

The 2011 General Elections And The Challenges Of Democratic Consolidation In Nigeria

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ABSTRACT

The experience in Nigeria has shown that elections are characterized by subversion of the electoral process, manifesting in rigging and other forms of irregularities by the political class. For decades, the citizens have developed a culture of struggle for democracy but have failed to produce enduring democratic governance, essentially because of non-observance of the principles of the rule of law by those in authority. Contemporary literature is replete with impediments to democratic consolidation as lack of development, poverty, corruption, weak institutional structures, ethnic-based conflicts, etc. These factors either in isolation or in combination can exert adverse influence on democratic consolidation; but what was lacking was the challenge of rule of law. In this study therefore, our central problem is to determine how the Nigerian government can enhance the observance of the rule of law to further consolidate on the gains of the 2011 general elections. In the investigation of this study, we employed the basic assumptions emanating from political economy approach as our theoretical framework of analysis and observe that the economically powerful, who reproduce themselves as the politically dominant class arbitrarily abuse the due process of the law. The paper therefore concludes that the observance of the rule of law and due process by all, but, particularly the government, is the road map to democratic consolidation. The paper recommends among other things that government should build capabilities around institutions and strengthen the already existing ones; and develop capacity to sanction political office holders that abuse the process of the rule of law while in office.

Keyword: Elections, Democratic, Consolidation, Law.

INTRODUCTION

Nigeria is like a limited liability company owned by 140 million shareholders. The company's shareholders elect the company's employees at the Annual General Meeting (AGM). Tasks are shared among the elected employees. Tenure of offices are established with a provision for re-election at the next AGM based on performance. The dilemma in Nigeria is that elected employees

have stolen the electoral process. They do not want to go. How will the shareholders reclaim their company?

(Anonymous)

The above citation captures the agony and predicament of the Nigerian electorates in the hands of their elected representatives. The history of Nigerian elections has been a history of the subversion of the electoral process since independence. This has manifested in so many dimensions with adverse consequences on the struggle for democratic consolidation. The first election that was conducted by Nigeria after gaining political independence was the 1964/65 federal elections. This election was characterized by the blatant use of force and reduced to the crude mechanics of force. As stated by Kirk-Green (1971:21) in Nnaedozie (2007: 56), the election had been described as "the most perilous display of brinkmanship", and during which the country tottered perilously on the brink of disintegration and bloodshed (Anglin, 1965: 173), and saw a full display of all the centrifugal forces which had reared their heads up in the 1940s and 1950s.

Consequent upon the use of force by various factions of the political class which reduced political competition to warfare, the military had to take the centre stage. As Ake (2001: 6) stated, "it was not the military that caused military rule in Africa (Nigeria) by intervening in politics; rather, it was the character of politics that engendered military rule by degenerating into warfare, inevitably propelling the specialist of warfare to the lead role". However, in 1979, the country witnessed another phase of democratic experiment. The political parties that contested the 1979 general elections were mere prototype of the 1964/65 elections as the parties were ethnically based. This election was relatively better than 1964/65 election because of relative reduction of political violence, notwithstanding that there were allegations of rigging and other irregularities. However, these were promptly settled by the courts and election tribunals that were set up.

But the election of 1983 was nothing to write home about. One of the greatest predicaments facing Nigeria political class is their inability to obey the rules governing electoral process; and this has been implicated in the collapse of all the democratic experiments in Nigeria. Particularly of note was, and is the capacity of incumbent administrations to collude with the electoral regulatory body to manipulate the electoral process in its favour. Thus, using the coercive apparatus of the government, the incumbent government in 1983 massively rigged the elections. As contended by Nnaedozie (2007: 65):

It is very clear that the Nigerian elections of 1983 is a sham Election. It was massively rigged and nobody can honestly, truthfully and scientifically state the Shagari and his lieutenants in the state capitals were democratically voted into office.

A massive collusion involving the NPN, the FEDECO, the police And some sections of the judiciary had produced governments

2. The state is alienated from active participation in politics.
3. The state becomes a minimal state and is therefore, retrenched from active participation.
4. As a result of the above, the state becomes a state of no particular class but of all the classes.
5. Therefore, the various apparatuses of the state are not employed for primordial or primitive accumulation, and
6. Finally, the increased level of commoditization enables private initiatives to be enhanced, which reduces primordialism defined in the context of the use of state power for personal aggrandizement.

Deriving from the above, it is evident that economic condition enables us to understand the political role of the state. Consequently, we can infer that the political and electoral styles that were adopted by Nigeria before and after independence was largely a product of the economically dominant class, who also reproduced themselves as the politically dominant class. Second, the other proposition of Marxist Political Economy approach is the dialectical approach to knowledge and society that defines the nature of reality as dynamic and conflictual. That is, it contends that social disequilibria and consequent change are due to the class struggle and the working out of contradictions inherent in social and political phenomena. Accordingly, Marxists believe that there is no inherent social harmony or return to equilibrium. This expresses that the faith of all created things are unstable, always becoming and never being. It is this dynamic character of reality, this movement of opposites that leads to inevitable change in any political system.

In the application of this approach to the study, we shall consider the observance of the rule of law and the success or otherwise of the 2011 general elections as a product or manifestation of the level of the development of the productive forces and the dynamic character of reality. That is, the primacy of the economy in determining the outcome of the 2011 general elections and the tendency of the economically dominant class to negate the observance of the rule of law cannot be over-emphasized. In fact, we shall consider the economy as the independent variable, while the law, electoral processes and the observance of the rule of law as the dependent variables.

To begin with, election is a formal decision-making process by which a population chooses an individual to hold public office on their behalf. It has been the usual mechanism by which modern representative democracy operates. As enunciated by Nnaedozie, (2007: 45), "election represents a modern and universally accepted process through which individuals are openly and methodically chosen to represent a body or community in a larger entity or government". It is one of the cardinal features of modern democracy. Any democracy that is not rooted on the electoral process can not be correctly called a democracy; and problems emanating from lack of credible, free and fair elections can undermine the entire democratic process. If we adopt the most common conceptualization of democracy as government of the people, by the people and for the

polling stations, most candidates or political parties could not afford the huge cost of maintaining these party agents, hence, many polling stations were left without party agents; and this could pave way for possible collusion of the Presiding Officers with the party agents of the economically dominant party.

Consequently, it is pertinently certain that the role of money (economy) in winning elections cannot be over-emphasized. In fact, the material conditions of the parties or candidates determine to a large extent the outcome of an election. This was particularly so if one took a random sample of the election result sheets, but particularly the presidential and governorship election result sheets, it would be observed that most of the result sheets were not signed by agents of political parties, except PDP. The implication is that since most parties did not present party agents, the party or parties that presented could manipulate the outcome of the elections. If the party agents whose duty it was to observe the polling and counting of ballots, and the collation and declaration of results on behalf of their parties are not at the polling station, one could imagine how the outcome of such result will be.

More so, notwithstanding the right and responsibilities of the Polling/Party Agents, the election officials were mandated to commence the election process even if no Polling/Party Agents are present in the polling stations or collation centres. These processes which involve accreditation of voters, voting, counting of votes and announcing of election results could lead to allegations of irregularities if some party agents were not present during the election. Nonetheless, such allegations should be taken to lack merit because all the parties were empowered to present Party Agents, and if any party could not present their official accredited party agents, possibly out of their own party financial incapability, then, they should be responsible for whatever the outcome is.

At any rate, the election has been adjudged to be credible, free and fair by all and sundry, which elicits the question, how did Nigeria get it right? We can offer three explanatory factors that accounted for the successful conduct of the elections as follows:

1. Non-intervention by the President with the electoral process.
2. The nature of the social forces that emerged over the years in Nigeria.
3. Events in other parts of the world.

Unlike President Obasanjo who practically directed Maurice Iwu, the former Chairman of INEC on what to do, President Goodluck Jonathan distanced himself from influencing the present INEC Chairman, Attahiru Jega. This was exemplified on the 2nd April, 2011, the original day scheduled for National Assembly Election. The president, just like every other citizen went out to exercise his franchise and was shocked to hear that the election into the National Assembly has been cancelled by the Chairman of INEC. In fact, the INEC Chairman made it very difficult for politicians to acquiesce themselves with him, and this was a very big incentive to the conduct of the elections.

However, the non-interventionist character of the President was necessarily a consequence of the nature of social forces that characterize Nigerian politics in recent times. The emergence of so many Non-Governmental Organizations, ethnically based

disincentive to the police use of torture, threats, abuse, etc, to obtain information from suspects.

The above stated are the principles that guide the observance of the rule of law, but its practicability has remained the greatest obstacle to democratic governance in societies with limited penetration of commodity relations, which manifest as low degree of autonomy of the state. By this we mean that when the degree of commoditization is low, the tendency of the state to intervene in politics is inevitable. This explains why the incumbents of the state power interfere with the due process of law. However, this can be checked taken into cognizance of the dynamic character of reality, and the interrelatedness of different elements of the society. For example, the economically dominant class can be checked by the active participation of the citizens in politics, either as individual or organizations. It is only through this that the inevitable change can be effected. This was exemplified in the 2011 General elections in Nigeria, where three incumbent Governors of Imo, Zamfara and Nasarawa states lost election and accepted the result, as opposed to previous elections that the incumbent Presidents collaborated with the Police and electoral regulatory body to wrestle power from state Governors that were opposed to them.

How then can the observance of the rule of law be enhanced to further consolidate Nigeria's democracy? The answer to this question might not be easy to proffer, yet, we shall attempt to suggest practical ways of achieving it. Since the rule of law implies that no one is above the law, the government should develop the political will to enforce laws on offenders, no matter who is involved. To do this, the emphasis should be for government to build capabilities around institutions and not around individuals, and strengthen the already existing weak institutions. This could be done by establishing mechanisms for monitoring the effective implementation of the rule of law, the active participation of civil societies in exposing cases of abuse of the rule of law, and the involvement of the general public in exposing such abuse.

Again, the tendency of a state with low degree of autonomy is to intervene in politics, particularly, by obstructing the due process of the law; and since the incumbents protect themselves with various apparatuses of state power, including law itself, the same law should be used to protect and consolidate Nigeria's nascent democracy. By this we mean that any incumbent of political offices that abuse the law while in office should be tried in a court of law after he/she has finished his tenure of office. In Nigeria, people that hold political offices at whatever level, particularly, the National Assembly do not go there to create wealth but to distribute wealth. As a result of their privileged positions, they authoritatively distribute the nation's wealth more to themselves than to the nation. Such acts of private enrichment with the state power should be tried in a law court after they had finished their tenure. These in no little way will enhance the observance of the rule of law, which can further strengthen and consolidate Nigeria's democracy.

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