ELECTIONS, LEGITIMACY AND INSECURITY IN NIGERIA’S FOURTH REPUBLIC

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Abstract

This study discusses electoral fraud, which accounts for the inherent legitimacy crisis across the country, based on data obtained from secondary and primary sources. The constitutionality of the government is seriously challenged by the levity with which governance is undertaken to meet citizens’ basic needs and expectations. The findings show that the ability to conduct free and fair elections has been excruciating and has ramifications for quantum insecurity, prevalence of poverty, greed, unemployment, hunger and other dishonest practices in the Nigerian society. Free and fair elections are factors for arresting insecurity and state collapse and bring about development. Electoral fraud is a product of ineffective and illegitimate governance. It is no paradox that there is no trust between the leaders and the led once the electoral process is free, fair and credible, the emerging political leadership would enjoy legitimacy and stability. The paper concludes that if electoral process is tainted with irregularities, the society is often doomed to contend with the repulsive repercussions.

Introduction

May 29, 1999, a date that ushered in the Fourth Republic, was popularly celebrated by Nigerians and friends of Nigeria with pomp and pageantry.
as a victory over military dictatorship with a renewed opportunity to enthrone democracy in the country. With this transition to the Fourth Republic, many Nigerians looked forward to a constitutional democracy that would broaden popular participation in governance. It was widely believed that the transition would result in a better managed economy leading to greater prosperity, peace and stability and political opportunities for Nigerians. Alas, the reverse is the case!

Nigeria’s unsuccessful effort to establish functional and durable democracy can be linked to the failure of electoral processes and procedures. Credible elections serve as a springboard to connect rulers and the ruled and further provides a means of legitimizing the rights of the rulers to govern. The legitimizing process is a two way traffic mobilizing support for the government and helps to engender positive attitudes amongst the governed. According to Ball (1990), legitimizing the status quo would produce a degree of political stability which political leaderships usually seek.

Disregarding credible election would undermine democratic values, order, peace, good governance and the rule of law thereby prompting legitimacy crisis and all facets of insecurity ranging from unemployment through hunger, poverty to the absence of healthcare facilities, functional educational system, infrastructure and many more. Other notable security implications include the collapse of public order and further militarization of the state and society (Hubert, 1999). The legitimacy question of the Fourth Republic (1999 to date), all has combined to make Nigeria one of the leading fragile States in the world today (Albert, 2011). Nigeria is today in the league of three most security endemic states in the world, trailing Afghanistan and Pakistan (NTA News, May 2012).

Elections in Nigeria have been described as a do-or-die affair (The News, March 2007). As electoral competitions become the preserve of antidemocratic forces, the recurrence of electoral failure scares credible persons from engaging in partisan politics and so incompetent and unqualified politicians occupy public offices. This misnomer poses threats
to democracy, security and development in the country. An election that is fairly conducted or held in circumstances that do not ensure a level playing ground, or that confers undue advantage on a contending party is but a charade. The result of or the outcome of such an election may give rise to serious consequences. In the fifty-one years of Nigeria as a nation, the dominant political system has not been democracy. Attempts at enthroning and sustaining a democratic political system in the country that is based on the global principles of democracy have not been successful.

This paper argues that elections in Nigeria have worsened from being a means for popular participation and peaceful change of government to one of illegitimate governance, insecurity and political vagueness. In view of this, the paper posits that concerted efforts should be put in place to address the scourge of electoral frauds in the country since discrepancies emanating from flawed elections posed severe threats to national security and development in the country (Okolie, 2005).

Conceptual Analysis
Elections empower citizens to decide on their true representatives and promote or encourage a participatory government. Electoral fraud on the other hand poses a major challenge to democracy in Nigeria and, by implication, poses threat to the security of the nation. Electoral fraud violates the sanctity of democracy and deteriorates its capacity as an instrument for the mobilization of human and material resources for the development of the people and the state. In an environment where development is security and security is development, the consequences of such electoral frauds catch up very quickly with the system. Democracy does not operate in a vacuum. It operates within the confines of elections. Concerted actions of each and all to foster unity of purpose and action; to create a conducive and peaceful environment and to play by the rules are necessary concomitants for the building of an orderly progressive and developed society.
Electoral fraud has been defined as surreptitious efforts to shape election results (Lehoueq, 2003). In another submission, Snyder (2000) notes that electoral fraud is geared towards winning political competition or power through subverting the ends of the electoral and democratic process. Reif (2005) notes that its tool of trade is the intimidation and disempowerment of political opponents; thus, it takes place not just at election periods but also in the periods leading to elections, during the election, and in the period immediately following elections such as during the counting of ballots and the announcement of results.

Democracy is a sought-after value. The strength of democracy is drawn from the fact that it is supposed to be the product of the will of the majority of the people (Mansfield and Snyder, 2001). Government is held in trust for the people. The citizens feel a sense of ownership of the state for they can identify with it as vital stakeholders whose will gave existence and legitimacy to the state and the government. Democracy connotes that every individual, citizens or a member of a given community has inherent power to participate or have a say in the process of electing those into whose hands the power to the affairs of the state is entrusted for the common good of the community. The right is generally exercised at periodic times through a process of election that is free, fair and credible. Ballot voting is a process of actualizing a true democratic system of governance which exposes the electorate and aspirant to an experienced competitive power or leadership change through balloting. Thus, any nation claiming to run democratic system must strive to find ways and means of organizing good, free, fair, transparent, credible and accurate elections. There are no shortcuts. The situation in Nigeria is not an exception.

An illegitimate government fundamentally fails to perform function necessary to meet citizens’ basic needs and expectations. Such government are incapable of assuming basic security, maintaining the rule of law and justice or providing basic services and economic opportunities for their citizens. Goldstone and Ulfender (2004) observe that such government are very weak in either the legitimacy or effectiveness of their state institutions,
or moderately weak in both. They also observe that one or more groups are systematically excluded from political access, or political office or full citizenship or when one group is corruptly dominating the economy for private advantages. Legitimacy refers to a situation in which those occupying elective public offices are lawfully elected by the electorates. Accordingly, the perception by important segments of society that the government is exercising state power in ways that are reasonably fair and in the interests of the nation as a whole is entrenched, state fails when effectiveness and legitimacy in governance are lacking. The failure of a state is often revealed most during elections. Free and fair elections are a major factor in arresting state collapse.

Legitimacy can also be gauged from the perspective of security, when one or more groups are systematically denied their lawful rights deliberately in security provision (personal protection, employment, food availability, infrastructure and social amenities etc) by the State or when citizens have to resort to self help strategies as a result of the inability of the state to assure them of security (Okodolor, 2004). Relative political stability, legitimacy of government and democratic stability are interactively conditioned by transparent and credible elections. A major limitation to the stability and durability of electoral politics in Nigeria over the years is poor and biased electoral process and procedures. In developed democracies, persons in government are there to serve the interest of the public and not to amass wealth for themselves. Over the years, amassing wealth for self has become a malignant political cancer, expanded in scope, sophisticated in approach and diversified in ramifications.

Election, legitimacy and insecurity are interwined and closely associated. Recent international debates postulate a paradigm shift from the conventional views which see security as protection of the state from external aggression and raised the need to see security in the broader sense as the struggle to secure the most basic necessities of life: food, fuel, medicine and shelter (Hubert, 1999). The concept of human security encompasses
protection of lives and properties, precondition for people’s improvement, protection of human rights and provision for basic human needs. This broader human security is important for the attainment of physical and national security and overall peace and development as social unrests arising from the absence of such basic human security can indeed lead to security problems and conflicts (Mimiko, 1995).

This position is attested to by recent social unrests in Arab countries that have roots in legitimacy crises. In recent times and especially since the commencement of the present political dispensation, Nigeria has witnessed increasing number of security problems and developments that constitute threats to the maintenance and survival of its democratic political system. These security concerns are diverse and complex, ranging from political disagreements to criminal activities with alarming dimensions and consequences.

The Legitimacy Question and the Nigerian State
In politics, legitimacy ultimately resides in the people because political power is exercised through the ballot box. Democratic governments legitimize themselves by the consent of the governed and conceptualize the polity as the body of the people, or a nation, making laws and governing itself through its representatives. The mode of political legitimacy defines the identity of the polity. Most countries in the Less Developed Countries are wrestling with the problem of legitimacy. Lack of legitimacy is one of the characteristics of a failed state. The case of Nigeria is peculiar because Nigeria, as the so called ‘giant of Africa’, that had helped in the struggle to liberate South African states in the 1970s and made peace in the war-ravaged states from 1960s to date cannot hold credible election. Nigeria is the only oil producing state that cannot provide the basic infrastructure for a meaningful living and where more than 70 percent of the population lives below the poverty threshold of less than a dollar a day while the leaders are happy to parade such dangerous development indices to declare excess crude oil money (ThisDay, June 2007).
The right to vote for or pick a candidate of one’s choice to represent him or her is fundamental and an inalienable right which must be jealously guarded or protected not only for the benefit of the individual voter but for the corporate existence of the nation. Any act, therefore, that tends to disrupt the voting right of the citizen must be perceived as an invitation to anarchy, lawlessness and destabilization of the society’s legitimate right. Electoral malpractice accounts for a deep-seated legitimacy crisis across the country. The constitutionality of the governments so elected is being seriously challenged, not only by opposition forces but also by the people. These serve as a potent source of diverting government attention away from governance and towards consolidating its illegal contested capture of power and managing the resulting crises.

Good governance is a democratic lexicon that is used to portray a government that is transparent and accountable, a government that has legitimacy in the sense of popular mandate through free and fair elections. It also implies a government anchored on the rule of law and popular participation. Questions about legitimacy could impede administration’s ability to govern decisively on issues of critical importance, including the much needed economic reforms. In democracies, elections are a key component of the social compact between the governed and the citizenry. A flawed electoral process therefore affects the legitimacy of any government that emerges from it and, in the case of Nigeria, can also infect other institutions and efforts to sanitize government. After all, if votes can be stolen with impunity, why should anyone make serious efforts to stop corruption? These festering problems can only lead to further indifference, apathy and cynicism.

It is stating the obvious that the Fourth Republic will continue to be burdened by the problem of illegitimacy in the sense of popular mandate. When the ideology of a political party commands mass appeal in terms of policies and programmes, it can gain some measure of legitimacy unlike in the case of the ruling party - the People’s Democratic Party (PDP). The PDP lacks elected public officials that can earn some respect and give some stamp of legitimacy to the existing order.
It is in the light of this that the former President Obasanjo (1999-2007) was credited with a statement to the effect that the 2007 general elections would be a do-or-die affair (*The News*, March 2007). Umaru Yaradua, the winner of the election, confessed that the 2007 election was irregularly conducted. The elections have greatly undermined the development of democracy in Nigeria. Soyinka (2007) described Yar’Adua (2007-2009) as “a Pro tem President ... who is running a caretaker government” (Ikokwu, 2007), asserting that “... what passed for elections in Nigeria in May, 29, 2007 was an abuse of the word democracy” (Soyinka, 2007).

The government’s various activities, either through commissioned acts, or by way of omission, have greatly contributed, in the country, to the fate of democracy in general and the conduct of electoral politics in particular. Other clear evidence of the failure of governance in the Fourth Republic Nigeria include violence unleashed on Nigerians at different times by the likes of OPC, Bakassi boys, MOSSOB, Boko Haram and others. The activities of all of these groups challenge the legitimacy of the Nigerian state. Rather than reflect critically on the issues raised by each of these social movements, the Nigerian State invests solely on getting rid of them, thus raising the level of violence in the society. The capacity and capability of the state to assure and provide order and public goods and services to the society is absent. Certainly, an election that is devoid of decency or fairness or which has not been conducted in accordance to the rules can only produce a chaotic and messy result.

**Elections, Legitimacy and Insecurity in Nigeria’s Fourth Republic**

The projections and expectations with which the Fourth Republic was acclaimed have since been dashed by the reality of a democracy that has in every way and by every standard proven to be worse than all preceding democratic regimes in Nigeria’s history. The Fourth Republic has ushered Nigeria into the most corrupt, poverty stricken, lawless, insecure, election rigging and self-destructive epoch in history. Through electoral fraud,
corruption, insecurity and lack of basic infrastructure, the failed State, long in the making, has been consolidated in the Fourth Republic.

The Fourth Republic since 1999 was fortunate to have coincided with the largest oil boom in the nation’s history. Thus, it has the advantage of an unprecedented infusion of financial resources with which to invest in critical infrastructure and other social programmes to eradicate poverty, but thirteen years after, Nigerians are further enmeshed in the deepest crisis of deprivation and poverty than at any other time in history. An estimate of people living below the poverty line reported by the United Nations Development Programme (UNDP, 1998) was 70%. That state power in Nigeria has largely been used as an instrument of personal, sectional, class or primordial agenda is well documented. Ake (1996), for example, notes that the immensity of state power and its proneness to abuse with impunity had in the past ruled out a politics of moderation and mandated a politics of lawlessness and fight for appropriation. Similarly, Ibrahim (2000) has noted that the Nigerian State has a patrimonial character wherein the distinction between the public and private domains is blurred and power, which has become a major source of wealth, is personalized.

Thus, the state in Nigeria, as in Marxist analysis has remained a veritable and potent instrument for the domination, deprivation, suppression and alienation of the many by the very few who control state power. This inevitably results in a high premium attached to political power; making politics a zero sum game. Indeed, the spate of electoral discrepancies in Nigeria’s electoral process is largely a product of a low level of autonomy of the Nigerian state - a situation which makes it possible for the political leadership to use the instruments of the state to commit acts of criminality and unmitigated electoral fraud, resulting in the imposition of unpopular and unelected candidates on the people (Okolie, 2005).

Electoral malpractices create legitimacy vacuum, when such crises are improperly managed; then it becomes a fertile ground for the cultivation of chaos and anarchy which ultimately leads to political instability which cannot be managed and population’s expectations to development and
transformation are quashed (OECF, 2007). Furthermore, it is worth noting that this government cannot or will not deliver core functions to the majority of its people, including the poor (Moreno-Forres and Anderson, 2004).

The present day Nigerian State is marked by several structural problems - “north-south dichotomy”, violent ethnic and religious conflicts, the Niger-Delta crisis, corruption, high wages for political office holders, money laundering, and weak national institutions. These factors frustrate the formation of a cohesive Nigerian population and produce political ore-.’ that is highly unstable and difficult to reform (The News, March 2007).

When the state is generally perceived as serving the particular interest: of one group, it starts losing its legitimacy, and indeed, its authority. As state capacity declines, fear of uncertainty increases to an extent that the citizens’ search for other levels of solidarity via religious, ethnic, and regional and so on, with a view to getting guaranteed security. Thus, signaling an average of one bloody clash per month (Sunday punch, November 2008). This portends a dangerous signal to the quest for national integration. The result therefore is the perennial social tension, political instability and change that have not been accompanied with progress. Misunderstanding therefore arises as every ethnic group or religious inclination sees the other as rival that must be out-staged by all means. This has greatly hampered national integration in our polity. These problems individually and collectively constitute threats to the peace, security and development of the country. Invariably, they have implications for the continuity and survival of the nation’s nascent democracy. On the other hand we also need to explore how democracy can itself be deliberately constructed as a positive response to these problems.

Nigerians are increasingly sick and tired of a democracy that has proven to be worse than military rule and there are implicit dangers in sue: phenomena. If the political leaders continue their free ride of corruption, misrule and insecurity, the rising wave of disappointment will predictably bring bloody consequences which may terminate the Fourth Republic. The aftermath is unpredictable but it could include the final burial of a nation
that never was. In the end, the gluttonous political leaders who refused to learn from history will have only themselves to blame.

Not much has actually changed with Nigeria since the 1999 “transition”. Yagboyaju (2010) concludes that there is in fact not much difference between the General Abacha regime of the 1990s and Obasanjo’s administration in the Fourth Republic. It is paradoxical that the latter was expected to lay the foundation for a new Nigeria. It squandered the goodwill that came with the 1999 transition which would have provided it sufficient legitimacy to realistically solve the problem in Nigeria. If Ghana, Kenya, Tanzania, Liberia, South Africa, Namibia, Mozambique, Angola, Senegal and Mauritania that African countries from West, South and East could hold credible elections why not Nigeria?

**Recommendations**

In order to mitigate the pervasive incidences of electoral fraud, governments across the country must address the issues of unemployment, hunger, poverty and youth empowerment. It is the government’s responsibility to ensure that justice, equity, and fairness reign supreme in all we do. To do otherwise is to court disaster and chaos. The politicians must change their attitude in their pursuit of political power; and politics should not be a *do-or-die* affair. Adequate punishment should be given to culprits convicted for electoral crimes; the electoral process should be reformed and strengthened to safeguard the country’s fledging democracy. The autonomy of the electoral commission should be strengthened; the use of security agents to manipulate elections and victimize political opponents should be stopped. Security agencies should be properly equipped to discharge their duties efficiently and effectively; political office holders should demonstrate clear political will and commitment to protect the integrity of the electoral process. Concerted efforts should be made to halt the proliferation of small arms and light weapons.

The Chairman of electoral commission should not be appointed by the Presidency but by the National Assembly. Electronic voting should be
introduced; state of the art technology to check for frauds and reject multiple registrations and voting should be employed. Personalities with proven integrity to serve on the electoral tribunal should be appointed, and those on the position should be paid well to prevent bribery. Ballot papers should be made fraud-proof, voters’ registration drive should begin on time, so as to have enough time to prepare for elections. Ad-hoc staffing should be reduced or discontinued in elections. Permanent dates for national elections should be set; this will enable the society to be conscious of the time, and to prevent unnecessary election postponements. Tougher electoral laws should be made and implemented, this can discourage political assassination, intimidation, use of political thugs, violence and electoral cheats. Automatic transmission or release of results at polling centers should be enforced; surveillance cameras at each polling station to track activities during elections should be installed and controlled by people of integrity.

An open, inclusive and comprehensive dialogue needs to begin internally with members of all sectors of Nigerian society. This must include the executive branch, elected officials, leaders of the political majority and opposition, members of civil society, and representatives of professional associations and religious bodies, to work out a detailed diagnosis of existing impediments to credible elections and agree on concrete steps and benchmarks for effective electoral reform. The electoral framework, recommended by Justice Muhammad Lawal Uwais is to be upheld in totality. Once a new electoral law is enacted, the National Assembly and Nigerian civil society organizations and professional associations such as the Nigerian Bar Association should exercise appropriate oversight over its implementation and the actions of INEC. Political parties should develop internal procedures for candidate selection that are transparent and democratic.
Conclusion

This paper has shown that there is a complex linkage between election, legitimacy and insecurity in Nigeria’s Fourth Republic. Its central thesis is that the hijacking of the state machinery in the process for appropriation of state resources is what has facilitated the spate of electoral malpractice and hence, wanton insecurity experienced. Government has to open a window of opportunity for rebuilding shattered citizens’ confidence in the electoral process, to help build legitimacy in the country. Democracy thrives and flourishes more in a free, calm, stable and peaceful environment where the actors in the political arena have the freedom to exercise their voting rights and when the voting right is respected and recognized.

Democracy, once given a chance, would provide solutions to critical issues. As such, the current crisis of legitimacy can only be overcome by an urgent commitment and extraordinary steps to strengthen the country’s democratic institutions. At this critical juncture in history, Nigeria’s government must demonstrate the political will necessary to implement reforms that would once more place Nigeria on a positive trajectory toward; democratic consolidation. To allow a crisis of legitimacy in Nigeria to persist or worsen will only exacerbate existing problems, and create serious obstacles for the Nigerian State in serving its people. The people of Nigeria deserve better.
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