

# POLITICAL CORRUPTION, DEMOCRATISATION AND THE SQUANDERING OF HOPE IN NIGERIA

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## ABSTRACT

*The hope of a new Nigeria characterised by good governance and rapid socio-economic development, which accompanied Nigeria's democratisation in 1999, seems to have largely been squandered 12 years into the process. In view of the effects of dashed hopes on the psyche of most ordinary Nigerians, as well as their impact on the overall development of the country – the pivot around which the African continent should revolve – this article attempts a critical examination of some probable causal factors. Among the various possible factors the paper identifies political corruption as the most prominent and debilitating. It discusses the effects of political corruption on the character of the state in Nigeria as well as the corruptive impact of the system of party funding in the country. Similarly, it analyses the effects of the country's phenomenal earnings from the sale of crude oil, which are not properly accounted for, and the uncontrolled culture of impunity among many holders of sensitive public office. It concludes that there is a need to re-invent state functionality, particularly through purposely engaging professionals and civil society groups in governance and public affairs in general.*

## INTRODUCTION

The great expectations that accompanied Nigeria's political independence in 1960 have, over the years, encountered serious challenges and problems. From an independence built on a vision of becoming the Giant of Africa and the entire black race, Nigeria, 50 years later, is one of Africa's most under-developed countries. How, despite its huge human and material resources, did Nigeria find itself in its present position? What are the probable causes of the evident lack of

good governance and sustainable development in the country? Why is the state so fragile? To what extent can the re-introduction of civil rule address the various crises brought about by the long period of military rule in the country? In short, how can Nigeria's squandered developmental hope be fully restored?

The burgeoning literature on Nigeria's multi-dimensional predicament is replete with scholarly explanations of the probable causes of the numerous challenges and problems facing the country. The most prominent among these trace Nigeria's inability to harness its potential and actualise its vision back to the country's colonial beginnings, multi-ethnic nature, leadership failure, political instability, military rule and inappropriate constitutions.

Although these explanations are quite logical and plausible, political corruption, or the general abuse of official positions and privileges, especially through the rapid erosion of the autonomy and functionality of the state, seems to be a more appropriate explanation. In light of this, in analysing Nigeria's major predicaments I will concentrate on the debilitating effects of political corruption as well as leadership failure.

The rest of the paper is divided into four main sections. First, I explain the concepts that are central to the analysis. The second section comprises a brief discussion of Nigeria from an historical and theoretical perspective. Next I apply the knowledge of the basic elements articulated in the second section to the examination of selected cases in the Fourth Republic, with a view to analysing the extent to which democratisation has enhanced the fight against political corruption and helped to restore the country's image in the comity of nations. The final section summarises, draws conclusions and suggests alternative measures that might assist the attainment of good governance, particularly by reducing political corruption.

### CONCEPTUAL CLARIFICATIONS

The main concept I shall attempt to explain is political corruption. Other concepts, such as democracy, good governance and development, which are hampered in Nigeria by political corruption, will also be explained.

Political corruption is a ubiquitous global issue of serious concern. It is prevalent in all human societies, but the degree or nature varies from one society to another. Similarly, the content and mode of expression of corruption are culture specific and, in addition, vary with time.

In the case of Nigeria corruption in public life seems not to be a mere error to be remedied. Indeed, its systematic and persistent nature depicts a problem that 'manifests an indictment of something fundamental about the society' (Odekunle 1986, p 4). In line with the pivotal role played by state-society relationships in the

overall enhancement of the capacity of the state the endemic political corruption in Nigeria also explains the fragile nature of public institutions and other agencies of the state.

For ease of reference, political corruption is used in the context of this article as any act of a public official, civilian or military, aimed at changing the normal or lawful course of events, especially when the perpetrator uses such a position of authority for the purposes of a personal or group interest, most often at the expense of others (Olopoenia 1998; Yagboyaju 2004). It should be noted that this conceptualisation of the term makes it adaptable to such practices as:

Ethnic and personal misuse of office for accumulation of wealth, unauthorized sale of government property, illegal hoarding of essential and critical commodities, favouritism, nepotism, purchase of loyalty by an illegitimate or outrightly illegal regime through inducement for supporters and victimization of opponents and critics, election rigging, falsification of election results and examination malpractices among others.

Yagboyaju 2008, p 3

Obviously, the list contained in the article of corrupt acts in Nigeria's public domain is not exhaustive – they also include rent-seeking, kleptocracy, state capture and the manipulation of lobbying by the political class.

The other key concepts, namely democracy, good governance and development, will be articulated in a way that demonstrates clearly the relationship between them and political corruption. In other words, the explanation of these concepts should deepen our understanding of the way one may impede or enhance the actualisation of the other. It is pertinent to note that democracy, good governance and development constitute different aspects of an ultimate goal that is attained mainly through the process of democratisation. In light of this, it may be useful to conceptualise democratisation before discussing these higher levels.

In simple terms, democratisation implies a 'series of continuous actions and changes geared toward the replacement of an existing system of authoritarian and undemocratic regime with one that is participatory and democratic in nature' (Yagboyaju 2007, p 35). This process is essentially open and competitive and more representative and accommodating.

Democracy, according to its earlier antecedents in the Greek city-states, literally means rule of or by the people. Ever since its evolution it has largely been characterised by equality (in terms of voting rights), natural rights and sovereignty (Heater 1964, p 117). Apparently, direct participation in day-to-day governance is no longer possible in modern nation-states because of the growing population

and complexities. In Nigeria, as in many other modern states, liberal democracy, or representative democracy, is, therefore, the dominant model.

The most important features of this model include the rule of law, transparency, accountability, periodic elections and constitutionalism. It is, perhaps, necessary to note that democracy has, up to now, been widely accepted as the best form of government. Democracy and other types of government may be classified under the broad traditional notion of governance, which links the concept to the activities of 'specific occupants of public office who are in a position to make binding decisions at any given time' (Collier 1982, p 7). In this sense governance is applied as a set of norms to appraise governmental systems and prescribe appropriate or acceptable practice of the manner in which power is utilised (Olowu 1999, p 3). However, governance, in more recent times, has become synonymous with democracy or democratic rule. This is, perhaps, because the essence of any modern government is seen as the greatest happiness for the greatest number of people, or, in simple terms, good governance.

While governance and democracy might be inseparable in the advanced democracies of the developed world, democratisation in Nigeria and many other parts of the less developed world that are not totally free from a possible relapse into the dark past can still be divided into those under good and those under bad governance. According to Fadakinte (2008, p 12) good governance must entail the capacity of the state to function well in the service of the public good. In doing so the state must be transparent in its activities, and this includes transparency about the way government makes decisions, conducts business and spends public funds. Similarly, good governance requires that rulers abide by the rule of law and be accountable to the people. It must also incorporate mechanisms for 'peaceful conflict resolution, for it is a bad government that resorts to violence in resolving conflicts' (Fadakinte 2008, p 12). In all of this there must be an interplay of such factors as justice, fairness and equity.

Finally, development, which consists of such elements as economic growth and generalised access to the good things of life, can be attained through the sustainability of the democratisation process. In more concrete terms, development can be attained effectively through greater and continuously improving access to such basic needs as food, shelter, clothing, education, health, political and economic freedom and personal self-esteem, which comes from an individual's capacity to participate in meaningful and socially productive interactions with other members of the community (Olopoenia 1998).

It is appropriate to examine critically the character of the state in Nigeria so as to understand how and why the hope of achieving and consolidating all the elements of development discussed above was gradually squandered.

## NIGERIA IN HISTORICAL AND THEORETICAL PERSPECTIVE

It is, perhaps, appropriate to start by asking why and how Nigeria reached its present stage? Why is it that one is confronted, almost everywhere one turns in modern Nigeria, by strong feelings of alienation and despondency among the people? How can we explain the evidently mindless corruption and insensitivity to social justice among the leaders, as well as the wanton vandalism and criminality of the ordinary citizens? There is, undoubtedly, strong evidence that all is not well with Nigeria and, more particularly, Nigerians. In order to understand all these socioeconomic and political elements it is necessary to examine the country critically from both an historical and a theoretical perspective.

In Nigeria, as in most African countries, colonialism, the politics of independence including its resultant effects – ‘colonial inheritance and inappropriate political structures and system’ (Okunade 2008, p 20) – and the country’s multi-ethnic character were among the prominent factors scholars advanced to explain the country’s predicament during and immediately after colonial rule.

It should, for instance, be noted that most early scholarly works, including Lewis (1965), Sklar (1966), Dudley (1973), Ekeh (1975) and several others that emphasised colonialism and the presence of diverse ethnic nationalities in Nigeria, did not portray ethnicity or its salience in negative terms. Rather, they argued that the colonial state suffered from its lack of legitimating ideals because it was essentially perceived as an alien structure. Apparently this was largely because the colonial state was created from outside Nigeria and not as a result of a demand or request by the indigenous people.

In light of this, a relationship that Ekeh (1975) articulated in his concept of the ‘two publics’ – the ‘primordial’ and the ‘civic’ – manifested in many ways. According to Ekeh the primordial realm is a moral one, while the civic is, for the most part, amoral. The primordial involves a sense of membership of a community, a sense of citizenship, while the civic derives from the colonial administration and its imposed military, civil service and police institutions (Joseph 1991, p 193). The private individual has a sense of being morally linked with his primordial group, therefore he relates to it with integrity and moral uprightness, while he relates to the second, the colonially contrived nation-state and its institutions, with no moral commitment and a minimal sense of responsibility or decorum. In light of this, the perpetration of political corruption in Nigeria can be traced to the faulty beginnings of the country.

However, there is a need to interrogate further how and why political corruption became bolder and more ravenous in spite of the loud pronouncements made against it by successive regimes since political independence. Similarly, we

need to examine critically why it has been difficult to establish democratic rule in the country despite the people's avowed preference for democracy and the rule of law. Most of the recent explanations advanced, especially since the first military regime, the subsequent interchange between civil and military rule and, finally, the return of civilian rule since 1999, have not totally disregarded colonialism but have placed more emphasis on the narrow concept of politics, by which it is reduced to the contest for political office and the competition for its spoils.

According to Dudley (1975) politics in Nigeria 'is not about alternative policies but about the control over men and resources'. This is well articulated in more theoretical terms by Joseph (1991), with his prebendalist perspectives on the country's political sociology. Similarly, Ikpe (2005) and a host of others have adapted Max Weber's explanations of the concept of patrimonialism to explain the nature of the state and politics in modern Nigeria. As articulated by these scholars, the most prominent features of patrimonialism or a patrimonial state include, among others, nepotism, administrative inefficiency, political corruption, political instability and a general lack of development.

Obviously all these explanations, either for the Nigerian situation or for others (Callaghy 1987; Theobald 1990; World Bank 2000), which are more generalised about the lack of development in most parts of Africa, point to the fragile nature of the state. In the case of Nigeria, even after 50 years of political independence the state barely fits the description of 'the organized aggregate of relatively permanent institutions of governance' (Duvall & Freeman 1981, p 106), largely because it is 'captured' and manipulated by a majority of its political leaders and technocrats.

Apparently, a plausible explanation for this practice is that a majority of political rulers and senior public officials exploits the combination of some negative aspects of the traditional or indigenous patrimonial system like the *Kabiyesi* mentality (the African king or patriarch should never be faulted) and the oppressive character of the colonial and post-colonial state to sustain personal rule and other forms of abuse.

The discovery of crude oil and the phenomenally large resources that has brought over the years have also, in several ways, exacerbated the challenges of political corruption, which are greater in Nigeria than in other African states. There are, for instance, elements of political corruption in Ghana, Botswana and other emerging democracies on the continent, but the debilitating effects are minimised, probably because most political rulers and technocrats in those countries do not have direct access to the huge resources available to their Nigerian counterparts.

The endemic political corruption is a manifestation of the evident lack of capacity on the part of the state as well as of the acute governance crisis in the

country that can be traced back to the long period of arbitrary and personal rule there. Troublingly, while the democratisation process appears to have liberalised the political space, it is yet to guarantee significantly the rule of law, transparency and accountability that should ultimately curtail the culture of impunity and other forms of violation by a majority of public officials who have, over the years, manipulated governmental powers to the detriment of ordinary citizens (Yagboyaju 2010b). As will be discussed in the next section, it may therefore not be surprising that the same people are the major financiers and political godfathers who largely determine the course of the country's democratisation process in the Fourth Republic.

### SELECTED CASES

This section examines and discusses specific instances during the Fourth Republic where government at different levels has, through its actions, fuelled or curbed political corruption, thus either enhancing or hampering the process of democratisation. Specifically, the section concentrates on such key areas as election finance and party funding, the economy and budgeting process and the judicial process.

#### *Money and politics*

Discussions about money and politics in contemporary Nigeria, especially relating to the impact of money on political corruption, often generate serious concerns, which seem to derive from the significant role played by party funding and election financing in the realisation of genuine democratic participation (Onuoha 2002, p 135). It is patently clear, for instance, that party and election financiers may easily exploit their control over the parties they fund either in order to discriminate against particular candidates or to hijack the machinery of government if their party is victorious.

In short, whether the function of the political party to select candidates freely is vitiated or governance itself is hijacked, the lack of proper and effective management of party funding leads to abuse, political corruption and the restriction of political participation.

There are two schools of thought about the issue of financing of political parties. The first, referring back to the early 1990s, when the Babangida military regime registered and provided most of the funds needed by the two parties in existence at the time, believes government should participate in funding political parties. They argue that the modest success recorded during the ill-fated Third Republic, when the regime funded the Social Democratic Party (SDP) and the

National Republican Convention (NRC), showed the effectiveness of such a contribution by government. The second school believes political parties should organise their own funding but that the government should enact laws to guide the way the parties generate and dispense their funds.

The latter is the case in the Fourth Republic. Although all the parties receive subventions and financial assistance from the government, the bulk of their funds comes from party members, supporters, candidates and other patrons, especially the very rich. However, officers and officials of the ruling parties at federal, state and local government levels who are elected or appointed to various public positions still use their positions to win juicy contracts and other privileges, through which the parties can also be funded.

The main concern of this article is the financiers and 'moneybags' who deploy funds in order to hijack political positions and decisions. Specifically, I refer to the examples of Anambra State under Governors Chinwoke Mbadiniju (1999-2003) and Chris Ngige (2003-2006) and Enugu State under Governor Chimaroke Nnamani (1999-2007).

Mbadiniju's election in 1999 was reportedly financed by Sir Emeka Offor. In fact, Mbadiniju confessed that he had rewarded Offor for the N 4-million he had contributed by allowing him to nominate the commissioner for finance and works (*Tell* 31, p 2). However, trouble arose when the governor, probably because of his newly acquired wealth, declared his intention to seek re-election in 2003.

Chief Chris Uba, who financed Governor Chris Ngige, proved to be shrewder – he reportedly made Ngige sign an agreement stating that he would not seek re-election (*Tell* 51, p 4). Ngige had also, prior to his election, signed a covenant of relationship in which he pledged to continue to do Chris Uba's bidding and was alleged to have signed three undated letters of resignation from the positions of party candidate, governor-elect and governor (Ayoade 2008, p 91). The significance of these was that if Ngige reneged on his pledge the appropriate resignation letter would be dated and submitted.

Uba reportedly put in place a caucus, designed, essentially, to serve as a 'clearing house' for all government policies and decisions. If all these arrangements had been fully implemented Ngige would have been a mere figurehead and a lame duck. He was, however, alleged to have reneged on his promises within six weeks of his inauguration as governor and, as a result, was abducted, with the connivance of the police, on 10 July 2003.

All these events, and Ngige's removal from office in 2006, largely accounted for the under-development of Anambra State. More importantly, the abuse of privileges, especially by the godfather and financier, constituted political corruption, which also hindered the deepening of democratic rule in the state.

The situation in Enugu state was similar. Here Chief Jim Nwobodo supported



and funded the gubernatorial campaign and election of Chimaroke Nnamani and, in return, had his nominees appointed as commissioners in the state's cabinet. However, trouble started when Nnamani allegedly embarked on the deconstruction of Nwobodo's political machine when Nwobodo attempted to stand for a second term as governor.

There are several other similar instances of abuse of privilege by political godfathers and financiers in other parts of the country. The prominent ones include Oyo State under Governor Rashidi Ladoja, whose disagreement with his political godfather, Chief Lamidi Adedibu, disrupted the process of governance in the state between 2003 and 2007.

The abuse by wealthy and influential Nigerians of party funding and election finance constitutes a great threat to the country's democratisation. Nigeria and its political class seem to have learnt little or nothing from best practice in the developed world, where, for instance, President Barack Obama of the USA and his party funded their activities from the small donations they gathered from across the country. Troublingly, election financing and political godfatherism in Nigeria's Fourth Republic have also sown doubts about the legitimacy of the electoral process and have created an environment that distances the people from the state and its numerous functions.

### *The economy*

As highlighted above the economy and the budgeting process are key aspects of the Fourth Republic that are affected by political corruption and contribute to the gradual erosion of the hope of establishing and sustaining democratic rule in the country. It is, perhaps, necessary to note that the first civilian administration in the Fourth Republic inherited from its military predecessor an ailing economy characterised by mismanagement, extra-budgetary spending, general fiscal indiscipline, an oversized workforce and a visibly ill-equipped and ill-motivated bureaucracy (Yagboyaju 2010a).

Evidence of the ailing economy at the time was the country's external debt, which creditors put at \$32-billion. Surprisingly, Nigeria was neither sure of the exact amount it owed nor could it provide evidence of the projects for which the loans that made up the debt had been used. In addition, the country was, at different times during this period, classified by various international organisations as 'one of the world's poorest', 'a poorly managed economy', 'a fragile economy', and so on (World Bank 1996; United Nations Development Programme 1997).

Similarly, Transparency International, the Berlin-based anti-corruption organisation, ranked Nigeria as the most corrupt of the 54 countries assessed around the world in 1998. Certainly, all of these were serious signs of an ailing

economy. However, there was great hope that the economy would be resuscitated with the reintroduction of a civilian government and the subsequent establishment of democratic rule. This expectation was based on such basic democratic principles as rigorous scrutiny of the budgeting process, public procurement, the process of employment and appointment of public office bearers and, more importantly, the experiences of other countries where democratic rule had enhanced economic growth and sustainable development.

As expected, the democratisation process in the Fourth Republic seems to have partly enhanced the country's economic sector. For instance, various efforts by the Obasanjo administration (1999-2007) led to the cancellation of more than \$12-billion of the country's foreign debt. In addition to the debt-exit strategy the Obasanjo administration helped to build the country's external reserves from a modest \$4-billion in 1998 to \$48-billion in 2007 (Yagboyaju 2010b). The administration also helped to improve openness and transparency in government business by enacting legislation that established such anti-corruption agencies as the Independent Corrupt Practices and Allied Offences Commission (ICPC), and the Economic and Financial Crimes Commission (EFCC).

However, apart from the reputation and image-building goals the Obasanjo administration's economic feat achieved, it never made any significant impact on the physical development of Nigeria and the general well-being of its people. It should, for instance, be noted that despite the phenomenal rise in the country's external reserves and the prompt settlement of the foreign debt, made possible through better management of the resources from the sale of crude oil, other critical sectors of the economy such as manufacturing, power generation and distribution, transportation, health, education and many others were largely neglected.

The net effect of this neglect was rising levels of poverty and general deprivation among ordinary citizens, whose belief in democracy is rapidly being squandered. The reason is that democracy, which should mainly be about the people and the political mechanisms by which their well-being, freedom and happiness are secured and sustained, functions in Nigeria little differently from military rule.

### *The legislature*

At another level, the legislature, a key institution of democratic rule that is supposed to distinguish the system from that operating under military rule, has also contributed to the squandering of hope in the country's democratisation.

Perhaps it is necessary to start by examining the role of the legislature in filling key government and public positions. Quite importantly, the role of the legislature in Nigeria's budgeting process is even more critical and sensitive. In the case of the appointments of such high-ranking public officials as ministers, commissioners,

board members and similar others, which must be approved by the legislature, it is almost becoming the norm that the legislators must be lobbied. The process of lobbying in Nigeria, unlike that in the USA and other advanced democracies, is often characterised by the exchange of money or other pecuniary benefits between the legislators and the executive.

In the more important exercise of budget approval the legislators have displayed a disturbing lack of understanding of the needs of ordinary Nigerians and the workings of democracy. For instance, not only do they often disagree with the executive about the inclusion of huge votes for their constituency projects in the yearly budget, they also insist that they must be directly in charge of the execution of such projects.

In addition, delays in approving the budget, sometime up to the end of the first quarter of the year, have been traced to some exploitative activities among the legislators. It should be noted that under presidents Obasanjo and Yar'Adua both arms of the National Assembly were often at loggerheads with the executive arm, especially during budget approval exercises. While such disagreements add to the vibrancy of democratic rule in many places, they threaten the system in Nigeria because they do not appear to be the product of altruistic motives.

A concrete example is that of Anambra State. In 2008 the state's Governor Peter Obi presented a budget proposal of N84.2-billion to the State House of Assembly, but this was slashed to N57.6-billion by the assembly's Committee on Finance and Appropriation (*The Punch*, 24 April 2008, p14). While in other societies this action might have been regarded as purely altruistic, it generated considerable comment in Nigeria because the reduction affected recurrent expenditure (reduced from N24.2-billion to N21.9-billion) and capital expenditure (reduced from N60-billion to N35.7-billion), while it increased the allocation to the assembly by 300 per cent (from N284-million to N1 235-billion), giving no cogent reasons for the increase. It is curious that the legislature increased its own budgetary allocation while dramatically reducing the allocations which directly affect the ordinary citizens whose interests the legislators had sworn to protect.

Similarly, the legislators have approved for themselves outrageous salaries that are not in any way in tune with current realities in the country. In 2009, for instance, a senator earned N240-million (about \$1.7m) in salaries and allowances, while his counterpart in the House of Representatives earned about N204-million (about \$1.45m). In the United States a senator earns \$174 000 and the UK pays a parliamentarian about \$64 000 a year (Sagay 2010, p 68).

Legislators are not alone in granting themselves huge rewards. The outlandish salaries and privileges enjoyed by political appointees were one of the main reasons why President Yar'Adua called for the reduction of the salaries and allowances of the political class. Ironically, rather than being reduced, especially in

light of the country's economic downturn, which has reduced its foreign reserves to an all time low of about \$4-billion, wasteful and unproductive spending by public officials has increased.

In early August 2010, for instance, the Minister of Information, Professor Dora Akunyili, announced after the weekly Cabinet meeting that the Executive Council had approved the purchase of three aircraft to boost the presidential fleet, which already numbers eight. According to the minister, one of the aircraft, a Falcon 7x, is the latest of its kind. The three aircraft will cost Nigeria \$154-million (*The Punch*, 18 August 2010, p 80). This decision was taken in the same week as an outbreak of cholera led to the deaths of more than 100 people in various parts of the country.

These actions portray the political elites as not only insensitive but as profligates and poor economic managers who are, themselves, great threats to democratisation in Nigeria. Perhaps it is necessary to note that while senior public officials in Nigeria engage in these unproductive and provocative activities David Cameron, the British prime minister, travelled to the US on a commercial flight in August 2010, reportedly saying that the UK had a huge budget deficit and could therefore not afford to spend money on executive planes.

President Barack Obama and many others in the developed world have also travelled on public transport at various times despite their countries' impressive per capita income (\$35 468 in the UK and \$46 350 in the US in 2009) measured against Nigeria's lowly \$2 249 in the same year (Sagay 2010).

Many members of Nigeria's political elites have been found guilty of abuse of privileges and other official misconduct since the beginning of the Fourth Republic. In several cases involving legislators the perpetrators were merely investigated by their colleagues and removed from key legislative positions if found guilty, instead of being properly prosecuted. In the case of the executive arm many of the corrupt public officials, especially former governors, ministers and other top-level officers who were prosecuted either entered into plea bargaining agreements and received ridiculously light punishments, or were not prosecuted at all.

In brief, Nigeria's democratisation is threatened because the well-being of ordinary citizens is being jeopardised by general deprivation, alienation, poverty and the ailing economy fuelled by maladministration, incompetence and lack of accountability. Obviously, all these factors negate the advancement of such elements of the democratic ethos as openness, wide consultation and wealth creation.

### *The judiciary*

Finally, I shall take a critical look at the judiciary, examining the impact of official venality on its role in Nigeria's democratisation and on the expectations of ordinary citizens.

Thus far the judicial arm has performed well in its roles as policy adjudicator and constitutional interpreter. Indeed, it has played a significant role in moderating the activities of individuals, groups and agencies during the country's 11 years of democracy. It should, for instance, be noted that during this period it resolved several acrimonious inter- and intra-governmental disputes. These included the legal tussle in 2001 between the federal government and some oil producing states in the South-South geopolitical zone over resource allocation and control; the case in 2005 of the federal government withholding funds allocated to local governments in Lagos State and the attempt by the presidency in 2007 to prevent Atiku Abubakar, then vice-president, from contesting the presidential election.

All these cases, and several others, including many labour-related issues, were resolved in the Supreme Court. Similarly, several election cases, such as those between Chris Ngige, one-time Governor of Anambra State, and his successor, Peter Obi; Senator Araraume and Chief Ugwuh of Anambra State; Governor Rotimi Amaechi of Rivers State and the Independent National Electoral Commission (INEC); Governor Adams Oshiomhole of Edo State and his predecessor, Oserheiman Osunbor; and Governor Olusegun Mimiko of Ondo State and his predecessor, Segun Agagu, were also resolved by the judiciary.

Although the political elites have, at various times, criticised the judiciary for its 'judicial activism', especially in relation to overturning many controversial election results, it must be noted that this arm of government has generally won accolades for helping to restore the confidence of ordinary citizens in Nigeria's democratisation.

However, a disturbing blight on the performance record of the judiciary is the corrupt attitude of some of its officials and the general allegation against many others of abuse of the judicial process. Examples are the dismissal in 2006 of justices Wilson Egbo-Egbo, Stanley Nnaji and Chris Selong for corruption (*The Punch*, 21 June 2006, p14) and the investigation of allegations of bribery and other misconduct committed by the election tribunal, led by Justice Naaron, that looked into petitions relating to the 2007 general elections in Osun State. The outcome of this investigation is not yet known.

In addition, the role played by some senior advocates and other influential members of the Bar and Bench in handling the cases of corrupt former governors also appears to be suspicious. It should, for instance, be noted that former governors Saminu Turaki, Peter Odili, Chimaroke Nnamani and many others have secured unnecessarily long stays of execution against their prosecution while others, such as Lucky Igbinedion and D S P Alamisieyegha reached controversial plea bargaining agreements with the government, resulting in the imposition of paltry fines that constituted only a fraction of the amounts they allegedly misappropriated in their official capacities.

In summary, Nigeria's democracy has performed abysmally in terms of finance and the general conduct of political party affairs, the effective implementation of budgets for economic growth and the general well-being of ordinary citizens and the deepening of an assertive judicial process. The 11-year democratic journey which began amid great hope and expectations has yielded dividends that are in no way comparable to the huge investment and expectations of most ordinary Nigerians, especially those who are aware of the workings and effects of democratic governance in other parts of the globe.

### CONCLUSION

The main theme of this article is the debilitating effects of political corruption on Nigeria's 11-year-old democracy. Instead of maturing into a full-blown democracy that guarantees development and the consolidation of the hopes and expectations of ordinary people, the process has faltered to such an extent that sceptics have concluded that democracy may simply not work in the country.

The article has traced the genesis of most of the daunting challenges confronting democratisation to Nigeria's colonial origins and, more importantly, to a failure of leadership, trying, in various ways, to find an explanation for the hijacking of public institutions and sensitive agencies for the personal use of the officials in charge.

In light of the great danger the evident lack of good governance in Nigeria poses both to the country and to the rest of the world, this article expresses the opinion that the state must urgently be restored to functionality. Essentially this process should start with the identification of selfless and reform-oriented leaders with proven records of service, preferably at local community level. It is expected that such leaders might serve as the pivots around which functional public institutions could be built. The proposed starting point at local community level conforms to a global trend towards a bottom-up approach to governance. However, there is also a need for effective collaboration between civil society organisations and other professional groups.

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# ELECTORAL REFORM AND THE PROSPECTS OF DEMOCRATIC CONSOLIDATION IN NIGERIA

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## ABSTRACT

*The article analyses the ongoing electoral reform process in Nigeria and the prospects for the consolidation of democracy. Specifically, it explores the justifications for reform, evaluates the mechanisms adopted to promote electoral reform, notably the inauguration of the Electoral Reform Committee, its report, government's white paper on the report and the implementation of approved reform measures. Generally, the reforms have been targeted at instituting a strong election management body with substantial administrative and financial autonomy and at promoting a democratic political culture within parties and the populace. Drawing concrete insights from the 2011 Nigerian elections, which provided the first litmus test of the possible impact of the reform on the democratisation process, the article argues that while the reform process holds some promise of consolidation, it does not go far enough. Though institutional designs matter for effective electoral governance institutional reengineering without corresponding attitudinal and behavioural reform is not sufficient. The strategic decisions of the political actors, both senior and junior, to take advantage of the institutional reform process within legally permissible limits hold an important key to the restoration of credibility and public trust in the electoral process and its outcome.*

## INTRODUCTION

The relationship between electoral reform and public trust in electoral institutions needs to be investigated in the context of whether reform helps to increase confidence in electoral processes and outcomes and if so, under what conditions. The answer helps in determining the effect of the unprecedented discourse about

electoral reform and the prospects of effective electoral governance and democratic consolidation in Nigeria. The study becomes more pressing given recent developments in the struggle for electoral reform geared towards the attainment of institutional and administrative autonomy for Nigeria's electoral management body (EMB), namely the Independent National Electoral Commission (INEC). As will become evident below, there are emerging signs of pervasive confidence in electoral reform, especially within civil society and the opposition parties, as possibly the ultimate solution to Nigeria's electoral dilemmas.<sup>1</sup>

If it is certainly beyond debate that Nigeria is in urgent need of electoral reform the same cannot be said about the potential impact and outcome of such a process. This is particularly the case in the light of recent Nigerian elections, which many commentators, scholars and the democracy aid industry have roundly condemned as falling below acceptable international standards (see, eg, Adebayo & Omotola 2007, pp 201-216).

There is widespread belief, backed by intimidating evidence, that the quality of Nigerian elections nose-dives with successive elections, as was the case with the 1999, 2003 and 2007 general elections. Though longstanding, the deepening crisis of electoral governance in Nigeria has recently assumed epidemic proportions, creating an urgent need for electoral reform. Over the years Nigerian elections have offered the electorate little or no genuine choice, leading a consistent student of Nigerian politics to conclude that the history of elections in the country is one of 'electoral fraud and competitive rigging' (Ibrahim 2007, pp 2, 3). This trend, as evidenced most recently in the 2007 general elections, has degenerated into a situation where results are concocted for areas where no voting actually took place. For instance, in 2007 there were reported cases of elections not being held or many registered voters being disenfranchised in several parts of the South-East and South-South. Reasons for this included violence and the non-availability, late arrival, or shortage of voting materials. Yet the regions returned full results (See, among others, *The Week*, 14 May 2007, pp 14-22; NDI; *The Week*, 17 May 2007, pp 24-28 and *Tell*, 7 May 2007, pp 16-29; International Crisis Group on the 2007 Nigerian Elections, 30 May 2007; Adejomobi 2007, pp 14-15 and Adebayo & Omotola, 2007, pp 201-216).

The electoral process, from registration and the review of the voters' roll, through party primaries and election campaigns to the conduct of the elections and the handling of post-election issues (including protests and election tribunals) has often left a lot to be desired. Specifically, the review of the voters' roll was characterised by allegations of deliberate disenfranchisement of opposition

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1 For a detailed analysis of Nigeria's electoral dilemmas under the Fourth Republic, see Omotola 2010, pp 535-53 and, at a more general level, starting with the colonial government, Kew 2010, pp 499-521.