

Incumbency Factor and Democratic Consolidation in Nigeria' Fourth Republic

C. Jaja Nwanegbo and Ikenna Mike Alumona
Department of Political Science, Igbariam Campus, Anambra State University,
Anambra State, Nigeria

Abstract: This study examines the impact of the abuse of the power of incumbency on the democratic project in Nigeria. It details contemporary events issues and developments in electoral and party politics that threatens the alternation of power between the ruling party and the opposition. Its central argument is that the character of the abuse of incumbency and its manifestations are the greatest impediments to democratic consolidation in Nigeria. While the phenomenon of political godfatherism has been allowed to dominate the political scene, the electorate has been denied the right of the value of his vote in the market democracy. This was due in large part to the ill structured pattern of electoral governance and the wrong conceptualization of the notion and essence of power by members of the political class. It is the conclusion of the study that genuine reform of the electoral institution and a national re-orientation programme holds the key to solving this crises in the electoral politics of Nigeria.

Key words: Electoral process, political parties, power, forces, democratic consolidation, Nigeria

INTRODUCTION

Elections in Nigeria since the wake of the recent democratization in Africa have continued to attract the attention of the international community and a legion of scholars (Onu and Momoh, 2005; Adejumobi, 2007; Alumona, 2007; Anifowose and Babawale, 2003; Suberu, 2007).

It is easily deciphered from the literature and the reports of the international election monitoring groups that there is a real challenge on how to position Nigerian elections for effective democratization. At the heart of the challenge lies the ability to structure the electoral process to allow power to alternate between the ruling party and the opposition peacefully. Rakner and Svasand (2002) have aptly captured this challenge when they posited that:

the litmus test of the electoral process is the possibility of the minority at one point to become the majority and that in the case of such an event there is actually a peaceful change of government

After the transitional elections of 1999, Nigeria has witnessed two other general elections conducted, respectively in 2003 and 2007. At the heart of the issues surrounding these elections appears a strong intervening variable namely the abusive use of the incumbency factor by those already in power to block the alternation of

power between the ruling party and the opposition. This phenomenon constitutes a serious threat to the process of democratic consolidation. While previous electoral studies have focused attention on a variety of other issues such as the Independent national electoral commission and Electoral governance and administration (Chukwu, 2007; Ajayi, 2006), the security forces and the conduct of the elections (Ajayi, 2006), Godfatherism and electoral politics (Ayoade, 2008), the nature and character of the dominant political parties (Ikejiani-Clark, 2008) and the electoral processes (Amucheazi, 2008), the problem of the abuse of power of incumbency seems not to have been captured explicitly by the literature.

We observe a good link between the abuse of incumbency factor, the other issues that have attracted the attention of scholars and the problem of democratic consolidation. This is why we must turn the search light on the incumbency factor if we must understand the problems of electoral politics in Nigeria.

The basic concern of this study is to examine the role of the power of incumbency in Nigeria's electoral politics with a view to pointing out the threats its abuse holds for democratic consolidation and advancing a policy route out of the hook.

In addressing this problem we relied largely on secondary data, including textbooks, journals, newspapers and magazines. This is complemented with the cumulative observations of the researchers.

INCUMBENCY FACTOR

The term incumbent in political parlance is used to refer to the holder of a political office. The term is used in reference to elections in which races can often be defined as being between an incumbent and non-incumbent. By virtue of their office and status incumbents enjoy certain privileges (such as wider media coverage) which are not available to the other contestants in the electoral contest. These privileges which create some electoral margin for the incumbent running for re-election are what have been referred to as incumbency advantage (Gordon and Landa, 2009). In developed democracies such as the United States, incumbency advantage is one of the most well documented features of elections (Ansolabehere *et al.*, 2005). In situations where these privileges of being in office are manipulated and abused by incumbents, it creates a negative impact in the electoral contest. It is the manipulations of the privileges of being in office that we here refer to as incumbency abuse factor.

The manipulation of the electoral process by the incumbents in power can take place at the 3 levels of electoral governance identified by Mozaffer and Schedler (2002). These are at the levels of rule making, rule application, rule adjudication. The manipulation can manifest in a wide range of activities that sustains the electoral process such as: enactment of electoral law and the constitution, appointment of electoral management body, appointment of election tribunals and the conduct of the elections. The manipulation of the electoral process can also come in various forms such as: appointment of corrupt and or compromised electoral officers, manipulation of the electoral law and the constitution, manipulation of the election tribunals to protect stolen mandates use of state resources to bankroll election campaigns use of state security forces and apparatuses to intimidate opposition parties, denial of access to state owned media houses, etc.

By incumbency power abuse factor we mean the interplay of forces through which an incumbent leader or party attempts to influence and manipulate the constitutional and institutional framework that guides the electoral process thereby creating an unequal playing for the contestants in the electoral competition.

ELECTORAL PROCESS

The electoral process on the other hand, means the totality of activities that ensures the organization or the conduct of election. The process is normally guided by the different principles or systems that are meant to ensure that the electorate expresses their political

preferences accordingly. The electoral process usually begins in a sequential manner with the delimitation of constituencies and moves through the registration of voters, the period of electioneering campaigns by the different political parties the actual conduct of the elections, the announcement of the election results and the final adjudication of disputes or petitions arising from the elections.

The electoral process is a crucial factor in the emergence of those who aspire to control the machinery of the modern state system. As we have observed elsewhere, the electoral process is one process that has affected nations differently (Alumona, 2007). In developed democracies, the process is characterized with strict adherence to the rules and regulations of the electoral process as stipulated by the constitution and the electoral law. The political environment is peaceful and stable. But in many emerging democracies, the process has always posed serious problems for democratic sustenance because it is characterized with outright disregard for the rules and regulations that are supposed to guide the process.

DEMOCRATIC CONSOLIDATION

Democratic consolidation is one concept that has continued to attract the interest of scholars since, the advent of the 3rd wave of democratization. Democratic consolidation entails the challenge of making new democracies secure of extending their life expectancy beyond the short term and of making them immune against the threat of authoritarian regression (Schedler, 1998). As Diamond (1995) has rightly observed, democracy can be said to be consolidated when it has become so broadly and profoundly legitimate among its citizens that it is very unlikely to break down. To attain such heights requires behavioural and institutional changes that normalize democratic politics and narrow its uncertainties (Diamond, 1995).

In such a situation, there must be the widespread acceptance of rules to guarantee political participation and political competition (Bratton, 1998). According to Omotola (2007) in Ojo, the list of problems of democratic consolidation as well as the corresponding list of conditions for democratic consolidation has expanded beyond all recognition. It has come to include such divergent items as popular legitimization, the diffusion of democratic values the neutralization of anti-system actors, civilian supremacy over the military the elimination of authoritarian enclaves, party building, the organization of functional interest, the stabilization of electoral rules, the routinization of politics, the decentralization of state

power, the introduction of mechanisms of direct democracy, judicial reform and the alleviation of poverty and economic stabilization.

The incumbency factor in Nigeria: character, manifestations and effect on democratic consolidation:

The character of the incumbency factor in Nigeria's electoral process since, 1999 has taken different dimensions. But it could be easily be deciphered from the inter play of forces at the political party platform and in the exercise of the powers of public office by the incumbents. At the level of exercising, the powers of public office the abuse of power of incumbency gives the incumbent an undue advantage over other participants in the electoral process through the means of manipulating the entire electoral process. And these manipulations have taken place through the following ways: the compilation of the voters' register the appointment of electoral officers and members of the election tribunals, the making of the electoral law and the use of state funds to bank roll campaign expenditures.

At the level of the party, the abuse of incumbency also gives the incumbent an undue advantage over others through the followings means. Firstly during the conduct of party primary elections (more especially at the intra-party level). Secondly the creation of advantage to the party and persons in power during campaign and thirdly in the conduct of the affairs of the party and party men in office during the elections (this time around more at the intra-party level).

The events of electoral and party politics in Nigeria since the return of democracy present good cases for the illustration of the manifestation of the abuse of incumbency power by the incumbent officials and political parties.

At the level of party politics, the dominance of elected incumbent officials have manifested in 2 significant interrelated ways namely: at the level of the conduct of party primary elections and in the internal organization of the affairs of the party.

The conduct of the primary elections of the different political parties since after the 1999 election has been undemocratic. During the 2003 electoral process, except perhaps in some few states like Anambra, the ruling party gave all the incumbent governors automatic tickets to contest the election (Odey, 2003). This was without any regard to interest of those aspirants who were interested in the gubernatorial position. In the South West where the Alliance for Democracy (AD) held sway, no aspirant for the gubernatorial position was allowed to contest. This led to wide spread cross carpeting by many aspirants. At the national level, the incumbent president also had

undue advantage. With a controversial clause added in the stage-managed convention of the Peoples' Democratic party before the Party's National convention which made a good number of the Presidents' political appointees automatic delegates to the convention smuggled into party rule, the presidential primary election became mere a ritual. A situation, where all political appointees of the incumbent president or governor were all automatic delegates to the congress that will elect the party's candidate made the election process structured in favor of the president or governor.

The conduct of the party primaries both for the presidential and gubernatorial elections in 2007 was also not different from the 2003 experience. About 2 serious outstanding cases will suffice for illustration. In Rivers and Imo states where there were serious division between the incumbent governors, the incumbent president and the party leadership over the party primaries, the party substituted the names of the winners of the primaries in a most undemocratic manner. And when for instance in Imo state, the winner in question Mr. Ararume protested by going to court, he was not only expelled from the party but the party went ahead to declare that it had no candidate for the election.

This was also after the Supreme court decision that Ararume should be returned as the party's candidate for the election. In Rivers state, Mr. Rotimi Amaechi who won the primaries was replaced with Mr. Celestine Omehia who was not a candidate in the election. It is worthy to point out that in the 2 cases mentioned above, the party failed to comply with the conditions for candidate substitution as provided in the electoral act 2006 (Nwabueze, 2009). The manner through which candidates were substituted by the different political parties before the 2007 elections has been frowned at by the several election tribunal entertaining petitions arising from the election (Nwabueze, 2009).

The internal organization of the parties is another area that has felt the abuse of power by the incumbents. We have seen incumbent governors trying to change the party executives without recourse to the law. In a certain state in the South-East, it was alleged that the governor decides who manages the affairs of the party at the ward and local government level (Odey, 2003). At the National level, the intrigues that characterized the internal management the ruling Peoples' Democratic party leaves much to be desired. The manner through which the party's executives were changed during President Obasanjo's tenure was alarming. According to Agbaje and Adejumbi (2006) in 6 years, the party produced 4 chairmen. The president is apparently the sole power in the party and is referred to as the party leader a

position not provided for in the party constitution. Equally disturbing is the process through which the party carried out what it called re-registration exercise in 2007 and amended its constitution in that same year specifically to create an advantage for those favored by the presidency. The so-called amended constitution of the PDP contained a specific clause that made President Obasanjo the only qualified candidate for the position of Chairman of the Board of Trustees of the party. In the re-registration exercise, the Vice President Atiku Abubakar whose presidential ambition was not favored by President Obasanjo and some other notable members of the Peoples Democratic Movement, a caucus within the PDP were all denied registration (Agbaje and Adejumo, 2006). The situation in the other political parties was not different.

The situation that engenders the abuse of incumbency by the incumbent president and governors in the exercise of the powers of public office was created by the constitution. At the federal level, Section 119 of the constitution of the Federal Republic of Nigeria (1999) empowers the president to appoint the chairman and members of the Independent National Electoral Commission (INEC) and also set out the framework for the election. In fact by the provision of the law some analysts prefer to see the INEC under the 1999 constitution as an agency in the presidency. Also at the state level, Section 198 of the 1999 constitution empowers the governors to appoint the chairman and members of the state independent electoral commission.

The abuse of incumbency at the federal level during the period leading to the 2003 and 2007 elections by the then incumbent President Obasanjo resulted to the following issues:

The controversy that surrounded the making and enactment of the 2002 electoral act that was used for the conduct of the 2003 elections. In the events leading to the 2003 election, the incumbent President Obasanjo tried to manipulate the electoral act that was to guide the election. This was done by smuggling in a controversial clause into the act after it was passed by the National Assembly. The controversial clause 80 (1) was targeted at tactically banning new parties from taking part in the 2003 presidential election and thereby limiting the political space to the ruling party. It took a Supreme court judgment in October 2002 to free the political space for new political party registration which immediately saw 27 new parties register (Agbaje and Adejumo, 2006).

The controversy that also surrounded the making and enactment of the 2006 electoral act that was used for the conduct of the 2007 elections. The delay, mistakes and manipulations that characterized voters' registration before the 2003 and 2007 elections. This issue was so glaring that specifically after the 2007 presidential

election; it became one of the issues raised by those contesting the victory of the PDP candidate, Shehu Musa Yar'adua. It was also pointed out that the voters' register used in the election was not certified by INEC as required by law (Nwabueze, 2009).

The 3rd term agenda that killed the constitutional amendment process shortly before the 2007 elections. The manipulation of the state owned media houses. At the national and state level while the opposition parties and their candidates were denied access to the state owned media houses, these media houses were all turned into praise singing outfits for incumbents.

The use of the anti-corruption agencies such as the EFCC and ICPC to persecute political opponents. The frosty relationship that developed between the president and vice-president that led to latter's expulsion from the Peoples' Democratic party.

All these cumulatively created some difficulties in the establishment and sustenance of democratic tenets in Nigeria. Specifically, it has affected the process of democratic consolidation in 2 significant ways. First, it has led to the erosion of the principle of one man one vote which is a cardinal principle of democratic governance. This has resulted to the emergence of the phenomenon of political godfatherism and family dynasty.

As Afrobarometer (2006) puts it, there is a strong belief among Nigerians that elections are not effective mechanisms for selecting leaders. Secondly, it has laid the foundation of ambiguity and uncertainty in Nigerian party politics. Presently, Nigerian political parties are not institutionalized but rather revolve around a few members of the political elites. As institutions of governance, the parties have not supported national consciousness and integration (Amucheazi, 2007) but rather the contradictions they engender do reinforce the integration crises (Muhammad, 2007).

Solving the problem of incumbency abuse factor in Nigeria: The idea of this study is not just to identify the problems of abuse of incumbency as a factor on Nigerian elections and its impact on democratic consolidation; it really includes generating discussions and options on the solution to the problem. Being the dominant factor on Nigerian election, it holds the key to solving the problem of electoral disorder in Nigeria and consolidating the democracy. The options are grouped under 2 broad parts: firstly electoral reform, looking at both the electoral system and the electoral institution and secondly National Re-conscientization. While these 2 are equally important, it should be said that the problem of the first created the second and so will the solution follow too. At first we look at the problem of the electoral institution and the pattern of electoral governance and the needed

direction for electoral reform. The pattern of electoral governance in Nigeria which as we pointed out earlier is under the control of the incumbents both at the federal and state level have provided grounds for its abuse. The present arrangement where the president appoints the chairman and members of the independent electoral commission does not allow the commission to be free from the machinations of the incumbents.

If the process of electoral governance in Nigeria must be independent of the contestants for state power especially the incumbents, then we therefore support the recommendation of the Justice Uwais's electoral reform report that the process has to be co-ordinated by the national judicial council. This recommendation remains the only credible option to save the electoral process from the abuse of incumbency.

Secondly, the existing electoral system seems to have created the foundation that raised the desire to abuse the power of incumbency in order to achieve victory. Just as the reform committee observed, Amucheazi (2008) has found the present first past the post system in use in Nigeria as being the problem. The idea is that with the first past the post, the entire heat of who past the post first raises the stake of elections and put pressure of using the do or die process to achieve the electoral victory. Sequel to that there is the need to adopt a new approach for structuring electoral representations in Nigeria. Again the proportional representation system which many people have advocated for and which even the 1978 Constitution Drafting Committee (CDC) and the committee adopted is also seen as having a lot of defects which we may also not have the pleasure of time and space to elaborately present here.

As a result of this, Nwankwo came up with a more balanced method of Additional Member System (AMS). In practice, this will be the combination of both First Past the Post (FPP) and the Proportional Representation (PR) in selecting the representatives. AMS according to Nohlen refers to an electoral system in which some of the seats are allocated in single member constituencies and the remaining seats are allocated according to a proportional representative formula. It combines two decision rules FPP in single member constituencies with proportional representation based on party lists. The most important element here is on single member constituency bases with two third of the seat allocated through that while the proportional representation complements it with one-third of the seats. The use of this system is to avoid wasted votes and increase people's participation in selecting their representatives for the clear working of this system). It can also reduce too much pressure from the contests.

The final issue bothers on the culture of unresponsiveness of the electorates that was created by ills in the electoral process. It impacted on the people's disposition. This disposition of the citizenry can be linked to the culture introduced at the initial establishment of elections and the management and conduct of elections in Nigeria. The people have come to see elections as exercises to legitimize the structured illegalities of the ruling class.

Beyond this, it is equally important to consider the adaptability of each method to the people themselves. Hence, we also suggest that a more community based approach will be adopted. Considering that the people have shown considerable interest in the election of their community representatives, involving the various communities in the conduct and monitoring of the elections would help in achieving decent outcomes in the elections. This will not be like the present system that show lip service in the calls for the people to show interest and monitor the happening in the elections only for the electoral agencies and the security to send a signal for people to stay away from the polling stations after voting or get themselves arrested by the police.

In this situation, the community leaders through their traditional institutions of selecting or electing their popular representatives would researchers closely with the officials of the electoral commission to conduct elections and announce results. Through this process, the chances of perverting the process to suppress the popular wills would be extensively reduced.

Outside producing good and reliable election results, it has the capacity to attract more people's interest in the elections. One principal benefit of this system is that it would increase the people's stake in the electoral system. Candidates would begin to appreciate the worth of the electorates, knowing that it is not all about being voted for but also that he would need a strong conviction to return through another election to the legislative house. Through the combination of these processes, genuine systems of ensuring credible election will be established.

CONCLUSION

From the discussions so far in this study, it was found that; first, there is the dominance of the abuse of the power of incumbency in Nigerian electoral and party politics by those in power. This has been sustained due to the fact that they have the state apparatuses to aid their control of the election machineries. As a result of this, the chances of the opposition forming government are very slim. This essentially distorts the electoral process leading to malpractices in elections.

Drawing from these findings we conclude this research with the assertion that incumbency abuse really impinges on the electoral processes and hinders democratic consolidation in Nigerian. This situation is also prevalent in many other African countries. This situation has also not only accounted for the low level of participation of the citizenry but also has exposed the country's democracy to danger. Arising from this, we recommend that genuine and serious efforts should be made by the government to implement the recommendations of the Justice Uwais electoral reform panel which has been applauded by Nigerians.

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