

# **Godfathers, Money Politics, and Electoral Violence in Nigeria: Focus on 2015 Elections**

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## **Abstract**

Money and violence exert far-reaching influence over electoral politics in Nigeria. Elections in the country have been generally marred by violence ranging from verbal attacks to outright killings. Also, the domination of the political landscape by the godfathers and money bags politicians has further complicated the electoral violence trends in the country. The five national elections held in the country since 1999 had their share of violent conflicts and illicit use of money as well as the complicity of the money bags politicians who equally engaged in the manipulation of ethnicity and religion. Paul Collier's remark on money and politics in Nigeria is quite revealing. It shows the domination of electoral politics in the country by the moneyed elites. According to him; "One reason for the conflict between decent governance and the other options is money...How do you win a Nigerian election for an unknown candidate in only a few months, facing an entrenched opponent? The answer is you probably need a lot of money" (Collier, 2009, 45). Using data from a number of surveys, testimonies of members of the general public in the media, the reports by domestic and international observers on the 2015 national elections, also some anecdotal evidences, this paper establishes current trends and patterns of election-related violence in Nigeria as well as the links with the activities of 'money bags' and 'godfathers'. The paper argues that the political environment in Nigeria is characterized by underdeveloped structures and institutions, which presents extraordinarily high opportunities for political corruption, patronage politics, and electoral violence. Nigeria's democratic institutions remain largely weak and undeveloped. The weakness of the legal framework to control the use of money in politics, the long-time indifference of Nigerians to the problem of party finance, and the rent-seeking behaviour of the political elites and their parties constitute major challenges to the Nigerian electoral system. Media and civil society are often as weak, if not more, as before under authoritarian regimes, and are hardly equipped to engage other stakeholders notably the government head-on in the struggle for transparency and accountability in governance procedures. Looking at the events of the past few years, one can argue reasonably that the democratic system in Nigeria is still in its infancy, and forces are always at work that could undermine the foundations of a new democracy.

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## **I. Introduction and background context**

Money and violence exert far-reaching influence over electoral politics in Nigeria. Historically, elections in the country have been generally marred by violence and financial machinations by moneyed elites who are hell-bent on preserving their influence over the masses of voters. The five national elections held in the country since 1999 had their share of violent conflicts based on the testimonies of members of the general public in the media, and also the reports by domestic and international observers. Also of concern is the irregular use of money by 'money bags' politicians and 'godfathers' who use their benefits from state-sponsored patronage politics to engage the voters in 'carrots and sticks' politics with the attendant results of vote buying, intimidation and electoral violence. Paul Collier's remark on money and politics in Nigeria is quite revealing. It shows the domination of electoral politics in the country by the moneyed elites. According to him; "One reason for the conflict between decent governance and the other options is money....How do you win a Nigerian election for an unknown candidate in only a few months, facing an entrenched opponent? The answer is you probably need a lot of money" (Collier, 2009, 45). The emergence of the so-called 'new breed' politicians with overwhelming financial power in the 1990s further complicated the relationship between money and politics in Nigeria. There is today a rich harvest of media reports on money-related scandals in Nigeria that easily draw attention to the problems associated with the activities of money bags politicians and their effects on electoral democracy in the country.

The provisions of the 1999 Constitution and indeed the electoral law and regulations with respect to party financing regularly have been violated. For example, at different occasions the media had reported that several individuals and corporate bodies directly supported the campaign organizations of candidates for the presidential elections without any reference to their parties. Several millions of naira had been raised through fund raising activities for candidate but no records were kept or even made available to the National Independent Electoral Commission (INEC) as the regulatory body to check the political parties and the candidates. However, the responsibility to monitor the use of money in the campaign activities of politicians and their parties poses some challenges for INEC. The

business community is not left out in the complexity. Direct and indirect involvement of business corporate bodies in campaign funding during the 2015 elections was widely reported by the Nigerian media. For example, at a special fund raising activity to support the re-election bid of President Jonathan in the 2015 election over 21 billion naira was raised mostly by representatives of corporate bodies from almost all the sectors of the Nigeria economy. The chairman of the occasion made a donation of N2 billion naira. He said the sum consisted of N1bn donated by him and his partner, and another N1bn contributed by their unnamed friends. Other donors include the PDP Governors Forum, the PDP governors, SIFAX Group, and the 15 states on the board of the Niger Delta Development Commission.

Vote buying has been reported in all the elections held in Nigeria since 1999. For example, the nomination fees for party members seeking elective positions have become so high that only the rich few and the daring “political entrepreneurs” can participate in party primaries. Sponsorship of media advertisements and other electioneering activities by third party is another form of campaign irregularities that has links with vote buying. For instance, sponsorship of campaign materials clothing materials, badges, household utensils etc. - by candidates and their friends is a common practice especially in an election year. Strange enough, some politicians do use food items and other edibles to bribe voters in addition to buying of votes with cash. For example, to facilitate the electioneering campaigns of the APC presidential candidate – General Mohammad Buhari, former Vice President Atiku Abubakar donated N50 million, an Aircraft and 12 Land Cruiser.

The activities and influence of money bags politicians and political godfathers have been working to the detriment of representation and participation in the electoral politics. The phenomenon of ‘godfatherism’ in the Nigerian electoral process has attracted attention. While the forms and pattern may vary from one location to another, the purposes and results of ‘godfatherism’ are the same all over Nigeria. In virtually all instances of ‘godfatherism’ since 1999, the godfathers have exercised covert and overt influence over the electoral processes in their respective domains. In all the known cases money and violence have been instrumental to their ‘successes’, corruption and electoral violence have always attended these efforts. In this respect the phenomenon of godfatherism is close in effect to ‘warlordism’ where political elites become war lords and deploying the instrumentality of violence for their economic and political gains. As warlords they have resources to recruit, train and deploy young against political opponents especially during electoral contests. Also, warlords, godfathers promote disunity in the country, reinforcing centrifugal social relations and sharply divided social institutions along ethnic and religious lines. As political elites, the

godfathers have no agenda for national integration. The consequence of the absence the sense of 'Nigerianese' among Nigerians is a risk for sectarian violence and electoral violence especially where the social institutions are characterized by mutual suspicion and the intensity of social polarization along ethno-religious lines is very high. The manipulation of social institutions by the power elites for narrow goals especially since the return to civil rule in 1999 has further compounded the problem of mutual distrust and suspicion, feeling of insecurity, and lack of confidence in government among the people. Many instances of the disruptive activities of the moneyed elites can be found in the accounts of Nigerian politics since 1999 including the 2015 elections.

Political competition in Nigeria has become increasingly associated with violence which may take the forms of intimidations, threats, assassinations, armed clashes between gangs employed by rival politicians, arson, and verbal attacks. The main perpetrators are the mostly unscrupulous politicians and party officials who with their ill-gotten wealth directly or indirectly sponsor acts of violence against their political opponents as well as the unlucky citizens that may not have succumb to either their threats or 'carrots'. In this paper I take due cognizance of moneybags and money politics as critical aspect of Nigerian electoral dynamics. Thus, I examine the contribution of money politics to the dynamics of electoral politics and in extension to violence in the country, and also linked to this, the role played by the godfathers. I note that a comprehensive explanation for violence or conflicts need to take various aspects into account, over time and over space. I also argue that the political environment in Nigeria is characterized by underdeveloped structures and institutions, which presents extraordinarily high opportunities for political corruption, patronage politics, and electoral violence. Nigeria's democratic institutions remain largely weak and undeveloped.

The weakness of the legal framework to control the use of money in politics, the long-time indifference of Nigerians to the problem of party finance, and the rent-seeing behaviour of the political elites and their parties constitute major challenges to the Nigerian electoral system. Media and civil society are often as weak, if not more, as before under authoritarian regimes, and are hardly equipped to engage other stakeholders notably the government head-on in the struggle for transparency and accountability in governance procedures.

## **II. Conceptualizing Link between Money Politics and Electoral Violence**

Developments in Nigeria's electoral system especially since 1999 have drawn attention to the role of the money bags and godfather money politics and their complicity in electoral violence. Admittedly there are many assumptions about the links between the moneyed elites

and electoral violence in the country. However, one of way of engaging with the subject of moneybags and electoral violence in Nigeria is to take the two phenomena of money politics and electoral violence as manifestations of the contradictions in the Nigerian political system. These contradictions have deep-going socio-political roots and is the result of the nature of the present historical period and the general change in the balance of forces on the domestic and international scenes. Thus it behoves on scholars of money polices and electoral violence in Nigeria to pay adequate attention to “the conditions under which money politics leads to corruption, decay, and political decline, and the circumstances which instead can actually accelerate progress toward pluralistic democracy” (Pye, 1997, 214). This perspective is useful for understanding the dynamics of both the sectarian conflicts and electoral violence election-related conflicts within the context of the interplay of political, economic and social forces in Nigeria.

The desire of the moneyed elites to retain power by all means including adapting the political mechanism to the new conditions in the political sphere is at the root of their abuse of the use of money and electoral violence. The radicalization of the masses and the growing opposition democratic opposition in Africa that are associated with the “wave of democratization” in Africa is a significant point of departure in the discourse on the link between abuse of money and violence in the electoral politics. Readers are invited to recall that the internal pressures from the social forces in the struggles for democracy in many Africa countries in some respects forced the authoritarian regimes in these countries to embark on political transition programmes (Adetula, 2011, 10). Coming under pressures, the power elites now seek for new strategies of ensuring their domination of the political process. Thus, by “jacking up prices” for elective offices, they emasculates the very meaning of democratic institutions by creating a situation in which the ordinary citizens cannot afford “democracy”. For example, as far back as in 1992 it was reported that presidential aspirants spent over one billion naira during the primaries while other not-so-rich contenders had about 120 million naira as budget for primaries Saffu, 2003, 23). President Babangida alleged “irregularities and other acts of bad conduct” against the presidential candidates in the 1993 national elections. He said: “There were proofs as well as documented evidence of widespread use of money during the party primaries as well as the presidential election” (Babangida, 1993). He went further to say that: “Evidence available to government put the total amount of money spent by the presidential candidates as over two billion, one hundred million naira (N2.1 billion). Also, according to President Obasanjo, the parties and candidates together spent during the 2003 elections “more than what would have been needed to fight a

successful war” (Obasanjo, 2003). The former Senate President, Adolphus Wabara, was quoted as saying that “membership of the National Assembly is an investment because most of us sold our houses to get to the Senate.....the maturity is there but it is the ability to recoup whatever you spent legitimately that is the problem”<sup>1</sup>.

These “indirect” ways of seeking power and domination by the power elites are captured in the logic advanced by Fredrick Engels that “wealth exercises its power indirectly but all the more surely” by exerting financial influence on the parties (Marx & Engels, 1976, 329). In this way the money bags, with their financial power, are able to buy over the political parties, and subsequently fostering allegiance to personal loyalties over objective rules and regulations of the parties. The noticeable erosion of party supremacy in the Nigerian electoral politics since 1999 illustrates this trend. This context is characterised by wide “use of money as weapon of political influence” that “creates a spawning ground for corruption and makes it objectively inevitable, all the more so because the legislators and officials are as much interested in the deal as the businessmen because they get ‘dividends’ from it – increases their chances of keeping lucrative posts and making a political career” (Danilenko, 1983. 31). Herbert Alexander aptly sums it up when he wrote that “incumbents win because they get the money, and they get the money because they are incumbents” (1976, viii). In this ensuing vicious cycle, those seeking elections and re-elections are doing so in order to strengthen “the existing ties between representatives of government power and the business community” which in turn “stabilizes the channels through which the money is pumped into politics... (Danilenko, 1983. 31), not necessarily for the promotion of the general well-being of the ordinary citizens.

The resultant domination of the Nigerian political landscape by ‘money bags’ politicians further complicates the electoral violence trends in the country. This is understandable since members of the wealthy class for the sake of opportunity to maximise their profits through inflated contracts awards and other corrupt and fraudulent activities will “tramples on all human laws” (Marx, 1974, 760) and are ready to commit any crime including assault, assassination and even homicide. This partly explains why many violent conflicts in Nigeria especially since 1999 are linked to the dynamics of the electoral process. Two main levels of violent political conflicts are discernible in Nigeria, and both are in a symbiotic causal relationship. The first consists of violent election-related conflicts, and the second level includes the socio-economic (including inter-ethnic, inter-religious, inter- and intra-

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<sup>1</sup> See *Sunday Punch* (Lagos), 5 June 2004

communal, farmer-grazer, settler-indigene violence). It is important to know that while electoral violence may occur before or after electoral competition, at their base are protests and agitations over socio-economic issues. In fact, the intensity of socio-economic conflicts determines the magnitude of electoral conflicts in a society that is characterized by horizontal and vertical inequalities.

Drawing lessons from recent Nigerian political history, it is plausible to say that the character of electoral violence in the country escalated social conflagration that led to democratic reversal of the past democratic experiments. Conflict structures are the causal variables of conflicts that have institutional and structural foundations and understanding. It defines the different roots and sources of conflicts, and provides a multi-dimensional analytical framework for understanding conflict situations. The structural foundations of election-related conflicts in Nigeria are political, economic, social and security.

### **III. Money politics and violence in 2015 elections**

The victory of the PDP at the April 2011 polls brought Dr. Goodluck Jonathan to power as an elected President. President Yar Adua's death in May 2010 paved the way for Vice-President Jonathan to become President who complete the term of the Yar Adua presidency. President Jonathan made regular public pronouncements about the commitment of his administration to electoral reform that was started by his predecessor. One of the issues to be addressed with the reform is the problem of electoral violence. The 2011 elections provided opportunity to test the reform in the Nigerian electoral system. However, while the 2011 elections had been reported as been generally free and fair, the waves of post-election violence recorded in some parts of northern Nigeria betrayed the claims that the 2001 elections were transparent , credible, and that they were held under a peaceful atmosphere. It should be recalled that the intensity of the violence that greeted the announcements of the results of some of the elections attracted official attention such as the setting up of the Sheikh Ahmed Lemu-led 22-member presidential panel on post-election violence that investigated the post-election violence that erupted in response to the outcomes of the presidential election of 16 April 2011.

As the 2015 general elections drew closers Nigerians and sections of the international community were worried about the high prospect of violent conflicts and the effects on the future of democracy in the country generally. It was in consideration of this and other threats that some observers had predicted the disintegration of Nigeria. Of course there were a number of indicators to suggest the prediction of doom for Nigeria. For example, the personality contests and the struggle for hegemony within the ruling PDP party was fast

holding the national politics in bondage. The crisis within the PDP was a reflection of the intense struggles within the power elite in Nigeria. The forms and characters of these struggles are determined by the way the elites appropriate, accumulate, structure, legitimate and reproduce power. The 2015 elections, in terms of the processes and outcomes including some of the post-elections developments fits in almost perfectly into the trend in Paul Collier's remark. For instance, one of the issues that attracted attention within the People's Democratic Party (PDP) after losing the Presidential Election is the role of money in the management of the presidential campaign. Expectedly, generated accusations and counteraccusations among the top echelons of the party and some other key actors in the Jonathan/Sambo campaign organizations. Similarly, the intra party crisis that followed the inauguration of the All Peoples Congress (APC) national government which found expression in the leadership tussle in the National Assembly has been linked in part to the machination by some moneybags and godfathers within and outside the party. In addition to this are the incidents on post-election conflicts in some states notably Benue state where the newly inaugurated State House of Assembly engaged in open fracas. Also, in both Ekiti and Rivers states incidences of post-election violence have been widely reported.

Unresolved identity question that constitutes the basis of the politics of 'we and they' has played significant role in in most of the election-related violent conflicts around the 2015 elections. Since the return to civil rule in 1999, the challenges of the Nigerian federalism has assumed new dimensions. Today, more than before now, there are more internal forces that seek for the re-conceptualization of the Nigerian federalism. The enormity of the challenge is well captured in a remark by Rotimi T. Suberu: "What is more, the Fourth Republic has witnessed considerable public agitation for replacement of the country's military- imposed, centrist constitutional framework with a more decentralized and democratically crafted constitution". (Suberu, 2013, 418). The perceived vertical and horizontal inequality engendered by the extant revenue sharing formula and the strident demands in several quarters for "true federalism" have become one of the critical sources of threat to the Nigerian nationhood.

Generally the political environment in Nigeria is characterized by underdeveloped structures and institutions, which presents extraordinarily high opportunities for political corruption, patronage politics, and electoral violence. The result of the 2012 Afrobarometer survey conducted in the country Nigeria with a question on citizens' trust in democratic institutions shows that only 8.0 percent of the sampled population trusted President Jonathan. 26 percent of the respondents said they "somewhat" trusted him while 41 per cent said they



trusted him “just a little”, and 24 per cent of the respondents said they do not trust him at all. The survey also shows public disapproval of the way both the President and the National Assembly have performed their jobs within the past twelve months. 17 per cent of the sampled population said they “strongly disapprove” of the way the President has performed his job, 33 per cent said they “disapprove” while 42 per cent said they “approve” and 0.7 per cent of the respondents said they “strongly approved”. The responses on the National Assembly were as follows: 19 per cent said they “strongly disapprove”, 42 per cent “disapprove”, 33 per cent “approve”, and 0.5 per cent said they “strongly approve” of the way the National Assembly has performed its job.<sup>2</sup> Nigerians are not satisfied with the poor performance of key political institutions in the country generally. The surveys show no significant difference in the public perception of the performance of both the Presidents and National Assembly. It is unclear whether this was due to the dissatisfaction of the citizens with the performance of the government generally in 2012. The result of the survey also show lack of confidence in the political parties. Only 6 per cent of the sampled population trusted the ruling party. Also, 23 per cent said they “somewhat” trusted the ruling party while 40 per cent said they trusted the party “just a little” and 30 per cent of the respondents said “not at all”.<sup>3</sup> The responses on the opposition political parties were as follows: 4 per cent trusted the opposition political parties, 19 per cent “somewhat” trusted them, 41 per cent trusted them “just a little”, and 33 per cent did said “not at all.

The economic structures for violent conflicts are as important as the political structures discussed above. The structure of the Nigeria political economy and the general health of the economy influence the level of social and political conflicts in the country. Since the return to civil rule in 1999, basic features of the Nigerian political economy have not changed significantly. The Nigerian economy is monocultural economy, mainly driven by oil revenues. It is a ‘rentier’ economy, characterized by corruption, lack of accountability and financial recklessness. These in turn are promoting social injustice and political instability. The continuous over-reliance of the Nigerian economy on oil is generating new forms of violence which is associated with issues of resource control and fiscal federalism especially in the oil producing areas of Niger Delta. Agitation for resource control is today a formidable economic structure of conflicts and violence in Nigeria. Since 1999 electoral politics in the oil producing areas is closely associated with the struggle for resource control which has taken a violent dimension. In the northern there is the Boko Haram insurgency that may not be

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<sup>2</sup>The authors used data from Afrobarometer Online Data Analysis available online [www.afrobarometer.org](http://www.afrobarometer.org) Accessed on 20 September 2013.

<sup>3</sup> The author used data from Afrobarometer Online Data Analysis available online [www.afrobarometer.org](http://www.afrobarometer.org) Accessed on 20 September 2013.

completely divorced from the from the country's economic crisis. The much-talked about prospect of the Nigerian economy is still not quite convincing to the majority of Nigerians that ponder over why the prosperity of Nigeria is not reflecting on the daily life of majority of the population. The respondents in the 2012 Afrobarometer survey were asked to describe the present economic conditions in Nigeria. Majority of Nigeria 67 percent said it was "very bad or fairly bad". Only 8.0 percent said the economy was "neither good nor bad" and 25 percent said the economy was "very good and fairly good".<sup>4</sup> Interestingly similar trend was obtained in the results from the 2007 survey during the tenure of President Obasanjo. 67 percent of the respondents described the economic condition as "very bad and fairly bad", 11 percent said it was "neither good nor bad", and 31 percent said it was "very good and fairly good."<sup>5</sup> The citizens' dissatisfaction with the insecurity in the country coupled with the apparent failure of government to deliver public goods to the citizens in the critical sectors of energy, education, health and infrastructure have turned many Nigerians to disgruntled citizens. The organized nation-wide mass protest over the withdrawal of fuel subsidy in January 2012 was a litmus test confirmation of the extent of discontent against the government.

The deteriorating security situation in Nigeria was one key element in the security structures of election-related conflicts and electoral violence in the 2015 elections. The country witnessed (and it is still experiencing) fast spreading armed conflicts and other threats to internal security. The activities and operations of Islamic terrorist groups in Nigeria and neighbouring countries as well as the activities of the militant youths in the Niger Delta are causes of concern, coupled with the problem of maritime insecurity in the Gulf of Guinea. The apparent failure of the Nigerian state to exercise monopoly over the use of violence within her borders, or prevent its use by non-state actors like insurgents and criminal groups and networks constitute additional risk to peaceful atmosphere for the conduct of the 2015 elections. The internal security system in Nigeria is weak. Civil policing is such that it falls short of maintaining safety of lives and properties. The capacity of the Nigerian Police Force to maintain law and order generally has been grossly eroded over the years due in part to the incessant and prolonged military rule during which the military successfully encouraged the invisibility and subordination of other security agencies. Even since the return to rule by civilians in 1999, the federal government has not changed this trend significantly as the

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<sup>4</sup> "Summary of Results Round 5 Afrobarometer Survey in Nigeria, 2012" Available online [www.afrobaromer.org](http://www.afrobaromer.org) Accessed 20 September 2013.

<sup>5</sup> "Summary of Results Round 3.5 Afrobarometer Survey in Nigeria, 2007" compiled by Practical Sampling International Available online [www.afrobaromer.org](http://www.afrobaromer.org) Accessed 20 September 2013.

military continue to enjoy more visibility than any other security agencies. Compared to the military, the Nigerian Police Force is less capable of managing internal security and disorder. In the same manner, their capacity to provide the required security during electoral competition is largely inadequate. The challenge of insecurity has generated much concern among the stakeholders in the Nigerian electoral system. This justifiably explains the underscoring of election security in INEC's Election Project Plan (EPP). The plan identifies risks and threats to election security and prescribes a number of mitigation measures.

The electoral system of a country is the critical institution which shapes and influences the rules of political competition for state power because it determines what parties look like, who is represented in the legislature, how accountable these representatives are to the electorate and above all who governs. It is good to know that the way an electoral system operates goes a long way in determining the degree of public confidence and support for the democratic system itself. The Nigerian constitution and electoral laws are essential elements in the political structure of electoral conflicts. The same is true for the electoral laws since the return to electoral politics in 1999. There is a dominant perception that the 1999 Constitution and the electoral laws are resources of electoral conflicts. Both contain several ambiguities and contradictions that propel, rather than mitigate violence. The inability of the existing legal and constitutional framework to effectively regulate electoral behaviour and govern elections is a source of major concern. The country's electoral laws have been subjects of legal disputes. At different times some provisions of the electoral laws were challenged in law courts and a number of sections were held to be unconstitutional.

Lessons learned from the elections and other political developments in the country, rightly justified the recent efforts electoral reform, notably the efforts at building a professional Electoral Management Body out of the Independent National Electoral Commission (INEC) to deliver free, fair and credible elections in 2015 and beyond. It is important to note that INEC has made laudable accomplishments in terms of the improvement in its operational strategies as well as: "a systematic process of repositioning the Commission" towards the institutionalization of its core structures and processes. There has been remarkable changes and innovations within the 'modus operandi' of INEC which are guided by the Report of the Registration and Election Review Committee (RERC), INEC Strategic Plan, 20012-2016 and Work Plan, Report of the Technical Committee On Election Project Plan (TCEPP) and the Election Management System (EMS

Although INEC made some attempts at monitoring campaign financing, and which was indeed innovative, however there were several constraints on the ability of its ability to effectively control the activities and operations of the moneybags. The Electoral Act 2010 (as amended) provides the current legal and institutional framework for the conduct of elections in Nigeria. The Act empowers INEC to regulate sources and nature of funding for political campaigns in Nigeria. Under Section 91 of the Act, the maximum election expenses to be incurred by a candidate in a presidential election should not exceed N1billion. Similar ceilings are set for governorship election at N200 million, while elections to the Senate and the House of Representatives are not to exceed N40 million and N20 million respectively. The provisions notwithstanding the Act can be easily described as a “new law but little change” considering the several loopholes in the Act that can inhibit effective oversight of political party by the election management bodies. For instance, there seems to be no limitation on the contributions that can be made. The Act in Section 91 (9) merely states that “No individual or other entity shall donate more than one million naira (N1, 000,000) to any candidate”. While it is an offense for political parties to receive funds from foreign countries in line with Section 88 (b), however, there is no such provision to check candidates. Also, Section 91(8, c) excludes expenses by political parties (in relation to candidates) from the candidate spending limits. This makes the spending limits meaningless as unlimited funds can be channelled through political parties rather than through individual candidates.

Another issue of concern is the long period provided for in the new law for political parties to submit financial reports on election expenses. The period of six month is too long a period for political parties to address issues of transparency and accountability in campaign finance. In the past both the parties and INEC had failed to make public the financial reports of political parties as stipulated in the electoral laws. For example, at the end of an extended deadline for the submission of financial reports by political parties on 31 January, 2008, only twenty-six out of about 50 registered parties submitted anything close to financial reports. According to the new law, INEC has the responsibility to publish the annual reports from political parties and the parties themselves have to publish the expense reports. However, it is not clear in the new law if the reports on contributions will be made public. This in effect makes a joke of the principle of disclosure. There are other provisions in the new law that requires clarity. There is no clear provision on the deadline for the submission of annual financial reports. Also, Section 92 (2) states that “election expenses incurred by a political party... shall be determined by the Commission in consultation with the political parties”. It is

not clear if this provision refers to 'limits' to such expenses. The existence of such limits is indicated in Sections 92 (6) Sections 93(1) and 93(3) which seem to give contradictory information on anonymous donations. On one hand political parties must not receive any anonymous contributions “from any source whatsoever”. On the other hand political parties shall not accept contributions exceeding 100,000 Naira “unless it can identify the sources to the Commission”.

Closely related to the above are the provisions in Sections 92(7) and 93(2, b) shows the contradictory instructions on the information that parties must keep about contributors. Section 93(2b) states that parties must keep record of the name and address of all who contribute more than one million naira. However, Section 92(7) stipulates that parties must report to the Commission the names, address, occupation of its contributors without stating any threshold for such disclosure. The important question here is how it is going to be possible for political parties to submit to the Commission information that they do not have in their records. It is common knowledge that political parties in the country do not have records. The removal of public funding for political parties is by far the most significant change in the 2010 Electoral Act (as amended) with regards to provision on political finance. In Nigeria, public funding was abolished in 1983 and 1993, but again introduced after the return to civil rule in 1999. Until the judicial pronouncement by the Federal High Court in 2006 that compelled INEC to distribute all the subventions to all the political parties equally, the practice was to distribute most of the funds in proportion to the votes that each party received in elections. This was believed to be promoting an unequal competitive environment which was to the disadvantage of the smaller parties in opposition, most of which were generally in poor financial health. There are more than sixty political parties in Nigeria but only twenty five are registered. There is prospect that more will be registered before the next elections. Some had attributed the proliferation of political parties to the prospect of receiving government subventions. This claim cannot be taken seriously in view of the fact political parties have complained severally that the money given them was inadequate. The provision of public funding to political parties and/or candidates has been justified on the claim that provision of 'clean' money by government to political actors reduces the prospect of dependence on wealthy donors that may want to use their resources to advance selfish interests. In the established democracies the practice has gained prominence since the 1950s as a way of checking political corruption that is associated with party funding and the dependence on private sponsorship. With state funding, political parties are made to become more responsible and accountable to the election regulators on their finances including such

issues as disclosure and timely reporting on election expenses. Today public funding is becoming increasingly popular among emerging democracies as a strategy for ensuring the survival of relatively young political parties without adequate resources to function like their counterparts in the established democracies. The argument in support of the withdrawal of state funding is that political parties will be freed from state's interference in their affairs, and also that they need to become self-financing organizations and to become more accountable to the people whose contributions and donations would be the main source of their funding. There is also the argument that there are many political parties in Nigeria that are not viable but are surviving on state funding, and that such political parties constitute burden on the state.

Section 91 of the Electoral Act 2010, the electoral law sets the spending limit thresholds for candidates running for various government offices, limit on campaign contributions and donations. The rationale for this is the assumption that candidates normally spend more than their parties on their electioneering campaigns and other related activities. Significant part of candidate's expenses do take the form of third party spending which is not a violation of the regulations on party finance. Third, party spending in the form of donations, contributions and media sponsorship by 'committee of friends' has become very popular in Nigeria. This poses a great challenge for both INEC and State Independent Electoral Commissions (SIECs) that do not have the power to gather data and information on expenses of candidates under the existing legal regime. Worst still the electoral law has not made candidates answerable for any breach of political finance regulations. It is worth noting that Section 225(2) of the 1999 Constitution specifically requires political parties to disclose their sources of funds and their manner of expenditures. It is the political parties and not the candidate that are answerable under the present legal regime. Thus, some forms of illicit use of money persist but they are not violations under the electoral law. In this circumstance, it is almost impossible for INEC to prosecute candidates in court for violating political finance regulations using the provisions of Section 150 (2) of the Electoral Act 2010 (as amended).

The weak capacity of the election management bodies in Nigeria to monitor and supervise political parties especially in the area of party funding and other related areas in the use of money for the prosecution of elections is a major limitation. INEC to date has not demonstrated any capacity to effectively monitor any aspect of the use of money by parties and candidates. First, successive electoral laws have not empowered INEC to effectively monitor compliance by political parties. Secondly, INEC has no technical capacity to monitor compliance among the parties. INEC still has difficulties getting available statistics on the

exact amount of money expended by candidates and political parties during elections. Third, party spending in the form of donations, contributions and media sponsorship by 'committee of friends' has become very popular in Nigeria. This poses a great challenge for both INEC and State Independent Electoral Commissions (SIECs) that do not have the power to gather data and information on expenses of candidates under the existing legal regime. Worst still the electoral law has not made candidates answerable for any breach of political finance regulations. It is worth noting that Section 225(2) of the 1999 Constitution specifically requires political parties to disclose their sources of funds and their manner of expenditures. It is the political parties and not the candidate that are answerable under the present legal regime. Thus, some forms of illicit use of money persist but they are not violations under the electoral law. In this circumstance, it is almost impossible for INEC to prosecute candidates in court for violating political finance regulations using the provisions of Section 150 (2) of the Electoral Act 2010 (as amended). The weak capacity of the election management bodies in Nigeria to monitor and supervise political parties especially in the area of party funding and other related areas in the use of money for the prosecution of elections is a major limitation. INEC to date has not demonstrated any capacity to effectively monitor any aspect of the use of money by parties and candidates. First, successive electoral laws have not empowered INEC to effectively monitor compliance by political parties. Secondly, INEC has no technical capacity to monitor compliance among the parties. INEC still has difficulties getting available statistics on the exact amount of money expended by candidates and political parties during elections. For example, the 2003 elections were reportedly influenced by the money-bags with the parties and candidates relying heavily on private funding for elections.

### **Conclusions and Policy Recommendations**

The world is witnessing growing commitment to controlling unregulated use of money in electoral politics which is evident, for instance, in the building of global awareness, , capacity building for civil society organizations and support for electoral reform programmes by bilateral and multilaterals donors. The latter indeed, more than ever, now assigns more value to political finance reform in the designing and implementation of their political development assistance programs. All around the world there is increasing pressure for the regulation of private funding to political parties. In the United States, the McCain-Feingold Act (Bipartisan Campaign Reform Act) was passed in 2002, to regulate the financing of political campaigns, and in UK the Political Parties, Elections and Referendums Act was passed in 1997 after a series of allegations of corruption. In South Africa the demand for regulation is rising and

there is growing awareness around the issue of private funding of parties. Some of these efforts also encourage full public funding for political parties as one way to promote transparency and accountability as well as to ensure level playing grounds for all the political parties in a country. These concerns have been popularized in the recommendations of notable organizations, such as the International Foundation for Electoral Systems (IFES) and the International Institute for Democracy and Electoral Assistance (IDEA).

Chapter II, Article 7(3) of the United Nations Convention against Corruption (UNCAC) obligates state parties to make good faith efforts to improve transparency in election candidate and political party financing. At African regional level the African Union Convention on Combating and Preventing Corruption (2003) includes a clause on the importance of regulating private funding and calls states to do so. The United Nations Economic Commission (UNECA)'s report. *Striving for Good Governance for Africa* - calls for measures to prevent African political parties from being “hijacked by the rich and influential”. (UNECA, 2005). Also, under the New Partnership for Africa's Development (NEPAD), the Africa's Peer Review Mechanism (APRM)'s second objective includes “periodic political competition and opportunity for choice”. The APRM questionnaire for country assessments demands that respondents review “membership, policies and resource allocation for political parties”, thus highlighting the importance of party finance issues in the peer review process. Apart from these regional and global initiatives, country-specific efforts to mitigate the negative impact of money on politics are required. The objectives of regulations concerning political money can vary considerably, depending on the level of political development in a country.

Recent developments in Nigeria's electoral system have further drawn attention to the discourse on money politics, the role of the godfathers and the link to electoral violence. While it is important to note that there has been an improvement in the country's electoral system including some positive developments in the regulations on election expenses, contributions to campaign funds, spending ceilings, and limits of contributions to party finance, the prevalence of the abuse of the use of money in the electoral process is still a major cause for concern. An appreciation of the paradoxical effect of money on democratic development of a country suggests the need to factor into our regulatory framework for controlling money politics in-depth knowledge of “the conditions under which money politics leads to corruption, decay, and political decline, and the circumstances which instead can actually accelerate progress toward pluralistic democracy” (Weissenbach & Karl-Rudolf, 2011). Thus, while we condemn the illicit use of money by political actors for the prosecution



of elections in Nigeria, we argue that effective and transparent party funding will strengthen democracy, and curb opportunities for corruption in Nigeria.

While it is plausible to argue that the current legal regime for party financing is inadequate, the prospect of clean political finance system and indeed the success of the electoral process depends in part on the level of internal democracy within the political parties. Political parties in Nigeria are confronted with the problems of inadequate resources, poor staffing, and lack of organizational capacity. But more importantly the parties lack internal democracy in their structures and operations. Party management and administration is conducted in secrecy without regards for procedures and regulations. In most political parties in the country the decision making process, resources allocation, and the nomination of candidates for political appointments are dominated by a few rich influential members and the daring 'political entrepreneurs', usually referred to as 'godfathers'. The present setting in most of the political parties makes effective enforcement of laws and regulations on party financing very difficult. Take for example, the published summary of the External Auditors' Report on the accounts of the 63 registered political parties in April 2012 reveals the un-seriousness with which most political parties regard records keeping and financial reporting. With the exemption of only three, the performances of all the other parties were not in accordance with the General Accepted Accounting Principles (GAAP) and Political Parties' Finance Handbook (PPFH).

Clearly, much still need to be done to get both the political parties and their candidates to imbibe the principles of financial transparency and accountability in their activities and operations. Arguably the removal of public funding may be seen as disadvantageous especially to smaller political parties that may not have the financial strength to compete with the bi parties. The popular view in many new democracies supports public funding for political parties on the claim that it promotes level playing ground for all parties. In Nigeria political parties in opposition are mostly regarded as 'failure' and most individuals and corporate organizations especially those whose business interests are connected with the government will be careful to associated with parties that are presently not in power, or whose capacity to replace the government in power has not been well demonstrated.

Effective legal and institutional framework for regulating political party financing, through which political parties and candidates for political office are compelled to declare their funding sources, and election expenses need to be adequate and effective. Also, the removal of government subventions from political parties may have made enforcement more difficult for INEC. Before now, the withdrawal of subsidy from erring political parties by

INEC was one of the ways of ensuring compliance with electoral rules and regulations including the disclosure requirements and other political finance regulations. In the past INEC had threatened to deny public funding to any political party that does not follow the established rules. Under the 2010 Electoral Act that abrogates subsidy to parties, it may be difficult for INEC to enforce compliance. It is now going to be a big task for INEC to regulate sources and nature of funding for political parties in Nigeria. INEC has regularly declared to the Nigeria public that it will monitor campaign funds<sup>6</sup>, and it indeed made some noticeable efforts in this regards with the 2015 elections.

Going by the experience of other countries that have made appreciable progress in controlling irregular use of money for political parties activities, it is worth considering the introduction of verifiable disclosure and procedures and enforceable ceilings for all finances, whether party's or candidate's. In the case of Nigeria, the advocacy by a section of the political class for new laws to ease existing regulation on election expenses, either by completely removing spending ceilings, or by setting higher limits does not address the challenges of party funding in the country in any fundamental way. The report of the National Stakeholders' Forum on Electoral Reform and the responses reactions it has generated reflects the dominant attitudes and values among the Nigerian political elites. For example, President Jonathan once expressed the view that: "You cannot pigeon hole a candidate to spend within a budget. So I think people must come up with what is realistic and practicable because the law itself must not be a booby trap for anybody." He further said that "if you are getting funds from government then you must set restrictions but if you are generating your own funds then you have no restrictions. If you say a governor must not spend beyond certain amount of money when campaigning, how do you monitor?" Whether political parties are funding by the state or not, there is need for effective regulation of the use of money in electoral politics.

Violence threatened efforts at instituting a democratic political culture in a number of ways. First, electoral violence creates instability in the polity. Instability adversely affects governance processes since attention of leaders and policy makers are turned to the conflicts. Resources for welfare and developments are channeled to resolving conflicts. In such situations, state capacity to provide welfare in society is severely weakened. Second, electoral violence weakens citizens' faith in the democratization processes and possibly prompts them

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<sup>6</sup> See *The Punch* Newspaper 7 April 2014.

to look for alternatives to democracy. This happens in societies that have just witnessed the withdrawal of authoritarian forces from governance. Third, violence affects voter turnout during elections. Poor voter turnout questions the legitimacy of regimes. Fourth, electoral violence perpetrated by incumbent regimes on oppositions weakens competition and the participation of citizens in the democratic process. This fundamentally affects the quality of representation in political institutions. Fifth, the use of violence during elections suggests that those political actors with the higher capacity to use violence always have the right to political power. This legitimizes the use of violence in politics.

The stakes for political power are very high in Nigeria. Political power is a means for economic prosperity. Thus the struggle for political power is very intense involving keenly contested electoral competition. Because the dominant political culture and the electoral behavioural pattern is based on “winners take all”, there is high tendency for increased electoral conflicts, which, if uncontrolled, can provoke and scale up electoral violence. The mechanisms, structures and institutions for controlling and regulating the level of social and political conflicts are largely underdeveloped and the prospect of electoral violence before and after elections is usually high. The people in response now live in apprehension. Nothing raises so much fear in many parts of Nigeria as the thought of outbreak of violent conflicts and insecurity of lives and property. There are precedents that help justify the fear of the majority: For example, in Plateau state the notion that violence may arise prior to and after local government elections led to the indefinite postponement of elections in both Jos North and Wase Local Government Areas. The same was the situation in some parts of the Niger Delta where perceived insecurity prevented elections from being held in some locations.

The resistance of the political elites is not limited to electoral reform. They have resisted change in other areas that should complement the expected changes in the electoral process. For instance, the war against corruption has not made significant progress. Although there are anti-graft agencies, and the country has been treated to quite a number of media shows and theatrical displays by the agencies. Also, the National Assembly have conducted a number of probes. There have been several allegations and counter-allegations of bribery and corruption within the official circles. Yet there have been only very few prosecutions, and rare cases of convictions for corrupt practices. Some have blamed it all on the Judiciary. They argued that the present procedure for prosecuting corruption cases is too lenient which make it easy for high profile suspects to keep asking for court injunctions in order to delay their being prosecuted. Other argued that the immunity clause in the 1999 Constitutions is overprotecting

the political class. While these are plausible arguments, it bears being mentioned that the anti-corruption crusade have not received adequate support from the political class. Also beyond of this, the overall political environment in Nigeria must be reevaluated and reordered to become intolerant to the manipulations and manoeuvrings of money bags politicians who rely on irregular use of money and the instrumentality of violence for their political ambitions.

The present dominant approach that treats electoral violence separately from sectarian conflict misses the opportunity of a holistic strategy for the control of election-related conflicts. Within the overall framework of strategy for curbing electoral violence, Nigeria must necessarily address the structures for electoral violence and sectarian conflicts in the country. In this regard it is important to first understand the symbiotic relationship between electoral violence and sectarian conflicts, and thereafter tailor the strategy to curb both and prevent their escalation. The commitment of INEC to election security working through its Election Project Plan (EPP) is commendable and its sustainability should be encouraged. INEC more than ever worked closely with security agencies to ensure election security. Based on the logic that underscores the symbiotic relationship between electoral violence and sectarian conflicts, proposal and plan for election security should necessarily be related with the overall national security framework. Thus in order to mitigate risks associated with insecurity during elections, it is necessary for INEC to collaborate with the Office of the National Adviser on Security (ONSA) to ensure maximum security before, during and after elections. Expectedly, the Office of the National Adviser on Security has the required information, data and tools to design and develop a comprehensive strategy for ensuring election security. The office should take responsibility to coordinate all security services and stakeholders, put in place the appropriate standard election security architecture and procedures at all levels. The strategy should specify the protocols of engagement, rules of operations and procedures for public communication to avoid misperception and misinterpretation of roles. For example, relevant public information on the roles and responsibilities of the security personnel should be incorporated into awareness and enrichment activities targeted at the public. In this way the security of the country during elections and after is ensured with the involvement of all in a participatory process and without mystifying the role of security agencies. This is premised on the important consideration that the security of elections is not a matter for the security agencies and services alone but a task for all. Furthermore, the objective of ensuring maximum security of elections will not be fully realized without addressing the need to change the attitudes and

orientations of the security personnel. Thus massive training of all security agents and security committee members for election purposes is essential. For example, in addition to their basic training in operations, issues of human rights, civil-military relations, and rights of citizenship etc. should be incorporated into the various training activities of the security agencies

Also, a revitalization of the civil institutions and structures for conflict management is a necessary condition for preventing the escalation of sectarian conflicts and preventing electoral violence. This is one area where partnership between government and civil society is likely to move the process forward. Collaboration between governmental agencies and civil society organization working in the area of peace building and conflict resolution should be encouraged on specific peace education and conflict management programmes is suggested as a way forward. The international community, especially the donor agencies and development partners, can help facilitate some of these processes in a renewed commitment to the consolidation of democracy in Nigeria.

Unregulated use of money in politics promotes ‘godfatherism’ and other associated fraudulent electoral activities including the intimidation of political opponents and electoral violence. Stakeholders in the electoral process should work to ensure effective implementation of the new laws to ensure control of frauds and political finance related corruption, promote active and efficient political parties, and ensure openness and transparency in the electoral process. In addition to ensuring the enforcement of ceilings as stipulated in the relevant provisions, it is recommended that effective collaboration of all stakeholders be encouraged to ensure disclosure of sources of party/campaign financing. Easy accessibility to basic information as to who gives to whom and for what purpose should be guaranteed.

For all the above steps to be achieved there is need for a multi-track approach which entails strengthening the capacity of the election management bodies in the country and other relevant institutions and agencies such as the police and other security agencies. There is also the need for increased civic and voter education for the population. The capacity of political parties and civil society organizations should be boosted to engage skilfully and effectively in the monitoring of electoral activities to prevent electoral violence. Also, both the civil society and political parties have responsibility to promote civic and voter education on the negative consequence of irregular use of money by the money bags politicians and electoral violence on democracy. The political parties have responsibility to promote transparency and

accountability in their operations. The civil society and the political parties are critical stakeholders in the Nigerian electoral process. These will continue to be useful, for instance, in the consideration of how political parties and candidates comply with electoral laws, how government regulators and outside organizations monitor electoral activities, and how effectively violations of electoral laws and regulations are prosecuted and punished.

Some of these recommendations above are already receiving attention in the on-going electoral reform in Nigeria which is driven by the INEC. However, the complexities of strategies and modalities for effective reform require in-depth attention than have been given by some of the critical stakeholders. There are more fundamental structural factors that determine the success of electoral democracy than mere goodwill of the leadership of the election management bodies. Thus adequate consideration must be given to the national context in terms of its social, economic and political dimensions. In this regard such issues as the nature and charter of the political elite, its dominant orientation, logic and preference must be understood in the context of its roles in the social conflicts and contradictions within the national polity. It is important to understand the way in which elites negotiate, exercise and accumulate power, especially within the party system or confine of other institutions like the presidency. In societies where “power is weakly institutionalized and remains essentially personalized and particularistic”, analysis of the challenges of governance must pay adequate attention “to key question of elites and the key issues of leadership”, not in terms of “the individual characteristics (qualities or defects) but in the context of their engagements among themselves as political actors, and also with the rest of the population (Chabal & Daloz, 1999, 31).

The importance of the elites in the Nigerian political process is well noted by Remi Aiyede who asserts “that the problem of institution building is partly attributable to tendency among the elites, who are the custodians of political institutions, to undermine and delegitimize these institutions in their struggle for power rather than work through such institutions” (2013, 109). On the one hand, one can argue with some conviction that the prospect for effective reform of the electoral process in the country is bright. The commitment of the leadership of the INEC to electoral reform is a landmark. Also, there seems to be open show of commitment to electoral reform by the new APC national government. On the other hand, dominant social forces within Nigeria also demonstrate lack of interest in the reform. The dominance of money-driven political culture that pervade almost every fabric of social life in Nigeria, supported and encouraged by the continued attraction to ostentatious living by

many, lack of political will and readiness on the part of the political class to undertake and support electoral reform, and the general apathy and lack of capacity and courage on the part of civil society organizations in Nigeria to organize across ethnic, religious and regional identities and engage the electoral reform project are some of the major challenges to be addressed.

Finally, as Nigeria carries on with its war against corruption at all levels, the issue of how political parties and their candidates acquire and use money cannot be ignored. However, effective regulation of funding for electoral purposes come with several political ramifications demanding extensive political will. Effective monitoring of party funding and compliance with laws and regulations is possible but with the right political will. Easy accessibility to basic information as who gives to whom and for what should be guaranteed by party leaders and politicians. There is also the need to draw the line on the limits of contributions as well as decide whether it is more prudent to contribute to the party, and not candidates. For this to be achieved there is need for a multi-track approach which entails strengthening the capacity of INEC to deal with the problem of party finance, building the capacity of political parties to keep proper records of financial transactions, and also supporting civil society organizations to monitor expenditures on elections.

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