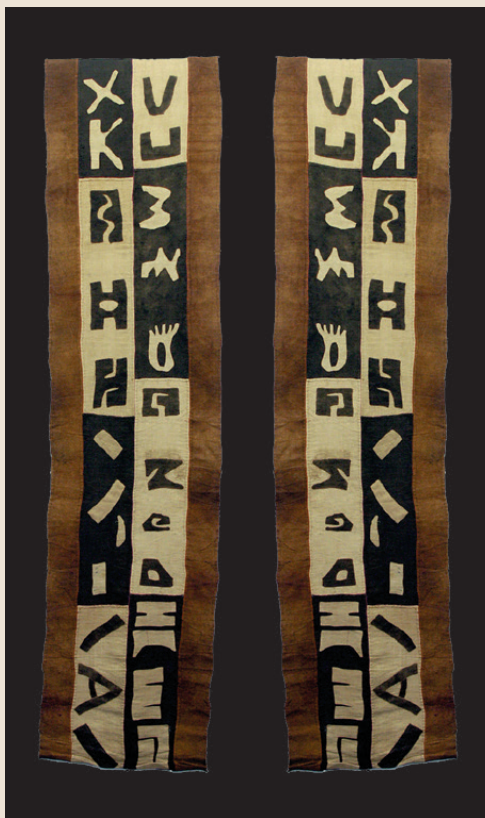


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ZUMA VERSUS RAMAPHOSA

Factors Influencing Party Choice of South Africans in the Run-up to the 2019 Elections

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ABSTRACT

The outcome of the 2016 local government elections in which the ANC lost substantial support, fuelled early speculation on not only the outcome of the 2019 general elections, but also on the factors which were likely to determine party support. Added to this was the deteriorating political and socio-economic situation in South Africa. Against this background, two national surveys were undertaken in October/November 2017 and October/November 2018 to establish the factors at these particular times that were likely to influence the vote choice of South Africans. From both surveys it was found that South African voters increasingly base their choice of a party on rational considerations. Trust in the president was a particularly important predictor of voter choice. In the first survey, loss of trust in the president (Zuma) resulted in a loss of faith in the ANC and in support of the party; while in the second survey, the converse was true: an increase in trust in the president (Ramaphosa) reflected an increased trust in and support for the party. Other predictors of vote choice in both surveys include a desire for socio-economic well-being and hope for a better future; the fear of losing a social grant; age; and racialised party images.

Keywords: Ramaphosa, Zuma, vote choice, surveys, trust

INTRODUCTION

Over the past 25 years, that is, since the first democratic elections in 1994, South Africa's electoral landscape has been characterised by, among other things, changes in party leadership, demographic changes, increasing poverty,

inadequate service delivery with accompanying protests, high levels of corruption by public officials and most recently, the prevalence of 'state capture'.

Voters have increasingly indicated their willingness to switch their support across parties in both national and local elections. Post-election surveys by the Comparative National Elections Project (CNEP), for example, showed that between the 1999 and 2004 national elections 8% of the respondents switched their voting choice, 12% switched between 2004 and 2009, while 15% switched parties between the 2009 and 2014 elections (Schulz-Herzenberg 2016, p. 502). Furthermore, the local government elections in 2016 resulted in a substantial decrease of support for the governing African National Congress (ANC). It gained only 57.4% of the vote and, for the first time, went below the psychological level of 60% of support.

However, local government elections are often regarded in the literature as of a lower rank or as different from national elections. They are therefore depicted as second-order elections as opposed to first-order national elections. It is also argued that in local government elections national place-bound considerations or personal contacts tend to overwrite national party identification or ideological considerations, and that main arena conditions and considerations tend to influence and guide voters. The latter will either decide not to vote or they will turn to expressive voting – for example, voting for new or small parties to punish or reward nationally governing parties. Furthermore, turnout in local elections is generally lower¹ (ECPR 2019).

Nevertheless, the outcome of the 2016 elections, as well as the deteriorating political situation in South Africa, fuelled not only early speculation on the outcome of the 2019 national elections, but also debate on the factors likely to determine party support in these elections. The shifts and complexities in the electoral landscape, which are highlighted in the first section below, resulted in a variety of explanations for the voting behaviour of South Africans over the years.

Against this background two national surveys were undertaken in October/November 2017 (while Jacob Zuma was still president) and in October /November 2018 (when newly- elected Cyril Ramaphosa had been in office for eight months) respectively. They were to establish which factors at these particular times were likely to influence the vote choice of South Africans in 2019 and whether the reasons for supporting a particular political party had changed a year later, closer to the elections in 2019. It should be emphasised that public opinion research provides 'a photograph of society at a given time' (Harris 2012, p. 133) and does not serve as a prediction for the outcome of elections. It provides insight into and

1 Voter turnout in local government elections in South Africa has also been progressively lower than in national elections. In the 2014 general election for example, the turnout was 73.5% of the registered voters compared to 57.9% in the 2016 local government elections.

knowledge of the perceptions and attitudes of the South African population and the mood in the country at the time when the research was undertaken.

The following section provides an overview of the electoral landscape over the years, which provides the context for the two surveys. It also has a bearing on the explanations for the voting preferences of South Africans since 1994 in the subsequent section. This is followed by the methodology of the two surveys; results on party support and loyalty; the linkage between trust, performance and democracy; and, lastly, the analysis and findings.

ELECTORAL LANDSCAPE SINCE 1994

The first three democratic elections in South Africa were characterised by overwhelming support for the ANC, reaching an all-time high of 69.7% in the 2004 elections. However, the party's support subsequently dwindled to 62% in the 2014 elections. A watershed in the party's electoral history was the local election results of 2016, where it gained only 57.4% of the vote.

Zuma's controversial rise to becoming ANC president in December 2007 (amidst numerous corruption charges against him) and the recall of President Mbeki in September 2008, fuelled the formation of the Congress of the People (COPE) in 2009 by dissidents from the ruling party who reserved their loyalty for the former president. In essence, COPE externalised the internal factionalism within the ANC (Booyesen 2009, p. 85).²

A further dent to the ANC (but from the left) was the establishment of the Economic Freedom Front (EFF) in 2013 by Julius Malema, former leader of the ANC Youth League (ANCYL), who was expelled from the ANC in 2012. Its support in the 2014 elections was a modest 6%, although it became the official opposition in two of the provinces. The EFF's populist rhetoric of nationalisation and economic liberation attracted the support of the youth and the workers as well as large numbers of the unemployed and informally employed. The party estimated that about 85% of its 1.1 million national votes were from voters below the age of 35 (Booyesen 2015, pp. 36, 232). In the 2016 local government elections the EFF managed to gather 8.3% of the proportional representation vote, allowing it to play a strategic role in forging alliances with the Democratic Alliance (DA) in key urban areas.

2 Despite its modest performance in the 2009 elections of 7.4% at national level, COPE attained opposition status in several provinces. However, its support declined dramatically in the 2014 elections to 1% nationally in favour of the DA. The IFP's support also dwindled in 2014 to 2.4% nationally, while the party also lost what little status it had in its stronghold of KwaZulu-Natal when the DA became the official opposition in the province.

The DA, the official opposition since 2004, showed sustained growth. It had increased its support of 12.4% in 2004 to 22.2% in 2014. In the local government elections of 2016, its support increased to 24.6%, and it also took control of the three metropolitan areas lost by the ANC.

Besides the changing party landscape, there have also been demographic changes in the electorate. Since 1994 the population has become younger and more urbanised, with 64.8% of the population living in urban areas in 2015 (as against 56.9% in 2000) and an increase in the population in the 15–34 age group from 36% in 1996 to 44% in 2011 (Southall 2014, p.5; South Africa Survey 2017, p. 31). By 2016 eligible voters in the age group 18–39 totalled 60% of the country's voting population, which has also resulted in changes in the electorate (South Africa Survey 2017, p. 910). This cohort was born in the mid-1980s and later, and is likely to be less influenced by the ANC's liberation credentials in its choice of party support. The urban/rural split is important, since ANC dominance is most marked in rural areas, while political discourse is largely shaped by urban concerns (Southall 2014, p. 7). The 2016 local government election results bear testimony to this divide and particularly to support for the ANC (Maserumule & Ndletyana 2016, p. 447).

Under the presidencies of Mandela and Mbeki there was widespread optimism for South Africa's democratic future, which was accompanied by the ANC government's substantial socio-economic achievements up to 2008. In contrast, the Zuma period, particularly the second term of his office (2014–2017), was characterised by factionalism within the ANC associated with Zuma: endemic corruption, poor economic performance, deteriorating socio-economic conditions, the inability to stimulate the creation of jobs for an expanding labour market, poor and erratic service delivery, rising unemployment, dysfunctional security institutions, and, most importantly, the politics of patronage and state capture. By 2016 the crises had reached such large proportions that the general impression was that South Africa was in a crisis.

Poor economic performance reflected in the declining GDP growth rate from 3.2% in 2008 to a mere 0.3% in 2016, a rise in the inflation rate to 6.3% (from 4.6% in 2015), and an increase in South Africa's debt from 26.5% of the GDP in 2008 to 56.7% in 2018 (CEIC, 2019). The inability to stimulate job creation resulted in an official unemployment rate of 26.6%, with more than a quarter of South Africa's population living under the food poverty line (South African Survey 2019, p. 399). By 2017 social grant recipients had increased to more than 17 million.

Against the background of poor economic conditions and the prevalence of persistent poor and erratic service delivery and unaccountable local governments, an upward trend in 'disorderly' community protests of 50% in 2006 to 83% in 2016 were the order of the day. The total number of community protests (with

most demands about service delivery) reached a high of 377 in 2016 (compared to 164 in 2008), which amounted to a 'rebellion of the poor' (Alexander et al. 2018, pp. 40, 35, 42).

Furthermore, corruption had reached unprecedented heights under the Zuma government. South Africa's score in 2016 was a below-average 4.5 (with 0 being highly corrupt and 10 very clean) (Transparency International 2018). The increase in corruption over the years is also evident in the statistics released by Corruption Watch South Africa.³ In 2016, for example, it received 4 391 corruption reports compared with 2 714 in 2014. It noted in the report that the two most important causes of corruption are 'impunity enjoyed by the politically powerful and rich', which cascades down from the president to cabinet members, provincial premiers and MECs, mayors and local government councillors; and secondly, 'rampant corruption in the leadership of key police units' and the prosecuting authority (Corruption Watch Report 2016).

Alongside the high level of corruption in the country was the emergence of growing evidence that Zuma and his friends, in alliance with the Gupta family, had embarked on capturing the state. The essence of this was facilitating the systematic plundering of public resources by means of appointing Zuma allies to cabinet positions, government departments (particularly the Treasury) and as executives and board members of state-owned enterprises (SOEs) such as Eskom and Transnet. Gupta companies would then receive lucrative contracts from SOEs and government departments, and compliance was rewarded with private payments and promotion. State capture also involved the strategic weakening of the state's law enforcement agencies that might crack down on corruption by replacing the heads of these agencies with Zuma supporters (Chipkin & Swilling 2018). State capture plunged the economy into further crisis, undermining investor confidence and diverting money away from social delivery programmes (Hosken 2017).

Zuma was recalled by the ANC National Executive on 13 Feb 2018 and he stepped down as president the following day. Ramaphosa, the newly elected president of the ANC, took over. Since assuming the presidency on 18 February, Ramaphosa greatly improved the political atmosphere in the country with the promise of 'a new dawn' and his vow that the days of wanton corruption were over. However, it was widely acknowledged that he held a fragile position in the ANC with a narrow leadership victory of the party, has had to deal with a divided National Executive Council and a divided ANC top six, and has had to use the same ANC to clean up the state when deep-seated corruption is a product of

3 Corruption Watch (2016 Report) defines corruption as 'the abuse of public resources or public power for personal gain'.

the party (Hamill 2018). In his first eight months in office Ramaphosa brought a sense of urgency to cleaning up government and other institutions. Achievements include management changes in struggling key state-owned enterprises (Eskom, Denel, Transnet, SA Express) as well as a replacement of their boards; the core of the economic clusters – Treasury, Trade and Industry, Economic Development and Mineral Resources – being steered by persons enjoying credibility in both the public and private sectors; new appointments in the security sector, and the suspension of Zuma ally Tom Moyane from the South African Revenue Service (Qobo 2018). A further important appointment was the Judicial Commission of Inquiry into Allegations of State Capture (also known as the Zondo Commission) by Ramaphosa in August 2018. Other ad hoc initiatives and ideas include a job summit (held in October 2018), investor conferences (one held October 2018), special envoys on investment, and a 10-point plan emphasising economic renewal.

However, critics pointed to the fact that the government was still not showing a commitment to undertake the structural reforms required to jump-starting the economy, not offering practical solutions to the high levels of unemployment apart from a proposed job summit, and retaining a bloated civil service and cabinet, which Ramaphosa has shied away from cutting significantly (Mutize 2018).

VOTER PREFERENCES

Since the first democratic elections in South Africa in 1994, numerous scholarly contributions have provided explanations for vote choice, the static nature of election results (until 2009) as well as the gradual loss of support for the ANC since the 2009 elections.

Voter preference in South Africa's first three democratic elections has been linked to mainly two determinants. Firstly, scholars such as Schlemmer (1994), Lodge (1995), Guelke (1996), Johnson (1996), Friedman (1999) and Letsholo (2005) have all argued that elections have been nothing more than 'a racial census' (Horowitz 1985, p. 326),⁴ whereby electoral choices are shaped by identities, and voters are therefore loyal to the parties representing their identity group. Elections were therefore an act of identity expression and of allegiance to a group. In other words, black people voted for 'black parties' and white people supported 'white parties', while ethnic and regional voting was also evident in, for example, the support for the Inkatha Freedom Party (a predominantly Zulu party) particularly in KwaZulu-Natal (Letsholo 2005, pp. 2-3). Though Davis (2003) acknowledged that voting may be more sophisticated than the racial census argument allows,

4 The seminal work by Donald Horowitz (1985) on politicised ethnicity is considered a benchmark study of ethnic parties, ethnic party dynamics, ethnic voting and elections becoming 'a racial census'.

he maintained that racial considerations still strongly influenced campaigning (see also Letsholo 2005, p. 6).

However, Taylor and Hoeane (1999, pp. 136, 140) contested this 'racial arithmetic', regarding the purported salience of race and ethnicity in voting behaviour as misconceived. Correlations of categories of race and identity to election results do not prove causation and should be more complex and critically informed interpretations. For them, economic and class considerations can provide better explanations for the ANC's 1999 landslide victory. Also, for Reynolds (1999, p. 176) the high degree of correlation between ethnicity and voting behaviour does not imply that voters are unthinking and irrational people who vote according to their skin colour. In this regard Mattes et al. (1999, pp. 245–246) argue that performance and delivery, a strong election campaign, and the obstacles that opposition parties face in convincing voters to 'take them as a real alternative', also shape the choice of voters. However, voter perception of performance and campaigns is shaped by race, class and ethnicity and the interactions among them. Therefore, as Ferree argues (2006, p. 804), the 'racialized policy images' play a vital role in shaping the voting behaviour of South Africans and, therefore, also their belief about performance and their performance evaluation. Little evidence exists that voters are attracted to parties that are racially exclusive, since polling showed that political partisans loyal to the biggest parties considered their preferred parties to be inclusive. However, perceptions of racial party images influence partisanship and voting behaviour (Schulz-Herzenberg 2012, pp. 144-147).

Party identification (a long-term affective attachment to a party) is also often used to explain voting behaviour in South Africa (Habib & Naidu, 2006). The ANC has a dominant position in South African politics because it is perceived as a liberation party – the historic bearer of democracy, while opposition parties such as the DA are perceived as parties for whites, and therefore suffer from a legitimacy problem (Letsholo 2005, p. 5). Furthermore, this 'crisis of legitimacy' is used by the ANC as a mechanism to discredit its opponents and present itself as the sole legitimate representative of the interests of South Africans (ibid.). As a consequence, and despite the fact that some voters complain about the way the ANC rules the country, they will continue to vote for it. Partisan loyalty not only provides a cue to voting preferences, but also provides cues for evaluating issues and opposition parties (Dalton 2016). As Mattes (2014, p. 181) puts it: 'party identification resembles a "standing choice" that responds to evolving images of political parties and evaluations of whether or not they are most likely to govern in their [voters'] interest'.

Over the years, partisanship has decreased for all political parties: by 2008, 60% of the electorate were tied to a specific political party, compared to 86% in 1994, while the majority of declared partisans were ANC supporters (Schulz-Herzenberg 2012, pp. 142-142).

In the 2009 elections partisan support (particularly for the ANC) based on voter perceptions of the attributes of opposition parties still remained strong, in particular the way they are perceived in terms of racial exclusivity. Voter preference for inclusive parties was visible in these election results, in which the newly formed Cope received 7.4% support nationally and opinion polls showed that their support came from all demographic groups in the country. On the other hand the DA, still lacking appeal among African voters, could increase its national vote share by only 4% (Schulz-Herzenberg 2009, p. 44).

However, as shown by national opinion surveys, a growing segment of the population lacks affiliation to any political party: partisanship declined significantly to 45% in September 2018, while the ANC still enjoyed the most partisan support across all political parties (Schulz-Herzenberg 2019, pp. 61-62).⁵

Rational-choice considerations in terms of valuations of government performance (on socio-economic issues) were hardly taken into account by voters in the first three elections. However, issue-based voting started to play a small role in party support in the 2009 elections (Kersting 2009; Schulz-Herzenberg 2009). Opinion polls at the time showed that the most important election issues for ANC supporters were unemployment (88%) and poverty (58%) while for the DA it was crime (93%) and unemployment (71%)⁶ (Kersting 2009, p. 126); but, as Schulz-Herzenberg noted, voters tend to evaluate prospectively in terms of 'what they think government will do' (the ANC promised 'a better future for all'). Furthermore, voters considered the situation at national level instead of focusing on their own economic conditions. The higher levels of party identification among ANC supporters also benefitted the party (Schulz-Herzenberg 2009, p. 45). Therefore, although racialised party images and party identification and affiliation were still prominent explanations for voter behaviour by 2009, voters have not been impervious to government performance.

Evaluation on government performance has played an increasingly important role since the 2009 elections: significant job losses and growing perceptions of corruption and nepotism seemed to have impacted on support for the ANC in the 2014 elections (Southall 2014, p. 206). However, evidence that ANC supporters were strongly influenced by performance-based evaluations of the party at both national and local levels was reflected in a national survey conducted after the 2016 local government elections. This was displayed in a loss of trust in the ANC and its leadership as well as the perception of service delivery failures at local

5 In this regard Schulz-Herzenberg (2019, p. 61) shows the disparity in the findings of surveys, but nevertheless argues that non-partisan voters constitute a significant proportion of voters.

6 In 2009 corruption was low on the list of problems. Only 17% of the ANC supporters mentioned this as a main problem, while 49% of DA supporters saw corruption by government officials as important (Kersting 2009, p. 126).

level (Justesen & Schulz-Herzenberg 2018). However, very little is known about the influence of some of the positive performance achievements of the ANC in securing support for the party, in particular the distribution of various types of social grants to some 17 million poor South Africans, who constitute close to a third of the country's population.⁷

The ANC has been accused of using the social grant system as a vote-buying mechanism to win the support of poor voters (*News24* 17 March 2011; *The Star* 26 April 2013). This issue became particularly pertinent before the 2014 general elections, when KwaZulu-Natal agriculture MEC Meshack Radebe stated in early April 2014 that those who received social welfare grants but voted for opposition political parties were 'stealing from government' (*The Mercury* 9 April 2014). It has also been reported that 'the ANC has gone out of its way to market the fact that it has not only expanded social grants, but that social grants are a gift specifically from the ANC government, which can or may be taken away if an opposition party, specifically the DA, comes to power' (*DispatchLive*, 24 May 2014).

A study undertaken in three poor communities (Doornkop and Riverlea, both in Johannesburg) and Groblersdal (Limpopo) in June 2013 found that grant receipt has some influence in how people vote, but that it is not a driving factor (Graham, Sadie & Patel 2016). However, this warrants further exploration at a national level, something taken up in the present study.

DATA COLLECTION

As indicated above, a first national survey was conducted between October and November 2017 (when Zuma was president of the country), while the second was conducted a year later (under the presidency of Ramaphosa). Ipsos Public Affairs, a research consultancy specialising in large-scale surveys, collected the data on our behalf. Five questions were included in Ipsos's Khayabus survey, which is based on a stratified, multi-stage probability sampling procedure. Census estimates were used to define the population; and then, using provincial and municipal estimates, the strata within the larger population. The sample was stratified by province, municipalities, district municipalities, urban and non-urban areas, while the sample selection was randomised using probability proportional to size (PPS). A random walk methodology was used during fieldwork, starting at the points designated by PPS. The sample consisted of metropolitan and rural areas in all nine provinces in South Africa stratified in terms of age, gender and ethnicity.

⁷ Studies in Argentina (Stokes 2005), Brazil (Hall 2006; 2012 and Hunter & Power (2007), and Mexico (Magaloni 2014) have all illustrated how social grants have been utilised as election strategies (cited in Graham, Sadie & Patel 2016).

In the first survey the sample consisted of 3 447 potential voters, while the second consisted of 3 580 respondents. Additional biographic and socio-economic information was also obtained, such as age, gender, population group, education level, income and grant receipt and party support 'if there was an election tomorrow'. Face-to-face computer-assisted interviews (CAPIs) were conducted with a questionnaire that was translated into six South African languages.

The dependent variable in the study is the party that respondents intended to vote for in the next election. In order to access the independent or predictor variables, we asked five survey questions in both years. The questions broadly covered the reasons for party support, importance of democratic and socio-economic rights, government performance (including corruption), trust in institutions and the role of social grants in ANC support.

As shown in Table 1 below, the socio-demographic characteristics of the respondents in the respective 2017 and 2018 samples are very similar. The sample also broadly reflects the composition of the South African population in terms of gender, age, race, urban/rural demographics, expanded unemployment rate and grant recipients.

Table 1: Socio-demographic characteristics of respondents

	2017 sample, N=3447 %	2018 sample, N=3589 %
Male	50	49
Female	50	52
Urban area	75	70
Rural area	25	30
18-34 years	49	49
35-59 years	43	41
60 years and older	7	10
Black	75	77
Coloured	11	10
White	11	11
Indian/Asian	3	3
Less than Grade 12	35	37
Completed Grade 12	50	46
Post Grade 12 certificate, diploma or degree	15	17
Less than R8 000p/m	53	58
More than R10 000/pm	6	16

Receive a government grant	24	30
Not working	19	22
Unemployed *	32	33

* Included unemployed looking for work and unemployed not looking for work.

Party Support and Loyalty

Two questions addressed party support and loyalty. The first was to establish which party respondents would support should an election 'be held tomorrow', while the second question asked respondents to provide their reasons for supporting the particular party. In 2017 respondents were simply asked to provide reasons for their party choice with the interviewee coding responses, whereas in 2018 respondents were asked to provide their top five reasons for party choice in a multiple-choice manner.

The survey undertaken in late 2017 (under the Zuma regime) to a large extent reflected the trend in party support in the local government elections of 2016. The DA's support was still strong (at 22%), while ANC support remained in the 50s (53%).

However, the picture started to look different at the end of 2018 with Ramaphosa in power. ANC support (as well as EFF support) increased to the detriment of the DA. On the one hand, there was the election of Ramaphosa as president, and, on the other, incidences within the DA that resulted in a loss of support of the party. These include tweets by Helen Zille (former leader of the party and premier of the Western Cape) that the legacy of colonialism was not all negative, and a breakdown in the relations between Patricia de Lille (mayor of Cape Town) and the DA. The party terminated her membership (without due process) in May 2018 on account of mismanagement, favouritism and nepotism.

The change in party support over the two surveys seems to underline the fact that a strong affiliation to a specific political party is waning. However, a significant number of voters still supported the ANC despite its poor performance under Zuma.

Table 2: Party support

	2017 %	2018 %
ANC	53	56
DA	22	13
EFF	6	9

Other parties?	8	13
Would not vote	5	4
Refuse to answer	6	5
Total	100	100

The two main reasons for party choice in both the 2017 and 2018 surveys for the ANC, DA and EFF supporters are that they believed ‘the party will bring a better life’ (for the full sample – 65% in 2018 and 32% in 2017) and that ‘the party brought freedom and democracy to South Africa’ (for the full sample – 62% in 2018 and 35% in 2017). ‘Trust in the party’ came up as the third main reason provided by all three parties. With regard to ANC voters, ‘trust in the party’ was provided as a reason for supporting the ANC by 32.2% in 2017, while 58.8% noted trust as an important reason in 2018 – therefore, indicating a substantial increase in trust in the party under Ramaphosa as party leader.

Racial considerations (being ‘a party for blacks’ or ‘a party for whites’) have been by far the lowest consideration for supporters of each of the three parties. Instead, the consideration that it is ‘a party for all’ was provided as the most common reason for party support (compared with a ‘party for blacks’ or a ‘party for whites’).

Trust, Performance and Democracy

While scholars underline the importance of democratic institutions and processes such as elections in sustaining democracies, they usually emphasise citizen support for not only democracy but also its institutions – what Linz and Stepan (1997, pp. 15–17) refer to as ‘attitudinal’ support. Bratton and Cho (2006, p. 3) underline that people’s perceptions in the domain of politics have a bearing on their expectations and behaviour. It matters ‘just as much – if not more – than reality. That which people think is true, including judgments about present conditions or past performance and expectations for the future, is a central motivation for behaviour.’

One of the main functions of the governing political party is to organise government institutions and implement its policies or programmes. How voters perceive the performance of these institutions, which in effect is ‘managed’ by the governing party, is an important determinant of whether voters will again support the governing party in a future election. However, it is also likely that bad performance and mistrust may, due to very strong party loyalty, have little bearing on voters’ choice and may suggest a lack of a rational choice being exercised.

Equally important is establishing respondents' trust (confidence) in their political institutions. There are many explanations, based on different theoretical rationales, as to why people trust or distrust their institutions; these include perceived institutional performance and effectiveness. Trust in political institutions is closely linked to perceptions of political performance (good governance) and government delivery (Bratton et al. 2005, p. 67). Citizens' trust in the political system is tied to increasing or maintaining their well-being. Trust is thus something that does not come naturally, it has to be earned. Trust in institutions such as the legal system, police, and civil service depends heavily on their ability to solve the problems they are expected to address (Listhaug & Wiberg 1995, p. 302). Put simply, trust is present when citizens perceive that the government delivers goods and services. However, trust judgments are also influenced by performance of the incumbent president, the personal qualities of the leader, dissatisfaction with positions taken by political parties, and economic performance (Levi & Stoker 2000, p. 480). Also, the local social and political context of citizens, coupled with their political perceptions and values, influence their trust in political parties and government institutions. It therefore also accounts for the variations in trust in political institutions (Levi & Stoker 2000, p. 481).

In their empirical study, Anderson and Tverdora (2003, p. 91) found that corruption⁸ and performance shape trust in political institutions. Corruption is an important indicator of government performance, which also negatively affects people's evaluation of political institutions and voters' political allegiance. Thus, corruption 'is an important component of government performance people use to judge political institutions'. Therefore, 'in more corrupt democracies citizens report lower levels of satisfaction with the performance of their political systems and trust in civil servants compared to people in democracies that are cleaner' (Anderson & Tverdora 2003, p. 104).

For Catterberg and Moreno (2005, pp. 31, 42, 46) performance is also 'an inherent element of political trust', which is tied to the provision of individual well-being. However, political trust is undermined by a willingness to justify acts of corruption in society. Trust is also positively related to democratic attitudes.

Rational choice theory (which assumes that voters weigh costs and benefits before voting) can be used to explain the link between voting behaviour and perceptions of corruption. Not only are voters less likely to vote when the government is perceived as corrupt, but perceived corruption has affected the fortunes of political leaders – they have for example received fewer votes after

8 Defined by Sandholtz and Koetzle (2000, p. 32) as 'the misuse of public office for private gain', as opposed to private corruption, which raises the political issues of governance, political authority, legitimacy, democracy and state-society relations.

being charged with corruption, which has thus cost them their popularity (Caillier 2010, p. 1018).

Variables and Analysis

As mentioned, the dependent variable in the study is the party that respondents intended to vote for in the next election. It was set as 1 if the respondents said that they would vote for the ANC in the next election, and 0 if they said that they would vote for an opposition party. Those who refused to answer or indicated that they would not vote were excluded.

A number of independent variables were selected that are theoretically relevant in the study of voting behaviour in South Africa. These are: trust in government institutions, the prevalence of corruption, government performance, democratic values, socio-economic well-being and social grants.

Cross-tabulations were run to ascertain which independent variables were significantly associated with voter choice. Thereafter, logistic regression was used to predict the impact of the three primary independent variables on voter choice. These are: perceptions of trust, the importance of democracy and socio-economic well-being, and perceptions of corruption.

Trust in institutions: To measure respondents' trust in institutions, an average score across the seven questions relating to trust in institutions were calculated. An explanatory factor analysis was done, which resulted in one factor. No reverse scoring was necessary. The Kaiser-Meyer-Olkin measure of sampling adequacy was used to check whether the items were suitable for factor analysis. The Kaiser-Meyer-Olkin value measured 0.9, exceeding the recommended value of 0.6 (Kaiser 1974) and Bartlett's Test of Sphericity (Bartlett 1954) reached statistical significance. The results supported the factorability of the correlation matrix. This new variable was termed 'governance'. A check for weak items was done by using the anti-image correlations. All items had measures of sampling adequacy (MSA) values above 0.6 and therefore it was not necessary to remove any item from the factors constructed. We inspected the communalities at extraction test. Low values (less than 0.3) could indicate that an item does not fit well with the other items in its component. All values exceeded 0.3.

The importance of democratic rights and socio-economic well-being: Using the questions 'which one is closest to your opinion, even if you don't fully agree, please choose that is most important to you: 1) Democratic rights like voting, access to courts, freedom of speech and expression or 2) socio-economic well-being, meeting your basic needs, jobs, income, housing etc'. If socio-economic well-being was more important, a 1 was assigned.

Perceptions of corruption: Using the question ‘There is a lot of talk about corruption in our country. Do you think that corruption has increased in South Africa in the past few years?’, a value 1 was assigned if the respondent answered yes and 0 if the respondent answered no.

Variables were included to control for age, population group, household income level, residential area, gender, education level, grant receipt versus non-receipt and whether recipients answered that their reason for party choice was that they received a grant from the government, which they feared they would not receive if another party came to power.

A test for multicollinearity was also done to confirm that the correlation between variables in the model was not too high. VIF (variance inflation factor) and tolerance were also measured. The VIF values were close to 1, which is acceptable. There were no concerns of collinearity in the model and the regression coefficients rendered were indeed the factors that were likely predictors of voter choice.

In addition to the above basic model, a second model with additional variables was run. This was where respondents indicated that the reason for party choice was that they believed the party ‘brought freedom and democracy’ as well as whether respondents supported land expropriation with or without compensation. Furthermore, trust in Ramaphosa was added to the model as a separate variable, and the trust index was amended to exclude this variable.

FINDINGS

Importance of Social Grants

In terms of party choice (see above) a comparison was drawn between those who received a government grant and those who did not receive such a grant. Of the respondents who received a grant, in both surveys 73% said they would vote for the ANC, while 27% said that they would vote for one of the opposition parties. Of those who did not receive a grant, 61% (2017) and 66% (2018) said they would vote for the ANC and 39% (2017) and 34% (2018) for an opposition party. Using Fisher’s Exact Test, this difference was statistically significant ($P=0.000$ in 2017 and $P=0.001$ in 2018). Therefore, grant recipients are more likely than non-recipients to vote for the ruling ANC. However, using Cohen’s (1988) criteria of effect sizes, the magnitude of the effect is small ($\Phi=0.107$ in 2017 & $\Phi=0.064$ in 2018). This finding is in line with the limited study by Patel et al. (2014), who reported that grant receipt plays some role in voter choice but is not a driving factor.

Importance of Democratic Rights and Socio-Economic Well-Being

When respondents were asked which they consider to be more important, democratic rights or socio-economic well-being, 45% and 59% (2017 and 2018

respectively) said economic well-being, while 43% and 27% said democratic rights. The remaining percentage said that they did not know which they considered more important. This increase from 2017 to 2018 in the emphasis on socio-economic well-being may hold implications for future elections and democracy in the country. These results seem to underline a trend highlighted by Lekalake (2016, p. 1) based on a 2015 survey by Afrobarometer, which shows that outright support for democracy has declined since 2011 and that the provision of basic services is more important than elections to the majority of South Africans. It also resonates with Claude Ake's caution two decades ago that "The feasibility of democracy in Africa will depend crucially on how it relates to the social experience of Africans and how far it serves their social needs" (Ake 2003 (reprint), p. 75).

Trust in Institutions

As seen in Table 3 below, trust in President Zuma in October/November 2017 was at a low of 26%, with levels of trust considerably higher in, for example, the courts (53%), the Department of Social Development (52%), parliament (45%) and the police (45%). In October/November 2018 the picture changed dramatically, especially in terms of trust in the president. Ramaphosa was trusted by 62% of respondents compared to the mere 26% that trusted Zuma. With Ramaphosa as president, trust in parliament also increased (from 45% in 2017 to 48% in 2018).

Table 3: Trust in institutions

	Trust *Very / extremely likely		Trust **Not / at all likely		Trust Neither/nor		Total	
	2017	% 2018	2017	% 2018	2017	% 2018	2017	% 2018
President Zuma (2017) Ramaphosa (2018)	26	62	56	18	18	20	100	100
Parliament	45	48	29	26	26	26	100	100
Dept of Social Development	52	54	21	21	27	25	100	100
SA Police	45	48	25	29	30	23	100	100
Courts	53	51	21	25	26	24	100	100
SA Social Security Agency	52	62	21	18	27	20	100	100
Media	53	46	19	29	28	25	100	100

* Combined very likely and extremely likely **combined not at all likely and not likely

Perceptions of Corruption

The increase in corruption on an annual basis has been perceived by a large majority of South Africa's population in both the 2017 and 2018 surveys. However, despite the fact that Ramaphosa had been in power for only eight months when the survey was conducted, his presence as president showed a slight drop in the proportion of South Africans that were of the opinion that corruption had increased 'in the last year' (76% in 2017 down to 72% of respondents in 2018). In both years 6% reported that they did not know whether corruption was increasing or not.

Regression Model Results

According to the logistic regression model based on the 2017 survey (see Table 4 below), all the predictor variables – that is, trust in institutions, importance of democratic rights and socio-economic well-being, and perceptions of corruption – were shown to be significant in determining whether a respondent is likely to vote for the ANC or for an opposition party. Age, population group, education, gender, and whether respondents said they voted for a party because they received a grant and were afraid that the grant would not be provided by another party, were all shown to be statistically significant. Household income, area they reside in, employment status and receipt of a grant from the government were not found to contribute significantly to the model.⁹

Table 4: Logistic regression analysis from 2017 survey

Variables in the Model								
	Beta	Std. Error	Wald	Df	P-value	Odds Ratio Lower	95% C.I. for Odds Ratio	
							Upper	
Trust	0,335	0,071	22,067	1	0,000	1,398	1,216	1,608
Socio-economic well-being	-0,493	0,130	14,271	1	0,000	0,611	0,473	0,789
Corruption	-0,595	0,176	11,389	1	0,001	0,552	0,391	0,779
Age	0,015	0,006	7,660	1	0,006	1,015	1,004	1,027
White	-3,143	0,270	135,046	1	0,000	0,043	0,025	0,073

⁹ The software used for both surveys was IBM SPSS Statistics version 25.

Indian/ Asian	-2,783	0,451	38,093	1	0,000	0,062	0,026	0,150
Coloured	-2,348	0,227	107,242	1	0,000	0,096	0,061	0,149
Income	-0,001	0,011	0,017	1	0,897	0,999	0,976	1,021
Area	-0,178	0,165	1,173	1	0,279	0,837	0,606	1,155
Not working	-0,205	0,211	0,945	1	0,331	0,814	0,538	1,232
Unemployed	-0,087	0,196	0,200	1	0,655	0,916	0,624	1,345
Education	-0,184	0,068	7,338	1	0,007	0,832	0,728	0,950
Gender	-0,285	0,136	4,372	1	0,037	0,752	0,576	0,982
Grant receipt	0,065	0,181	0,128	1	0,721	1,067	0,749	1,520
Fear of loss of grant	0,987	0,227	18,896	1	0,000	2,684	1,720	4,190
Constant	1,909	0,631	9,148	1	0,002	6,744		

Using the 2018 survey (see Table 5), trust in institutions and perceptions of corruption were shown to be statistically significant in determining whether respondents would vote for the ANC or for an opposition party. Age, population group, income and whether they agreed that they were 'afraid that if another party comes to power social grants will stop' were all shown to be statistically significant. Area of residence, employment, education, gender and grant receipt were not significant.

Table 5: Logistic regression analysis from 2018 survey

Variables in the Model								
	Beta	Std. Error	Wald	df	P-value	Odds Ratio Lower	95% C.I. for Odds Ratio	
							Upper	
Trust	0,610	0,072	71,518	1	0,000	1,840	1,597	2,119
Socio- economic well-being	0,027	0,128	0,044	1	0,833	1,027	0,799	1,321

Corruption	-0,519	0,150	11,941	1	0,001	0,595	0,443	0,799
Age	0,019	0,005	13,770	1	0,000	1,019	1,009	1,029
White	-2,847	0,223	162,528	1	0,000	0,058	0,037	0,090
Indian/ Asian	-1,785	0,431	17,191	1	0,000	0,168	0,072	0,390
Coloured	-2,023	0,191	111,721	1	0,000	0,132	0,091	0,192
Income	-0,020	0,008	6,640	1	0,010	0,980	0,965	0,995
Area	-0,081	0,144	0,318	1	0,573	0,922	0,695	1,223
Not working	0,022	0,178	0,015	1	0,902	1,022	0,722	1,448
Unemployed	-0,131	0,160	0,667	1	0,414	0,877	0,641	1,201
Education	0,073	0,055	1,761	1	0,185	1,075	0,966	1,197
Gender	0,150	0,124	1,457	1	0,227	1,162	0,911	1,483
Grant receipt	-0,150	0,147	1,044	1	0,307	0,861	0,646	1,147
Fear of loss of grant	0,750	0,123	37,520	1	0,000	2,118	1,666	2,693
Constant	-1,418	0,542	6,845	1	0,009	0,242		

Trust (particularly trust in the president), perceptions of corruption, age, population group and fear of grants discontinuing if opposition parties come to power were significant predictors of voter choice in both surveys.

In both surveys, the higher the level of trust in institutions, the more likely the respondent would vote for the ANC. In 2017, the odds of voting for the ANC increased by 1 398 (or 2%) for each additional unit of trust reported. In 2018, the odds of a respondent voting for the ANC increased by 1.84 (or 84% more likely) for each additional unit of trust in institutions the respondent held, all other factors being equal. We found that in 2017, 58% of the total variance in the model is explained by the factor constructed for trust. The variance explained by trust reduced slightly to 53% in 2018.

Respondents who believed that corruption had increased in the last year were less likely to vote for the ANC than those who did not believe that corruption had increased. If respondents believed that corruption had increased, they were 0.5 (or 50%) in 2017 and 0.595 (or 40.5%) in 2018 less likely to vote ANC than those who did not believe that corruption had increased in the past year (all else being equal).

Another finding is that older respondents are more likely to vote for the ANC than younger respondents. For each additional year in age, the odds of a respondent voting for the ANC increased by a factor of 1.019, all other factors being equal. In other words, over a ten-year difference in age, the likelihood of choosing the ANC increases by 20%. In 2017, a respondent was 1.015 times likelier to choose the ANC than someone who was a year younger.

In the regression analysis from both surveys, whether respondents actually receive a grant or not is not a significant determinant of voter choice. In contrast, the fear of losing a grant does matter. For respondents who agree with the statement they are 'afraid that if another party comes to power social grants will stop', the odds of voting for the ANC increased by a factor of 2.118 (or 118%) compared to those who disagreed with the statement. Therefore, those who agree with the statements are more than twice as likely to vote for the ANC than those who disagree, all other things being equal.

Regression Results with Additional Variables (model 2)

In this model, trust in institutions, amended to exclude trust in the presidency, is not significant. However, trust in the president specifically increased from that for Zuma in 2017. For each unit of trust in the president (on a five-point scale), the chances of preferring the ANC over an opposition party increased by 58.9%. This means that between those who strongly distrust the president and those who strongly trust President Ramaphosa, there is a tenfold increase in the likelihood of choosing the ANC in the 2019 elections. Only 9% of respondents said that they were extremely distrustful of Ramaphosa, as opposed to 39% who were extremely distrustful of Zuma.

However, the results for this model are similar to the results above, where Ramaphosa is subsumed in the trust index. The magnitudes of the effect of perception of corruption, age, race and fear of loss of grant are all significant in determining the likelihood of choosing the ANC or an opposition party.

The results vary with the other additional variables added in model two. The 2017 survey found that the party that 'brought freedom and democracy' provided as a reason for supporting the party was not significant in the logistical regression. In the 2018 survey, the variable is significant, with those providing this reason for their party choice to be 81% likelier to choose the ANC over an opposition party, compared to those who did not offer this as a reason for party choice, all other factors being equal. Whether respondents agreed that they support land expropriation with or without compensation was not significant in voter preferences.

Table 6: Summary of the logistic regression analysis over two surveys

Variable	Significant predictor in both surveys	Non-significant predictor in both surveys	Significant predictor in one survey but not the other
Trust in president	*		
Perception of corruption	*		
Age	*		
Population group	*		
Fear grants will discontinue if another party comes to power	*		
Employment		*	
Grant receipt		*	
Socio-economic well-being			*
Income			*
Education			*
Gender			*
'Party brought freedom and democracy'			*

CONCLUSION

The two surveys, one conducted 14 months after the local government elections in 2016 (with Zuma still in power) and the second conducted six months before the general elections in 2019 (with Ramaphosa as new president), provide important insights into the factors that drive the choice of vote of South Africans. The intention of the surveys was not to predict the outcome of the 2019 general elections, but rather to attempt to understand what drives potential South African voters to support the party of their choice. The prevailing socio-economic and political environment was characterised by high levels of public corruption, accusations of state capture by the president and his allies within the governing ANC, insufficient delivery of basic services, and increasingly high levels of poverty and unemployment which result in the provision of various types of social grants to over 17 million South Africans. It was therefore important to establish the extent to which these aspects had an impact on the party choice of voters and their trust in various public institutions.

What has become evident is that although party identification or partisan loyalty still plays an important role in vote choice, South African voters increasingly base their choice of party on rational considerations and it is clear that they are no longer impervious to government performance. From both surveys it is evident that trust in the president of the country, in particular, is an important predictor of choice of a party. The leadership changes in the ANC accounted to a large extent for the increase in ANC support in the second survey. It therefore suggests that a loss of trust in Zuma (as a result of the high level of corruption and state capture associated with his rule) also resulted in a loss of faith in the party. Trust in Ramaphosa and thus his popularity has also helped the ANC: the proportion of people who trusted the party has risen significantly since the first survey, when Zuma was in power. Voters who did not support the ANC in the first survey seemed to return to supporting the ANC at the end of 2018 when Ramaphosa was president. Despite the fact that he had been in power for only eight months, Ramaphosa gave voters the hope of a cleaner government and restored some confidence in the party that brought freedom and democracy to South Africa.

It also appeared that some rational considerations explain the loss of voter support for the DA, as recorded in the second survey. These include some serious errors made by the party leadership, including the Zille tweets on colonialism and the controversy surrounding Patricia de Lille, which may have driven away some black and coloured supporters.

The desire for socio-economic well-being as well as the hope for a better life was selected by the majority of respondents (65%) as one of the main reasons for party choice. (This doubled between the first and second surveys.) Furthermore, although social grant receipt does not influence voting behaviour, the fear of losing a grant should another party come to power was a significant predictor of voter choice in both the 2017 and 2018 surveys.

Socio-demographic factors also emerged as predictors of voter choice. Older voters and those with a lower income appear more likely to prefer the ANC. Given the high proportion constituted by the youth (if they indeed actually go to vote), this can have an impact on the outcome of elections and particularly on support for the ANC. Furthermore, there is a changing demographic composition of voters with large numbers of the youth becoming eligible voters every year. Therefore, party identification is likely to become less important in explaining voter choice if young voters participate in elections in large numbers.

Although race is still a feature in party support, there is little evidence in both surveys that parties attract voters because they are racially exclusive. Instead, the results show that most supporters of the three larger parties (ANC, DA and EFF) considered their parties to be inclusive and that their support of the party is not

because it is a party for blacks or whites. Nevertheless, racialised party images still appear to shape voter choice.

In conclusion, it is evident from both surveys that multiple factors were found to have an influence on how people vote. Also, that leadership evaluation is likely to be pivotal in the vote choice of South Africans in future elections.

The stronger support for the ANC in the 2019 elections, which took place six months after the 2018 survey was conducted, seemed to suggest that the same positive feeling towards Ramaphosa (as reflected in the 2018 survey) prevailed. As scholars and commentators pointed out after the 2019 elections, throughout the election campaign polls showed Ramaphosa's personal popularity was higher than the collective popularity of the ANC. In addition, the relatively high percentage of voters who split their vote (voting for one party nationally and for another provincially) was interpreted as people's trust in Ramaphosa at a national level and a 'belief that he can take the ANC to another level', while they are not happy with the party at provincial level (Mathekga as quoted by Dylan 2019). As also acknowledged after the elections by the ANC's elections head Fikile Mbalula, if another candidate had led the ANC the party's support might have dropped to 40% in the national poll (instead of the 58% support it received) (*TimesLIVE* 9 May 2019).¹⁰

Therefore, the performance of Ramaphosa is critical in shaping the choice of future party support. If he does not manage to reduce the level of corruption (as perceived by the people), to end the impunity of people involved in state capture, and does not manage to bring about economic growth and job creation, voters are likely to turn away from supporting the ruling party in future elections.

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¹⁰ Although it seems that the positive mood regarding Ramaphosa in the 2018 survey has been echoed in the 2019 election results, the 2018 survey was conducted among all South Africans of voting age, while the universe of the 2019 elections consisted of only those South Africans that voted in the elections – which represents a mere 49.3% of the eligible VAP.

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SOUTH AFRICA'S DEMOCRACY

The Quality of Political Participation over 25 Years

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ABSTRACT

South Africa has made considerable progress since 1994 in institutionalising and consolidating the quality of its democracy. However, serious and persistent governance and socio-economic related problems have angered and frustrated the people and motivated increased protest action through both conventional and less conventional channels. The opportunity for citizens to participate in the political process is essential for a healthy democracy, therefore it is important that appropriate procedures and mechanisms are in place to facilitate this participation. Using quality of democracy methodology, the paper addresses several important questions, namely: how developed are the opportunities for conventional participation in South Africa, and to what extent are these taken up? and, what non-conventional forms of participation exist and what is government's response? In addressing these questions, this paper explores the link between active citizenship and political participation over the last 25 years with a view to ascertaining the quality of South Africa's political participation.

Keywords: political participation, elections, protests, civil society, democracy, South Africa

INTRODUCTION

In April 1994 South Africa's first non-racial multiparty election took place, marking an official end to the country's segregationist and authoritarian past. In its place was born a mix of constitutional, participatory and representative democracy (in that the people mandate the politicians to govern them through electing the politicians to power, instead of the people governing themselves), delivering universal franchise, formal equality before the law, avenues for citizen participation in governance, and statutory institutions supporting democracy.

Moreover, its population looked to the promise of a better future, understanding that finally the majority's political and socio-economic needs would be met by a legitimate African National Congress (ANC)-led government. Following its sixth democratic elections on the 8 May 2019, South Africa arguably consolidated its status as a young democracy and thereby demonstrated how much it has achieved in refashioning the state in a more democratic way.

Yet, wide-ranging governance-related and socio-economic problems over the years are threatening this apparently successful democratic progress. Some of these problems have included corruption in public and corporate life, the Nkandla scandal, a perception that government is slow to deliver adequate socio-economic goods, cronyism and persistent massive inequality. These challenges and more, together with an increasing mismatch between citizen expectations and reality, have fuelled increasing public dissatisfaction (expressed in sustained incidences of unconventional political action, so-called 'service delivery' protests, or the more recently used term, 'community protests') and have led to a growing perception that South Africa's quality of democracy is wavering.

This growing consternation is significant in two ways. Either it is a sign that members of the public are exercising their right to question those that govern them and is therefore a healthy expression of active citizenship, or it is indicative of a population increasingly disillusioned and dissatisfied, in which case it is concerning, especially in terms of political legitimacy in South Africa (Graham 2015, p. 24).

Many political scholars agree that democracies flourish when citizens are willing to engage in the political system, whether it is through the ballot box, direct (legal) political action, civil society participation, involvement in social movements, taking part in public debate, electing representatives, joining political parties or attempting to influence political leaders (Morlino 2011; Schmitter 2004; Von Fintel & Ott 2017). Beetham, Byrne, Ngan and Weir (2002, p. 209) add that vigorous active citizenship is a necessary component of a healthy democracy and helps to make governments work in a more democratic way. It is generally understood that the more citizens actively participate in the political process, the more aware they become of their rights and duties and the more they will feel obligated to abide by whatever decision is made.

The importance of participation in South Africa's democratic model is informed by decades of apartheid during which the majority of the population was excluded from formal avenues of political participation. The ANC Freedom Charter's decree that 'The People Shall Govern!', was emphasised in paragraph 5.2.6 of one of the first policy documents of the new South Africa, the Reconstruction and Development Programme (1994):

Democracy for ordinary citizens must not end with formal rights and periodic one-person, one-vote elections ... the democratic order we envisage must foster a wide range of institutions of participatory democracy in partnership with civil society on the basis of informed and empowered citizens ... social movements and CBOs are a major asset in the effort to democratise and develop our society...

After 25 years of democracy and in light of the abovementioned increase in public dissatisfaction, what needs investigation is how substantive this political participation really is. In other words, what is the *quality* of South Africa's participatory democracy? In democracy studies, scholars have increasingly turned their attention to ascertaining how well countries are sustaining their democracies by assessing the *quality* of their democracy (see, for example, Baker 1999, pp. 273–274; Morlino 2011). In the literature, there are different interpretations and understandings of 'quality' but for the purposes of this paper, Diamond and Morlino's (2005, p. xi) description, based on content, result and procedure, is used. A good quality democracy is one that presents a stable institutional structure that realises the liberty and equality of citizens (*content*) and that strives to satisfy citizen expectations of governance ... (*result*) through the legitimate and correct functioning of its institutions and mechanisms (*procedure*). In quality of democracy studies, questions of degree are asked as to the various strengths and weaknesses that exist with the goal of determining how democracies can be improved and deepened (Beetham 2004; Beetham et al. 2008). For example, to what extent do the people participate in the decision-making processes of government? This element of 'degree' helps to capture the overall quality of democracy within a state. The purpose of this paper, therefore, is to examine the degree of political participation in South Africa in its first 25 years as a young democracy.

POWER TO THE PEOPLE?

Conventional and Non-conventional Political Participation

In his *Changes for Democracy*, Leonardo Morlino (2011, p. 202) defines political participation as:

The entire set of behaviours, be they conventional or unconventional, legal or borderline *vis-à-vis* legality, that allows women and men, as individuals or groups to create, revive or strengthen group identification or try to influence the recruitment of, and decisions by, political authorities (the representative and /or governmental ones) in order to maintain or change the allocation of existing values.

Examples of conventional participation are electoral participation; membership in political organisations, interest associations and social movements; and attendance of public forums. Non-conventional forms of participation refer to direct political action through legal and illegal protests, strikes, demonstrations, riots and boycotts (some of which imply violence) (Morlino & Carli 2014, p. 15). It is important to note that these two types of political behaviour are not mutually exclusive and can often be complementary but will be discussed separately in this paper.

With the above definition in mind, the assessment of political participation below will be split into two indicators: opportunities for more conventional participation (illustrated through sufficient legislation and processes; and the range of voluntary associations, groups, social movements and their independence from government) and the extent to which these are substantively taken up; and non-conventional forms of participation and government's response. The criteria for assessment are derived from the International Institute for Democracy and Electoral Assistance's State of Democracy (SoD) Framework¹ (Beetham et al. 2008) and Leonardo Morlino's Tool for Empirical Research on Democratic Qualities² (Morlino 2011). Acknowledging that it is virtually impossible ever to know the full degree of public participation in a society, this paper examines the extent to which the opportunities for conventional participation are developed (including, in the event of non-conventional participation, the degree of government suppression).

OPPORTUNITIES FOR CONVENTIONAL PARTICIPATION AT ALL LEVELS OF GOVERNMENT

One of the primary expressions of public political participation in democratic South Africa has been through electoral participation (voting). Registration numbers over the past 25 years have increased for each consecutive election with a total of over 26 million for the 2019 (and sixth) democratic election (see Table 1 below).

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- 1 IDEA's State of Democracy framework consists of four, core democracy dimensions: 1.) Citizenship, law and rights; 2.) Representative and accountable government; 3.) Civil society and popular participation; and 4.) Democracy beyond the state. Elements of the third dimension are utilised in this paper.
 - 2 Morlino's TODEM consists of eight democratic qualities: 1) Rule of law; 2) Electoral accountability; 3) Inter-institutional accountability; 4) Political participation; 5) Political competition; 6) Freedom; 7) Solidarity/Equality; 8) Responsiveness, of which this paper draws from features four and eight.

Table 1: Republic of South Africa General Election Results, 1994–2019

Election year	1994	1999	2004	2009	2014	2019
Registered voters	No voters' roll	18 172 751	20 674 926	23 181 997	25 388 082	26 756 649
Voter turnout	19 726 610 (86.7%)	16 228 462 (89.3%)	15 863 558 (76.7%)	17 919 966 (77.3%)	18 654 771 (73.5%)	17 672 767 (65.99 %)
Valid votes cast	19 533 498	15 977 142	15 612 671	17 680 729	18 402 497	17 436 143

Information obtained from the Electoral Commission of South Africa website and compiled by the author

While this may seem encouraging on the surface, further unpacking of the data reveals results that are more complex and less encouraging. South Africa's voting-age population (VAP; those who are eligible to register to vote) has grown by over 13 million people from 22.7 million in 1994 to 35.8 million in 2019 (Schulz-Herzenberg 2019, p. 49). Despite this significant growth, the number of actual registered voters has declined relative to it. Of the 35.8 million people eligible to vote in 2019, only 74.5% registered to do so, leaving 9.8 million who chose not to register (the majority of these were younger than 30; see more on the youth vote below). While voter turnout (the percentages of the registered VAP that turned out to vote in elections) for national and provincial elections has been consistently quite high in the past, it dropped significantly by almost eight percentage points in the 2019 elections to 65.99%. This is especially concerning because as Schulz-Herzenberg (2019, p. 52) contends, voter turnout is a crucial indicator of the 'vitality and health' of a democracy. High turnout is seen as a sign of an enthusiastic and politically involved electorate, while low turnout indicates the opposite. South Africa's comparatively lower turnout in the 2019 elections suggests a public not only unhappy with and even mistrustful of the political party choices on offer, but also increasingly apathetic towards participating in the country's vertical accountability. Voter turnout in local government elections has been traditionally quite poor, although lower rates of participation in local government elections is a global phenomenon. In any event, voter turnout increased in the 2016 local elections (58%) from 57.6% in the 2011 local elections, 48.5% in 2000 and 48.4% in 2006.

As with the 2009 and the 2014 elections, the run-up to the 2019 elections was peppered with protest action as the public expressed their dissatisfaction

over the perceived slow pace of socio-economic delivery by government. For example, protesting residents of Vuwani in Limpopo declared that they would not vote for the ANC-led government in the coming elections due to its failure to provide jobs and services. A resident argued that, 'I do not see any reason for us to participate in the coming elections because we do not have basic services, such as water' (Mukwevho 2019). Similarly, in the Molopo local municipality in the North West province, where only 48.5% of residents voted, disillusionment reigned. The co-ordinator for the Forum for Service Delivery in the area, Sylvester Tong, was quoted as saying:

Many areas in the municipality have been complaining about the roads and lack of service delivery and decided not to vote. So it's not a surprise that our area would have the lowest voter turnout in the country.

(Mail & Guardian, 2019)

These and other examples also demonstrate more troubling occurrences of growing apathy and a loss of faith in parliamentary politics which does not bode well for the health of South Africa's vertical accountability. Even more worrying is the potential that growing disillusionment will result in anti-democratic practices ranging from civic disobedience (such as public refusal to pay e-tolls in Gauteng) to progressively more radical and aggressive acts (such as burning down schools in protest).

South Africa's young population are particularly important in any discussion of political participation in South Africa. In the 2019 South African national elections, only 341 186 of the 1.8 million young people between the ages of 18 and 19 who were eligible to vote registered (18.5% of eligible first-time voters). Moreover, just over one in two of those aged 20 to 29 years old registered. Low youth voter turnouts may well be an indicator of declining levels of trust in political leaders who are seen to be out of touch with the concerns of the youth. Evidence would seem to suggest that young people globally do want to participate in politics, but that they find the existing political culture, institutions and mechanisms of their immediate environments ineffective or unwelcoming (Commonwealth 2016, p. 72).

Research conducted in 2019 in South Africa by the ISS supports the above view, finding that young South Africans remain at the margins of politics and, despite rhetoric to the contrary, are largely ignored by most political parties. The result is that youth feel alienated from formal politics, have little trust in politicians, are increasingly frustrated that their grievances go unheard, and are highly critical of political leaders and parties who fail to engage with them in a meaningful manner (Newham & Roberts 2019). When explaining why he would not vote in the 2019 elections, a 21-year-old youth told a reporter:

My vote is not going to make a difference ... I am not considered. I am ignored. Nothing is happening for us in our community ... We empower our political leaders. It is just a corrupt world. Why should we vote for people who will not do anything for us?

(TimesLIVE 2019)

Youth decline in formal participation does not necessarily mean, however, that youth are disengaged from active participation in civic and political affairs. Rather, the reverse is true as evidenced by a rising tide of grassroots social movements and issue-based campaigns. New platforms for political participation and engagement, such as social media, are increasingly popular. For example, research conducted by the Centre for Social Development in Africa in 2017, confirms that South African youth are engaging in politics differently, using social media such as Facebook and Twitter both to voice protest as well as to share issue-based views. These range from issues affecting their own communities such as crime, substance abuse and teenage pregnancy to wider social concerns about xenophobia. Youth responses affirmed that 'all these approaches were more appealing, meaningful and accessible than political party membership and voting' (Graham 2017). For example, South African students made effective use of social media communication in their 2015 #RhodesMustFall campaign to remove the statue of British colonialist Cecil John Rhodes from the University of Cape Town on the grounds that it promoted institutionalised racism and a culture of exclusion, particularly for black students.

It is evident from the above that the South African youth are willing to bypass the more conventional avenues for participation, such as voting, preferring alternative platforms largely based on information communication technologies instead. Importantly though, increasing involvement in protests, campaigns and hashtag movements are testament to the fact that they are more socially conscious and politically active today than they have ever been.

Outside of participation by ballot, a range of legislation and policy frameworks also exists to facilitate other ways of citizen participation in political life. Sections 59 and 72 of the Constitution not only guarantee the right to participate but provide that the National Assembly and National Council of Provinces actively take steps to facilitate this involvement. Section 16 of the Municipal Systems Act No. 32 of 2000 prescribes the development of a culture of community participation where formal representative government acts in combination with a system of participatory governance. In the 1997 White Paper on Transforming Public Service Delivery, the *Batho Pele* (people first) principles were introduced to transform the public service. Of these, the principle of consultation builds on the constitutional requirement of public participation by emphasising the need for citizens to be consulted about the level and quality of public service

they receive and, wherever possible, should be given a choice about the services that are offered (Public Service Commission 2008, p. 14).

Women's political participation in particular, is governed by section 9(2) of the Constitution which provides for active measures to be taken to 'promote the achievement of equality ... of persons, or categories of persons, disadvantaged by unfair discrimination'. In addition, South Africa ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) on 17 December 2004. Article 9(1) of the Protocol provides that:

state parties must take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure that women participate without any discrimination in all elections ...

Although patriarchal attitudes towards women's agency remain pervasive in South African society, the above commitment has borne fruit to some degree. Women's representation in parliament has increased dramatically from 27% in 1994 to 45% in 2019. South Africa is arguably 'one of the most gender-diverse parliaments in the world', ranking third in Africa (behind Rwanda and Namibia) and tenth globally (Centre for Human Rights 2019). This figure is mostly as a result of the voluntary gender quotas adopted by the majority ANC and opposition Economic Freedom Fighters (EFF), although top leadership in both these parties continues to be male dominated. The official opposition, the Democratic Alliance, has consistently argued against the use of quotas, suggesting some gender blindness in that regard (Sonke Gender Justice 2019).

Various government strategies and mechanisms have been initiated in the past to strengthen public participation and facilitate dialogue between citizens and their representatives. These have included public hearings and public awareness workshops; ward committees; community development workers (CDWs); integrated development planning (IDP); citizen satisfaction surveys; petitions; and *Izimbizo* (public meetings) (Graham 2015). Utilised by seven of the nine provinces, the *Imbizo* has been a preferred mechanism of government over the years, due in large part to its direct, face-to-face interaction between citizens and government representatives (Mabelebele 2006, p. 104). However, critics have pointed out a number of inadequacies rooted in a lack of real community interest articulation and true engagement. Kondlo (2010, p. 388) argues that by not bringing any solutions to the problems that people are facing, the *Imbizo* is not an authentic participation practice. Rasila and Mudau (2013, p. 615) add that while *Izimbizo* are public communication platforms, people are simply mobilised to meet and listen to government officials rather than to participate fully in the

process. Others criticise *Izimbizo* for resembling ‘political rallies’, ‘party events’ and fanfare occasions in which food, free T-shirts and entertainment entice participants rather than act as participatory forums (Buccus, Hemson, Hicks & Piper 2007, p. 20; Booysen 2009, p. 14). Ward committees are the next most utilised mechanism of participation in six of the nine provinces, followed by steering committee meetings and public meetings (both utilised in five provinces). The least utilised forums by government are citizens satisfaction surveys and *lekgotlas* (in two and one province respectively) (Public Service Commission 2011, p. 18).

Additional participatory strategies to promote public and civil society participation in government programmes have included: various public information programmes, government websites, newsletters, and school visits; the deployment of MPs to constituencies; calls for oral and written submissions from the public and civil society on Green/White papers; public events such as Public Participation Forums, the ‘Taking Parliament to the People’ programme, Women’s Parliament, and Youth Parliament (African Peer Review Mechanism (APRM) 2014, p. 34). Notwithstanding these many initiatives, many of these platforms have been criticised as being haphazard, poorly publicised and not always meaningful. An assessment of Parliament in 2008, for example, noted a lack of feedback on public submissions to Parliament as well as insufficient information on the parliamentary website (Report of the Independent Panel Assessment of Parliament 2009, pp. 55; 65–66). Other notable challenges have included:

- instances where insufficient time has been allocated to allow organisations and the general public to comment on proposed legislation,
- limited public resources for ensuring full public participation,
- poor turnout during public hearings in certain areas and on specific issues,
- the socio-economic challenges experienced by disadvantaged communities which effectively preclude meaningful participation by much of the population. Low education levels and limited media and physical access, owing to lengthy travelling distances to the seats of legislature or meeting places, are problematic, and
- a lack of awareness among citizens of government decision-making processes, public resources and abilities, as well as the importance of participatory processes.

These all act as deterrents to participation in formal decision-making processes and result in the domination of processes by a middle-class more capable of organising itself into NGOs and other interest groups (APRM 2014, p. 31).

Importantly, while limiting socio-economic circumstances do appear to impede formal participation by the public, this does not equate to a lack of interest in political affairs. The 2006, 2008, 2011, 2015 and 2018 Afrobarometer surveys all found that more than half the respondents were interested in public affairs and frequently discussed politics with friends and family (see Table 2). Moreover, 65% of respondents thought that a good citizen in a democracy should always complain to government officials when public services are of poor quality (Afrobarometer, 2015, p. 16). However, this interest has not necessarily translated into action. Afrobarometer results from 2006, 2008, 2011, 2015 and 2018 reflect that although over half of the respondents have attended a community meeting in the past, an average of only 45% have 'got together with others to raise an issue' and an average of only 20% have participated in a demonstration or protest march.³

Table 2: Political citizenship and participation in political life

	2006 %	2008 %	2011 %	2015 %	2018 %
How interested would you say you are in public affairs? ('somewhat/very interested')	61	56	57	58	
When you get together with your friends or family, would you say you discuss political matters (frequently/occasionally)	65	69	71	73	62
For each of these, please tell me whether you, personally, have done any of these things during the past year ('Yes' response).					
	2006 %	2008 %	2011 %	2015 %	2018 %
Attended a community meeting	60	51	58	52	68
Got together with others to raise an issue	45	39	43	38	58
Attended a demonstration or protest march	24	19	10	18	27

3 The de facto figure is likely to be much higher than this figure suggests. It is possible that a 'social desirability effect' may have taken hold where respondents may not have necessarily admitted to an interviewer that they would engage in protest action due to wanting to be seen as 'socially responsible'.

During the past year, how often have you contacted any of the following persons about some important problem or to give them your view? ('once or more than once')					
	2006 %	2008 %	2011 %	2015 %	2018 %
A local government councillor	23	27	26	32	33
A representative to the National Assembly	5	12	5	5	9
An official of a government ministry / agency	6	13	7	8	15
A political party official	15		12	13	17
A religious leader	32	25		32	29
A traditional ruler	16	13		16	15
Some other influential person	12	13			

Afrobarometer survey results: 2006; 2008; 2011; 2015; 2018

Less than a third of those interviewed have contacted a local government councillor to give them their view on an issue. This is, however, considerably higher than the average 7% and 10% of people who have contacted a representative to the National Assembly or a government official respectively. In addition, at local government level, a large majority (77%) believe that local government councillors 'never' or 'only sometimes' try their best to listen to what they have to say (Afrobarometer 2015, p. 42). A 2018 survey found that 65% of respondents trust local government councillors 'just a little' or 'not at all' (Afrobarometer 2018, p. 33) and 88% believe that local government councillors are involved in corruption. These low levels of contact and trust between people and their local councillor is a cause of major concern, especially as local government is the sphere of government perceived as 'closest to the people', and is therefore potentially more capable of facilitating participation. In fact, legislation prescribes that local government must facilitate local community participation in decision-making processes that directly affect the local community, and articulate and represent the local community's interests (Municipal Systems Act 32). However, local government has been plagued by serious problems in the last two decades, including a lack of appropriate financial and management skills, political interference and infighting (Paradza, Mokwena & Richards 2010, p. 91). A 2009 government report found that 'a culture of patronage and nepotism is now so widespread in many municipalities that the formal municipal accountability system is ineffective and inaccessible to many citizens' (Department of Cooperative Governance and Traditional Affairs 2009, p. 11). Nine years later, it seems that any improvements have been slow to reflect substantively. In 2018, the Minister of Cooperative Governance and Traditional Affairs, Zweli Mkhize, announced that only 7% of

the country's municipalities were classified as 'well-functioning' (Department of Cooperative Governance and Traditional Affairs 2018). This is a serious concern for effective participatory democracy to take place, in the formal sense, at the most fundamental level of South African decision-making.

VOLUNTARY ASSOCIATIONS, GROUPS, AND SOCIAL MOVEMENTS, AND THEIR INDEPENDENCE FROM GOVERNMENT

Strong political engagement (both organised and otherwise) has been a tradition in South African history. The past 25 years of democracy have revealed that South African civil society⁴ is becoming more diverse, dynamic and assertive in holding government accountable, especially in relation to the delivery of constitutional goals, fighting corruption and supporting democratic institutions (Gumede 2018).

During apartheid, the relationship between civil society and the state was mostly adversarial and therefore, since democratisation, several legal, political and financial mechanisms or structures have been put in place to facilitate and sustain civil society. The most important of these is the Non-Profit Organisations Act No. 71 of 1997, which formally recognised civil society; established a system of voluntary registration for its constituents; and 'provided benefits and allowances in exchange for NGOs and community based organisations undertaking proper accounting and providing audited statements to government' (Habib 2005, p. 678). The Constitution also provides for the establishment of a Directorate for Non-Profit Organisations (NPOs), situated in the Department of Social Development, to manage the abovementioned processes. In terms of financial support, the previous 1978 Fundraising Act which limited the capacity of NGOs to raise funds was repealed. Instead, the National Development Agency, the Lottery Commission and other institutions were established with a mandate to fund legitimate non-profit activity. Moreover, tax regulations were reformed to grant registered tax-exemption status to civil society organisations, and to encourage philanthropy (Habib 2005, p. 678).

Three distinct categories of civil society emerged in the first 15 years of South Africa's democracy. The first comprises informal community-based organisations (CBOs), also known as survivalist organisations, which are based largely in marginalised communities and exist to assist people to survive in the face of socio-economic adversity. The second bloc consists of more formal CBOs which have been described by some as social movements (Desai 2002). The mandate of these groups is mostly to actively challenge the adverse effects of economic

4 While the media are an important part of civil society in South Africa, they do not form part of the discussion in this paper, which confines itself instead to an exploration of other avenues of citizen participation.

policy implemented by the state through the formal mobilisation of its members. An example is the Soweto Electricity Crisis Committee which campaigns against electricity cut-offs in Soweto. However, social movements have also been known to engage with the state, such as the Treatment Action Campaign ⁵(TAC) which has displayed adversarial relations with the state in some cases and more collegial relations in others. The last category comprises more formal service-related NGOs, which, either partnered with the state and/or sub-contracted to the state, have cooperative rather than adversarial relationships with the state (Habib 2005, p. 685).

Civil society organisations have often plugged the gaps left by the state over the last two decades, and in so doing have strengthened the capacity of the state. For example, the Johannesburg Welfare Society, the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO), and Cotlands (an early childhood development initiative) all provide essential basic services to a needy public. Civil society groups have also defended the rights of vulnerable and socially excluded groups in society. For example, between 2015 and 2017, Section 27 represented the bereaved families of 140 mentally ill patients who had died because of a negligent action by the Gauteng Health Department in moving them to dubious NGOs without the requisite skills and resources to take care of them (Sefularo 2018).

According to the Department of Social Development's NPO 2019 Register, there are 223 004 registered organisations⁶ in South Africa in 2019 (Department of Social Development 2019). NGOs are not entirely independent in that the NPO Act requires organisations registered with the NPO Directorate to submit annual accounts and narrative report to it. Failure to do so results in deregistration. Section 21 companies are required to submit accounts and reports to the Companies Registrar, and public benefit organisations are required to submit accounts and reports to the revenue department for tax exemption purposes.

World Value Survey data of the proportion of people who were members of voluntary associations in South Africa between 1995 and 2014 indicates that South Africa compares well with other middle/emerging income countries, such as Chile and Poland. Religious organisations are the most popular, boasting half of the population as members, and 16% has members in organisations involved in sport and recreation. If the strength of civil society is measured by belonging to some voluntary organisation then South Africa is doing well, and from these

5 A South African HIV / AIDS activist organisation

6 NGOs can register as voluntary associations (constitute 95% of organisations registered under the NPO Act); Section 21 companies (in terms of the Registered under the Companies Act (1973) or trusts. These three types of organisations can then also register as an NPO, in terms of the aforementioned 1997 NPO Act, with the NPO Directorate. The Register of NPOs is a voluntary registration facility that enhances the credibility of the registered NPO as it reports to a public office in the form of the NPO Directorate. The NPO holds information about registered NPOs for the public to access (Department of Social Development, 2011).

results seems to exhibit 'a strong active citizenry and sense of belonging' (The Presidency 2016, p. 56).

Trade unions are also arguably among the most important civil society institutions in democratic South Africa, with 3.93 million members representing 24% of the formal work force (Matwasa 2019). As of May 2017, there were 191 registered trade unions in South Africa (Department of Labour, 2017). Unions played a vital role in the demise of the apartheid state and the reconstruction of a democratic one. Since 1994, they have continued to be at the forefront of the fight to protect and develop the rights of workers, notably through their involvement at the National Economic Development and Labour Council (NEDLAC) where they have ensured that 'matters affecting workers or their inputs are taken into account when Parliament legislates on issues affecting them' (Tenza 2018, p. 105).⁷

The health of the trade union movement, has, however, often been in question in recent years, manifesting largely in fragmentation and division within the major federations. In 2014/2015 for example, the National Union of Metalworkers of South Africa (NUMSA) was expelled from the Congress of South African Trade Unions (COSATU) on dubious charges of contravening COSATU's constitution by not supporting the ANC in the 2014 general elections. The COSATU general secretary, Zwelinzima Vavi, was also forced out of the Congress and in 2017 went on to form a new federation, the South African Federation of Trade Unions (SAFTU) with membership of nearly 700,000 workers from 24 trade unions.

In terms of South African labour law, it is fairly easy for trade unions to call workers out on strikes that enjoy legal protection. Unions have consistently acted on this, mobilising their members through strikes and protests to demand that their rights are protected. For example, COSATU played a prominent role in both mobilising action against government plans in 2012 to introduce a tolling system in Gauteng, and also regarding the government's stance on labour brokers. In March 2012 protests took place in 32 areas across South Africa with numbers of participants protesting against the e-tolls and labour brokers estimated at between 30 000 and 100 000 (South Africa Survey 2012, p. 840; see more on social and other protest action in the next section). However, there have been concerns over the increasing number of unprotected⁸ strikes over the years where unions have 'often ignored the procedures required for a strike to enjoy protected status and simply strike regardless' (Kane-Berman 2015). Between 2014 and 2017, for example, more unprotected than protected strikes took place, resulting in violence and

7 NEDLAC is a collaborative tripartite initiative where the state, organised labour and organised business come together to have input in policymaking and potential legislation that could impact on employers and employees in any way.

8 A protected strike is considered legitimate in that it complies with the requirements of the 1995 Labour Relations Act including all procedural requirements before the commencement of the strike. An unprotected strike does not comply with these requirements.

intimidation, physical damage to property and loss of earnings by the targeted companies.

Clearly, while much has been done by the unions over the last 25 years, many issues still need to be addressed including a high unemployment rate, unsafe working conditions and equal pay for work of equal value (Tenza 2018, p. 117).

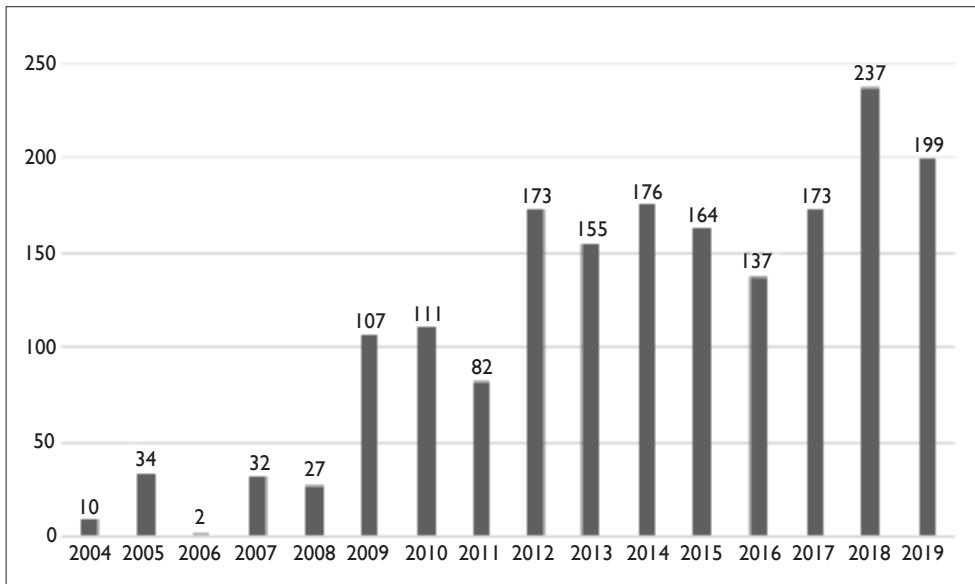
NON-CONVENTIONAL FORMS OF POLITICAL PARTICIPATION: GOVERNMENT'S RESPONSE

Section 17 of the Constitution's Bill of Rights ensures that everyone has the right to assemble, demonstrate and picket, provided that it is done peacefully and without arms. South Africans have certainly not been afraid to exercise this right; in fact, South Africa has often been referred to as 'the protest capital of the world' (see Alexander 2012; Bianco 2013). However, when the protests turn to violent and destructive behaviour that then infringes on the rights of others, this becomes a serious concern for the quality of South Africa's democracy. South African Police Service (SAPS) statistics on incidents of public violence (including, for example, community protests leading to looting, burning of ward councillor houses and schools) reveal a worrying trend with an increase from 974 cases in 2004/5 compared to the 3583 in 2017/2018 (Van Heerden 2019, p. 874).

Since 2004 many protests have been increasingly against local government, with the majority of incidents occurring between 2012 and 2019. In 2018, a record 237 protests against local government took place (see Figure 1). That 2019 was an election year could reasonably be said to account for this rise, as potential voters made the most of politicians canvassing on the campaign trail. Political analysts have suggested that the majority of community protests are metaphors for citizens looking for a voice. This is in view of the fact that many of the protestors are trying the formal channels of participation but are not succeeding. Booysen (2009, p. 22) refers to this incomplete policy realisation as the 'black hole of public participation', which has led to many communities reclaiming the right to participate by exploring the only remaining option available to them: protest action (see Figure 1).

The major drivers behind community dissatisfaction appear to relate predominantly to the quality of the basic services provided in terms of water supply and management, electricity supply, problems with billing, waste disposal, road maintenance and clean streets (South African Citizen Satisfaction Index 2019). Public opinion on delivery of basic services by the government has declined massively from 77% in 2004 to 48% in 2016 (The Presidency 2016, p. 85). A distinction should be drawn though between access to services in general, which have improved dramatically since 1994; and the increased aspirations and

expectations of people as a result of improved access. Overall satisfaction is heavily influenced by the large gaps in citizen expectation versus perceived quality, that is, what they actually experience in terms of public service. It is also important to note that although these protests are usually referred to as service delivery protests in the media, this description is argued to be overly narrow and misleading by ignoring a whole host of other community concerns (Friedman 2009).



Source: Municipal IQ Municipal Hotspots Monitor Sept 2019

Figure 1: Major community protests against local government, by year (2004–2019)

Apart from public service related issues, other areas of protest have centred on, for example, xenophobic sentiments; citizen concerns over corruption and a lack of accountability at local government level; being ignored or lied to by local officials; unequal access to land; unemployment; police brutality; increases in transport prices; crime; and student dissatisfaction with fees and student accommodation. Most notable protest campaigns that have had national impact, irrespective of success or failure in prompting change in government policy, include the following:

- The TAC's predominantly successful struggle for antiretroviral treatment to be made available to people living with HIV/AIDS;

- The Poor People's Alliance, a popular nationwide protest/social movement launch of a 'No Land! No House! No Vote! Campaign' in 2004 advocating the boycotting of elections in the fight for secure tenure;
- The Abahlali baseMjondolo campaign against the Slums Act in 2008/2009;
- The 2015/2016 #FeesMustFall campaign by youth against an increase in university tuition fees, which forced the government to promise free tertiary education for young people from poor families;
- The Right2Know Campaign in defence of freedom of expression and access to information, and opposition to state secrecy in drafting of laws; and
- The #ZumaMustFall campaign in April 2017 where large crowds gathered together to call for President Jacob Zuma to step down, following a cabinet reshuffle and the subsequent downgrade of South Africa to junk status by rating agencies.

While protestor violence is a concern, so too is excessive use of force against protestors. The question arises as to what degree protestors are violently suppressed by the authorities in South Africa's democracy? Because of the violent treatment of protesters at the hands of police officers during apartheid, the new South Africa was (and is) still confronted by a deep-seated lack of public confidence in the legitimacy of the police (Minnaar 2010). For this reason, legislation, including the South African Police Service Act of 1995 and the Regulation of Gatherings Act of 1993, was introduced to reform how the police handled crowd control. Despite these and other widespread reforms, social movements such as the aforementioned Soweto Electricity Crisis Committee, Landless Peoples Movement, the Western Cape Anti-Eviction campaign, the Anti-Privatisation Forum and Abahlali baseMjondlo (a shack dwellers' movement) have had marches banned and in some cases members have been forcibly removed from demonstration sites (see Bond 2004, p. 21; Desai 2002; Lier & Stokke 2006).

Protestors in general are often faced with forceful repression through the use of baton charges, rubber bullets, tear-gassings, and arrests (Roberts et al. 2017). Arguably the worst incidence of excessive police force occurred in mid-August 2012 when a group of miners undertook unauthorised wildcat strike action at Lonmin's platinum mine in Marikana outside Rustenburg. Although accounts of the incident vary, it is generally acknowledged that members of an elite special unit of the SAPS opened fire on a group of strikers killing 34 people and wounding at least 78. The gravity of these and other occurrences prompted Human Rights Watch to state in its 2015 report that: 'serious concerns remain about the conduct and capacity of the South African Police Services (SAPS), both in terms of the use

of force in general, as well as the ability to deal with riots in a rights-respecting manner' (Human Rights Watch 2015).

HOW SOUTH AFRICA COMPARES

Regional and international indices score South Africa quite high in terms of political participation, especially when compared to other relatively 'healthy' democracies in Africa such as Mauritius and Botswana. Bertelsmann's 2020 Transformation Index (which describes where a country stands on its way to fully consolidated democracy) rates South Africa's political participation as a 7.8 (where 10 is best and 1 is worst) and ranks the country 3rd in southern Africa, behind Mauritius (8.6) and Botswana (8.4) respectively, and 25th in the world (Bertelsmann Stiftung 2020). Of the 54 African countries assessed in the 2019 Mo Ibrahim Index, South Africa's score of 74.4% (where 100% is the highest) for 'participation and human rights' is impressive, especially when compared to the number one ranked Mauritius with its participation score of 77.2%. The Economist Intelligence Unit's 2019 Democracy Index (p. 43) ranks South Africa 4th in sub-Saharan Africa (behind Mauritius, Botswana and Cabo Verde) with the country scoring a remarkably high 8.33 for political participation (on a scale from 0 to 10, where 10 is the best) far outranking Mauritius' 5.56, Botswana's 6.11. and Cabo Verde's 6.67. South Africa's scores appear to be apt assessments given the many mechanisms, programmes and paths to political participation in place.

CONCLUSION

In assessing the quality of South Africa's participatory democracy, two criteria were examined: the extent to which the opportunities for conventional participation are both developed and taken up; and in the event of non-conventional participation, the degree of government suppression.

Constitutional provisions make it the responsibility of government at national, provincial and local level to facilitate public participation. Apart from voting, there are many other formal avenues in place for conventional participation through mechanisms and programmes. Furthermore, there is evidence of consistent efforts by government to improve on these opportunities. Despite this, numerous problems impair the ability of many of these programmes to perform optimally. The most challenging of these relates to the significant, lived socio-economic realities faced by much of the population that repeatedly act as barriers to formal participation. In addition, and particularly at local government level, corruption and ineptitude are rife, resulting in a lack of trust between officials

and their municipalities. Loss of faith in formal platforms has also resulted in the utilisation of other platforms such as youth-led social media campaigns.

A robust and diverse civil society offers another route for participation, by constantly challenging government and articulating wide-ranging interests. Constitutionally, everyone has the right to protest (peacefully) and where formal participation fails, protest action is widely utilised. Various grassroots organisations, unions, and interest groups, as well as the general public, campaign regularly to make their demands known. This is a positive sign of participatory democracy as the public mobilise to participate on their own terms (albeit sometimes illegally). However, the increasing use of violence and resulting loss of life as well as massive damage to public property, such as to schools, is problematic and retards overall progress. Moreover, this violence is used as a justification for unacceptable and excessive use of force by authorities.

To conclude, the quality of political participation in South Africa after 25 years of democracy is procedurally very good and substantively good (with reservations). The citizens might be unwilling or unable to participate through conventional channels (which in itself has implications for the quality of vertical accountability in South Africa), but they are nonetheless clearly active, committed to having their voices heard and to holding government to account. If the levels of protest-related violence decrease over time, then the quality of political participation is encouraging for South Africa's young democracy as it matures and deepens.

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OPERATIONAL AND PROCEDURAL INTEGRITY OF ELECTIONS IN THE DEMOCRATIC REPUBLIC OF CONGO

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ABSTRACT

Malpractice has affected the integrity of elections in the DRC in its three recent democratic electoral cycles: 2006, 2011, and 2018, particularly the last cycle. However, even though national and international media indicate that the degree of threats to electoral integrity is more critical in the DRC than the rest of Africa, the problems in the DRC are similar to those encountered in the rest of the continent. Moreover, in terms of election integrity the DRC may be better rated than many other African countries. This is particularly true of francophone Africa, as well as the Economic Community of Central African States (ECCAS)¹ to which the DRC belongs. There are many good lessons learned from recent elections in the DRC which could inspire electoral authorities elsewhere in Africa and thus contribute to improving electoral integrity on the continent.

Keywords: electoral integrity, biometric voters' registration, manipulation of voting process, electoral conflict and violence, public confidence, parallel vote tabulation, publication of election results, electoral dispute resolution

INTRODUCTION

The purpose of this document is threefold: First, to present and review the operational and procedural integrity of elections. Second, to highlight some areas of malpractice which may have affected the integrity of the elections in the Democratic Republic of Congo (DRC) over its three most recent democratic

¹ ECCAS has 11 Member States: Angola, Burundi, Cameroon, Central African Republic, Chad, Democratic Republic of Congo, Equatorial Guinea, Gabon, Republic of the Congo and São Tomé and Príncipe

electoral cycles – 2006, 2011, and 2018 (with the focus on the last cycle). And third, to show that, even though national and international media portray the degree of threat to electoral integrity as being more critical in the DRC than the rest of Africa, the types of problems in the DRC are similar to those encountered in the rest of the continent. Moreover, in terms of election integrity the DRC can be better rated than many African countries, especially the francophone ones, as well as the Economic Community of Central African States (ECCAS) to which the DRC belongs. There are many good practices learned from recent elections in the DRC which could inspire African electoral authorities and thus contribute to improving electoral integrity on the continent.

This presentation is not the result of a formal study or survey conducted on the 2011-2018 DRC electoral cycle. Rather, it reflects knowledge arising from my contribution to the provision of international electoral assistance to the DRC since 2003.

The first part of this DRC case history is a description of some aspects of the electoral process that may have featured malpractice. This includes *negative* performance, evaluation, judgement and/or perception of the following components: the independence and capacity of the CENI (the Independent National Electoral Commission); the accuracy of the voter register; the compliance of the electoral calendar with the end of the electoral cycle; the regularities of the logistics and voting procedures; the conduct of the campaign; the acceptance of the results; and electoral violence.

The second part is the description of some factors that could pave the way for best practice and the integrity of the electoral cycle. This includes a *positive* analysis of the following elements: the legal framework; the autonomy and the capacity of CENI; the positive role played by political parties and civil society organisations (CSOs); and the funding of the electoral process. The third part is related to the weaknesses and strengths of the ‘voting machine’ in relation to the integrity of the 2018 elections.

Finally, the conclusion has a set of recommendations aiming at improving the integrity of the electoral processes in the DRC.

I hope this document, which focuses on the DRC’s 2018 general elections, will stimulate thinking on the operational and procedural integrity of elections across Africa.

OPERATIONAL AND PROCEDURAL INTEGRITY OF ELECTIONS

There are many definitions of electoral integrity by politicians, academics, journalists and electoral institutes. But the common ground is an election that is transparent, free, impartial throughout the electoral cycle and based on international and democratic principles, good practice and agreements. Electoral

integrity is a key ingredient to peace and stability, and integrity in elections depends on public confidence in all aspects of the electoral cycle. In Africa, especially since 1990, many electoral operations and procedures have been introduced into the electoral processes in order to reinforce public confidence in elections.

Institutional Pre-requisites

The following components constitute the essential institutional framework through which elections needed to be conducted:

- An independent and competent electoral management body (irrespective of whether this is organised by a government or is an independent electoral management body);
- Accurate voter registration: increasingly this involves the usage of biometric and electronic systems and machines to establish an accurate voters' roll;
- An audit of the voters' roll, which in ECCAS is usually undertaken by the Organisation Internationale de la Francophonie (OIF);
- Provisions for the public financing of party campaigning;
- Electoral system: in many emerging democracies a proportional system has been introduced as opposed to a winner-take-all system;
- Efficient and equitable boundary delimitation: this is particularly difficult when some of the population are nomadic, as in Mali where the Tuareg communities, comprising less than 2 percent of the population, live in the vast north of the country;
- Electoral calendar: combining elections (i.e. presidential, legislative and sometimes local elections) has become increasingly common.

Confidence Building Measures during the Electoral Process

Confidence-building measures include:

- Impartial registration of candidates and political parties;
- Media monitoring, televised debates for presidential candidates, use of social media platforms during campaigns;
- Voting operations: the use of single ballots or indelible ink, and electronic voting machines;
- Counting the ballots immediately after the polling, posting the results in polling stations and distributing copies of the tally sheets to representatives of candidates and political parties;

- Transmission of results using technology such as VSAT and the internet;
- Parallel vote tabulation by observers and civil society organisations;
- Adjudication of electoral dispute by constitutional courts and electoral tribunals; also, by using modern technology and tally sheets provided in polling stations;
- Publication of results polling station by polling station, on social media, and on websites.

Election Malpractice

Election malpractice, as opposed to electoral integrity, consists of improper practices during an electoral process. In Africa, this includes:

- Manipulation of the electoral legal framework;
- Manipulation of the constitution (extension of presidential term limit), or of the electoral law;
- Manipulation of the voting process by intimidation, multiple voting, vote buying;
- Manipulation of the results (e.g. swapping the result of the winning candidate with that of the losing one), hacking servers and altering data and other electronic systems.

Electoral malpractice negatively impacts the legitimacy of the institutions and individuals thus elected. Malpractice can also lead to civil unrest and conflicts before, during and after elections.

MALPRACTICE IN THE ELECTORAL PROCESS IN THE DRC

Some areas of potential and actual malpractice in the DRC are as follows:

The Composition and Management of the CENI

The Independent National Electoral Commission (CENI) in the DRC, created by the Law No 13/12 of 19 April 2013, consists of 13 members appointed by political parties in the National Assembly, based on the proportions of the majority (six members) and opposition (four members) political parties respectively. Three members are appointed from the civil society, including representatives of NGOs involved in promoting the political participation of women, civic and voter education, and representatives of faith organisations. The Plenary, which is the

steering board, consists of all 13 members of the CENI. The Bureau, which is the executive body, consists of six members including the president (civil society), the vice-president, (majority), the rapporteur (opposition), the deputy rapporteur (majority), the quaestor (majority) and the deputy quaestor (opposition).

The CENI and particularly its chairperson, Corneille Nangaa Yobeluo is generally perceived by many stakeholders as biased. There were allegations from national and international stakeholders on the shortcomings of the CENI as being a lack of independence, neutrality and transparency. Some of the members, accused of corruption, are currently under USA sanction.

The Electoral Calendar and the Glissement²

Kabila's second and last term was to end in 2016. But for technical and financial reasons the CENI planned the general elections for the end of 2018. This change was perceived by many observers as government manipulation of the electoral calendar to allow Kabila to stay in power for an additional two years.

Voters' Registration and the Voters' Roll

Over 40 million voters were registered by the CENI with the use of biometric registration kits. But in May 2018, following an audit of the voters' register, the OIF³ identified several technical irregularities that included multiple registrations and duplicate voters' cards (6 million), registration of young people under the age of 18, and registrations without ID cards or witnesses. Another concern in this report was the fact 16.6 percent of all enrollees had no fingerprints. The report also noted that 94 percent of enrollees without fingerprints were registered in the ruling party stronghold, Sankuru and Tshuapa. In the meantime, some violence was noted in the opposition strongholds, Kassai, Central Kassai and Lomani provinces. The voters' lists were not made available to the public on time (30 days before the polls to allow for possible legal challenge). There was also an issue about the transparency of the international tender for the procurement of the voter registration material won by GEMALTO.

Registration of Candidates and Voting Procedures

The two main opposition candidates for the presidential election, Jean-Pierre Bemba and Moise Katumbi, saw their applications rejected: the first due to his

2 In the DRC context this French term indicates intentional delay in the electoral calendar.

3 OIF : Audit du fichier électoral national de la République démocratique du Congo, Rapport final, mai 2018

indictment by the International Criminal Court (ICC), and the second condemned by a DRC court. In addition, a few months before the registration process of candidates and parties, and the polls, the National Assembly passed a new electoral law with two new provisions: i) parties should have a representation threshold to be registered, ii) the vote could be manual or electronic. Also, the amount of the candidate's deposit was increased for all the polls. These measures were interpreted by some observers as an attempt to limit opposition participation in the elections.

Security of the Process, Freedom of the Media and the Right to Protest

On 13 December a warehouse fire destroyed over 8 000 voting machines as well as electoral materials. Despite speculation about who the perpetrators might be, they have still not been found. As a consequence the general elections were postponed from 23 December to 30 December 2018.

Although campaigning was generally peaceful, there was violence with loss of life in Kalemie, Lubumbashi and Mbuji-Mayi.

Elections were postponed in Beni, Butembo and Yumbi, officially because of the Ebola virus and lack of security in the region. Given that these regions are considered to be strongholds of the opposition, some stakeholders alleged that there was an attempt by the government and the CENI to prevent opposition voters from exercising their right to vote in those areas.

Acts of intimidation were also noted in press reports, though the media in question were shut down and journalists arrested. Some observer missions noted unequal access to state media coverage. Freedom of assembly and the right to demonstrate were limited by the police and the armed forces at various stages of the electoral cycle.

Tabulation and Announcement of the Results by the CENI

Vote counting began immediately at the polling stations. However, it took many days for the centralisation, tabulation and announcement of the results, and the announcement was highly controversial. First, the results had not been published polling station by polling station, as they should have been. Secondly, there was a sharp discrepancy between the presidential results published by the CENI and the results from the parallel counting of the Catholic Church (40 000 observers using 72% of the tally sheets). According to the National Episcopal Conference of Congo (CENCO) the winner of the presidential elections was not Felix Tshisekedi (France24.com). This position was backed by some members of the international community. Moreover, Martin Madidi Fayulu, one of the opposition presidential candidates, claimed the victory. He also called for a manual recount of the votes.

The results of the 2018 general elections were rejected by the losers at both presidential and National Assembly levels.

Electoral Dispute and Resolution

The Constitutional Court is in charge of electoral disputes and the announcement of the final results for presidential and legislative elections. Its nine members are appointed by presidential decree from individuals designated by the Parliament, the Superior Council of Magistrates and the head of state. There is a perception by many stakeholders of bias in the Constitutional Court, and particularly in its president Benoit Lwamba Bindu. The court's decision confirmed the contested presidential results announced by the CENI: Felix Tshisekedi (UDPS) 38.6%; Martin Fayulu (LAMUKA) 34.8%; Emmanuel Ramazani (FCC) 23.8%. The same applied to the elections of members of parliament. Most of the appeals were rejected and parties supporting President Kabila won the majority of seats in the National Assembly.

Conclusion

The examples listed above indicate that the DRC's 2018 general elections were not a good example of integrity across most of these three dimensions of its electoral cycle:

- *agents* (lack of freedom of media, impeded freedom of assembly and of the right to demonstrate);
- *political bias* (lack of independence of both the CENI and the Constitutional Court, inaccuracy of the voters' roll);
- *outcome* (irregularities in the tabulation and announcement of the results, electoral violence in some regions, non-acceptance of the results at all levels).

INTEGRITY IN THE ELECTORAL PROCESS OF THE DRC

However, there are many other aspects of the DRC elections which comply with national and international good practice and election regulations. Listed below are some of these factors.

The Legal Framework

The DRC Constitution provides for universal, equal, secret and direct suffrage, provincial and local institutions, the right of political parties to exist and

participate in elections, freedom of expression and the right to protest. The Constitution assures the regularity of elections. More importantly, and differently from many francophone African countries, there is a provision for a term limit for presidential and legislative positions, and there is also the option for the diaspora to vote.

The Autonomy of the CENI

Despite the alleged malpractice of some of its members, the CENI has more management and financial autonomy than the EMBs (election management bodies) of many African countries. CENI is fully in charge of the administration of the elections, including voter registration, calendar, boundary delimitation, the elections, and the announcement of preliminary results. In many African countries, most electoral tasks are carried out by the government despite the existence of a so-called independent EMB. In addition, the structure and the mandate of the CENI are in accordance with the South African Development Community (SADC)⁴ *Principles and Guidance Governing Democratic Elections*.

The Capacity of the CENI

During the 2018 electoral cycle, the CENI managed the following challenges in a professional manner:

- logistics (2 345 000 km² without infrastructure and without the support of the international community donors and MONUSCO (The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo);
- registration of over 40 million voters;
- over 512 000 electoral agents;
- 75 500 polling stations;
- 21 candidates for presidential elections; 15 355 candidates for the National Assembly;
- 19 640 candidates for the Provincial Assembly.

Beside its Plenary and Bureau, the CENI has one of most experienced and competent electoral technique components on the continent. Most of its members (including Chairperson Corneille Nangaa Yobeluo and the current Chief of Operations) have been on duty since 2004, during which time they have accumulated appropriate knowledge and competence. The National Executive

4 DRC is also member of SADC

Secretariat (NES) and its National Bureau of Operations (NBO) are among the most structured and best-equipped technical electoral structures in Africa.

Biometric Voter Registration

Voter registration is among key aspects that determine the integrity of an electoral process. This is particularly sensitive in the DRC, as the country has not had a general census since 1984 and does not have a good civil register in place. The voters' roll also serves as the basis of boundary delimitation, and the voters' card is the de facto national ID card. Despite the shortcomings noted above regarding the voter registration process, the biometric voter registration, started in 2004 in the DRC, is strong enough to mitigate fraud and build confidence in the electoral process. A total of 22 000 biometric kits were used to register over 40 million voters nationwide.

The Role of Political Parties

Over the past 20 years, political parties have strengthened their capacity to mobilise. Despite their huge number (over 600 parties), they have managed to form three main and active coalitions: the Common Front for Congo (FCC) led by Kabila; the Thsisekedi-Kamerhe coalition, Cap for the Change (CACH); and the Bemba-Katumbi-Fayulu coalition (LAMUKA) which has no clear leader. The parties have also managed to form a coalition CACH-FCC to rule the country peacefully. Despite the controversy surrounding the use of the voting machine, the alleged bias of both the CENI and the Constitutional Court, and many restrictions of freedom, DRC political parties did not call for a boycott of the 2018 general elections.

The Role of Civil Society Organisations and Media

Civil society organisations played a tremendous role in the 2018 general elections in voter education, media campaigns, and domestic observation, among others. Together with political parties and members of the international community, CSOs prevented Kabila from amending the Constitution in 2015 in order to extend the presidential term limit. Organisations such as Fight for Change (LUCHA), Women Synergy (SF) and many other CSOs were active, and created a check and balance dynamic during the electoral process. CENCO (the Catholic Episcopal Church of Congo) played a key role in the dialogue process, in domestic observation as well as the parallel vote tabulation (PVT) of the votes. As a result, there were good turnouts as well as peaceful conduct at the polls on election day.

Funding the Electoral Process

The budget for the 2018 general election was over 2 billion USD, including the cost of political dialogue, voter registration and the polls. In order to preserve the country's sovereignty, the government decided to fully fund the electoral process. This position is also in line with the AU Principles on Elections. In 2006, the Panel of the Wise had determined, and this has been subsequently re-affirmed, that all African countries shall fund their electoral processes through their national budget.

Conclusion

The factors described above indicate that some aspects of the DRC elections could be considered as good practice, in accordance with CEMAC, SADC, ECOWAS, AU and other international principles regarding good election practice aimed at ensuring the integrity of the elections.

THE VOTING MACHINE⁵

The electoral commission introduced e-voting machines prior to the elections in December 2018. There were initial concerns that there was inadequate voter education, that the system was untried and that the machines could be manipulated to rig the election. However, their use appears to have strengthened the integrity of the electoral process.

In the case of the DRC, the voting machines served in effect as printers. Rather than manually completing a pre-existing ballot paper, the voter makes their choice on a screen and after this is completed, the machine prints a copy of this choice which the voter then deposits in a ballot box. The use of the machine enables electronic as well as manual vote counting and eliminates the need for printing and distributing ballot papers, enabling considerable savings in transport costs. Article 47, paragraph 1 of the Electoral Law, 2016, states that 'The vote can be carried out either by a paper ballot or electronically'. The Political Agreement of 31 December 2016 (Art. 4, paragraph 4) recommends that the government 'explore ways and means to streamline the electoral system in order to reduce the excessively high costs of elections'. The machines' proposed deployment in the 2018 elections evoked mistrust from voters and political leaders, as well as among the international community. The voting machine was called a 'fraud machine' intentionally introduced by the CENI to favour the ruling party. Some arguments against the voting machine are:

5 Sources: CENI and UN presentations on the voting machine

- No political consensus on the use of the machine;
- Risk of computer hacking or manipulation of results which may impact the integrity of the results transmitted from the voting machine;
- Risk of discrepancy between the published trends and the provisional results, which would lead to a post-election crisis;
- Voting machine not yet tested in any prior election in the DRC;
- High illiteracy rate especially in the rural areas, resulting in the issue of voter assistance to cast ballots;
- Availability of qualified technicians to be recruited locally to manage 23 000 polling centers;
- Insufficient number of backup machines per polling centre, to substitute in case of breakdown;
- Elections conducted on one day only, thus any technical problem, however minor, could lead to protests and in turn cancel the election;
- International community concern that the machine was conceived in the DRC and manufactured in South Korea, and not in a western country as was usual.

Conclusion

There was initial mistrust for the voting machine because of the political conditions in which it was introduced. In practice, however, the machines seemed to have worked efficiently and despite initial misgivings were not used to manipulate the count, as accidentally released electronic tally sheets made perfectly evident.

After the 2018 experience the voting machine appears to be a tool that can strengthen the integrity of the electoral process in the following ways: by reducing fraud, reducing the weight and costs of logistics (i.e. production and transportation of ballot papers), reinforcing the confidence in the vote counted twice (electronically and manually), reducing the time for the transmission of results from polling centres to centralisation centres, and providing enough copies of the tally sheets for all the candidates' representatives and the domestic observers.

CONCLUSION

Measures to Improve Operational and Procedural Integrity of the Electoral Process in the DRC

Generally, the 2018 electoral cycle featured significant improvements in electoral administration. As the foregoing analysis suggests, the major flaws were located

at the apex of the system in the top leadership of CENI and of the Constitutional Court, both of which were complicit in falsifying the final results. If in future the DRC is to hold elections of high integrity, major political reforms are needed to protect CENI and the Constitutional Court and reduce their susceptibility to political bias.

At present, DRC has achieved impressive levels of electoral administrative capacity. Even so, more effort is needed in the following areas:

Stakeholder Consultation by the CENI

There are already consultation frameworks between the CENI and key national stakeholders – political parties, CSOs and national institutions; and between the CENI and the international community – the coordination mechanism of the UN with a strategic committee, steering committee, technical committee, etc. But the CENI needs to strengthen its communication strategy, especially on new operations like biometric voter registration and the use of the voting machine.

General Census and Civil Registry

The DRC spends billions of USD annually to update its voters' roll. The government and the CENI should explore the following possibilities, four years before the general elections:

- Conduct a general census of the population as the last was held in 1984. An updated census will provide data for many different applications as well as accurate boundary delimitation.
- Conduct civil registration to provide all citizens with biometric ID cards that could also serve various purposes, including polling.

Improvement of the Voting Machine

National authorities may consider improving the voting machine in the following ways:

- By improving both hardware and software (updates);
- By intensifying the sensitisation of the population to its importance and its use.

Funding the Electoral Process

The government has funded mainly voter registration and electoral operations. The authorities may consider expanding this to include the following improvements:

- Funding political parties;
- Funding electoral campaigns;
- Funding civil society organisations involved in the elections.

To avoid the recurrent post-election crisis on the continent, particularly in francophone countries, Africa needs models of electoral frameworks and good practice that can guarantee the integrity of the elections. I invite election practitioners to look carefully and dispassionately at the electoral system of the DRC. Despite occasional malpractice related mainly to individuals rather than the system, there are some good lessons to be learnt from the DRC electoral system and adapted to many other countries. These include: the independence and attributes of the electoral commission (CENI); government funding of the elections from the national budget; and the use of voting machines with locally manufactured software designed for African needs. The new election integrity paradigms in Africa will come from within the continent. But political will is the key factor.

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POLITICAL FINANCE AND THE 2019 GENERAL ELECTIONS IN NIGERIA

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ABSTRACT

Money and politics are understandably inseparable because much democratic political activity is dependent on financial resources. This paper examines the effects of the unregulated use of money in political activities in Nigeria. Data for the conceptual and theoretical sections of the paper are drawn from historical and contemporary documents on people, economy and politics. This is complemented by the observation of events by the authors, together with content analyses of reports from primary data generated during the tracking of political finance in Nigeria's recent general elections, particularly those of 2019. For its analytic framework, the paper utilises a combination of structural theory and the institutional approach.

Keywords: money, politics and culture, political finance management, administrative inefficiency, Nigeria

INTRODUCTION

Few democratic political activities would be possible without money. Money matters for democracy and, as Walecki (2008, p. 7) puts it, political finance is 'influenced by, and influences, relations between parties, politicians, party membership and the electorate'. Evidence from random surveys points rather disturbingly to a general agreement that politics in Nigeria is almost always about money. Illicit money is used to elicit support, buy opponents and corrupt the system, leaving very little for actual political mobilisation that itself is problematic due to the deplorable conditions of physical infrastructure around the country.

Studies by Okoosi-Simbine (2006, pp. 146–157) and Olorunmola (2017, pp. 1–21) have documented aspects of the problems of political finance in Nigeria. These relate both to how it is raised, including public sector corruption and revenue diversion; and how it is deployed, mostly to manipulate electoral outcomes.

The danger of unregulated deployment of money in Nigerian politics has been present since the mid-20th century¹. Studies inside and outside Nigeria have been conducted on issues of political corruption, excessive use of money in politics and, with emphasis on its pejorative connotation, of ‘money politics’ (Tignor 1993, pp.175–202; Nugent 2001, pp. 405–428; Adetula 2008, p. 138; Falguera & Ohman 2014, p. 458; Kapur & Vaishnav 2018, p. 311). Abuses connected to political finance and democratic processes partly accounted for other malpractices, such electoral fraud and violence, that contributed to the collapse of the First and Second Republics, 1960–1966 and 1979–1983 respectively. In today’s Fourth Republic, the unregulated use of political finance has become more blatant, with dire consequences for general elections, party primaries or even during voting in the parliament.

Critical questions abound in the relationship between money and politics. For example, how can money energise and enable democratic growth, or demobilise, destabilise and massively corrupt electoral and democratic processes? What dangers are associated with money invested in politics in the form of transactions?² How effectively have political finance regulations performed in Nigeria’s Fourth Republic? What indications do data drawn in the tracking and reporting of political finance in the country’s 2019 general elections show? What can be done to improve the performance of Nigeria’s political finance management? These questions provide the direction for this study, which is divided into four main sections: theoretical and conceptual issues and literature review; international practice; problems with current efforts in Nigeria and analyses of data from the 2019 general elections; and the conclusion and recommendations.

THEORY

The theoretical viewpoints deployed in this paper, structural theory and institutionalism, are two sides of a coin. Structural theory is used, in relation to

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- 1 The 1956 Foster Sutton Tribunal of Enquiry into the activities of the National Council of Nigerian Citizens (NCNC) and the African Continental Bank (ACB); the 1962 Coker Commission of Inquiry into the affairs of Western Nigeria public corporations and the Action Group (AG); and the Bola Babalakin Judicial Panel in the aftermath of the 1983 general elections, are examples of efforts to address this danger. Several scandals have also been linked to legislators demanding bribes for the approval of government appointees, for budget approvals and even for their constitutional oversight functions since the commencement of the Fourth Republic.
 - 2 For analyses of transactional politics and its effects, see Okoosi-Simbine, *Citizenship, Democracy and the Culture of Transactional Politics in Nigeria*, Representative of INEC Chairman at the Shehu Musa Yar’Adua Foundation Lecture, 13 November 2018.

ideas in the neo-patrimonial and prebendal perspectives³, to analyse the nature of the state in Nigeria and the character of the ruling class. The institutional approach is used to analyse INEC (the Independent National Electoral Commission) representing the state, to focus on the Commission's statutory functions of election administration, registration of political parties and monitoring of their activities including their finances.

Structural theory shares some similarities with the structural-functional approach. However, structuralism is more concerned with the 'hidden agenda' behind political action, and thus emphasises 'class analysis and exchange perspectives' (Adejumobi 2010, p.115). It is, according to Johari (2011, p.35), a popular theory among Marxists who are 'interested in the study of classes, ideologies, stable parties and regimes'. Institutionalism or the institutional approach in political science and its several sub-fields, including public administration, policy studies and comparative politics, encompasses a range of methodological approaches having at core an emphasis on institutions, structures, regulations and rules which shape political conduct and influence political outcomes.

Before the advent of the behavioural approach of the 1950s, the institutional approach was criticised for being too narrow and for ignoring the role of individuals who constitute and operate the formal as well as informal structures and sub-structures of a political system. However, a resurgent institutionalism has gained currency as a method of looking at the role of strong personalities in human society. Daron Acemoglu and James Robinson, authors of the 2012 bestseller, *Why Nations Fail* (cited in Olaopa 2019, p. 16) and Suberu (2018, pp. 1–18) have recently adopted this approach in their emphasis on bureaucratic elements of organisations and formal institutions, such as rules and regulations, specialisation, political neutrality and impersonality.

Using structural theory, Adejumobi (2010, p. 115) describes the nature of the state in Nigeria, based on historical narrative, 'as the fulcrum of political disharmony and electoral imperfections'. For Agbaje (2004, p. 203), the evolution of the state, its nature and character make it 'a lingering contested terrain', likened to 'an unfinished state of uncertainty, a state of aspirations unmatched by reality'. The frailty of the state is partly due to its colonial origins, exacerbated by the character of the successive ruling class. It thus lacks the autonomy to establish hegemony over society or achieve the popular legitimacy necessary for the complex responsibilities of a modern state. Its weakness makes its government 'a contested arena', where contending political forces or different factions of the ruling class

3 Patrimonial and prebendal perspectives have been used to explain how members of the political class use state power to enrich themselves.

seek to capture⁴ the state (Adejumobi 2010, p.115; Sklar, 1979). Rules and procedures are weak, poorly adhered to, or easily subverted, in particular by the ruling classes that made the rules. It raises the fundamental question as to 'who owns the state', by creating an uneasy combination of common and fractured citizenship rights. This, according to Jinadu (2019, p. 4) warrants occasional palliatives to assuage the 'fears of domination expressed or perceived by historically marginalised groups such as women, ethnic and religious minorities' as well as youths, who see themselves 'as second class citizens, despite the constitutional guarantees and reassurances of common citizenship rights'. The omnipresent nature of the state in Nigeria 'reinforces the stakes for its control' (Adejumobi, p. 115).

The institutional approach in this study draws on Awa (1997) and Jinadu (1997) in describing the challenges that confront electoral administration in Nigeria. Every aspect of election management body duties in the country requires some level of skill, continuous training, human and material resources, with the more sensitive requiring higher levels of competence and professionalism. These include registration and monitoring of political parties, delimitation of electoral districts, compilation of voters' register, recruitment and training of both permanent and ad hoc electoral officials, establishment of polling booths, logistics and procurement of sensitive and non-sensitive materials (their storage, distribution and retrieval after electoral exercises) ensuring hitch-free voting processes, and handling post-election litigations. Nigerian elections have been marked by anti-democratic tendencies that undermined the electoral processes and credibility of the results, such that there has been hardly any election free of 'charges of irregularities, electoral malpractices, violence and various degrees of disruptions' (Federal Republic of Nigeria 2008, p. 1).

CONCEPTUAL ISSUES AND LITERATURE REVIEW

Constructing an ultimate or universal definition for political finance is difficult, partly because of the many channels through which money can be poured into politics. In broad terms, political finance can be defined as all funds raised and spent for political purposes. These include political contests for voting by citizens, and especially the election campaigns for various public offices by parties and candidates. INEC defines political party finance as 'monies and assets generated and owned by political parties which are used in running their day-to-day activities and other expenditures such as election campaigns' (INEC 2017, p. 20). This definition is skewed in view of its focus on the income/revenue aspect

4 The phenomenon of 'state capture' was used by the World Bank in its surveys on the transition countries of central and eastern Europe in 2000 to describe how laws, rules, decrees and regulations are shaped through illicit and non-transparent payments to public officials.

rather than actual expenditures, thus leaving room for manipulation. Studies by Walecki (2008, pp. 1–7), Schaffer (2007, p. 227), and Schaffer and Schedler (2007) provide perspectives covering vote trading, purchasing and selling, and other dark sides in the activities of political parties, sympathisers, and extra-party actors involved in influencing legislations or electoral debates for their business interests and similar objectives. Vote trading, an aspect of transactional politics (Ruppert & Savage 2012, pp. 73–92), has generated debate in view of its consequences for democratic growth.

Theoretically, political funds are classified into three categories in Pareto's typology (cited in Walecki 2008, p. 1) in terms of probable motives. These are *idealistic* or *ideological*, implying financial or material support from those who share the ideas, beliefs or ideology of a political party; *social*, aiming at social honours, relevance, attention or access; and *financial*, striving for material benefits such as government land allocations, import and other commercial licences, trade and economic waivers, government contracts, and supplies and concessions. Historical and contemporary debate on political finance and party funding has considered the need to regulate the use of money in politics and the effectiveness of such regulations. Studies (Ewing 1992; Decalo 1992, pp.7–35; May 2000, pp. 171–180; Schaffer & Schedler 2007; Ewing, Rowbottom & Joo-Cheong 2012; Londono & Zovatto 2014, pp. 129–171; Falguera & Ohman 2014) have drawn examples from 19th century England, 20th century France, and 21st century Africa and Latin America. Despite regulations, analyses show a worrying gap between 'legal requirements and the political practice of funding politics' (Walecki 2008, p. 8).

A list of activities related to political finance in the typology developed by Vilfredo Pareto (1848–1923) include: election campaign funds; political party funds; grants to elected officials; political organisation funds; pressure and interest group funds; political lobbying funds; litigation funds in politically relevant cases; partisan media funds; corrupt political funds; unofficial payments to elected officials; unofficial payments to civil servants; unofficial payments to the mass media; and payments intended to alter or improve the electoral process as a whole (cited in Walecki 2008, p.1). This typology and many studies from across the world (Falguera & Ohman 2014; Olurode 2012, pp. 1–8) indicate the important role of money in politics, its abuses notwithstanding.

POLITICAL FUNDING IN NIGERIA

According to Olurode (2012, p. 4), in Nigeria:

Campaign expenses include logistic issues – budgeting for mobilisation and movement; campaign venue and decoration; engaging entertainers

and cultural workers; publicity matters – radio and TV advertisements, posters and pasting; feeding arrangements including drinks and sometimes hard drugs for political thugs; spiritual protection including *juju* (charms/amulets), engaging marabouts and prayer warriors; renting a crowd; security expenses – both formal and informal security coverage.

Also included are funds which, according to Attahiru Jega, former INEC chairman (Olurode 2017, p. 46), political parties budget ‘to bribe (government) security officials and INEC officials’. Evidence of such misconduct by electoral officials and security personnel on election duties can be gleaned from the outcomes of cases in which INEC officials were interdicted and some jailed in 2017 and 2018 (Yagboyaju 2019, pp. 109–123). Other dimensions are sometimes more dangerous. For example, Atiku Abubakar, the presidential candidate of the People’s Democratic Party (PDP) in the 2019 general elections, said: ‘when we formed the PDP and candidates emerged, governors earmarked huge amounts of money to buy arms for youth groups so as to use them in winning the election’ (Olurode 2017, p. 46). Other expenses directly linked to political finance and the characteristic transactional relationships in Nigerian politics include: supporters’ hospital bills, especially during active service; financing of naming, marriage and funeral ceremonies of supporters as well as their dependants; and settlement of school fees and debts. Direct interactions by the authors⁵ with events organisers and party mobilisers revealed that payments are also made for rain ‘holding’ or ‘making’. Rain ‘holders’ are paid to prevent rain from disrupting an event, while rain ‘makers’ help in disrupting public meetings and rallies of opponents.

In Nigeria, political finance and party funding have attracted concern particularly since the country’s Second Republic. This is connected to the method of party funding and the consequences for both the independence of political parties, and their contribution to genuine democratic participation (Simbine 2003; Akande & Simbine 2008, p.175). The fear is that if political party funding is not effectively organised and regulated, wealthy individuals, foreign businesses and governments, and others with enough resources to overwhelm the system, may hijack political parties by sponsoring candidates and party activities. Examples of abuses cited from Nigeria’s First and Second Republics indicate that local powerbrokers – ward chiefs, community leaders and even local government chairmen, who also aspire to political relevance – have fewer resources to deploy, unlike their counterparts at state and federal levels who spend big and are usually

5 Authors as observers witnessed cloudy weather in which rain did not fall until after important political events in 2018 and 2019.

able to influence political outcomes. This can vitiate the very purpose and function of political parties in a democracy because, as Onuoha (2002, p.135) notes, if such unregulated control takes place 'democratic participation may no longer be free'. Other examples, especially of political expenditures to divert public funds in the Third and Fourth Republics, are cited later in this paper.

Allowing individuals to contribute to or sponsor political activities may be interpreted as an investment, which political parties regard as their estate. If this is not forestalled, democracy is threatened because it becomes available to the highest bidder, and this encourages dictatorship. Regulating political finance, on the other hand, will reduce corruption, intimidation, expropriation and exploitation and will also reduce the cost of running the government. Documented efforts on political finance and the funding of party activities in Nigeria include the 1990 workshop by the Centre for Democratic Studies (CDS), Abuja; the 1995 International Conference by Friedrich Ebert Foundation and Ghana's National Electoral Commission; the 2006 workshop *Money, Politics and Corruption in Nigeria*, by the International Foundation for Electoral Systems (IFES) Nigeria, in collaboration with the United Kingdom (UK) Department for International Development (DfID); and the *Nigeria Election Support 2007* programme, for which IFES Nigeria received generous support from DfID. Also, in 2017 and 2018 Nigeria's INEC, in collaboration with the United Nations Development Programme (UNDP), organised training on the conduct of congresses and primary elections for selected national political party officials, and cascade training workshops on tracking and reporting political finance for INEC staff. These events indicate the long-running concern associated with political finance, and the consequences of unregulated income and expenditure by political parties and candidates in Nigeria. Despite discussions in domestic and international circles, neither domestic nor international pressure has led to reforms or to reining in the worst influences money has had on Nigeria's politics.

The meetings listed above have produced three main recommendations on the funding of political party activities: government funding of political parties which, as analysed in this paper, is still ongoing in Nigeria, albeit without any officially recognised regulation; funding by corporate bodies; and funding by individual members and supporters.

Government Funding

Because political parties are involved in training and educating the electorate, they can be regarded as partners with the government and accordingly need government's financial support. In addition, because of their potential to manage state affairs and assist in the construction of firm and viable structures,

this financial support indirectly contributes to public good – the very essence of governance. According to Onuoha (2002, p. 139), this will also contribute immensely ‘towards the autonomy of the political parties, particularly under severe economic crisis’, when ‘moneybags’ would otherwise hijack and privatise these parties through their financial contributions, ‘and end up dictating what would go on in the parties’.

For proponents of state funding for political parties, this need not be restricted to election periods only and could involve material and financial support – for example, building and maintaining party offices, and helping to purchase vehicles and communication equipment to enhance the capacity and functionality of political parties. It could also be by way of access to government-owned media and other public services at subsidised or no rates at all. Against the argument that state funding could be an opportunity for charlatans wanting to have a share of the ‘national cake’, the proponents asserted that this can be discouraged by using electoral performance as the basis of allocating funds and other forms of support to political parties. A minimum period of existence could be required to qualify for support from the government; and examining the books and accounts of political parties, as provided for by INEC in the electoral laws, would be easier if government were actively involved in party financing.

Evidence from countries where state funding of political parties has been practiced, including Uruguay, Mexico, Brazil, Argentina and in particular, Nigeria, indicates that this support is often insignificant in comparison to the financial needs of many political parties. Therefore, it may not be the only factor for unfettered access to the books and accounts of the parties by INEC. This aside, government funding of political parties has been criticised for its potential threat to the political process. For example, it could lead to state control, in terms of which the government of the day would control the internal workings of political parties. This threatens the much-needed opposition and independence of political parties, especially in a country such as Nigeria where money politics is becoming a norm.

The Nigerian government’s establishment of two political parties during the 1985–1993 transition programme, the National Republican Convention (NRC) and Social Democratic Party (SDP), was met with criticism. In a well-documented study by Diamond, Kirk-Greene and Oyediran (1997), this unusual idea of helping to establish a political party from outside was not only criticised for the utopian agenda of members being ‘equal founder, joiner and owner’ but also for other inadequacies. For example, Adetula (2008, p. xxviii) observed that during this same dispensation rich and daring ‘political entrepreneurs’ spent over ‘one billion naira during the primaries’ while other not-so-rich contenders had about ‘120 million naira as a budget for primaries’. This contravened regulations on spending limits at the time and also indicated that government ownership and funding of political

parties did not effectively address the dangers associated with money politics in Nigeria. Londono and Zovatto (2014, pp. 129–171) have also drawn examples of the adverse effects of direct public funding of political parties from Latin America and, in particular, Uruguay, where this has been evident since 1928.

Corporate Funding

Arguments in support of funding by corporate bodies and business owners are also well documented (Accra Report 1995; Adetula 2008, pp. xxvii–xxxiv; Falguera & Ohman 2014). A common denominator in these arguments is that corporate bodies, industrial organisations and business have roles to play in the economic growth and political stability of their host communities. They have much to benefit from an environment that is peaceful and stable, and pursue this indirectly through their assistance to political parties. Examples in Nigeria include the activities of the African Continental Bank (ACB) and Corporate Nigeria in the First and Fourth Republics respectively. Both these⁶ and others have been criticised, and the ACB and NCNC in the First Republic, were punished. Funding by businesses and industrial organisations, especially multinationals that can unduly interfere in a country's political process, has been cautioned against because of its potential consequences. In view of possible conflicts of interests, the Companies and Allied Matters Act (CAMA) prohibits corporate bodies from meddling in politics in Nigeria. The clause on the objectives of a company states that violators risk proscription. However, observations have been raised on the contradictions in Section 308 of CAMA 1990 prohibiting corporate bodies from making political donations, against the position that there is no law restricting political donations by private individuals even when they hold sensitive company positions. Proponents have suggested the establishment of a central fund to which corporate bodies can make donations for equitable sharing among all political parties. Furthermore, it has been suggested that a board of trustees be established for the management of such funds, with membership from across party lines. Technical assistance to Nigeria from international organisations includes the United Nations Development Programme (UNDP), IFES, Friedrich Ebert Foundation and DfID. German party foundations, the International Republican Institute (IRI) and International Institute for Democracy and Electoral Assistance (IDEA) also exemplify such institutional cooperation and international support for democratic growth.

6 See report of the 1956 Foster Sutton Tribunal of Enquiry on the activities of ACB and NCNC, while several studies have been carried out in which the alliance between corporate Nigeria and PDP in 2003, has been criticised.

Individual Contributions

Individual contributions by members, stalwarts and admirers have been prominent in international discourse on political finance. Purchase of registration forms, payment of registration fees, party dues, levies and special donations are important sources of individual contributions in democracies. They were popular in Nigeria's First and Second Republics but started losing their prominence with the establishment of political parties in the country's Third Republic and ongoing Fourth Republic. In addition to contributions through membership registers, especially in the First Republic, individual members and supporters also made in-kind contributions. These include donation or hiring of buses, motorbikes and out-boat engines in coastal and riverine areas for transporting members and supporters; provision of office space or accommodation for the party secretariat, or assistance in defraying rent; procurement or help in hiring communication equipment, public address systems (PAs), and payment for media announcements and advertisements; and bearing of the cost of organising a campaign, rally or political meeting (Onuoha 2002, pp. 139–161).

Other important issues regarding individual donors and party funding include the extensive power of small donations, especially with a large number of small donors, as in the cases of Barack Obama and Bernie Sanders in the USA (see www.washingtonpost.com; www.politico.com); the thresholds for individual donations and individual spending limits; and discussion as to whether there could be taxation mechanisms for political parties involved in profit-making businesses. There is also the issue of the sum generated from registration fees, party dues and levies from members, especially in Nigeria and other less developed countries (LDCs). Thresholds for individual donations and taxation mechanisms for political parties warrant further analyses.

Legal Position

Sections 88-93 of Nigeria's 2010 Electoral Act (as amended) address sundry issues on political finance, including spending limits, donations, disclosure by political parties, powers of INEC to check the accounts of parties, and penalties/fines for violations or non-compliance. The spending limit for a presidential candidate, currently the highest level of office-seeking in Nigeria, is ₦1 billion (about \$3 million at 2019 exchange rate), while the lowest office seeker, the local government (LG) councillor's limit is ₦1 million (about \$3 000 at 2019 exchange rate) (see Table 1 below).

Regarding the limit of individual donations, Section 91(a) of the Electoral Act provides that no individual or any other entity shall donate more than ₦1 million to any candidate. This is to discourage money politics, and prevent the hijacking

of political parties and of the political system by few wealthy individuals. This is done with greater trepidation in countries notorious for drugs and other illicit businesses because of the dangers associated with money laundering and infiltrations of the system by drug merchants. According to Londono and Zovatto (2014, p.139) writing on political finance in Latin America, donors of dirty or illicit money can develop a 'creditor relationship with their recipients', and 'the party or candidate becomes owned in a sense'.

Indeed, in a survey on the transition countries of Central and Eastern Europe, the World Bank quoted 'illegal political finance' as one of the six dimensions of the state capture phenomenon⁷ (World Bank 2000). State capture also describes how legislators and policymakers, in general, can be bribed not to make laws and regulations in the interest of the majority of the citizens. Regarding taxation mechanisms for political parties involved in profit-yielding businesses, political parties should declare their profits for tax purposes in line with other profit-making organisations.

POLITICAL FINANCE REGULATIONS

International Experience

Democratic systems from the more developed countries in North America and Western Europe to the less developed in Latin America, Asia and Africa, have to regulate the flow of money in politics. Unregulated use of money in politics presents several problems to modern liberal democracy. For example, it makes fair competition among and between candidates and parties difficult. According to Ewing (cited in Walecki 2008, p. 7), political competition in an unregulated arrangement is like 'inviting two people to participate in a race, with one participant turning up with a bicycle and the other with a sports car'. To prevent this and other problems associated with money politics, many measures concerning political finance can be broadly categorised as restrictions, subventions and sanctions. Most democracies restrict by banning some sources of private donations or by setting contribution limits. Restriction is aimed at preventing parties and candidates from obligating themselves to private interests, subventions consist of support from the government and donor agencies, while sanctions are deterrents.

A handful of countries – Argentina, Bolivia, Ecuador, Guatemala, Peru and Uruguay – limit contributions to political parties during non-campaign

⁷ Based on Freedom House methodology, countries whose combined averages for democratisation fall between 1.0 and 3.25 are designated 'consolidated democracies'; between 3.31 and 5.56 'transitional governments'.

periods as a measure to restrict money politics (see Londono & Zovatto 2014). These limits, like others including direct public funding in Uruguay, Costa Rica, Argentina Nicaragua and Mexico, seek to prevent undue influence by certain donors and to ensure a more egalitarian participation in political life. In parts of central and eastern Europe, where oligarchs have formed client circles and established their own political parties, there have been measures concerning the taxation of business-oriented political parties. For example, in Ukraine in 2001, political parties such as the Social Democratic Party (United), Party Democratic Union, Party Labour Ukraine, Party of the Regions (PR), Ukraine's Green Party and Batkivshchyna had a clear majority in the Ukrainian parliament, in addition to their control of major businesses in the country. These, according to Walecki (2008, p. 4), included the 'control of most of national media, including major TV channels and the national newspapers' by these parties⁸.

In the last 20 years Nigeria has had very few instances of appropriate sanctions for violators of political finance regulations. However, international examples of the consequences suffered by violators of political finance regulations and related offences include:

- Former President of Brazil, Lula da Silva who, despite his acknowledged stellar performance in office, was ordered to serve a 12-year sentence in April 2018.
- Park Guen-Hye was impeached as South Korean president, tried and sentenced to 24 years of imprisonment in March 2018.
- Otto Perez, who succeeded Alfonso as president of Guatemala, was detained in 2015 and stood trial in 2018.
- Ollanta Humala, former president of Peru, entered prison in 2017 for 18 months and was subsequently charged to court.
- Ehud Olmert, former Israeli prime minister, served a 27-month prison term in 2016.
- Vlad Filat, former prime minister of Moldova, was arrested in parliament and jailed for nine years in 2015.
- Jose Socrates, former Portuguese prime minister, served a prison term in 2014.

Other relevant examples include:

- The prosecution of Michael Cohen in the USA, in connection with several felony charges and other abuses regarding President

8 Walecki is recognised for his works in the areas of anti-corruption, political finance and party assistance in about 40 countries as well as his association with the Transparency International (TI) school on integrity.

Donald Trump's campaign finance (www.apnews.com; www.washingtonpost.com).

- The replacement of Germany's defence minister Rudolf Scharping, in 2002, after national magazine *Stern* reported that the minister took DM 140 000 from Mortiz Hunzinger, a PR consultant with links to the arms industry.
- Kimitaka Kuze, head of Japanese Financial Reconstruction Commission, was forced to step down in July 2000 following revelations that he received nearly \$2.1 million from Mitsubishi Trust and Banking Corporation between 1989 and 1994.
- The Fujimori-Montesinos case in Peru: in mid-September 2000, a videotape showed Vladimiro Montesinos, the Head of Peru's National Intelligence Service, apparently engaging in vote-buying by handing some \$15 000 to opposition congressman, Luis Alberto Kuri, to switch sides and give government a majority in the parliament (Walecki 2008, p. 1).

Nonetheless, there are still observable problems confronting attempts to control political finance around the world. For example, most newly established democracies, including Nigeria, are slow to promote the specialisation of police, judiciary and other enforcement bodies in the fight against illegal funding of political parties and political activities in general. In the particular case of Nigeria, these problems stem not necessarily from lack of regulation but from the inability to enforce those regulations. However, this should not gloss over the problems associated with poorly conceptualised regulations, ambiguities and contradictions. Other problems include lack of transparent and reliable information leading to estimations instead of exact data. There is also a lack of effective monitoring, tracking and reporting by INEC and other agencies saddled with these responsibilities, as detailed below.

Nigerian Experience

In Nigeria, provisions in the 1999 Constitution and the Electoral Act, as well as in the CAMA and others, address political finance from the viewpoint of restrictions, subventions and sanctions. Some of these are captured in Table 1 below, while others were cited previously.

Table 1: Restrictions and sanctions on spending limits for candidates

S/No	Position	Spending Limit	Sanction
1.	Presidential candidate	₦1 billion (approx. \$3.18 million)	Fine of ₦1 million (approx. \$2 747 or 12 month's imprisonment or both)
2.	Governorship candidate	₦200 million (approx. \$636 700)	Fine of ₦800 000 (approx. \$2 197 or 9 month's imprisonment or both)
3.	Senatorial candidate	₦40 million (approx. \$127 300)	Fine of ₦600 000 (approx. \$1 647 or 6 month's imprisonment or both)
4.	Member, House of Representatives (MHR)	₦20 million (approx. \$63 700)	Fine of ₦500 000 (approx. \$1 373 or 5 month's imprisonment or both)
5.	Member, State Assembly	₦10 million (approx. \$31 800)	Fine of ₦300 000 (approx. \$824 or 3 month's imprisonment or both)
6.	LG chairmanship candidate	₦10 million (approx. \$31 800)	Fine of ₦300 000 (approx. \$824 or 3 month's imprisonment or both)
7.	LG councillorship	₦1 million (approx. \$3 180)	Fine of ₦100 000 (approx. \$274 or 1 month's imprisonment or both)

Source: 2010 Electoral Act (as amended); US dollar conversion based on the rate of ₦360: \$1 in 2019

Government subventions to political parties in Nigeria were popularised with the government-established NRC and SDP, a practice sustained in the early part of the Fourth Republic. For example, Section 228(c) of the 1999 Constitution (as amended) empowers the National Assembly to provide annual grants to INEC for disbursement to political parties. A budget of ₦600 million was approved in the April 2003 elections, from which the registered 30 political parties each received ₦6 million. This complied with Section 80(2)(a) of the Electoral Act 2002, which allowed 30% of the grant for any election year to be shared among political parties. In accordance with Section 80(2)(b) of the Act, INEC disbursed the balance of ₦420 million to seven political parties in terms of the parliamentary or executive seats they had won. These included: the Alliance for Democracy (AD), All Nigeria Peoples Party (ANPP), Peoples Democratic Party (PDP), All Progressives Grand Alliance (APGA), National Democratic Party (NDP), Peoples Redemption Party (PRP) and United Nigeria Peoples Party (UNPP).

The grants barely prevented corruption and corruptive tendencies in the activities of most political parties; for example, it did not significantly improve

the conduct and outcomes of their primary elections. The report of the Transition Monitoring Group (TMG) on the January 2003 conduct of the PDP, ANPP, UNPP and NDP primaries (cited in Adetula 2008, pp. xix–xx), pointed to abuses such as bribing delegates, while Sarah Jibril, presidential candidate of the Progressive Action Congress (PAC), petitioned the leadership of her party over alleged misappropriation of the grants from INEC. Detailed analyses on this, and in particular the failure of political parties to comply with accounting procedures on the grants, are in the next section.

The Electoral Act 2010 (as amended) was silent on the issue of grants, and political parties as well as other interest groups such as the Inter-Party Advisory Council (IPAC) have advocated for its sustenance. The debate is ongoing, but factors to consider include the rising number of political parties, which reached 91 in 2019; the viability and effective presence of less than a dozen of these parties; and the dwindling financial resources of government amidst competing responsibilities, all of which require financial backing. However, political parties in control of various levels of governmental powers can still access support from the government, albeit informally and without any officially recognised regulation. For example, the PDP and APC have controlled the federal government, with APGA control of state governments, and are more visible than the other parties not in control of any government.

POLITICAL FINANCE REGULATION IN NIGERIA

There was no definite political finance regulation in Nigeria's First Republic, 1960–1966, and the investigation and prosecution of leaders of the then AG and NCNC, discussed earlier in this paper, fuelled insinuations of a witch-hunt. The 1979 Constitution, which operated in the Second Republic from 1979 to 1983, came with provisions concerning political finance. However, the limit of funds political parties and candidates could receive from individuals and corporate bodies was not specified. This was a loophole which parties, candidates and supporters abused by providing grants and monetary support of all types.

Political finance regulation has been defined and redefined since the commencement of the Fourth Republic, such that the country's Electoral Act 2002 was amended in 2006 and 2010. Aspects of these regulations concerning spending limits and punishment for infringement are indicated in Tables 1 and 2. Remaining loopholes include Section 91(9) of the Electoral Act, that 'no individual or other entity shall donate more than ₦1 million to any candidate'; but, in contradiction, Section 93(2)(b) gives political parties leverage to receive unlimited amounts above the threshold, while requiring the party to record and keep the name and address of any person or entity that contributes any money or asset exceeding ₦1 million.

Donors have taken advantage of this provision to contribute funds in billions on behalf of several unnamed friends. Examples include those General TY Danjuma referred to in an interview in which he admitted helping President Obasanjo 'to raise \$7 million for his first term election', from Danjuma's unnamed business associates (cited in Adetula 2008, p. xxviii). Similarly, unnamed friends also played a substantial role during the 2014 re-election bid of President Goodluck Jonathan, in which, according to the *Vanguard* newspaper (2014, p. 21), 'about ₦21 billion was recorded in donations'. The All Progressives Congress (APC) attempted to involve ordinary Nigerians in raising funds for its presidential candidate in the 2015 elections through different platforms. These included donations via dedicated bank accounts; electronic donations through computer-based platforms and text messages to dedicated numbers; purchase of the party ringtone 'for which ₦100 was deducted per time'; and the use of scratch cards through which supporters could donate between ₦100 and ₦1 500 each'. The 'APC planned to raise ₦10 billion' (Olorunmola 2017, p. 12) through these direct donations, but this claim has not been publicly verified.

Other instances contravened Section 221 of the Constitution which prohibited any association from canvassing for votes for any candidate or contributing to the funds and election expenses of political parties. Corporate Nigeria and Transformation Ambassadors of Nigeria (TAN) campaigned openly in 2003 and 2015 for the re-election of presidents Obasanjo and Jonathan respectively. For example, in its 'mediatisation of the campaigns' of President Jonathan, TAN strategically positioned 'expensive billboards' in every state capital and the Federal Capital Territory (FCT) in addition to the paid adverts 'it sponsored in newspapers' and the prime radio and television time that it bought (Olorunmola 2017, pp. 11). This is apart from the donation of ₦100 million announced by TAN in 2014. The organisation practically ran a parallel presidential campaign for Jonathan in 2015. Yet, there was no evidence that INEC raised the red flag or demanded appropriate sanctions. This aside, there have been allegations of the abuse of state resources such as official vehicles, helicopter and aeroplanes by incumbents when attending party campaigns and rallies. While INEC can be blamed for the lack of enforcement, this responsibility also lies with security agencies and civil society. It is INEC's responsibility to register political parties and monitor their activities, including finances, primaries and campaigns, apart from the Commission's major task of conducting general elections. Each requires skill and expertise. The task of tracking and reporting political finance is newer than many others for INEC, and thus has particular challenges.

Section 84(3) of the Electoral Act requires political parties to submit returns to INEC within three months after polling day. These are to be forwarded to the National Assembly by the Commission. Parties have severally breached

this provision by delaying, not submitting at all or not making full disclosure because of indifference or fraud, as was the case in 2003. According to Dr IJ Igbani (cited in Adetula 2008, pp. xx-xxi), the former INEC National Commissioner and Chairman of the Commission's Political Party Monitoring Committee (PPMC), certain shortcomings were observed in the submissions by many political parties during the 2003 audit of their accounts. These include:

- Unaccounted political party expenditures;
- Unconfirmed and unidentified sources of funds;
- Poor financial record keeping.

A breakdown of the report shows that the People's Democratic Party (PDP) and the All Nigeria People's Party (ANPP) had no proper accounting records, while the Alliance for Democracy (AD) had no records. For the ANPP, one of the three parties that started at the commencement of the Fourth Republic, there was no budget, while seventeen of the political parties had no record of accounting at all. Twenty years into the Fourth Republic, political parties still blatantly breach political finance regulations, especially the timely submission of audited returns, disclosure and spending limits during elections. For example, only four out of the 91 parties – the Action Democratic Party (ADP), Liberation Movement (LM), All Grassroots Alliance (AGA) and Yes Party (YP), complied by submitting before the deadline of three months after the last polling day in the 2019 general elections. Despite controlling a significant number of parliamentary and governorship seats, and in the case of APC the presidency, neither APGA, the PDP nor APC complied (www.inec.gov.ng; www.thisday.com).

Insufficient information is at the heart of the lack of effective tracking and reporting of political finance in Nigeria. A major factor, besides non-compliance by political parties, is the prohibitive cost of political finance monitoring and reporting. For example, tracking mechanisms may not be cost effective when personnel have to be deployed to campaign rallies and other party activities, while at the same time tracking radio and television for party campaigns. In the absence of full disclosure from political parties, volunteers and whistleblowers could provide useful information as is the case in developed democratic systems. However, volunteerism as a component of political culture is rapidly being replaced by the money culture in Nigeria. Today, politics in the country is largely about money with vote trading and rent-a-crowds at rallies (Yagboyaju & Simbine 2019; Olorunmola 2017). Nigeria's anti-corruption whistleblower policy of 2016 is still too new to have a significant impact on the monitoring and reporting of political finance. Even with the Freedom of Information (FoI) and Bank Verification Number (BVN), both targeted at improving transparency and accountability in

government and public affairs, not much has been achieved in terms of knowing exactly how expensive politics is in today's Nigeria and determining the degree of illegal funding.

DATA ANALYSIS OF NIGERIA'S 2019 ELECTIONS

Data in the INEC document content-analysed below are based, in most instances, on estimation, which implies that there could be elements of over- or underestimation. As the data is on the 2019 general elections, it must be reiterated that the ADP, LM, AGA and YP submitted audited returns, which are not included in the document. As a result, none of the compliant parties has been questioned with regard to spending limits and other aspects of the country's political finance regulations.

The report covers the 36 States and the Federal Capital Territory (FCT). The two focus areas in the following analyses are challenges/limitations and infringements. The observed limitations are drawn from the list of similar challenges and complaints from across the country, and include poor record keeping by political parties; failure to disclose the amount allocated to canvassers and mobilisers in charge of campaigns, rallies and election-day duties; inaccessibility of difficult terrains such as the creeks in the Niger Delta region, some rural local government areas and, in Borno State, towns and villages susceptible to attacks by insurgents; and difficulties encountered by the monitors for night rallies. Political violence and inadequate funding also appeared as major constraints in the reports from many states.

The main complaints of inadequacy and delay are not new in Nigeria but were more problematic in 2019. For example, the gridlock in the National Assembly over the passage of the Electoral Act Amendment Bill 2018 was due to 'disagreement over the mandatory use of the Smart Card Readers and the electronic transmission of election results', and the sharp increase in the cost of the elections. The contributory factors to the increase in the projected cost of ₦189.2 billion (US\$526m) for the 2019 elections, compared to the ₦122.8 billion (US\$341m) cost of the 2015 exercise, have been made in a PowerPoint presentation *mimeo* (Kuna, 2017). The projected increase amounted to ₦66.3 billion or approximately 60%. INEC's budget was approved by the National Assembly in October 2018, less than four months before the February commencement date of the 2019 elections. In Nigeria, it usually takes time between budget approval, release and implementation, which must be factored into this analysis. This delay partly accounted for the complaints by INEC monitors on the late commencement of their duties, while insufficient funding is the most obvious reason for the Commission's decision to track and report the finances of only three parties,

including the party in power, the main opposition and another party, in each of the states, the FCT and at presidential level. Thus, only the PDP appeared in the reports from all the states, except where the governorship election had been held previously. Apart from states where governorship elections were not held in 2019, the APC could not present candidates in Rivers State for the governorship and parliamentary elections because of the internal crisis there. However, there were reports on the finances of both parties for the presidential race in all the 36 states and the FCT. The All Progressives Grand Alliance (APGA) featured in the reports from Abia, Anambra, Lagos and Rivers States. The Action Alliance (AA) and Allied People's Movement (APM) featured in Imo and Ogun States, while the Social Democratic Party (SDP) and Kowa Party appeared in only the report from Lagos State.

The election finances of seven political parties were included in the report, while only four parties submitted their audited returns accordingly. It is possible that without INEC's monitoring none of the seven parties in the Commission's report would comply with the constitutional requirements, meaning there would be information on the finances of only four of the 91 registered parties. This represents only 4% compliance, which on its own indicates poor performance and a violation of the regulation. The focus on other noticeable infringements centres on compliance with spending limits. As they are the most prominent parties in the report, the APC and PDP as well as their presidential candidates are selected for analysis, with additional references to several instances of spending above the limits by governorship candidates. The approximated amount traceable to the presidential campaigns of the APC and PDP is ₦4 600 047 886 and ₦2 865 066 886 respectively. This excludes Abia, Kaduna, Ogun, Ondo, Osun and Sokoto States where the report provided no information. In Oyo State, estimates of the presidential and governorship elections campaign finances were not differentiated in the report.

Figures for the APC and PDP as presented exceeded the spending limit for presidential campaigns almost four and two times or 360% and 186% respectively. There are also instances of spending above limits by some of the governorship candidates in the report. These include APC's candidates in Akwa Ibom, Delta, Kebbi, Kwara, Niger and Lagos States, while the PDP candidates flouted this same regulation in Akwa Ibom, Delta and Rivers States. Of these, the cases of Delta and Rivers need to be isolated for the APC and PDP respectively. This is because the campaign funds traced to each of these candidates is about ₦1 billion, the approved amount for a presidential candidate's campaign, which is about four times or 400% higher than the limit for a governorship candidate. The highest among the others in this group, the APC candidate in Lagos State, is about 50% of that of his counterparts in the APC and PDP in Delta and Rivers States respectively.

In comparison, there is a drop in the cost of some aspects of elections campaigns from 2015 to 2019. In Table 2 below, 2015 media expenses for PDP and APC are compared to the entire 2019 presidential campaign of the two parties.

Table 2: Comparison of PDP and APC 2015 media expenses and the 2019 presidential campaigns of the two parties

Description of Expenses	PDP (Jonathan/Atiku)	APC (Buhari)
Media Expenses (2015)	₦8 789 685 296.00 (Jonathan)	₦2 915 846 737.00
Presidential Campaigns (2019)	₦2 865 066 886.00 (Atiku)	₦4 600 047 886.00

Sources: Centre for Social Justice (2015) and INEC Office (2019)

The table shows that in 2015 the PDP and APC expenses on media alone (electronic, print and billboards) were eight and three times respectively the amount legally allowed for running the entire presidential campaign for each of the parties. Media coverage of campaigns has been prominent in Nigeria's 20-year old Fourth Republic because of the country's low level of literacy. Media is among the visible drivers of the high cost of politics that INEC and others can estimate. Other factors open to scrutiny include the cost of parties' expression of interest and candidate nomination forms (see Table 3 below).

Table 3: Cost of Parties Expression of Interest and Candidate Nomination Form (2015 & 2019 Elections)

Party	Office in View	2015	2019
APC	Presidency	₦27.5m	₦45m
	Governorship	₦5.5m	₦22.5m
	Senate	₦3.3m	₦7m
	House of Reprs.	₦2.2m	₦3.85m
	State Assembly	₦.55m	₦.85m
PDP	Presidency	₦22m	₦12m
	Governorship	₦5.5m	₦6m
	Senate	₦4.5m	₦3.5m
	House of Reprs.	₦2.4m	₦1.5m
	State Assembly	₦1.2m	₦.6m

Sources: www.thenationonline.net; www.premiumtimesng.com; www.legit.ng

As indicated in Table 3 (above), with the exception of the total cost for PDP's governorship ticket (which rose from ₦5.5m in 2015 to ₦6m in 2019, representing about 9% increase) fees for the other offices were reduced from about 22% to 50%. However, before the end of 2019, and especially during the governorship elections in Kogi and Bayelsa States, fees for expression of interest, nomination form and commitment to the party for PDP governorship aspirants increased from ₦6m to ₦24m, representing a 300% increase. For the APC, fees for all the offices increased before the 2019 general elections by between 70% to 300%. These fees add to the high cost of politics in Nigeria.

Hidden drivers include sums for mobilisation and crowd renting at rallies, as discussed above, and undisclosed gifts such as those given to traditional rulers, community heads and chiefs, leading political figures, and associations for women, youth, and community. These are normal customary practices in Nigeria and in many traditional African settings, but can be abused along the lines of political patronage, electoral clientelism and other forms of abuse (Yagboyaju 2015; Omobowale & Olutayo 2007; Khan 2005). In Nigeria, examples can be found in the country's political dispensations since the First Republic. These include the large dollar sums linked to President Jonathan in 2015⁹. Shortly before the 2019 presidential election Nigeria's anti-graft agency (EFCC) received petitions about a video of two bullet-proof money trucks allegedly found in the Lagos home of a prominent politician (*The Punch* 2019), which has yet to be investigated by the appropriate authorities.

CONCLUSION

INEC as Electoral Umpire

The strategic position of INEC, as the electoral umpire, makes it a potential victim of capture by the political class. INEC is recognised as an independent body, but is also recognised in Section 153(1) of the 1999 Constitution (as amended) as a federal executive body. The implication is that the executive is empowered to direct the affairs of the Commission by appointing its Chairman and the Resident Electoral Commissioners (RECs) and disbursing funds to it. This does not guarantee the administrative and financial autonomy of the election management body. The role of security agencies¹⁰, which was initially limited to the police for

9 There was a wide reportage of dollar sharing among traditional rulers by President Jonathan shortly before the 2015 presidential elections. See www.informationng.com – our subjects demanding their share of Jonathan dollar rain; www.theparadigmng.com – Dollar rain on Yoruba Obas, courtesy of President Jonathan; www.confirngist.com.ng – Count us out of Jonathan's dollar rain – Lagos Igbos (all accessed on 05 November 2019 @ 16.42hrs).

10 The Army, Navy, Air Force, Police, Department of State Security (DSS), Nigeria Security and Civil Defence Corps (NSCDC), Directorate of Military Intelligence (DMI), Nigeria Immigration Service (NIS), National Drug Law Enforcement Agency (NDLEA) and Office of the National Security Adviser (ONSA).

maintenance of law and order during the colonial era, has changed over time and can be manipulated for partisan interests. There have been reports of orderlies and security escorts of top government officials intimidating the electorate and even electoral officials on duty.

Reports of special commission and committees, including the 1983 Commission of Inquiry, led by Justice BO Babalakin and the 2008 Election Reform Committee (ERC) led by Justice ML Uwais (Awa 1997; Roberts 2010), have apportioned blame to election management bodies in the country. For example, the Federal Electoral Commission (FEDECO) was blamed in 1983 for 'its management lapses, especially its inability to resolve its own internal conflicts' (Babalakin Commission cited in Awa 1997, p. 127). Evidences of lapses and, in some instances, complicity by officials in the conduct of the 2007 general elections, which warranted the setting up of the ERC, can be found in Akande and Simbine (2008) and Roberts (2010). The use of high technology, the acceptance of defeat by the incumbent president, and broad commendations, especially from domestic and international observers, contributed to the high level of acceptability of the 2015 election outcomes. However, the postponement of three scheduled general elections between 2010 and 2019 – in 2011 and 2019 for logistical and operational reasons, and in 2015 for security reasons – casts doubts on the preparedness and capacity of INEC. The task of tracking and reporting political finance is even more demanding in view of its intricate process and relative newness.

One implication of the ineffectiveness of control mechanisms, particularly in tracking and reporting political finance, is the perennial problem of political corruption and scandals, which have been largely unpunished in Nigeria. Loss of confidence in the system and the marginalisation of women, youth and others who lack access to the type of financial resources demanded by politics in Nigeria, have dire consequences for the country.

Recommendations

Political finance regulations have improved significantly in Nigeria since the reintroduction of civil rule in 1999; however, the required political will and capacity for effective implementation are lacking. The laws are violated with negative consequences for democratic growth as politics takes transactional forms, while offenders are seldom punished. Public sector corruption and revenue diversion by political parties in government are issues of serious concern, just as most parties have scant regard for regulations on the disclosure of income and expenditure. The study analyses these and similar issues, emphasising the effect of political class and the state on the performance of INEC, security agencies and others directly connected to the duties of tracking, reporting and,

if necessary, investigating issues of political finance. The state and the capacity of its institutions, including INEC, are underdeveloped. They lack autonomy where their operations are entangled with the vested interests of the political class and bureaucrats.

Unrealistic aspects of regulations, including those with loopholes, need to be reviewed for more effective performance. Violations and perpetrators must be sanctioned appropriately in line with international best practices so as to prevent frequent reoccurrence. If INEC is unbundled as is being considered, the smaller units emerging from the Commission must be autonomous for efficiency and effectiveness. Whether the Commission is broken into smaller units or left in its current form, there must be greater inter-agency collaboration. In particular, the NBC, the Economic and Financial Crimes Commission (EFCC) and the police have critical roles to play in tracking and reporting political finance in Nigeria.

As is evident in the activities of certain CSOs analysed in the study, there is a growing capacity that should be harnessed for effective political finance management and democratic growth in Nigeria. Calls for collaborations with CSOs are part of the recommendations made in the INEC documents analysed in this study, but this requires special funding because such have not been considered in the budget approved for the Commission. Taking ownership of public policies by civil society is a critical part of democratic elements around the world. Civil society in Nigeria, therefore, has a role to play in popularising and deepening principles of democracy, including transparency and disclosure.

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VOTING WITH THE SHILLING

The 'Money Talks Factor' in Kenya's Public Policy and Electoral Democracy

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ABSTRACT

The influence of money in elections has become an important ingredient in determining electoral outcomes worldwide. The use of money in political activities has adversely affected the nature of public policy, governance, competition, the rule of law, transparency, equity and democracy. Although there are laws, policies and guidelines governing the use of money during elections, there is little political will to implement them. This paper examines how money, or the lack thereof, determines electoral outcomes in multi-party democracies with a focus on Kenya, employing both the hydraulic theory and the push-and-pull paradigm. The study found that in most cases, victory in elections follows those with money; in other cases, it is the potential for victory that attracts money from self-interested donors. The study calls on electoral bodies such as the Independent Electoral and Boundaries Commission to honour their mandate and demand compliance with set laws and regulations in a bid to entrench governance and create a level playing field for contestants.

Keywords: campaign financing; campaign spending; election money; electoral outcomes; Kenya; public policy

INTRODUCTION

The role of electoral campaign money in shaping public policy has become the new focus among policy analysts and political scientists. Elected officials usually avoid designing policies that respond to the needs of public since they are frequently under pressure to serve the interests of the donors to their election campaigns. Nobel prize winner Kenneth Arrow posited that economic inequality and the domination of powerful elites who influence the political system produce a

form of democracy that represents the few rather than the majority, and turns a democratic government into a sham (Arrow 1978).

The advent of multi-party democracy in many countries has resulted in a significant increase in the cost of elections, with an increasing number of political parties and elective positions. In Kenya, for example, there were only three elective positions prior to the 2010 constitution: president, member of parliament, and councillor. Since then, the number of elective positions has doubled: the president; members of parliament (Senate, National Assembly, and Woman Representative), governor and county assembly seats. In Kenya, it is commonplace for the media, analysts and academics to set election agendas around issues of voter mobilisation, opinion polls, and election preparedness; yet, little, if any attention is paid to how money is mis/used to determine electoral results.

Ulen (2003) argues that in recent years staggering amounts are spent by major parties in every election cycle. The amount of money spent in elections, and its sources, have been of concern for many. In the 2002 elections alone (and this figure has significantly increased since then), the Republicans in the United States had at their disposal about \$527.34 million to spend, while the Democrats had \$343.7 million. According to Lowenstein and Hasen (2001), many individuals and groups that fund political election campaigns do so not for ideological reasons but as a way of soliciting political favours. For instance, funding for electoral candidates by the Widget Manufacturers Association of America is given with an expectation that legislation and other business regulations would be in their favour. Eme and Anyadike (2014, p. 22) hold that in Kenya, as in Nigeria, political parties are not usually founded on ideology. These contributions are made with strings attached in the form of concessions to acquire power and reap its rewards through the award of government contracts, commonly known as tenderpreneurship. Yet, except in form of political rhetoric, little evidence exists which demonstrates the will to interrogate the source of such funding.

Even in the most developed democracies like the US, one of the major concerns for political parties and candidates running for elective office is the fear of influence of so-called 'dark money' in elections. This has threatened to destroy America's venerated democracy which has been exported the world over, and its potential threat is far from being assuaged. Lyles (2013, p. 285) states that the US governments' policy decisions are sympathetic towards American plutocracy, which includes its biggest presidential campaign donors. Research by Transparency International UK reported a popular perception that the richest segment of the population has the greatest power in society and is bound to grow more powerful than any government (Russell-Prywata 2018). Eme and Anyadike (2014, p. 22) also contend that elected officials in Kenya and Nigeria increasingly respond to their election campaign financiers in preference to the needs of their

constituents. Funding by large corporates and wealthy individuals dictates political decision making. Such is the nature of the assault on democracy; yet, except in the form of political rhetoric, little evidence exists that demonstrates the will to interrogate the source of such funding.

The threat of money to democracy is obvious, but we cannot do without money or its influence in society and on the political system. According to a Gallup survey of Americans' views on campaign financing, 57% of respondents felt that money contributed to candidates is akin to freedom of speech. However, a majority supported the enactment of rules and regulations governing campaign money. In addition, most supported a cap on contributions by individuals and corporations (Saad 2010).

Although academics and researchers have no verifiable evidence linking election spending and winning elections in the US (Stratmann 2005), it is worth exploring this hypothesis in the Kenyan context. In Kenya, it is commonplace for media, analysts and academics to set election agenda around issues of voter mobilisation, opinion polls, and election preparedness. However, little if any attention is paid to the role that money plays in influencing electoral outcomes. To some, elections are costing too much – to the distaste of either the public or the candidates themselves. For those unable to afford the initial fee to finance their election campaign, this entrenches the exclusion and disenfranchisement of those willing to compete for elective posts in the political process.

Fourirnaies (2018) analysed archival election data for the House of Commons in the UK and found that electoral costs shifted advantage to incumbents and those with more independent wealth. Most politicians form part of the moneyed elite and those who manage to get into office aspire to joining the club. Rossi (2010) studied the family histories of political elites in Buenos Aires and found that political power followed wealth. A study of political dynasties in the US Congress by Dal Bó, Dal Bó and Snyder (2009) found political power to be self-preserving. Relatives of long-serving members were more likely to join Congress in future, pointing to an unacknowledged rise of electoral nobility in contemporary times.

Arlen (2016) describes manipulation of the electoral system by the wealthy elite as a threat to constitutional democracy. Ancient Greek democracies like Athens, and early European democracies, had wealth qualifications as a requirement to run for office but these have since been abolished. Aristotle, notes Arlen, argues that wealth could be a measure but not a substitute for virtue. He further states that modern democracies may be under immediate threat of coups by the wealthy. The modern-day oligarch operates within the confines of the law, using their wealth to influence the distribution of resources, politics and public policy to their advantage. The unifying factor is the self-preservation of their class and wealth. Democracy in this way narrows down to rule by the rich few when it

should be, by definition, the rule by the many, the poor, and the free. Jean Jacques Rousseau (1762) in *The Social Contract* surmises the view of what Arlen terms the 'oligarchic threat' to democracy by stating:

Nothing is more dangerous than the influence of private interests in public affairs, and the abuse of laws by the government is a less evil than the corruption of the legislator, which is the inevitable sequel to a particular standpoint.

Factors linked to the rising cost of electoral campaigns in Kenya include the increased number of voters; lucrative salaries and allowances associated with these electoral posts; expanding demand for hand-outs from elected officials by the electorate; the expanding public sector; increased levels of competition; changing platforms and instruments of effective campaigning; the open field of multi-party democracy; and the opportunities electoral positions present in controlling huge public funds.

The first section of this paper introduces background, context and significance, while the second section demonstrates the applicability of the theoretical frameworks proposed, the hydraulic theory and the push-and-pull paradigm. Section three explores evidence of campaign fundraising and spending, followed by an exploration of the regulations of campaign financing in section four. Section five reviews the money spent on the media in a bid to influence electoral outcomes. Section six reviews the relationship between money, electoral politics and public policy, while section seven concludes this study.

THEORETICAL FRAMEWORK

This work employs two critical theories in understanding the role of money in determining electoral outcomes, politics and public policy. These are the hydraulic theory, and the push-and-pull paradigm. Proponents of the hydraulic theory, Young and Jansen (2011, p. 178) posit that 'money, like water, will continue to seep into the political system. Reforms can change the direction that the money takes, but money will eventually seep back into the system as political actors identify and exploit loopholes in the law'. This theory underscores the challenge of policies to regulate campaign financing. Issacharoff and Karlan (1999, p. 1705) use two scientific analogies: firstly, Einstein's first law of political thermodynamics, to demonstrate that the desire for political power cannot be terminated, but at most channeled into different forms; and secondly, Newton's translation of the third law of political motion to mean that every attempt to limit political players results in an equal reaction by those with power to cling onto it. Political money

will always find a way and is also part of a wider environment. They surmise that to understand political money, it has to be considered within the structure of the system. Yet, as Cross and Crysler (2011) opine, despite the efforts made to introduce campaign financing reforms and policies to contain money flows, money still finds its way back into the system as politicians exploit gaps within established laws.

Contrary to the hydraulic theory, Boatright (2011) proposed the push-and-pull paradigm, which asserts that money is 'pushed' into the system by partisan or ideologically charged individuals or groups, and that money is also 'pulled' into the system by rent-seeking politicians. Corporations, labour unions and other interest groups often push their money into political campaigns, while at other times, politicians pull their money into their campaigns.

Campaign Fundraising and Spending

It is common belief that money is an important ingredient in winning elections. In order to limit the influence of private money on politics and public policy, Fisher (2011) called for the state to play a more active role in funding political parties and candidates, as a move to level the playing fields among competing parties. In his work, *Money and Politics*, Ulen (2003) argues that the growing relationship between private money and electoral competitions has attracted considerable scrutiny. In Kenya, Ohman and Lintari (2015, p. 25) note that only about 10 per cent of the amount provided by law as state funding had been disbursed to political parties. Through the Centre for Multiparty Democracy Kenya (CMD-K) they found that only 3 of the 60 political parties registered as at 2013 received these funds. The total funds at 0.3 per cent of government revenue is, according to Ohman and Lintari, the highest in any African country taking into consideration purchasing power parity and size of population.

According to Terracino and Hamada (2014, pp. 5–8), public funding promotes the growth and performance of political parties and by extension the wider electorate's views and participation in a democracy. It minimises the uptake and influence of private money. Direct state funding of political parties could take three approaches: political parties may receive equal funding from the state; funding may be based on a party's past record; or a party may be reimbursed for some expenses based on its performance in the elections. Indirect financing takes the form of tax breaks and access to media.

Among the OECD countries, all but one provide public funds to political parties. During political campaigns, however, political parties lose financial discipline and their expenses exceed their incomes. Shapira (2019) is of the view that state funding should not be used for running costs and political campaign

debts. In 43% of OECD countries, expenditure of public funds to political parties is predetermined (Terracino & Hamada 2014, p. 9).

According to the Political Parties Act of 2011 in Kenya, this fund is expected to support parties in promoting their internal democracy and publicity, as follows:

- Promote the representation in both parliament and the county assemblies of women, persons with disabilities, youth, ethnic and other minorities, and marginalised communities;
- Promote active participation by individual citizens in political life;
- Cover the election expenses and policy broadcasts of the political party;
- Assist political party organisation of civic education in democracy and other electoral processes;
- Assist political party to influence the shaping of public opinion; and
- Cover the administrative and staff expenses of the political party.

Although such funding is available for political parties, smaller parties remain disadvantaged since allocation is computed proportionate to the votes garnered by each political party in the preceding general election. Since funding for a political party is pegged on its performance in a preceding general election, financial support for new parties formed before the next general election may not benefit from this form of financing. Also, independent candidates have not been considered under this Act, disadvantaging them from accessing public finance to advance their political agenda.

Kenya has also had to grapple with this question, culminating in the enactment of the Election Campaign Financing Act of 2013. This Act was drafted to provide for the regulation, management, expenditure, and accountability of election campaign monies. The Act views campaign financing as 'resources spent by a candidate or a political party during an election period for purposes of campaign'. According to the Act, such financing is to be solicited from three main sources:

1. Contributions received from any person, political party or any other lawful source;
2. Contributions from a lawful source, not being directly from a foreign government; and
3. Contributions from a Harambee (self-help campaign fundraising).

The Election Campaign Financing Act also envisages a set limit on contributions meant for the purposes of campaign financing. The IEBC is expected therefore to manage this process by prescribing the limits at least 12 months before the date of the general election, relating to: total contributions; contributions from a single source; paid-up media coverage; and any loan forming part of a contribution which an aspirant or a political party may receive during the expenditure period. Although the Commission has capped contributions from external sources at 20 per cent of the total aspirant's campaign fund, no clear measures have been proposed to disclose such sources for public scrutiny. While the Commission is required by the Act to make this information available on request, such a limited window is clouded by confidentiality requirements. As Ohman (2012, p. 39) found, most countries require financial reporting which is not conducted, despite it being the best method to ensure transparency. The reports include the identity of donors but very few countries have donation limits or sanctions for flouting the regulations.

On 8 August 2016, exactly one year before the 2017 general elections and in line with the law, the IEBC published a notice in the Kenya Gazette on the contribution limits that a political party may receive during the campaign expenditure period. Any political party was therefore limited to receiving a total contribution of KSh. 15 030 950 000.0 with the total contribution from a single source capped at KSh. 3 000 190 000.0 (20% of the total contribution, as per Section Election Campaign Financing Act, 2013). The Gazette notice demarcates the expenditure period to six months before the campaign period (8 February 2017 to 8 August 2017).

The Commission envisages that specified campaign finance funds be spent in two phases: (a) to fund the operations of the party primaries; and (b) to fund the expenses between the party primaries and the date of the general election. The Commission further authorises specific items or activities for which campaign spending may be incurred, as demonstrated in Table 1 below.

The Act has not only put a limit on the amount candidates may receive, but also how much a candidate or a political party may spend, depending on the following factors: geographical features, including urban centres; the type of election; the population in an electoral area; the number of party members in an electoral area; and the communication infrastructure in an electoral area. Despite the fact that the Act demands that candidates or political parties that spend beyond certain limits file a report with the Commission, there is scant if any evidence of this in the public domain. The Gazette Notice No. 6307 on limits to contributions and spending ahead of the general elections on 8 August stipulates that 'a person convicted of an offence under the Election Campaign Financing Act, 2013 for which no penalty is provided shall be liable to a fine not exceeding two million shillings or a term of imprisonment not exceeding five years or to both'.

Table 1: Schedule on nature of authorised items and activities and respective costs

	Party Primaries	Expenses after Party Primaries	
Item	Total Limit (KSh)	Total Limit (KSh)	Grand Total
Venues	450 000 000	9 400 000	
Publicity materials (information, education and communication)	700 000 000	700 000 000	
Advertising and Media	150 000 000	150 000 000	
Nomination (party primaries)	550 000 000	–	
Party Dispute Resolution	100 000 000	3 000 000	
Campaign personnel	30 000 000	435 000 000	
Campaign Agents	–	870 000 000	
Election Agents	–	880 000 000	
Transportation	13 050 000	130 500 000	
Administrative costs	45 000 000	100 000 000	
Communication	90 000 000	200 000 000	
Marketing (launches, research, advocacy, policy/manifesto crafting, branding etc.)	1 595 000 000	5 800 000 000	
Mobilization	90 000 000	200 000 000	
Security	145 000 000	725 000 000	
Accommodation	90 000 000	200 000 000	
Other justifiable expenses	80 000 000	500 000 000	
Total	4 128 050 000	10 902 902 000	15 030 950 000

Source: Government of Kenya, 2013

The Commission, through the Kenya Gazette (First Schedule) set a limit for the presidential campaign at a massive KSh. 5 247 588 207.74 to cover the 47 counties. With regard to county elections, varying limits have been established according to the size of the population and the geographical area of respective county jurisdictions. According to the Second Schedule, the contributions for respective county elective positions (Governor, Senator and County Woman Member of the

National Assembly) range between KSh. 432 877 539.96 for Nairobi at the high end and KSh.13 111 370.92 for Lamu County, at the low end.

The Third Schedule of the Gazette sets a limit on contributions for candidates vying for each of the 290 constituencies in Kenya. Limits for parliamentary positions are custom-made for each constituency, taking into consideration the size of their population and geographical expansion. The limits set by the commission range between KSh.33 402 771.08 for Mandera South to KSh. 141 037.00 for Nyando Constituency. Lastly, the Fourth Schedule of the Gazette Notice by the Commission also set a limit on contributions for candidates in elections in County Assembly Wards. In respect of population and geographical area, the limit for the position of the County Assembly Ward ranges from between KSh. 10 321 669.69 for Elwak South in Madera County to KSh. 68 884.07 for Fafi County Representative Ward in Garissa County.

Election laws and guidelines notwithstanding, the Auditor-General in his report (cited in Gaitho 2018) revealed that most political parties have weak internal controls while some have poor bookkeeping records without requisite details being prepared or available for verification. It is apparent that there was little if any political will to abide to election finance regulations.

In countries like the United States, presidential campaigns since the 19th century have relied largely on private contributions. By 2013, the monetary spending on US presidential campaigns had risen sharply. According to Levy, Hartwick, Munoz, and Gudge (2014), combined expenditure on presidential and congressional elections has more than tripled in just 15 years. At the same time, 'the U.S. corruption perception index recently increased, ranking worse than any other industrialized nations' (Kiely 2012).

In Kenya, the cost of the general elections has risen steeply, with an estimation of close to 130 million dollars (13 billion Kenya Shillings) spent on presidential campaigns ahead of the 2013 elections. Maina (2013) concurs with Mwaura and Mungai that much of this goes on travel, operations, events, and media adverts as well as merchandising (*see* Figure 1).

Drawing on aviation industry data on political parties, Maina (2013) notes that the 2013 presidential campaign expenditure listed the Jubilee coalition having six helicopters and four fixed wing planes; Coalition for Reforms and Democracy (CORD) had four helicopters and two fixed wing planes; Eagle coalition five helicopters and one fixed wing; and Amani coalition had one helicopter at their disposal. The hiring rate for helicopters is \$1 500–\$2 000 per hour, and fixed wings about \$1 700 per hour.

As Mwangi (2018) analysed, presidential campaign advertisement expenditure from 1 January 2017 to 4 August 2017 revealed the following: the Jubilee coalition spent KSh 312 141 620.00, National Super Alliance (NASA) coalition

KSh 155 153 840.00, Maendeleo Chap Chap party KSh 1 812 300.00, Party of National Unity (PNU) KSh 1 725 600.00, Orange Democratic Movement (ODM) party KSh 1 350 410.00, Liberal Democratic Party (LDP) KSh 73 000.00 and the National Agenda Party KSh 50 000.00. Maendeleo Chap Chap and PNU supported Jubilee coalition's presidential candidate Uhuru Kenyatta, whereas ODM was a coalition partner in the NASA coalition whose presidential candidate was Raila Odinga.

Comparing these figures to the Election Act limits set on advertisement expenditures reveals that the Jubilee coalition overspent. However, due to the confidentiality clause of the Act, the reporting on expenditure cannot be exhaustively interrogated. Kenya's presidential election results of 2013 had Jubilee's candidate garner 6 173 433 votes, CORD's 5 340 546, Amani's 483 981, and Eagle's 72 786 (IEBC, 2013). In the nullified 2017 presidential results, Jubilee had 8 203 290 to NASA's 6 762 224. Interrogating these figures vis-à-vis presidential election results brings into perspective the findings by Muna, Shulika and Mutula (2014) and Abdulwaheed, Adebeyi, and Bakare (2018) on the impact of money in electioneering. Issacharoff and Karlan (1999, p. 1709) contend that spending on mass media is the most effective form of influence, as the electorate is vulnerable to misinformation and disinformation, deliberate or otherwise.



Figure 1: Campaign Finance and Expenditure, 2012

(Source: Mwaura & Mungai, 2012)

In the 2016 US Presidential election, Hillary Clinton outspent Donald Trump's campaign by \$768 million to \$398 million. This in itself could not overcome Trump's dominance of media headlines. In the final analysis, Donald Trump's eccentricity earned him \$5.9 billion worth of free media, compared to Hillary Clinton's \$2.8 billion. There was a decline in campaign spending compared to the 2012 election but the value of the free media cannot be ignored. It was also found that most of the campaign financing was by a few top donors with a drop of 3.4% in the number of smaller contributions from individuals (Allison, Rojanasakul, Harris, & Sam 2016; Ingraham 2017; Sultan 2017). Dawood (2014, p. 15) cites Ensley (2009), La Raja and Wiltse (2011), and Johnson (2010) in asserting that extreme candidates raise more money from individual donors who are more aligned to their own social and political beliefs. This illustrates how the electoral process becomes increasingly partisan and elitist.

In many developing countries, policy measures have been introduced as an effort to cap campaign spending. Such attempts have been tried in other countries, such as the US and Canada (Young & Jansen 2011). Ohman (2012, p. 36) used data from the IDEA database and found that very few countries have instituted campaign spending limits on parties, with almost half setting limits to individual candidates' spending. The American Federal Election Campaign Act (FECA) of 1971 had capped election spending, setting a limit on how much could be spent by an aspirant, a private supporter, or any organisation working independently to support the aspirant (Brubaker 1998).

In Canada, attempts have been made to enact legislation to regulate the influence of money in politics. Speaking to the House of Commons, then Prime Minister Jean Chretien maintained that the bill would 'address the perception that money talks, that big companies and big unions have too much influence on politics ... and reduce cynicism about politics and politicians, a bill that is tough but fair' (Young & Jansen 2011). Findings by Fourinaies (2018) credit the levelling of the electoral competition playing field to campaign finance regulations.

The outcome of campaign spending remains an important research question, and responses to this question raise increased interest now that incumbency re-election has become the new order in many countries. Stratmann (2005) in an educated guess links incumbents with their ability to outspend their opponents, since on average more than 75% of their supporters fund their election campaigns. Since the advent of multi-party election in 1992 in Kenya, no incumbent president has yet lost a re-election.

Media, Money and Political Advertising

The media has a powerful and effective role in shaping public opinion. According to Nyanjom (2012) the political elite have invested in media houses not only

for commercial reasons but more importantly, and pragmatically, for political influence. Bornstein (1989) asserted that repeated exposure to a particular candidate's message makes the electorate more inclined to accept the message and accompanying symbols. During political campaigns, spending on media and advertisements takes up the largest percentage share of political campaign expenses (Mwangi 2018).

It can be inferred therefore that those without money and with less access to media are technically knocked out from participating in electoral competition. Potter (2012) surmises that exposure to the media influences the individual at many levels, in terms of logic, emotion, behaviour and even physiology. The most important role of the media in a democracy is that of informing the public and providing a platform to debate ideas. Media bias can be used to derail the democratic process as bias in reporting may influence the individual voter to support a particular position (Entman 2007).

Coxall, Robins, and Leach (2003) highlight media communication as an important aspect of politics, as radio and TV advertising and campaigning add to the value and cost of political campaigns. Increased professionalism in marketing strategies has dug deep into the coffers of candidates and political parties. Due to security concerns, particularly in urban environments, it is less likely that candidates and their supporters will provide access to strangers in door-to-door campaigning, which is increasingly seen as an archaic strategy. Therefore, in order to sell their ideas, political parties and candidates are forced to invest more in high-tech ads in a bid to seek public attention and approval.

The impact of mass media on politics has been the topic of much analysis. Aside from informing the electorate and facilitating democracy, it has been described as anti-democratic as it can be manipulated, particularly by those with money, and real issues of public concern can be trivialised. Politicians invest in media houses and media owners play 'kingmaker'. Beltrán and Hite (2019) describe how in Guatemala, the media is owned by a few individuals who wield great political and economic power. Some powerful media owners channeled over \$23 million to support Molina's re-election campaign in exchange for up to 69% of government television advertising between 2012 and 2015.

The amount of money available and spent in the media on political advertising is on the rise, owing to the general belief among political candidates and voters that money influences election outcomes. Political advertising in the media has been accelerated by campaign committees, political parties and individual candidates for different reasons. These include political tools to keep voters motivated, to provide more information to undecided voters, and to discredit and dissuade potential voters from their opponents, all with the endgame of winning elections (Simoes 2013).

In Brazil, for example, results from a study by Da Silveira and De Mello (2011) presented empirical evidence regarding Brazilian elections indicating that the effects of media campaign advertising were felt more strongly in underprivileged and less-educated communities where there was less knowledge about parties and candidates on the ballot. While interrogating the effect of the image-based assessment of US Senate and gubernatorial candidates and election performance, Lenz and Lawson (2011) found that attractive-looking politicians benefit significantly from TV exposure, particularly among voters in localities with less education. The fact that money spent on media political campaign advertising is on the rise, as in Kenya and the U.S., does not translate to proof that this kind of investment has any significant impact. Nonetheless, academics and researchers are yet to decide on whether media political campaign advertising has any effect on election results.

Corruption and Election Funding

Corruption has been cited as a key element in undermining electoral democracy. According to Eme and Anyadike (2014, p. 23) demand for huge amounts of cash to be used in election campaigns is a pointer towards potential grand corruption. In their comparative study of political financing in Kenya and Nigeria (ibid.), results indicated that large companies and single donors to parties and individual candidates dominate political decisions, making it harder for small companies and groups to access social, political and economic networks and resources.

Eme and Anyadike (2014, p. 23) further noted that nearly all key financial scandals in recent years have been linked to political campaign and financing. In Kenya, for example, proceeds of the Goldenberg scandal (in which billions were lost in a well-choreographed scheme that implicated top officials in Moi's government) financed the Kenya African National Union's (KANU) elections of the 1990s. Another grand scandal – the Anglo-Leasing affair – was designed and executed to finance the 2007 elections for the National Rainbow Coalition (Mwangi 2008).

In describing the prevalence of vote-buying in developing democracies, Fredric and Andreas (2005) averred that political candidates buy and the electorate sell their votes as products in the market. These entrepreneurial activities are regarded as a contractual relationship whereby individual voters are bound to cast their votes for a political party or candidates on election day. Monetary politics is cited as a dominant factor in vote-buying, bribery and intimidation and has been central to the violation of electoral justice in Kenya.

According to Abdulwaheed et al. (2018), vote-buying and the prevalence of money in the management of electoral politics in African democracies do not happen in a vacuum, and are informed by their context. Key among these include:

- the inability or unwillingness of political parties to design clear manifestos for voters to base their choice on;
- pessimism expressed by voters that political candidates are corrupt and that nothing can be done to change the status quo;
- voters focus on individual popularity (cult of personality) instead of public issues and concerns;
- voters' obsession with the extravagant lifestyle of politicians; and
- the hankering by politicians to win elections at all cost and to defend their positions by all means (Davies 2006).

Another aspect linked with political corruption is the use of state resources during political campaigns, which often blurs the distinction between the governing party and state resources. Although there is distinction in law between the governing party and the state, the Commonwealth Observation Team (cited in Falguera, Jones & Ohman 2014, p. 18) highlighted that in Gambia, 'blurring of state and party lines was evident throughout the President's campaign'. In the 2007 Kenyan general elections, it is estimated that about 500 million Kenya shillings worth of state resources went to fund President Kibaki's re-election campaign (ibid.).

Parties in African countries like Kenya, Ghana, and Sierra Leone sell their nominations to candidates with the ability to pay to enhance their chances of nomination. Instead of parties creating a level playing field where candidates interested in being nominated by particular parties compete through nominations by party membership, candidates with the highest bids receive party nomination. As Falguera et al. (2014) posit, more money flows during party nominations than at any other time in the campaign period. In localities with strong party loyalties, being nominated by the popular party literally guarantees electoral victory. Thus, candidates are selected for their ability to raise funds, which disadvantages those with less access to funding.

Money, Electoral Politics and Public Policy

Those with access to money tend to shape the nature and character of politics and public policy in any given country. The relationship between the use of money during electoral campaigns and the nature and quality of public policy delivery has elicited an important interest. In their study, results by De Figueiredo and Edwards (2007) indicated that there was a significant link between the use of money in political campaigns and telecommunications regulatory policy outcomes. The strength of their findings was founded on conventional arguments: that campaign contributions had a bearing on the outcomes of public policy in critical sectors.

In tandem with the foregoing, De Figueiredo and Edwards (2007) posit that private contributions to electoral campaigns have shifted the common discourse from 'regulation for the public interest' to 'regulation for political interests'. Thus, private donors provide monetary support to parties and candidates with the expectation that winners will eventually use their political power to change or maintain key policies in their favour, and enact policies that might keep their competitors at bay. Baron (cited in De Figueiredo & Edwards 2007) comments that the only way private actors can influence public policies in their favour is through contributions to election campaigns. In the end, contributors to the electoral campaign must be in a relationship founded on mutual trust and loyalty with elected officials in order to receive specified favours as rewards for their contributions (Snyder 1992).

In such an environment, those with ideas but no money are forced to make extra efforts and be extremely persuasive in order to win elective positions. According to Bakari (2002, p. 271), politics in Kenya has been seen as an exclusive space for the rich. He asserts that:

He who had money controlled politics, and Moi used money, or access to money in the form of government contracts, high governmental positions that were virtually sinecure, and in the last decade, access to land. The months leading to the first multi-party elections in 1992 was the high point in the abuse of public land. Government land became KANU's new cash cow. It was a shortcut to instant wealth and a source of campaign cash.

The question of whether money determines election victory or has the potential to do so has merits, though it is still contestable. Inevitably, the candidate who spends more is most likely to win (Dawood 2014, p. 15). According to Bonica (2017) big donors in America have access to polling data and disburse their money to candidates based on ratings and popularity. Either way, money finds its way into the electoral and political process either before, during or after elections. Dawood (2014, p. 16) surmises that though money may impact the policy process, empirical data is difficult to obtain.

Other factors aside, it is evident that access to and use of money in developing democracies in Africa is the weakest link toward the realisation of ethical electoral governance and democracy. Muna et al. (2014) studied the impact money had on presidential election outcomes in Kenya (with a focus on the 1992 to 2013 presidential elections) and concluded that money, or lack thereof, was a major determining factor toward winning or losing an election.

As Abdulwaheed et al. (2018) argued, electoral outcomes, especially in African democracies, have frequently been influenced by the wealth of the

candidate(s) or their parties. Equally, he argued that this is not a new phenomenon in Africa, considering that rulers and contenders for public office have throughout history leveraged power through the wealth they own or control. The economic strength of a candidate's political base gives them an edge over rivals, competitors, and detractors. The modern political landscape is replete with political systems in which rulers and governing bodies across continents – monarchs, military dictators, elected heads of state, and legislators – rely on their economic and financial influence, whether ill-gotten or legitimately accumulated, to gain access to and/or maintain political power (Muna et al. 2014). In the end, this phenomenon provides the grounds for more causal research, but this study makes broad conclusions that money moving within the electoral system, whether pushed or pulled, eventually shapes emerging public policy decisions.

CONCLUSION

Developing democracies in Africa are grappling to regulate electoral campaign financing with varying degrees of success. Such measures have not always been effective as they are often curtailed by confidentiality clauses. Although political parties and politicians are expected to report money collected and used in their campaigns, no clear mechanisms have been put in place for media and public audit, and this renders it difficult to guarantee transparency and accountability. In most cases, measures to curb electoral financial fraud are not sufficiently punitive to act as a deterrent and encourage compliance. This study concludes that money has always found its way through the political system. The article also indicates how money has a corrupting effect on the electoral process. Candidates with the ability to mobilise more campaign finances are seen as buying their way to win elections, while those championing a transformative agenda are ignored. In order to transform electoral democracy and justice, this study calls for a comprehensive policy intervention in order to regulate the role of money in determining electoral outcomes. Despite influential political actors exploiting legal gaps, successful electoral reforms must focus on reducing the cost of campaign financing. In every election cycle, an independent body should continue to monitor and suggest ways to limit the use of money in wooing voters. And since money has often been cited as the root cause of bad governance, limiting the amount of money flowing, or being pushed into the system is the obvious remedy.

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GHANA'S 2016 ELECTIONS

An Overview of Selected Relevant Background Themes

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ABSTRACT

Seven successive elections have been held in Ghana since 1992, most recently in 2016 when the country made a fourth attempt to embrace constitutional rule. A burgeoning literature provides explanations for the outcome of the 2016 election, which saw the defeat of the erstwhile incumbent National Democratic Congress and a landslide victory for the New Patriotic Party. Yet, little attention has been given to the various undercurrents, events, and significant background dynamics prior to the elections on 7 December. This research therefore provides a partially analytical but largely descriptive presentation of selected relevant issues that contributed to the build-up to the 2016 elections. The study situates the discourse within the broader context of Ghana's democratisation, revealing how underlying phenomena possibly pose a threat to, and challenge the prospects of democratic consolidation. However, the conclusion indicates that the outcome of elections, which were deemed free and fair, should not be the only area of interest as the processes that lead to the elections are of great concern for a democracy. The work identifies several areas of concern, in particular Ghana's electoral management, intra-party conflicts, unconventional aggression, vituperative outbursts and personal attacks, internal party elections, campaigns, how some chiefs violated a constitutional provision and outwardly portrayed partisanship, and brief issues concerning vote buying.

Keywords: Ghana, New Patriotic Party, National Democratic Congress, elections, democratic consolidation, electoral politics

INTRODUCTION

Ghana's 2016 election was an empirical testing of the twenty-seven reforms implemented by the committee established by the Electoral Commission (EC)

in terms of a Supreme Court ruling. Parliament rejected the Constitutional Amendment Bill which sought to amend article 112(4) of the 1992 Constitution and thus alter the date for the elections (*Graphic Online* 2014). A new executive EC chairperson, Mrs. Charlotte Kesson-Smith Osei, was appointed in accordance with Article 70(2) of the 1992 Constitution to replace Dr. Kwadwo Afari Gyan. According to Ayee (2017, p. 4):

the preparedness of the EC to organize and manage the 2016 elections was initially doubted on largely operational and legal grounds and also a perception of inexperience and manipulation from the minority political parties, particularly the New Patriotic Party (NPP), as they called her resignation ahead of the polls when her performance was benchmarked against that of her predecessor, Kwadwo Afari-Gyan, who had successfully overseen five elections since 1996.

Domestic and international observers were present on election day (EUEOM 2016, pp. 20–21). On December 1, the EC opened its designated polling stations to over 127 394 special voters across the country, comprising security personnel, electoral commission officials, and the media, to vote for their preferred parliamentary and presidential candidates. Though there were some setbacks¹ in the conduct of the elections, the turnout of about 72.62% was satisfactory.

On Wednesday 7 December, about 15 million Ghanaians went to the polls to cast their ballot for 275 lawmakers and to elect a new president or renew the incumbent president's mandate. Across the country, the electorates responded enthusiastically and queued from early to vote.² The 2016 election was unprecedented as its outcome deviated from the normal pattern of elections that have resulted in power turnovers (Gyampo, Graham & Yobo 2017). Existing literature has provided an explanation for the outcome of such a historic election, which saw the defeat of the erstwhile incumbent National Democratic Congress (NDC) and the National Patriotic Party (NPP) winning in a landslide victory (Bob-Milliar & Paller 2018; Ayee 2017; Gyampo et al. 2017; Cheeseman, Lynch & Willis 2017). Yet little attention has been given to the various undercurrents, events and background dynamics behind the build-up to the elections on 7 December.

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- 1 The institutions involved – the EC and security agencies – failed to clearly communicate to special voters that they have to vote in their home constituencies and not in the places where they are currently deployed. Also, the extremely late finalisation of the polling station special voter registers may have contributed to the problem. In an attempt to address the problems, the EC agreed with political parties to continue with special voting on 4 December. However, the problems persisted and, according to the EC, only 6.6% of special voters used this extra opportunity to vote (EUEOM 2016).
 - 2 On election day as part of the fieldwork for my 2016 election project, I was in the Atwima Nwabiagya South constituency in the Ashanti region to observe the polls where I visited several electoral areas and witnessed a massive turnout.

This research therefore provides a partially analytic but largely empirical presentation of some relevant issues which preceded the 2016 elections. It places the discourse within the broader context of Ghana's democracy, revealing how underlying phenomena may constitute both a threat and challenge to the prospects of Ghana's democratic consolidation. However, the purpose is to indicate that the outcome of free and fair elections should not be the only area of interest as the processes that lead to elections are of equal concern for a democracy. Of the many different aspects, this work considers Ghana's electoral management, intra-party conflicts (including unusual aggression and vituperative outbursts), internal party elections, campaigns, how chiefs violated a constitutional provision and outwardly portrayed partisanship, and some brief issues with vote buying. This work relies on both secondary sources (reviews of press reports and literature) as well as primary sources in the form of interviews for an ongoing research project.

'THE TROUBLED REFEREE': GHANA'S ELECTORAL MANAGEMENT AND ITS DISCONTENTS

Elections are inextricably interwoven into the process of democratisation in Africa. Elections give meaning to the concept of political representation and the protection of the rights enshrined in the Universal Declaration of Human Rights and the Constitution of Ghana (IEA 2012). In his book *Democracy and Elections in Africa*, Lindberg refutes a number of hypotheses and thus finds no general negative trend in either the frequency or quality of African elections. Rather, he argues that since the inception of multiparty elections there has been a liberalisation, and repeated elections have created incentives for political actors, which has helped to foster the expansion and deepening of democratic values (Lindberg 2006). Although Karl (1995, 2000) argues otherwise in his theory of the 'fallacy of electoralism', elections remain the core institution of representative democracy, and the only means to decide who holds legislative or executive power (Lindberg 2006). Throughout elections in Africa during the third wave of democratisation (Huntington 1993; Bratton & Van de Walle 1997), both domestic and international electoral observers have pronounced African elections to be free and fair. This indicates that there is nothing wrong with the electoral system and that election outcomes are devoid of irregularities. However, a study of conflict in African states reveals two main causative factors, ethnicity and elections. Elections have plagued many African countries such as Cote d'Ivoire, Togo, Benin, Kenya, and Zimbabwe (IEA 2012).

In Ghana's Fourth Republic, elections have attracted discrepancies due to irregularities and other fraudulent occurrences. The electoral system has been unstable as there have been widespread challenges within the electoral

management body, and most importantly the organisation of elections which has for several years put the country's democracy on a knife's edge. The 2012 election petition and other electoral issues were the point of departure prior to the 2016 elections, but retrospective manifestations of unstable electoral processes and their outward appearance in Ghanaian politics are relevant to the study. In 1992, the credibility of the elections was marred by several serious incidents (NNP 1993):

- Ballot boxes, property of INEC, were found in the homes of unauthorised persons;
- These ballot boxes were pre-stuffed with thumb-printed ballot papers, showing a clear NDC preference;
- Several ballot boxes were used even though they were not opened for public view;
- Ballot papers counted in several places were found to be more than the number of those who actually voted, according to the tallies;
- Ballot boxes were conveyed by unapproved vehicles under the guard of commandos and without an opposition representative.

Prior to the 1992 elections, the International Foundation for Electoral Systems (IFES) queried the electoral register, and recommended a complete re-registration of all eligible voters as a matter of urgency in order to provide a consistent and comprehensive register of the elections (Oquaye 1995, p. 268). Ghana was on the brink of conflict in December 2008, as the NDC complained that they had unveiled a conspiracy between the NPP and the EC to rig the elections. An electoral supervisor in the Ashanti region commented that:

The NPP could have won the 2008 elections. Our director was not smart, because he delayed in submitting the edited figures that were needed to increase the votes of the NPP from the Nhyiaeso constituency. He had collected [a] huge sum of money that he even didn't give us some. If he had sent the votes not even the Tain elections could not have determined the elections. (Anonymous, 2017, Personal communication)

Eight petitions were filed by aggrieved parliamentary candidates at the High Court by the end of January 2009. Those that were most pressing involved the Asutifi South and Akwatia constituencies, where no winner was immediately declared due to serious disagreements over the result. Boakye Agyarko, research fellow at the Danquah Institute, has detailed the troubled nature of the Electoral Commission. According to Dr Afari Gyan in an interview with privately-owned radio station Joy FM in 2008 (Myjoyonline, 2014):

If our population is indeed 22 million, then perhaps 13 million people on our register would be statistically unacceptable by world standards. If that is the case, then it may mean that there is something wrong with our register.

On 7 December 2012, Ghanaians went to the polls to elect both lawmakers and the president of the land. Despite the conclusion of most observer groups that the elections and their outcome were free and fair, they were contested in court by the opposition NPP who alleged that there were many anomalies. Though the chairman of the EC declared John Mahama the winner of the 2012 elections, the country was not entirely convinced. The entire country was in an expectant mood waiting for the court to either confirm or reject the declaration made by the chairman of the EC concerning the outcome of the elections (Asante & Asare 2016, p.3).

During and after the court proceedings on the election petitions, Ghanaians were informed that the electoral system was problematic and that election outcomes were questionable, even though they had been touted as free and fair by both domestic and international observers. The petitioners stated that diverse and flagrant violations of the statutory provisions and regulations governing the conduct of the December 2012 presidential election substantially and materially affected the results of the elections. In addition, they claimed that the election was also marred by gross and widespread irregularities and malpractices which fundamentally impugned the validity of the results in 4 709 polling stations, as declared by the EC. The petitioners continued that these statutory violations and irregularities were apparent on the Declaration Forms (pink sheets) and directly introduced 1 342 845 irregular votes into the aggregate of valid votes recorded in the polling stations across the country, which had a material and substantial effect on the outcome of the election. There were instances where there were no signatures by the presiding officers or their assistants on the declarations forms as required under Regulation 36(2) of CI 75. And yet the results on these forms were used in arriving at the presidential results declared on 9 December 2012 by the chairman of the EC, thereby rendering invalid the results so declared. In addition, there were instances of over-voting, voting without biometric verification, duplicate serial numbers (occurrence of the same serial number on pink sheets for two different polling stations), and duplicate polling station codes (occurrence of different results/pink sheets for polling stations with the same polling station codes) (Asante & Asare 2016, p. 5).

Several controversies surrounded the voters' register for the 2016 elections and undermined the integrity of the EC. Political parties in Ghana including the

NPP, then in power, and other political parties such as the Convention People's Party (CPP) and the Progressive People's Party (PPP); religious groups, the media and civil society groups such as the 'Let My Vote Count Alliance', revealed several lapses in the voters' register. The NPP, the erstwhile opposition, had claimed there were around four million illegal voters including some 760 000 foreigners in the old register that contained 14 535 987 names. With respect to the statistical acceptability of the voters' register, prior to the 2016 elections Boakye Agyarko explained that Nigeria, which has a population of 162 470 737 has a voter population of 67 764 327, representing 41.7%. Kenya, with a population of 41 609 728 has a voter population of 14 362 189 representing 34.50%. Tanzania, with 42.50% and Senegal with 41.50% of registered voters in their total populations are all significantly lower than Ghana's. Drawing inferences from these comparative cross-country statistics, a 56.20% voter population in 2012 was statistically improbable (*Graphic Online* 29 May 2014).

Within the country there were several counter claims, especially from the pro-NDC faction, on the allegations made by the NPP and other political parties, that they wanted to frustrate the EC and that the voter register was thus devoid of any irregularity. The Supreme Court's rulings on the voters' roll cleanup, including the deletion of 56 000 NHIS card registrants the EC claimed to have identified, upset the ruling NDC and its supporters. This was evident in the threat by panelists on the pro-NDC radio station Montie FM of physical harm to the Chief Justice and other Supreme Court judges (CDD 2016). In October 2015 the chairperson of the EC responded by constituting a panel of five prominent Ghanaians and electoral experts to hear proposals from various stakeholders and report to the Commission outlining their recommendations (*Ghanaweb* 11 March 2016). Surprisingly, and thus re-echoing the problematic nature of the electoral system, the panel presented a 77-page report on 21 December 2015 which concluded that the voters' register was dangerously bloated and therefore could not be used in the 2016 elections until widespread irregularities were addressed.

In order to protect the integrity of the voters' register and ensure that it was a fair representation of the Ghanaian electorate in the country, the Supreme Court took a 5-2 decision ordering the EC to delete names of minors, foreigners, dead persons and persons who had registered and voted in the 2012 polls with national health insurance cards. These had been banned as a means of identification in voter registration (Laary 2016). Since elections are indispensable for the execution of democracy, the fact that these electoral issues had been addressed prior to the 2016 elections significantly elevated Ghana's democracy. Yet, they also threatened its consolidation, as should these issues arise in subsequent elections Ghana's democracy would be on a knife edge.

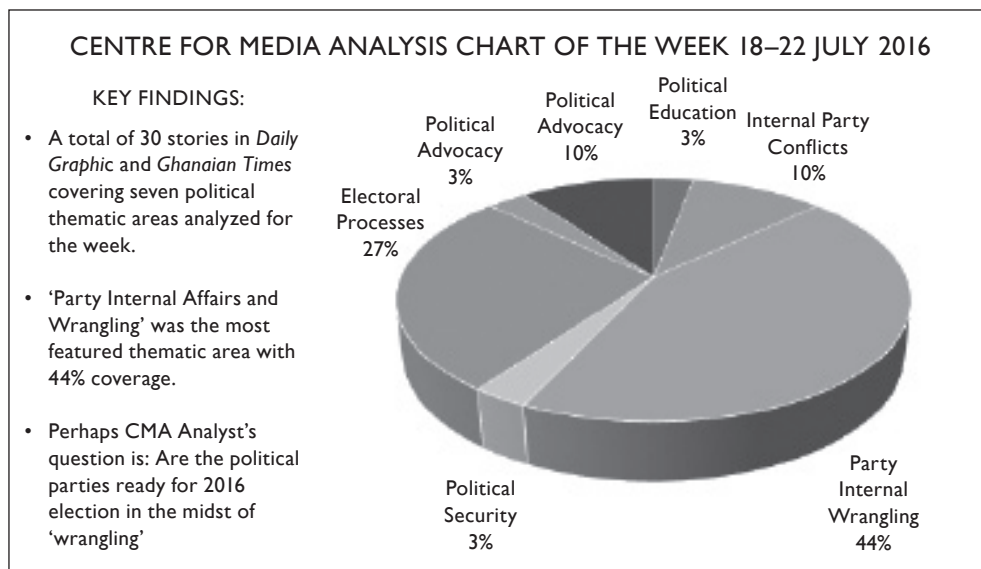
INTRA-PARTY WRANGLING, VITUPERATIVE OUTBURSTS AND UNCONVENTIONAL AGGRESSION

A recurring feature in all Ghana's presidential and parliamentary elections since the adoption of its 1992 Fourth Republic's Constitution, was the wrangling within political parties and the low-intensity but violent clashes and vituperative outbursts (Bob-Milliar 2014). In the buildup to the 2016 elections political discourse became increasingly marked by verbal abuse and unguarded political rhetoric. Ninsin (2006) adds that political parties in Ghana adopted a comprehensive range of strategies to marshal votes in order to capture political power. The strategies include the use of prevailing economic conditions; appeals to political traditions, ethnic identity, and religion; the use of money and other material incentives; and in recent years, an increasing use of insults and derogatory language against opponents (*ibid.*). Even though political parties are one of the core institutions of democracies, unless care was taken doom was predicted by the IEA for Ghana as evident in other African countries (IEA 2012) – Côte d'Ivoire (2000, 2010), Nigeria (2003, 2007, 2011), Zimbabwe (2008) and Kenya (2007). Intra-party political dynamics in Ghana in the Fourth Republic (Daddieh & Bob-Milliar 2102) have attracted conflict. Conflict and opposition exist inside political organisations, though members are bound by the same ideology (Bob-Milliar 2012). Ayee (2008) contends that, within the two major parties, the NPP and the NDC, sources of tension relate to the elitist preference for a dominant role in both parties for party financiers who, together with the political godfathers, control party structures at every level. This means that both the NDC and the NPP have common structural problems that manifest themselves differently. Since there is a competitive struggle for political power, political parties look for setbacks and other shortcomings in opposing parties, and then capitalise on these to set the propaganda agenda and attack each other's party (*ibid.*).

Generally, the root cause of conflict stems from the primaries, especially in the selection of candidates (Daddieh & Bob-Milliar 2012). In 2007, opposition in the NPP between the different factions of Nana Akuffo Addo and Alan Kyeremanteng was characterised by conflict which nearly split the party. The contest effectively alienated the party's support base and killed their interest, as it unnecessarily exposed the party to the NDC's propaganda machinery and incessant criticisms. The NDC ironically benefited by winning the general elections by a narrow margin as the NPP suffered from apathy. Bob-Milliar (2012) throws more light on the internal convulsions that divided the NDC into two factions, FONKAR and GAME.³ Research conducted by the Centre for Media Analysis (CMA), a media

3 The two factional groups within the NDC are FONKAR (Friends of Nana Konadu Agyemang Rawlings) and GAME (Get Atta Mills Elected).

monitoring and strategic communication agency based in Accra, revealed that 'party internal wrangling' was the most featured thematic area in the political news sections of two Ghanaian newspapers monitored between 18 and 22 July 2016.



Source: Centre for Media Analysis, 2016

Figure 1: Party Internal Wrangling tops Political News in 2016

Prior to the 2016 elections, one of the major conflicts was within the NPP. The conflict had its roots in the inability of Chairman Afoko and General Secretary Agyepong to run the party effectively. This resulted in a compromise due to the unending bickering which resulted in a vote of no confidence by a significant number of regional executives, external branches, the parliamentary caucus and other key stakeholders of the party. One of the root causes was the conditions that led to the gruesome murder of the Upper East NPP regional chairman, Adams Mahama, on the night of 20 May 2015. For this and because of the alleged leaking of vital information during NEC meetings by these two executives to the opposition NDC (Personal communication with Haruna Alhassan 2018), there was a significant degree of mistrust within the regional and national leadership centred on these two officers, which required a full, competent and unbiased investigation by an appropriate party committee. As a result, the national chairman of the NPP was suspended indefinitely. The decision was taken at an emergency national committee meeting (NEC) at the party headquarters, which suspended Mr. Afoko (Myjoyonline 23 October 2015). One of the main issues was that Afoko

had been accused of working against the flag-bearer's chances of winning the elections (Owusu Nyantakyi 2018, personal communication). Following the issue of suspension, violent clashes were recorded at the NPP headquarters both before and after the meeting. The clashes were suspected of being between the party's private security guards and vigilante groups purportedly from Kasoa supporting the party's beleaguered chairman. The Bolgatanga Bulldogs, another vigilante group supporting Mr. Afoko, also threatened to cause mayhem at the party's headquarters (Myjoyonline 23 October 2015).

Within the NDC, the Ningo-Prampram constituency primary election was fiercely contested and became an arena of conflict between two members of the party. The two candidates, Samuel Tetteh Nartey George and Enoch Teye Mensah, engaged in a war of words in the media and finally resorted to physical violence when George was allegedly punched in the face during a disagreement about the voters' register. Before the primary elections, George had been a protégé of Mensah who, as then incumbent Member of Parliament for the constituency, had complained that the voters' register would undermine the elections. Mensah, who had earned the nick name '*Prampram Mugabe*' for his longevity in the legislature, was fully convinced that he would retain his bid to lead the party in the 2016 elections. The elections began on Saturday 21 November 2015, but due to confusion were postponed to the following day, Sunday 22 November. The certified results declared by the EC from 22 polling stations gave Samuel Tetteh Nartey George 4 910 votes, representing 53.4% of the total votes, with Enoch Teye Mensah polling 2 831, or 38.5% (*Citifmonline* 22 November 2015).

During the Fourth Republic, Ghana's political discourse has become increasingly marked by verbal abuse and unguarded statements, mainly by political actors, particularly during election season. Such intemperate language in political discourse often triggers a range of controversies, (mis)interpretations and disputes that consequently pose a potential threat to the peaceful conduct of elections and to national security (Danso & Adu-Afful 2012, p. 97). Unconventional aggressive participation has also featured in Ghana's electoral politics (Bob-Milliar 2012); prior to the 2016 election, there were several instances of these undemocratic acts. Political activist Owusu Aduonu justified the abusive language used in politics by explaining that invective is part of democracy and referred to the interactive insults in the debates between Hillary Clinton and Donald Trump. He further opined that:

Ghana is a developing democracy which is also learning from the developed countries like the USA. Even these democracies are okay with insults how much more we the developing ones. So, I think insults are normal thing in Africa, in our politics.

(Personal communication 2017)

Sometimes this unguarded and intemperate language is provocative, demeaning and ethnocentric. These insults reached their lowest ebb when two former presidents openly engaged in verbal insults in the media. Agyekum Kufour described Jerry Rawlings as *sasabonsam, the devil*. Jerry John Rawlings responded by comparing Kufour to a notorious armed robber, one Atta Ayi, serving a life sentence for his criminal activities. Analysts have used various measurements to ascertain the level of abusive languages in our politics. In an interview, one ‘macho’ activist who belongs to a dominant political party, opined:

In the 2008 elections we were giving guns like AK 47, to go to our opponent’s stronghold to cause commotion just in case there was any alleged rigging. And to our surprise our opponents’ macho men were much bigger and taller than ourselves, so we couldn’t even actually deliver, but we chop money in that election.

(Anonymous 2016, Personal communication)

Aggressive physical clashes were particularly evident between two political parties, the NPP and the NDC, prior to the 2016 elections. In October, the inspector general of police (IGP), John Kudalor, ordered the deployment of more officers to Ajumako Besease in Central Region due to violent political clashes between members of the NDC and the NPP. Injuries were sustained, and an NDC supporter was allegedly stabbed in the right eye (Myjoyonline 4 October 2016). Violent clashes erupted in Zabzugu in the Northern Region among the supporters of the NDC, NPP and an independent candidate, James Cecil Yawunbe, in the Tatale Sanguli constituency. The timely intervention of the police ahead of the elections prevented a bloodbath between the supporters of the NPP and the NDC at some registration centres in Nkoranzbig wiga in the Brong Ahafo region, during the limited voters’ registration exercise in May. Supporters of the two parties attacked each other with cutlasses and other sharp instruments over challenges of some new registrants by polling agents of both parties (*Pulse News* 2016).

Table 1. Selected incidents of aggression and invectives in 2016

Aggression/invectives	Source of information	Date (2016)
Mahama and Akuffo Addo bodyguards fight at funeral	<i>Xbitgh.com</i>	11 March
Atebubu-Amanteng district NDC youth activists burn down constituency office of the party	<i>myjoyonline</i>	30 March

Macho men attack NPP youth activist at fox fm.	<i>Pulse news</i>	26 April
NPP used more abusive languages than the NDC	<i>Media foundation for west Africa</i>	16 May
Angry NDC youth in the Western Region constituency in the Upper West Region set the party's office ablaze	<i>Daily Guide</i>	27 June
Siasala west district DCE – Moses Lari attacked and beaten by NDC youth activists	<i>Daily Statesman</i>	26 August
We will insult Mahama back if he doesn't stop attacking Nana Addo	<i>Rainbow radio online</i>	24 August
We will insult the NPP twice if they insult the NDC once	<i>Ghanacebroity.com</i>	26 August
We are ready for battle of insults, the NDC vice presidential candidates tell the NPP	<i>The lead.com</i>	29 August
Violent clashes between aggressive supporters of NPP and NDC over vote transfer	<i>citifmonline</i>	19 September
Kennedy Agyapong threatens to slap Ayariga	<i>Pulse news</i>	28 September
Angry NDC youth destroy property of daily guide in Tamale office	<i>Ghana live</i>	3 October
NDC and NPP violent clashes in Damango over vote transfer	<i>Ghana pulse</i>	6 October
Dormaa-East DCEs bodyguard assaults NPP communicator	<i>Watch Ghana</i>	17 October
Ayariga angrily insults EC boss	<i>Graphic online</i>	10 October
District Assembly representative beaten for campaigning for Mahama	<i>Adom online</i>	31 October
NDC thugs beat up 52-year-old man for NPP gestures	<i>YEN news</i>	6 November
Mahama guards molest mourners	<i>Xlive Africa</i>	8 November
7 injured in NPP, NDC clashes in Wulensi	<i>Ghana web</i>	17 November
5 injured in NPP, NDC clash at Aso-kore	<i>Myjoyonline</i>	20 November

Ghana's democracy has been hailed by domestic and international observers as a model for sub-Saharan Africa, due to the peaceful power alternations with no record of high-intensity violence. Besides these undemocratic acts, the low-intensity violence (Bob-Milliar 2014) and abusive language in Ghanaian politics may escalate to mass disturbance if measures are not introduced to halt them.

'WARMING UP BEFORE THE MAIN EVENT': POLITICAL PARTIES, INTRA-PARTY POLITICS AND CAMPAIGNS

One noticeable feature of Ghanaian politics in the Fourth Republic has been the intra-party democratic pragmatism – issues concerned with decision-making, proper organisation, hierarchical political structure, the operationalisation of binding measures (constitutionalism) and other inherent principles that are not simply theory but are inherently pragmatic. Political parties are classically and theoretically conceived as *organisations*; in the ideal, or rational model, there is a collective orientation towards the attainment of a specific purpose; its ends are given or knowable and thus its central internal processes involve decision-making and its success or failure is judged by standards of effectiveness and efficiency. Its ideal form is conceived as an enterprise seeking to maximise profits or achieve a target rate of return on invested capital (Wilson 1995, p.10). Unlike pressure or interest groups, political parties seek to gain political power to steer the affairs of a country; thus, there should be effective presentation of candidates who would further the office-seeking agenda. Even though there are potential implications, the gate-keeping role of political parties in nominating candidates for political office remains one of the crucial and key functions of political parties (Daddieh & Bob-Milliar 2012).

Candidate selection methods throughout the Fourth Republic have altered several times. Ahead of the 1996 elections, both parties, the NPP and NDC, initiated a system of delegate-based primaries with small electorates. Parliamentary nominees were selected at a constituency congress by delegates representing each polling station-level party branch in various constituencies. In the NPP, the nominee was selected by approximately 100 primary voters, comprising the chairman of each branch, the party's constituency level executives and several other local dignitaries (Ichino & Nathan 2016). But when the NPP lost the 2008 elections, they drafted two reform proposals; the first saw an increase from 1 to 5, that is the number of branch-level leaders who would serve as delegates from each polling station. The second option also increased the size of the electorates by opening primaries to all rank and file party members (*ibid.*). There was a much larger electorate expansion in 2016 on the part of the NDC which greatly altered the dynamics of the party's primaries. A greater number of local elites sought

nominations, including more women and aspirants from outside the NDC core ethnic coalition, which increased the diversity of the party's eventual nominees. With this approach by the NDC, the NPP misjudged how large an electorate expansion was necessary to bring the electorates past the point where vote buying would be very difficult for wealthy aspirants (*ibid.*). Primary elections prior to the 2016 elections were scheduled in 2015, except for the NPP's presidential primary election which was held in 2014.

The NDC opened its nominations for parliamentary primaries between 10 August and 10 September 2015 for the elections at the end the year, on 7 November. The NPP however, had their intra-party elections earlier, on 13 June 2015. Prior to this, nominations were opened between 30 March and 10 April. One remarkable feature common to the primary elections of all the political parties was the reincorporation of an affirmative action policy, providing electoral contestation advantages to minority groups seen to have been discriminated against in the past and given less representation, with the aim of creating a more egalitarian platform. Both the NDC and the NPP made measures to implement this policy, as women, members with a disability and young aspirants (only in the NPP) had a rebate of 50% of the filing fee of 10 000 Ghana cedis (\$1 790). The NPP further championed affirmative action by reaching a consensus that the parliamentary positions held by 16 female MPs were to be contested by female candidates only. Even though this approach could have increased the number of women represented in decision-making, this parity and egalitarian restoration received opposition from the male counterparts. The Member of Parliament for Abirem constituency, Esther Obeng Dapaah,⁴ explained that most of the women who had lost in the primary elections were victims of the party's earlier pronouncements on an affirmative action policy. She further asserted that the female MPs lost their bid to contest for the 2016 parliamentary elections on the NPP ticket because their political opponents used their stance on the policy to campaign against them. She provided a concrete instance to reinforce her complaint, asserting that:

What caused us dearly was the affirmative action policy that became controversial. In my case for instance, my opponent told the delegates that I was the originator of the affirmative action policy and also the one who signed it because I am the NPP women caucus leader... when the law is made to stand, the 'Abirem' seat will be no-go area for any man. Most of the delegates are men and such pronouncements scared them. So, that is one of the major reasons why I lost my primaries.

(Pulse News 2015)

4 She was the chairperson of the minority women caucus in Parliament for the NPP when in opposition.

The primary elections saw incumbent casualties, where a number of senior representatives, the 'big men', in both the NDC and the NPP, were ousted by new aspirants. Within the NPP, 25 sitting MPs, six women and nineteen men lost their bids to stand for the 2016 elections. Notable among them were Dr. Richard Anane (Nhyiaeso), Francis Addai Nimo (Mampong), Isaac Osei (Subin), Elizabeth Agyemang (Oforikrom), Edward Enin (Obuasi East), Henry Kwabena Kokofu (Bantama) and Esther Obeng Dapaah (Abierm). The NDC also recorded 20 sitting MPs who lost their seats. These included E.T. Mensah (Ningo–Prampram), Joe Gidisu (Central Tongu), Alfred Agbeshie (Ashaiman) and Nii Amarmah Ashitey (Korle Klottey). This surprising feature triggered speculation that the 'fall of the mighties' would aggravate an already weakened legislature.⁵ On the other hand, these assertions of parliament's efficacy without these 'experienced legislators' were queried.⁶ The National Executive Council (NEC) of the NPP met on Wednesday 16 July 2014, and decided to hold its presidential primary elections on 18 October 2014. Seven NPP candidates filed nominations to contest the presidential elections. However, since article 12(5) of the NPP constitution stipulates that 'where there are more than five contestants for nominations as the party's presidential candidate, a special electoral college shall cast their votes by secret ballot for the first five contestants to be shortlisted', there was a need for a prior shortlist election ahead of the main event. Mr. Akuffo Addo, a 72-year-old lawyer and twice leader of the NPP, was opposed by his old political foe Alan Kwadwo Kyeremanten as well as Francis Addai Nimo, Dr. Kofi Konadu Apraku, Osei Ameyaw, Joe Ghartey and Stephen Asamoah Boateng. On 31 August 2014, the special delegate elections pruned down the number of flag bearer aspirants to five. While Mr. Stephen Asamoah, former information minister and Dr. Kofi Konadu Apraku, former trade minister dropped out of the race with 1.76% and 1.35% respectively, Mr. Akuffo Addo polled 589 votes out of 740 ballots (80.78%) of the five shortlisted aspirants (Myjoyonline 31 August 2014). Delegates in all 275 constituencies simultaneously cast their ballot on 18 October to elect one candidate from the shortlist to lead the party for the 2016 elections. Predictably, Mr. Akuffo Addo emerged victorious for the third time as he secured 117 413 votes, representing 94.3%. The percentage margin reinforced the fact that Mr. Akuffo Addo was by far the favourite candidate in the election results from the various constituencies. On 23 November 2015, erstwhile President John

5 Dr. Rasheed Dramani, executive director of the African Centre for Parliamentary Affairs, commented that the situation would affect the efficacy of parliament as more experienced legislators had lost their seats.

6 Dr. Amoako Baah, former head of the Department of History and Political Studies, KNUST, expressed the view that the exit of the 'big men' would have little or no effect on legislative development. He added that institutional memory could not be lost and that the advancement of such argument as premium would value experience over democracy.

Mahama was unchallenged in the NDC presidential primaries, but had to be endorsed according to the party's constitution. The results showed that 61 836 (4.9%) delegates voted against the retention of President Mahama as the party's candidate in the 2016 elections. On the other hand, 95% of the total vote endorsed John Mahama to lead the National Democratic Congress (NDC) (*Citifnonline* 23 November 2015). Comparative analysis of the primary elections revealed several dissenting views on the legitimacy of John Mahama's candidature and thus his bid to win the 2016 elections. This was due to the fact that, unlike Akuffo Addo who had contenders but managed to obtain 94.3%, John Mahama was unopposed with a similar percentage to Akuffo Addo. Some political watchers opined that with this percentage of rejection, the general elections in December would be a difficult task for the NDC. However, other experts asserted that the rejecting votes were negligible and thus had no bearing on the outcome of the 2016 elections.

Other political parties with presidential primaries and elected candidates for the 2016 elections include Ivor Kobina Green Street for the Convention People's Party (CPP), Nana Konadu Agyeman-Rawlings for the National Democratic Party (NDP), and Papa Kwesi Nduom for the Progressive People's Party.

CAMPAIGNING

The right to stand as a candidate is provided for and candidate qualification criteria for presidential and parliamentary elections are reasonable, with the notable exception of the nomination fees. On 8 September the EC announced a significant increase in the candidate deposit, with presidential candidates having to pay 50 000 GHC (\$8 969) and parliamentary candidates 10 000 GHC (\$1 793). This represented a fivefold and tenfold increase for presidential and parliamentary candidates respectively. Furthermore, for the vast majority of candidates it was practically non-refundable as the deposit was refunded only to those candidates who obtained at least 25% of the votes in the presidential and 12.5% in the parliamentary elections. Except for NDC, almost all political parties condemned the EC for setting such high nomination fees, although the NPP was cautious in its criticism (EUEOM 2016, p.16).

Since the 1992 Constitution advocates for a system of political plurality, several political parties provided the intent to file their nomination and contest in the 2016 presidential elections. Yet, the presidential ambitions of about 13 candidates were dashed as the EC rejected their nominations. The reasons for these disqualifications were summed up in an 18-page statement given by the Electoral Commission. Initially, only four presidential candidates successfully passed the Commission's vigorous checks, but later three more were added after an appeal to seek redress for their disqualifications. Finally, seven presidential

candidates as they appeared on the ballot sheet (see Figure 2) – Ivor Kobina Green Street (CPP), Nana Konadu Agyeman-Rawlings (NDP), John Mahama (NDC), Papa Kwesi Nduom (PPP), Nana Akuffo Addo (NPP), Edward Mahama (PNC) and Jacob Osei Yeboah, independent candidate, were accepted as qualified to contest the 2016 elections. The effect and relevance of position on the ballot sheet on voter's choice and decision have been argued elsewhere in the literature (Bagley 1965). In Ghana, the framing position of the ballot sheet is of great concern to candidates and political parties.⁷ The erstwhile governing NDC picked the coveted third position while the NPP also picked the fifth position just as it did on the parliamentary ballot paper for the December polls. Interestingly, an Islamic numerologist and philosopher commented on the NPP candidate's position on the ballot paper and its significance towards the December polls (*Ghanaweb* 18 November 2016).

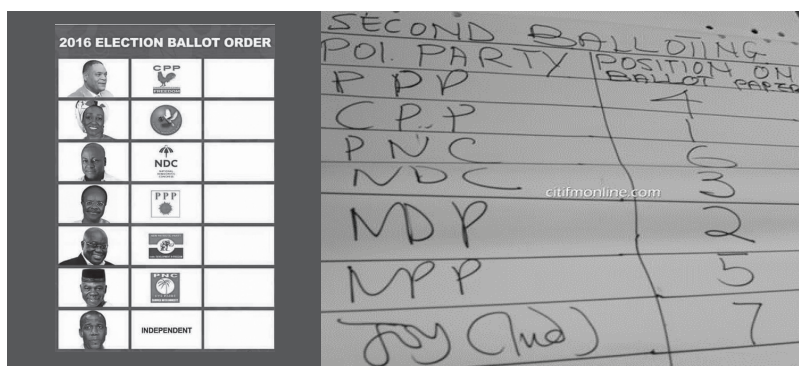


Figure 2: Candidates' positions on the ballot sheet

Since the campaign period in Ghana's electoral politics is not bound by a specific legal framework, election campaigns began even before the close of candidate nominations for the 2016 elections. The political stakes were high and thus throughout the country fear proliferated; there were low intensity clashes as discussed previously, but these did not escalate into large-scale violence. The campaign environment was lively and vigorous. Presidential candidates conducted multiple tours around the country during the lengthy campaign, with a high number of large rallies and town hall meetings. Parliamentary candidates conducted largely smaller-scale activities, including door-to-door campaigning and small neighbourhood meetings. Candidates used advertisements on radio, and posters, party flags and billboards (EUEOM 2016, p.18). Social media was

⁷ In the 2000 elections, JA Kufuor took the last position on the list, which was interpreted as *Ase3 h*, and thus informed voters to look for the last candidate on the ballot sheet.

another avenue used by presidential candidates to campaign and thus mobilise votes. The 2016 election appeared more issue-based than previous polls, though there were manifestations of clientelist appeals (vote buying), as will be shown.

In August and September 2016, the NDC launched its campaign consecutively in two of Ghana's electoral swing regions, Cape Coast in the Central Region and Sunyani in the Brong Ahafo Region respectively. The campaign launch aimed at appealing to Ghanaians and also served as an avenue to market the attributes of John Dramani Mahama's theme, 'Changing Lives and Transforming Ghana'. The 78-page manifesto highlighted the achievements of the NDC, which campaigned under the slogan 'Continuity in change and progressive change' (NDC 2016). This was because the campaign was to remind Ghanaians of the NDC's achievements, and thus urged Ghanaians to compare the record of the NDC in office vis-à-vis that of the other parties, especially the NPP. As a result, there was an appeal to renew the mandate under the NDC slogan 'JM Toaso', meaning the continuity and renewal of the erstwhile president JM, John Mahama.

The NPP on the other hand campaigned while the NDC governed – their campaign began right after the 2012 election petition and thus it had its full campaign machine assembled more than a year before the general elections (Bob-Milliar & Paller 2018). The NPP delayed launching its manifesto, primarily to avoid other political parties, in particular the NDC, from plagiarising its policies. The NPP campaigned under the theme: 'Change: creating prosperity & equal opportunity for all' (NPP 2016). It campaigned against the NDC which it accused of being a corrupt government with legacies of stalling the development of the economy through poor education, health and socio-economic policies, and the mismanagement of state funds. The preamble note of Nana Akuffo Addo in the NPP manifesto states that:

Our nation is in crisis: a crisis created and sustained by the mismanagement, incompetence and corruption of the Mahama-led National Democratic Congress (NDC) government. Economic conditions are worsening by the day and there is so much suffering in the land. But Ghana does not have to be like this. Ghana deserves the best! I have dedicated my life to public service to change Ghana for good. As President, with the help of the Almighty God, I will be committed to a different kind of government, one that governs in the national interest, not for private gain. (NPP 2016: V)

The manifesto proposed a radical transformation of the national economy, with job creation at the top of its agenda. Its flagship policy of 'one dam, one village' and 'one district, one factory' promised to improve agricultural production in

the northern savannah and to give jobs to unemployed youth (Bob-Milliar & Paller 2018, p. 20).

CHIEFS, PARTISANSHIP AND THE 2016 ELECTION

The 2016 election campaign also revealed the breach of a constitutional provision which specifically prohibits chiefs from engaging in partisan politics (1992 Constitution [article 276]). Some chiefs endorsed political parties, preferably presidential candidates. The 2016 election recorded possibly the highest number ever of endorsements from chiefs across the country. Over 50 chiefs in Atwima Kwanwoma (Ashanti Region) declared their support for New Patriotic Party (NPP) presidential candidate Nana Akufo Addo, ahead of the December polls. According to the chiefs, Nana Akufo Addo and the NPP remained the country's best option for good governance, hence their decision to endorse him. Speaking on behalf of the chiefs, Otumfuo 'Mpaboaahene', Nana Yaw Owusu further indicated that Nana Addo would spearhead Ghana's development when voted into power. He said:

This is your family, we are always with you. In good times or in bad times, we support you. We always remember you in our prayers. When we pour libation, we remember you because you are one of us. Let us all here vote for him and the NPP because he will deliver on his promises. We know him, it is our own Nana. Like we do every four years, let's vote for him.

(Citifmonline 20 October 2016)

From the Upper East Region, the Chief of Bawku, Naba Asigiri Azoka Abugrago II, told Nana Akufo-Addo when he visited as part of his campaign tour: 'This is the proper endorsement I want to make. God willing this year, you will get what you want and become the President of Ghana' (*Graphic online* 2016). The Paramount Chief of the Tumu Traditional Area, Kuoro Richard Babini Kanton VI, endorsed the 'One-District-one-Factory' and the 'One-Village-one-Dam' policies of the 2016 presidential candidate of the NPP, Nana Addo Dankwa Akufo-Addo (*Citifmonline* 20 October 2016).

Chiefs in the Northern Region also endorsed President Mahama's bid for the 2016 election. Affirming their support, the President of the Northern Regional House of Chiefs, Nayire Naa Bohugu Mahami Abdulai, prayed for the president to retain the seat (*Citifmonline* 17 November 2015). 'We passionately pray that almighty God and our ancestral skins will support and back you to achieve your desired aim of continuing to be the president of the Republic of Ghana come 2016.' Some chiefs openly expressed their support and even promised the erstwhile president and the NDC 50 % votes in the eastern region and also 80% votes in the Brong

Ahafo. The paramount chief of Offinso in the Ashanti region, Nana Wiafe Akenten III, called on his fellow chiefs and subjects to support John Dramani Mahama in his bid to retain the presidential seat for a second term. He stated that:

For me, I know God who has kept you until now will be with you. All I am requesting from my brothers is that, by any means we can, we should support him [Mahama] to continue his good works. I am asking you to do this wholeheartedly to support him to finish the works God has tasked him to do.

(*Ghanaweb* 8 November 2016)

These positions present a worrying trend since they indicate a negative appearance for Ghana's constitutional democracy; however, there were several condemnations of these partisan views. Even though civil society organisations and the Otumfour Osei Tutu had previously cautioned chiefs to acknowledge the Constitution and thus abstain from political statements ahead of the 2016 elections, their appeal fell on deaf ears (*The New Crusading Guide* 2016).

Elements of election irregularities such as clientelist tendencies (vote buying, treating) were found by civil society organisations. A survey conducted by the CDD showed that 51% and 32% of Ghanaians believed that both the NDC and NPP were found guilty of such occurrences respectively (CDD, 2016). For example, in CODEO's pre-election environment observation statement, they found that both the NDC and NPP parliamentary candidates were seen giving money to people and some women's groups in communities in the Tolon Constituency of the Northern Region. On 14 October 2016, an aspiring MP in Sefwi Akontobra gave money to the parents of some senior high school (SHS) students and university students to settle their school fees (CODEO 2016, p.3). The NDC organised a political rally in Jirapa on 17 Sunday July 2016 for their parliamentary candidate, Francis Dakurah. He distributed ten new motor bikes to party officials, and was also captured on camera distributing two Ghana Cedi bills to the crowd (*GII Report* 2016, p. 4). On 16 August 2016, outboard motors and pans were distributed to fishermen in Sekondi by the NDC during their four-day campaign tour of the Western Region (*ibid.*, p. 6). Also, Rebecca Akuffo Addo, wife of Akuffo Addo, together with officials of the NPP, donated a number of items and an undisclosed amount of cash to the chief and people of Lantze Dzan at Ga Mashie in Accra ahead of the 7 December polls (*Graphic Online* 2016).

Both parties condemned the findings of civil society regarding vote buying, and stated that those acts were not intended to buy votes. However, within the literature it is the timing that makes such deeds an antithesis to democratic practice. That political parties wait days, weeks and months until elections before dispensing such material incentives to voters indicates a clientelist approach.

Ethnic appeals and politicisation were minimised as the civil debate of policy issues took precedence at the macro-level of politics in the 2016 election.

CONCLUSION

Ghana's elections during the Fourth Republic have been devoid of violent conflict, and this outcome and its aftermath have made the country a model worth emulating in Africa. Passing Huntington's two turnover tests (Huntington 1993, p. 267), and with the democratisation of elections (Lindberg 2006), Ghana's democracy has supposedly consolidated. In the 2016 elections Ghana increased its credentials as a beacon of democratic freedom and political excellence. Yet, there are some contending issues and undercurrents relevant to Ghana's electoral democracy. This study has identified some ineffectiveness and weakness in the functioning of the Electoral Commission in terms of election governance. There are issues with the voters' register which was deemed bloated as it contained names of deceased, minors and, surprisingly, non-Ghanaians. In addition, lack of trust in the EC stems from several factors, including the appointment of the EC chairperson and deputies by the president, which problematises the neutrality of the Commission. Many concerns have been raised over political affiliation, that is the EC being easily influenced by incumbent governments (political parties) to work towards the latter's victory in elections. Much as light has been thrown on this worrying trend in the main body of this paper, concerns with the EC and its internal workings remain critical, as they pose a threat to Ghana's democracy. More importantly for the future, the voters' register should be cleaned and if possible, a new one should be provided.

This work has also identified some internal party conflicts and unconventional aggression taking place before the 2016 election. Political party primary elections were peaceful, but there were conflicts within some parties. Though affirmative action was a step in the right direction, it had its own controversies and as a result could not be implemented as intended. With regard to the campaign, one laudable feature was the appeals made by political parties at the macro level. The campaign saw well-articulated issues that captured the main concerns of the ordinary Ghanaian, and provided many policy options for the electorate. However, other matters breached constitutional provisions and electoral regulations. Although chiefs have relevant roles to play in political development (Bob-Milliar 2009; Crook 2005; Knierzinger 2011), the external manifestation of their political affiliation has been restricted by the 1992 Constitution. The 2016 election saw chiefs endorse presidential candidates, particularly from the two main parties. This kind of development threatens the stability of Ghana's constitutional democracy, widens the social divisions already established by partisan politics, and has negative implications for national development.

Finally, although political parties condemned acts of indulgence in vote buying, civil society exposed such acts with substantial evidence. Going forward, such undercurrent developments should be given attention and thus dealt with to prevent them from accumulating and threatening Ghana's consolidated electoral democracy.

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THE RELIGIOUS FACTOR IN NIGERIA'S 2019 PRESIDENTIAL ELECTION

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ABSTRACT

This study analyses the nexus between religion and political behaviour in Nigeria's 2019 presidential election, and the effect on voting behaviour and patterns across the country. The extent of religious cleavages remains substantial and has not diminished over the years. These cleavages follow the Christian/Muslim divide, aside from the denominational differences in Europe and America or the ethnic pluralism in many African states. The impact of indigenous African religions is negligible because there are too many for consideration. This article therefore contributes to the recent resurgence of interest in religion and politics, with the fundamental research question being: does democracy need religion? The paper infers that Nigeria's nascent democracy must promote a secular state, particularly in the face of the deep ethnic and religious differences that are capable of bringing about a democratic reversal to autocracy and absolutism if not well managed.

Keywords: cleavages, democratisation, politics and religion, secularism

INTRODUCTION

On my arrival in the United States, the religious aspect of the country was the first thing that struck my attention.

Alexis de Tocqueville, *Democracy in America*

This quotation by Tocqueville epitomises the focus of this paper, which is to explore the nexus between politics and religion in Nigeria, particularly political behaviour vis-à-vis voting decisions and patterns in Nigeria's deeply divided society. Tocqueville's wonder embraces admiration as well as surprise. Though religion is not a formal part of the American political system, Tocqueville goes so

far as to describe it as the first of America's political institutions by virtue of its indirect effects on political life (Tocqueville, cited in Fradkin 2000, p. 87). Similarly, in Nigeria and several other African countries, religion predates the colonial state (Fortes & Evans-Pritchard 1950; Atanda 2007; Danmole 2012). Nigerians, like many Africans, had been deeply religious long before the advent of colonial rule, and from its inception the Nigerian state has been influenced by religion. Thus, the reality in contemporary Nigerian politics during both military interregnum and civilian rule is that religion and religious matters straddle across the polity. Politics and religion remain Siamese twins conjoined, albeit delicately, and no attempt at separating them has succeeded in developing democracies like Nigeria.

The thrust of this paper is an examination of the social bases of political behaviour (Manza 1957, pp. 38–81). Yet numerous comparative analyses suggest that, in many polities, religious-based cleavages may have been a more important factor for understanding the social bases of voter alignment than the class or ethnic cleavages in a plural and deeply divided country like Nigeria (Manza 1997, p. 39). In view of the aforementioned this article analyses the 2019 presidential election vis-à-vis the role of religion. Previous studies of elections in Nigeria and indeed Africa have paid little attention to the possibly debilitating role of religion in voter education and voter preferences inside the polling units.

The article is in six parts. Following the introduction, the second part discusses the concept of secularism. Part three is an exposition of politics and religion relating to the dilemma in Nigerian politics. Part four reviews the political situation and the influence of religion prior the presidential poll. Part five analyses the results across the six geopolitical zones state-by-state, illustrating the role of religion in influencing voters' behaviour. The conclusion infers that the Nigerian state may need to exercise greater caution to prevent the polity reverting from democracy to autocracy.

THE IDEA OF SECULARISM

Secularism rejects religious thought and feeling in normal day-to-day interaction in the society (Chaturvedi 2006, p. 280). Individuals may believe in (and practise) their own religion but those beliefs do not form the basis of or part of social behaviour. Thus, religion should remain subjective and should not become objective (*ibid.*). For Smith (1963, p.4, cited in Davies 1993) a secular state is one that guarantees individual and corporate freedom of religion, deals with the individual as citizen irrespective of his religion, is not constitutionally connected to a particular religion nor does it seek to either promote or interfere with religion. Put differently, a secular state is a state that is established on the assumption that political authority does not require religious legitimation, and to that extent the

state should not concern itself with the spiritual affairs of its citizens (Davies 1993, p. 81).

Bilton (1987, p. 422) describes the need to separate the state from religion as an expression of the increasing structural differential of society. Such a separation is indeed desirable because a union of both may threaten the liberty of those who have no religion or those whose religious beliefs are in opposition to the state religion (Davies 1993, p. 81).

Historically, the idea of the secular state began in Europe and dominated European political thought in the eleventh and twelfth centuries (Harmon 1964, p. 117). During this time there were disputes between the church and the European states arising from the claims and counter claims by the priests that the church was superior in both temporal and spiritual matters (Thompson 1966, p. 35). The only solution to resolve the dispute came when church and state agreed to demarcate their spheres of interests. By mutual consent, the authority of the church over the citizens was confined to spiritual matters while authority over all temporal matters was vested in the state. From then on religion, which had been the basis of priestly power and prestige, was no longer allowed to dominate the civic life of the state (Davies 1993).

In essence, therefore, the qualified nature of the secular state, as well as the Christian origins of the contemporary Western political system, are not in doubt as the theoretical and prescriptive tilt has been towards separating state and religion (Agbaje 1990, p. 289). The argument has been that:

the cornerstone on which the separation of church and state rests... is the belief that religion cannot be equated with a particular religion without threatening their mutual destruction. Each has its own imperatives.

Thompson 1986, p.13

In the same context, Alasdair MacIntyre (1967, cited in Thompson & Sharma, 1998, p. 435), secularisation means that in a society in which religion no longer provides a public legitimation for morality, there are only fragments of a conceptual scheme and no rational way of securing moral agreement. In keeping with this structural trend, secularisation was bound to occur because it was defined as a dissociation from religious concerns, with religion losing any overarching character and becoming just another specialised institution, confined mainly to the private sphere. According to Wilson:

Secularization may be defined as that process by which religious thinking, practice and institutions lose social significance and

become marginal to the operation of the social system ... The structural differentiation of the social system is accompanied by the increasing dependence of society on the articulation of distinct roles, particularly in the economic sphere. Role relationships characterize advance society in which interaction is governed by impersonal criteria: individuals who 'man' these social roles set aside their personal attributes and dispositions and confine their role performances to the relevant skills. It is this impersonality of role-articulated social systems which makes them non-congenial to religion.

Wilson 1988, pp. 953-66

This echoes Max Weber's discussion of rationalisation processes, but it can sometimes become a dualistic view of the individual in which the social role-playing part of the self is at odds with the irrational particularised individual in modern society. There is no public presence of religion, it is confined to the private sphere which caters to the 'irrational' non-socialised self (Thompson & Sharma 1998, p. 437).

The 1963 Constitution of Nigeria section 24 sub-section 1, with similar provisions in the 1999 Constitution (as amended) clearly states that Nigeria shall not adopt any state religion:

Everybody shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest and propagate his religion or belief, teaching practice and observance.

This is a declaration of unambiguous neutrality by the state in matters of religion; the basic assumptions that flow from it include but are not limited to the following:

- That the government at all levels shall not be involved in matters of religion;
- That religion will be the private affair of citizens;
- That government funds shall not be used to promote or advance any religion;
- That government at all levels shall be neutral on religious matters;
- That any citizen is free to change his religion as an individual or in a group;

- That every citizen shall have the right to practise and behave in accordance with his or her religious ethic, including dressing and the use of *hijab* by female Muslims either at home or in public (Tella 2014, pp. 150-151).

These assumptions form the fulcrum of the idea of secularity which summaries the notion of secularism.

POLITICS AND RELIGION: THE DILEMMA OF NIGERIA'S SECULAR STATE

Nigeria has well over 400 ethnic groups and is one of the most ethnically diverse countries in the world, with some of the ethnic groups bigger than many states in contemporary Africa (Kirk-Green 1967; Suberu 1998, both cited in Ojo 2009). Nigeria's pluralism is compounded by religious cleavages between Muslims/Christians in diverse denominations, together with numerous traditional African religions. However, Nigeria's constitution guarantees religious freedom which ensures that both Islam and Christianity are recognised, and African indigenous religions are freely practised.

According to Mazrui, 'long before the religion of the crescent or the religion of the cross arrived on the African continent, Africa was at worship, its sons and daughters were at prayer. Indigenous religions had a concept of divinity which was decentralized' (cited in Asemota 2016, p. 345). Aside from Christianity and Islam, which have been handed down over generations, indigenous African religions have no formal creeds or sacred texts comparable to the Bible and Koran. They find expression, instead, in oral traditions, myths, rituals, festivals, shrines, art and symbols. In the past Westerners sometimes described them as animism, paganism, ancestor worship or simply superstitions, but today scholars acknowledge the existence of sophisticated African traditional religions whose primary role is to provide for human well-being in the present as opposed to offering salvation in a future world.

The World Fact Book 2001 report by the CIA reveals that about 50 percent of Nigeria's population is Muslim, 40 per cent are Christians and 10 percent adhere to indigenous religions (cited in Okolie-Osemene 2010, p. 323). These religious differences have created loopholes in social relations which relate to problems like 'lack of equal opportunities in society, discrimination, exploitation, attacks and lack of protection, communal violence and riots, lack of proper representation in civil services and politics, sexual harassment, poverty and backwardness' usually faced by religious minorities (Swamy 2014, p. 5). In terms of population, it is believed that the numeric strength of a religious group is a political advantage

over other groups that have fewer adherents. In view of the aforementioned and with specific reference to Nigeria, the study also notes that hundreds of people from both faiths have died in the violence between Christians and Muslims in Nigeria in the past decade (Deji-Folutile 2010, p. 3; Ojo 2010, pp.182–198).

Christians and Muslims dominate the religious sphere of Nigeria's demographic setting, with neither being in a position of numerical superiority for the other to be a weak minority within the Nigerian federation (Agbaje 1990, p. 291). But the snag which has led to the dilemma in Nigeria's supposedly secular state is the existential rivalry between the adherents of the two major religions in public office. The attitude of public office holders vis-à-vis secularity does not really help. Ayoade (1987, p. 184), in a perceptive work, observes that religious bias has proved to be another form of poor power distribution in Nigerian federalism. For instance, in the Second Republic (1979-1983), 'country-wide, Muslims obtained about 70 percent of all executive and board positions'. Nigeria's federal character principle as enshrined in the Constitution provided for ethnic balancing in the convoluting federal arrangement (Ojo 2009) which was formally entrenched in the Constitution in the Second Republic. According to s.14(3) and (4) of 1979 Constitution which has been replicated in the 1999 Constitution (as amended):

(3) the composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in that manner as to reflect the federal character of Nigeria and the need to promote national unity and also to command national loyalty thereby ensuring that there shall be no dominance of persons from a few states or a few ethnic or other sectional groups in that government or in any of its agencies.

(4) the composition of the government of a state, local government council or any of the agencies of such government or council be carried out in such a manner as to recognize the diversity of the peoples within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the federation.

The spirit of this principle was defined in the supplementary clause of the 1979 Constitution as 'the distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging' (Ojo 2009, p. 159). Although this was celebrated by some as the 'cornerstone of ethnic justice and fair government in Nigeria', the federal principle has also been denounced by others as a euphemism for federal discrimination

at best, or geographical apartheid at worst (cited in Olawale 2007, p. 270). The mismanagement of the federal principle resulted in a wide gap between intent and practice. Together with the inability of the principle to accommodate religious differences in the face of religious rivalry between Christians and Muslims, this has done great damage to Nigeria's supposedly secular status, which is not ideal for the stability of the polity and democratic sustenance. Despite its commitment to freedom of religion, Nigeria's federal principle covers only ethnic pluralism without taking cognisance of religious pluralism. This has necessitated informal power-sharing mechanisms that are, at best, observed in the breach. Though government removed ethnic and religious data from the 2006 population census, the two variables continue to play a major role in Nigerian consciousness.

The debilitating impact of this mismanagement of religious sensibility in Nigeria has led to numerous ethno-religious crises in the post-colonial state (Asemota 2016, pp. 338-391; Durotoye 2016, pp. 504-527; Ugwueze 2016, pp. 253-268; Okolie-Osemene 2016, pp. 321-334; Ojo 2010, pp. 182-198; Udofia 2010, pp.124-135).

It is, however, important to emphasise the fact that the Nigerian state has been making conscious efforts during both the military interregnum and civilian rule to balance religious interests. This is by using informal power-sharing mechanisms and sharing executive positions between Christians and Muslims at federal, state and local government levels. The secular nature of the Nigerian state is seen as able to accommodate adherents of both religions while at best ignoring African indigenous religion practitioners (AIR). Table 1 (see below), indicates the performance of Nigeria's post-colonial state vis-à-vis public office and religion.

Table 1: Heads of Government and their Religious Affiliations

	Name	State	Date	Religion	Name Vice	State	Religion
1.	Tafawa Balewa (PM)	Bauchi	1959-1966	Islam	Nnamdi Azikiwe (ceremonial president)	Anambra	Christianity
2.	Gen. Aguiyi Ironsi	Anambra	Jan.-July 1966	Christianity	-	-	-
3.	Gen. Yakubu Gowon	Plateau	July 1966-1975	Christianity	Chief Obafemi Awolowo (vice chairman of FEC)	Ogun	Christianity

4.	Gen. Murtala Mohammed	Kano	1975-1976	Islam	Gen. Olusegun Obasanjo	Ogun	Christianity
5.	Gen. Olusegun Obasanjo	Ogun	1976-1979	Christianity	Gen. Sheu Yar'Adua	Katsina	Islam
6.	Sheu Shagari	Sokoto	1979-1983	Islam	Alex Ekwueme	Anambra	Christianity
7.	Gen. Muhammed Buhari	Katsina	1983-1985	Islam	Gen. Tunde Idiagbon	Kwara	Islam
8.	Gen. Ibrahim Babangida	Niger	1985-1993	Islam	Commo-dore Ebitu Ukiwe & Rear Admiral Augustus Aikhomu	Anambra	Christianity
9.	M.K.O. Abiola	Ogun	Aborted 3 rd Republic	Islam	Babagana Kingibe	Adamawa	Islam
10.	Ernest Shon-ekan (head of Interim Govt.)	Ogun	1993	Christianity	Gen. Sanni Abacha was head of the military	Kano	Islam
11.	Gen. Sanni Abacha	Kano	1993-1998	Islam	Gen. Ola-dipo Diya	Ogun	Christianity
12.	Gen. Abdulsalam Abubakar	Niger	1998-1999	Islam	Rear Ad-miral Mike Aigbe	Edo	Christianity
13.	Chief- Olusegun Obasanjo	Ogun	1999-2007	Christianity	Al-haji Atiku Abubakar	Adamawa	Islam
14.	Musa Yar'Adua	Katsina	2007-2010	Islam	Dr. Goodluck Jonathan	Bayelsa	Christianity
15.	Dr. Goodluck Jonathan	Bayelsa	2010-2015	Christianity	Dr. Nama-di Sambo	Kaduna	Islam
16.	Muhammed Buhari	Katsina	2015 till date	Islam	Prof. (Pas-tor) Yemi Osinbajo	Ogun	Christianity

* Source: Compiled by the Author.

Table 1 further illustrates that a Muslim president will choose a Christian vice-president, and vice-versa. In most of the federation states Muslim governors also opt for Christian deputies, and vice-versa. An exception was the military-controlled transition programme of General Babangida that threw up the late Chief MKO Abiola and Ambassador Babagana Kingibe on a Muslim/Muslim ticket. This was tolerated because Nigerians were tired of long years of military junta. As soon as the information leaked that Bola Ahmed Tinubu – former Governor of Lagos State and national leader of APC – planned to be President Muhammadu Buhari's running mate, Nigerians protested against the idea. With the fear of losing the presidential election in 2015, Buhari had to drop the idea and opted instead for Professor (Pastor) Yemi Osinbajo who was actually nominated by Bola Tinubu as a replacement. The political gimmick was to secure the votes of one of the largest Christian denominations in Nigeria. Similar scenarios played out at state level where, aside from the core north where there is a predominantly Muslim population, governors and their deputies came from the two major religions.

Furthermore, after the elections religion becomes a factor in cabinet composition. Whether explicitly stated or otherwise, the number of Christian and Muslim commissioners in a cabinet is usually an issue. Rather than competence and party loyalty, political leaders are conscious of this fact. Aside from conspicuous public officers, several other appointments are usually made to promote the religious leaning of the executive head responsible for the appointment.

What makes the two contending religions in Nigeria antithetical to democracy is the unfortunate rivalry and stiff competition resulting from the undue manipulation of religion by public office holders (Hassan 2013, pp. 221–247; Igboin 2013). The following examples buttress this point. They were expressed during the constitutional conference organised by the military during the era of General Ibrahim Babangida's lengthy transition. Justice Aniagolu, who chaired the conference, summarised the fears of adherents of both Islam and Christianity. The Christian fears were based on actions and utterances of government officials and some individuals, which tended to give the impression that the country was being progressively Islamised. Some of the grounds for these fears were given as:

- The name of Supreme Military Council was said to have been changed to Armed Forces Ruling Council at the prompting of Muslims who believed that ascribing supremacy to anything other than God/Allah was wrong.
- Nigeria's membership of the Organization of Islamic Conference (OIC) without public debate was intended to favour Muslims.

- The attempt to secure a loan from the Islamic Bank was also seen as firmly establishing Nigeria in the OIC.
- A Sharia Court of Appeal was established in the Federal Capital Territory even though there were no lower courts to feed it.
- The hospital in Abuja had no mortuary and nowhere in Abuja to buy a coffin. This denied non-Muslims the opportunity of preserving the bodies of their dead before burial at their own chosen time, as Muslims normally bury their dead on the same day of death.
- Some physical structures in Abuja, such as the bus stops, were designed along the lines of Islamic architecture.
- Promulgation of Decree 26 of 1986, which gave Sharia Courts appellate jurisdiction on all civil matters, provided evidence of the progressive Islamisation of the country.
- Government appointments to sensitive establishments are dominated by Muslims.
- Non-establishment of diplomatic relations with Israel was seen as directed against non-Muslims, in favour of Muslims.
- Provocative utterances by some Muslim leaders directed against the non-Muslims, particularly Christians.
- The Federal Government sponsored a delegation to Saudi Arabia for the presentation of the Faisal Award to Sheikh Abubakar Gumi.
- In many states in the country, especially in the north, Christian schools were taken over by government without compensation being paid to the original owners.

On the other hand, the Muslim fears are as follows:

- The present legal system in Nigeria was based on Christian doctrine.
- The continued use of the Gregorian calendar.
- The military officers' salute was a symbol of the cross and Muslim officers were forced to observe the practice.
- Signs at hospitals and other medical institutions denote the Christian symbol of the cross.
- Diplomatic representation in the Vatican (Holy See).
- Observance of Saturdays and Sundays as work-free days (Agbaje 1990, p. 294; Davies 1993; Asemota 2016, pp. 372–373).

These mutual accusations indicate that the Nigerian state is in a dilemma. Except for public office holders who are conscious of the need to keep the state free from religious sentiments and bigotry, the process of democratisation may be a mirage.

What follows is a discussion of the extent of religiosity on the average Nigerian and how it has influenced the voting behaviour of Nigerians.

PRELUDE TO THE 2019 PRESIDENTIAL POLL

Ahead of the aborted presidential poll scheduled for 16 February 2019, the Independent National Electoral Commission (INEC) had told Nigerians that the total number of registered voters was eighty-four million (84 004 084). However, the election could not be held until 23 February 2019. INEC later changed the figure of registered voters to eighty-two million (82 344 107). Worse still, while the Commission claimed that there was a total of twenty-nine million (29 364 209) accredited voters it added that there was a total of twenty-seven million accredited voters (27 324 583 (*Nigerian Tribune* 2019, p. 13; see also Ukeh 2018). It was a momentous election in which the registered 84 million voters were to elect a president for another four years. Simultaneously, there was voting for 109 Senate and House of Representatives seats. As expected, the presidential ballot generated keener interest because, more than any other elected official, the president calls the shots in a presidential system of government (*The Punch* 2019).

Notable issues associated with the 2019 presidential poll include the conflict between Fulani herdsmen and farmers; a comatose economy with mounting foreign and local debts; religious bias on the part of the president towards Muslims; and an ethnic chauvinism ignoring Nigeria's federal character, which was intended to support fairness between different ethnic groups.

The first major concern was the Fulani herdsmen/farmers conflict which claimed thousands of lives across the country but with more intensity in the Middle-Belt zone, that is in predominantly Christian states. Because the returning president happened to be a Fulani Muslim, the opposition Peoples Democratic Party (PDP) cashed in by labelling the All Progressives Congress (APC) candidate and his party one with the Islamisation agenda. Hence, a candidate who could re-order the warped security system was desired. Not only that, whoever won the presidential poll had the unenviable task of uniting the country, jump-starting the comatose economy, and building the decrepit infrastructure deficit estimated at \$3 trillion dollars. Most of all, Nigeria's existential challenge of redesigning a socially appropriate, politically workable and economically competitive constitutional framework could no longer be delayed (*ibid.*).

As lofty as the election issues were for assisting the electorate to make reasonable choices, religion became a critical factor in a competitive election with a total of 73 political parties fielding candidates for the election. However, the real electoral battle was between the APC's Muhammadu Buhari and Atiku Abubakar of the PDP. Since 1999 when democracy was inaugurated these two leading parties had alternated power.

The fundamental question at this juncture is: how does the religious card start playing out? The two leading contestants happened to be Muslims. The two parties envisaged that whatever the margin and no matter how thin, there are more Muslims in the country than Christians. The most reasonable option was the choice of a Muslim candidate to be supported by a Christian running mate. While Muhammadu Buhari opted for Professor (Pastor) Yemi Osinbajo – an ordained minister of the Redeemed Christian Church God (RCCG), one of the leading Christian churches in the country – Atiku Abubakar settled for Mr. Peter Obi, a former governor of Anambra State and a Catholic. The Catholic Church has one of the largest followings in Nigeria. The choice of Christians to deputise was one of the informal power-sharing mechanisms in Nigerian government and politics (Ojo 2000, pp. 44–53).

Bad blood was generated between Christians and Muslims before the 2003 elections, when the antecedents of the APC candidate (Muhammadu Buhari) reportedly instructed Muslims to vote for Muslim candidates only in the 2003 elections (Ayantayo 2009, p. 105). Hence, elections in the country are also periods of religious politics, though this trend does not promote the democratisation process in the country (Okolie-Osemene 2016, p. 329). Nevertheless, less than 24 hours before the presidential election, the Pentecostal Fellowship of Nigeria (PFN) charged its 40-million members nationwide to vote for a candidate whose values aligned with those of the association. The PFN said members should vote for a candidate whose government could eliminate or reduce killings in the country and one who would not use power to control state institutions such as INEC, the Economic and Financial Crimes Commission (EFCC) and the police (*The Punch*, February 16, 2019 p. 7). The religious body was technically dissuading its members from voting for President Buhari. In the same vein, the Catholic Church too declared that ‘Christians have been urged to vote out blood-thirsty politicians who are now moving about canvassing for votes’, according to Catholic Vicar Forane, and the Very Rev. Fr. Cletus Chilaka Ugochukwu at the end of January at SS. Peter and Paul Catholic Church, Mbutu Ngwe in Isiala Ngwa South, LGA of Abia State. They counselled Christian faithful not to choose leaders based on sentiment but to elect those who have the fear of God at heart (*Sunday Tribune*, 2019). These statements were probably targeted at the APC candidate running for federal government, who was perceived to be biased in terms of ethno-religious balancing in a plural society. Earlier in the year members of the Catholic Church and their priests were brutally murdered by Boko Haram insurgents without a single suspect being apprehended. Though Atiku Abubakar of PDP is also a Muslim, he was not seen to be biased towards Islam, nor likely to use his office to promote religious disharmony. For this reason, the Church was deeply involved in trying to influence the electoral decisions of Christians.

The diocese of Lagos West (Anglican Communion) also restated its commitment to a better Nigeria. Speaking on behalf of the Church in Lagos, the Lord Bishop of the Diocese of Lagos West, the Rt. Rev. (Dr.) James Olusola Odedeji, said that the Church had committed huge resources in support of credible elections, disclosing that the Church deployed 300 well-trained observers across the state, had mobilised 40 buses and drivers and had also drafted church dignities to man a situation room, taking complaints and communicating them to INEC's Lagos office. Odedeji told a national daily that when the Church realised that there was no bond between the leader and the followers, they organised a debate between the 12 candidates contesting the gubernatorial election in Lagos State (*The Nation* 2019).

The Church did not display just a passive interest in the elections. The umbrella body of Christians across the country – the Christian Association of Nigeria (CAN) – was also critical of the APC candidate because of the way federal government under its watch handled the Fulani/farmers conflicts which had wreaked havoc, mainly in the predominantly Christian communities in the Middle Belt zone of the country. In response, an anonymous columnist – *Hardball* – wrote 'still uncritically carrying partisan sympathies to negate own pristine essence has been CAN's greatest undoing' (*The Nation* 2019). A number of large Christian organisations joined the fray using social media, most especially WhatsApp messages which circulated among Christians tacitly warning them not to vote for the returning president.

On the other hand, most Muslims were convinced that the pendulum would swing to their side, hinging their optimism on demographics, that is because they have the larger population. The pendulum did indeed swing to their side. Buhari was preferred by them because Atiku was perceived to be a more liberal Muslim. In addition, the chairman of the Muslim community in Oyo State addressed a stakeholders' meeting in Oyo State on 3 March 2019 in preparation for both the governorship and presidential elections, urging them to vote for their own. The convener, Alhaji Kunle Sanni, also visited different zones in the state admonishing Muslim adherents to do the necessary (*The Nation*, March 4 2019 p. 44). The influence of religion was glaringly obvious in Oyo state election results where the two-term sitting governor of APC lost to PDP. The religious factor was brought about by insensitivity in fielding a Muslim candidate for the governorship as well as the three Muslim senatorial candidates of APC. This infuriated Christians in the state and they mobilised Christians against APC gubernatorial and presidential candidates (Ojo 2019).

All these religious manoeuvrings were lost to international observers when they declared the February 23 presidential and National Assembly elections credible and fair, despite the fact that the logistical failure stuck out, like the

proverbial sore thumb, in many polling precincts across the country (*The Nation* 2019). The *New York Times* called the contest between Buhari and Atiku 'a referendum on honesty'. The newspaper had described Atiku as a 'corruption-stained candidate' (Akanni 2019, p. 30). Few observers even considered the role of religion in Nigeria's 2019 presidential and governorship elections. A free and fair poll should reflect voters' choices without their being coerced or cajoled with either money (vote-buying) or an appeal to religious sentiments. That is the thrust of the next section of this paper in analysing the impact of religion on voters' choices nation-wide.

PRESIDENTIAL ELECTION POLL RESULTS AND THE INFLUENCE OF RELIGION

The 2019 presidential election result is best analysed on zonal basis. Nigeria is divided into six geo-political zones for administrative convenience, with the Federal Capital Territory (FCT) on its own (Ojo 2009, p.163). With the North-East, which comprises six states viz: Adamawa, Bauchi, Borno, Taraba, Yobe and Gombe, the voting patterns in the zone reflected the influence of religion. In Adamawa state, the PDP candidate secured 410 266 votes over the APC's candidate of 378 078, which was a slim win by PDP. Religion did not play much role here because it is a predominantly Muslim state. Aside from that, Atiku Abubakar hailed from Adamawa State which boosted his chances; the politics of Adamawa is also unique because more than any other state in the federation, even the 28 governorship candidates were drawn from different religious groups. It is a fairly liberal state with a sizeable number of Christians. Bauchi State in same zone is Muslim-dominated but with sizeable number of Christians. APC won with 798 428 and the PDP received 209 313. The popularity of Buhari here dwarfed any religious affiliation. Borno State in the zone is also predominantly Muslim. APC won easily with 836 496 votes against the PDP candidate's paltry 71 788. Buhari had a cult-like follower from Borno State. He was at a time the Military Governor of Borno State during the military interregnum, and that he was perceived by the electorate as a committed Muslim also helped matters. Taraba State in the same zone has a large population of Christians, so with religious, ethnic and security issues as top consideration, PDP led with 374 743 votes as against APC's 324 906. Former Minister of Defence General Theophilous Danjuma, was considered a major force as a Christian who influenced voters in favour of the PDP. Yobe State has large Christian and Muslim constituents, and has cultural affinity with Borno State so the pattern of politics in the two states is often similar. Thus, APC won with a wide margin of 497 914 votes against the PDP's 50 763 votes in Yobe. In Gombe, a Muslim-dominated state, the APC secured 402 961 and the PDP 138 484 votes. In

North-East zone, which has more Muslims than Christians, the APC candidate received 3 238 773 against the PDP's 1 255 297 votes (Egburonu 2019, pp. 23–34). In percentile, APC received 71.71% of the total votes in the zone while the PDP garnered only 27.82%.

North-West zone comprises seven states that are predominantly Muslim, to the extent that Islam has become 'an unofficial state religion' (Bienen 1986, p. 60, also cited in Agbaje 1990, p. 291). It is not surprising therefore that the APC won a landslide victory in the zone with a total of 5 954 351 against the PDP candidate's 2 280 465 votes. The state-by-state distribution of votes is equally significant in demonstrating their preference for Buhari, who was perceived as a better symbol of Islam. In Jigawa State APC received 794 738 against the PDP's 289 895. Kano State delivered 1 464 768 votes to the APC while the PDP received 391 593 votes. Katsina State, where Buhari hailed from, delivered 1 232 133 votes against 308 056 for PDP; Kebbi State, 581 552 for the APC to 154 282 votes to the PDP; while Sokoto State, also known to be hotbed of Islam with its caliphate, gave the APC 449 033 and 361 604 for PDP. Kaduna State also has large number of Christians but with a majority of Muslims. It delivered 993 445 for APC and 649 612 for the PDP. Zamfara State, where Sharia law originated, voted APC with 438 682 and PDP 125 423. Total vote for this zone was APC 5 954 351 and 2 280 465 for PDP. On percentile, APC scored 72.1% against PDP's 27.61%.

The voting pattern in North-Central axis is different. This zone comprises both states that are predominantly Muslim and those that are dominated by Christians. While APC won in North-West with wide margin, it was a different matter in North-Central where the APC won with 2 465 599 votes to defeat the PDP's 2 023 769. Starting from Benue, a predominantly Christian state, campaigns were based largely on personality. They were, however, also tainted by economics, ethnicity and religion in the light of the herdsmen killings witnessed in the previous two to three years in Benue State. Benue was hardest hit by the crisis, with scores massacred by Fulani herdsmen. In an attempt to win the state, the opposition party PDP highlighted the crisis which cost the state hundreds of casualties. The Buhari-led federal government's lacklustre approach to handling the crisis made matters worse. The state that voted widely for APC in 2015 polls changed its mind and voted PDP, polling 356 817 votes to the APC's 347 668. Though this was a thin margin they made a statement about defeating APC. In Kaduna State, with sizeable numbers of both Muslims and Christians, the APC had 993 445 and PDP 649 612 votes. The governor of the state, Mallam el-Rufai, opted for a Muslim/Muslim ticket, disregarding the huge Christian population in Kaduna. He rationalised this on the grounds that even if he were to pick the Pope as running-mate, Christians in the state would not vote for him – a comment that discouraged a number of Christians in that state. Kwara, a predominantly

Muslim state but with a large Christian population, jettisoned religion and opted for civil revolution – a political movement – with the ‘O to ge’ (Yoruba for enough is enough) mantra which caught fire like dry leaves in the harmattan, swinging the vote in favour of APC displacing the ruling PDP in Kwara State. In the event, the APC received 308 984 votes and PDP 138 184. The electorate spoke with one voice irrespective of their religious leanings, because they wanted change in the political leadership of the state which had been dominated by the Saraki dynasty for over four decades. Niger State is known to be Muslim; there it was a straight fight with APC scoring 612 371 to PDP’s 218 052 votes. Plateau states like Benue in the North Central is predominantly Christian. As expected PDP received 548 665 and APC 468 555 votes. Kogi State in the same zone has an almost even distribution along Muslim and Christian lines, which is why their result is not as wide. APC scored 285 894 votes against PDP’s 218 207. Nassarawa State in the same zone voted APC with 289 903 and PDP 283 847. The Federal Capital voted PDP with 259 997 and 152 224 for APC, with Christian civil servants swinging the vote against the APC. Total votes for the zone was APC 2 465 599 and PDP 2 023 769 votes. In percentile, APC received 54.5% and PDP 44.75%.

Nonetheless, electoral behaviour was tainted by religious sentiments in South-East zone. All five states – Abia, Anambra, Enugu, Ebonyi, and Imo – are predominantly Catholic Christians, and the church had spoken out against the candidature of President Buhari. In Abia State, PDP got 219 698 votes against APC’s 85 058. In Anambra PDP got 524 738 votes to APC’s 33298 votes. Enugu State also performed to type with 355 553 votes for PDP and 54 423 votes for APC. In Imo State, PDP got 334 923 to APC’s 140 462. In Ebonyi State, APC scored 90 726 to PDP’s 258 573 votes. The total votes scored by the two contending parties differ greatly; PDP got 1 693 485 votes while APC could only garner 403 968 in the whole zone. As the percentile of total votes in the zone, PDP won with 78.18% and APC 19.1%.

The South-West zone exhibited quite different electoral behaviour in the 2019 polls. This zone is known for its progressive politics but also consists of a significant mixture of Muslims and Christians as the dominant religious groups (Agbaje 1990, p. 291. Though APC won the zone it was not an easy ride. In Ekiti State APC got 219 231 votes to PDP’s 154 032. Lagos was more difficult, and the APC scored 580 825 to PDP’s 448 015 votes. This result was considered too close in a state that claimed to be the unofficial headquarters of APC. The state had been governed since 1999 by the progressives, but the large population of predominantly Christian Ibo traders boosted the chances of PDP as they voted in line with the voting pattern in their respective home states. Ogun State delivered 281 762 votes to APC because of sizeable number of Muslims there, and gave 194 655 to PDP. Ondo State with a large population of Christians (despite a sitting APC governor) voted en masse for PDP with 275 901 and 241 769 votes for APC.

Osun State was also not easy as PDP scored 337 377 to APC's 347 634. There are more Muslims than Christians in Osun. In Oyo State, the religious card was visibly played along with other factors. Surprisingly, PDP won the state with 366 640 votes to APC's 365 229 despite the fact that APC went to the polls with a two-term sitting governor. Most Christians in Oyo State were aggrieved and jettisoned the APC candidate, which was a shock to the ruling party. The total votes in the South-West which bailed out the APC were 2 036 450, with 1 776 620 votes for PDP. In percentile of total votes in the zone, APC got 51.94% and PDP 45.31%.

The South-South zone consists of six states that are all significantly Christian; as expected, PDP won there with 2 233 232 votes against APC's 1 051 396 votes. A consideration of vote distribution across the zone revealed that in Bayelsa State APC had 118 821 votes to PDP's 197 933. Akwa Ibom State delivered 395 832 to PDP and 175 429 votes to APC. Cross River state voted PDP with 295 737 and 117 302 votes for APC. Delta state also voted PDP with 594 068 and 221 292 for APC. Edo state returned 275 691 for PDP and 267 842 for APC. Rivers state voted 473 971 for PDP and 150 710 for APC. The total vote in the zone was 2 233 131 votes for PDP and 1 051 396 votes for APC. In percentile, PDP received 67.59% to APC's 31.82%.

CONCLUSION

The foregoing results clearly indicate that religion was a visible factor in voters' choices in the 2019 presidential polls across the country. While this was no surprise in the core north, south-east and south-south, the south-west was for the first time greatly influenced by religion rather than the progressive ideology that states in the zone are known for in their voting decisions. Christians in the zone were influenced by the opposition PDP campaigns that painted the ruling party, the APC, in a bad light as having an Islamic agenda. This was lent credence to by the response of APC-led federal government that had been feeble in its response to the conflict between herdsmen and farmers in Christian-dominated states. In addition, the Boko Haram insurgents compounded the situation by attacking churches while the state appeared incapable of bringing the miscreants to book.

Buhari's presidency tilted in favour of the Muslim north and as a result most appointments made before and after the 2019 polls reflected an asymmetric relationship skewed in favour of the Muslim north. This warranted a stinging editorial in the flagship of Nigeria's print media, *The Guardian* (10 September 2019) entitled 'A federation nurtured by partiality'. The paper commented: 'as some observers have noted, players at the centre forget easily that our country is a federal secular state and have carried on haughtily without caring a hoot about the foundational bricks that make for an enduring union'. Nigeria's federal

character covers only ethnic pluralism without cognisance of religious pluralism. Yet these two variables continue to play a major role in Nigerian consciousness.

The state needs to display better attributes of secularity in all ramifications in order to downplay religious influences on Nigeria's electoral behaviour. The Election Management Body (EMB) for its part also needs to educate the electorate in making rational choices devoid of religious or ethnic colourations that are inappropriate in developed democracies.

Finally, the Nigerian state needs to improve the education sector. The more educated the citizenry, the better they are able to make informed electoral decisions in the polity. Manipulation of religion is antithetical to Nigeria's democratisation, and the country's nascent democracy can be nurtured only when voters are neither coerced nor manipulated by extraneous factors like religion.

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