also undermines transparency, accountability and responsiveness of the government to the yearnings and aspirations of the generality of the masses.

Secondly, those who donate funds control the beneficiaries, and politicians become more accountable to their sponsors than to their constituents and this have serious implications for governance in the post-election period. It is a truism that most of the donations were made by individuals who enjoy or potentially want to enjoy patronage from the government. For instance, since these donors are not "father Christmas," they take control of governance structures as soon as elections are completed, recommend their own friends and "godsons" for plump political appointments so as to recoup their donations, and also make reasonable profit out of it. For the corporate donors, they would always look up to the

government they installed for policies that would be favourable to their respective sectors, even when such policies are highly detrimental to the general well-being of the entire society. This is not only antithetical to the logic of democracy and good governance but also have the cumulous effect of entrenching massive corruption within the polity.

Thirdly, the preponderance of money in the polity tends to disempower well-meaning Nigerians and deny them the opportunity of using politics as an instrument of change. In a country with a wide gap between the haves and have nots, the financial needs of a campaign automatically isolate many who may have good ideas. This is because they lack the support from godfathers that many incumbents and older Nigerians have. As a consequence, the poor and the young are overwhelmingly excluded by default from using politics as a platform to effect fundamental changes in their society (<http://www.nigeriancuriosity.com/2010/06/financing-political-campaign>).

Towards Reforming Election/ Campaign Financing in Nigeria

To strengthen existing mechanisms on campaign finances, certain measures must necessarily be put in place. First, legislators have a critical role to play in this whole process, especially in strengthening existing legislations where some gaps exist. For instance, in strengthening existing laws, legislators should ensure that candidates that have exceeded their spending limits during campaign are prosecuted and upon conviction, are disqualified from contesting in future elections. Such a stiff penalty would dissuade politicians from flouting laws on campaign financing.

Second, legislators are frequently able to play a useful role in the formulation of political/campaign finance laws. Such laws are complex and technical, yet they are often enacted in haste and without sufficient detailed information. Unclear definitions of terms such as "election campaign," "party finance," "political finance," "expenditure" frequently make laws complex and unenforceable (Duschinsky, 2006:195-196). In this connection, legislators may play a more positive role if they closely study legislations introduced or passed in other countries, and also critically examine the loopholes and the disadvantages encountered by such legislation.

Third, we need to reiterate once again that much of the challenges we face have to do with that of law enforcement. Here also legislators may help to ensure that the campaign finance law is workable and enforceable by exerting considerable amount of pressure on the government to make financial provisions to allow the enforcement of the law by relevant authorities. This is very important because quite often, new laws are accompanied with heavy administrative expenses on enforcement bodies without the same time providing the resources needed by the authority to permit it to carry out its new work (Duschinsky, 2006:196).

Fourth, legislators must necessarily have to strengthen their oversight duties by ensuring that regulatory and enforcement agencies carry out their constitutional functions and responsibilities. If laws are passed by legislators, it is their constitutional responsibility to call the government and its relevant agencies to account for any failure to implement campaign finance laws. For example, laws requiring the submission and publication of financial statements by parties and candidates are simply ignored with impunity. It is felt that legislators' ability to ask enforcement agencies critical and probing questions, especially on the extent of compliance of political parties with the law may exert the necessary pressure on the government to ensure that relevant agencies are keeping up to speed with their responsibilities.

In addition, INEC must see its role beyond that of organizing elections after every four years. Its roles also include enforcing regulatory laws on political party and campaign financing. It is true that it might be difficult for INEC to enforce provisions of section 91(2) of the 2010 Electoral Act as amended, which deals with the maximum election expenses to be incurred by a political party. That does not mean that efforts should not be made by the appropriate authorities. Where a public travesty has been made, offenders should be punished (Utomi, 2015). The commission should ensure that political parties submit their audited campaign expenses as prescribed by law and same analyzed with a view to exposing and punishing those donors and candidates that have flouted the law. It is also necessary to make the penalty stiffer on those candidates that are in breach of this law.

Furthermore, the media and civil society organization (CSOs) have a key role to play in sanitizing and closing loopholes in campaign finance legislations. There is need to adequately

train media practitioners in the provisions of the electoral act so that they can appropriately enlighten the public and also expose erring political parties and their candidates who violate the Act. CSOs are also in a better position to monitor political/campaign financing of respective political parties and their candidates and bring same to public knowledge. For example, CSOs and the media can carry out detailed investigations on individual and corporate donors during fund raising, taking into cognizance their previous philanthropic posture *vis a vis* their support to these candidates. They can also interrogate the tax return of these donors with a view to revealing whether they own such amount of money. Both the media and CSOs are also well positioned to put legislators and INEC on their toes when they fail to perform their oversight duties and also enforce campaign finance legislations.

Conclusion

We have amply demonstrated in this paper that campaign finances in Nigeria have been fraught with various levels of corruption, and this that often puts the credibility of our elections to question. Apart from disempowering a lot of people it also raises a lot of moral issues relating to the sources of these funds. We have also contended that although laws exist on political parties and campaign financing since the return of democratic governance in 1999, the challenge has constantly remained that of enforcement. The 1999 constitution and other regulatory laws such as the 2002, 2006, and 2010 Electoral Acts, all have explicit provisions which guide not just the funding of political parties, but clearly espouse the maximum spending limits of campaign finances for candidates for every political office. Besides, the Act also specifies the limits of contributions individuals and corporate organizations could make to a candidate. Additionally, the Act also requires political parties to submit separate audited reports of campaign expenses to INEC six months after an election. However, these provisions have constantly been contravened to the consternation of INEC by individuals, parties, etc. To strengthen existing mechanisms on campaign financing, the essay stresses the need for the commission to enforce the law against these laws appropriately. The essay also stress the need for legislators to make adequate budgetary provisions for enforcement agencies, and strengthen its oversight responsibilities to same and by extension, the government. Moreover,

there is need for the media and CSOs to strengthen themselves so as to expose fraudulent and corrupt donations. They should also act as watch dogs over the legislature, law enforcement agencies and the government.

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