

Explaining Election as a Curse to Democracy in Africa: Reflections from Some Selected African Countries

¹Preye Inokoba & ²Iyabrade Ikporukpo

*Department of Political Science, Faculty of Social Sciences
Niger Delta University, Wilberforce Island, Bayelsa State*

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Abstract

There is no gainsaying that lawful, peaceful and credible elections are the invaluable ingredients for democratic deepening and consolidation. It is also seen as an indispensable feature of democratic governance, a source of legitimacy enjoyed by the government and to a considerable degree it also establishes the height of political development of a given polity. And more importantly, election is also conceived as a mechanism of peace building; it serves as a medium of peaceful resolution of societal political differences and preferences while at the same time building citizen's trust in the capacity of collective decisions and institutions to govern. However, in most African transitory and ailing democracies such as Kenya, Gabon, Zimbabwe, Nigeria, and Cote d'Ivoire, elections are now becoming a source of credible threat to democratic sustenance, stability and governance. Elections in these polities are devoid of democratic ingredients; they are rather fraudulent, lawless, destructive and violent in nature. This obviously cannot enthrone stable and sustainable democratic systems. Thus, this paper interrogates the dangers and damage these illegal, unsecured and undemocratic elections pose to the democratization processes and political systems in Africa. To achieve the purpose of the study, the paper mainly drew its data from secondary sources and based in inferences from selected African countries argued that if these affected countries fail to reconfigure and democratize their electoral processes and systems, elections will remain a formidable threat to the democratization process and governance process and state systems of these societies.

Keywords: *Democratization process, Election, Electoral Process, Political Stability, Democratic Sustenance, Democratic governance and Consolidation*

Corresponding Author: **Preye Inokoba**

Background to the Study

Ideally, election in any developed and functioning representative democracy is an instrument of peace building and conflict management regularly employed to empower the citizens to decide who govern them as well as peacefully, legally and in a consensus, manner resolve political differences among political contestants. It is the medium by which the transition from one government to another is achieved peacefully and constitutionally. In other words, it is seen as a democratic and constitutional means of managing societal conflicts; practically, elections serve as a non-violent means or mechanism for engaging societal differences.

Every contemporary conception of representational democracy, as perceived by Lindberg (2003), includes the idea that elections serve as the main method for choosing policymakers. Elections have been referred to as the "cornerstone of democracy" by Ojo (2007) and as the "heart of democracy" by Chiroro (2005). Simply put, election is perceived as the conveyor belt that connects the citizens to the political system as well as supply personnel for the management of the governance system.

Election is an indispensable and foundational feature of democratic governance; it constitutes a core component of modern-day representative democracy. As a peaceful and legal means of selecting representatives into government, the primary aim of election is to push the demands and concerns of the people to the various levels of public decision making. For this objective to be achieved, the election in question must be free and fair where the electorates are allowed to exercise their franchise by voting a candidate or a party whom they see to be the best choice among their options. This basically means that peaceful, fair and transparent voting is a must. for the active and meaningful participation of the citizenry in politics and governance (Inokoba, 2019).

But this has not been the case in most African emerging and fledgling democracies; elections in these African transitional democracies have so far failed to approximate the lofty roles elections play in democratic sustenance, stability and predictability. Data shows that just a few governments on the African continent can rightly justify to have held transparent elections that are generally acceptable. Most African supposedly democratic countries have found it very difficult to conduct elections that are that are free, fair, lawful, credible and tension, rancor and controversy free .Instead, elections in African nations such as Nigeria, Senegal, Kenya, Uganda, Cote d' Ivoire, Zimbabwe, etc have not only been fraudulent, unlawful, unfair and undemocratic, they are also characterized by various dimensions of intimidation, harassment and outright violence (Inokoba and Rufus 2021). Thus, this paper interrogates the character of elections in Africa's transitional and ailing democracies and how this has made election a dangerous phenomenon to democratic deepening and sustainability in some selected African countries. In trying to achieve this objection the paper attempted to give answers to the following questions: What are the distinctive characteristics elections in most African countries? And how has the nature of elections compromised the process of democratic consolidation and political stability on the continent? We argued in this study that when polls are trustworthy, fair, peaceful and free, it may assist promoting egalitarianism, development, respect for security and rights of the citizens. But where they are deceitful, lawless and violent,

they can undermine the democratic process and as well as trigger governance crisis and political instability. The data for the examination of the issues raised in this study are mainly drawn from secondary sources of information.

The Conceptual Nexus between Election and Democracy

Before examining the election-democracy nexus, it is only imperative that we do a thorough interrogation of the central concept of election. There is not gainsaying that election is the core essential tenet of contemporary democratic representation. According to Alapiki (2004), elections are a gauge for measuring a democratic government's political legitimacy, maturity, health, and stability. It is often regarded as the single most crucial measure of the presence or lack of democratic rule. As a result, how a state organizes and conducts its elections reveals much about its degree of political advancement and growth (Paki and Inokoba, 2006). The next question is; how do we define an election? In its broadest sense, it is the process of choosing a single individual or a smaller group of people to hold office or other power inside an organization is known as election and is recognized by the rules of the organization (International Encyclopedia of Social Science, 1972).

Election, according to Okolie (2005), is "the procedure of choosing the officials or constituents of an organization or group by the votes of its eligible individuals" in a rather restrictive sense. Furthermore, elections as a political phenomenon can be defined as the institutionalized procedures by which a nation's populace selects its political office holders (Inokoba & Kumokor, 2011). In other terms, it is a method by which the populace selects its representatives for various governmental institutions (or posts) (Paki and Inokoba, 2006). Bain (1964), though, presented a definition that was more comprehensive. He views elections as the formal procedure by which the electorate chooses representatives and decides on the subjects put before it. As a result, it is a process for electing officials or making legally binding choices on policy through a vote of people who are officially eligible to partake.

The definition of "election" provided by the Encyclopedia Americana (Vol. 10, 1996), which views elections as "a mechanism for determining public policy by the vote of those legally entitled to participate," is consistent with the aforementioned perspective. According to the research, elections are a formal legal process; they are a choice made by the voter to determine who holds public office, and they also determine the direction of a policy. Akin (1960) regarded elections as a social interaction among the people and their rulers, which supports this view. He defines it as "the procedure whereby a person is connected to an office with proper provision for the involvement of the persons supposed to fall under the officer's jurisdiction" as a result. A responsive, competent, and accountable government is the result of credible, transparent elections because elections are seen as a means for constructing a government based on popular agreement. However, a just, fair, lawful, and peaceful electoral system is necessary for elections to have a good influence on the outcomes of democracy and governance. Because of this, the research divided elections into two categories: democratic elections and non-democratic elections. According to Lindberg (2001), Thank and Shastry (2007), and Animashaun (2008), democratic elections are those that are held in accordance with the requirements of the laws without the use of coercion, fraud, or violence. The

unrestricted participation of a sizable fraction of the public and all currently active parties in the democratic process is one of the key characteristics of a democratic election; this enhances the democratic nature of the elections. Because candidates and supporters value variety and opposing ideas, political violence and other types of coercion are extremely rare in elections. This is extremely illuminating because democratic features such as responsiveness and accountability of elected officials rely heavily on competition (Inokoba & Kumokor, 2011). Additionally, it is well recognized that democratic elections create a unique type of state. According to Hadenius (2001), it develops a welcoming, interactive, and responsive state that is willing to engage with its citizens continuously in a controlled manner. In this setting, governance approximates the aspirations, goals, and requirements of the majority of the populace (Inokoba & Kumokor, 2011).

Elections that are undemocratic and illegal, on the other hand, are a direct violation of all avowed democratic principles, precepts, and values. They are typically identified by various expressions of election rigging and other rigging and irregularities, all of which have underpinning criminal intentions and motives. They imply criminal and unlawful electoral behaviours that unjustifiably sway the outcome of elections in the desired and unpopular direction. Election fraud can take the form of stuffing ballot boxes with ballots well in advance of the voting itself, seizing or hoarding electoral materials, manipulating and fabricating election results, using law enforcement and security organizations to intimidate, maim, and obstruct the right to vote, murdering political rivals, etc. (Okolie, 2005). Additionally, it is important to distinguish between election rigging and anomalies. Election irregularities are caused by unintentional and logical flaws in the electoral system, whereas electoral fraud is characterized by intentional acts intended to undercut democratic principles, practice, and popular will. The deliberate creation and maintenance of the Nigerian electoral crisis, which benefits a segment of the political class hell-bent on maintaining the status quo, is a major factor in its prolonged persistence. As a result, the governments of countries with undemocratic elections have a history of being exclusive, autocratic, dishonest, predatory, and non-responsive to the necessities and aspirations of the people. As it is a quasi-political system, the final result is subverted and corrupt governance process that does not meet the needs and expectations of the majority of the populace (Inokoba & Kumokor, 2011).

This brings up the connection between democracy and elections (or democratization process). Some academics contend that there is just a shaky connection between elections and democracy. Olaitan (2005) asserts that there have been a number of occasions in Africa where elections have resulted in the phenomena known as the "unmaking of democracy." It is a dubious and feeble thesis, according to Inokoba and Kumokor (2011), because those who support it have blatantly neglected to look into the specifics of the elections in question. They are either democratic or not. Are the current elections legitimate and fair? Only democratic elections can result in the development and maintenance of democracy. Although it is obvious that elections do not always ensure effective democratic governance, it is equally undeniable that elections are at the core of contemporary conceptions and discourses of democracy (Olaitan, 2005). It is therefore an essential component of the democratic process that gives the people the freedom to make decisions, the ability to hold elected officials responsible, and a

safeguard against the continuation of arbitrary rule (Obi & Abutudu, 1999; Animashaun, 2008). All democracies formalize the distribution of power through elections, which also offer context for the power dynamics inside the political system. It serves as the cornerstone of the social contract that unites the populace and its leaders. Implicitly, the idea of true democracy as responsive and accountable is not unconnected to the reality that the strength of governance, via elections, largely rests with the citizens themselves; it is via the election process that the will of the citizens, which forms the basis of the democratic system, is conveyed. Additionally, elected politicians are obligated to answer to their constituents since the electorate, which supplies and withdraws mandates from those who lead state activities, has the authority. Therefore, elected leaders would have to make every effort to be accountable to and attentive to the demands and desires of their constituents in order to avoid being voted out of office (Inokoba & Kumokor, 2011).

Election is a vehicle for legitimacy, or the right of the rulers to rule, in addition to being a way to improve government responsiveness. A government that was established lawfully and by popular vote has a lot of support because the people readily abide by its rules and consider public officials as their representatives whom they have voluntarily elected. On the other hand, a government that was installed through a rigged and violent election process typically lacks such a democratic component. In an effort to cement their grasp on power, governments established through dubious election processes typically exhibit haughtiness and repression. This largely explains why the majority of formalistic democratic republics in Africa grossly violate human rights and are intolerable to opposing viewpoints and organizations (Paki and Inokoba, 2006).

Therefore, it is impossible to imagine democratic administration outside of an election environment since elections provide the crucial foundation for establishing and sustaining democracy. Elections may not encompass the entire democratic process, but there is little doubt that they are essential to the establishment of democratic government and the maintenance of the democratic system.

Different Dimensions and Manifestations of Electoral Fraud in Africa

Elections in most African emerging democracies have been characterized by vote-buying, manipulation of results, hate speeches, mud-slinging and several illegal and unethical practices. More significantly, the campaigning phase has been marked by unrest, coercion, and open use of physical force against political rivals. In a media story from 2010, Doudo portrayed the election season in African states as potentially carrying with it threats of intimidation, unpredictability, the use of extreme force, and perhaps death. This is the situation that has depicted polls in some African states as a curse to the African people and a dangerous game played by the political gladiators (or politicians) in their struggle to capture state power.

In examining the different manifestations and dimensions of elections of electoral fraud in African emerging democracies, scholars and commentators have categorized them into different perspectives. Lopez-Pintor (2010) in his presentation, broadly categorized electoral

fraud into material and psychological dimensions. “Materials” entails not only direct tampering with the physical aspect of elections, such as voter lists, ballot documents and computer equipment, but also tampering in form of employment offered or threats of termination commitments (either in oral or in writing) on future government contracts, provision of cash or food or clothing, and vote-buying. And what Lopez Pintor (2010) meant by psychological dimension of electoral fraud are conducts that bother on intimidation and harassment of either political opponents, individual voters or an entire community. Intimidation in this context implies the threat and/or actual use of violence or just deprivation of certain public goods and services expected from the government.

Conflict research literature generally consider electoral violence as one of the several illegal strategies that both ruling and opposition parties in Africa alike employ to impact the outcome of election (Merilamen,2012). These unlawful tactics include amongst others prohibition of oppositional opponents from the race, arrest and detention of political rivals, monopolizing media and government resources and the unlawful appropriation and use of government funds by the incumbent politicians for political purposes (Cyllah 2010). A further examination of the aforementioned illicit electoral practices will reveal that these activities are carried out during each of the three voting stages. They are pre-elections (or between elections) stage, election stage and post-election phase. Thus, the study examined the issue of fraudulent electoral behaviour among political contestant especially incumbent politicians in Africa in the three aforementioned phases of the electoral process.

Pre-Election Phase

Though election day happens to be the ultimate moment in the electoral process, but several steps or strategies are put in place by both incumbent and opposition politicians to shape electoral outcomes before election day. However, it is important here to note that the incumbents have more power and resources to illegally and fraudulently determine the results of election than the opposition politician. This really is true in competitive authoritarian African countries where polls are contentious coupled with weak (or non-existing) checking mechanism on the powers of the incumbent governments (Ronceray & Byiers, 2019).

Changing of the Constitution by the Incumbent Government

One of the first measures taken by incumbent elites in Africa towards fraudulently determined election outcome in their favour is to modify the constitution. Rules like the term as president and age restrictions are normally changed to extend the incumbent stay in power beyond the time or age permitted by the electoral laws (Ronceray & Byiers, 2019). This practice has become a norm and re-election strategy of many incumbents across Africa.

In fact, Wiebusch and Murray (2019), counted as many of 47 alterations to the presidential term bounds (inclusive of age) and six unsuccessful efforts between 2000 to 2018, these cases were drawn from over 28 African countries. Most of the cases where limits were successfully carried out, overwhelmingly made re-election of the incumbents possible. Some of the African states that have altered the constitutional limits includes; Rwanda, Uganda,

Cameroon, Malawi, Equatorial Guinea, Togo, Egypt, Zimbabwe, Algeria, Burundi and several others.

Some of the cases where constitution limits were tempered with to enable the incumbent elongate their stay in office through rigs elections include; the 2015 referendum in Rwanda that enabled President Kagame to increase the duration of tenure restrictions which was formerly established 2003 constitution. He was able to run for a third term as a result (Daily Nation, 2015). Similar to this, President Gnassingbe Eyadema of Togo repealed age restrictions introduced a decade earlier in 2002, just before his death after 37 years in power. However, under pressure from nationwide demonstrations, his son, the current president of Togo, Faure Gnassingbe, consented to implement ten restrictions in 2019, but not retrospectively, allowing him to fight for reelection a further two (2) times (Bailey, 2018).

Apart from altering the number of tenures, African ruling elites are also known for tempering with age limits to enable them gain re-election. For example, in Uganda, the age limit of 75 years was removed in 2017 for presidential candidates to allow Yoweri Museveni, the current president of Uganda, to run for reelection in 2021. Similarly in Madagascar, the minimum age for presidential candidates was lowered from 40 to 35 years in 2010 in order to allow the country's then-35-year-old President, Andry Rajoelina, to run for the next polls. These cases of alteration of constitutional limits including age limits are highlighted here because these are preliminary steps taken by incumbent politicians in Africa's emerging democracies to rig elections in order to ensure their re-election.

Exclusion of Opposition Candidates

Another preliminary strategy devised by managers of African ailing democracies (or what is aptly described as competitive authoritarianism) (Ronceray and Byiers, 2019) is the systematic exclusion or disqualification of political rivals to the ruling regime. This process of disqualification of political opponents is carried out without regards to the provisions of the constitution or electoral acts. The measure is basically carried out against prominent candidates of the opposition party; the goal essentially is to ensure easy or smooth re-election of the incumbent candidate.

There are several means devised by African ruling elites to bar other candidates from contesting. One has to do with the passing of laws to exclude candidates that may have been funded by foreign sources or have been convicted in criminal cases. This was the case in 2019 when the legislature of Tunisia enacted a legislation to prohibit a number of opposition figures. This was passed few months to the elections therefore making it impossible for the targeted candidates from contesting the elections (Ronceray and Byiers, 2019). There are also instances in Africa where candidates were barred from elections based on issues of identity. The 1995 Ivorian law, which prohibited anyone with foreign-born parents or who had not lived in the country continuously for the five years preceding the elections, is a good example. The current president, Alassane Quattara, whose father is reported to have been born in Burkina Faso and who was travelling overseas for the International Monetary Fund, was the target of this statute. One of the key causes of the country's civil war was Quattara's exclusion,

which was one of the main causes (Ross and Aboa, 2018). There are also instances where candidates have been disqualified by the literal applications of the laws. Run-up to the 2006 Madagascar elections, the electoral act which provided that a candidate must personally file their application, was used to exclude the exiled oppositional leader Rajaonarivelo from contesting the elections. A week before the deadline, the government closed the airport for security concerns thereby preventing him from entering the country. As a result, his candidacy was rejected by the courts on the terms that he was unable to file it personally on due time (Cheeseman & Klaas, 2018). A more brazen form of exclusion is the banning of opposition democratic parties in total. For example, in Ethiopia, several political affiliations like Ginbot 7 association were black listed in anti-crime legislations and confirmed to subversive activism (Cheeseman & Klaas, 2018). The foregoing are some of the several forms or strategies applied by the incumbents in Africa to exclude both opposition candidates and political parties from the political process.

Voters Suppression and Disenfranchisement

Leaders of African illiberal democracies are also known to have put in place several illegal mechanisms to suppress as well as exclude potential voters from exercising their civil rights. These illicit strategies are achieved through the following means. One is the removal of names of voters especially those from opposition strongholds and marginalized groups from electoral registers as well as placing administrative barriers between them and polling unit (Cheeseman & Klaas, 2018). A similar way of excluding voters, in especially opposition dominated areas, includes amendments of the voter's register; this is carried out specifically with opposition areas to make it impossible or difficult for their supporters to vote.

Another illicit scheme put in place in these authoritarian competitive democracies is to acquire voters to hold national ID card before they are permitted to exercise their political rights through the policy the government has the power to make it simpler or harder for some individuals to satisfy the conditions for voting. In Zimbabwe this illicit scheme was carried out specifically to disenfranchise supporters of the opposition Movements for Democratic Change whose members live in areas that have the lowest proportion the national ID CARD (Ronceray & Byiers, 2019).

Incumbent governments in Africa also apply the strategy of “gerrymandering” in order to guarantee that polls in the contending strongholds fail to follow similar electoral value (or weight) as those in their favoured constituencies. This tactic which works for election with a popular element, enables the incumbent party in a specific electoral district to increase participation beyond the percentage of votes. Across fact, it found evidence of gerrymandering in Africa, including Kenya (Kasara, 2016), Tanzania (Chauvin, 2015) and Malawi (Wahman, et.al, 2015).

The Muzzling of Watchdogs

A number of African incumbent governments are known for undermining the operations of a number of agencies and non-governmental civil society organisations that could check or expose the illicit electoral scheme of the governing elites. Those watchdogs include; election

managements boards (EMBs), independent courts, civil liberty organisations, and election monitoring teams among others (Ronceray & Byiers, 2018).

To achieve desired electoral outcomes, African incumbent governments have devised some strategies to weaken the operations of these watchdogs. In most instances, their first targets is the electoral referees. They do this by making sure that the leadership of the EMBs are favourably disposed to the ruling party: by so doing the independence of the electoral commission is weakened and compromised. For example, it was widely acknowledged that the former INEC chairman (Mr. Abel Guobadia and his successor Prof. Maurice Iwu) under the Olusegun Obasanjo's presidency were close allies to top members of PDP the ruling party then. Similarly, during the reign of president Mugabe in Zimbabwe, the electoral commission was alleged to be in the direct control of the ZANU-PF require and therefore, was unable to play its unbiased and impartial watchdog roles (Ronceray & Byiers, 2018).

Again, some African incumbents have used the parliaments to revise their laws by eliminating the part of the judiciary in supervision and adjudicating cases of electoral conflicts. For instance, in 2017 Egyptian parliament controversially made a law that made the national electoral commission the primary organization in electoral activities and dispute management; therefore, removing the oversight function of the judiciary in the voting procedure (EL-DIN 2017).

The role of the electronic mass media as a watchdog of the electoral process and more so in the larger society, cannot be overemphasized. This medium is also not spared by the ruling elites in their bid to skew election results in a particular direction. For instance, where the media outfits such as radio and TV are solely owned and operated by the government, the incumbent regime in most cases monopolies these media outlets while at the same time the rival party harder have access to those publicly own media outfits.

Even in states where the electronic media is liberalized, African government are known to have closed down media outlets owned by opposition figures to gain electoral merit. For example, close to the 2008 elections in Madagascar, President Ravalomanana had to close down a TV station owned by Rajoelina- the then mayor of Antanaxivo because the station carried a discussion with past president Didier Rafsiraka, who was a political rival to Ravalomanana (Ronceray, 2010). It was the exposure of this TV station that was one of the causes to the democratic crisis that rocked Madagascar in 2009.

Another set of watchdogs whose activities and function are constrained by the leadership of Africa's emerging democracies are the international election observation missions (EOMs). Though these EOMs are invited by governments to assess the electoral process for transparent and credibility, however, several measures are put in place to undermine and neutralize the operations of these EOMs. These includes restricting unfettered movement of these watchdogs such as denying them access to problematic voting areas where all kinds of electoral fraud and violence is taking place; preventing media coverage and even sponsoring of fake (or shadow) election observation groups to counter the reports of the EOMs. These

government sponsored groups were effectively used in the 2013 Zimbabwean elections to authenticate manipulated results that favoured the incumbent government (Ronceray, 2017).

Postponement of Election

Another pre-election strategy employed by leaders of Africa's ailing democracies to illegally skew election outcome is the rescheduling of elections. Though election dates can be postponed for genuine (or legal) reasons, however, in Africa, election date are mainly decided for political reasons favourable to the ruling party. In some cases, the electoral law and constitution are violated when leaders matter call for new polls nor leave office at the expiration of tenure. This scenario played out in the DRC between 2016 and the end of 2018 (Roncenary and Byiers, 2018). Conversely, the ruling party sometimes call for elections on short notice; the purpose is to deny the opposition parties enough time to prepare for the elections. This was the situation in Togo's legislature elections where it was first adjourned by half a year and then conducted on short notice, in contradiction of the advice of regional players like ECOWAS (Bado, 2019)

Use of Different Dimensions of Violence

Evidences from extant literature reveals that electoral violence (EV) is visible and inescapable phenomenon in African politics and democratic process (Inokoba, 2019). The different manifestations of EV include psychological, structural and physical dimensions. All these patterns of EV permeate, all three voting cycle stages and are carried out with the sole aim of influencing the outcome of the election results favouring the violent culprits (Omotola, 2018). In the majority of cases, the government represented by the ruling party, its security services, election officials, and rebel factions have been the primary offenders in Africa. The psychological component of EV is mainly visible in the pre-election phase such as the campaigning period. This type of EV has to do with in inciting and dangerous public language and ethnic 'hate' speeches most of the time set the tone for violence coloration of elections in Africa. A readily available example of this pattern of EV was the infamous declaration by president Obasanjo that the 2007 General Elections is going to be “a do or die” election; and it actually turn out to be very violent and bloody elections (Omotola,2019). This hate laden language was also recognized as one of the reasons for the election related violence in Kenya and Zimbabwe. The reckless use of hate speeches by politician have generally turned elections in Africa into a war-like phenomenon.

Another dimension of EV that is freely used mainly by incumbent party in Africa, is structural violence. This pattern which mainly used in the pre-election phase, manifest in the form of systematic disequilibrium predicted on double standard (Omotola, 2007). This is simply a situation where all the political contestants and parties do not have equal access to the state structures such as state-owned media organisations and also public facilities such as stadiums and other public venues for political campaigns and rallies. Again, in most Africa's fledgling democracies, the security agencies as well as the anti-graft agencies are normally employed by before the polls, the ruling party bullied, intimidated, and frustrated the opposition.

Another manifestation of structural violence is the ineffective governance and management of elections on the continent -this includes among others, election officials and supplies arrive late; announcement of manipulated results; over-securitization of elections and intimidation of voters; and the massive disenfranchisement of the people (Adebayo and Omotola, 2007). However, the most visible aspect of EV in Africa, is physical violence. In countries like Nigeria, Kenya, DRC, Uganda and Zimbabwe, this form of the EV includes political assassination, riots, thuggery, intimidation and harassment, assaults, stealing, bombing, and snatching of ballot papers by threat of force (Omotola, 2008). This manifestation of EV is commonly perpetrated all through the electoral cycle.

Election Day

This is the most critical stage of the electoral process because this is the day the fate of the political contestants is decided by the voters. And again, every preliminary strategy in the pre-election phase were put in place so that the electoral results of this day goes promoting candidates of their choice and party. Besides, the pre-election measures to skew election outcomes, parties especially the ruling parties also resort to last minutes measures on election day to achieve desired electoral outcomes. Some of these includes vote buying, under-age voting, multiple-voting, (where possible), voters' intimidation, manipulation or falsification results or simply claiming victory and either bribing or intimidation or harassment of electoral officials.

Vote-Buying

It is a fraudulent tactics by politicians on election day to bribe voters with money and materials stuffs such as food, clothes, and other gifts with the sole purpose of making the voters, vote in a particular direction. This act of electoral bribery is common practice in sub-Saharan Africa; the act is so prevalent that it has a normal norm during elections. Though it is a common electoral practice by politician in Africa yet perpetrators are hardly apprehended and prosecuted. A ready example is the governor Osun State in Nigeria which were riddled with brazen cases of vote buying.

Under-Age Voting

This is the fraudulent act of allowing under-aged persons in contravention of the electoral law and constitution to vote during elections. Every democratic state has stipulated ages before individuals could qualify to vote. But in desperate attempts to win the elections at all cost, political contestants especially the ruling party in Africa are known to have introduced under-aged persons to vote on election day. This is carried out connivance with the electoral officials. This was a prevalent means of swaying election results in Northern Nigeria states especially during the 2015 Presidential elections (Inokoba & Rufus, 2020).

Intimidation of Voters

In contrast to vote buying, harassment and intimidation of voters help to prevent opposition supporters from visiting the voting units (Ronceray & Byiers, 2018). This is normally achieved by the ruling party by creating an environmental of tension and fear through the use of thuggery, heavy militarization of the opposition strongholds, unwarranted arrest of

opposition voters and figures, killing and arson. In most instances, the ruling government deploy coercive device to aggressively close down polling activities such as campaigns of the opposition party. During the 2018 presidential election campaign the UN reported widespread cases of voter suppression by pressure, humiliation, and threats of violence (BBC NEWS, 2018).

Bribery and intimidation of electoral officials

Another form of electoral corruption planned and perpetrated by political contestants in Africa is the bribing and even intimidation of electoral umpires. Both the incumbents and the opposition politicians are culpable of this fraudulent act, both compete to out-bid each other in their attempt to get the electoral officials to do their biddings. This is a common strategy by politicians in Fourth Republic Nigeria to compromise the election results. Not even the introduction of personnel and academia as adhoc electoral officers have been able to address this corrupt electoral practice; rather some members of the academia have become partners of these corrupt politicians (Inokoba & Rufus, 2020). And there are also extreme situations where uncompromising electoral officials are threatened and forced either by security agents or party thugs to sign and announce manipulated and fraudulent results (Eye witness Report).

Claiming of Fraudulent Electoral Victory

Yet another step taken by African politicians to illegally sway election outcomes in their favour is through preemptively announcing unverified and fraudulent results that do not have bearing to the tallied votes from the electoral field. This in most instances explain the discrepancies between results presented by the majority party and that of the minority party; the end result is contested and controversial election results. The DRC 2019 poll is a case in point; while the Catholic Churchpoll-observers declared candidates Fayulu winner of the poll with 60% of the votes, the electoral commission announced the opposition contender, Tshisekedi as the victor with 38.6% of the votes (Berwouts & Reyntiens. 2019).

Post-Election Phase

The illicit and unlawful scheming of the African politicians to sway election outcomes does not end on election day; it continues even after the announcement of the results by the EMBs. The various schemes devised by the political contestants ranges from lawful measures such as (challenging the results in law courts; seeking other African states and the larger international community to condemn and reject the election results; and the defeated party sometimes seek political deals such as request for government of National Unity in order to gain some political relevance, etc) to extra-legal strategies such wiping up ethno-religious sentiments to mobilize a section of the populace for mass protest against outcomes of the election. And in most instances, such post-election protest often ends up in wide spread violence arson and even deaths (such as 2007 in Kenya and 2011 in Nigeria) (Inokoba & Rufus, 2020). And in some cases, street protests have even led to the toppling of regimes; Burkina Faso, Zimbabwe, Algeria and Sudan are good examples. From the foregoing passage, it is apparent that there are more elections in contemporary Africa but most of these elections are devoid of democratic tenets and values because most African political elites approach the electoral process with the wrong political values and culture. As demonstrated above these illicit and fraudulent

scheming and practices have given African elections its undemocratic character. The next sections of study will interrogate how these lawless and corrupt elections have threatened the process of democratic deepening on the continent.

The Debilitating Effects of Electoral Corruption on Democratic Deepening, Sustainability and Governance in Africa

There is no gain saying that election is an indispensable ingredient of modern representative democracy. However, for election to perform this support role it must be lawful and democratic. But this has not been the case with African elections. In this section, the study argued that the fraudulent and violent nature of elections in Africa is a formidable risk to the progress and deepening of democratic governance in the continent. That is, it has become a disincentive that now weakens, corrupt and destabilize the democratic process as well as the state system in Africa. We will also examine the several ways by which fraudulent elections threaten and destabilize the democratization and political systems in Africa.

Cripples Participatory Democracy

The fact that participatory democracy promotes and protects the people's freedom to regularly and freely elect their representatives is one of its essential components. But most struggling democracies in Africa have not been able to achieve this lofty objective of election; this is so because fraudulent elections have deprived and violated the rights of Africans have to choose their leaders freely, without fear of reprisal, and in an unrestricted manner. This is especially true of its violent form. It is a known fact that political contestants in the continent's illiberal democracies in their attempt to accomplish their political objectives, grab and monopolized the political space through aggressive monetization, commercialization, and militarization of the electoral process; thus, constraining legally qualified and well-meaning Africans from taking part in the elections (Kalagbor & Inokoba,2020). As a result of the fraudulent and violent character of elections in democracies like Kenya, Zimbabwe, Nigeria and Uganda, most voters would rather avoid going to the polling units as a result of fear and insecurity. Again, it has been established by several studies on African democracy that citizens see voting as a waste of time because of the belief that votes don't count in deciding who governs them (Omotola, 2008; Kalagbo & Inokoba,2020). This in a lot of ways explain the phenomenon of low voters' turn-out in elections in Africa.

In the same vein, the brazen commercialization of electoral politics in Africa's struggling democracies, has turned elections into an enterprise that requires a lot of cash that can only be carried out by society's extremely wealthy. A case to buttress this point is the cost of presidential nomination forms in the two key parties in the Fourth Republic in Nigeria; in preparation for the 2023 General Elections. The All Progressive Party (APC) and Peoples Democratic Party (PDP) respectively sold their nominated forms at the inflated price of N100 million to members who are interested in running for the office of the president.

The combative, competitive, and exclusive nature of election politics in the most of African democracies has led to the emergence of successive civilian administrations devoid of the mandate of the continent's people. In response to this unrepresentative nature of democratic

governance in Africa, Human Rights Watch stated in its global survey that the biggest human rights violation occurring in Nigeria is the persistent denial of Nigerians' freedom to elect their representatives via fair, peaceful, and democratic polls (see Kalagbo and Inokoba, 2020). This is also what is happening in other illiberal and authoritarian democracy in Africa.

Institution of Governments Devoid of Social Contract

An immediate impact of elections devoid of popular participation and mandate is the institution of governments without social contract with the people. It is therefore not surprising that most of the governments of these troubled democracies have been distinctively exclusionary, dictatorial, lawless, corrupt, predatory, and insensitive to the needs and aspirations of the African people. Again, these democracies bereft of social compact with their inhabitants, are eager to deploy the state's coercive weapons against their citizenry. This is because, for the most part, they find it difficult to wield hegemonic dominance over those they govern (Kalagbo & Inokoba, 2020). This crises of legitimacy in Africa's weak and illiberal democracies are characterized by persistent and cyclical industrial restiveness, discontented civil society, resurgence primordial allegiance, and indigenous nationalities dissatisfaction and agitations for political sovereignty, rebellion, terrorism and insurgency (Edurun, 2017). All these challenges to Africa's emerging democracies are evidences that the so-called democratic states are detached from the populace due to a lack of the necessary authority to govern.

Weakens and Constrains Democratic Governance and Development

Yet another debilitating effect of electoral corruption in the troubled democracies of Africa is its impact on the nature and output of governance and development on the continent. That these dubious elections have adversely tampered on the governance effectiveness and development process is evidence in the brazen political corruption and mediocrity, widespread impunity among public officials and the preference of the rule of human rather than of the rule of law across the ailing democracies of Africa. According Oddih (2007), when elections are compromised, the options available to the populace are inevitably limited, and the new government that is formed is unable to represent and defend their interests and ambitions. A situation whereby government now gives more attention and public resources toward the achievements and protection of the interest of tiny vested group at the expense of the general citizenry, does not auger well for good governance and developments. This in variety of ways explain the governance catastrophe rocking most of the troubled democracies of Africa.

Leads to Political Unrest, Violence and Instability

It has been severally admitted by extant literature that the violent manifestation of electoral corruption in Africa has become a serious danger to the safety and security of the continent (Omotola, 2008; Inokoba and Rufus, 2020). Africa's emerging democracies and their states systems have been almost brought to their knees as a result of cyclical and persistent poll-related violence (EV) that had led to the murder and relocation of innocent individuals. Examples of this include Zimbabwe (2000, 2005, 2008), Zanzibar (2005, 2010), and Kenya (2007), Nigeria (2003, 2007, 2011, 2015), among others (USIP, 2010; Inokoba and Rufus, 2020).

Another example, is the 1998 polls in Lesotho that led to a post-election violence that almost result in a civil crisis condition. This circumstance was only brought under control via the military and diplomatic intervention by South Africa and Botswana (Adesole & Akinbola, 2014). Another known case of bloody and war-like elections was the Kenyan 2007 presidential elections; this threw the nation into an uncontrollable two months of post-poll unrest that resulted in more than 1200 fatalities and 350,000 people being displaced (USIP, 2010).

Nigeria too has had her fair share of violent, bloody, and deadly elections in the present political dispensation; these elections have seriously destabilized and polarized the country along ethnic and religion lines (Inokoba & Rufus,2020). For example, the really bad tampered and war-like election of 2011 resulted in large number of deaths; it was recorded that over 800 persons were murdered and 65,000 displaced as a result of three days of intense and widespread post-election violence (Omotola, 2008; Inokoba & Rufus,2020).

Apart from the massive outflow of internally displaced persons (IDPs) because of EV, there are other associated challenges with severe security implications. For example, as a result of the congested nature and poorly managed IDP camps as observed in the 2007 Kenyan situation, other difficulties include PTSD, infectious disorders including TB, and sexually transmitted infections such as HIV/AIDS have become not only health issues but now pose real security problems (Omotola, 2008).

Again, EV has also been identified in the deep-seated and widespread legitimacy and political stability crisis across the continent. In Africa's struggling democracies such Kenya, Lesotho, Niger Republic, Uganda and Nigeria, the constitutionality and legality of the governments have in several ways being challenged by the oppositional parties as well as the citizenry. The authority of these governments is often challenged through both peaceful and violent means- these include peaceful demonstration and litigations, and violent agitations leading to arson, looting, killing and the ensuing requirement of curfews and the militarization of the state. This has in most instances led to poor governance as the new governments are forced to divert the attention and the resources of the state towards consolidating and sustaining their contested capture of state power (Omotola, 2008).

Another way that EV threatens the peace and security of the African state system is that it has turned politics into an organized criminal enterprise (Inokoba & Rufus,2020). In democratic and law based political climes, politics is considered as a noble activity and a medium for the transformation of the polity; A game played by sane, selfless and patriotic citizens whose ultimate goal is to contribute their own quarter to the development of the state. But this does not approximate the African reality. Politics in most Africa's weak democracies is perceived as a dirty, lawless, violent and dangerous game only fit to be played by debased, desperate and criminally minded individuals. Describing the Nigerian situation, Alemika (2011), the Nigerian election system and government structure are substantially based on the principles and methods of organized criminal businesses. Entrepreneurs in organized crime use deceit, coercion, corruption, and violence to advance and protect their organizations' interests. The majority of African leaders and parties conduct themselves similarly to Nigeria. Therefore, it

is of no surprise that fraud, lawlessness, violence, and deadly scheming have become part and parcel of the electoral politics of the most African democracies.

We cannot conclude this section of the study without discussing the how election related violence has become a major challenge to African government's domination of the use of the instrument of coercion. It is through this fundamental attribute of the state that law and order is maintained; and whenever the state loses its monopoly of the use of fire arms, it could lead to legitimacy crisis and ultimately state failure and collapse (Inokoba & Rufus, 2020).

Experiences from the present Nigerian situation has shown that EV is now credible threat to the nation's national security (NS) because it has metamorphosed from the era of the use of rudimentary implements of violence to a sophisticated phase of electoral militancy and warfare. Weapons employed in EV in the present political dispensation have up-graded from were knives, clubs, cutlasses and locally made fire arms to more sophisticated small arms and light weapons (SALWS) such as AK47, LAR (light Assaults Rifle), GPMG (General Purpose Machine Gun), Pump Action, Jericho and Baretta pistols, rocket propelled grenades and bombs (Inokoba and Rufus,2020). In our interview with security personnel, they identified these SALWs as the commonly owned and used weapons by political thugs or private armies of politicians in Nigeria. Again, the UN panel on SALWs, described them as dangerous weapons specifically designed for professional security personnel to be employed only in war situations and not for civil situations such as social unrest (Yoroms, 2016). It is the same lethal weapons that are commonly used by political thugs to carry out political motivated violence including EV.

It is therefore less surprising that in instances where SALWs are deployed for private political motives, it normally leads to massive destruction of lives and properties; this clearly explains why so much lives and property were destroyed in the 2007 and 2011 General elections in Nigeria. This is a worrisome development because it is of common knowledge that it was the free use of SALWs that led to the protracted and bloody civil disturbances and wars in places Liberia, Sierra Leone, Rwanda, Somalia, Democratic Republic of Congo (DRC) and other theaters of conflict in Africa. These countries became zones of armed conflict because their security architecture lost the domination of the utilization of armed force and as a result could no longer effectively control and engage these lawless private armies and criminal elements or gangs.

The foregoing are some of the ways that fraudulent elections and its violent manifestation have continued to weaken and corrupt the democratization processes as well as threaten the governance and state systems in Africa. Elections in most of the failing democracies of the continent are persistently playing this inglorious and debilitating role in the democratization process because the political actors (or contestants) have habitually engaged the political process with lawless, unpatriotic and anti- democratic assumptions, worldviews, attitudes, strategies and practices that not only constrain democratic consolidation but also corrupt and weaken the governance and state systems of Africa.

Concluding Remarks and Recommendations

Based on a thorough interrogation of extant literature on warped and fraudulent elections in some African states, the study was able to pinpoint the different dimensions and manifestations of electoral corruption. The study also found out that these undemocratic and unlawful elections are also partly one of the reasons for the weak and illiberal nature of democracy on the continent. Furthermore, the study also found out that the principal orchestrators and beneficiaries of uncivil, lawless and violent elections in African struggling democracies, are basically the political contestants and other members of the political class. Due to the above findings, the research concluded that fraudulent elections particularly its violent and destructive version is a serious and real threat to not just the democratization and governance process, but also to the security and peace of the African continent, state system and people. In course of the research, it was discovered that it is a credible threat to political stability that could lead to state failure and even collapse. And in order to make elections in Africa more lawful, civil and credible the following recommendations should be considered:

- i. The EMBs, civil orientation agencies and civil liberty organisation should devise actionable measures of effectively educating the electorate and political class on the dangers of poll violence and fraud.
- ii. The EMBs in Africa should be made truly independent and autonomous. This can be achieved by completely separating them from the executive arm of government.
- iii. There is need to put in place legal, institutional frameworks charged with the responsibilities of prosecuting electoral offenders especially political figures who are behind the perpetration of EV.
- iv. It is also critical that to prevent the occurrence of electoral fraud as well as deadly and bloody struggle (or war) for political offices, CSOs must work together to drastically reduce the remunerations and other huge financial benefits that accrue to political office holders. This measure when attained will be able to deal with the issue of war-like and deadly scramble for elective offices by the political gladiators.

It is hoped that if these measures and others are put in place, it will go way to tackle the menace of electoral corruption and violence that has not only crippled the democratization process and governance in African states, but is also now a credible threat to the security and peace of African people and the state system on the continent.

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Corruption in the Nigerian Judicial System: The Way Forward

¹Anene Chidi Pensive & ²Iyala Obinna Theodore

^{1&2}*Department of History & International Studies,
Imo State University, P.M.B 2000, Owerri*

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Abstract

Nigeria as a country operates Federal System of government where the principle of separation of powers is hinged on a separation of the three arms of government namely, the legislature, executive and the judiciary. The essence of their separation is to avoid fusion of powers among the three arms so as to ensure checks and balances that guarantee good governance in the country. Using a qualitative study which is based on a historical analytical descriptive approach that revolves around a combination of historical literature where both secondary and primary sources of data were utilized, to arrive at logical findings, the study argued that, the Nigerian judiciary which has been described by certain scholars as the last hope of a common man and also the bastion of democracy is saddle with the responsibility of interpreting the laws as well as determining and resolving dispute between individuals on one hand, and between states and other levels of government on the other hand. But regrettably, right from the military regime up to the present-day democratic experiment in Nigeria, the judiciary has been deeply abashed or embroiled with corrupt practices of various degrees. The paper is therefore, tailored towards examining not only the causes of corruption in Nigeria's judicial system but also the implications of corruption on our justice system. The paper finally canvases for total over hauling of the judiciary system for optimal performance of the sector in order to rekindle the lost confidence of Nigerians on the justice ministry or sector.

Keywords: *Judiciary, Legislature, Executive, Corruption and Separation of Powers, Good Governance.*

Corresponding Author: **Anene Chidi Pensive**