



**Elections and Democratic Consolidation in West Africa:
Comparative Study of Nigeria and Senegal, 1999-2012**

By

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Abstract

The study examines elections and democratic consolidation in West Africa using Nigeria and Senegal as a comparative lens from 1999-2012. It is predicated on the contradictory trajectories of electoral politics in West Africa under the so-called third wave of democratization and their implication for the consolidation of democracy. This contradictory trend typifies the democratic experience of Nigeria and Senegal in the period under consideration making them good case studies for the presentation of empirical evidences that illustrate how elections engender democratic consolidation in West Africa. Despite the regularities of elections in these countries, which have opened the inroad to democratic consolidation, less progress has been made in terms of the institutionalization of liberal democracy, especially with respect to its principles, such as the rule of law, constitutionalism and political liberties. These principles ensure the meaningfulness and validity of elections in such a manner that political actors see the entire process as “legitimate and binding”, but also defined them in terms of the habituation to democratic rules and procedures before, during and after elections. Undue emphasis on elections only, without recourse to the institutionalization of these principles, has therefore been the cause of democratic reversal and setback in many democratizing countries. This circumstance has a telling consequence for the consolidation of democracy, especially in West Africa where the vestige of military and authoritarian past continue to undermine the institutionalization of liberal democracy.

Against this background the study argues that elections, although crucial to the consolidation of democracy, they do not engender democratic consolidation in the absence of other liberal democratic principles such as the rule of law, constitutionalism and political liberties. These principles are the foundational ethos for which the behaviour of political elites is constrained and regulated, in a manner which prevents them from seeking democratic alternatives and the consequence for democratic consolidation. In this context, the study takes motivation from the liberal democratic and elite theories to analyse elections and democratic consolidation in West Africa. Using the qualitative research framework, the study heavily relies on documentary analysis and in-depth interviews conducted in Nigeria and Senegal, which was chosen as the case study from 1999-2012 in consideration of the role of the two countries in the sustenance of democracy in the sub-region. Following this analysis, the study examines several efforts towards the improvement and institutionalization of liberal democracy, and in that context, provided some other recommendations that could enhance the prospect of democratic consolidation in West Africa.

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Abbreviations and Acronyms

AC: Action Congress

ACE:	Alliance for Credible Elections.
ACN:	Action Congress of Nigeria
AD:	Action for Democracy
AFP:	Alliance for the Forces of Progress
AJ-PADS:	<i>Jef/Parti Africaine pour la Democratie et. la Socialisme</i>
ANPP:	All Nigeria People's Party.
APC:	All Peoples Congress.
APGA:	All Progressive Grand Alliance.
APP:	All Peoples Party.
APR:	<i>Alliance Pour la Republique</i> [Alliance for the Republic].
AU:	African Union
BRP:	Benin Rebirth Party.
CA:	Constituent Assembly.
CACA:	Campaign against Constitutional Amendments.
CBN:	Central Bank of Nigeria.
CD:	Campaign for democracy.
CDD:	Centre for Democracy and Development
CDP:	<i>Patriotique Democratique Convention.</i>
CENA:	<i>Commission Electorale Nationale Autonome</i>
CENCOD:	Centre for Constitutionalism and Demilitarization
CFDR:	Coordination of Democratic Forces of the Republic.
CIO:	Conference of Islamic Organization.
CLEEN:	Centre for Law Enforcement and Education
CNPP:	Conference of Nigerian Political Party.
CODER:	Coalition of Democrats for Electoral Reforms.
COSCE:	Coalition of Civil Society Organization on Elections.
CPC:	Congress for Progressive Changes
CRAES:	Council of the Republic for Economic and Social Affairs.
CSM:	<i>Counseil Superior des Magistrats.</i>
CSO:	Civil Society Organization.
DA:	Democratic Alternative.
DDCM:	Direct Data Capturing Machine.
DFID:	Department for International Development.

DOE: Directorate of Election.

ECN: Electoral Commission of Nigeria.

ECOWAS: Economic Community of West African State

EFCC: Economic Finance and Crime Commission

ERC: Electoral Reform Committee.

ERN: Electoral Reform Network.

EUEOM: European Union Electoral Observation Mission.

FEB: Federal Executive Bodies.

FEDECO: Federal Electoral Commission.

FHI: Freedom House Index

GAPIG: Governing African Party for the Independence of Guinea

HCJ: High Court of Justice.

HRW: Human Right Watch.

IAR: Independent Assessment Report.

ICC: Ivorian Constitutional Council.

ICG: International Crisis Group.

IDEA: International Institute for Democracy and Electoral Assistance.

INEC: Independent National Electoral Commission

IPU: Inter-Parliamentary Union.

JCD: Joint Committee for Democracy.

JCD: Joint Committee for Democracy.

LD-MPT: *Ligue Democratique/Mouvement pour le Parti du Travail.*

LDP: League Democratic Party.

LP: Labour Party.

MAC: *Mouvement Autonomiste Casamancais*

MCE: Ministry in Charge of Elections.

MISSANG: Military and Security Mission in Guinea-Bissau.

MIT: Ministry of Interior.

MMM: Mixed-Member Majoritarian system

MPD: Movement for Democracy.

MPS: *Mouvement Populaire Senegalaise.*

NADECO: National Democratic Coalitions.

NCP: National Conscience Party.

NCSCCTT: National Civil Society Coalition against Third Term.

NDC: National Democratic Congress.

NDI: National Democratic Institute

NEC: National Electoral Commission.

NECON: National Electoral Commission of Nigeria.

NEPAD: New Partnership for Africa's Development

NEPLF: Northern Elders Political Leader Forum.

NJC: National Judicial Council.

NNDP: Nigerian National Democratic Party

NPN: National Party of Nigeria.

NPP: New Patriotic Party.

NYM: Nigerian Youth Movement.

ONEL: *Observatoire National des Elections.*

PAI: Party of African Independence.

PAICV: Party for the Independence of Cape Verde.

PDCI: *Parti Democratique de la Cote d'Ivoire.*

PDP: People's Democratic Party.

PDS: *Parti Democratique Senegalaise* [Senegalese Democratic Party]

PIT: Party for Independence and Labour.

PPA: Progressive Peoples Alliance.

PRA: *Parti du Rassemblement Africaine.*

PRA: Party of African Regroupment

PRC: Provisional Ruling Council.

PRPB: People's Revolutionary Party of Benin.

PVC: Permanent Voter's Card.

RADDHO: *Renocontre Africaine Pour la Defense Des L'Homme*

RDR: *Rassemblement des Republicains.*

REWNI:

SFIO: *Section Francaise de l'Internationale Ouvriere*

SIEC: State Independent Electoral Commission.

SNF: Senegalese National Front.

SP: Socialist Party [*Parti Sociale*]

SRUB: *Bloc Union Republicaine Socialiste*

SSP: *Parti Socialiste Senegalaise.*
SSS: State Security Service.
SU: *Socialist Unitaires (SU),*
TMG: Transition Monitoring Group
TRS: Majority Two-Round System (TRS).
TWP: True Whig Party
UAD: United Action for Democracy.
UCAD: Cheick Anta Diop University.
UDR: Union for Democratic Renewal and the Jef-Jef
UDS: *Union Democratique Senegalaise.*
UFC: *Union des Forces du Changement.*
UNDP: United Nation Development Programme.
UPN: Unity Party of Nigeria
UPS: Union Senegalaise Progressive.
USAID: United State Agency for International Development
WARD-C: Woman Advocates Research and Documentation Centre
WASCO: West Africa Civil Society Organization.

Bibliography

Appendix

INTRODUCTION AND BACKGROUND TO THE STUDY

The optimism that followed the wave of democratization in the West African sub-region in the 1990s is waning. This is because a large number of countries in the sub-region are experiencing a process of democratic reversal, rather than consolidation¹. Although states in West Africa have recorded some political progress, considering that democratic transitions brought to an end military and authoritarian regimes in a number of countries such as Ghana, Senegal, The Republic of Benin and Cape Verde, controversial elections have increasingly inhibited the realization of the civil and political freedoms in many countries in the sub-region. Freedom House, in its 2009 report, revealed that democratic growth in West Africa is still not encouraging, and that the ‘negatives outweigh the positives’ (FHI, 2009). The picture is clearer in the Freedom House ratings that indicate that only 5 of 16 West African countries -- Cape Verde, Ghana, Senegal, Sierra Leone and The Republic of Benin -- fall into the category of ‘free’ states and may be regarded as consolidated democracies (FHI, 2013)². The remainders of the countries are categorized as ‘partly free’ or ‘not free’ states. Countries in the lowest classification include Burkina Faso, Cote d’Ivoire, Guinea, Liberia, Mauritania, Nigeria, Togo and Niger. They are classified as ‘partly free’. Mali, Gambia, and Guinea-Bissau are classified as ‘not free’.³

The scenario above portends worrying signs for the state of democracy in West Africa. The chances for democratic advancement seem to have been squandered, thus, giving room for the resurgence of military coups in some states (Guinea-Bissau, Guinea, Mauritius, Niger and Mali). Indeed, in other countries such as the Gambia, the structures of authoritarian regimes are still very much in existence. In Gambia, for example, the one-party dominant regime of

¹ I attempt to offer a working definition of democratic consolidation as the institutionalization of competitive multiparty and periodic elections through respect for democratic norm and rule of the game, constitutionalism and liberties by political elite in a way that prevent democracy from authoritarian infection and reversal.

² Despite the criticism of Freedom House as methodological and ideological bias, there are, as of yet, no better democratic measuring agency or alternatives that cover democratic status of countries around the world. By drawing from Freedom House Index, we can ensure there is much wider degree of consensus and acceptability that might otherwise be the case.

³ Freedom in the World provides three broad category designations for each of the states and territories included in the survey: Free, Partly Free and Not Free. Free states are those with broader scope for open competition, respect for civil liberties, the rule of law and an independent civil society. Partly Free states are those with limited respect for civic and political liberties, weak rule of law and a single political party that enjoys dominance despite a façade of limited pluralism. Free while Not free states are those with absent civil and political liberties and lack of respect for the rule of law.

Yahya Jammeh's Alliance for Patriotic Reorientation and Construction (APRC)⁴ has been an illustrative case of democratic reversal in the West African sub-region (Akosah-Sarpong, 2009). As a consequence, post third wave democratic reversals have demonstrated convincingly the declining prospects of democratic consolidation in West Africa. Many countries appear to be under the challenge of democratic collapse which highlights the faltering prospects of liberal democracy in the region (Menochal, Fritz and Rakner, 2008; Lindberg and Morrison, 2008). While this raises concerns about the likelihood of liberal democracy in Africa (Gilley, 2009)⁵, waning democratic prospects have consequences for political stability and democratic consolidation. This is so because despite the entrenchment of periodic multiparty elections in many states, which support democratic transitions and democratizations, less progress has been made in terms of the institutionalization of liberal democratic practices in West Africa.

Following many studies, many factors have been adduced for the deepening crisis of liberal democracy, which is associated with the issues of elections and democratic consolidation in West Africa (Adejumobi, 2000; Adebani and Obadare, 2011). These factors include the weak institutionalization of the rule of law, constitutionalism and the absence of political liberties (FHI, 2009). For the most part, across West Africa, emphasis is placed on the conduct of elections without recourse to the institutionalization of these principles. Institutionalizing these principles in practice would ensure valid elections that would further promote their legitimacy. It would also support the entrenchment of democratic rules and procedures before, during and after elections by political elites. The absence of these principles has been the growing tendency of hybrid or illiberal democracy in which elections are becoming democratic liabilities, or what Adejumobi (2000: 59) called 'a fading shadow of democracy' and the consequence for democratic setback and reversal in many democratizing countries.

The current electoral experiences in Cote d'Ivoire (2010), Nigeria (2007) and Togo (2005) are notable examples. Notwithstanding these, there are a few exceptions, including Senegal,

⁴ The Alliance for the Patriotic Reorientation and Construction is a political party founded in 1996 by retired army officers who staged the 1994 military coup in Gambia. This party is ideologically centrist right and it relies on a military and autocratic ethos. The party came to power in 1996 when the incumbent candidate, the retired captain Yahaya Jammeh, won the 1996 elections amidst electoral fraud and manipulation (Edie, 2000: 167 and 168).

⁵ The discourse about the likelihood of liberal democracy revolves around two related concerns. The first is whether liberal democracy is feasible. The second is whether liberal democracy is desirable in Africa (see Gilley, 2009).

Ghana, Benin and Cape Verde, where the quality of elections has been acknowledged and adjudged to have enhanced the potential for democratic consolidation (FH, 2013; Polity, 2013). These contradictory indicators indicate the different trajectories in Nigeria and Senegal's democratic experiences. While the former is said to be improving in the prospect of consolidating its democracy, the latter has recorded limited progress and there are fears of democratic reversal as a consequence of accumulated electoral crisis since 1999. Although Senegal is not without its own electoral shortcomings (considering the controversy which surrounded the 2007 elections), there is an acknowledgement that elections in Senegal have met international benchmarks and requirements. Despite the improvements in the processes of holding elections especially in Senegal, I argue that the frequency in which incumbent political elites continue to abuse the rule of law, disregard constitutionalism and set aside civil liberties in Nigeria and Senegal raises serious concerns for the consolidation of democracy in West Africa.

Given the foregoing democratic challenge, the selection of Senegal and Nigeria are not only compelling, but they also present demonstrable cases to examine and present a general picture of the democratic challenges confronting West Africa. The two countries (Senegal and Nigeria) differ in their political trajectories and historical development. While it can be said that Nigeria has a long history of military rule, Senegal on the other hand has a tradition of civilian rule since its return to multi-party democracy in 1970. Although both countries have undergone colonial rule prior to the 1960s, their colonial past may impart different legacies, as Senegal was colonized by France and Nigeria was colonized by Britain. Power has alternated among political parties in Senegal twice, from the Socialist Party (SP)⁶ to the Senegalese Democratic Party (PDS)⁷ in 2000 and from the PDS to the Alliance for the Republic (APR)⁸ in 2012. Nigeria on the other hand, has experienced one-party dominant

⁶ The Socialist Party (PS), otherwise known as *Parti Socialiste du Senegal*, was formed in 1958 under the leadership of Leopold Senghor and was formerly known as the Senegalese Progressive Union (SPU). Ideologically, the party was social democratic with a strong element of one-party state tendencies. The PS dominated the one party state, as the ruling party from 1960 to 2000 in Senegal.

⁷ The Socialist Democratic Party, known as the *Parti Democratique Socialiste* (PDS) was formed in 1970 under the leadership of Abdoulaye Wade who ruled from 2000 to 2012 with a coalition of other smaller political parties. The ideological orientation of the party is liberal democratic. Before the party assumed power in 2000, it was the main opposition party, and during the PS dominance in the 1970 and 80s. Since the defeat of the party in the 2012 elections, the PDS has since remained as the major opposition party in Senegal.

⁸ The Alliance for the Republic (called the *Alliance pour la Republique* in Senegal) is a relatively new coalition party formed in 2012. The leader of the party was Macky Sall, the current President of Senegal. The party is of a liberal democratic orientation and ideology. As a relatively new and emerging political party, it won the 2012 presidential and legislative elections in an alliance with other opposition political parties under the umbrella of APR-Yaakaar (United in Hope).

rule under the People's Democratic Party PDP since 1999. The dominance of the PDP came to an end in 2015, when the coalition party, the APC,⁹ defeated the PDP, leading to the first electoral turnover and alternation of power in the presidential elections in Nigeria. Yet, the predominance of electoral fraud and manipulation in the Nigerian electoral process still underlies the problematic of democratic consolidation in the country. According to the Freedom House Rating of 2013, Senegal is categorized as "free" and considered to be a consolidated democracy, as a result of its free and fair elections. Nigeria, on the other hand, is "partly free" and is categorized as an unconsolidated democracy on the basis of "successively less free and fair elections". In the same vein, the Polity Scores Index,¹⁰ which captures the regime's authority spectrum, classifies Senegal as a consolidated democracy, while Nigeria is categorized under "anocracies"¹¹ (i.e. whereby regime authority is derived from autocracy). The different categorizations of these countries into "free", "partly free" and "free" and a democracy that is "consolidated" or an "Anocracy" insufficiently explains the trajectories taken by these states. There is thus a need for an interrogation of *why and how* countries that began processes of electoral democracy at the same period have differed in their democratic outcomes. The contradictory cases of Nigeria and Senegal, therefore, provide a demonstrable framework for the studying of elections and democratic consolidation in West Africa.

This part, therefore, serves as the introduction to the study and provides the background to elections and democratic consolidation in West Africa through the comparative lens of Nigeria and Senegal. It demonstrates that democratic prospects in West Africa are faltering, considering that a large number of countries in the region are yet to be democratically consolidated despite the institutionalization of electoral democracy. Herewith, I set out the contextual understanding and comparative perspective of Nigeria and Senegal, the statement of the problem, the objectives of the study, the research questions, the justification and significance of study and provide an outline of the chapters that follow.

⁹ The All Progressive Congress (APC) is a new coalition opposition party which came to power in 2015. The party won the presidential elections and also controls the National Assembly in Nigeria. The coalition comprises of four political parties. They are the Action Congress of Nigeria (ACN), the Congress of Progressive Change (CPC), the All Progressive Grand Alliance (APGA), and the All Nigerian People's Party (ANPP). The party was formed in 2015 and has a centre-left ideological persuasion which favours regulated market economic policies.

¹⁰ The polity Scores Index captures regime authority on a 21 point scale ranging from 10 (a hereditary monarchy) to +10 (a consolidated democracy). The polity score can also be converted to regime categories: 3 part of categorization of autocracy (-10 to -6) anocracies (-5 to +5) and the three special values (-66-77 and -88) and democracy (+6 to +10). Senegal's score was +7 (consolidated democracy). Nigeria's score was +4, (anocracies) whereby from -5 to +5 is anocracies.

¹¹ Anocracy is a regime that is neither fully democratic nor fully autocratic. They are often susceptible to political instability (see, Shofield and Gallego, 2011).

Nigeria and Senegal in Comparative Perspective in West Africa: Background and Political Context

The map below shows the geographical areas, and location, of West Africa on the continent of Africa. The region is bordered by the Atlantic Ocean in the South and West and the Sahara Desert in the North. According to the United Nations, West Africa covers 5 million square kilometres which houses 16 countries (UN Online Project, 2015). The West African sub-region has a population of around 300 million people, which further constitutes one third of Africa, which is about 4.6 percent of the global population (Ayimah, 2009:2).

Map 1: The Map of West Africa



Source: <http://www.google.co.za> (Accessed 23 April 2015)

As shown in the map above, the region of West Africa has 16 countries which comprises 9 Francophone countries (Benin, Burkina Faso, Cote d'Ivoire, Guinea, Mali, Mauritania Niger, Senegal Togo), 5 Anglophone countries (Ghana, Gambia, Liberia, Nigeria and Sierra Leone) and 2 Lusophone countries (Cape Verde Guinea-Bissau). The Anglophone countries are the English speaking, while the Francophone and the Lusophone countries are the French and Portuguese speaking respectively. In terms of populations, natural resources endowment and military capability, both the English and French speaking countries (of which Nigeria and Senegal respectively chosen for this study) are the most significant actors in the sub-region. Firstly, Nigeria has the largest population, which is about 2/3 of the entire population in the West African sub-region (Bankole, 2012: 23). It is one of the foremost economies in Africa and its vast natural resource endowment has continued to place it at the summit of continental

economic power (IMF, 2013:8). As stated by Adetula (2013:1), ‘no other country in the sub-region, and very few in Africa as a whole, can compare with Nigeria in terms of economic and military capabilities.’ This significance is imperative for sub-regional stability both in the West African sub-region, and in Africa as a whole. Senegal on the other hand, is the ‘oldest’ and the most stable democracy in the sub-region of West Africa and has played a significant role in maintaining stability in the West African sub-region. As a matter of fact, the two countries demonstrate a picture of regional leadership that plays a key role in the political and economic development around the sub-region. Nigeria and Senegal were part of the continental leaders that developed the New Partnership for African Development (NEPAD)¹², which set out the principles of democracy, good governance and economic management that is now a key policy framework of the African Union (NEPAD, 2000: 140). Both countries have also been instrumental in the sustenance of democracy in West Africa as exemplified in their democratic interventionist roles in Mali and Guinea Bissau in 2012.¹³

Nigeria and Senegal became independent (after they were granted freedom by their colonial rulers, Britain and France) on the 1 October and 20 August 1960 respectively. Senegal was initially part of the union of Senegal-Sudan that formed the Mali Federation in 1959¹⁴ but broke up in 1960 after Senegal decided to pursue her own autonomy. As result, Senegal was

¹²The New Partnership for Africa’s Development (NEPAD) was a strategic economic and policy framework adopted by the African Union in Lusaka, Zambia, in 2001. NEPAD was a merger of two plans for the economic regeneration of Africa. These were the Millennium Partnership for the African Recovery Programme (MAP) coordinated by President Thabo Mbeki of South Africa with the support of President Olusegun Obasanjo and Abdul-Aziz Bouteflika of Algeria and the OMEGA plan for Africa initiated by President Abdoulaye Wade of Senegal. At the summit in Sirte, Libya the two development frameworks were merged to give birth to NEPAD in 2001. The main objective of NEPAD was to eradicate poverty in Africa and to place the continent, both individually and collectively, on a path of sustainable growth and development and to thus halt the marginalisation of Africa in the globalisation process. Apart from ensuring economic growth and development for Africa, the framework also serves as basis for global partnership (see NEPAD Framework, 2001: 1 and 2; see also Metcalfe, 2002).

¹³Nigeria and Senegal played an interventionist role in the democratization processes of Mali and Guinea-Bissau by preventing unconstitutional regime change caused by frequent military intervention in 2012. As regional leaders, the aim of Nigeria and Senegal was to ensure the restoration of democracy by forcing the military to disengage from politics and consigning them to their constitutional role of protecting the territorial integrity from internal and external aggression. Through the ECOWAS commissions, Nigeria and Senegal were part of the contact groups which constitute the ECOWAS monitoring group in both countries. They also pressed the international Criminal Court and the United Nation recommendations which condemned military rule in Mali and Guinea-Bissau, leading to the restoration of democracy in the countries (see Okeke et. al. 2014: 1 and 2).

¹⁴ The Mali Federation was the amalgamation of the French colonies of Senegal and the Sudanese French Republic under the French community; given that Guinea was the only French colony which voted for independence during the French referendum in 1958. The Federation came into existence on the 20 June 1960. However, internal wrangling and crisis resulting from cultural clash and political disputes between the members of the federation led to its collapse. The French Sudan resisted the breakaway of colonial Senegal by severing relations with them. Senegal received its independence two months later on August 1960. Consequently, after the Federation was dissolved, the French Sudan was renamed Mali (see Hodgkin and Morgenthau, 1964: 243; Foltz, 1965: 163).

granted independence from France in August 1960, two months after the Mali Federation had collapsed. According to the World Bank report, Senegal is estimated to have 12 million people with a growth rate of 2.65% yearly (USAID, 2013). It has 14 regions and 45 départements (Schaffer, 1998:16). In addition, there are five major ethnic groups; the Wolof, Sereer, Hal-Pulaaren (Peul-Tukuleer), Joola and Manding (Schaffer, 1998:16).

Despite their cultural diversities, the ethnic groups have maintained cordial relations among themselves. The cordiality has enhanced social and political mobilisation across the groups (Heselling, 1985). Many factors have resulted in the harmonious ethnic relations in Senegal. Some of them include the national integration policy of Leopold Senghor,¹⁵ the impact of the Wolof language, intermarriages, the cosmopolitan nature of the city of Dakar, and a tradition of democracy and Pan-Africanism (USAID, 2013:3). Wolof and French are the most widely spoken languages in Senegal. Wolof is regarded as the *lingua franca* that is spoken by about 90% of the population and in all major cities of Senegal, whereas about one third of the population speaks the French Language (Schaffer, 1998). The two languages promote social cohesion and effective social interaction, which have enhanced the integration of the Senegalese society despite its diversity. Apart from other many factors that have promoted social cohesion, religious tolerance plays a major role in mitigating ethnic tension in Senegal. The Muslim population accounts for approximately 93.8 percent of the population, while the Christian population and traditional worshippers' are estimated to be around 4 and 2 percent respectively (Villalon, 2011). It should be stated that religious tolerance has been the boon of peaceful coexistence in Senegal, considering that cross cutting cleavages across Senegal society have mitigated any tension that might be found as a result of different religious belief system. In fact, Senegal has inculcated a national political culture in which religion is seen as an instrument of political integration and cooperation (Gellar, 2005).

The tradition of harmonious relations between the various religious groups has been the consequence of the democratic change and relative political stability in the country. Clearly, this is underpinned by the degree of coalition and alliance building across political and

¹⁵Leopold Sedar Senghor was a poet and the first President of Senegal who ruled for two decades (1960-1970). Prior to becoming the President, he was an elected member to the 1946 Constituent Assembly which drafted the Fourth Republican Constitution of France. As the founding father of *Parti Sociale* and the President of Senegal, Senghor translated his negritude principles and philosophy of African socialist solidarity into a national integration policy which resulted in the National Development Plan from 1961-1964. Under this plan, a series of economic initiatives and rural agricultural development was developed to bring development and improve the condition of the Senegalese people, especially the rural peasants.

religious affiliation since the emergence of multiparty electoral democracy in the country (Gellar, 2005). More importantly that the culture of respect and freedom is entertained across social cleavages through inter-marriage and religious affinity across political spectrum does not constitute a problem in Senegal.

On the other hand, ethno-religious cleavages have tested the democratic viability of Nigeria. As an ethnically diverse and plural society, Nigeria's social cohesion and ethnic relations have been chequered. According to the United Nations World Population Prospectus in 2015, Nigeria's population is reported to be about 182 million (UN-WPP, 2015) with over 250 ethnic nationalities (Gberie, 2011). Of this plural nature, three major ethnic groups seem to be the dominant, the Hausa/Fulani (which cover the Northern part of the country), the Yoruba (in the West) and the Igbo (which dominated the Eastern part of the country) (Kifordu, 2011). These groups have always been in political tension, as a consequence of competition for national power, and the growing religious and regional differences among them. Thus, the issue of their population has been very controversial (Umar, 2015). In order to reduce the controversy, the government has systematically removed religious population from its official demographics.

It should be stated that Muslim-Christian intolerance has been the root of the many inter-religious conflicts in Nigeria (Ibrahim, 1991; Falola, 1998; Onapajo, 2012; Onapajo and Usman, 2015). One of those conflicts came with the introduction of a Sharia legal code¹⁶ by some of the states in the Northern part of Nigeria. Though the North houses the largest Muslim population in Nigeria, there is a sizable number of Christians. States in Nigeria are administrative divisions or areas which share sovereignty with the Federal Government of Nigeria. While the introduction of Sharia Law has further severed the relations between Christians and Muslims (and between Muslim advocates of Sharia Law and Muslims who do not advocate it) it has increased the potential for more conflict. This has fractured social

¹⁶ The Sharia legal code is the Islamic law which governs the behaviour and conduct of the Muslims. It essentially covers areas such as marriage, divorce, inheritance, custody and general aspects of the Islamic religion such as infidelity, unlawful sexual intercourse, alcoholic drinking, theft, robbery and false accusation. Its principles are not derived from the common law, but from precepts of the Quran and Hadith (the sayings of the prophet Muhammad). The Sharia legal code was first applied in Zamfara State in Nigeria and later to other parts of Northern Nigeria. The code has been criticized for violating the rights of women and children but also equality. It has also undermined freedom and rule of law and constitutionalism in which the constitution uphold. The crisis which the Sharia legal code has generated has been the cursor of many ethno-religious conflicts in Nigeria (see Peters, 2001).

cohesion and harmony among the major ethnic and inter-faith religious organizations in Nigeria.

In spite of the fractious ethno-religious and political temperament, Nigeria remains the leading producer and largest exporter of oil in Africa (Gberie, 2011). Indeed, about 95% of Nigeria's foreign earnings come from crude oil and gas estimated to be around \$30-40 billion a year (Economist, 2011). In 2014 and 2015, Nigeria was declared the largest economy in Africa after 'adding about 89 percent to its GDP, now worth \$510 billion, and soared past the previous leader, South Africa, worth \$370 billion' (Economist Outlook, 2014; APR, 2015). However, the fall in the price of crude oil at the international market has precipitated Nigeria into economy recession. Even, rather than using proceeds from its myriads natural resources to promote economic development and sustainable democracy, political elites have internalised political corruption and perpetrated electoral fraud so as to hold on to power.

In contrast, while political competition has not taken the form of zero-sum politics in Senegal, the weakness of the Senegalese economy has promoted a patronage network among the political elite. Senegal has an economy that is primarily agricultural and revenue is earned predominantly from the export of groundnuts (peanuts). Senegal's GDP currently stands at 27.72 billion dollars (CIA, 2014). The drought of the 1970s and 1980s was a source of deterioration for the economy as well as eroding state capacity and development (Melly, 2011). The diversification of the economy through the neo-liberal macro-economic reforms of Presidents Abdou Diouf and Wade improved Senegal's economic prospects in the aftermath of the 2000 electoral changes. Furthermore, so did the implementation of the 'Emerging Senegal's Plan' (ESP)¹⁷, a flagship economic reform programme aimed at turning Senegal into a major economy in Africa (Economic Outlook, 2015). Consequently, Senegal has recorded a growth rate of 4.5% in 2014 and its GINI economic indicator stood at 40.3, compared to Nigeria's 48.83 between 2010 and 2014 (GINI, 2014)¹⁸. In spite of the potential

¹⁷ The Emerging Senegal Plan is a macro-economic development framework initiated in 2006 to improve the productivity of the Senegalese economy both in the public and private sector. It was constructed on three cardinal areas which include structural transformation of the economy for the purpose of attracting investment and export capacity. It also addresses social inequality, as well as the reinforcement of security, governance, liberties and consolidation of rule of law. (see Senegal Emerging Plan, 2015; see also UNECA, Framework on Senegal, 2015).

¹⁸ The Gini Index is the framework for measuring the degree of distribution of income or consumption expenditure among individuals or households within an economy to see whether they diverge from a perfect equal distribution. It quantifies the area between the Lorenz Curve (the cumulative percentage of total income

for economic growth in both countries, inequality in the distribution of wealth, as indicated in the GINI coefficient, further suggests that wealth is not evenly distributed in both countries. The poverty level in Senegal stood at 46% and unemployment was around 48% in 2014 (CIA, 2014), whereas poverty and unemployment was estimated to be between 60% and 70% respectively in Nigeria as at 2010 (Kifordu, 2011). A plausible explanation for this is increasing corruption and the institutionalisation of a patronage network by political elites in Nigeria (Gberie, 2011). According to the 2014 Transparency International Report, Nigeria is ranked at 136th while Senegal is 69th out of 174 countries on the index (TI, 2014). The socio-economic indicators show the degree of divergence between the two countries, making them suitable for a comparative study on a most different cases study.

Despite the fact that Nigeria and Senegal differ in several ways, both countries have shown the capability of regional leadership, despite their increasing domestic socio-economic and political challenges. This, no doubt, has consequences for their politics and processes of democratization. Although the legacy of colonialism informed the nature of politics and democratic trajectories in both countries, democratic development in Senegal and Nigeria has been shaped by the politics of their colonial powers. For example, Senegal had benefited from the elective principle since 1848 when franchise was extended to the provinces of Goree, Dakar, St Louis and Rufisque leading to the representation of Senegalese colonial people in French parliament in 1948 (Gellar, 2005). In the case of Nigeria, the Clifford Constitution of 1922 also granted franchise to the Nigerian people which make them active participant in the affairs of their country¹⁹ (Bamgbose, 2007: 170). While a major criticism of the elective principle was that it limited franchise to some major towns in both countries it has implications for the institutionalisation of elections and multiparty politics in Nigeria and Senegal. In Senegal, for example, the citizens of the four provinces benefited by voting for their municipal councillors to the French National Assembly²⁰, with legislative seats also

received against the cumulative number of receipts, starting from the poorest or house) and a hypothetical line of absolute equality, expressed as a percentage of the maximum area under the line. Therefore, the Gini Index of 0 represents perfect equality, while an index of 100 denotes perfect inequality.

¹⁹ The Clifford Constitution of 1922 was the first constitution which bestowed franchise [right to vote and be voted for] to the British Colonial people of Nigeria. . The constitution was an improvement in the Nigerian legislative council of 1918 which did not provide for the franchise for Nigerian people to participate in the legislative process of their country. The Clifford Constitution was remarkable for the introduction of the elective principle which laid the foundation for competitive politics in Nigeria. Through, the elective principle the franchise was extended to the people of Lagos and Calabar, leading to the creation of political parties and the establishment of newspapers in Nigeria.

²⁰ The French National Assembly was the law making body under the French system of government. The assembly was derived from the revolutionary assembly formed by the representatives of the Third Estate (the

allocated to the colonial people in the new Constituent Assembly²¹. This opportunity led to the election of Lamine Gueye and Leopold Senghor who pushed for more involvement of Senegalese people in the management of their affairs. As argued by a prominent leader of the Socialist Party, ‘this period was significant for the institutionalisation of competitive party politics and democratic growth as it underscores the foundation of viable democratic change and consolidation in Senegal’²². Furthermore, in Nigeria, the democratic ferment also led to the elections of ‘Sapara William, Edgerton Shyngle, Adeniyi Jones, and Otoo to the legislature in British Tropical Africa’ following the establishment of political parties in Nigeria (Bamgbose, 2007:170). The first set of political parties in Nigeria then was the Nigerian National Democratic Party (NNDP)²³, the Nigerian Youth Movement (NYM)²⁴ and other parties that promoted party politics before independence.

Inspired by the system of government of their colonial powers, Senegal and Nigeria adopted the parliamentary system of government in the First Republic²⁵ (Fall, 2011). However, both countries have reverted to a presidential system of government, after the parliamentary system has been characterised by political tension²⁶. Apart from using a presidential system of government, the electoral system of both countries differs. For example, the electoral system for all elective positions (executive and legislative) is based on a first-past-the-post

common people) of the General Estate in 1789 after the French Revolution. In recent times, the National Assembly is the Lower House of the bicameral parliament under the French Fifth Republic. The Upper House under the French bicameral legislature is the Senate, called *Senat* in the French language.

²¹ The Constituent Assembly was formed by the National Assembly in 1789 during the initial period of the French Revolution. It was later dissolved in 1791 and was succeeded by the Legislative Council. After the dissolution of the Constituent Assembly in France, several countries in French colonial Africa (such as Senegal) were still operating the assembly until it was replaced by the National Assembly after independence in many of these former colonial entities.

²² Personal Interview with Youth Leader of the Socialist Party in Dakar 2014.

²³ The Nigerian National Democratic Party (NNDP) was formed by Herbert Macaulay in 1923 to take advantage of the elective principle of the Clifford Constitution of 1922. The party does not have a clear-cut ideological leaning, but relies on the support of interest groups in Lagos. The party won three seats in the legislative council elections in 1923 and dominated Lagos politics until 1938 when it was defeated by the Nigerian Youth Movement (NYM)

²⁴ The Nigerian Youth Movement (NYM) was the first genuine nationalist organization formed in 1932 under the leadership of Professor Eta Eyo. The party does not only contest political office, it also constituted itself as a pressure group against the colonial discrimination in Nigeria

²⁵ Both countries used a parliamentary system of government in the post-independence period. In Nigeria, Nnamdi Azikiwe was the President while Tafawa Balewa was the Prime Minister. In the case of Senegal, it combined a parliamentary system of government with a bicephalous executive. By this, Sedar Leopold Senghor became the President, while Mamadou Dia was appointed as the Head of the Council of Government (head of government).

²⁶ The case of President Leopold Senghor and his Prime Minister, Muhammadu Dia was particularly instructive. Both were engaged in serious conflicts which undermined the national government, due largely to the constitutional crisis in the exercise of power. The outcome of this conflict led to the removal of Muhammadu Dia and the eventual adoption of the presidential system of government in Senegal.

(or simple majority) system in Nigeria. This system seems to have been responsible for the volatile nature of electoral competition in Nigeria, explaining why the electoral process has been characterised by political manipulation and violence largely due to the premium placed on winning election at all cost. Unlike Senegal, the electoral system is based on the mixed system, which is comprised of the first-past-the-post and proportional representation systems. At the presidential level, the electoral system is a two round majority run-off system. Under this system, the first-past-the-post system is first applied through a threshold of 50+1 percent (Kelly, 2012). This means that a winner in an election must score 50 percent plus one more vote to be declared a winner, and to also prevent other candidates from meeting the threshold. Otherwise, a second round of elections is called and the person with the majority number of votes is declared even though, he or she does not meet the threshold. The plurality and proportional systems are applied in the case of the National Assembly. Although the pure proportional representation system was changed to a mixed parallel system in 1983, Senegal operates a national list for the party seats. In contrast to numerous parallel systems in different electoral systems of the world, the plurality seats, rather than single-member electoral districts, are decided on the basis of party block votes (PBV) in mostly multi-member electoral districts (Kelly, 2012). This is why the proportional representation seats are allocated in Senegal from the national list of each party using a largest remainder method with the Hare Formula²⁷. This translates to the fact that parties or coalitions competing for legislative seats would have to present ‘two types of candidates to potential voters; a list of candidates chosen under proportional rule (PR) as well as a list of candidates running in each of the departments chosen with single round winner take-all rules’ (Kelly, 2012: 905). As a matter of representations, while the other seats are allocated through a plurality vote in multiparty-member electoral districts as indicated by the 45 departments in Senegal, allocations are done only between one and five seats each²⁸. Thus the number of seats shared by any of the departments is relational to the population on single and multi-member constituencies. This makes the PR and departmental lists to be intertwined in such a way that voters must select only one coalition or party to support in both tiers. Considering that under

²⁷ The Hare Formula is devised by Hare Quota. It is otherwise known as simple quota and used under the Single Transferable Votes (STV) and the largest remainder method of party list proportional representation to elect a candidate who reaches the quota, [the quota being the minimum number of votes for which a party or candidate is expected to secure to capture a seat] . In the same vein, this electoral system also stipulates that the votes of candidates above the quota are transferred to other candidates who do not meet the threshold, i.e the quota (see IDEA, 2005; Norris, 1997).

²⁸ Personal Interview with the PS General Secretary in Dakar 2014

the 150 seat in the National Assembly, the department component is shared 90 and the PR is 60, there is the likelihood of the disproportional allocation of seats to the ruling party and the major partner of the coalitions (Kelly, 2012). This explains the reason why the National Assembly in Senegal has been reduced to a rubber stamp of the President, because of his strong influence in determining how seats are allocated.

Politics in post-independence Senegal was characterised by one party rule. Senegal became a multiparty democracy, with several political parties and associations in the 1970s. For the sake of illustration, it is estimated that there are around 170 political parties in Senegal²⁹, while Nigeria has about 63 political parties³⁰. Nigeria's political parties are often ethnic and regionally rooted, feeding on a patronage network and personality cult, which proffers benefits to kinsmen to ensure local support and political mobilisation for elections. Political parties in Senegal and Nigeria are constructed based on incremental and material benefits rather than ideological consideration. As argued by Coulon (1988:141), a patronage network is the 'backbone of the Senegalese political culture'; a reflection of what Diouf called 'political brokers' or 'patrimonial democrats' in the description of Linda J. Beck (Beck, 2008). This stratagem has led to the strong influence of the religious Marabouts in Senegalese politics owing largely to the mobilisation of their followers for patronage reward and benefits³¹

Senegal has remained relatively peaceful and has been the only country in West Africa not to go through a military intervention in politics. The peaceful political nature of Senegal was buttressed by the US Secretary of State, Hillary Clinton (2012), when she claimed that

If anyone doubted that democracy can thrive in Africa, let him come to Senegal. Americans admire Senegal as one of the few countries in West Africa that has never experienced a military coup. Thank you Senegal, for being a model for the region.

²⁹ Personal Interview with a prominent leader of the PDS.

³⁰ Personal Interview with a prominent member of the ACN.

³¹ The Marabouts are the Islamic spiritual leaders who command large number of followers using the Islamic doctrine and patronage networks. Since the colonial era of political leadership, the colonial powers established a patronage network with the Marabouts to legitimise their political power. The essence is to benefit from their mass following as a basis of political mobilization and legitimacy. This is why through a patronage network the Marabouts have consistently mobilized in exchange for political benefits ranging from airline tickets for holy pilgrimages to Mecca, financial support for Islamic programmes, materials, gifts and food, diplomatic passports and others to enlist support for political leadership.

This is unlike Nigeria where the military has truncated transition programmes and democratization processes at will since 1966 when it first intervened in politics. Even the scenario of the retired soldiers in politics has further exacerbated the culture of violence and the authoritarian streak in the democratic culture of the Nigerian people. It is, therefore, no gainsaying that the military has not only dominated Nigerian politics; they have suffocated genuine democratization in Nigeria since 1999 when the country returned to democratic multiparty rule. The enduring legacy of the military, therefore, has reinforced a zero-sum game of politics or political warfare in which political elites are only interested in capturing power for the purpose of circulating patronage benefits rather than for democratic development. This explains the *problematic* of elections since 1999 and why the drive towards democratic consolidation has been suffocated. Although the absence of military interregnum has been responsible for peace and political stability in Senegal, one party authoritarian rule from 1960 through the 1990s institutionalised single party dominance for about 40 years in the country. Though the peaceful nature of Senegal is exemplified by its ability to manage uprising and secessions tendency in the Casamance region³² which constitutes a threat to its democratization drive, democratic change and power alternation in 2000 has enhanced the credibility of its electoral process and democratic trajectory. Consequently, the above contradictory trajectories have implications for electoral politics and democratic consolidation not only in both countries, but also in the entire sub-region of West Africa.

Statement of the Problem

Since the emergence of the third wave of democratization in West Africa, a significant debate that has not only engulfed the academic sphere, but also the public space, is how to consolidate democracy. This is perhaps because the attempt at consolidating democracy is a more arduous task than the effort at establishing it (Schedler, 2001). The electoral experience of credible and flawed elections, which have put many countries on contradictory trajectories regarding the consolidation of democracy, further underlies the complexities of this

³² The conflict in the Casamance region comprises a low level civil war between the Senegalese government and the Movement for the Democratic Forces of Casamance. The movement was created in 1982 and was attempting to secede from Senegal due to perceived marginalisation and political alienation. Despite the peaceful agreement with the separatist group by the Senegal government under the regime of Senghor and Abdoulaye Wade. The region is still characterised by splinters of conflicts. Although such conflicts have been under control, they, however, threaten the stability of Senegal.

challenge. Recent developments in some West African countries (Cape Verde, Ghana, Senegal, The Republic of Benin and Sierra Leone) suggest that credible and successful elections have contributed to democratic consolidation. However, the region has also experienced flawed and controversial elections in a host of countries such as, Nigeria, Mali, Guinea Bissau and The Gambia among others, which impact negatively on their prospects of consolidating democracy (Freedom House, 2013).

Despite the regularity of elections in the West Africa region, less progress has been made in terms of the institutionalization of the rule of law, constitutionalism and the protection of political liberties which are significant to democratic consolidation. In the so-called consolidating democracies such as Senegal, Ghana and Benin, there are worrying concerns about the manner in which political elites flagrantly and frequently violate the principles of the rule of law, constitutionalism and liberties (Lynch and Crawford, 2011). These principles do not only ensure the validity of elections in a manner that enhances the legitimacy of the electoral process, but they also enhance the stability and consolidation of democracy. In the absence of these principles, elections have been reduced to ‘do-or-die affairs’ (Adebanwi and Obadare, 2011), or a zero-sum game attached to winning elections. Indeed, many incumbent political elites who assumed office through popular elections have devised undemocratic strategies to hold on to power to stay in office and to refuse to relinquish power. By clinging on to political power, they do not only engage in ‘reckless manipulation, but are also engulfed with the politics of brinkmanship and subversion of democratic rule and procedures’ (Adejumobi, 2000:59).

The democratic experience in many West African countries is replete with democratic presidents, resorting – or making attempts – to extend their rule against the constitutional provisions [as was the case in Nigeria in 2007, Niger in 2010 and Senegal in 2012]. There have also been serious cases of opposition and repression of the media, a lack of open competition and the undermining of political institutions and civil society in the drive towards democratic consolidation (Mbow, 2008; Obi, 2011; Kelly, 2012). This situation explains the growing tendency of illiberal democracy and unconstitutional changes of power in which ‘there seems to be a gradual re-institutionalization of autocratic and authoritarian regimes clad in democratic garb’ (Adejumobi, 2000:59). This tendency also elucidates the emergence of military and authoritarian rule in Guinea-Bissau, Guinea, Niger, Mauritius and Togo among other states in West Africa. The phenomenon in which emphasis is placed on

the conduct and winning of elections, without recourse to the institutionalization of liberal democratic principles and precepts does not engender democratic consolidation. The liberal democratic principles such as the rule of law, constitutionalism and civil and the political liberties enhance the democratic value of elections and consolidation of democracy. The absence of these principles, despite regular elections, has been largely responsible for the failure of democratic consolidation in many West Africa countries (Alademeji, 2012). Thus, this study aims to examine, in a comparative way, elections and democratic consolidation in West Africa using Nigeria and Senegal as case studies.

Justification and Significance of the study

This study is motivated by the dearth of research on elections and democratic consolidation in West Africa. Despite several country-specific studies on elections and democracy (Babawale, 2003; Agbaje and Adejumobi, 2006; Omotola, 2010; Kelly, 2012), the lack of systematic and empirical analysis on the comparative democratic trajectories of countries has reinforced the imperative of this study. Furthermore, in the few existing cross-national studies of elections and democracy in the sub-region, (Adejumobi, 2000; Omotola, 2010; Babawale, 2003 Lindberg, 2006; Adebani and Obadare, 2011), the focus is on elections as the only *object* of democratic consolidation, without recourse to other liberal democratic principles such as the rule of law, constitutionalism and the protection of liberties, which are fundamental to the consolidation of liberal democracy. In addition, while elections are steps towards democratic consolidation, as shown in some countries, the reality in a large number of countries in the region belies this optimism. It is becoming apparent that democratization by election may not necessarily lead to democratic consolidation, especially as once-democrats who themselves assume power through democratic elections are subverting the democratic procedures and rules in West Africa. In the circumstances that democratic rules and procedures continue to be violated, despite the regularity of elections, democratic consolidation would probably be unattainable. Instead, democracy is likely to be subject to the threat of erosion or eventual breakdown. Therefore, the democratic freedom and consolidation of countries, as stipulated by the Freedom House and Polity scores, in the midst of electoral and constitutional violation are not self-evident on the basis of their acknowledgements of electoral practices as measures of freedom in the absence of other important liberal democratic principles. Against

this backdrop, the task of this study is to examine Senegal and Nigeria through the comparative lens of elections and democratic consolidation.

This study is significant because it addresses the present and ongoing reality of democratic development, which is a serious concern in West Africa. The concern is that Nigerian general elections should be an improvement on the previously flawed ones since 1999. More importantly, there are questions on how the relative electoral improvement in Senegal can be sustained as a model of democratic progress in West Africa. With democracy yet to be deeply institutionalized and its seeming retrogression in West Africa, the subject of this study becomes critical not only to the two countries under study, but also to the development of post-transition democracies in West Africa. As an effort to put forth a coherent theory of democratization by election within the context of the institutionalization of the rule of law, constitutionalism and liberty, it offers global, regional and comparative case studies that are focused on a series of original data from which to generate findings. The study contributes to the increasing spectrum of the literature on elections and democratic consolidation in West Africa. More importantly, it is useful for engendering further research, and for providing insights into policy and practice in the improvement of the quality of elections and democratic consolidation in West Africa.

Research Questions

In this study I answer the following research questions:

1. In what ways do elections impede or promote democratic consolidation?
2. To what extent do liberal democratic principles such as the rule of law, constitutionalism, civic and political liberties exist, and are institutionalized in Nigeria and Senegal?
3. Can election engender democratic consolidation in the absence of liberal democratic principles such as the rule of law, constitutionalism, civic and political liberties?
4. What is particular unique about the political context in the Nigerian and Senegalese cases that may have led to the facilitation of democratic consolidation through election in one system but not in the other?

5. How have the political value systems widely held among the political elite become institutionalized and impacted upon elections and democratic consolidation in the Nigeria and Senegal.
6. What lessons can other West African countries with troubled elections learn from the analysis of Senegal and Nigeria?

Research Objectives of the Study

The general objective of this study is to comparatively examine elections and democratic consolidation in West Africa, using Nigeria and Senegal as case studies. Nevertheless, the specific objectives of the study are as follows:

1. To examine the ways in which elections impede or promote democratic consolidation.
2. To establish the extent to which liberal democratic principles such as the rule of law, constitutionalism, civic and political liberties exist and are institutionalized in Nigeria and Senegal.
3. To interrogate whether elections engender democratic consolidation in the absence of liberal democratic principles such as the rule of law, constitutionalism and civil and political liberties
4. To extrapolate the political context in the Nigerian and Senegalese cases that may have led to the facilitation of democratic consolidation through elections in one system but not in the other.
5. To see the extent to which political value systems widely held among the political elite have become institutionalized and impact upon elections and democratic consolidation in Nigeria and Senegal.
6. To offer enriching perspectives to the literature on elections and democratic consolidation.

Outline of Chapters

The themes of this dissertation are divided into nine chapters. The first chapter sets out the key issues in the literature and the place of this study in the extant literature on the general

concept of elections and democratic consolidation. In the same vein, I discussed the liberal democratic and elite theories that underlie the research in this chapter. Through these concepts, I advance the argument that democratic consolidation is problematic if elections are entrenched without the institutionalization of the rule of law, constitutionalism and the protection of liberties.

The second chapter comprises a reflection on the methodology used for the execution of the study. This discussion focuses upon the philosophical paradigm, the nature of the research, case selection techniques, the data collection method, the sampling process, data analysis and ethical considerations. I employed a qualitative methodology and the methods of documentary analysis and semi-structured interviews for the collection of data for this dissertation.

In the third chapter, I traced the emergence of the democratic transitions against the background of the one party authoritarian and military rule prevalent in many of the West African countries prior to what Samuel Huntington calls the third wave of democratization in Africa (Huntington, 1991). I argue in this chapter that the course which the transition processes took in many countries in West Africa shaped the outcome of their electoral politics as well as the prospects of democratic consolidation in West Africa.

I devote the fourth chapter to the examination of elections and democratisation in Nigeria since 1999. I located how flawed and controversial elections have undermined the consolidation of democracy in Nigeria. This, I found to have been the consequence of the crisis of electoral democracy as exemplified by the continued dominance of the PDP since 1999. However, although the PDP has been defeated by the APC as the ruling party, the crisis of electoral democracy is still palpable in Nigeria given the degree of electoral fraud and manipulation which characterized the 2015 elections.

Similarly in the fifth chapter, elections and democratization in Senegal was interrogated since the inception of their multiparty politics, I illustrate how free and fair elections have culminated in electoral turnover and the alternation in power in the country. Notwithstanding this, I argue that the 2007 controversial elections and the violation of the democratic rules of the game, constitutionalism and liberties by political elites have eroded democratic gains in the country, as seen in the decline of freedom and democratic support between 2009 and 2012 in Senegal.

Through empirical data in chapter six, I undertake a comparative analysis of election and democratic consolidation in Nigeria and Senegal, which is the core component of this study. This chapter focuses upon two major themes here. The first being elections as a barometer of democratic consolidation. Under this, I examine the significance of election to democratic consolidation, and move further to interrogate democratic consolidation by elections in Nigeria and Senegal. This is in addition to the second theme, the structural-political context and the electoral process in Nigeria and Senegal which underly structural and political institutions related to the electoral process in both countries. Those thematised in this part include electoral management commission, political parties and civil society organization in Nigeria and Senegal.

Given that chapter seven is the extension of the argument in chapter six, with empirical evidence; I interrogate the extent to which the rule of the law, constitutionalism and liberties are institutionalised in Nigeria and Senegal. Two themes are also palpable here. The first is on elections and civil and political liberty while the second is on rule of law and constitutionalism in relation to how they explain democratic consolidation in Nigeria and Senegal. Through the themes in chapter six and seven, I demonstrate that elections in the absence of the rule of the law and constitutionalism do not engender democratic consolidation in Nigeria and Senegal.

In chapter eight, I analyze the value systems of the political elites, and the way they shaped their commitment to the habituation of democratic rules and processes as well as institutions in relation to their implication on democratic consolidation in Nigeria and Senegal. I claim that the political elite in Nigeria and Senegal do not have a stable value system that entrenches democratic consolidation. Their decision-making and disposition on political issues is largely informed by parochial considerations and the promise of patronage benefits.

In the final chapter, I summarize the dissertation and its main arguments. I find that the regularity of elections in the absence of liberal democratic principles such as the rule of law, constitutionalism and liberty does not engender democratic consolidation.

CHAPTER ONE

THEORETICAL FRAMEWORK AND LITERATURE REVIEW

This chapter provides an examination of the theories that are used as the framework for the extant literature on the concepts of elections and democratic consolidation. Based on my close reading of the literature, I demonstrate that although the literature on elections is increasingly growing, there are insufficient systematic comparative studies on the phenomenon of elections and democratic consolidation, especially with respect to cross-country studies in West Africa. This has posed a serious theoretical problem of too many generalizations on the similarities, within and across the countries in regions, which leads to challenges in the explanation of their contradictory trends. The chapter is divided into two parts. In the first part, I explore the theories of liberal democracy and elite politics through some of the themes of this dissertation. In the second part, I interrogate the extant literature on elections, elections and democracy and democratic consolidation in West Africa as they relate to the case studies.

1.1. Liberal Democratic Theory

This study is grounded in liberal democratic theory as the most suitable framework for explaining elections and democratic consolidation. The theory can be rooted to the writings and works of the following scholars: Francis Fukuyama (1992); John Locke (1660); John Stuart Mills (1848); Fared Zakaria (1997), CB Macpherson (1977) among others. The trajectory of liberal democracy itself could be traced to the period of the 18th century and the Enlightenment era in Europe. During the Enlightenment (or the Age of Reason),³³ there was an intense struggle between the people and the Church on the basis that human interactions should be underpinned by reasons and principles of equality and liberty and not by superstition or religious orthodoxy (Pace, 2009). This period no doubt, has defined much of Western principles and philosophies since the 17th and 18th centuries (Pace, 2009). In terms of the importance of this era, it is suggested that the period ingrained the principles of self-government, which is essentially the epitome of individual rights and collective freedom (Held, 1995). In addition, the American Revolution, and its liberal creed, from the writings of Mill and de Tocqueville, underlined the imperatives of civil public and liberal institutions that

³³ One of the foremost philosophers of the Enlightenment Period, or the Age of Reason, in Europe was Tom Paine who placed reason above revelation (Paine, 1974: 49).

serve as foundation for liberal democracy. As indicated by de Tocqueville (1969:574), ‘I hold it to be an impious and execrable maxim that, politically speaking, a people has a right to do whatsoever it pleases; and yet I have asserted that all authority originates in the will of the majority’. Thus, people are entitled to their liberties, since the very essence of authority is in the exercise of freedom of the majority and minority. During the 19th Century, the context of liberal democracy was expanded to include the market ideology and the liberalization of trade, yet from the theoretical standpoint, democracy is interested in the hegemony of the people and the protection of their rights. On this plane, numerous studies have stressed the imperative and legitimacy of liberal democracy as a mechanism for equal opportunities and, and as the most preferred political system (Claus, 2011; Leon, 2010; Pace, 2009; Omotola, 2009; Chan, 2002, Plattner, 1998).

According to Plattner (1998:173), liberal democracy relates not to the issue of who rules, but rather to the manner of how that rule is exercised. Succinctly, it presupposes that government is restricted in the exercise of its power by the rule of law and/or by the constitution, but ultimately the liberties and rights of individuals restrict it. These rights and liberties are known as “fundamental human rights” and are traceable to liberalism. Their guarantee is significant elements of liberal democratic ideology (Plattner, 1998). Liberty, therefore, is a significant element of democracy. Put differently, ‘it is the great end of every democracy’, which creates the right ‘to rule and to be ruled in turn’ (Aristotle, cited in Mill, 1859: 391). Liberty is conventionally expressed through free, fair and competitive elections, which ensure that all adult men and women practically have the right and responsibility to vote and compete for elective positions (Potter, 2004). This indicates an inherent connection between liberalism and democracy. While liberalism uphold the right of individual, democracy ensure its exercise, since countries that routinize elections are more likely to be liberal than those that do not. Moreover, countries that protect the freedom of its people hold elections and demonstrate the tendency to institutionalize other liberal democratic canons; such as the rule of the law, constitutionalism, the separation of powers, political pluralism and a multiparty system and political accountability, among others (Potter, 2004).

The fundamental idea of liberal democratic theory, therefore, is conceived in its motivation for a political system, which safeguards individual freedoms, and a system of restraint, which subjects elected office holders to public accountability through the respect for the rule of

law³⁴ and constitutionalism³⁵. Liberal democratic theory is important to the democratizing state, as it underscores many core values and principles (such as the protection and promotion of basic human rights, accountability, and government limited by the rule of law). These principles are essential in attaining a stable and consolidated democratic system, since they ensure the protection of liberties and rights; they restrain exercise of government power too. Promoting the consolidation of democracy in many newly democratizing states, therefore, requires the compliance with these principles to guarantee and safeguard democracy from reversal and authoritarianism.

However, the universalization of liberal democracy was one of the consequences of the collapse of the Soviet Union and the backdrop of fascist and totalitarian regime, the need for an alternative system of government that safeguard collective interest of the majority and uphold minority rights has made liberal democracy one of the most accepted system or principle of government (Fukuyama, 1992). This is contrary to other forms of rule such as social democracy, which undermines freedom and choice. Such fortune has placed liberal democracy in a distinct light of recognition and global appeal. In the article wrote by Francis Fukuyama, titled, ‘The End of History’³⁶ in 1992, he argued in favour of liberal democracy by claiming that the at end of the Cold war, liberal democracy had become the globalized system of democratic government which has a profound and wide ranging acknowledgement. He further argued that the end has come for the confrontation of diverse ideologies, since the globalization of western liberal democracy has succeeded over other competing political and economic ideologies (Fukuyama, 1992). The triumph of liberal democracy, therefore, has engendered the dominance of liberal values and orientations. According to Omotola (2009:5), ‘the universalization of liberal democratic values with little or no contest from any quarters,

³⁴ The rule of the law can be defined as the specific rules and procedures, which serve as the underlining framework and norms that regulate the behaviour and conduct of political elites in all forms of political competition. It includes electoral law, electoral regulations and normative rules, which serve as the framework for the rules of competitive engagement in a manner, which ensures fair play, transparency and a level playing field. Although, the rule of law includes democratic norms and liberties, it should be interpreted by the non-partisan and impartial judiciary and not by any illegal institutions or their agent. While the rule of law is crucial to democratic consolidation, it also enhances the institutionalization of equality, fairness and constitutionalism, which are central to democratic consolidation (Schedler, 1998, 2001).

³⁵ Constitutionalism has to do with the strict adherence to the constitutional provisions and institutions relating to the structures and processes of democratic practice and safeguards, regardless of the interest of any of the political elites. Constitutionalism relates to the respect for the term limits and political institutions such as the the judiciary, legislature and the electoral management body.

³⁶ Francis Fukuyama’s wrote an article titled “The End of History” (originally published as an essay in the National Interest in 1989, reissued in extended form as *The End of History and The Last Man* in 1992).

would appear to be a moderating influence on the clash of civilization' as opined by Samuel Huntington (Huntington, 1996). As the most acceptable system of government, which stresses the dominion of the citizens across time and space, the intrinsic worth of liberal democracy is in the liberty and freedom of the majority (Odion, 2009). Although the efficacy and universalization of liberal democracy have been tested by the growing crisis of liberal democracy resulting in the call for alternative rule system (Bell, 2010; Blokker, 2009), its global reach as the most effective system of government, whose hegemony could not be challenged by other ideological alternatives, was further encapsulated when Fonte (2002:3) posited

In October 2001, Fukuyama stated that his end of history thesis remained valid: that after the defeat of communism and fascism, no serious ideological competitor to Western-style liberal democracy was likely to emerge in the future. Thus, in terms of political philosophy, liberal democracy is the end of the evolutionary process. There will be wars and terrorism, but no alternative ideology with a universal appeal will seriously challenge the principles of Western liberal democracy on a global scale. The 9/11 attacks notwithstanding, there is nothing beyond liberal democracy towards which we could expect to evolve'. Fukuyama concluded that there will be challenges from those who resist progress, but time and resources are on the side of modernity'. Indeed, but is modernity on the side of liberal democracy? Fukuyama is very likely right that the current crisis with radical Islam will be overcome and that there will be no serious ideological challenge originating outside of Western civilization.

This view about liberal democracy has influenced Janeck (2002) when he argued that liberal democracy has an intrinsic worth that can propel socio-political and economic development if properly institutionalized. He asserted that the reason why so many countries in Africa, especially in West Africa, seem to have challenges with their efforts of democratic consolidation is the absence of the 'liberal' content in the practice of their democracy (Janeck, 2002). The liberal content that Janeck was talking about is the issue of liberty, rule of law and constitutionalism that has 'shaped and restrained democracy' (Hobson, 2012:443). It is through this content that a free society, which is governed by liberty with the stipulation that norms and rules can be guaranteed in West Africa. The explanation of liberal democracy in contemporary practice is a daunting task given the need to draw a balance between the procedural and substantive conceptions of democracy. A procedural conception of liberal democracy underscores the exercise of individual freedom through elections and multipartyism as the basis of political change and succession (Gotze, 2012). Conversely, a

substantive conception of democracy underscores how the procedural conditions are legitimized and meaningful in the context that they promote liberty, equality and limited government (Gotze, 2010). In liberal democratic theory, the establishment of free, fair and meaningful competitive elections is an important element in the consolidation of democracy and it shows the exercise of civil and political liberties by the electorate. While the institutionalization of freedom through electoral competition is increasingly recognized as a key element of democracy (Rose and Shin, 2001), the insufficiency of this condition motivated Linz and Stepan (1996:16) to contend that ‘consolidation does not necessarily entail a high-quality democracy or a high-quality society’.

Held (1996) argued that voting through elections is by itself an inadequate form of participation, particularly in countries where voting has little or no meaning in the institutionalization of democracy. Although the sentiment that elections are central to liberal democracy has been illuminated in the literature of democratization, notwithstanding, they are inadequate in ‘effectively ensuring citizen control over political life, as authoritarian legacies, and elite dominated political parties limit informed electoral choices’ (Younger, 1991:1). This was why Zakaria (1997:8) noted that elections as a procedural requirement are not the only virtuous elements of liberal democracy, and hence there is a need to broaden the focus to constitutional liberalism. The point, therefore, is that liberal democracy makes sense only when their substantive and procedural aspects complement one another.

Therefore, showing commitment to modern liberal democracy or a democratic ‘Rechtsstaat’³⁷ is to combine the two traditions of ‘electoral and liberal’. This is because in the end of electoral democracy would not survive without the guarantees of the principles of liberal democracy. The existence of liberal principles in a democracy, such as the rule of law, individual freedoms, constitutional checks, and accountability, therefore, is the intrinsic values that make elections meaningful and enhance the prospects of democratic consolidation. Succinctly put, a liberal democracy requires more than simply periodic elections; it also means the existence of the rule of law, individual freedom, and constitutional checks and balances (Diamond, 2008). Hence, while elections do not make a

³⁷ A Democratic Rechtsstaat is a constitutional state in which the exercise of government power is constrained by the law. It is borrowed from the German jurisprudence, which translates to legal state, or state based on justice and rights. In recent times the concept of a Democratic Rechtsstaat has come to be tied to the Anglo-American concept of the rule of law, but differs slightly from it, because of its emphasis on what is just (natural law, rationality, equity and morality among others). In a Rechtsstaat, the power of the state is limited in order to protect the citizens from arbitrary exercise of authority (see Sikenat, Hickey and Bareboin, 2014).

government undemocratic, it could become so if it lacks key components of liberal democracy such as the rule of law and constitutionalism. As argued by Zakaria (1997), constitutional democracy, the rule of the law and the protection of individual liberty are more essential than representative government. Accordingly, he claimed that there should be the institutionalization of ‘liberal autocracy’;³⁸ that the approval of elections as the core elements of democratic ordering has been responsible for the causation of ‘illiberal democracy’. That is an ‘unreservedly elected regime that refuses to safeguard basic liberties or constitutional liberalism’ (Zakaria, 1997: 14). Deriving from this, and given the instructiveness of Zakaria’s argument, using elections as an exclusive indicator of democracy is an abrogation of liberal democracy rather than an indicator of its consolidation. The consequence of this is the increasing number of undemocratic or hybrid regimes³⁹ which are ‘neither consolidating nor fully democratic’, given the manner at which the political elites are undermining democratic rules and procedures (Afrobarometer, 2009).

1.2. The Structural Underpinning and Fundamental Concepts of Liberal Democratic Theory

Liberal democracy rests on many principles that define its functionality in the governance of the political society. It rests on certain principles as its fundamental norms and safeguards. These principles include: the rule of law; constitutionalism and political accountability. These principles are not only intertwined, but they also give direction and reinforce one another. For example, the rule of law is the supremacy of the constitutive and regulative laws over individuals irrespective of their position, status and interest (Adebola, 2012); constitutionalism, on the other hand, has to do with the strict adherence to the rule of law. The notion of constitutionalism, therefore, summed up political accountability, that is the transparency and accountability of actions and rules by the rulers in line with the institution and constitution of the country (Adebola, 2012). This certainly is the fundamentality and the main divers of liberal democracy. This is because without the rule of law and constitutionalism, which regulate the behaviour of political actors, political elites may choose to undermine accountability and instigate anti-democratic alternatives. This is why the principle of the rule of law and constitutionalism has been viewed as the dominant foundation

³⁸ Liberal Autocracy as espoused by Zakaria (1997) is that liberal democratic principles such as constitutional democracy, the rule of law and the guarantee of civil liberties should be forcefully foisted on democratizing state (see Diamond, 2008).

³⁹ Hybrid regime is a governing system in which despite regularity of elections, constitutionalism and liberties are frequently denied (see Karl, 1995).

of democratic consolidation, which compels accountability, but also defines the behavioural, attitudinal and constitutional attribute of the political elite (Merkel, 2008; Diamond, 1999; Linz and Stepan, 1996; Di Palma, 1990).

1.2.1. The Rule of Law and Constitutionalism

In liberal democratic parlance, the rule of law and constitutionalism are the most significant mechanisms through which liberal democratic states define the limit and exercise of power (Gbesan, 2010; Diamond, 2008). They are also the safeguards through which democracy is strengthened and consolidated (Diamond, 1999; Merkel, 2008). The modern state is predicated on the attributes of the rule law and constitutionalism. A modern state is a *Rechtsstaat*, which upholds the rule of the law rather than arbitrary rules (Rose and Shin, 2001). Following this, the state guarantees liberties and equality by ‘predicting and rationalizing the administration of government’ (Rose and Shin, 2001:333). Consolidating democracy, therefore, entails the transition from an authoritarian regime to a state constructed on the foundation of the rule of law and constitutionalism (Diamond, 1999).

In liberal democratic theory, the conception of the rule of law and constitutionalism highlights the limits of the behaviour of political elites to avoid anti-democratic alternatives or uncertainty, which may arise because of arbitrary exercise of power. This is where the democratic values of the rule of law and constitutionalism amplify the liberal democratic precepts of tolerance, commitment and consensus among the political elites and the masses (Diamond, 1999). The notion is that political elites build sufficient political trust and capital in political institutions so that they can effectively promote equality and liberty with a view to engendering strong commitments to democracy and political life. This is where the role of the political elites is crucial to democratic consolidation. As argued by Merkel (2008:13), liberal democratic consolidation can only be achieved when the political elites regard the political system as legitimate and that there is no alternative political system. They, therefore, must adjust their attitude and value system to reflect the belief in the legitimacy of the liberal democratic system. This view has also been embellished in the studies of Diamond (1999), Ethier (1990), Przeworski, 1991 and Di Palma (1990).

In the argument of the liberal democratic theorists, political life must be institutionalized to enhance liberty and restrain the behaviour of political elites, as the institutionalization of

political life is the cardinal principle, which promotes a liberal democratic culture and values geared towards democratic consolidation. By using the rule of law and constitutionalism as the foundation of liberal democracy, the normative values and orientations of liberal democracy are internalized such that political elites habituate and abide by the rules of the game in their political interactions, even if their interests are affected (Diamond, 1999). Thus, political actors must not only be committed to democratic values, they must also habituate fundamental principles of the rule of law rather than the rule of men (Schedler, 2001). As Carothers (1998:100) has asserted, ‘democratic officials must give up the habit of placing themselves above the law’ to avoid democratic regression. For instance, the military intervention in politics in the Niger Republic was the consequence of Ahmad Tandja’s refusal to honour time limits when his two-term tenure expired in 2009⁴⁰. Similarly, the refusal of Laurent Gbagbo to relinquish power after he was defeated in the 2011 election in Cote d’Ivoire was the consequence of political instability, which resulted in a civil war leading to the loss of lives and property. Thus, political actors must ‘obey the law, the constitution, and mutually accepted norms of political conduct’ (Diamond, 1999: 69).

More importantly, the rule of the law and liberty are ensured through the principle of constitutionalism, and constitutionalism on the other hand constrains political elites to abide by the temporal limit of their rule. Under the liberal democratic rule, such behaviour reinforces the democratic pact or consensus, which indicates that all democratic actors are committed and are ready to abide by the dictates of institutions and rules (Di Palma, 1990). Accordingly, Gotze (2010:127) posited that ‘once rational bargaining and compromise have been achieved, all that is left for the political elites in the emerging liberal democracy is to become moderated in their political behaviour through the new liberal democratic institutions and adopt a commitment to those institutions’⁴¹. This, therefore, gives way for democratic political behaviour, habituation and political re-socialization of elites, given the pact and consensus to always abide by the rules and institutions. The assumption that political elites

⁴⁰ President Tandja refused to vacate office in 2009 after completing the maximum of two terms, as stipulated by Niger’s constitution. Despite the constitutional rules, Tandja dissolved the parliament, which disapproved of his third term and tinkered with the constitution to remain in power. President Tandja’s refusal to leave office culminated in the military intervention in 2010 (see Amaoudou, 2012:15).

⁴¹ There is a debate about the relationship between modernization theory and liberal democracy. It been argued that modernization is concomitant to democracy and that modernization would bring about democracy. The mainstream literature covers the 1970s and 1980s as many countries such as Taiwan and South Korea, which are developing countries, attained democracy through economic growth and development. The institutionalization of democracy in many developing countries, without the corresponding economic development, has exposed flaws in the modernization argument (see also Lipset, 1965; Iglehart and Welzel, 2009).

must create a democratic pact that is rooted in liberal democratic principles is, therefore, reinforced by constitutional democracy, which guarantees the liberty of individual rights but also limits the behaviour of political elites through the rules and democratic norms.

1.2.2. Political Accountability

In relation to the issue of the rule of law and constitutionalism, accountability is an important principle of liberal democracy. Liberal democratic theory emphasizes the place of accountability, especially accountability in government and of the political elites. This mechanism is significant in the sense that it does not only define democratic rules and procedures, but it also entrenches the limits in the exercise of political power. It is a mechanism, which ensures political elites do an audit of exercise of power and discretionary uses of their office (Schedler, 2001). As Clause (2011: 456) noted, ‘it is the presence of these mechanisms which serve to hold ruling elites accountable for what they do, including what they fail to do’. In other words, the accountability of government in liberal democracy asserts that ruling elites or representatives must be subjected to scrutiny in order to ensure that they do not exercise power arbitrarily, and that power is exercised according to the constitution and institutional norm of procedures. Rakner, Menochal and Fritz (2007) identify three distinct forms of accountability in liberal democracy. According to them, the first is ‘vertical accountability’. This kind of accountability is exercised when ‘the electorate calls their leaders to account through the mechanism of elections’. This opportunity gives the voters the rights to scrutinize, legitimize or reject their leader by either voting for or against them in their assessment of how well they have performed in office (Rakner, Menochal and Fritz, 2007). As argued by liberal democrats, the absence or perversion of this type of accountability undermines the civil and political rights of the citizens, violates the rule of law, and is an ‘abrogation of the electorate’ (Adebanwi and Obadare, 2011:1). The second form of accountability is ‘horizontal accountability’. This mode of accountability speaks to autonomous organs of government and institutional structures that ⁴²serve as checks and balances on one another, especially in the case of the abuse of constitutional power. As O’Donnell (1996:40) stated, ‘state institutions are authorized and willing to oversee, control, redress, and if need be, sanction unlawful actions by other state institutions’. This mechanism

⁴² Autonomous organs of government and institutions are independent institutions of government and other agencies which act on behalf of the state. Such institutions include the judiciary, legislatures and the executive and other constitutive agency of the state like Code of Conduct Bureau (CCB) and the Independent Corrupt Practice Commission (ICPC) (Adebari, 2014).

stresses the notion of the separation of power, as government institutions and organs serve as watchdogs over one another. The third form of accountability, according to Schedler, et al. (1999), refers to the role of civil society and whistleblowers (the independent press, civil society, civic associations and other non-governmental organizations) in shaping the behaviour and actions of the government by serving as checks on government officials. What the above principles of accountability stress is liberties, the rule of law and constitutionalism. It, therefore, means that political elites must present themselves for accountability through the canon of the rule of law that is widely publicized, and enforced according to laid down procedures.

In many West African countries, a major challenge of liberal democracy is its substitution for electoral democracy in the process of placing too much faith on electoral practice. Although electoral democracy is adjacent to liberal democracy, it does not amount to liberal democracy. The conduct of periodic elections in many West African countries is being reduced as the practice of liberal democracy, yet many of these elections lack the minimum criteria to qualify as liberal democratic elections. This is because these elections have been marred by extraordinary displays of electoral rigging, fraud and manipulation as well as the violation of the rules and procedures that make them meaningful (Rawlence and Albin-Lackey, 2007). In Nigeria, for instance, the seemingly lack of credibility and condemnation of the electoral process is the consequence of the growing electoral malpractice and irregularities exemplified by the absence of freedom and constitutionalism (Alademeji, 2012). Even where elections reinforce democratic consolidation in West Africa, there are serious concerns in the way in which political elites adhere to the rule of law, constitutionalism and the protection of liberties. The flagrant breaches of these principles have been responsible for wanton violence and the regression of democracy in the sub-region, as witnessed in Kenya in 2007, Cote d'Ivoire, 2010, Nigeria in 2011 and Senegal in 2012. For democratic consolidation to be attained in the sub-region, the assumption that a consolidated democracy ought to be constructed on a constitutional order, which necessarily must include the rule of law, (constitutionalism and civil liberties), coupled with free, fair and credible elections (Gbesan, 2010: 20), must be taken seriously.

Although liberal democracy is surveyed within the context of the two countries under investigation in this study – Nigeria and Senegal—many compelling reasons have been adduced on the limitation of the theory in explaining elections and democratic consolidation

(Tars, 2010; Omotola, 2009; Ake, 1993; Joseph, 1997). For example, Ake (1993), by interrogating the feasibility of liberal democracy in Africa, argues against liberal democracy in favour of an African democracy. According to him, 'African democracy will de-emphasize the abstract political rights of liberal democracy and stress tangible economic rights, considering the prevailing economic conditions, which have given rise to the level of poverty in Africa' (Ake, 1993:33). As also pointed out by Joseph (1997), the adoration of liberal democracy in the African context, has insulated the people from participating in economy of the state with the hegemonic class still manipulating state apparatus in their favour. This point further buttressed Ake's (1995:39-40) argument that 'democracy is being interpreted and supported in ways that defeat these aspirations and manifest no sensitivity to the social condition of the ordinary people of Africa'. This is so because the reality in many African countries shows that political elites are less committed to democratization and their attachment is often a strategy of acquiring political power for the purpose of personalizing or elongating their power.

Whatever the inadequacy of liberal democracy as it is practiced in West Africa, the truth, however, is that there is consensus that any system of government governed by liberal democracy is a more participatory and inclusive system of government which is clear departure from authoritarian and military rule. The fact that authoritarian and military regimes in many West African countries had given way for more inclusive governance and participation (through periodic elections and democratic rule) assumes the significance of liberal democracy in West Africa (Omotola, 2009b). As noted by Churchill (2009:12), 'liberal democracy is the worst form of government except for all the other forms that have been tried from time to time'; liberal democracy is not perfect as a political system but it is the best we have' (Pace, 2009: 6). Liberal democracy, therefore, if properly implemented through the principles of the rule of law, constitutionalism and the protection of liberties would lead to an orderly society where the quality of elections and institutionalization of other democratic principles would enhance the prospects of stability and consolidation.

While it can be argued that several theoretical frameworks such as the Marxist theory, group theory, social democratic theory, deliberative theory, among others, can be used to analyze democracy, none of these is sufficient to examine elections and democratic consolidation nor better to do so than liberal democratic theory. Indeed, the ideals of liberal democracy stress the place of free and fair meaningful democratic elections, as well as other democratic

principles such as the rule of law and constitutionalism that promote orderly democratic society.

1.3. Elite Theory

In addition to liberal democratic theory, this study also adopts *democratic elite theory* as a suitable framework for explaining elections and democratic consolidation. Elite theorists are traceable to the writings of Pareto (1935), Michels (1915), Mosca (1939) Putnam, (1976), Francis (2011), among others. To be specific, the writings of Mosca, Pareto, Michels and Francis constitute a paradigm shift from which a general theory of elites and democratic consolidation are derived. In the conceptualization of “elites”, this study disengages itself from the sociological conception that conceives elite control and hegemony in the political process from the ‘futility thesis’⁴³ (Putnam, 1976; Pareto and Finer, 1969). In this conception elites are viewed as a social stratum, which is relatively homogenous and self-perpetrating, with a tendency to dominate the political process (Von Deopp and Villalon, 2005). Following from this, a key issue in this study is how this group exerts its control on power, by marginalizing other groups, and the consequences emanating from such. On the contrary, while in this dissertation I will use the term political elites, my attention will be on their role as individual actors with agency in the electoral process. I define political elite as the governing elites and other dominant and contending groups, including political, economic, ethnic, military, administrative and religious, which play a crucial role in determining the process and outcome of political and state control. In other words, while the conception of elite is not exclusive to the ruling elite, they include other groups contending for state and political control. Put succinctly, they consist of political leaders, industrialists, military officials and religious leaders who in one way or the other fundamentally affects political outcome (Wright-Mill, 1956). Consequently, the role played by these groups of elites has implications for the institutionalization of democracy in many democratizing countries, especially in West Africa. Whether political elite acts either as individuals or in unison, elites, through their value systems and orientations, shape the way, democracy is institutionalized (see Francis, 2011).

⁴³ The “Futility thesis” presupposes the thesis, which claims that elites are those with superior endowments, or organization capacities (see Mosca, 1923/1939, 51; Pareto, 1915/1935; Michel (1915/62).

As a result, I focus on elites as a faction of political actors, and interrogate how their attitudes, behaviour and value systems shape democratic processes and outcomes. Thus, my understanding of elites is underpinned by the work of Burton, Gunther and Higley (1992) whose research on democratic consolidation in Latin America and Southern Europe correspondingly interrogates the key role played by political elites (Burton, Gunther and Higley, 1992). These scholars conceptualize elites as ‘those persons who are able to affect national political outcomes regularly and substantially’ (1992: 9). Elite influence on the national political outcomes is a consequence of their ability to manipulate and exert their will to considerably determine the processes, outcomes, rewards, policy choices and the character of the political process (Burton, Gunther and Higley, 1992).

Thus, the theory of elites can be located within the context of the expanding studies of elections and democratic consolidation (Weingast, 1997; Diamond, 1999; Francis, 2010; Bratton and Van de Walle, 1997; Carothers, 2002; Von Deopp and Villalon, 2005). In these studies, some scholars stress the role of elites in the consolidation of democracy, but also insist that other factors that are structural and institutional are more crucial than the role played by the elite (Moore, 1996; Stephens and Stephens, 1992). For example, Przeworski and Limongi (1997) in their comprehensive national study stressed the imperatives of institutions and socio-economic factors, in explaining democratic consolidation. Although Przeworski (1992) discusses both structure and agency, which stresses that democracy is ‘when all interests are subjected to fair political competition’, a fundamental flaw in these studies is that they relegate the role of the elite to the background; yet elites are crucial actors whose behaviour and value systems can influence institutions and political outcomes. In a circumstance where political elites fail to adhere to institutional rules and procedures, institutions would not only be vulnerable, but they would also lack the capacity for moderating political interactions (see Francis, 2011).

In the light of this, the role of elites in the consolidation of democracy deserves a significant place among the indicators determining the meaningfulness and stability of democracy (Bounce, 2000; Linz, 1986; Bratton and Van de Walle, 1997). As buttressed by Carothers (2002), the institutionalization of democracy and its consolidation is only feasible in the light of the decisions, behaviour and actions of the political elites. A key weakness in their assertion is that it is not in all cases that elite decision and behaviour shape democracy. Also,

evidences in many of the third wave democracies show that political elites undermine democratic consolidation more than they nurture it (Von Deopp and Villalon, 2005).

While Bratton and Van de Walle (1997:235) asserted that ‘democracy is not possible without democrats’, the value system and disposition of elites is the ground upon which democracy can be nurtured’. In the same vein, Diamond (1999) argues that political elites are crucial for the stability and consolidation of democracy, probably not due to their negative behaviour occasionally, but most importantly, the consequence of their commitment to democracy. As viewed by Francis (2011), elites are crucial players in democratic viability and sustenance, especially when they are able to reach consensus and agreement of issue of common democratic interest.

From the extant literature on elites, two fundamental, analogous arguments have been advanced in relation to how political elites contribute to, or undermine, democratic stability (Burton and Higley, 1992; Kadushin 2008; Higley and More, 1981). This argument is premised on the structural integration and value consensus of political elites with respect to democratic institutionalization and consolidation. The structural integration ‘involves the relative inclusiveness of formal and informal networks of communication and influence among elite persons, groups, and factions’ (Burton and Higley, 1992:4). On the other hand, the value consensus ‘involves the relative agreement among elites on formal and informal rules and code of political conduct and on the legitimacy of existing political institutions’ (Putnam, 1976: 23). Burton and Higley, (1992: 4-5), categorized these perspectives into three significant types of national elites. The first type of these elites is the disunified elite whose value system is based on distrust and disagreement. Their structural integration and value consensus is usually marginal, given the absence of consensus and agreement among them. In the disunited elite type, communication and influence networks do not cross-factional lines and factions disagree on the rules of political conduct and the worth of the existing political institutions (1992: 4). Elitism, in this structure, is predicated on a ‘winner-takes-all’ scenario in which political competition was perceived as a zero-sum game. Several regimes with disunified political elites are largely politically unstable considering that political space is often a product of disagreement on the rules of the game, with the viability of the existing political institutions fiercely contested. The outcome is frequently conflictual and violent, especially where they pursue their interests outside the existing democratic institutions (Francis, 2011). Under these circumstances, political elites do not value political institutions

in their own right; rather, they employ anti-democratic and extra-legal means, to determine political outcomes. Such was the friction, for example, among English elites, which led to the civil wars between 1642 and 1660.⁴⁴ While a brief civil war between opposing elites in Switzerland in 1848⁴⁵ was also illustrative of how the elite can undermine the national interest, when they are disunited (Higley and Burton, 2006; Tilly, 2004). More importantly, the disunited nature of the political elites in Nigeria has been responsible for the lack of elite circulation in power until 2015.

The second is the ‘consensually unified elite’. As the word implies, these types of elite are ‘structurally integrated with communication networks which overlap across their value consensus and are mutually inclusive’ (Burton and Higley, (1992: 4-5). Consequently, no single elite faction dominates as most of them have considerable entry to the regime. They agree on the democratic rules and procedures of the game and respect the viability of political institutions. As Sartori (1987: 123) noted they tend to see political outcomes and control in a ‘positive-sum or politics-as-bargaining terms’. Although, conflict is inevitable due to conflicting interests, the principle of ‘restrained partisanship and institutional commitment’ in the words of Di Palma (1973) has always served as a strategy of conflict resolution within this type of elite group. Such principle of conflict resolution is what Przeworski was referring to when he contends that conflict was processed through the inside (Przeworski, 1992). To put it aptly, ‘when political elites act within the institutional framework of democracy, they constitute the equilibrium of the decentralized strategies of all the relevant forces’ (Przeworski, 1992:26). In other words, the equilibrium alluded to by Przeworski is the one that generates the political line, between formal rules and the behaviour of political elites.

While regimes in countries with consensually unified elites are stable, democratic and have access to information, their consensus and agreement about the rules of democratic engagement and institutions have always been an incentive that prevents them from anti-democratic behaviour (Burton and Higley, 1992). Consequently, it can be argued that

⁴⁴ The civil war in England, which lasted between 1642-1660, was the consequence of the political frictions and sequence of armed conflicts between the parliamentarians (Roundheads) and the royalists (Cavaliers). The aftermath of this war ensured that the monarchy does not rule without the parliament (see Atkinson, 1911; Flinham, 2008).

⁴⁵ The 1848 civil war in Switzerland is called the ‘Sonderbund war’ (separate alliance). The political elites of the seven Catholic Cantons formed an alliance to create an independent state against Federal Diet (Federal Government) to prevent centralization. The proclamation of the Sonderbund as illegal and unconstitutional sparked the war. The defeat of the Sondabund in the war led to the transformation of Switzerland into a federal state (see Riverdine, 1997).

consensually unified elite is more stable and embedded in a culture of democratic representation in which democracy is seen as the interests of all, rather for a particular set of elites or sections. Despite their motivations for elite stability and democratic consolidation, consensually unified elite also have the tendency to reverse into other form of elites that are anti-democratic if their corporate interest is seemingly threatened. This situation is evident in many countries in Africa where the political elite enter into coalitions for personal interest rather than in the interest of party strengthening or democracy. A classic example is the case of Senegal where political elites have been unified, striking alliances and coalition since the democratic inception of the country, yet such alliances have been guided by self-seeking and patronage benefits, rather than on the basis of consolidating democracy (Wahmann, 2010).

The third is the ideologically unified elites. This type of elite is structurally integrated and their values are uniform (Burton and Higley, 1992). According to Burton and Higley, (1992: 5) the value consensus among these political elites is monumental, since they tend to be ideologically fused. While these political elites share a common value consensus, many of its factions may also have their own ideology, which they identify with. This is not necessarily contradictory, as long as there is a common ground where all of the ideologies may be accommodated; they tend to maintain their elite structure and stability. As Schulk (2010) posited, ideological commitment is the foremost strategy of reproducing power under the ideologically unified elite. Regardless of how illogical or immune to new and pragmatic information such ideas are, political elites commit to them, but not necessarily for generating anti-system tendencies (Schulk, 2010).

While it is pertinent to stress that this mode of elite is not relevant to this study, it does help us to understand the various strands of elite categorization that 'represents standards, parameters or models against which concrete instances can be compared in terms of greater proximity' (Sartori, 1976: 145). Ideologically unified elites are not common in many democratizing countries in Africa, as most exhibit a disunified elite type. This is because of increasing challenges of transition and democratic instability, where political institutions are vulnerable and authoritarian and military intervention in politics is uncommon.

However, this is not to say that the unstable nature of disunified elite does not preclude the absence of compromise. The potential risk in sustaining political control and the interests of the factions of the disunified elite may account for such changes. In many transitional

democracies, compromise among political elites is the consequence of two related factors. Firstly, opposing factions of the disunified elites may form broad alliance to win elections, as was the case in Senegal in 2000 when the opposing and ideologically different parties formed the Sopi-coalition to displace the long ruling Socialist Party (SP) regime that has been in government since 1960. What this indicates is that political elites can alternate between unified and disunified elite types depending upon strategic interests. Although this strategy has been the basis of democratic change and alternation in power in many countries in Africa, consensus by disunified elites usually breaks down after the objective of the coalition was realized.

A fundamental question that is of concern to this study is what explains elites' engagement in behaviour that undermines or promotes democratic consolidation. Von Deopp and Villalon, (2005) identified three basic factors. The first factor was the 'voluntariness condition'. This issue views the value system of the political elite in relation to democracy as largely un-problematized. Linz (1978), in studying democratic regime breakdown, offered a significant example of this type by concentrating on elite actions rather than the motive behind such action. This is so because if political elites do believe in the efficacy of democracy, they may choose other options, rather than behaving in a manner, which leads to democratic breakdown. As Di Palma (1990) further noted, the defining moment of such behaviour is their ability to choose among alternatives on the rules and practice, which sustains democracy and the options that undermine it. The reasons why other contending or marginalized groups decide to respect or subvert democracy may be contingent on the behaviour of the dominant political elite.

The second factor is the normative environment in which elites make their decisions. According to Von Deopp and Villalon (2005:10), the behaviour of 'political elites with respect to democratic institutions is related to habits and attitudes developed over time'. This attitude is a product of the dominant political culture consistently shared and practiced by the elite. Burton, Gunther and Higley (1992: 11) called this orientation 'attitudinal consensus on the rule of the game among key players'. It expresses preference for political coalition and consensus rather than the politics of antagonism. Although, consensus politics is hard to come by among elites in new democracies due to the premium attached to political power, it is the common norm of behaviour among the elites that determine how the political elite would behave at a given circumstance, given the uncertainty of democratic outcome. This is

why the interests of the elites, rather than their attitudinal norms, is a strong determinant whether they promote or subvert democracy. This is the argument of Rustow (1970:344) when he noted that, ‘democracy emerged not as a result of the rise of democratic norms, but even when circumstances tricked, lured or cajoled, non-democrats into democratic behaviour, it does not mean they are true democrats’.

This point is related to the third factor, which is the strategic interest of the elites. The value-orientation and decisions of political elites is a cause of their strategic interactions and rational choices, which is predicated on interest seeking, even if their interest is anti-democratic. This factor seems to be the most prominent one, which underscores the real interests and choices of political elites in many newly democratizing countries, where the state is the arena of political control and resource distribution. Under this situation, political elites are more inclined to facilitate their selfish interests, rather than the collective interests of the people. As Kivuwu (2013: 4) poignantly argued, ‘political elites undermine the democratic rules and processes, when it is diametrically opposed to their interest and may choose to commit to the democratic rule when the risk outweighs its outcome’. The reason to which adduced by Kivuwu gives plausible explanation to the rising number of elites that display anti-democratic behaviour such as disregard for the rule of law and the constitution, the perpetration of violence and electoral manipulation when their interests are on the line. While the three factors identified by Levine clearly provide insights on how elites structure their commitment to democracy, they do not clearly show how elite behaviour is constrained within the context of institutional norms. Institutions establish norms, which shape the value orientation and behaviour of political elites. As argued by Francis (2011:284), ‘attaining institutional democracy is to moderate the behaviour of political elites within the purview of the democratic political institutions and procedures’. It is through this that institutional cooperation is established to structure the value system and behaviour of the political elites within the context of institutional parameters (Przeworski, 1995). In the words of Przeworski, (1995), it ensures that uncertainty is institutionalized for democratic outcome and consolidation.

Although, elite theory has been criticized for having no ideational vision of democracy, nor does it have preference for altruistic value, it remains a viable theoretical framework for understanding the role of the political elites or agents in the process of elections and democratic consolidation. As argued by Di Palma (1990), the character of political elites in

shaping the rules of the electoral process is by far the most significant for the consolidation of an emergent democracy. Considering that elite compromise and consensus on democratic rules of the game is seen as a precondition for democratic consolidation, political elites are therefore key democratic players whose role cannot be underestimated in the democratization process.

1.4. Review of Literature on Elections and Democracy

In this literature review, I examine extant studies on elections and democracy. I focus on the conceptualization of elections and the key debates around it, the relationship between elections and democracy as well as the interrogation of the literature on elections and democracy in West Africa before delving into a discussion of democratic consolidation.

1.4.1. On the Concept of Elections

Extant literature on elections shows that there is no universally agreed definition. Scholars of different ideological persuasions have defined elections in different ways (Lindberg, 2006; Agbaje and Adejumobi, 2006; Adejumobi, 2000, Przeworski, 2000). Clearly, many scholars have focused on the issue of competition, participation and legitimacy. According to Agbaje and Adejumobi (2006), an election is a significant institution for engendering a representative government. To them, ‘apart from bringing about changes in leadership; it also enhances political accountability, citizens’ participation and gives voice and power to the people’ (Agbaje and Adejumobi, 2006: 1). Elections are an acceptable medium for generating political leadership through the participation of the people. As noted by Joseph (1990), a modification in any democratic system usually occurs through the power of elections, because any political system, which undermines the significance of elections, is institutionalizing authoritarianism and political decay. Elections, therefore, serve as the mechanism of mobilization and legitimation of support for the government and its agents (Omotola, 2009). This was why Ojo (2007a) had noted that elections strengthen state power and authority. For him, it is the ‘opportunity to participate in elections that convince the citizens of the responsiveness of the government in which legitimacy is derived’ (Ojo, 2007a: 7). Indeed, elections are fundamental norms of democracy that can regularly confirm and reinforce the legitimacy of the democratic system (Lewis, 2005). By creating channels for political participation and change of leadership, elections represent a cornerstone of democratic rule and the litmus test for distinguishing between democracy and other forms of

government, 'many of which would claim to represent the symbol of democracy without commitments to its necessities' (Lewis, 2004: 15). Thus, while elections signify the pillar of modern democracy, it is significant to the stability of a political regime and its consolidation. This view is predicated on a liberal democratic theory in which elections are seen as a vital principle of liberal democracy.

Elections have also been conceived from a radical theoretical position as an instrument of social change. Of course, this approach has also been criticized because of the way elections can be used to reproduce class hegemony, which undermines popular change. Thus, as posited by Adejumbi (2000:61), elections constitute a 'system of political and ideological reification of the hegemonic and power of the dominant class, a system of social acculturation through which dominant ideologies, political practices and beliefs are reproduced'. In such circumstances, elections present the citizen with little or no choice in the advancement of the democratic interest since the dominant class determines the electoral process and outcome (Adejumbi, 2000). Thus, political participation is an essential element of elections that becomes meaningless as the outcome of elections reflects the whims and caprices of the dominant political elites. As Gaetano Mosca (1964:5) observed, 'the representative is not elected by voters, but the ruler has himself elected by them'. More instructively, the electorate is disassociated from their choice and the exercise of political power is impeded (Ake, 1995).

It can be argued that Marxists disbelieve in elections as instrument of genuine change. This is probably a reflection of what Ake (2000:123) referred to as 'voting does not amount to choosing' or that 'winners and losers have often been determined before the contest and voters merely go through affirming electoral choices made by political gladiators out of the context of electoral norm and procedure' (Fawole: 2005:150). Yet, liberal democracy through its representative institutions, such as elections and liberties, constitutes the process of political emancipation necessary to achieve human liberation (Marx, 1975). The centrality of elections to human liberation and emancipation has led Sandbrook (1988) to conclude that liberal democracy and its fundamental principle of elections do not only offer the opportunity to the oppressed classes to advance alternative ideologies, but also constitute a significant step in the socialist advancement for democratic and economic domination.

In a democratic political system, apart from the fact that elections are as important as a system of regime change, 'elections fulfill a long list of functions. This include generating

and maintaining party systems, engendering equality, legitimizing regimes, installing governing officials, presenting citizens with choices, building communities, involving and educating citizens, preventing tyranny, enabling representation and provoking accountability and responsiveness' (Katz, 1997: 45). This list of functions underscores the totality of democratic components through which political participation and accountability are institutionalized as a fundamental element of democratic rule. This explains why democratic multiparty elections are universally regarded as an essential process of regime change in any democratic state. In the Schumpeterian tradition, the essence of democratic governance is at least, the competitive struggle for the people's vote (Schumpeter, 1947). In this minimal definition of democracy, elections are the minimal denominator and have thus been given universal acceptability in terms of how democracy can be conceived in the short term.

1.4.2. The Democratic Quality of Elections

In liberal democratic studies, scholars have raised questions about the standard of democratic elections and their connection to democratic development (Lindberg, 2006; Omotola, 2009; Schedler, 2002). As a result, Lindberg (2006: 30-32) identified three fundamental principles as central to the democratic quality of elections. These principles include political participation, political competition and legitimacy. In terms of participation, democratization studies have used institutional factors for the explanation of political participation. These institutional factors include voter turnout, opposition participation and authoritarian old guard (Lindberg, 2006). Participation is defined as the percentage of voters who cast their votes out of the total number of registered voters. Using the definition above, the main argument in electoral studies has been that the higher the voter turnout, the more the democratic quality of elections (Altman and Perez-Linan, 2002). In other words, while the percentage of voters who vote in an election suggests popular participation, it also defines the democratic quality of election.

The second principle is the participation of the opposition in elections. This principle is the degree of ability to which the opposition parties are able to take part in the electoral process without any hindrance (Lindberg, 2006). In the absence of this form of participation both the political parties and the electorate suffer from a lack of assurance over whether their votes will count. In such circumstance, elections become an 'institutional façade' (Adejumobi, 2000), which offers little or no democratic dividends since the electoral outcome is compromised through the restriction of liberty (Ballard, 2007:17). Thirdly, by the

authoritarian old guards, past dictators who became ‘democrats’ must shed-off their authoritarian orientations. If they don’t the democratic quality of the election is affected through reluctance by them to obey democratic rules and procedures. This reluctance serves as a threat to the quality of elections as well as to the prospects of democratic consolidation. This is why Lindberg (2006) claimed that those who do not embody political liberalization are not likely to advance it.

In examining the issue of competition, the democratic quality of elections is defined by four key factors; the ‘winner’s share of the votes’, the ‘winning party’s share of legislative seats’, the ‘second party share of legislative seats’ and ‘turnover of power’ (Lindberg, 2006:40-42). The winner’s share of the votes is percentage share of the sum total of valid votes cast. In spite of the fact that determining the degree of electoral competition seems vague, a key point that has come to the fore is that the closeness in voter scores by candidates, or among political competitors, is an indication of the degree of electoral competition (Lindberg, 2006; Schedler, 2002b). The problem with this view is that it is probable that the electoral outcome for parties might be altered through electoral fraud, campaign strategies ⁴⁶or even violence (Omotola, 2009). Similar reasons also suffice for the winning party’s share of parliamentary seats. A winning party that has a two-thirds majority in parliament is likely to use its domination to play a ‘winner takes all politics’ by using the power of incumbency to unlevel the playing field to stay in power. This is the trend with many of the ruling parties who have majority of seats in the parliaments in many West African democracies. Although the second party’s share of the seats in the parliament suggests some degree of competition, it is usually the case that the party with a majority in government usually benefits from the power of incumbency and state resources to limit competition.

Despite the imperative of competition in the democratic quality of elections, a major factor, which is missing in the literature, is the circumstances that influence the degree of competition. Such circumstance relates to what Levitsky and Way (2010:57-58) called the ‘level playing field’ for parties and their candidates. The extent to which the quality of the election can be measured is a function of the level playing field, which determines the degree of fairness and transparency (Levitsky and Way, 2010). For example, Senegal is an example

⁴⁶ This can occur when there is no level playing field for political parties to campaign equally and fairly in relation to electoral competition. In several African countries, incumbent political party have always been in the habit of skewing political campaigns through lack of access to airtime on government media, access to state resources and violence against the opposition during campaign enterprises (see Onapajo, 2014; see Suberu, 2007)

of a case where multiparty elections are held with little element of fairness or a level playing field, given the denial of political liberties, the controversial postponement of elections, the deliberate refusal to update the electoral register and the violation of democratic rules and procedures by the incumbent regime. Similarly, an uneven playing field has also been responsible for unfair control of the media against political opponents, the restriction of liberty and the use of intimidation and violence against opposition political groups. Therefore, elections may not in themselves guarantee democracy, especially when the conduct of elections lacks a level playing field. Therefore, the ‘certainty’ of the electoral process, which lends credence to the ‘uncertainty’ of outcome, should be institutionalized (Przeworski, 1991:40-41). This is essentially an inherent value of the democratic quality of elections.

Lindberg also identified the loser’s acceptance of elections results, the orderliness of elections before, during and after as indicators of the democratic quality of elections. In many third wave democracies, a common trend is the failure of losers to acknowledge the result of elections. Many political contestants do that to gain undue political sympathy and advantage. This justification finds empirical support in the common trend in which political parties only accept the outcome of elections if it is favourable to them (Omotola, 2009). Considering the numerous indicting reports of international and domestic election observers⁴⁷, it is possible to discount opposition protest and their rejection of the results in many electoral democracies in West Africa (Omotola, 2006; Obi, 2008). Consequently, Lindberg identifies tranquility and orderliness as the absence of violence during elections (Lindberg, 2006). This is where the process of elections (before, during and after) was completed without any threat of intimidation and violence in any form. However, the foregoing does not suggest that elections are not without their shortcomings, as the reality in many states of West Africa indicates (Menochal, Fritz and Rakner, 2008, Adebaniwi and Obadare, 2011; Lynch and Crawford, 2011).

In acknowledgment of the subversive contribution of elections, there is now growing collection of studies on hybrid or illiberal democracy or what is generally termed electoral

⁴⁷ A current debate has been on the rejection of electoral outcome by political parties in many African democracies. This is despite the lack of evidence of electoral malpractice during election. In most cases, much opposition political parties have rejects election results even when there are no bases for such. . This strategy constitutes a process of delegitimizing electoral outcome in many African countries. For example, the rejection of the 2011 Presidential elections result despite the report of the domestic and international election observer on the credibility of the elections was a classic example of opposition rejection of election result, even when elections are free and fair (see EUOEM, 2011; ICG, 2011; Gberie, 2011).

authoritarianism (Levitsky and Way, 2009; Ekman, 2009; Diamond, 2002). In his own contribution, Wilson (2005:2) refers to it as ‘faking democracy’. Elections in this regard constitute an institutional façade, which confers little legitimacy on democracy because of the abrogation of the minimum criteria of democracy. This is what is referred to as the ‘fallacy of electoralism’ (Karl, 1995:73) or what Adejumobi (2000: 59) termed as the ‘fading shadow of democracy’ in Africa. In a critical assessment of despotic political elites who skew elections to achieve power, Roth (2009: 140), figuratively refers to them as ‘despots masquerading as democrats’. According to him, their stratagem is the ‘nettlesome unpredictability of democracy’, by pretending to commit to democracy but deliberately undermining the process of democratic change (2009:141). They achieve this through electoral manipulation, the repression of political opposition, press censorship and the suppression of civil society. Even military institutions have also been used to curtail the prospects of democratization (2009:141). Thus, the subversion of the minimum international standard of democracy has led autocrats to conceive that by holding a regular election, regardless of its credibility or the conditions enveloping it, it is sufficient to be labeled democratic (Roth, 2009). This factor has attracted unhealthy criticism against those who advocate democracy in Africa (Carothers, 2006). The repercussion is the acceptance of controversial elections in the name of promoting democracy, rather than condemning the elections. This approach is ‘vague and unassertive, in a world where many leaders have learned to play a reform game with the international community by absorbing a significant amount of external political aid while avoiding genuine democratization’ (Carothers, 2009: 6).

The foregoing has two consequences. First, elections are instruments of liberal democracy, in which the citizens participate and determine their legitimacy. Although elections do not amount to democracy, they are significant elements of democratic consolidation. As Bratton (2002) argued, ‘election does not, in themselves, constitute a consolidated democracy, they remain fundamental, not only for installing democratic governments, but as a requisite for broader democratic consolidation. While election reinforces democracy, they are also used as Mechanism for legitimizing authoritarian rule and personalizing power (Adebanwi and Obadare, 2011). For this reason, many of the existing democratic governments in West Africa are more or less the symbolization of military or one party rule, as elections have become instruments of democratic subversion (Collier and Vicente, 2009).

1.4.3. Electoral Democracy

As its etymological derivations suggest, electoral democracy is basically the formal, procedural and institutional mechanism through which voters choose or elect their representatives in free elections (Mangu and Budeli, 2008). This institutional procedure is often viewed as the minimum conception of a democratic system. From the writings of Schumpeter (1943) to that of Przeworski et al. (2000), electoral democracy is commonly equated with the electoral process (Dalton, Shin and Jou, 2007). As an equation of the electoral process, it assumes that elections and institutions are at the core of the authority placed on elected representatives. This is where electoral democracy reinforces collective actions and decisions of the electorate. As notes by Schumpeter, (1942) it is the ‘institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle’ (Schumpeter, 1942:3). In that sense, electoral democracy places emphasis on the electorate as the decider of democratic power and the basis upon which democratic goals are set. This view was broadened by Robert Dahl in his *Polyarchy*, when he identified eight characteristics of electoral democracy. According to him, these characteristics include; ‘control over governmental decision about policy constitutionally vested in elected officials, relatively frequent fair and free elections, Universal adult suffrage, the right to run for public office, freedom of expression, access to alternative information that are not monopolised by either the government or any other single group, freedom of association (i.e. the right to form and join autonomous associations such as political parties, interest group etc.) and institutions for making government policies depends on votes and other expression of preference’ (Dahl, 1971:3).

Dahl doubts the possibility of achieving all of these criteria in any democratic context, given that these criteria are not easily realisable. According to him ‘no state has ever possessed a government that fully measured up to the criteria of a democratic process. As I hope to show, the criteria provide highly serviceable standards for measuring the achievements and possibility of democratic government....they do provide standards against which to measure the performance of actual associations that claims to be democratic. Notwithstanding, Dahl highlights of standards and institutional processes of electoral democracy has provided a clear demarcation between electoral and liberal democracy (Dalton, Shin and Jou, 2007). This was why According to Freedom House, ‘electoral democracy differs from liberal democracy in that the latter also implies the presence of a substantial array of civil liberties. In the survey,

all 'Free' countries qualify as both electoral and liberal democracies. By contrast, some Partly Free countries qualify as electoral, but not liberal democracies' (Freedom House 2012:33). From these standards, 'free and fair elections', 'responsive government' 'multiparty competition' and 'popular control or majority rule' has not served key element of electoral democracy (Dalton, Shin and Jou, 2007: 15); they have also become major themes with which procedural or electoral democracy is simply identified (Sorenson, 1996).

1.4.4. Elections and Democracy

The literature on the relationship between elections and democracy is a burgeoning one in the study of comparative democratization. Much of these studies are concerned about the interaction between elections and democracy (Jawan and Osinakachukwu, 2011; Hadenius and Omotola, 2010; Torell, 2007; Babawale, 2003; Eklit and Reynolds, 2002). Although these studies have generally investigated elections and democracy through a narrower lens, recent developments have shown that elections play a prominent role in the consolidation of democracy (Jawan and Osinakachukwu, 2011; Lindberg, 2006). Several useful global and regional studies have also concluded that an election is the heart and soul of democracy (Schedler 2002; Lindberg, 2006; Bogaard, 2007; Moehler and Lindberg, 2009; Adebani and Obadare, 2011). These studies essentially established causality and make a strong case on the imperative of elections for democracy. For instance, Lindberg (2006:145-150) claimed 'that there is an inherent value in holding elections even if they are 'not free and fair'. Based on an analysis of 232 elections in Africa between 1990 and mid-2003, Lindberg noted that repeated elections appear to have a positive impact on human freedom and democratic values (Lindberg, 2006). In sub-Saharan Africa where countries have undergone cycles of consecutive elections, the majority have increasingly become democratic. For this reason, he argued that the more that there are successive elections, the more the potential for democracy is realized (Lindberg, 2006). In stressing the intrinsic worth of elections for democracy, Lindberg also built on the foundational studies of Bratton and Van de Walle (1997) and Bratton (1999) to 'evaluate several methodological approaches to the study of elections as they relate to democracy' to concur with his thesis about the 'surprising significance of Africa's elections' (Lindberg, 2006: 2). Elsewhere, this position was substantially supported by the empirical study of Bounce and Wolchik (2009: 2) when 8 out of the 14 elections were attempt successfully resulted in the ousting of semi-authoritarian rulers in post-communist

Europe and Eurasia between 1996 and 2006. This is what they referred to as the ‘electoral model of democratization’ (Bounce and Wolchik (2009: 2).

Fundamentally, elections are decisive in the measurement of democratic consolidation (Vanhanen, 2004). In spite of the insightful submission of Lindberg on the imperative of elections to democracy, his theorization is not without its own deficiencies. Lindberg claims that elections cause democratization whether or not they are free. This position is problematic considering that Lindberg seemingly ignored the consequences of flawed or controversial elections to democratic development. The scenario where flawed and controversial elections have led to chronic violence in Kenya in 2007, Nigeria in 2007 and Cote d’Ivoire in 2010 challenges Lindberg’s conclusions. However, the role of elections of democratic quality in consolidating democracy cannot be overemphasized. As noted by Sandbrook (1998: 241) ‘habitual competitive and meaningful elections, representing the sovereign views of the citizen in any polity, constitute a decisive factor and perhaps a fundamental condition in the assessment of democratic consolidation’.

In the democratic consolidation literature, elections are gradually becoming an indicator for measuring democratic consolidation (Huntington, 1996). Scholars who claim that successive elections explain democratic consolidation in some West Africa countries have used this criterion. On this premise, countries such as Ghana, Senegal, The Benin Republic, Cape Verde and Sierra Leone have been dubbed to be democratically consolidated, while others like Nigeria, Togo, Cote’ d’Ivoire, Mauritania, Niger, Burkina Faso have not (Alademeji, 2012, FHI, 2013). While it is rational to describe Ghana, Senegal, The Benin Republic as democratic as and freer than after their transition elections, it would be counterproductive to conclude that the process of democratic consolidation has been completed in these countries (Richard and Chill, 2001). This is because many of these political elites still frequently undermine democratic rule, constitutionalism and liberties (Richard and Chill, 2001). It is fallacious to claim that countries are democratically consolidating when elections lack minimum standards and principles, or when democratic values are not ingrained in political life before and after elections. This is the major concern of this study. The regularity of elections in the absence of the rule of law, constitutionalism and the protection of liberties, even if those elections were free, would not engender democratic consolidation.

It is based on this premise that some scholars are curious about the proclivity to consider a government as democratically consolidated on the grounds that they hold multiparty elections

without institutionalizing other fundamental principles of liberal democracy especially the rule of law and constitutionalism (Diamond, 2002; Carothers, 2002). While it is probable that some countries are democratizing through the mode of elections, the reality across the West African region is that the majority of the democratizing countries are clearly hybrid regimes, which are neither democratic nor democratically consolidating (Afrobarometer, 2009). In fact, some are best described as forms of ‘defective democracy’ (Merkel, 2004), with many of the states convincingly categorized as somewhat new forms of electoral or competitive authoritarianism, since they fail to meet the minimum standards of democracy (Schedler, 2002). In these illiberal democracies, ‘free, fair and uncontroversial elections are usually the norm, but the period between one election and the other are usually characterized by high levels of incumbent manipulation in the attempt to counterbalance institutional check and balances’ (Rakner and Svasand, 2013:366).

Although the ‘greyzone’ inherent between democracy and autocracy is not novel in the lexicon of democratization (Carothers, 2002), what is, however, new is the way hybrid regimes are now being recognized as absolute forms of political regimes in the democratization debate (Casani, 2013). Empirically, this is why it is difficult to conclude that Senegal is a democratically consolidated regime, considering the lack of a level playing field, the persecution of political opposition and controversial changes to electoral rules and the constitution (see chapters five and six). This is the reason Levitsky and Way (2010) describe Senegal’s regime ‘as electoral authoritarianism’, rather than consolidated democracy, in spite of the free and fair elections and the two-time power alternation. Indeed, evidence globally has shown that not all transitional regimes, even those that are committed to competitive multiparty elections, culminate in representative democracy (Bratton and Van de Walle, 1997; Levitsky and Way 2002).

The debate about hybrids and electoral authoritarianism has become more pronounced with scholars contributing to different dimensions of it. For example, Levitsky and Way (2002) and Schedler (2002), identify the emergence of hybrid regimes; Blaydes (2008) and Brownlee (2007) discuss how this regime functions; and Brownlee (2009) and Lindberg (2006) opined on their continued survival. These studies, as much as they make important contributions to the phenomenon of hybrid types, also raise challenges for understanding democratic consolidation. As Epstein et al (2006: 566) usefully asserted that:

the political prudence of the consolidation of democracy is fundamentally unpredictable. Because of the uncertainty, it therefore means that while hybrid regimes could affect democracy negatively, it could also affect democracy positively, since even many of the dictators, no matter how unfree and unfair, are organizing multiparty elections (Bogaards, 2007:1220).

Going by the above, I disagree with Bogaards in his claim that hybrid regimes, on the basis that such regimes are conducting elections, have a positive correlation for democracy. These only promote the institutionalization of anti-democratic norms, including a lack of free and fair elections, an unlevel playing field and the abuse of democratic rules and procedures. Such claims that they do provide a foundation for democracy 'lack empirical foundation' (Levitsky and Way, 2010:4). Regime hybridity or 'electoral authoritarianism' is evident in diverse ways. It can be in an extensive 'menu of manipulation' or stratagem in which political elites may damage the democratic quality of elections (Schedler, 2002:42). For example, in Senegal the deliberate postponement of the 2007 general election and the deliberate refusal to review the electoral register was suggestive of how political elites' damage of the democratic content of elections. Furthermore, such electoral façades or what Karl, (1995) called the 'fallacy of electoralism', only offers little institutional or structural improvement with the tendency to erode the substantive form of democracy (Keating, 2011). This was the case in Nigeria during the 2003 and 2007 elections where elections manifested institutional breakdown because of electoral fraud and manipulations. This has accounted for the growing post-election controversies and democratic instability in Nigeria. As a result, Schmitter and Karl (1991), among other scholars, have cautioned against the 'fallacy of electoralism', by using flawed elections as an exclusive measure for democratic success. As further noted by Carothers (2002: 7), 'the exclusive focus upon elections risks the important issues associated with democracy'.

While supportive of the fact that democratic consolidation consists of far more than elections, they remain fundamental even if they do not lead to democratic consolidation (Bratton, 1998). The repeated manipulation of elections in an attempt to gain or hold on to power by political elites in many democratizing countries has stalled democracy and precipitated political instability. For example, Ivory Coast in 2009, Nigeria in 2003, 2007 and 2011, Guinea in 2008, Guinea Bissau in 2009 and 2012, Niger 2010 (Fomunyoh, 2012) were all cases of democratic reversal due to the consequences of flawed and fabricated elections. These cases provide an example of how electoral democracy such as the one that led to a

peaceful alternation of power in Mali for 20 years can be preceded by ‘democratic reversal’ (Diamond 2008). While elections have become the norm in West Africa, in the absence of liberal democratic principles, they have proven to be a façade rather than significant for democracy (Adebanwi and Obadare, 2011).

The issue, therefore, is not whether electoral democracy is the norm in West Africa, but what is the nature and character of elections being effected by the political elites. Many of these elections lack the basic requirements of liberal democracy, especially the principles of the rule of law and constitutionalism. Although electoral and liberal democracies have a significant correlation to one another, electoral democracy is incomplete without liberal democracy. In other words, ‘electoral democracy and liberal democracy constitute normative horizons for each other. While electoral democracy appears as liberal democracy’s horizon of avoidance, liberal democracy appears as electoral democracy’s proximate horizon of attainment’ (Schedler, 1998:95). Thus, the relationship between electoral and liberal democracy, therefore, underscores the point at which electoral democracy becomes meaningful and legitimate, but also the degree at which liberal democracy move towards consolidation. Thus, while it is safe to argue that free and fair, credible elections are good for democracy, they require the fundamental values of liberal democracy such as the rule of law, constitutionalism and liberty to legitimize them as an instrument of democratic consolidation.

1.4.5 Elections and Democracy in West Africa

There is a burgeoning literature on elections and democracy in West Africa. Many of these studies indicate the bleak prospects of democratic consolidation (Gbesan, 2010; Adejumobi 2000; Lynch and Crawford, 2011; Adebanwi and Obadare, 2011). In West Africa countries, the current concern is whether elections have been sufficiently institutionalized for democratic consolidation. While the regularity of elections is becoming the norm, this is set against the backdrop of an authoritarian past, which had initially undermined democratic practices. The reality suggests that ‘elections are only an expedient political exercise for ruling regimes, partly because of their economic implications in terms of external aid flows and economic assistance, and partly because of their public relations advantage in propping up the political profile of the regime in the international arena’ (Adejumobi, 2000:66). The view offered by Adejumobi has become the dominant norm, even in regimes that assume

political power through democratic elections such as in Mali and Guinea-Bissau that reverted to an undemocratic regime in 2012.

The phenomenon of democratic decline has also manifested in countries like Nigeria, Guinea, Mauritania, Niger, Togo, Burkina Faso and others, because of the way ruling regimes are subverting democratic processes and procedures to hold on to power. As argued by Buijtenhuijs and Thiriot (1995), the current democratic experiment in the region of West Africa is devoid of 'genuine and legitimate democratic prospects; it is only manifesting in the phenomenon of vertical despotism because of the way electoral democracy is being subverted'. Thus, Olukoshi (2010:15) has been correct when he asserted in the 2007-2008 Governance Trends Report (GTR) that 'something is really missing about the quality of democracy in West Africa' (Olukoshi, 2010:15). The 'missing' part of elections in West Africa is the quality as fraudulent elections occur because of violation of democratic rules and procedures by political elites. As Bratton and Van de Walle (1997) posited, the signs of democratic potential is receding, in part, due to military forces overthrowing elected governments or the perversion of democratic rules by governing political elites in order to strengthen their personal hold on power (Bratton and Van de Walle, 1997). The re-emergence of military rule after democratization had taken place raises serious problems for the institutionalization of liberal democracy. Given the manifestation of military interventions in politics leading to the erosion of such democratic norm and principles (Lynch and Crawford, 2011: 277) has systematically illustrated that 'the third wave democratization has not witnessed complete withdrawal of the military from African politics'.

The pervasiveness of military interventions in post-democratization West Africa from 1990 and 2012 continues to raise serious questions about the nature of democratization in the region. For example, multiparty elections in Guinea in 1994 were followed by military coups in 1999, 2003 and 2008 (Lynch and Crawford, 2011:277). The military intervention after the controversial elections of President Ould Taya of Mauritania⁴⁸ in 2003 also suggests the subversive tendency of the military against the democratization process. Niger also suffered a similar fate after the incumbent President⁴⁹ dissolved the National Assembly to extend his

⁴⁸ In Mauritania President Ould Taya, a perennial autocrat was ousted from power in 2005 by the military after series of fraudulent and contested elections won by him in 1992, 1997 and 2003 (see Lynch and Crawford, 2011).

⁴⁹ President Tandja refused to vacate office in 2009, as stipulated by Niger's constitution, after completing his two terms in office. Tandja dissolved the parliament in the same year in retaliation for the disapproval of his

stay in office. The implication of the above shows that military interventions in politics are still a common phenomenon in West Africa's democratization processes despite the regularity of elections.

It would, therefore, be misleading to claim that liberal democracy is consolidating in West Africa in the light of the way the military continues to dominate and influence the democratic processes in many countries. In the literature on Africa's democratization, the general governance framework had belittled the institutionalization of democratic ideals because of the absence of a constitutional framework and rule-based regimes, which regulate the behaviour and attitude of political elites in electoral competitions and democratic relations (Abagun, 2013). Such a tendency is the increasing electoral façade in which institutional and formal rules are often applied disproportionately, leading to the weakening of democratic institutions and structures (O'Donnell, 1996). In West Africa, while it can be argued that remarkable advancement has been made in the gradual institutionalization of liberal democracy under the third wave of democratization, through 'procedural certainty' (Jinadu, 2010, Przeworski, 1997), there has been a gradual institutionalization of dictatorship and authoritarian rule in Nigeria, Togo, Niger, Gabon, Cameroon, and Sierra Leone and other countries. This was why as indicated in the background of this study, a democratic assessment of the countries in the region according to Freedom House shows that only 5 out of the 16 countries in the region are consolidating while the others are not (FH, 2013). Those consolidating their democracy and are regarded as free states. They include the Republic of Benin, Cape Verde, Ghana, Sierra Leone, and Senegal. Niger, Nigeria, Burkina-Faso, Togo, Cote d'Ivoire, Gabon, Guinea, Liberia, and Mauritania are classified as 'partly free', whereas Mali, Guinea and Guinea-Bissau are not consolidating and are regarded as not free.

Elections are the major targets of political elites who are predisposed to authoritarian rule and democratic subversion in West Africa. The abuse of democratic rule and procedures in many West African countries through changes to the constitution, the persecution of opposition parties and groups and the violation of liberty, have raised questions about the mode of democratic transition in West Africa (Omotola, 2009). This explains why many of the regimes in West Africa cannot be easily dubbed democratic, as they do not fit easily into either the 'full-fledged democracy or the electoral autocracy category' (Van de Walle, 2002:

third term and amended the constitution to remain in power. President Tandja's refusal to leave office culminated in the military intervention in 2010 (see Omotola, 2011).

69). Clearly, they are hybrid or illiberal democracies. Even though they have routinized elections, many of them have reverted to the old form of authoritarianism, while many others that are democratizing are still combining authoritarian attributes with a democratic commitment. There is almost a general conclusion that these ‘democracies’ are not consolidating, nor are they institutionalizing (O’ Donnell 1996: 1). For example, Senegal has been referred to as a semi-democracy (Levitsky and Way, 2010). This is not because elections are not free and fair nor because of lack of elite circulation in power. Rather, the electoral process is still largely characterized by subversion (electoral fraud, the violation of electoral and constitutional rules and the persecution of the opposition) to prevent democratic change and the alternation of people in power. In other words, while several of these countries demonstrate a commitment to democracy, they have also institutionalized authoritarian dispositions, such that the incumbent political elite can continue to determine the outcome of elections. That is why in most West African states, the president and the ruling party have continued to personalize power by using state resources and instrumentality in a manner within which they both entrench a patronage network to appropriate public goods for themselves, but also abuse the democratic rules and procedures to sustain themselves in power (Van de Walle, 2002). Thus, Van de Walle (2002:70) claims that in many of these regimes, ‘rent-seeking and abuses of power is often the cutting edge of the larger political struggle for greater democratization’ (Van de Walle, 2002:70).

As a response to the violation of democratic rules and unconstitutional changes of regimes by political elites, a major observation in literature on West African countries is the institutional response to the crises of elections and democratic rule. This response has been on the need to prevent democratic retrogression through the institutional mechanism of the rule of law and constitutionalism at regional and sub-regional levels. For instance, the African Peer Review Mechanism (APRM) reinforces the need to abide by constitutional safeguards and democratic rules by political elites in the democratic process on the continent (AU, 2012). Furthermore, the African Charter for Democracy, Elections and Good Governance also serves as a safeguard against military take-over, to the effect that only constitutional regimes are recognized in Africa (Loada, 2010). The recognition of constitutional regimes was why the African Union’s (AU) and Economic Commission of West African States (ECOWAS) condemned the military interregnum in Guinea-Bissau and Mali (2012), Niger (2010), Mauritania, and Togo (2005). The decision to condemn military coups has been lauded as a

step towards ensuring the institutionalization of constitutional democracy and the prevention of autocratic rule (Omotola, 2011). This effort lends credence to the fact that studies of comparative African democratization should establish a linkage between political regimes and constitutional democracy to prevent situations where ambitious political elites unconstitutionally change regimes either through unfree and unfair elections or by military intervention (Omotola, 2011). In view of the foregoing, the interaction between political regimes and constitutional democracy is, therefore, sacrosanct for the entrenchment of democracy not only as a system of government, but also as a mechanism of engendering democratic consolidation. Through the liberal democratic principles, such as the rule of law and constitutionalism, the unconstitutional changes of democratic regimes are discouraged and disincentive. Consequently, they animate the prospect of electoral democracy and consolidation of liberal democracy in the end.

1.4.6. The Concept of Democratic Consolidation

Clearly, there is a vast literature on democratic transition and democratic consolidation (Diamond, Fukuyama Horowitz and Plattner, 2014; Rakner and Menochal, 2007; Suttner, 2004; Carother, 2002; Mainwaring, 1989). The concepts of democratic transition and democratic consolidation have come to be nuanced around the democratization debate as they relate to studies on transition from authoritarian to democratic rule (Suttner, 2004). However, many of these studies clearly define the third wave of democratization⁵⁰, which started from Europe and thereafter move through Latin America in the 1970s and 80s. While the third wave of democratization was certainly significant to the spread of democracy, its occurrence in Africa in the 1990s through several transition programmes gave momentum to these debates on democratization. According to De-Melo (2014:25), ‘democratization is the process of building democracy through transition from authoritarian or semi-democracy to a fully democratic political regime’.

Democratization is broken down into three major processes, which include the phases of liberalization, transition and consolidation (Rakner & Menochal, 2007). According to them, the liberalization phase is when ‘the previous authoritarian regime opens up or crumbles’ (Rakner & Menochal, 2007:7). The transition phase, which is the term used to denote

⁵⁰ It should be noted that the Samuel Huntington’s so called third wave of democratization actually started in Western Europe (Portugal and Spain) in the 1970s. This wave moved through Latin America and Eastern Europe in the 1980s and to Asia and Africa in the 1990s.

‘political change or regime’, (Diamond, et al, 2014), occurs when ‘the first competitive elections are held’ (Rakner & Menochal, 2007:7). The consolidation phase is entrenched when democratic practices, rules and institutions have been established and entrenched in a way that the most relevant political actors accept their outcome (Linz and Stepan, 1996; Schmitter and O’Donnell, 1986). Scholars see this as the final phase of establishing durable political regimes and stabilizing democracy from reversal (Rakner and Menochal, 2007).

Generally, the concept of democratic consolidation was ‘meant to describe the challenge of making new democracy secure, of extending their life expectancy beyond the short term, of making them immune against the threat of authoritarian regression, of building dams against eventual reversal waves’ (Schedler, 1998:1). This definition underscores the protection of democracy against authoritarian setbacks that have been the challenge of many democratizing states. By safeguarding democracy from collapse and constructing a barrier against authoritarian tendencies, this would ensure democratic stability and consolidation (Schedler, 1998). However, the problem with this definition is that it does not state clearly the processes or conditions that would prevent democracy from reversal in the face of authoritarian regression. Following this inadequacy, Schedler (1998) presented five modes of democratic consolidation to include preventing democratic breakdown, preventing democratic erosion, completing democracy, deepening democracy and organizing democracy. The first two of these signify negative traits that should be prevented while the third and fourth denote positive traits that need to be strengthened to ensure democratic consolidation. The fifth symbolizes a neutral trait. For him, therefore, the best option for avoiding democratic breakdown is to ‘eliminate, neutralize or convert disloyal players’ (Schedler, 1998:96). The prevention of democratic erosion is to restrain the likelihood of ‘silent regression from democracy to semi-democratic rule’ (1998:97), which could engender the demise of democracy. In other words, democratic safeguards must be instituted to restrain political elites from weakening democratic institutions and structures. Where political elites are in the habit of undermining democratic institutions the consequence is the manifestation of ‘democradura or façade democracy’ (O’Donnell, 1992). Thus, institutionalizing democracy without abiding by its rules and procedures would only ‘amount to inviting a free for all’ situation (1998:104)

Following the above exposition, Schedler claims that democratic consolidation is but an, ‘expectation of regime continuity and to nothing else’ (Schedler, 1998:103). Conversely, Schedler’s conception of democratic consolidation is insightful and well-illustrated, it nevertheless has faults. The minimization of democratic consolidation to survival, rather than deepening, questions his theorization especially in West Africa where the tendency to foist an authoritarian disposition on to democracy is high because of the history of military and authoritarian rule. On a balance of probability, pseudo democratic practices are likely to stifle democratic institutions and norms. This has been the basis for which many political elites have captured power in several West African countries, since premium is placed on regime survival rather than broader democratization. This issue provides the context for the discourse on illiberal democracy or hybrid regimes (Roth, 2009). This is why Linz and Stephan (1996) claimed that political elites should be placed on constitutional constraints to prevent pseudo-democrats from undermining political institutions. Thus, to consolidate democracy, it should be taken that democratic actors come to respect rules and institutions within the context of the framework for capturing and exercising political power.

Scholars have increasingly adopted definitions of democratic consolidation in which the benchmark includes the legitimation and institutionalization of elections. For example, Huntington’s ‘two turnover test’ postulates that democracy becomes consolidated when an electoral regime is deeply entrenched to the extent that free and competitive elections have become institutionalized. According to him democracy may be viewed as consolidated ‘if a party or group that takes power at the initial elections, after the transition elections loses a subsequent elections and turns over power to those election winners, and if those election winners then peacefully turnover power to the winners of a later elections’ (Huntington, 1991:267). In other words, democratic consolidation exists when a government who comes to power through legitimate free and fair elections, which precedes the transition elections is subsequently defeated at the next election and they accept the result, the opposition that replaces them and forms the government is then defeated in another election and accepts the results without skewing the outcome (Huntington, 1991).

While this conception emphasizes the place of elections in the alternation of power, it has been criticized by scholars as too simplistic. This is so because, according to Diamond (1996:3), ‘regular competitive elections have not engendered liberty, responsiveness, and the rule of law’ in many emerging democracy. The foregoing position has also become suspect,

considering that the primacy of democratic stability and consolidation is about ‘deepening democracy beyond its electoral form’ (Rose and Shin, 2001). By assuming that regular elections resulting in the alternation of power is sufficient for democratic consolidation is to reduce democracy to the mere conduct of elections. In addition, the two-turnover test also underestimate the overall impact of what Ake (1996) calls the ‘democratization of disempowerment’ where flawed and controversial elections bring about elite circulation due to elite alliances, whose consequence is the undermining of popular participation. For example, the Senegalese democratic experiment provides a fitting example of the above scenario. Senegal satisfies the two-turnover test, given that it has alternated power twice in 2000 and 2012 after the founding elections in the 1970s and 1980s. Yet, the alternation process is characterized by elite coalition that is based on patronage rather than political inclusion and ideological alternatives. Such practice explains the growing thesis of illiberalism or hybrid regimes, in which formal and substantive aspects of democracy are in conflict. This conflict is a consequence of the erosion of the substantive aspects of democracy, while institutionalizing the procedural aspects (Diamond, 1997). It is, therefore, not enough for the political elite to pass the baton of political leadership between and among themselves or from one party to another through elections. They must abide by other fundamental principles of liberal democracy, which enhance the meaning of elections and the consolidation of democracy.

One debate in studies of democratic consolidation is whether the alternations in power through elections are significant for democratic consolidation (Kivuwa, 2013). Although power alternation principles can be seen as fundamental in periodic changes for government in many of the weak or nascent democracies (Przeworski, 2000), the debate on power alternation or electoral turnover as critical for democratic consolidation has been divergent. While some claim that electoral turnover is crucial for democratic consolidation, others argue that it is not sufficient to advance democratic consolidation. For example, some theorists claim that alternations in power bring about leadership renewal and safeguard states against personalized politics through term limits (Kivuwa, 2013). The Cameroonian President Paul Biya claimed that alternations in power are not required and should be expunged from the constitution, because once the people are satisfied with his rule as president of the country there is no point in alternating power (Kivuwa, 2013). As argued by him, ‘I would not be indifferent to the voice of many citizens calling in support of the amendment from all provinces’ (AP, 2008: 23). While the debate on power alternation is divergent in many West

African states, the rejection of term limits has come to represent a veil for undermining civil and political liberties. Unequivocally, it is a dangerous scheme, which incumbent presidents use in personalizing power. If not for the alternation in power and the protection of constitutional safeguards of maximum term limits, incumbent Presidents such as Abdoulaye Wade⁵¹ of Senegal in 2012, Mamdou Tandja of Niger in 2009⁵² and Olusegun Obasanjo⁵³ of Nigeria in 2007 would have successfully elongated their rule and entrenched their power, at the expense of the constitution. This ‘sit-tight’ incumbency is not only antithetical to democratic institutionalization; it also leads to the erosion of democratic principles and practice in the process of personalizing power.

A primary debate that has gained attention in the consolidation literature, especially in Africa, is the ‘longevity or generational test’ (Beetham, 1994). This principle suggests that the institutionalization of regular competitive elections not only brings about a change of regime, ‘since the permanence of the electoral process would make any alternative method for electing political leadership unreasonable’ (Beetham, 1994:160). The longevity or the generational test has been used to justify the consolidation of democracy in countries like South Africa and Botswana, and even recently in Nigeria (Etteh, 2011). Yet the problem with this benchmark is that the longer a government stays in power, the easier it is to use the power of incumbency to stay in power (Onapajo, 2014). Furthermore, the likelihood that electoral competition may not take place on a genuine level playing field is obvious (Rose and Shin, 2001). This has been the case in Nigeria, where the ruling party consolidated itself in government since 1999 and used the state apparatus to perpetuate power. Elections increasingly became a threat to democracy. Another limitation of the longevity test is that it is not a good precursor to how a regime would behave in the future, especially when a regime is incumbent. There is the likelihood that such a regime can be prone to dictatorship, either by reinventing authoritarian political institutions or by weakening them in support of their

⁵¹ President Abdoulaye Wade was the President of Senegal between 2000 and 2012. After a controversial election in 2007, which led to the opposition boycott of parliamentary elections, President Wade in the period leading to the 2012 elections attempted to change the constitution after his two terms had lapsed. The details of this and the consequences of Wade elongation of power is comprehensively discussed in chapters five and six (see also Kelly 2012a).

⁵² The circumstances and the consequences of the extension of power by President Ahmad Tandja in Niger in 2009 have been discussed in an earlier footnote. In addition, the constitutional crisis leading to the intervention of the military is also dealt with comprehensively in chapter three of this thesis.

⁵³ Olusegun Obasanjo, the former President of Nigeria between 1999 and 2007, after several unfree and unfair elections under his watch also attempt to extend his power for a third term in 2007 through constitutional changes. However, his effort was prevented by a coalition of opposition groups and civil society organisations. (see, Suberu, 2007; Isoumunah, 2011).

personal ambition. A good example is the Socialist Party (SP) in Senegal between 1960 and 1998, and the Peoples Democratic Party (PDP) in Nigeria (1999 and 2014). They not only institutionalized authoritarian practices, but also deconstructed liberal political institutions for their personalization of power.

Democracy measuring agencies and institutions such as Freedom House and Polity IV have also defined democratic consolidation using several benchmarks. For example, Freedom House uses 10 benchmarks for political rights and 15 questions on civil liberties⁵⁴ (FH, 2013). Each index ranges from 1 to 7. Countries that score from 1.0 to 2.5 are regarded as free, those with scores from 3.0 to 5.0 are partly free and those within the range of 5.5 to 7.0 are not free (FH, 2013). There are several shortcomings inherent in this conceptualization. Firstly, Freedom House only measures freedom and does not critically measure the nature of democracy in those countries. Perhaps, it does not clearly delineate electoral democracy from liberal democracy, considering that several electoral democracies also qualify as liberal democracies despite the absence of key liberal democratic principles in their democratic practice. By this, Freedom House failed to differentiate political regimes from one another. Many hybrid or semi-democracies share the status of being free countries when in fact they are not. Senegal, for example, was categorized as a free country, yet it is lacking in its institutionalization of other liberal democratic principles, such as the rule of law and constitutionalism. Senegal qualifies as an electoral democracy having institutionalized the procedural aspects of democracy through the regular conduct of free and fair elections. Yet, there is also the absence of some of the fundamental conditions of the substantive aspects of liberal democracy - as shown by the increasing violation of electoral rules, constitution and the persecution of the political opposition - and it is suggestive that Senegal is not fully free or fully democratic country. This observation is supported by the arguments of Levitsky and Way (2010:59) who claim that Senegal should be considered as 'electoral authoritarianism or semi-democracy' as it lacks the basic requirements of a liberal democracy (Kelly, 2012).

⁵⁴ The Freedom House rating is based on a checklist of 10 political rights and civil liberties questions. The political rights are grouped into three broad categories: the electoral process, political pluralism and participation and the functioning of the government. The political rights comprise 10 questions asked about the categories stated above. Civil liberties are sub-categorized into four elements. These comprise freedom of expression and belief; freedom of association and organization; the rule of law and constitutionalism; personal autonomy and individual rights. In these categories, 15 questions are asked altogether. For the political rights checklist, the highest score is 40 (a total score of 4 for each of the 10 questions). Sixty points is the highest obtainable score in the civil liberties checklist (a total score of 4 for each of the 15 questions) (see Freedom House, 2013). Despite the usefulness of the framework for democratic practitioners and scholars of democratization, freedom house ratings have been criticized for their ideological bias (see Norris, 2008).

In addition, the classifications used by Freedom House are less demanding than the procedural minimums of democracy and its benchmarks are unclear. For instance, in assessing the electoral process, the following question is asked: Are election commissions or other authorities independent and free from government or pressure and interference? This question is too complex, especially in cases where the electoral body is free of, yet influenced by, the executive. Moreover, in some countries in Africa, it is possible to see electoral bodies being independent in name, but not in the exercise of their mandates. This is the case in Nigeria where the electoral management body is constitutionally independent but has been subjected to executive influence. The major reason for this was because the 1999 Constitution views the electoral body as an agent of the executive, thereby responsible for its appointment and funding (FGN,1999), an issue that is discussed in chapter six of this thesis). In the same context, the Autonomous National Electoral Commission in Senegal is independent, but is subject to presidential influence as a consequence of the fact that the president appoints members to it.

The Polity Index, on the other hand, uses five benchmarks: competitiveness of political participation, the regulation of political participation, competitiveness of the executives, openness of the executive's recruitment and constraint of chief executives (Polity, 2005). The measurement of the benchmark varies according to regime categories from (-10 to -6) autocracies, from (-5 to +5) anocracies, while (+6 to +10) for democratic (democratically consolidated). A major criticism of the Polity Index is that rather than measuring democracy, it concentrates on the regime authority spectrum and how authority is exercised. According to Bosin (2007), the Polity Index does not identify the motivations impetus of the social-political context, which informs the regime spectrum in many transitional democracies. For example, the categorization of the regime spectrum in Senegal dropped to 'anocracies', as a result of the repression of political opposition, of the disregard for constitutionalism and institutional weaknesses between 2009 and 2012. By 2013, the categorization changed to democracy after power had alternated. This does not consider potentially institutionalized behaviours within political institutions. These examples illustrate the inconsistencies and incongruity in measuring democracy. The agencies cited lacked a commonly agreed framework for determining at what level democracy is consolidation or regressing. Moreover, many qualitative features – such as institutionalized behaviour – is disregarded in favour of quantitative measures.

The modernization literature of the 1960s and 1970s uses socio-economic development as indicators of democratic consolidation (Lipset, 1959; Moore, 1966). The proposition in this school of thought is that democracy would consolidate because of a high level of socio-economic development⁵⁵. Democratic consolidation has also been interpreted from modernization theory, which uses increasing economic growth, employment, increasing Gross Domestic Product (GDP) and the general socio-economic wellbeing of a country to argue that economically viable countries are likely to be democratic. This suggests that democracy is a symptom of modernization. The problem with this indicator is that, contrary to the claims of the modernization theorists or the ‘structuralist’ arguments that the socio-economic indicator is a strong indicator of democratic consolidation; transitions in countries with low socio-economic development have also taken place. In some cases, transitions towards democratic consolidation have also, contrary to the arguments of modernization theorists, not resulted in high levels of economic growth. Countries such as Ghana and Benin are good examples of those countries that have not improved economically in spite of good progress towards democratic consolidation. Indeed, a great number of democratic countries under ‘the third wave’ have suffered economic decline towards the bottom of the human development index (Rakner and Menochal, 2007). As argued by Przeworski and Limongi, (1997) economic growth was neither an obligatory nor a satisfactory condition for democratic consolidation. Thus, there are cases of countries where economic development propels democratization, but socio-economic development is not a prerequisite for democratic consolidation. What is important is the capacity of the political elite to institutionalize and habituate democratic norms and principles through the construction and maintenance of viable political institutions in the process of consolidating democracy.

In contrast to modernization theorists, institutional theorists advance the role of political institutions in consolidating democracy. Formal political institutions such as the executive, legislative, and judiciary, agencies such as the electoral management bodies and organisations such as political parties are considered central to the consolidation of democracy (Mainwaring and Scully, 1995; Zenc, 2005; Sabra et al, 2008). As Mainwaring and Scully (1995) argued, the entrenchment of political institutions is an important process in consolidating democracy. The stability, and institutionalization of, political institutions has

⁵⁵ Much of this literature was based on Lipset’s seminal work in 1959, where he correlates high levels of socioeconomic development and democracy. However, despite a few established cases, it does not generally mean that socioeconomic development causes democracy.

been a challenge in many developing countries, where long years of authoritarian and military rule have not only weakened formal political institutions, but have also eroded institutional legitimacy, procedures and rules. A major problem in developing countries is that political institutions are incoherent, and often lack sufficient robustness to mediate politics. This is the case in Nigeria where political institutions have been weakened through the anti-democratic attributes of the political elites.⁵⁶

However, political institutions and organisations such as political parties, electoral management bodies and legislatures have been central to the consolidation of democracy in Ghana, South Africa and Mauritius (Frimpong, 2009). A major challenge in many emerging democracies, especially Nigeria, is institutional vulnerability. This vulnerability permits pseudo democrats to shape institutions in line with their political interests. Due to this, the role of other forms of institutions, such as the independent media and civil society have been adduced to serve as check and balances against the erosion of institutional capacity by ambitious governments and their agents (Diamond, 1994; Linz and Stepan, 1996; Burbidge, 1998). According to Zenc (2005), 'Civil society organizations (CSOs) and the press, through their combined responsibility serve as watchdog to hold the state to accountability and, teach democratic values and provide information that brings about sustainable democratic government. The observation above is illustrative of the contribution of civil society in Benin, Cape Verde and Ghana where democracy has received a strong boost through the activities of CSOs. Although Beetham (1994) had claimed that such contributions are ambiguous, since it is unclear whether these are a means to democratic consolidation or an end from it.

In order to understand the impact of political institutions on democratic consolidation, Haynes (2001:45) identifies four main factors, which include the nature of the political elite in relation to state power; the constellation of power; the counterbalancing weight of civil and political society; and the external dimension.

As much as these characteristics are analytically vital, the first three which have to do with elite behaviour are very significant to democratic consolidation. The way in which political elites build consensus around democratic rules and processes, as well as the checks over them by the civil and political society, is the basis upon which democracy consolidates. Elites,

⁵⁶ Anti-democratic attitudes and behaviours can include the use of violence; the rejection of election results and a slide towards increasing authoritarianism (see Schedler, 2001).

under these circumstances, not only serve as agents of democratic consolidation, but also ensure stability of the political society and institutions in the interests of democracy. Bratton and Van de Walle, 1997: 279) have usefully observed that:

A consolidated democracy requires that democratic institutions are not only built but also valued. Democracy can be installed without democrats but cannot be consolidated without them. Political actors may initially see founding elections as the 'least bad' alternative to solve an intractable political standoff or to induce political movement in an ossified regime. Democracy may even survive in short run under the force of these kinds of strategic calculations, but democracy will truly last only when political actors learn to love it. Until elites and citizens alike come to cherish rule by the people and exhibit a willingness to stand up for it, in Africa as elsewhere, there will be no permanent defense against tyranny.

What the foregoing suggests is that it is essential that political elites commit to the maintenance of established rules and institutions that structure their attitudes and behaviour in such a way that they come to accept democracy as the only way. Consequently, the adherence of political elites to the rule of law and constitutionalism is the basis of democratic consolidation, as democracies consolidate when there is widespread compliance with the democratic rules and procedures that are recognized in the constitution and other electoral frameworks (Albert, 2005: 1). Following the above argument, Merkel (1998) argues that democracy is consolidated when the state and the elites develop an institutional understanding aimed at enhancing democracy. Merkel's point here is that political elites constitute the most important elements in the consolidation of democracy. What that means is that, as the crucial agents of democratic consolidation, political elites must find common ground in the institutionalization of democracy and abide by the rules of the democratic game and its constitutional safeguards. In Africa, this has often not been the case. Indeed, Omotola (2011) in his detailed study of unconstitutional changes of government and democratic consolidation in Africa documented numerous methods through which unconstitutional change is effected in Africa. These include the extension of tenure, the failure to concede power to the winning party and military coups as the main strategy that political elites use to effect unconstitutional changes of government in Africa (Omotola, 2011: 34). When powerful executives attempt to violate the constitution or seek alternative means to advancing their predatory interests, the result is that their legitimacy is called to question as much as democracy faces the threat of reversal. In the debates about legitimacy, scholars have contributed extensively on this issue (Lipset, 1981; Linz, 1978; and Dahl, 1971). The crux of

this debate has established relationship between consolidation and regime endurance to non-democratic and democratic regimes (Dahl, 1971:129-131). Although, legitimacy in non-democratic regimes is usually foggy given the degree of intimidation and coercion rather than consent on the part of the non-democratic or authoritarian regime, it would be erroneous to assume that non-democratic cannot evolve legitimacy over time, especially if political elite renew their democratic commitment and political preference (see Linz, 1978; Lipset, 1981). Yesterday autocrats may become born-again democrats. It is in view of this that Diamond (1997:2) noted that,

...consolidation is most usefully construed as the process of achieving broad and deep legitimation such that all significant political actors at the both the elite and the mass level, believe that the democratic regime is the most right and appropriate for the society, better than any other realistic alternative they can imagine⁵⁷.

Such legitimation does not mean that democratic consolidation will be permanent; it is a continuous process of democratic habituation and practice. Linz and Stepan (1996:29-31) therefore stressed that such legitimacy must be, 'more than a commitment to democracy in the abstract, it must also involve a shared normative and behavioral commitment to the specific rules and practice of the country's constitutional system'⁵⁸. Thus, it is not a transfer of power from one government to the other that matters. What is important is for powerful political players or elites to place democratic commitment above their personal interests (Bentham, 1994). Thus, elite agreement on the democratic rules of the game and feasibility of political institutions are the most decisive factor for democratic stability and consolidation

⁵⁷We can argue for the consolidation of non-democratic or partially democratic regimes such as in Singapore, Malaysia, Indonesia and Mexico. Yet their lack of consolidation may become apparent when their legitimacy becomes contested as they begin a process of democratic transition, as the case was in Mexico. Since democratic institutions have a self-adjusting mechanism, legitimacy is more likely to institutionalise under democracy than in the absence of democracy. This does not mean that that democracy will achieve permanent legitimation or consolidation (see Weingast, 1997).

⁵⁸ Other conceptualizations that are in congruence with this conceptualization include Przeworski, 1991: 21-26; O'Donnell, 1992: 48-49; Schmitter, 1992: 158-59; Diamond, 1996: 54. Despite their congruence, the above conception should be understood in terms of their differences. For example, Przeworski and Schmitter discourage the soliciting of norms and values, and instead conceive democratic consolidation as a self-restraining strategies shaped by institutions that are fair and viable to the extent that losing has more motivation under democracy than under an undemocratic regime (Przeworski and Schmitter, 1991:23). In another divergence, consolidation rests on normative and attitudinal foundations whereas in some others democratic consolidation involves the extent to which normative and behavioural commitment to democratic procedures and principles among political elites has a contagious effect on the masses. In the case of Burton, Gunther and Higley (1992: 1-37) elite consensus is more decisive for democratic consolidation. For me, I am much more motivated to trust that democratic consolidation relies heavily on the institutionalisation of the democratic rule of the law and constitutionalism such that the behaviour of political elites is constrained in a manner which they respects and commits to democratic rule and procedures without necessarily exploring any other alternatives outside of the democratic framework (see Schedler, 1998).

(Weingast, 1997). In fact, their commitment to democracy, despite their normative and strategic interests, determines the extent to which democracy is consolidated or not.

The notions of 'consolidation and un-consolidation' is what Pridham (1995:168) used to clarify between negative and positive consolidation. According to him, democracies are negatively consolidated (un-consolidated) 'if the crucial political actors are going about pursuing their democratic interests outside of the democratic institution and structures due to a lack of belief in the institutions of democracy'(1995:168). Whereas democracy is 'positively consolidated (consolidated) only when the political elites view the entire political system as the only legitimate structure through which they can develop their behaviour and value system to reflect a consistent belief in the institution of democracy'. What can be deduced from this definition is that, democracy is not likely to consolidate when political elites create an alternative set of unconstitutional procedures that undermining the democratic rule and procedures. If this happens, democratic institutions will be undermined, rather than entrenched. On the other hand, democracy consolidates when political elites, show system affect; that is a belief that no better alternative would benefit them as a substitute for democracy. In this instance, political elites not only believe in the efficacy of democracy, they also respect the rule of law and constitutionalism, which underpins the institutionalization and consolidation of democracy.

Linz and Stefan (1996) offered a broader definition of democratic consolidation in their contention that democratic consolidation comprises three fundamental principles. These principles include behavioural, attitudinal and constitutional consolidation, alongside five other criteria, which complements the above principles for consolidating democracy. These five criteria are a free and lively civil society, a relatively autonomous political society, respect for the rule of law to guarantee citizens' freedom and associational life, a public service that is usable by the democratic government and an economic society, which ensures the workings of the market and resources allocation and distribution of political goods (Linz and Stepan, 1996:7). From the criteria and principles they presented, it is observed that the institutionalization of the first three of the criteria for consolidating democracy; an effective civil society, autonomous political society, and the rule of law are critical elements for improving the behaviour, attitude and constitutionalism (Mottair, 2002). While an effective CSO and autonomous political society ensures the protection of liberty through electoral

participation and serves as watchdogs against arbitrary rule, the rule of law promotes the spirit of constitutionalism and shapes the behaviour and attitudes of political elites.

These definitional principles offer one of the most significant contributions to the consolidation debate, especially as it emphasizes the role of the rule of law energized through the principles of constitutionalism and the protection of liberty. Within the confines of Linz and Stepan's conception of democratic consolidation, other scholars have also contributed through empirical and multi-dimensional approaches. Merkel, for example, identified four levels of democratic consolidation. These include constitutional, representative, behavioural, and the consolidation of political culture. According to him, constitutional consolidation is 'predicated on the rules and constitutionally established institutions, such as the executive, legislature, judiciary and the electoral system' (2008: 13). This level of consolidation has implications for the other levels of consolidation, as it serves as the foundation. For example, it is the consolidation of the democratic rules and constitutional norms that shapes the behaviour and capacity of the other levels, defined in terms of their habituation and commitment to a democratic ethos and principles. In the case of representative consolidation, it is the 'functional representation of interest' (2008: 13) which revolves around political parties and other crucial interest groups. This level helps the 'constitutional level to consolidate, particularly in terms of how they help to constellate its norms and structures' (2008:13) within the context of their commitment to democratic practice and procedures. The correlation between constitutional and representative levels in consolidation affects behavioural consolidation, where informal actors operate (armed forces, business owners, radical movements and groups). Whether or not informal groups will respect and pursue their interest within the democratic norm is a function of the level of consolidation success at the constitutional and representative levels. The last one is the democratic consolidation of political culture. This relates to the emergence of a democratic political culture, which is galvanized by long years of democratic practice and an orientation that is supportive of democratic values. Indeed, consolidation at this level provides a bigger picture of the nature and character of the democratic system, as it is the 'final phase of establishing a durable democratic regime and stability' (Rakner and Menochal, 2007: 7).

If truly institutionalized, Merkel's multi-dimensional definition of democratic consolidation provides insight into the stability and endurance of democracy over a long period to the extent that democracy becomes the only known system of government. When constitutional

rules are respected, democratic political culture and behaviour become a tradition and a way of life, which deepens and consolidates democracy. As noted by Diamond (1999:65) in the absence of respect for the rule of law and liberties, 'it is easier to see the phenomenon of consolidation in its inverse i.e. non-consolidation.' He further notes that consolidation starts with the elites and eventually the masses through the commitment to collective norms of behaviours and the constitution of the political society. The failure to institutionalize the principles of the rule of law and constitutionalism in many emerging democracies has been the basis of non-consolidation and the eventual democratic reversal as witnessed in several countries in West Africa.

There is yet to be one set of indicators for determining democratic consolidation. The increasing institutionalization of hybrid regimes and democratic reversal as consequence of the growing tendencies of political elites to undermine democratic rules and procedures, suggests the need to address the question of democratic consolidation through the attitudinal and behavioural tendencies of the political elite who are the main actors in the democratic process. The tendency of the political elite to subvert the democratic process suggests the need to constrain the behaviour of political elite, especially the incumbents. This is the case even for those that assume office democratically through the process of popular elections. When the behaviour and attitudes of political elites are constrained, they tend to conduct themselves within the framework of liberal democratic principles and norms. In such cases, no 'major political actor violates basic democratic rules anymore' (Schedler, 1998: 69). In other words, political elites 'give up the habit of placing themselves above the law' (Schedler, 1998: 69) and 'abide by the law, the constitution, and mutually accepted norms of political conduct' (Diamond, 1999: 69). Ideally, when political elites choose to work within the framework of liberal democratic principles, the implication is that democracy consolidates rather than de-consolidates. The commitment of political elites to the rule of law and democratic constitutionalism and institutional structures of democracy is the main driver of democratic consolidation (Diamond, 2008, Albert, 2005; Weingast, 1997). This is because, when institutionalized the rule of law and constitutionalism not only enhance the legitimacy of elections, they also serve as the norms by which the attitude and behaviour of political elites are constrained in a way that enhances the prospect of democratic consolidation.

This study contributes to the theory in the growing literature on elections and democratic consolidation by claiming that elections without the institutionalization of the rule of law,

constitutionalism and the protection of liberty do not consolidate democracy. More importantly, this view expands the growing literature on the institutionalization of liberal democracy as a system of government and as a mechanism of restraint against the arbitrary exercise of power. Thus, consolidating liberal democracy must be constructed in the context that institutionalized elections in line with other fundamental principles of liberal democracy such as the rule of law, constitutionalism and liberty. This is the gap this study aims to fill.

Summary of Chapter One

While current theories of liberal democracy acknowledge and accept the place of free and fair elections as crucial to the consolidation of democracy, very little interest has been devoted to the relevance of the rule of law and constitutionalism. The principles of the rule of law and constitutionalism serve as the fundamental safeguards that reinforce the quality of elections and prospects for democratic consolidation. Political elites, which, in turn, explain the increasing phenomenon of hybrid regimes and democratic reversal, therefore, cannot overemphasize the place of the rule of law and constitutionalism considering the increasing violations of democratic norms and principles. Although the institutionalization of elections in many emerging democracies has contributed to democratic consolidation, overstating the place of elections in a democracy omits other fundamental principles of liberal democracy, which should not be ignored. In the next chapter, I provide a reflection upon the methodology of this study.

CHAPTER TWO

2.0 REFLECTION ON METHODOLOGY

Following the discussion on the concepts and theories that frame this dissertation and the literature review that motivates it, this chapter is a reflection upon the processes and procedures of how I answered the research questions and the justification for why they were done so. Considering that empirical research rests on underlying philosophical conjecture about what it constitutes, this chapter offers a careful and systematic explanation of the methodology which underpins this thesis. It discusses the major procedures and strategies of this thesis by presenting methods and philosophical suppositions for which this study was crafted upon. It also answers questions about the nature of the research, processes of case selection, data collection procedures (in relation to the nature of data collected and data accessibility), sampling procedures, data analysis, ethical principles, as well as the challenges in the research process and how they were resolved.

2.1. The Research Paradigm of the Study

Given the wide-ranging activity highlighting the nature of research enquiry, this research process has been streamlined into three cardinal aspects: Ontology⁵⁹, epistemology⁶⁰ and methodology⁶¹ (Thomas, 2010; Marsh and Stoker, 2010; Terreblanche and Durrheim, 1999). According to Kuhn (1962:20), the term ‘paradigm is a conceptual framework shared by a community of scientists which provided them with a convenient model for examining problems and finding solutions’. While a paradigm provides a model of examining problems and finding solutions, it also incorporates substantive concepts and, variables, which explains the research problem in relation to corresponding methodological approaches’ (Kuhn, 1977). A paradigm can be conceived as a ‘pattern, structure and framework or system of scientific and academic ideas and assumptions’ (Olsen, Lodwick and Dunlop, 1992:16).

⁵⁹ The concept of Ontology is a branch of philosophy concerned with enunciating the nature and structure of the world (Wand and Weber, 1993:220). It indicates the degree and nature of reality and what it underpins.

⁶⁰ Epistemology refers to the nature of the interaction between the researcher and interpretation. According to Hirschheim, Klein and Lyytinen (1995: 20) it indicates ‘the nature of human knowledge and understanding that can possibly be acquired through different types of inquiry and alternative methods of investigation’.

⁶¹ The term methodology refers to a ‘broad theoretically informed, framework that guides the choice of methods and interpretation of data appropriate to the study’ (Francis, 2008:34). Simply put, it is how the researcher investigates the research question.

In the examination of the three cardinal aspects underlining the research process and which are identified above, ontology and epistemological deal with a person's world view and its significant influence on the relative aspect of reality. Two conceivable world views are palpable: objective and subjective (Marsh and Stoker, 2010). Both have implications for knowledge development, yet both are applicable in some cases and not in others. Most importantly, they shape the perception of the individual depending on the circumstances within which knowledge is sought. For example, this study makes use of attributes from both interpretations and uses them in a complementary manner, such that the contextual basis and political context can be effectively interpreted. Therefore, my conception of the researcher was shaped by the understanding of the aspect of the reality on the context within which the paradigmatic approach of this study was provided. This is why research paradigms are a manifestation of our world views and the value-orientation of the world we live in (Lather, 1986:259).

Following from this, Guba and Lincoln (1994) drew a clear line between positivist, post-positivist and post-modernist enquiry. While they draw a somewhat similar line for positivism and post-positivism, they situate postmodernism and post-structuralism within the context of 'critical theory'. According to them, positivists are realists because of their assumption that reality exists. On the other hand, post-positivists are not realists as they only seek and adopt reality in their idealistic world view (1994). While both world views are reinforcing and can be seen to be objective in their interpretations, critical theory adopts a subjective epistemological worldview in which research inquiry is seen as an assessment of context through the influence of the researcher (Babbie, 2007). This was why Guba and Lincoln (1994:110) noted that 'the investigator and the investigated objects are assumed to be interactively linked with the values of the investigator, inevitably influencing the inquiry'. Thus, while the positivists and post-positivists take premium in explanation and prediction, critical theory assesses the basis of the interaction between the research and the researcher (Wilmot, 1997).

In the three philosophical traditions, Gephardt (1999) classified the research paradigm into three aspects; including positivism, interpretivism and critical postmodernism. Only interpretivism is considered ideal for this study. In other words, this study derives its orientation from the 'Interpretive Social Science' (ISS) paradigm which is premised on offering interpretive explanation 'with the goal of enhancing the understanding of reality in

their natural settings' (Neuman, 2011:105). This is because it gives the researcher the license to address issues that relate to opinions, behaviour, influence, impact and questions such as 'why' and 'how' certain political trajectories exist (Deetz, 1996). As posited by Kelman (2012) the interpretive approach is nuanced for its explanation of context and how it shapes the perceptions of the individual. This proposition rationalizes my choice of interpretive approach, as the philosophical basis for this study. Although, constructivism is closely related to interpretivism in terms of how it advances the concerns of interpretivism regarding how knowledge as produced and constructed (Thomas, 2010), its motivations are of less valued compared to interpretivism. Interpretivism enables contextual understanding of the research in relation to its influence on individuals. Thus, in the view of this study, interviewees were able to construct their knowledge within their social-cultural context as a consequence of the influence of their prior knowledge and understanding (Francis, 2008). This socially constructed context provides the researcher with the leeway to collect data, interview and ascertain opinions from the participants. Thus, while an interpretive approach is considered suitable for this study, the researcher also situates himself or herself within the limits of a constructivist epistemological creed.

2.2 The Nature of the Research

Most researchers tend to select research methods with which they are most familiar, rather than methods which are proper to their study. In stressing this opinion Bhattacharjee (2012: 41) noted that 'generally researchers tend to select those research designs that they are most comfortable with and feel most competent to handle'. Preferably, for him, 'research should be informed by the very nature of the research phenomenon and the question being studied' (2012: 41). For this reason, the nature of the research questions developed for this study leads to a qualitative method. Although there are other distinctive research methods -- such as those that comprise quantitative methods -- which have been shown to be efficacious, the most suitable research method for this study is the qualitative method. This is because the nature of the questions raised by this study resonates with the proposition of the qualitative method. According to Guba (1991:76), 'it is proper to select that paradigm whose assumptions are best met by phenomenon being investigated'. This study is about how and why elections facilitate or impede democratic consolidation. The emphasis of qualitative methods on processes rather than outcome, and personal interaction rather than stereotypes, makes qualitative research extremely suitable for this study. In other words, it provides important

understanding of the nature of events and the perceptions of the actors in relation to the context under which the research is to be taken. For Hancock (2002:2), a qualitative method is concerned with ‘developing explanations and understanding of social and political phenomenon through an analysis of a given research problem from the perspectives, values, opinions, behaviour of the research participants, within the social and political context of the population’. By attempting to understand phenomena from the perception of the population, qualitative research involves an interpretive, naturalistic approach to its subject matter (Denzin and Lincoln, 2003). As a consequence of this interpretive and naturalistic approach to its subjects, qualitative research provides answers to a particular social problem which is unknown, by sourcing the socio-cultural context for raw data to solve the unknown problem (Domegan and Fleming, 2007; Myers, 2009).

A major preoccupation of qualitative research is that it is centred on ‘how’ and ‘why’ ‘people behave, think and make meaning within their social and political context, without risking analytical integrity by comparing the proverbial apple to oranges’ (Ambert, Adler, and Detzner, 1995: 880). Qualitative research is suitable when the researcher is interested in achieving a deeper sense of understanding of the perception of the research participants on the area of interest. This study seeks to understand *why* and *how* elections facilitate or impede democratic consolidation in one country compared to another. By understanding the qualitative experience of the context and actors in the democratic experience of Senegal and Nigeria, the researcher enhanced the balance of probability for some degree of objectivity which, otherwise, would have been unattainable supposing quantitative or experimental methods were adopted.

Moreover, it has been noted that a major characteristic of qualitative research is the case study approach. This is predicated on the notion that qualitative research hinges on comprehensive and in-depth explanations of social variables that can meaningfully be done using case studies (Onapajo, 2014). As a consequence of this, the research is largely driven by case studies in its orientation and approach. It espouses cases that have a transnational focus within particular electoral periods and specific social settings in Nigeria and Senegal, to provide an insightful and systematic explanation on the fundamental argument reinforcing the study. Thus, the next sections detail an account of the rationale for the cases used and the process involved in their selection.

2.3. The Case Study Approach and the Selection of Cases

Since the study calls for a qualitative holistic, in-depth investigation, a case study approach is ideal. Case study research is the method of in-depth study of a specific individual or phenomenon in its existing context (Hancock, 2002: 15). It is the inquiry into specific research problems in terms of the degree of difference evidenced by the case scenarios (Gillham, 2000). As posited by Yin (2003:309) 'it is an empirical inquiry that investigates a contemporary phenomenon within its real life context, especially when the boundaries between phenomenon and context are not clearly defined'. Case studies provide a good platform for understanding contextual conditions and varieties, especially where the researcher has no control over the object being studied because of their natural evolvement (Thomas, 2010).

Unlike many other dimensions of research, case studies are not methodologically specific. They profit from an amalgamation of data collection methods which provide a better picture of the events being studied (Merriam, 1998). For that reason, the case study adopted in this study benefits from multiple methods of data collection such as interviews, documentary analysis, official government documents and reports from democratic institutions among others (all of which remain in a qualitative and interpretative domain). The dynamics in the usage of multiple sources of data collection for a case study, affords deeper and multiple understandings (Walsham, 1995b). Although, case studies are not representative, they reinforce significant value in the knowledge domain by bringing to the fore what is relatively unknown in certain contexts. Although, and as argued by Seawrights and Gerrings (2008: 295) there is no guarantee that a few cases chosen randomly will provide comprehensive explanation into the research question that stimulates an investigation rather, 'they offer a wider understanding of contextual conditions, as well as bringing to the fore what is unknown about the research problem. (Stufflebeam, Madaus and Kellaghan, 2000:283). Thus while the case study adopted in this study seeks to improve the understanding of elections in Senegal and Nigeria, through the expansion of a theory relevant to the democratization struggle in West Africa, it also provides insights into why certain countries are consolidating their democracy and others are not.

Senegal and Nigeria represent the case studies for the research. This study works within the premise of the most-different case-study case selection criteria. Comparative case-study research is based upon special techniques for case study selection. Case selection merits some

special attention because the quality of a piece of comparative research depends very largely on what cases are selected (Burnham, Gilland, Grant and Layton-Henry, 2004: 59). Several techniques for case selection have been identified in case studies literature to include ‘deviant cases’, ‘typical cases’, ‘extreme cases’ and ‘influence cases’ (Onapajo, 2014; Stufflebeam, Madaus and Kellaghan, 2000; Marsh and Stoker, 2010; Manheim, Rich, Willnat and Brians, 2008). In transnational comparative political research, two main techniques of case selection in case studies emerge; the most-different and most-similar case study (Lijphart, 1975; Przeworski and Teune, 1970). In the case of the most-similar case selection, a minimum of two, given their high degree of similarities are selected for investigation. Under this method, the two cases ‘are similar across all background conditions that might be relevant to the outcome’ (Seawrights and Gerrings, 2008: 304). This suggests that the cases are dissimilar in terms of the independent variables, but are as similar as possible in terms of the spurious or intervening variables (Marsh and Stoker, 2010). On the other hand, the most-different case selection in case studies applies to the comparison of two or more cases that are different across the independent variable, but similar as much as possible in terms of the spurious or intervening variables, such that other conditions which it presents can be considered as the independent variable (Burnham, Gilland, Grant and Layton-Henry, 2004). What this simply connotes is that most different cases take subjects with different variables in their contextual environment and try to understand why the outcome between them are similar despite their differences. Hence, comparing two countries using a most-different case study presupposes that the cases must be different as much as possible from each other in terms of the intervening variable, while the independent variable must be similar for both countries. The logic here is that if the independent variable has an effect on the dependent variable, it should also have the same effect on the intervening variable, regardless of the difference between the independent and the intervening variable (Burnham, Gilland, Grant and Layton-Henry, 2004). In other words, the fact that the two countries started the process of multiparty elections at the same time and are expected to consolidate their democracies, the impact of elections in both countries should amplify principles such as rule of law, constitutionalism, and liberties to engender the consolidation of democracy, regardless of the different political contexts and trajectories which both countries exist in. Adopting the most-different case study for this research, therefore, helps us to understand the variations and trajectories in the cases with a view to having a deeper understanding of contextual political phenomena.

Scholars have reasonably identified several shortcomings in comparative case selection which likely affects internal validity. The lack of internal validity is underscored by the issue of non-representation and generalization (Babbie, 2007). Some of the major shortcomings include; lack of control over too many variables, value free interpretation or the ‘Galton problem’ that is, testing and measurement inconsistency. (Burnham, Gilland, Grant and Layton-Henry, 2004: 59). In fairness to the criticism of the authors above, plentiful and complex data seemingly means that data is subject to connotational interpretation and value-judgment. Notwithstanding, Denzin and Lincoln (2000), have argued that most-different case selections that concentrate on multiple actors are likely to pass the generalization test. According to them, most-different case studies address the issue of generalization by ‘looking at multiple actors in multiple settings to enhance generalization’ (2000:193). In the same vein, Yin (2003) pointed out that most different cases enhance generalization in a manner which aids the researcher in developing broader theoretical underpinnings across regions and contexts. Consequently, it should be stressed that no research methodology is devoid of flaws. Researchers only need to use data obtained within multiple methodologies to enhance the internal and external validity of their research.

Senegal and Nigeria began conducting periodic multiparty elections at almost the same time— after the emergence of Samuel Huntington (1991) wave of democratization in 1990. It should be noted that the period under consideration in this study resides predominantly between 1999 and 2012 when both countries commenced multiparty elections. Consequently Nigeria conducted multiparty election in 1999, and subsequently in 2003, 2007 and 2011. Similarly, Senegal held elections in 2000, 2007 and 2012. However, the outcome of their electoral democracy differs significantly as there are growing prospects of democratic consolidation in Senegal, whereas Nigeria has been engulfed in democratic reversal. Comparing Nigeria and Senegal will help us to understand the contradictory trajectories of electoral politics in the two countries in relation to the problematic of democratic consolidation in both countries in particular, and in West Africa as a whole. Thus, considering the interpretative approach and orientation of this study and the nature of the research question, the most-different case studies are an appropriate research orientation. Its motivation for the understanding of detailed perceptions and contextual conditions which would have been otherwise unattainable in the case of experimental and quantitative method is suggestive of the significance of qualitative method for this study. The next section discusses the methods of data collection applied.

2.4. Data Collection Methods

In the process of collecting data for this study, two fundamental techniques were adopted. The first is the in-depth interview, while the second is documentary analysis. I will address the latter first.

2.4.1 Documentary Analysis

I relied principally on several types of written record (such as policy reports, government technical reports, constitutions, electoral law, statistical reports, electoral body reports, reports from independent election observers (local and international), reports from democracy monitoring agencies such as the Afro-barometer, Online Election Database, Freedom House Rating and Polity, visual materials and public submissions). These sources of written materials were employed substantially in this study. In addition, media reports (such as editorials, columns, interviews, and press releases) from wide ranging sources supplement the available documentary sources. According to Reynolds (2012), these sources are useful and are the foundational strength of qualitative research. For him, ‘they form the bedrock of many qualitative researches, whose methodological basis is clearly defined’ (Reynolds, 2012:12). The qualitative method was imperative for this study for a number of related reasons. Firstly, it provided an opportunity for accessing in-depth information which otherwise I may not have had access to through other sources of data collection. There is a myriad of written records from different sources or agencies which are very crucial to the study. Secondly, since the research is unobtrusive, this method presents the opportunity to cross-evaluation information from interview sources. As a consequence, the above documentary sources serve as a key mode of data collection for this study.

Many documents have been accused of unreliability due largely to prejudice and the erroneous account of events. This accusation is more attributable to newspapers, magazines, election monitoring agencies and democratic measuring institutions⁶². In the case of the news media, many of the media outlets are owned by top politicians and businessmen, whose incentive is driven by political and economic interest, rather than objective and constructive reportage. It is therefore not a coincidence to see cases of prejudiced reportage. For instance, Bola Tinubu, a prominent politician and leader of ACN has been accused of being the owner of *The Nation* and *The News* (see Onapajo, 2014). Illustrative of this view, Adebani (2008)

⁶² For example, Freedom House and Polity IV have both been criticized of showing methodological and ideological bias.

has alluded to the financial support provided by Tinubu to *The News*, especially during the military crackdown on the magazine. Tinubu is noted as the chief financier of the *News Magazine*. The managing director of the magazine has been quoted as saying the following: ‘On a particular distressful occasion, he (Tinubu) helped us to pay the salary of our staff, this medium cannot kick him’ (Olukotun, 2004:83). The ownership of *The Nation* newspaper has also been attributed to Tinubu because of the perceived bias of the paper against the PDP while being less critical about the ACN. On the other hand, *The Tribune* newspaper is perceived to be pro-PDP, because of their soft spot for the PDP while being critical of the opposition parties (Akinwale, 2010).

More fundamentally, state owned media have been accused of being biased in favour of the ruling regime (Olukotun, 2004; TMG, 2007; EUEOM, 2007). For example, state-controlled audio visual and newspapers tends to give more reportage which favours the ruling party and have been less critical of the government than the independent media (Gellar, 2005). As a consequence, I sourced information largely from private owned media because of their commitment to unbiased reporting and authoritative sources. In the case of Nigeria, information was sourced from the news outlets of *Punch*, *Guardian*, *The Vanguard*, *This Day*, *Tell*, *Nigerian Tribune* and *The Nation*, as well as some international news magazines such as *The New York Times*. While information from private media outlets such as ‘*Walfadjri*’, ‘*Le Quotidien*’, ‘*L’Info 7*’, ‘*L’Observateur*’, ‘*L’Exclusif*’ and ‘*24 Heures Chrono*’, were sourced for data on Senegal. While the above newspapers have been reliable as they contained special reports useful to the study, I was also very sensitive in their evaluation, such that I could create a balance of probability in the information extracted from them. These newspapers were accessed through their online and library archives at their headquarters with the support of research assistants and interpreters, who did a lot of work interpreting them, as well as other relevant documentary materials useful for the study.

In addition to media reports, this study benefitted from the election observers’ report of the general elections in both countries. I sourced information from both domestic and international election observers groups. The international election monitoring groups include: the European Union Election Observer Mission (EU-EOM), the National Democratic Institute for International Affairs (NDI-IA), the Carter Centre, Commonwealth Observer Groups and ECOWAS Election Monitors. At the domestic level, reports of the Transition Monitoring Group (TMG), the Civil Society Election Monitoring Group (CSEMG), Coalition

of Civil Society Organization for Election (COSCE), *Rencontre Africaine Pour la Defense Des L'Homme* (RADDHO), Oxfam, and the West African Civil Society Organization (WACSO) were used. Although the neutrality of the election monitors has frequently been questioned in extant literature (Kelley, 2012; Dorman, 2005), in terms of their partisanship and bias in favour of some political parties, they provide crucial information and data that was useful on the electoral process and outcome in the two countries. In terms of credibility and legitimacy of elections, observers' reports provide comprehensive and essential data for accurate knowledge on the democratic context in both countries. Every effort was made to ensure that the information evaluated was credible. I only extracted information from credible and known election monitors, especially considering that some political parties discretely sponsor some election observers to participate in the process of monitoring on their behalf (*The Punch* 11 July, 2011). Apart from this, I also cross-examined reports emanating from local and international agencies as, well as the media to check irregularities with a view to balancing the various reports.

Apart from relying on election observers' reports, this study also benefited largely, from reports from democratic monitoring agencies such as the Freedom House and the Polity Index. Most of the information from the Freedom House and the Polity Index was presented in graphic format. While the Freedom House and the Polity Index scores have been criticized for lack of precision and methodological bias (Norris, 2008, Treisman, 2009), they are still the most popular and globally acceptable democratic measuring indices which provide a framework for differentiating democracy from other forms of government through selected indicators. I extracted data and information from both agencies to determine the nature and extent of elections and democratic consolidation in Nigeria and Senegal. More importantly, the data from these agencies was useful for the study because they offered the basis for evaluation and cross-validation of the interviews and written documents on the reality of democratic consolidation in each country.

Finally, I adopted other criteria for the evaluation of documentary materials. These criteria included authenticity, credibility, typicality and meaning. According to Francis (2008), documents can be evaluated in terms of the procedure and social and political circumstance of their construction. Furthermore, 'they can also be considered in terms of the characterization of events they supposedly reflect, including the possible exclusion of information and possibility that events might be presented in a particular way and according

to particular interests' (2008: 38). As a result, I adopted this measure as a general principle in the evaluation and interpretation of documents from all the major sources highlighted above. In the next part of this chapter, I will highlight the interview method and the strategies which surround its conduct.

2.4.2 The Interview Method

The semi-structured interview method was chosen as a method of data collection for this study. As a complementary strategy to documentary sources highlighted above, it enabled me to collect first-hand information from key democratic actors in their various contexts in the two countries. The information gained was not only factual and contextual, but also took the form of audio-presentation. According to Shneiderman and Plaisant (2005), interviews can be significant and productive for the researcher, since it allows him or her to collect direct information which is central to his or her research concern and social-political problems. Indeed, the volumes of information collected were otherwise not available in the documentary sources, explicating their importance for this study. Furthermore, the interview method provided the opportunity to ascertain and seek explanation for ambiguous information which was unclear in the documentary sources. As a matter of fact, this method was crucial for cross-validating information from the documentary sources as well as offering a new primary source of data for future research.

Against the backdrop of varied interview methods, this research adopts the in-depth and semi-structured interview technique. This interview method combines the characteristics of semi-structured interviews with other sources of data gathering. As a result, the in-depth discussion with respondents was based on open-ended questions rather than the use of regular questions in quantitative surveys on a set of issues being investigated (Babbie, 2008). Using semi-structured, rather than structured or unstructured, interviews availed me the opportunity to control the numerous variables emanating from interviews in conformity with the context within which the study was conducted. Furthermore, the semi-structured interview format became useful, given that it allowed me to evaluate my questions over and over again, with a view to amending them appropriately to the focus of the study. As a consequence, some of the questions were readjusted, and in some cases, new ones were developed, particularly in an unclear situation where the conclusion remained ambiguous post- interview.

The interviews were conducted in the English language, and the French language. In Nigeria, where English is the official language, all the interviews were conducted in English. In the case of Senegal, interviews were conducted in both English and French. However, given my minimal knowledge of French, and especially as a non-native French speaker, I employed interpreters (Xalil Ibrahim Niang and Kizungu Didimusha), who are both fluent in French and English. While Ibrahim anchored the interviews in Senegal with me, Didier provided translations to the French language material. Furthermore, due to the nature of the research, I gave preference to the interviewees to determine the language and how they wish to be interviewed, as I realized that some participants—especially in Senegal—were fluent in both English and French.

A few interviewees who had started the interview in English later reverted to French because of discomfort with English. . For example, the minority leader in the parliament asked to be interviewed in the English language, but after a while he changed to French because he was uncomfortable using the English language as a mode of communication. Those who chose to answer interview questions through the French language were allowed and those who were more comfortable in English were also given the preference to do so. In some instances, Wolof, which is one of the official languages in Senegal, was used based on the preference of some of the interviewees and they were duly interpreted by my research assistant(s), both in oral and textual form. A major observation was that nearly all the respondents interviewed in Wolof, could speak French fluently.

In conducting the interview, my interpreter would ask the questions as indicated in the questionnaire schedule and the participants provided their responses after which the interpreter provided interpretation for me to write them down immediately. Where necessary, a follow-up question was asked on the basis of the response provided. I recorded the response of each interviewee immediately to avoid any loss of information and to ensure the recording of information. As for those who chose to speak English, I took proceedings of the interview. In the case of Nigeria, interview processes were less procedural as all the interviewees responded in English. Furthermore, interviews were conducted in party offices, private residences, offices and via telephone on the basis of the preferences of individual interviewees.

The interviews were categorized into two major groups in line with the nature of this research. Accordingly, the two main groups are the elite interviews and non-elite interviews.

In the first instance, the elite interviews discuss methods and procedures for interviews of the political elites (I refer to my conceptualization of elite in the previous chapter) which comprise persons in the party leadership and elected representatives holding political offices in both countries. I interviewed key members and political figures from the three dominant parties in Senegal and Nigeria— as stated in my methodology. In Nigeria, the three dominant political parties were the People’s Democratic Party (PDP), the Action Congress of Nigeria (ACN) and the Congress for Progressive Changes (CPC). In reference to the methodology of the study, these parties were deemed dominant on the basis of their national spread and number of their elected representatives in government. Thus, in this category, I interviewed key members of political parties in Lagos State and Abuja (Federal Capital Territory). In the PDP, I interviewed Lagos State Governorship aspirant, Babatunde Gbadosi; former Senator and Minister of Works in the Federal Republic of Nigeria, Seye Ogunlewe; PDP financial Secretary, Lagos State Taiwo Kuye; the National Secretary PDP, Prof. Adewale Oladipo and PDP Director of Campaign, Lagos State, Alhaji Owokoniran. Similarly in the ACN, I interviewed party leader, Chief Cardinal Odumbaku; ACN State Secretary, Primate Odugbesi; former Sole Administrator, Ilawe Local Government, Dr. Azeez Olaniyan; party member, Otunba, Babatunde Afolabi; former Commissioner for Education and Lagos East party leader, Fatai Olukoga and former Special Adviser to the Governor of Osun State, Michael Odesanya. In the CPC, I interviewed the party General Secretary, Buba Galadima; party leader, Kabir Lawal; and party member, Olawale Ibikunle.

In Senegal, members of the three dominant parties were also interviewed. The parties include the Socialist Party (SP), the Senegalese Democratic Party (PDS), and the Alliance for the Republic (APR). In this cluster, I interviewed key members of the political parties in Dakar (the federal capital of Senegal) and Saint Louis. In the PS, I interviewed the National Youth Leader, Dr. Babakar Diop; Prominent party leader, Ahmadou Biam Coulibaly; Mobilization officer, Mbowa Diagne. In the PDS, I also interviewed the National Chairman of the party; Toussaint Manga, the National Treasurer; Ibrahima Gueye, the Youth Leader; and the Mobilization Officer of the party, Issa Doudou. In the APR, I interviewed the Youth Leader, Amadou Diouf Sow; the APR Party Secretariat Coordinator, Mansour Venn Niasse; and the Leader of the Women’s Wing; Rokhaya Maodo Dieng.

In the other cluster of the elite interview, I interviewed the elected representatives of the above mentioned political parties in Nigeria, the ACN, PDP and CPC. In this category, the

following people were interviewed in Nigeria: the Chairman of the House Committee on Diaspora, Hon. Abike Dabiri-Erewa; elected member, House of Representatives, Hon. Babajimi Benson. Also prominent members of Lagos State House of Assembly, Hon. Olumuyiwa Jimoh and Hon. Yishawu Olusegun Gbolahan were also interviewed as elected representatives of the party. All of these parliamentary members were elected under the platform of the ACN. In the PDP, I interviewed the former member of the Lagos State House of Assembly; Barrister Ola Animashaun, members of the House of Representatives, Hon. Akinlade Isiaq and Hon. Akintoye Albert. I also interviewed members of the House of Representatives under the platform of the CPC, Ibrahim Dalhatu; and Yusuf Nagogo offered themselves for interview. On the other hand in Senegal, I interviewed Elected Deputies of the PDS, PS and APR. In the PDS, I interviewed the Minority Leader of the National Assembly; Modou Diagne Fada; Deputies in the parliament; Denim Khadre and Allasane Malick. In the PS, I interviewed Doudou Issa Niasse and Aminata Diallo who were PS Deputies in the parliament; only these two could be accessed at the time of the field work. At the same time, in the APR, I interviewed Abdou Mbowa and Djibril Wan who were both deputies in the parliament. All efforts to interview the President of the National Assembly; (Mustapha Jahatey) proved abortive owing to his very tight schedule.

It should be stated that the research participants gave their consent before their names were included in the research. More so, that the respondents expressed confidence that the study has no consequence for their person and political interest. The second category is predicated on the non-elite interview. Representatives of the civil society organizations and electoral officials in both countries were interviewed. I interviewed the former INEC General Secretary, Prof. Adele Jinadu, who has also written extensively on electoral management bodies in West Africa. His contribution was very useful to the study, considering his wealth of experience as a scholar and as a former member of the commission. I also interviewed State Independent Electoral Commission (SIEC) officers in their various offices in Lagos and Ibadan respectively. Although these officers were initially recalcitrant in granting me an interview because of the issue of confidentiality and anonymity in the public domain, they however accepted to be interviewed anonymously. The major reason they cited was that they could be sanctioned, since the INEC headquarters did not grant approval for such exercises. Based on the principle of anonymity as enshrined in my ethical clearance documentation, I guaranteed their anonymity and used their information in such a manner that the information

would not be traced to them. In the principle of anonymity, a researcher can guarantee the confidentiality of his respondents ‘by assigning motives other than those admitted to by the parties themselves, since the impact of such revelations can never be wholly predicted’ (Holloway and Jefferson, 2000:99).

It should be reported that serious difficulty was encountered in accessing the principal officer of the INEC due to two major reasons. First was the administrative bottleneck and the second was the tight schedule to grant an interview, owing to the preparation for the 2015 general elections. Notwithstanding this, the interview granted by the former Secretary of INEC and the two other SIEC officers, were very useful in providing crucial information for this study, especially with respect to the nature and challenges of electoral management in Nigeria. In addition, I also sought useful materials in the public domain in this regard. Unlike Nigeria, interviews with key officers of the electoral commission in Senegal were much easier, as they presented themselves for interviews, despite short notice. It was simply a question of phoning or emailing them in relation to the interview. A major observation which informs their readiness to be interviewed was the growing culture of transparency in which government officials are not averse to public scrutiny. In addition, my interpreter was well-acquainted with the democratic space and the major actors and so it was easy to arrange interviews with encouraging responses from the participants.

At this juncture, it should be stated that the management of elections in Senegal involves several electoral institutions and bodies⁶³. As a result, I ensured that significant actors or officers in these bodies were interviewed. Consequently, I interviewed the Secretary of the Autonomous National Electoral Commission [ANEC] Didier Bampassy, and another influential member of the Commission, Issa Sall. In the Ministry of Interior, I interviewed the Director General of Elections Bernard Casmir Cisse and the Director of National Regulation of Audio-visual Cheikh Mouhamadou Bamba Niang. This gave me in-depth knowledge on

⁶³ In Senegal the electoral management bodies comprise several institutions and government agencies in charge of election management, with all of them having a specific mandate on electoral administration. For example, the Autonomous Nationale Electoral Commission (CENA) is in charge of election supervision and monitoring, the Directorate of Elections under the Ministry of Interior is vested with the responsibility of organising and conducting elections. Apart from these two bodies, there is also the National Council for the Regulation of Broadcasting (*Conseil National de Regulation de l' Audiovisuel*—CNRA), which monitors campaign activities and broadcasting of the election result. In addition, the Directorate for Computerization of Electoral Register is vested with the registrations of voters and the organisation of referendums as well as the Commission for Ballot counting which ensures the counting of ballots and the verification of results.

the nature and management of elections in Senegal. Indeed, the electoral management officers in Senegal largely cooperated by not only making themselves available for interview, but also assisted in accessing vital documents useful for the study. Notwithstanding this, certain issues which were deemed confidential were not commented upon, especially those that had to do with constitutional breaches and violations by the president in the run-off to the 2012 Presidential elections. However, some of the challenges were overcome through reference to documents and reports, which offer relevant information on the management of elections in Senegal.

In the other part of the non-elite interviews, I interviewed leaders and representatives of the civil society organizations (CSOs) in Senegal and Nigeria. In this category, key representatives of civil society organizations were interviewed. In Nigeria, I interviewed the Director of the Centre for Constitutionalism and Demilitarization [CENCOD], Dr. Sylvester Odion Akhaine; the former President of Campaign for Democracy (CD) and Chairman, Transition Monitoring Group [TMG] Moshood Erubami; the President, Women's Right and Voters Education in Nigeria, Mrs. Bisi Olateru; the Executive-Director Centre for Democracy and Development [CDD], Adijat Hassan; and the Executive-Director of Women's Advocates Research and Documentation Centre [WARD-C], Abiola Akiyode-Afolabi. Most of these interviews were carried out in their various offices in Lagos. For some of them, they were tracked down in their office in Ibadan for the interviews. For example, the Chairman of the TMG was interviewed in his office in Ibadan⁶⁴. In the case of Senegal, I interviewed the General Secretary of the African Assembly for the Defense of Human Rights -*Renocontre Africaine Pour la Defense Des L'Homme* [RADDHO]. I also interviewed the coordinator of OXFAM, Senegal, Elymane Kane; the coordinator of West Africa Civil Society Organization, Amacodou Diouf; and the Chairman of the Coalition of Civil Society Organizations on Elections [COSCE], Prof. Babakar Gueye. I also interviewed some youth leaders and members of social movements which play a key role in the democratization process in Senegal. They include the coordinator of *Yen a Marre* (Abdou-Khadre Aidara). The youth mobilization leader of 'June 23 Movement', Aliose Tidjan was also interviewed. In both countries, it should be emphasized that the willingness of the CSO to cooperate and support the interviewer with significant documents and reports was indispensable in securing useful information for the study.

⁶⁴ Lagos was the former capital of Nigeria and currently the economic capital of Nigeria. The capital of Lagos state is Ikeja. Ibadan is the capital of Oyo state. It is one of the largest cities in Nigeria.

A major observation in the conduct of interviews was that the targeted interviewees were not readily available for interview because of fear of the unknown, despite the clear intention of the interviewer that the information would be strictly for research purposes. Many of the interviewees evaded interview, promising availability, but failing to appear. This scenario is common in Nigeria where politicians avoid being interviewed for lack of trust in the interviewer, unlike in Senegal where the participants offered themselves willingly for the interview schedules. Apart from the few hitches which resulted in some delays and the cancellation of flights as a result of the outbreak of Ebola in West Africa during my travel to Senegal, the field work and data collection processes in Senegal were worthwhile and interesting. Notwithstanding, since the focus of this study is to gain insight with a view to understanding how relevant information about the democratic space offers explanation on elections and democratic consolidation in Senegal and Nigeria, cross-validation of information received from the respondents with documentary sources became necessary to avoid misrepresentation and exaggeration which are common challenges in interviews (Neuman, 2011). As a result, information gathered from the above sources is important in examining our research questions and to seek empirical support for the questions.

2.5. Selection of Respondents

The selection of respondents for this study was based on the idea that sampling in qualitative research is predicated on specific individual settings in which perceptions and understanding about relationships embedded in social conditions are given cognizance (Neuman, 2011). Given that quantitative research is faced with the problem of ensuring representativeness, few samples which could provide relevant illustration for the investigation and explanations were selected. As a result of this, purposive sampling techniques were used for the selection of the respondents for the study. This technique is the most frequent sampling technique in qualitative research and seeks relevant information for the purposes of the research. Thus, the selection of respondents through purposive sampling was aimed at collecting data for the purpose of offering significant information and explanations for the study. As a consequence, the criteria for the selection of respondents for this study were based on two significant factors. Firstly, respondents were selected on the basis of their experience and involvement in the electoral processes under study. For example, the selection of political parties and elected representatives was predicated on their involvement in the democratic space through electoral

contests and democratic participation since the emergence of multiparty elections in the two countries. The second factor hinges on the contribution of the respondents to elections and democratic consolidation in the two selected countries. Put differently, the selection of electoral officers and CSO is attributed to their role in the electoral and political processes of the society. Furthermore, the respondents for this research were also located in Nigeria and Senegal. In Nigeria, respondents were located in Abuja and Lagos. In Senegal, respondents were located in Dakar and Saint Louis. The selection of Abuja and Dakar reflects the fact that they are seats of power in the two countries; Lagos and Saint Louis are known for their high level of political activities.

In addition to the purposive sampling, the selection of the respondents was also guided by snowball techniques. This was because, where many of the target respondents were not readily obtainable, the available respondents willing to participate in the interview were allowed to provide relevant information and responses to the questions. That addressed the problem of inadequate information. As identified in the methodology, the principle of saturation determines the required number participants used during the interview. Through the saturation method, I increased the number of participants involved in the study until I was satisfied that no new or relevant information emerged in the process of data collection and that the relevant data collected suffices in answering the research question.⁶⁵

2.6 Data Analysis

Since interpretive research derives its data through contextual personal interactions from the phenomenon being studied, a primary concern for analysing data for this study, and considering its comparative lens, is that explanations are provided in such a way that relevant information and contextual experience are directly interpreted to show meaning and patterns of the data. Interpretive qualitative data analysis is all about ‘working with the data, organising them, breaking them into manageable units, coding them and synthesising them, and searching for patterns’ (Bogdan and Biklen 2003:45) In other words, the goal of qualitative data is to ‘discover patterns, concepts, themes and meaning’ (Thomas, 2010:317). As a consequence of the above, the data collected was categorized and organized according to patterns, themes and meaning emerging from the data in relation to the main research questions and other fundamental issues that emanated from the entire data collection process.

⁶⁵ For an understanding of the principle of saturation in qualitative studies, (see Given, 2008; Bowen, 2008.

Thus, I cautiously named the conceptual categories and observed phenomena in different patterns and themes.

As a result, the themes were organized under four broad categories: elections as a significant component of democratic consolidation; democratic consolidation by multiparty elections but with increasing democratic setbacks and the existence of hybrid regimes in Senegal and Nigeria; the structural - political context and democratic consolidation in Senegal and Nigeria. The final theme is the rule of law, constitutionalism and liberty as fundamental components of democratic consolidation. Against the above patterns and broad themes, several other sub-themes were also created to show the patterns of relationship among the various patterns and themes. In the context of democratic consolidation by multiparty elections but increasing democratic setback and hybrid regime, the sub-themes created included democratic consolidation by election in Senegal, and democratic non-consolidation by election in Nigeria. In addition to the structural - political context in Senegal and Nigeria, sub-themes constructed include: Electoral management bodies in Senegal, electoral management commissions in Nigeria, political party and democratic consolidation, civil society, social movements and democratic consolidation. On the rule of law, constitutionalism and liberty, sub-themes include elections in the absence of civil and political liberties, elections in the absence of the rule of law and constitutionalism.

As much as possible, I also tried to present statements and perceptions generated in interviews whilst maintain their original context. Tables were sometimes used to present aspects of data originally in narrative form, particularly those that dealt with the reports from institutions and election monitoring agencies. Furthermore, interviews were recorded, translated (in the case of French) and manually transcribed to preserve contextual flavour. The individual transcribed responses were further re-engaged, examined, compared, patterned and interpreted to draw conclusions.

2.7 Ethical Considerations

In this study, I took consideration of the ethical issues which define the potential consequences of my actions and their implications for my participants in this study. Many of the ethical challenges, if not properly considered, are likely to impact on our respondents as well as dangerously impinging upon the validity and reliability of the study (Manheim, Rich, Willnat and Brians, 2008). For example, asking the opinion of an elected representative on electoral irregularities and fraud, when he himself, assumed public office through election rigging and manipulations is like questioning his mandate. Thus, a researcher must ensure a balance in his or her emotions and those of the respondents, such that the interest of both the interviewer and respondents is not jeopardised. On the basis of this, I considered the ethics underpinning two fundamental techniques which underlie the collection of data; the documentary sources and the interview methods.

2.7.1. Documentary Sources

I used several types of documentary sources for this study. This comes in two fashions. The first comprised of primary documents such as the Constitutions, Electoral Act, policy documents, commissioned work, memoranda and public submission among others. The second is the secondary document sourced from journal articles, books, and other published materials useful for this work. In addition, party materials were also used, especially party constitutions and manifestoes. Furthermore, use was also made of party speeches and press statement in addition to personal documents like biography, autobiography and pictures. To this end, media reports from wide-range of outlets and reports from democracy monitoring agencies [Freedom House and Polity], were used to supplement the available documentary sources. To ensure the validity and reliability of the documents, I consider a number of dynamics which were deemed to be ethical for this study. First and foremost, the documents used for sourcing data for this study are largely in the public sphere, thus lessening the question of privacy and confidentiality of the documents used for the collection of data. Where used, these documents were aptly referenced to avoid violating intellectual property. In the case of paraphrasing the ideas of the authors, I acknowledged the original sources and also used standard bibliographic style.

Secondly, I also ensured the principle of objectivity, by making use of the documents from all the political parties and civil society organizations depending on the relevant information

utilised. An equally important reason was the fair representation of their views, while simultaneously evaluating and cross-examining submissions from these parties. In situations where this was applicable for both sides, I augmented their information with other sources from scholarly writings which I deemed sacrosanct to the document under consideration. Thirdly, I sought approval to access the archival materials that were used. In most cases, an official letter from my supervisor introducing me as a doctoral research candidate under her supervision was presented as proof of identification. This was in addition to my student identity card which indicates proof of affiliation as a postgraduate student of the School of Social Sciences, University of KwaZulu-Natal, for the purpose of the research.

2.7.2. Interviews

At the interview stage, qualitative research is more critical of ethical issues. This is because of what Babbie (2008: 66-77) refers to as ‘fulfilling the principles of voluntary participation, inoffensiveness to participants, anonymity and confidentiality and avoidance of deception’. In the first instance, I constructed an informed consent form, which was approved by the Ethics Committee of the College of Humanities of the University of KwaZulu-Natal. Clearly, this consent highlights a measure of voluntarism which suggests respondents can choose to disengage from the research at any point when they feel inclined. It also presupposes that participants can decline to answer any questions during interviews if they wish to do so. In spite of this, I did not encounter any situation in which an interviewee opted out or declined to provide answers to my questions. Evidently, this is predicated on the methodological approach and my pleasant interaction with the respondents in their various contexts.

Furthermore, a major challenge faced during the interview and which raises ethical questions was how to relate with some respondents in Nigeria, especially with regards to their opinion on the issue of flawed and controversial elections without necessarily exposing them. This is in light of the fact that many of them have benefitted from the election process. Knowing full well that their disposition to this kind of question would be hostile, I presented documents to further convince them that there was no connection between myself and any government, nor was there any affiliation between the research project and any political party. This provided some leeway and assurance for some respondents to easily express their opinions on the questions asked of them. Alternatively in Senegal, the respondents largely cooperated with me during the interview, providing vital information and documentary evidence that proved

useful for the study. For example, one interviewee gave me a copy of the electoral code which was not in the public domain as at the time of this report.

However it should be stated that consent was taken before listing the names of the research participants, several other respondents whose names do not appear above were those that claimed anonymity and confidentiality. For example, some prominent politicians during the interview in Nigeria, especially at the National Assembly preferred to be anonymous and do not want their details revealed. Also in Senegal, some respondents who offered to be interviewed at midnight also demand confidentiality and anonymity. I was therefore meticulous in ensuring that their identity and confidentiality is safeguarded. The list of the interviewees has been submitted and kept with my supervisor.

2.8. Summary of Chapter Two

This chapter has outlined the methodological grounding of this research. It has highlighted the research paradigm, the nature of the research, the case study approach and the selection of cases, data collection, methods, the selection of respondents, the method of data analysis and ethical considerations. The combination of these methods gives directions and guidance to the procedures and development of the research. In the next part of the dissertation, I explore the emergence of democratic transitions in relation to how they have broadly shaped the democratization process in various countries in the West African sub-region, and particularly in Nigeria and Senegal.

CHAPTER THREE

3.0 DEMOCRATIC TRANSITION IN WEST AFRICA

Beginning from the 1990s, democratic transition became a prominent feature of politics in West Africa. This feature was remarkable not only because the phenomenon of military rule was gradually becoming unfashionable, it was also because the political landscape had been engulfed by far reaching democratic transformation and development. This transformation was consequential for the military and authoritarian regimes that initially enveloped the democratic space of the region. The backdrop of the long years of military and authoritarian rule brought untold economic hardship and political alienation that resulted in the marginalization of the populace in political affairs. The new era of democratic prologue, therefore, informed a ‘political renewal’ (Adejumobi, 2000: 64) or ‘rebirth’ (Ibrahim, 2006: 2), which opened the route for inclusive politics in several countries in the sub-region. Although, the natures of democratic prologue in these countries have obvious implications for the outcome of the democratization process, the expansion of the democratic space through multiparty competitive elections was the defining attribute of the third wave of democratization in West Africa (Boafor-Arthur, 2008). Given the transition from authoritarian rule to a more open and inclusive democratic regime, electoral democracy became a common feature of West African states.

In consequence, multiparty elections became the norm than the exception, as many countries transitioned to democracy, with the further prospect of consolidating into fuller liberal democracies. While the narrative of elections in some of these countries (Cape Verde, Ghana, Senegal, The Republic of Benin, and Sierra Leone) had shown progress towards democratic consolidation, elsewhere in the sub-region (for example, Nigeria, Mauritius, Togo, Liberia and the Gambia, among others), there has been democratic setbacks and reversals. Worse still, the resurgence of military and authoritarian rule in Mali and Guinea-Bissau in 2012 has further increased concerns on the relapse of electoral democracy in West Africa. A major challenge to democratic consolidation has been the frequency of the subversion of elections by political elites through disrespect for the rule of law and constitutionalism. Indeed, recent developments in many West African countries suggest that elections are only expedient political routines for bolstering ‘the political profile of the regime in the international arena’ (Adejumobi, 2000: 66). Many political elites who rose to power through democratic processes and popular elections have since reverted to authoritarian regimes by conducting

contrived elections, which serves to highlight the abuse of democratic rules and procedures. The increasing violation of democratic rules and constitutions by political elites is therefore suggestive of the extent to which democratic consolidation is precarious in West Africa. In fact, elections have not been conceived as instrument of democracy, but as a 'devalued element and a fading shadow of the democratic process' in West Africa (Adejumobi, 2000: 60).

Following from the above, this chapter examines democratic transition in West Africa, given several years of military rule. It specifically interrogates the background and the political context of the democratic transition, by illustrating connections between the democratization process and its outcome in the region. The study reflects the three fundamental political themes that shaped the political trajectories in West Africa. They are, first, the short trend of multi-party democracy and the resurgence of one-party rule and military intervention in politics. Second, was the resurgence of third wave democracy in West Africa and its various dimension and manifestations. Finally, it analyses the current state of democracy in West Africa in light of consolidation or the reversal of democracy across the sub-region.

3.1 Multipartyism, Authoritarian States and Military Regimes in West Africa

Multi-party democracy is not a very new phenomenon in Africa. Virtually all the West African countries attained self-rule as multi-party democratic systems; many of the countries maintained their party systems after independence. Almost without exception, many West African countries instituted competitive multiparty systems, although the context and extent of their commitment to this system differs considerably from one country to another. As argued by Le Vine (2004: 242) 'the first experience were conducted when political parties multiplied, open elections were held frequently and independent constitutions promised democratic futures for their country'. This democratic experiment opened up an era of relative democratic reform, which gave room for the emergence of political parties and competitive politics in several countries including Benin, Ghana, Nigeria, Sierra Leone, Cape Verde, Mali and Senegal, among others.

However, the failure to reform the political institutions and structure that would facilitate the transition of power from the departing colonial power to the emergent African leaders led to the breakdown of the multiparty democratic system. It is the case that emerging political elites with their penchant for opposition repression subverted state institutions and structures

to advance a one party state. The consequence of this culminates in the authoritarian and military forms of regime that replaced the early democratic experience. The overwhelming authoritarian disposition of the ruling elite and the general collapse of governance were reflective of the rapidity of military interventions in the politics of these countries. As military rule became prevalent in the entire sub-region, only two Francophone countries, namely, Senegal and Cote d'Ivoire, continued with multi-party politics. That said, multi-party politics in Senegal was rooted in authoritarian rule and the centralization of power. It explains Leopold Senghor's de facto single party dominance and control that almost trapped the democratization effort in Senegal (Gellar, 2005). As argued by Olukoshi (2001: 8), in countries like 'Cote d'Ivoire and Senegal where the multiparty framework was maintained, the party of the independence struggle was overwhelmingly dominant'. The abuse of power and state structures resulting from this party system culminate in the emergence of military rule in many West African countries.

Consequently, the first military intervention in West Africa occurred in Togo in 1963. The mutinous section of the Togolese army illegally captured political power and killed Sylvanus Olympio, the country's Prime Minister. This intervention had a contagious effect on the region, as evinced by the frequency of coups and counter-coups that greeted the region, following the Togolese military coup. This development influenced the contagion theory of military intervention in politics⁶⁶. This theory was further used to explain the rising incidence of military interventions that characterized West Africa in the 1960s and 1970s (Ibrahim, 2003). The military coup in Togo was followed by coups in Benin in 1963 and 1965. Ghana, Burkina Faso and Nigeria were simultaneously plunged into a ferocious sequence of coups and counter-coups beginning from January 1966. By 1967, Togo and Sierra Leone had also undergone another sequence of coups, and between 1970 and the 1980s, nearly all of the countries of the sub-region were affected by one form of coup or another: Benin and Ghana, 1972; Burkina-Faso and Niger, 1974; Nigeria, 1975; Mali, 1976; Ghana and Mauritania, 1978. In the post-1980s period, Burkina-Faso, Ghana, Guinea, Guinea-Bissau, Liberia and

⁶⁶ The contagion theory is a theory of military intervention, which argues that the effect of a military coup in one country leads to another. This theory became pronounced following the increasing number of internal military overthrow in West Africa after the coup of January 1963 in Togo, which consequently spread to other parts of the region. Indeed, the Togolese coup was followed by another intervention in Republic of Benin in 1963, Nigeria, Burkina Faso and Ghana in 1966, Sierra Leone in 1967, among others. For details on the contagion theory of military intervention, see Allan, W. (1974). *Coup D'état in Theory and Practice: Independent Black Africa in the 1960s*. *American Journal of Sociology* 79(4), 871-887. See also Kathman J. (2010). *Civil War Contagion and Neighboring Intervention*. *International Studies Quarterly* 54, 989-1012.

Nigeria again found themselves in the grip of military rule. With the exception of Senegal, the entire West African region witnessed military intervention and political instability. The unprecedented phenomenon of military intervention in West Africa compelled Olukoshi (2001:1) to describe the sub-region as 'the coup d'état belt of the continent'. In a more revealing statistic, Edi (2006), noted that the sub-region has played host to about 60% of military interventions in Africa. This claim was further confirmed by the comparative empirical study of Young and Posner (2007: 128-9) which studies some '227 leaders from 46 Sub-Saharan African countries and found that 'nearly, three quarters of African leaders who vacated power in the 1960s and 1970s did so through a coup, violent overthrow or assassinations', all features of instability.

In furtherance of this, they also found the 'number to have dropped below 70% in the 1980s, but was only surpassed by the share of those who left power through natural death, voluntary resignation, or electoral defeat in the 1990s (Young and Posner, 2007:129). In illustration of the consequences of military regimes on the sub-region, Posner and Young (2007: 128) clearly observed that 'not less than 12 heads of state were overthrown during the first decades of independence'. The consequence of the above has been the institutionalization of authoritarian regimes and the escalation of political instability for which the region has been dubbed 'the riskiest region in Africa' (Edi, 2006:7). The implication of this has been the breakdown of society, and political instability, which undermined economic and political development in West Africa.

As a result of the above, cases of political instability and civil war were recorded in Nigeria, Sierra Leone, Liberia, Guinea-Bissau, Niger, and Cote d'Ivoire. For example, Nigeria underwent a fratricidal civil war between 1967 and 1970, owing, among other reasons, to the attempt of the Igbo (a major ethnic group in the Eastern part of Nigeria) to secede from Nigeria and form the independent state of Biafra, following the first military coup d'état in the country (Osaghae, Onwudiwe and Suberu, 2002). In some states, such as Liberia, Sierra Leone and Cote d'Ivoire, political instability led to the breakdown of state institutions and structures, which eventually culminated in civil war. Accordingly, the military and authoritarian background of many West African countries therefore has implication for the authoritarian culture, which the long years of military legacy foisted on the democratization process in West Africa. More tellingly, even after democratic transition had taken place in many of these countries, the phenomenon of military and autocratic rule as a constant part of

the democratization process constituted a challenge for the institutionalization of liberal democracy in many of the West African states. This factor provides fertile ground for the growing crisis of democratization, especially against the backdrop of the violation of democratic rules by political elites and unconstitutional changes of government in West Africa.

Table 1: Military Coups in West Africa between 1960 and 2012

Countries	Year of Independence	Year of Military Coups	Total Number of Coups
Benin Republic	1960	1963, 1965 x 2, 1967, 1969, 1972	6
Burkina-Faso	1960	1966, 1974, 1980, 1987.	4
Cape Verde	1975	Nil	-
Cote d'Ivoire	1960	1999	1
The Gambia	1965	1994	1
Ghana	1957	1966, 1972, 1978 1979, 1981.	5
Guinea	1958	1984, 2008	2
Guinea-Bissau	1974	1980, 1999, 2003 2012.	4
Liberia	1847	1980, 1990,	2
Mali	1960	1968, 1976, 1991, 2012	4
Mauritania	1960	1978, 1979, 1980, 1984, 2005, 2008	6
Niger	1960	1974, 1996, 1999, 2010	4
Nigeria	1960	1966 x 2, 1975, 1983, 1985, 1993.	6
Senegal	1960	-	-
Sierra Leone	1961	1967, 1968, 1992, 1996, 1997, 1998 (ECOMOG)	6
Togo	1960	1963, 1967, 2005	3

Source: Data compiled from various sources including the African Elections Database Country Reports (<http://africanelection.tripod.com/>), accessed 10-05-2014; Alexandra, Neelam, and Mogaka (2015: 104); Barka and Ncube, (2012); Shillington, (2004).

The foregoing table illustrates two major consequences for democratic transition in West Africa. The first is that between 1960 and 1999, many West African countries suffered from political instability, due, largely, to military intervention in politics. These crops of interventions have resulted in 'approximately 44.4 % of the aggregate coups in Africa'

(Omotola, 2011: 12). Thus, military coups became so common, to the extent that nearly all the countries in the region were affected by the incidence of military intervention in politics in the period under consideration. Edi (2006: 16) for example observed that, 11 of the 16 West African countries were governed by military regime between 1960 and 1999. Secondly, the resurgence of military interventions in some states such as Cote d'Ivoire (1999), Togo (2005), Mauritania (2005), Guinea (2008), Mauritania (2008), Niger (2010), Gambia (2012), Guinea-Bissau (2012), and Mali (2012) in the period after 1990, when most of the countries had held their second, third and even fourth elections indicated that the democratization process is not immune from the complete withdrawal of the military from politics in West Africa. While the table suggests successful coups, it fails to substantially provide information on some unsuccessful or failed coups, which is also consequential to political instability in the sub-region (Omotola, 2011). For instance, Nigeria witnessed a sequence of unsuccessful bloody coup attempts that threatened to undermine Nigerian national integration. The foremost of these was the Gideon Okar Coup⁶⁷ in April 1990, which was targeted at expurgating some Northern parts of Nigeria (Ojo, 2006).

Table 2: Unsuccessful Military Coups in West Africa between 1960 and 2012

S/N	Countries	Plots	Unsuccessful Coups	Successful Coup
1	Benin Republic	10	4	6
2	Burkina-Faso	7	1	6
3	Cape Verde	0	0	0
4	Cote d'Ivoire	4	3	1
5	The Gambia	3	2	1
6	Ghana	11	6	5
7	Guinea	9	7	2
8	Guinea-Bissau	6	2	4
9	Liberia	11	3	2
10	Mali	5	1	2
11	Mauritania	8	2	6
12	Niger	5	2	3
13	Nigeria	7	1	6
14	Senegal	0	1	0

⁶⁷ The Gideon Orkar military coup was a violent coup, staged against the regime of Ibrahim Babangida, (the military President of Nigeria (1985-1993) on the 22 April 1990. The coupist attempts to extinct the North from Nigeria on the claim that the Northern Nigeria has dominated other parts of the country especially the Middle Belt and the South. The coupist, though initially seize the control of the Federal Radio Corporation of Nigeria (FRCN) and the various military posts around Lagos, the military headquarters and the residence of President Babangida, but was however crushed in a reprisal attack by the Babangida regime. Gideon Orkar, the leader of the coupist, a major in the army was convicted for treasonable felony alongside his fellow conspirators and was executed by firing squad on 27 July 1990 (see, Newswatch, 2015).

15	Sierra Leone	6	1	5
16	Togo	3	0	3

Source: McGowan (2006:236). Alexandra, M., Neelam V., and Mogaka S. (2015:104)

The table above shows the frequency of successful and unsuccessful coups, a combination of which has undermined the stability of West Africa. The reasons for these coup attempts were disenchantment against the backdrop of authoritarian repression, failed democratic promises and brazen corruption (Omotola, 2011). For example, it has been affirmed that the 1990 Gideon Okar coup in Nigeria was because of economic hardship and the failed democratic transition of the ruling military regime of General Babangida⁶⁸ (Punch, Monday, 25 October 2000). While it can be argued that a total number of 20 successful military coups between 1990 to 2012 represents a substantial reduction in the number of successful coup when compared to that of 1963 to 1989, which was put at 55, this figure does not in any way signify a considerable reduction in the propensity of Africans to engage in coup attempts.

As depicted by the military interventions in Mali, Guinea-Bissau, Mauritius and Gambia, the tendency of the political class to resort to a military coup as an alternative to attaining political power is considerably high (McGowan, 2006). For example, Master Sergeant Doe⁶⁹ of Liberia, orchestrated a military coup against the ruling True Whig Party (TWP) in 1980. Following his assumption of office, he instituted a regime of terror, killing political opponents and undermining liberties (Moran, 2008). In furtherance of his autocratic rule, he organized a fabricated election, which eventually led to civil war in the country (Moran, 2008). The fact that he was later consumed by the civil war shows the obstinacy and desperation of military leaders to cling to power even when the odds are against them. Similarly, in Ghana, after Jerry Rawlings' 'second coming' in 1981 and 2000⁷⁰, he introduced

⁶⁸ The regime of President Babangida came to power on 27 August 1985 when he overthrown the military regime of Major General Muhammadu Buhari in a bloodless coup. Having promised to return the country to civilian rule, Babangida initiated one of the most risky and elaborate transition programme, his attempt to perpetrate power after the cancellation of several transitions programme, especially the annulments of the famous June 12 1993 elections, dubbed as the most free and fair elections in the political history of Nigeria. However, the pressure from international and domestic civil society led him to hand over to an interim government, marking his departure from office on 27 August 1993(see Momoh and Adejumobi, 1995; Omotola, 2010).

⁶⁹ Master Samuel Kanyon Doe was the former Chairman of the People's Redemption Council and the de-facto head of state from 1980-1990. He came to power after orchestrating a violent coup against the regime of William Tolbert Jr., and headed the military junta. In 1985, he conducted election and controversially win it to become the President of Liberia (see Gifford, 1993). However, the prevalence of authoritarian rule, corruption and nepotism in Doe's regime, led to civil war in 1989. Consequently, rebel group overthrown President Doe and brutally assassinated him on the 9 September 1999 (see, Gifford, 1993).

⁷⁰ Jerry John Rawlings was a former military and political leader of Ghana. He first assumed the reins of power when as a flight lieutenant of Ghana Air force, staged aborted coup in 1979. The military eventually vacated

a culture of violence and a military ideology by repressing political opposition, undermining political competition and democratic spaces especially during the 1992 elections. Although he undertook a transition to civilian rule, the transition was denigrated with scores of low freedom and human right abuse a (Gyimah-Boadi, 2007). In Gambia, Yahaya Jammeh⁷¹ organized a coup in 1994 and promised to return power to a civilian regime. Rather than abiding by his promise, he presented himself as a candidate for the elections in 1996 and, subsequently, retained power as the democratically elected president (Ibrahim, 2006: 4). The military leaders have habitually failed to respect their promise to return to civilian rule. Instead, they transformed themselves into dictators under military regimes or civilian governments (Edi, 2006).

In Nigeria, for example, the military controlled power for more than 25 years. Precisely, between 1966 and 1996, they initiated several transition programmes, but failed to hand over power to a legitimate civilian government (Anifowose, 1999; Enumuo, 1999). It is either that the transition is truncated half way or never ended by shifting the dates at will (Obi, 1999). The tendency to stay longer in power through elaborate and insincere processes of transition was the norm across many West African countries. Prominent cases include the following: Ghana under Jerry Rawlings in 1992; Ibrahim Babangida in Nigeria 1993; Dauda Jawarah in Gambia in 1994; and Ibrahim Bare Mainassara in Niger in 2010. In the event that the military junta decided to hand over power, they either collaborated with dictators in manipulating elections to remain in power or overturned election results, as was the case in Ghana, (1992), Nigeria (1993), Guinea-Bissau (1994), Togo (2005) and Niger (2010), among others (Obi, 2011). What the above shows is that the long years of military rule played a major role in the delay of multi-party democracy in West Africa as well as deepening the crisis of democratic consolidation in Africa. However, international and domestic pressures

politics leading to the election of Hilla Liman, as the President of Ghana in 1981. Consequently, Rawlings took advantage of the economic situation to stage another coup in that year and became the head of the provincial military council. In 1992, Rawlings resigned from the Armed Forces to form a National Democracy Congress (NDC) and became the first president of Ghana since the emergence of third wave of democratization. His second coming (1981-2000), saw him winning elections to become the President of Ghana in 1992 and 1996. He however respected the constitutional term limits by peacefully handing over power after completions of his two terms, (see, Gyimah-Boadi, 2008; Harness, 2001).

⁷¹ President Yahaya Jammeh was the former military head of state and the current President of Gambia. He came to power through a bloodless military coup, when he overthrew Dauda Jawarah in 1994. Like Jerry Rawlings of Ghana, he employed the 'military turned political' (Adejumobi, 2000) by contesting elections as civilians under a new formed party in 1996. He won elections under the platform of the Alliance for Patriotic and Re-orientation and Construction in 1996, re-elected in 2001, 2006 and 2011 (see Hughes, 2000; Perfect, 2010).

eventually led to the disengagement of the military and authoritarian rule that consequently opened democratic space in the West African sub-region.

3. 2. Political Liberalism and Democratic Restoration in West Africa

Against the backdrop of the prevailing military intervention in politics and single party dominance, a remarkable development that swept across Africa was Samuel Huntington's 'third wave of democratization'⁷². This wave started in Latin America in the 1970s and had serious consequences for many authoritarian regimes across the world. The West African sub-region was especially central to this development, given that authoritarian and military rule had become the dominant form of government. The democratic ferment therefore requires that all the vestiges of military and single party authoritarian regimes should be broken down to permit democratic institutions of inclusivity and popular participation. Due to the demise of the Soviet bloc, liberal democracy became recognized as a viable political ideology. Indeed, it was renowned as the most viable form of government, which guarantees democratic inclusion and freedom (Famuyon, 2001).

Consequently, the increasing demand for political inclusion and the breakdown of authoritarian regimes opened up a new political course in which virtually all African regimes were compelled to democratize by initiating political reforms and transitions to democracy⁷³. Some critics, however, have argued against the significance of the democratic wave, which engulfed the continent. For example, Levine (2004: 243) claimed that the third wave of democratization is not entirely novel, but a re-democratization⁷⁴. This, to him, is because the 1990 democratic experiments may likely have had their roots in the initial multiparty experience of many states in their post-independence democratization. Thus, it would be wrong to disregard the multiparty democratic experience in many of the West African countries in the post-independence period. Many of these multiparty systems set the tone and

⁷² According to Samuel Huntington, a third wave of democratization spread across third world countries in the 1980s to the 1990s. It began in 1974 in Portugal with the collapse of the Salazar regime and spread across Latin America in the 1980s, and the Asia Pacific countries of the Philippines, South Korea and Taiwan. In addition, the third wave spread to Africa in the 1990s and engulfed Eastern Europe after the demise of the Soviet Union. For details on the democratic waves, see Huntington, S.P. (1991). *Democracy is Third Wave*, *Journal of Democracy* 2 (2), 12-34.

⁷³ In 1995, nearly all the countries of the West African sub-region had crafted and adopted democratic constitutions, with Benin and Guinea taking the lead in 1990, followed by Burkina Faso and Sierra Leone in 1991. In 1992, Ghana, Mali and Togo held referendums to adopt their own democratic constitutions, as did Cape Verde and Niger in 1993. By 1999, Nigeria and Senegal joined the trend in adopting new democratic constitutions and in the year 2000 Cote d'Ivoire also ratified a new constitution.

⁷⁴ Democratic practice had hitherto been experimented with in Africa since the independence of many African states in the 1960s.

serve as the foundation that the third wave of democratization during the 1990s was built upon. Despite these claims, it is undeniable that the third wave of democratization during the 1990s came with much more popular support for multi-party democracy than the earlier democratization experience in Africa. More importantly, the new democratic wave underscores a sweeping democratic transformation and development, which brought down long standing dictators and authoritarian regimes with instructive consequences for political liberalization.

3.2.1. Factors of Democratic Transition in West Africa

Several studies have identified a series of factors that account for political liberalization and the restoration of democracy in West Africa in the early 1990s (Baba, 2015; Gyimah-Boadi, 2008; Ibrahim, 2003; Fomunyoh, 2001; Olukoshi, 2001; Adejumobi, 2000; Wisemann, 1993; Chazzan, 1992; Joseph, 1991; Brown and Kaiser, 2007). These studies explore the basis and rationale for the democratic ferment that swept across the African continent. Their work shows that a combination of internal and external factors was responsible for this development.

3.2.1.2. External Factors

During the period of the Cold War, the super-powers scrambled to extend their ideological influence to the non-aligned states in Africa and embarked on proxy wars across the continent. While ideological rationalizations were advanced to justify their influence, strategic interests prevented the superpowers from condemning the authoritarian and oppressive regimes in Africa. With the collapse of the Soviet Union into 15 independent states, and the end of the Cold War, the initial support for authoritarian regimes by the western powers disappeared. As Decalo noted, ‘what literally transpired was a massive devaluation in Africa. African states were transformed from the cold war pawns, into irrelevant clutters’ (1992:17). Thus, many authoritarian regimes (such as in Ethiopia and Somalia) collapsed, with increasing pressure on others (Wisemann, 1993).

At the end of the Cold War, the principles and practice of liberal democracy became the most acceptable system of government in the international environment. As argued by Adejumobi (2001:65), ‘the object of liberal democracy therefore became a major issue in bilateral and multilateral development cooperation, between Africa and the Western World’. In addition, political conditionality became tied to the disbursement of development aid and a

qualification for assistance in Africa. Indeed, several countries, most especially the USA, France and Britain, and multilateral institutions defined their engagement with Africa on the basis of their institutionalization of human rights, the rule of law, political pluralism and democracy (Olukoshi, 2001)⁷⁵. Hence, as a matter of logic and necessity, Soviet aligned countries in Africa going through political and economic hardship had no option than to turn to western states or multinational organisations for development aid and assistance. As argued by Levine (2004:244), ‘regimes of uncertainty reach out, almost inevitably, but also opened up political space that long suppressed democratic forces have appropriated’. This rationale explains why Jerry Rawlings, the military head of state of Ghana in 1991, embraced a neo-liberal policy and returned his country to democratic rule, in order to benefit from the assistance provided by the donor institutions (Quaye, 1995b).

External events to Africa also contributed to the democratic push. The collapse of one-party rule in Eastern Europe at the end of the Cold War clearly revealed that public disenchantment was capable of overthrowing reluctant autocrats to be replaced through democratic reforms. Once international support for many authoritarian regimes had been withdrawn, the evidence of corruption and poor governance further instigated pro-democracy movements in Africa (Bratton and Van de Walle, 1992). Even though events external to Africa instigated new democratic movements, they were less incisive than the internal factors that led to democratization in Africa. The external pressures alone, without the internal factors, may not have had a decisive influence on the democratization push in Africa (Wisemann, 1993). Thus, it can be argued that the external factors provided the conditions upon which internal factors rested in order to speed up the rate at which political pluralism and democratization was implemented in Africa.

3.2.1.1. Internal Factors

Domestic conditions increased the pace of the third wave of democratization in Africa, particularly in West Africa. Beginning from the late 1980s, the momentum at which pro-democratic and mass movements began to demand political change intensified. Protests and demonstrations were deployed against the structures of authoritarian rule and in response to

⁷⁵ This political conditionality was articulated in the Berg Report of 1981 titled ‘Accelerated Development in Sub-Saharan Africa: A Plan for action’. This report aimed at addressing development problem facing Africa in reaction to the African Governors of the World Bank. It also responds to the Lagos Plan of Action, which is an endogenous African development programme. The Berg Report therefore was an exogenous development framework that tied good governance; human rights and democracy to foreign aids and development assistance (see Berg, 1981; Lagos Plan of Action, 1980).

the increasing economic crisis to push for a transition to multiparty democracy. The poor economic state of Africa played a significant role in the process. As aptly described by Van de Walle (1994:1350), ‘more than half the nations in sub-Saharan Africa were effectively bankrupt and most of the others were propped up by Western public capital’. This further fuelled agitation and contestation against the incumbent regimes. The emergence and involvement of civil society therefore shaped debates and mobilization against the authoritarian regimes, particularly given the declining state capacity and poor governance. For example, the agitation in Benin in December 1989 was not unconnected to the ‘depreciating GDP growth rate of the country’ (Soble, 2007: 3).

Although, it has been argued by Kesling that political conditionality of donor agencies gave impetus to civil society organisations against the recalcitrant Soviet Africa regimes (Kesling, 2000), there is no direct indications that donor agencies and the international community instigated protests against the government (Bratton and Van de Walle, 1997; Van de Walle, 2000; Animashaun, 2010). According to Van de Walle (1997: 132), ‘there is definitely no measure of reliance of protesters on international funding nor were they connected to the obligation of political requirement by the donor. The emergence of protesters is linked to the consequence of economic crisis of the 1980s (Van de Walle, 1997: 132). As a result, Bratton and Van de Walle (1997: 132) claimed to have ‘found no statistical evidence to link the rise of political protest to such indicators of economic reform as changes in the size of the fiscal deficits or inflation’.

Thus, in the context of the depreciating economic condition of authoritarian states and the inability of authoritarian governments to placate the growing resentment of the people, military rule and authoritarian regimes inevitably gave way to political pluralism and democratization in West Africa. Military authoritarian regimes did not just give up the fight - state security forces ruthlessly suppressed and cracked down and killed demonstrators demanding democratic rule (Van de Walle, 1997). Unwilling autocrats bowed to the pressure of democratization by expanding the democratic spaces through processes of political liberalization and transitions to democracy. Whatever the challenges thrown up by the challenges of consolidating democracy, there is no doubt that the wave of democratization sped up the momentum for the collapse of military authoritarian rule, and also opened up the democratic spaces across the African continent.

3.3. Democratization in Anglophone and Francophone West Africa

Following the profound democratic changes in many countries in West Africa, many African states embraced the democratic changes and initiated a transition programme to democracy. Between 1990 and 1994, 31 out of the 42 Saharan African countries were under a democratic form of government, with elections becoming the norm than exception (Bratton and Wan de Walle, 1997). As a result, multiparty electoral politics became the dominant norm as many African countries transitioned from undemocratic rule to a democratic system of government. Indeed, with the exception of Cote d'Ivoire, all other 16 countries in West Africa attempted a process of transition from authoritarianism to democracy. Although, many of the democratic transitions that were institutionalized raise concern for liberal democracy as a preferable political system to that of military and authoritarian rule; a host of countries institutionalized competitive multiparty elections that shows democratic progress. This is observed in Benin, Senegal, Ghana, Cape Verde, Mali, among others on the continent. Such progress was not equitable across states, as a substantial number of countries could not consolidate their democracies because of a subverted democratic transition and flawed electoral processes.

In West Africa, the Francophone countries were the first to democratize. Beginning with the Republic of Benin, this initiated a Sovereign National Conference in 1990 and followed by countries such as Mali, Togo, Niger, and Burkina-Faso. With the exception of Mauritania, which did not stage a national conference, countries of the Francophone West staged founding elections⁷⁶ in the early part of 1990s, Cote d'Ivoire later joined these democratizing countries and conducted the 'second elections'⁷⁷ which, according to Bratton (1998: 51-56), 'held out the possibility that democratic routines might be deepened'. Following the first and second elections in Francophone countries, Anglophone countries later followed the trend. Ghana conducted its founding election in 1992 and was followed by Sierra Leone in the same year. By 1994, the Gambia had conducted its first elections, as did Liberia and Nigeria respectively in 1997 and 1999. By 2000 Senegal had joined the league of the democratizing countries by conducting its founding election.

⁷⁶ The founding elections are the first sets of multiparty competitive elections, after the third wave that marked the transition from authoritarian rule to a democratic regime in Africa (see Bratton, 1998: 1).

⁷⁷ Cote d'Ivoire has had its founding elections in 1993 when Konan Bedie became the President under the platform of the Democratic Party of Cote d'Ivoire -African Democratic Rally (PDCI-RDA). In 2000, Cote d'Ivoire conducted its second elections, which saw Laurent Gbagbo becoming the President. This election was highly significant as it underpins the possibility of democratic deepening through the regularity of elections and freedom (see Lindberg, 2006; see also Bratton, 1998).

As of today, many of these countries have conducted not less than three or four elections, providing the possibility of assessing them in terms their levels of democratic consolidation according to the Huntington two-turnover test. For example, though with trouble elections, the regularity of election in Nigeria since 1999 until date has been a sign of democratization (Lindberg, 2006). In the case of Senegal, apart from its electoral culture that spanned the colonial era, the regularity of its elections in 2000, 2007 and 2012 leading to power alternation, suggests a remarkable democratic improvement and consolidation. A more significant democratic story is that of Ghana which has been deemed as the shining light of democracy in West Africa, conducting five elections in 1992, 1996, 2000, 2004 and 2008 with two electoral circulations in office and clear evidence of the democratic alternation of power. Although the factors that propelled the democratization processes in both Anglophone and Francophone countries of West Africa were similar, the different outcome of these democratization processes poses challenges in understanding what contribute to democratic consolidation (Adejumobi, 2000).

In understanding the dimension and pattern that the transition to democracy took in West Africa, Adejumobi (2000) offers a plausible explanation on how the context and outcomes of the transition process in the post third wave democratization period in Africa shaped the consolidation of democracy. The manner in which the democratic transition was negotiated was important to the transition process. According to him, four major patterns of democratic transition were palpable. The first is the category of countries where civil societies played active role and took ownership of the transition process. The second is where civil societies, though, central to the transition, the process was hijacked from them. The third is those states where political elites imposed and stage-managed the transition process. The fourth transition occurred in those countries where the transition process resulted in violent conflicts and civil war (Adejumobi, 2000). In the first category, the situation is that ‘civil societies were vociferous and more organized; they took the initiative for political reforms, engaged the state in a fierce political battle and stamped its will on the course of the transition’ (Adejumobi, 2000: 65). Under this democratic mode of transition, democratic actors initiated reforms in the electoral laws and to the institutional infrastructure of democracy (the electoral body, the judiciary, security forces) to prevent the influence of the incumbent on the democratization process and.-) enhance political competition and credibility of elections

(Adejumobi, 2000). This mode of democratic transition culminated in the ‘negotiation of the sovereign power for the purpose of recasting the constitution in a manner that promotes political pluralism and civil liberties’ (2001: 39-40). In West Africa, countries that negotiated a democratic transition through this mode have had free and fair elections, which have resulted in electoral turnover and elite circulation. In these democracies, the opposition was able to defeat the incumbent in a transparent electoral process. This kind of democratic transitions, occurred in some Francophone and Lusophone countries in West Africa, such as Benin, Cape Verde, Mali, and later, in Senegal.

The second mode of transition relates to those countries where civil society anchored the process of political reform that would eventually be hijacked by the ruling elite to foist their hegemonic rule on the population or to continue with the past political order whose logic and premise was authoritarianism (Adejumobi, 2007). Under such circumstances, the arbitrary electoral process and democratic institutions were left unreformed, with authoritarian institutions firmly entrenched. The consequence of this mode of transition is that the election was either not held or when it was, became seriously perverted in the interests of the incumbent regime. Examples are Togo (2005), Burkina-Faso (1992) and Guinea-Bissau (2005). In the third category of this mode of transition, ‘the state consciously managed, regulated and manipulated the electoral process in order to impose its will on it, and little was achieved in terms of meaningful results through elections’ (Adejumobi, 2007: 18). Examples of states in this category include Nigeria, Ghana, Cote d’Ivoire, Gambia, Cameroon and Senegal. Nigeria and Senegal present discerning cases in which elections were annulled in 1993 under the military regime in Nigeria and in the same year under the civilian regime in Senegal. The turbulence that followed the Nigerian experience has been analyzed in several articles on democratization in Nigeria (Momoh, 1997; Momoh and Adejumobi, 1995; Mimiko, 1995). Finally, there was the mode of transition to democracy that led to serious political conflict and civil instability, as a result of perversion of the electoral process and state collapse (Adejumobi, 2007). In this mode of transition, elections were later held as a component of the peace building and development process. Examples include Liberia in 1997 and Sierra Leone in 1996.

The consequence of the above is that it can be argued that the different transition modes in West Africa eventually determine the outcome of the democratization process over the longer term. For example, those countries where civil society took the initiative for political reform

are the ones consolidating their democracies (Benin, Senegal, and Cape Verde). Although Ghana and Sierra Leone are exceptions, the truth is that places where civil society initiatives were scuttled have had challenges in consolidating their democracy. This has informed considerable variations in the democratization process in many West African countries in such a way that while some states such as Ghana, Benin, Cape Verde, and Senegal are consolidating, through the practice of multiparty democracy, a host of others such as Nigeria, Guinea-Bissau, Cameroon and Niger are stuck in the transition phase. Nevertheless, the prospects are that electoral democracy will usher in political renewal and democratic consolidation in West Africa.

3.3. The State of Democracy in West Africa

Elections have become the dominant feature of democracy in West Africa, in which the conduct of multiparty competitive elections has resulted in the stability and consolidation of democracy. As Levine (2010) aptly put it, ‘by any democratizing criteria, of the 16 West African countries, Benin, Ghana, Cape Verde, Mali, and Senegal emerged from the 1990s as unqualified exemplars of successful democratic transitions’. However, recent developments indicate that such elections become a self-serving political exercise in which ruling regimes prolong their period in power. The tendency to organize unconstitutional changes of government through fictitious elections, or what Huntington and Moore (1970:134) termed ‘liberal Machiavellian elections’, is increasingly apparent. This tendency approximates the growing propensity of illiberal democracy in which elections are dominant but other liberal democratic principles that make elections meaningful in the consolidation of democracy, have been abrogated through civilian coup or military interregnum.

3.3.1 Democratisation and Unconstitutional Change of Government in West Africa

Evidently, democratic experiments in West Africa remain precarious and controversial. This is because the crisis of elections and democratic consolidation is deepening (Adejumobi, 2000). To some people, the consistency in the conduct of elections would obviously bring about democratic development, even if there are identifiable flaws, the process would obviously develop over time (Lindberg, 2006; Diamond, 1989). Yet, the flaws and messiness of the democratic process, which manifest in the form of the crisis of elections and unconstitutional changes of government has made some to be pessimistic about the prospect of institutionalizing credible elections and by implication consolidating democracy. The real

issue is not the consistency of elections or whether they are legitimate or not, it is rather the degree to which political elites are undermining the democratic process through the abuse of power and the unconstitutional change of government in West Africa.

The thorny democratization and unconstitutional rule in Togo, resulting from the unconstitutional change of power in 2005, is indicative of this challenge. For example, the National Assembly of Togo, on February 6 2005, under the control of the ruling party's Rally for the Togolese People (RPT) deposed Fambare Natchaba (the Parliamentary President) and installed Faure Gnassingbe, the son of the late Eyadema Gnassingbe⁷⁸ to complete the mandate of his father after his demise in 2008. This was contrary to the constitutional provision that clearly states that on the demise of the President, the President of the Parliament should assume the position. According to the Togolese constitution, 'If the President dies without completing his tenure, the Parliamentary President automatically assumes the status of a temporary President in the country' (cited in Kohnert, 2007: 8). To justify the unconstitutional change of power in which Faure Gnassingbe was installed as President, the parliament altered the constitution to accommodate the change and to ensure that the election was not held within 60 days as stipulated by the constitution (Aboudou, 2013). This ensures that the speaker of the National Assembly; Fanbare Outtarea Natchaba was prevented from conducting a new election within the stipulated period when a new regime is supposed to emerge (Omoregbe, 2010). This strategy was therefore significant to their political calculations, but not a coincidence that Togolese Armed Forces was alleged to have barred the speaker returning to the country from Paris to take up the interim government and conduct a new election (Kohnert, 2007). To alter and undermine the constitution in the manner of the Togolese ruling political elite did, may be considered a civilian coup against the Togolese people.

Prior to this constitutional change that led to the installation of Eyadema`s son, the late Gnassingbe Eyadema and his ruling party had attempt to personalize power and flagrantly violated the constitution on several occasions before his demise. For instance, in December

⁷⁸ Eyadema Gnassingbe was the President of Togo from 1967 to 2005. He became the President in 1967 and rule through a single party until 1990 when he was forced to liberalize. As a result, elections were conducted and Eyadema was re-elected in 1993, 1998 and 2003 respectively. Despite that, the opposition party detest these elections as fraudulent; Eyadema remained in power until his death in 2005. After his demise, the Togolese military loyal to the late President installed his son, Faure Gnassingbe through a military coup in 2005. Instead of condemning such unconstitutionality, the parliament approve of it. Although, domestic and international pressure forced the regime to return to status quo, Faure Gnassingbe eventually won the elections in the context of widespread electoral fraud and manipulations (see Kohnert, 2007).

2002, Eyadema used his party dominance in the parliament to change the constitution in a bid to extend his continuous ruler-ship in a number of ways. Firstly, parliament altered Article 59 of the Constitution to accommodate a third term for the President (Togo's Constitution of 1992, Article 59 (As amended in 2002)). Secondly, they reviewed Article 62, by reducing the minimum age of Presidential candidates from 45 to 35 (Kohnert, 2007: 9). According to the Constitutions, 'No one may be candidate for the office of the President of the Republic if they are not thirty five years of age on the date of the deposit of candidates' (Togo's Constitution of 1992, Article 62, (As amended in 2002)). Critics have claimed that the reduction was deliberately done to favour and make Faure Gnassingbe, the President's son, eligible to contest, considering that he was 35 years of age as at that time. . Lastly, parliament banned and suppressed the major political opposition, '*Union des Forces du Changement*' (UFC) and prevented its charismatic leader, Gilchrist Olympio from contesting elections that year (Kohnert, 2007). Knowing that the major opposition candidate, Gilchrist Olympio had been driven into exile by the military regime of Eyadema, a restrictive electoral clause to prevent him from contesting the election was inserted into the Constitution and the electoral code. According to the clause, 'No one may be candidate for the office of the President of the Republic if they do not reside in the National Territory (of Togo) for at least 12 months' (Togolese Constitution of 1992, Article 62, sub 5 (As Amended in 2002)). By this, it means that contesting for the Presidential position of Togo 'requires that one should have been at least, a residence of Togo in the year preceding the date of the election' (Kohnert, 2007: 9). These constitutional changes and denial of freedom, amplified civil unrest and condemnation of the regime. The regime responded by cracking down on political dissent and protesters. Consequently, international organizations such as the Economic Community of West African State (ECOWAS) and the African Union (AU) vehemently condemned the unconstitutional change of government through which Faure was installed. In response to the change of government, African Union imposes sanctions and banned Togo from the membership of the union until they reversed the status-quo (AU, 2005). According to the AU President, 'the regime of Eyadema in Lome, is a band of soldiers, called 'constitutionalists', who are never committed nor consent to free elections as the defining principle of democracy' (AU, 2005). Accordingly, the refusal to recognize the Togolese regime by ECOWAS and the AU, as well as the military threat by the Nigerian government⁷⁹, forced Faure Gnassingbe to step down for election on April 24, 2005.

⁷⁹ Apart from the fact that the Nigerian National Assembly through its resolution condemned in strong term the

However, in the midst of undermining democracy the Presidential elections witnessed serious cases of electoral fraud (Baba, 2015). The most striking of these was the military ransacking of the secretariat of the opposition party and preventing many voters from the opposition party from voting (Kohnert, 2007). A press release by the US State Department documented various forms of electoral fraud including irregularities in the voters' register and victimization on the day of the election. It submitted that 'the elections fell short of the aspirations of the Togolese people' (US Dept., 2007). While the Constitutional Court acknowledged the claims of the opposition that the elections had been rigged, they claimed that the accusation against them lacked substance, evidence and merit (African Press Agency, 2007). In spite of the call for electoral reform and constitutional review by the opposition, the regime remained recalcitrant, as the current Togolese regime under the hegemony of Faube Eyadema continues to use the current Togolese constitution and electoral law as an authoritarian document in which the institutionalization of the Gnassingbe dynasty is central to (Yabi, 2014).

Similarly, in Burkina Faso, Blaise Compaore has been the head-of-state since 1987 and has adopted a 'sit-tight' strategy. By repressing political opposition and undermining democratic institutions, President Compaore has continued to perpetuate his political power and suffocate constitutional rule in Burkina Faso. A notable case was his attempt to extend his power, despite the term limit. It should be stressed that Blaise Compaore was the first president in the entire regime to have stacked the third term debate, by manipulating democratic institutions and the constitution of his country to contest for a third term (Hounkpe, 2014). Despite several efforts to modify the constitution by calling for constitutional review, Compaore's efforts were met with increasing resentment and condemnation (Yabi, 2014). As a result of the declining legitimacy and desperation to hold on to power against the wish of his people, the regime of Compaore responded against the political oppositions by assaulting, maiming and killing protesters. While many lives and properties were lost due to the consequence of security forces cracking down on protesters, President Blaise Compaore was forced to back down from his unconstitutional attempt to continue in power in 2014. It should be stated that

unconstitutional changes of government in Togo in 2005, they also directed President Olusegun Obasanjo who was the AU chair at that time to use any means including military threat to reverse the changes. Resultantly it was reported that President Obasanjo made a clear statement to the Togolese government to reverse to status quo, otherwise Nigerian will not only cut its diplomatic ties, but also attack them see Aboudou, 2013).

Campaore desperation is not only located in the context of constitutional aberration and anarchy that constitute a threat to the spirit of the constitution, they also underlie the subversion of the democratic processes in the country. The declining quality of democracy, as indicated in the violation of the constitution and democratic process by the incumbent political elite as in the cases of Togo and Burkina Faso, demonstrates a tendency for democratic reversal in West Africa. The increasing phenomenon of incumbents manipulating elections, abusing freedoms, and undermining the democratic rules, processes and the constitution (as observed in some countries in the region) has been the bane of liberal democracy and the consolidation of democracy in West Africa. Table 3 below shows the declining state of freedom and its implication for democratic consolidation in the 16 West African countries.

Table 3: The Freedom House Status of West African Countries, Showing Political Freedom Scores and Civil Liberties Scores for 2006

Countries	Political Right	Civil Liberty	Freedom Status	Democratic Status
Benin	2	2	Free	Consolidating
Burkina-Faso	5	3	Not Free	Hybrid
Cape Verde	1	1	Free	Consolidating
Cote d'Ivoire	6	6	Not Free	Autocracy
Gambia	5	4	Partially Free	Hybrid
Ghana	1	1	Free	Consolidating
Guinea	6	5	Not Free	Autocracy
Guinea-Bissau	3	4	Partially Free	Hybrid
Liberia	4	4	Partially Free	Hybrid
Mali	2	2	Free	Consolidating
Mauritania	6	6	Not Free	Autocracy
Niger	3	3	Partially Free	Hybrid
Nigeria	4	4	Partially Free	Hybrid
Senegal	2	3	Free	Consolidating
Sierra Leone	4	3	Partially Free	Hybrid
Togo	6	5	Not Free	Autocracy

Source: Freedom House, Freedom in the World Report, 2006 (Washington, DC: Freedom House, 2006 and African Elections Database Country Reports (<http://africanelection.tripod.com/>) Accessed 10-05-2014.

The table above indicates that 5 out of the 16 countries (Benin, Mali, Cape Verde, Ghana and Senegal) made the positive movement away from autocracy after the second and third sets of elections and were categorized as 'free' based on their free and fair elections and institutionalization of freedoms. The improvement in freedom scores of these countries is

suggestive of the democratic quality of elections and the institutionalization of political and civil liberties. However, the fact that 7 out of the 16 countries of the sub-region were only ‘partly free’, while the remaining 4 were categorised as ‘not free’ is an indication of the declining quality of elections and lack of institutionalization of civil and political liberties in the region. As concluded by Freedom House in 2006 (on the democratic prospects of West Africa), ‘there are democratic improvements, but the negatives outweigh the positives’ (Freedom House, 2006:1).

The degree to which freedom is declining indicates the frequency in the violation of democratic rules and constitutionalism, which partly explains the resurgence of the military in politics in some West African states. As argued by Olagbayi (2012: 23), ‘the features of military interregnum in post-third wave democratization in Africa has been the impunity and recklessness of the emerging political elite to rule against the constitution, as if the constitution is not in existence’. It is this kind of attitude that makes emerging incumbents sit tight on power by organizing fabricated elections that simply diminish the inherent value of democracy. The implication has been the increasingly frequent military intervention in the post-cold war democratization processes in West Africa.

Table: 4. Polity Index Scores of Countries in West Africa, 2006⁸⁰

Countries	Score	Status
Benin	6	Democracy
Burkina Faso	0	Closed Anocracy
Cape Verde	10	Full Democracy
Cote d’Ivoire	4	Open Anocracy
Gambia	-5	Closed Anocracy
Ghana	8	Democracy
Guinea-Bissau	-1	Closed Anocracy
Guinea	-1	Closed Anocracy
Liberia	6	Democracy
Mali	7	Democracy
Mauritania	4	Open Anocracy
Niger	6	Democracy
Nigeria	5	Open Anocracy

⁸⁰ The polity Scores Index captures regime authority on a 21 point scale ranging from 10 (a hereditary monarchy) to +10 (a consolidated democracy). The polity score can also be converted to regime categories: 3 part of categorization of autocracy (-10 to -6) anocracies (-5 to +5) and the three special values (-66-77 and -88) and democracy (+6 to +10). Senegal’s score was +7 (consolidated democracy). Nigeria’s score was +4, (anocracies) whereby from -5 to +5 is anocracies.

Senegal	9	Democracy
Sierra Leone	5	Open Anocracy
Togo	-4	Closed Anocracy

Sources: Polity score on regime authority spectrum <http://www.systemicpeace.org/polity/polity4.htm>. Accessed 25-05-2014.

Table 4 above also indicates that there have been democratic improvements in the region. Seven countries are democratic, while 4 are open anocracies and 5 are closed anocracies. The Anocratic characteristics are a phenomenon that manifests when a regime rules either through authoritarian tendencies or in violation of the constitution. Under these conditions, incumbent executive presidents become unrestrained in the exercise of their authority, and they deliberately subvert democracy through electoral authoritarianism. In this context, elections are not free and fair and the competitiveness of the process is often lost. This tendency often gives birth to military rule based on the claim of restoring order to society (and the promise of a new democratization process to come), yet military values and orientations are antithetical to democratic rule. Thus, the anti-democratic behaviour displayed by political elites has been the basis upon which military intervention has become rampant in politics in the post-1990 democratization period.

The hollow democratization processes in Mauritania, Guinea-Bissau, Guinea and Niger is suggestive of the way the military have subverted the democratization process and impeded democratic consolidation in West Africa. Against the backdrop of military disengagement in politics in the 1990s, the resurgence of military coups in Mauritius, Guinea Bissau, Guinea, Niger and Mali indicates that military institutions have yet to fully vacate the democratic space. For example, the adoption of multiparty elections in Mauritania⁸¹ in 1992 was seen as democratic progress, but the military intervention in its politics sent the country back to authoritarian rule. It should be noted that Mauritania had hitherto conducted three elections in secession in 1992, 1997 and 2003, won by Maaouya Ould Sid'Ahmed Taya⁸² in a landslide

⁸¹ Although Mauritania for large part of its post-independence era was a one party state, the conduct of the multiparty election after the approval by referendum of the country's constitution in 1991 led to the enthronement of democracy in Mauritania in 1992. In 1997 and 2001 another elections were conducted, won by Maaouya Ould Sid'Ahmed Taya. It should be stated that President Taya who won these elections, hitherto participated in the bloodless military coup and became the Chairman of the military regime that governs Mauritania from July 1978-April 1992. In 2005, another military occurs in 2005 that cut short the regime of President Taya. The military finally organize elections on 11 March 2007 leading to their return to the barrack (see Lynch and Crawford, 2011).

⁸² Maaouya Ould Sid'Ahmed Taya was the President of Mauritania, 1992-2005, before the military took over from him. He contested election under the platform of Parti Republicaine Democratique et Social (PRDS) (see Lynch and Crawford, 2011).

margin (Omoregbe, 2011). However, the high degree of electoral manipulation, violation of democratic rules and the constitution by the incumbent regime raises questions about regime legitimacy (Lynch and Crawford, 2011). Furthermore, the opposition's boycott of the 1997 election⁸³, the climate of despair and the authoritarian disposition of the regime, culminated in the bloodless coup led by Colonel Ely Ould Vall and Colonel Mohammed Ould Aziz⁸⁴ who seized power from Taya on August 3 2005 (Omoregbe, 2011). On August 4, the AU condemned the unconstitutional change of government and suspends the membership of Mauritania from the African Union until it returned to democratic government (Omoregbe, 2011).

The condemnation and sanction of the AU is suggestive of the commitment of the AU to democratic rule and the denunciation of any form of unconstitutional regime and autocratic ruler. Although there was mass applause for the coup because of the growing disenchantment against the regime of President Taya, the decision by the AU to condemn the unconstitutional change of government is indicative of the strong commitment of the AU to institutionalizing democratic rule. Indeed, the decision has been acknowledged as a giant stride in the process of consolidating democracy on the continent (Omolola, 2012). As noted by Williams (2007: 274) 'the AU was obliged to condemn the coup d'état in principle, even though it was aware of the significant local support and international sympathy for the coup'.

However, despite the AU's condemnation, what is particularly revealing is the degree of sympathy that the coup attracted from the country's political elites. For example, while '67 of the country's 95 parliamentary members endorsed of the coup, 37 out of the 56 senators put their names to the statement in approval of General Ould Abdul-Aziz's takeover' (BBC News, 14 August 2008). Such statistical support for the unconstitutional change of government demonstrates the disapproval by a broad spectrum of the political elite and the population against the authoritarian regime, which although it came to power through popular elections, conducted fraudulent elections that undermined democracy.

⁸³ The opposition party boycotted the election because of widespread electoral fraud and manipulations by the incumbent regime of President Taya. Indeed, starting from the 1992 legislative election, most opposition party boycotted elections at the national level and only participated in local and municipal elections(see Lynch and Crawford, 2011).

⁸⁴ Both Ely Ould Mohamed Vall and Mohamed Ould Abdel-Aziz are colonels in the Mauritania army (see Omoregbe, 2011).

Eventually, when Mauritania returned to multiparty elections, the head of the military junta participated in the founding election as the incumbent candidate, consequently won and became the elected president of the country. This was in contravention of the AU protocol on democratic and good governance (Omotola, 2011). According to the AU provisions, ‘any member of the military junta is barred from participating in democratic elections, as military intervention in politics is regarded unconstitutional and undemocratic in the change of government’(AU, 2005: 1). Despite the AU protocol preventing the military from participating in the electoral process, the sanction placed by the AU on the regime for the illegal change of regime was not implemented. As Omotola (2011: 22) aptly put it, ‘the coup plotters were able to escape sanctions for their unconstitutional seizure of power by legitimizing their hold on it through elections’. This scenario has further strengthened the grip of the military on the country’s government, a factor that explains the frequency of coups in the country. It should be emphasized that Mauritania has witnessed more than 10 successful military interventions in politics over the last decade (BBC News, 14 August 2008). The growing military intervention, no doubt, has a debilitating influence on the military control of the government and contributes to the institutionalization of autocratic rule. For example, the assumption of office of President Abdullahi⁸⁵ was followed by the appointment of the same military elites who had served in the cabinet of President Maaouya Ould Taya’s regime. Many of these military officers have been accused of corruption and autocratic tendencies that undermined the regime of Ould Taya (Azikiwe, 2008). Theoretically, this shows that only a thin line exists among political elites, as consensually disunited elite can also unite to undermine democracy. The implication of the above is that while democratization is ongoing in West Africa, military influence and elite conspiracy is still largely felt in the democratic processes of many countries in the region.

In Guinea-Bissau, the upsurge of the military putsch, which ousts Kumba Yala, the elected President⁸⁶, in a bloodless coup on September 2003, also reversed the ongoing democratization process in West Africa. Although the president had deliberately delayed

⁸⁵ Sidi Mohamed Ould Cheikh Abdullahi was the President of Mauritania in 2007 after the military junta, which seize power, and overthrown President Taya in 2005 conducted a new elections. President Abdullahi contested the election as an independent candidate. The 2007 election has been adjudged as the first fully democratic elections since the independence of the country (see, BBC News, 2010).

⁸⁶ Kumba Yalla was the President of Guinea-Bissau, 2000 - 2003, before the military deposed him. He came to power under the Party for Social Renewal (PRS), a major opposition party established in 1992 (see, IRIN, 2003).

parliamentary elections, by changing the dates on several occasions, the intervention of the military was seen as a break on the democratic development in the country (IRIN, 2003). By installing Joao Bernardo Nino Vieira⁸⁷, the military was not only against the democratic choice of the people which gave their mandate to Kumba Yala in a 71 percent vote to win the Presidential election of 2000 in Guinea-Bissau, it also provide a clear picture of unconstitutionality in the region. According to Omoregbe (2001: 9), ‘the coup upset the fragile political balance in Guinea Bissau who had just elected its leader through democratic elections’. Following the initial military interregnum, another military putschist struck on 2 March 2009, when a cluster of the military artillery killed President Joao Bernardo Nino Vieira, following the assassination of the Chief of Army Staff (Engel, 2009: 6). The demise of President Vieira instigated another military coup on 6 June 2009 and, although abortive, it culminated in the death of former Defense Minister Helder Proenca and Baciro Dabo, a presidential candidate in the 28 June 2009 elections (Omotola, 2011). The reason for killing Baciro Dabo was that he had been part of the initial coup plotting. In spite of the failure of the coup, the election was held as stipulated. In the first round of the elections, Malam Bacai⁸⁸ won 39.54 percent of the vote and Kumba Yala, 29.42 percent. A run-off between the two leading candidates took place on 26 July 2009 (The Courier, 27 July 2009) and the Supreme Court declared Malam Bacai of the Governing African Party for the Independence of Guinea (GAPIG) as winner; having defeated Kumba Yala of the opposition Social Renewal Party (SRP) (United Nations, 31 July 2009; Security Council Report, 2010).

Further to the growing military influence in the country, the democratic process faced another major setback, when Carlos Gomes Junior, the Prime Minister and the Presidential candidate of the African Party for the Independence of Guinea and Cape Verde (PAIGC) was unconstitutionally removed from participation in the 29 April 2012 elections. Apart from disenfranchising him, he was also exiled from the country. In that election, Carlos Gomes was in the lead and on the threshold of becoming the President of the country (Yabi, 2014; African Future, 2014; Aubyn, 2012). The reason given, according to the Putschists, for

⁸⁷ Joao Bernardo Nino Vieira was the President of Guinea-Bissau from 1980-1984 after seizing power through military coup. In 1994, he contested elections and was President for the second time. He was deposed by the end of the civil war in 1999 and went into exile. He returned to the country and installed to head the government, after the coup of 2003 that ousts Kumba Yala. In 2005, he contested the Presidential election, won and ruled the country for the third time, 2005-2009 (IRIN, 2005).

⁸⁸ Malam Bacai Sanha was the Presidential of Guinea Bissau 2009-2012. He contested election under the platform of African Party for the Independence of Guinea and Cape Verde (PAIGC) in 2009 to defeat Kumba Yala.

disenfranchising Carlos Gomez Junior was that he had a secret deal between the government and the Angolan technical military and security mission in Guinea-Bissau (MISSANG)⁸⁹, which sought to undermine the powers of the Guinea-Bissau's military (Aubyn, 2012)⁹⁰. The military claimed that the stationing of MISSANG in the country had increased security tensions which intimidates the people and sovereignty of Guinea-Bissau (Aubyn, 2012). This claim had been debunked on the ground that the role of MISSANG is to ensure peace and security of the Guinea-Bissau people against the backdrop of its perennial instability (Aubyn, 2012). Carlos Junior representation of the government in the peace and security agreement, therefore, poses no risk to the government and the people of Guinea-Bissau. Thus, as noted by Aubyn, 2012: 2) 'disenfranchising Carlos Gomez has nothing to do with his involvement in the peace meeting, the clash of interest between the military and the regime offers a good explanation to the political impasse'. Consequently, the situation where the military would truncate the democratic process, because of its own interest is therefore suggestive of the institutionalization of impunity and authoritarian tendencies in the democratization process in West Africa.

In similar circumstance, the Guinean President Conte, in violation of the Constitution and the sanctity of the parliament, unilaterally appointed his ally Eugene Camera⁹¹ as Guinea's prime minister. According to the Article 52, of the Guinean Constitution 'the Prime Minister; Head of Government is appointed by the President in consultation with major stakeholders' (Article 52, Guinea's Constitution of 2010).

The National Assembly's condemnation of the constitutional breach was followed by widespread political protests and demonstrations but President Conte responded by cracking down on protesters and political opponents who condemned the constitutional breach. In the

⁸⁹ MISSANG is a defence and security architecture of ECOWAS and the Community of Portuguese-Speaking Countries (CPLP). This security unit was stationed in Guinea-Bissau for the restoration of security and peace (especially given that the country has been largely unstable since the 1999 due to the civil war (see Aubyn, 2012).

⁹⁰ For details, refer to the Report of the Chairperson of the AU Commission, Jean Ping, on the situation in Guinea-Bissau, Mali and between Sudan and South Sudan, delivered to the AU Peace and Security Council on 24 April 2012.

⁹¹ Eugene Camara was appointed Prime Minister of Guinea on 9 February 2007 by President Lasana Conte. The opposition condemned the appointment of Camara, on the failure of Conte to consult major stakeholders. Critics had claimed that Camara is being groomed to take over from President Conte because of his unalloyed loyalty since Conte assumed power in Guinea (see Rudebeck, 2011).

thick of his unconstitutionality, President Conte died, and Captain Moussa Dadis Camara⁹² capitalized on the opportunity to seize power. He immediately suspended the constitution and justified his intervention by claiming that the deteriorating economic situation of the country as well as the institutionalization of martial law undermined the capacity of the Guineans to return to democratic rule (Omotola, 2011). Through the National Council for Democracy and Development⁹³, the regime promised to return the country to democratic rule, then reneged upon this after 6 months and extended the period by which power would be handed over by two years (Engel, 2010; Online Guardian, 23 December 2008; BBC News, 27 December 2008). After several constitutional breaches and crackdown on opposition groups who had demanded Camara step down⁹⁴, the military government eventually held elections on 27 June 2010. However, amidst controversies resulting from electoral fraud and manipulation leading to the cancellation of about one third of the total votes cast, President Alpha Conde⁹⁵ was declared winner contrary to the fact that the Prime Minister Cellon Dallein Diallo was leading the election in the first round of voting with 43.69 percent, loss to Conde in the second round of voting with 47.48 as against Conde's 52.52 percent (Yabi, 2014).

In Niger, the military claimed to have intervened in politics to save the civilian population from the autocratic rule of President Momodou Tandja who refused to leave office at the end of his tenure. President Tandja's tenure ended in December 2009, but rather than vacate office, he remained in power by unconstitutionally dissolving the parliament on 29 May 2009 (Omotola, 2011). The reason for his dissolution of the parliament was the parliament's resistance to his third term agenda (Omotola, 2011). Prior to this time, Tandja had successfully initiated a series of constitutional changes in 2009, by removing parliamentary checks on his authority as well as the democratic safeguard of term limits which afforded him the liberty to stay three more years in power without necessarily going through the rigour of elections (RTE News, 18 February, 2010). At the peak of his unconstitutionality, on 18 February 2010, President Tandja was arrested and detained by the military. Although the

⁹² Captain Moussa Dadis Camara was a former military official of the Guinean army, who served as the President of the Republic of Guinea National Council for Democracy and Development (CNDD), after the 2008 Coup d'état, following the passing away of President Lasana Conte (See, Omotola, 2010).

⁹³ National Council for Democracy and Development (CNDD) was the military regime in Guinea, from 2008-2010.

⁹⁴ There was serious repression against the broad spectrum of political protesters asking the head of the CNDD, to step down. Several cases of human right abuses and gender-based violence were reported and are under investigation by the International Criminal Court (ICC) against Camara's regime (see, BBC News, 2009).

⁹⁵ President Alpha Conde is the President of Guinea since 2010 until date. He was democratically elected in 2010, and re-elected under the Rally of the Guinean People (RPG) in 2015.

international community and major stakeholders greeted the military coup with disapproval, especially the Niger’s Coordination of Democratic Forces of the Republic (CFDR) (a coalition of political parties, trade unions and human rights advocacy groups), they backed the ousting of President Momodou Tandja. However, the Supreme Council for the Restoration of Democracy⁹⁶ honoured its commitment to civilian rule, by conducting presidential and parliamentary elections, and successfully returning the country to civilian rule on the 31 January 2011 (Omotola, 2011; Omoregbe, 2011).

What the above indicates is the increasing violation of the democratic processes and the desperation of incumbent political elites to cling onto power. As indicated in the cases above, this development has led to military interventions in politics. Given that military regimes have never been known as respecters of the constitution, the rule of law and human rights, their involvement in the democratic process has further weakened the democratic process and institutionalized autocratic features. Indeed, military rule and its transition to democracy have been filled with several challenges, which pose serious impediments to the consolidation of democracy. Since the military are usually not aligned to a democratic ethos and principles, it is therefore not unexpected that they would further undermine democratic freedoms and consolidation in the region. For illustration, the Freedom House 2009 report is presented below to show the degree of the decline in freedom and rights, which reflects the condition of democracy across the sub-region.

Table 5: The Freedom House Status of West African Countries, Showing Political Rights Scores and Civil Liberties Scores for 2009

Country	Political Rights	Civil Liberty	Freedom Status	Democratic Status
Benin	2	2	Free	Consolidating
Burkina-Faso	5	3	Partially Free	Hybrid
Cape Verde	1	1	Free	Consolidating
Cote d’Ivoire	6	5	Not Free	Autocracy
Gambia	5	4	Partially Free	Hybrid
Ghana	1	2	Free	Consolidating
Guinea	7	5	Not Free	Autocracy
Guinea-Bissau	4	4	Partially Free	Hybrid
Liberia	3	4	Partially Free	Hybrid
Mali	2	3	Free	Consolidating

⁹⁶ The Supreme Council for the Restoration of Democracy (SCRD) is the military government in Niger that ousts President Mamadou Tandja in 2010 and restored democracy through the conduct of elections and disengagement from politics (See Omoregbe, 2011).

Mauritania	6	5	Not Free	Not Free
Niger	3	4	Partially Free	Hybrid
Nigeria	5	4	Partially Free	Hybrid
Senegal	3	4	Partially Free	Hybrid
Sierra Leone	3	3	Partially Free	Hybrid
Togo	5	5	Partially Free	Hybrid

Source: Freedom House, Freedom in the World Report, 2009 (Washington, DC: Freedom House, 2009 and African Elections Database Country Reports (<http://africanelection.tripod.com/>) Accessed 25-05-2014.

As indicated in Table 5, although the 2006 Freedom House Report posited that there were democratic improvements in 2006, the modest gains recorded that year were squandered as the region suffered further democratic setbacks. This was partly a result of the history of military coups and unconstitutional change of regime, which manifested in the resurgence of military rule and fraudulent elections in the region. For example, Senegal, one of the five consolidating democracies (others are Benin Republic, Ghana, Cape Verde and Ghana) in 2006 dropped from ‘free’ to ‘partially free’. Although, the number of ‘not free’ countries reduced from four to two, ‘partially free’ countries increased from seven to ten. This is a clear sign of increasing numbers of hybrid regimes and illiberal democratic practices in the region. In other words, this is symptomatic of the electoral democracy that is neither democratic nor authoritarian (Levitsky and Way, 2010; Afrobarometer, 2009; Schedler, 2002). The decline in the quality of political and civil rights in these countries, especially in Senegal, was attributable to the increasing tinkering with the constitution and the authoritarian disposition of the incumbent President Abdoulaye Wade (Zumenou, 2012; Kelly, 2012; Freedom House, 2011; Mbow, 2008). Although, Freedom House ratings may not be sufficient to explain democratic retrogression witnessed in these countries, the increasing phenomenon of unconstitutional change of regimes in which incumbents manipulate elections, undermine democratic rules, has been the basis upon which freedom is decreasing, despite improvement in the conduct of elections in many countries of the region.

Table 6: Polity Index Score for Countries in West Africa, 2009

Countries	Scores	Status
Benin	7	Democracy
Burkina Faso	0	Closed Anocracy
Cape Verde	10	Full Democracy
Cote d'Ivoire	4	Open Anocracy
Gambia	-5	Closed Anocracy
Ghana	8	Democracy
Guinea-Bissau	-1	Closed Anocracy
Guinea	-1	Closed Anocracy

Liberia	6	Democracy
Mali	7	Democracy
Mauritania	-3	Closed Anocracy
Niger	-1	Closed Anocracy
Nigeria	5	Open Anocracy
Senegal	7	Democracy
Sierra Leone	7	Open Anocracy
Togo	-4	Closed Anocracy

Source: Polity Index Score on regime authority spectrum <http://www.systemicpeace.org/polity/polity4.htm>. Accessed 25-05-2014.

As indicated in table 6, 7 out of the 16 countries of West Africa dropped to 6 as a consequence of the lack of executive restraint and arbitrary rule. The number of countries under anocracies (open and closed) increased to 10, with 7 of them being closed anocracies. This is a clear confirmation of the declining respect for political competition, freedom and constitutionalism. A major factor responsible for this has been the continued breakdown of state capacity resulting in further institutional breakdown and violation of constitutionalism. This manifested in the widespread cases of incumbents attempts to manipulate the constitution and foist their rule on the people (as the case was in Nigeria in 2007, Senegal in 2008 and Burkina Faso in 2009). In many of these regimes, the incumbent president not only weakened the parliament, he also eroded the capacity of state institutions resulting in the breakdown of government institutions and structures. However, the increasing number of countries under closed Anocracy is a clear sign of democratic decline, which signalled autocratic regimes in the mould of military domination and autocratic control. Under such rule, the sanctity of the constitution, the freedom of the people and political competition (through credible elections) cannot be guaranteed. Thus, many democracies have collapsed under the strong influence and control of the military. The reversal of democracy in Mali after two decades of consolidating its democracy illustrates how a consolidated democracy can be followed by democratic reversal. Until the 2012 military coup, Mali had been considered as one of the stable West African democracies where the regularity of free and fair elections had facilitated electoral circulation and the alternation in power. In fact, Freedom House consistently categorized Mali as a 'free' and consolidated democracy over the twenty-year period of its electoral democracy (Freedom House, 2013). Mali's reputation as a progressive democracy and relatively progressive economy was undermined by the military coup, which dismissed the President and forced the Prime Minister to resign in 2012. However, the military Putschists had claimed that the loss of the Malian military against the

separatist rebels and jihadists' in the Northern part of the country⁹⁷ instigated the intervention, the increasing involvement of the military in politics, led to the vulnerability of state institutions (Fomunyoh, 2012). This is so because of the disdain of the military for democratic rule and their tendency to undermine the constitutions and institutions of the state. Such strategy has been the basis for which political elites continue to undermine the consolidation of democracy in West Africa (Dedieu, 2013).

Yet the coup brought to the fore Malian dissatisfaction with democracy, as the previous regime of President Amadou Toumani Toure had institutionalized authoritarian rule by breaching the constitutional provisions, personalizing power, harassing journalists and weakening state institutions, while corruption was increasing at an alarming rate in the state (Fomunyoh, 2012). The takeover of government was unexpected, as it came barely six weeks before the presidential elections (Cook, 2011). However, the legitimacy of the Putschists was called questioned as regional organizations including the ECOWAS, the AU and the international community vehemently refused to recognize the regime. However, the junta had immediately handed over power and elections were since conducted in 2013 to return the country to a democratic direction, the Malian case provides a clear example of how consolidating democracy can be followed by 'democratic rollback' (Diamond 2008).

Furthermore, democratic reversal and illiberal democracy in West Africa have also taken the form of incumbents' refusal to hand over power to the opposition if they lost elections. As Omotola (2011: 28) aptly put it, 'in such cases, sit-tight incumbent presidents deliberately engineer post-election violence that will help them to remain in power at any cost'. This was the case in Cote d'Ivoire in 2010, when a Presidential runoff election was conducted between Laurent Gbagbo⁹⁸, the incumbent President, and the former Prime Minister, Alassane

⁹⁷ The conflict between the separatist rebels, insurgents and the Malian government dated back to 1916. It was part of the general nomadic Tuaregs insurgencies, which started as a result of the demand for independence by the National Movement for the Liberation of Azawad, for the Northern part of Mali, called Azawad (see Morgan, 2012). The inability of President Amadou Toumani Traore to handle the conflict led to military takeover in 2012.

⁹⁸ Laurent Gbagbo is the President of Cote D'Ivoire from 2000-2010. He refused to conduct another election after the expiration of his first term in office, and 2010 when election was eventually conducted, the controversy which surround his tendency to win at all cost led to the civil war which eventually consumed him (see, Cook, 2011).

Quattara⁹⁹. The two candidates could not meet the threshold for a victory in the first round of voting but both of them were the leading candidates (Cook, 2011). What is particularly instructive was that at the end of the runoff elections, both candidates claimed victory and instituted themselves as presidents of the country, by implication forming rival governments (Cook, 2011). In rationalizing their claims to victory, Alassane Quattara's rationale relied on the UN, and approved runoff results in which the Independent Electoral Commission (IEC) announced him winner with 54.1 percent votes, as against the 45.9 percent scored by Laurent Gbagbo (Cook, 2011). Rather than accepting the verdict of the election, Gbagbo appealed to the Ivorian Constitutional Council (ICC)¹⁰⁰ where he has dominant support. After reviewing the election, the Constitutional Court annulled some of the votes in the stronghold of the opposition and declared Gbagbo the winner with 51.5 percent of the votes as against 48.6 percent for Quattara (Adewale, 2011: 15). Critics have argued that the bias in favour of Gbagbo by the court was due to their loyalty to President Gbagbo (Bovcon, 2013). This imbroglio resulted in electoral conflict and political instability, which led to killing and destruction of properties. Although, the major European powers and the Republican forces¹⁰¹ forcefully removed Laurent Gbagbo and restored Alassane Quattara, what happened in Cote d'Ivoire presents a serious setback for democracy. This also shows theoretically that political elites, which appeared consensually unified, can also become a different type. The scenario where an incumbent political elite who comes to power through popular election fails to honour their democratic commitment and abide by the rules of the game, explains the crisis of electoral democracy in West Africa.

Prior to Gbagbo's refusal to honour his democratic commitment, he amended the constitutions to undermine democracy by changing the clause about eligibility and voting rights (Bovcon, 2013). Under this condition, an uneven playing field was created by the regime of Laurent Gbagbo in which opposition candidates were tactically disenfranchised or

⁹⁹ Alassane Quattara was the President of Cote D'Ivoire since 2011. He was the opposition challenger of Laurent Gbagbo in the 2011 Presidential elections in Cote D'Ivoire (see Cook, 2011). After completing his first term in office, he was re-elected for another term in 2015.

¹⁰⁰ According to Article 94, the Ivorian Constitutional Court OR Council is the highest judicial body in Cote D'Ivoire. Its mandate include control of the regularity of the operations of the referendum and proclamation of results. The council decide on the eligibility of the candidates to the presidential and legislative elections, disputes concerning the election of the President of the Republic and of the Deputies and proclaims the definitive results of the Presidential elections (see Article 94 of the Ivorian Constitution 2000). The President of the country appoints members of the councils from among competent judicial officers for a non-renewable term of six years (see Article 94 of the Ivorian Constitution 2000).

¹⁰¹ Republican Forces are the armed forces of Cote D'Ivoire.

constitutionally prevented from standing for election. For example, the infamous Article 35 of the Cote d'Ivoire Constitution of 2000 states that candidates that are eligible to contest for the position of the president are those 'who are Ivorian by birth, born of a father and a mother themselves Ivorians by birth. In addition to this clause, he must have resided in Cote d'Ivoire continuously during the five years preceding the date of the elections and have totalled ten years of effective presence'

Such clauses are not only discriminating, it also dangerously undermines civil liberty and political rights. This clause explains why 12 candidates out of 17 were ineligible from participating in the year 2000 elections, including the two major opposition coalitions *Parti Democratique de la Cote d'Ivoire* (PDCI)¹⁰² and *Rassemblement des Republicains* (RDR)¹⁰³ headed by charismatic major opposition leader, Alassane Quattara (Bassett, 2011). It was obvious that the constitutional changes comprised a deliberate strategy to conscript the democratic space and exclude the leading opposition candidate, Alassane Quattara from participating in the presidential elections. The implication of this move resulted in a crisis of national identity in the democratic space for citizens with single parentage in Cote d'Ivoire. This discriminatory strategy led to the civil war, which split the country along ethnic lines, the consequence of which was political instability and social dislocation in the country. In fact, it took intervention and strong pressure from the African Union and international community before the regime reluctantly abrogated the law as a precondition for peace and stability and returned to democratic elections (Dabo, 2012).

What emerges from the foregoing is the prevalence of the sit-tight syndrome among many African leaders alongside a gradual resurgence of military rule in African politics. This endangers the institutionalization of liberal democracy and democratic consolidation in the region. The pathological tendency of many African political elites to hold on tightly to power, even when it is constitutionally incorrect, has also been a factor for the recurrence of military coups and the truncation of the democratization process in many West African countries. As argued by Prempey (2008:111),

African Presidents may be term limited by the constitution, but they have not been tamed, they emerge from recent rounds of democratic elections with their power extant. There is more liberty that is personal and improved opposition space; but African presidents still control resources

¹⁰² Translated as the Democratic Party of the Ivory Coast.

¹⁰³ Translated as the Rally of the Republican.

and patronage, which means that they capture and control the presidency, is still the singular ambition of African politicians (Prempey, 2008:111).

What the above quotation translates into is that despite the presence of constitutions meant to regulate the attitude and behaviour, the tendency of political elites in many West African countries is to undermine democracy through the tendency to personalise power. The democratic rule of law and processes are the major victims of this undemocratic behaviour. In any case, the institutionalization of liberal democracy and its consolidation is not likely to be attained in West Africa, if the behaviour of political elite is to brazenly violate the constitution and the democratic rules and processes.

3.4. Democratic Prospects and Cautious Optimism in West Africa

Despite the challenges and threats to democratic consolidation, as manifested in the examples of unconstitutional changes and the violation of democratic rule and procedures, democratic prospects are palpable in a host of other countries (such as Benin, Ghana, Cape Verde, Senegal and Sierra Leone) among others. By the standards of Samuel Huntington (1991), these countries have consolidated their democratic practice by passing the two-turn over test and through peaceful alternations in political power. What is significant in all of these countries is that opposition parties have won elections, and the incumbents have peacefully handed over power without any crisis. This indicates the commitment of political elites to democratic principles and procedures, which has positive implications for the sustainability of democracy. Many of these democracies have not only provided evidence of improved democratization through the routinization of free and fair elections; they have also habituated democratic procedures and view democracy as the system of government that is in their best interests (Zoumenou, 2009). They are thus consensually unified elites, which are central to democratic stability and improvement. The democratic improvement of these countries correlates with the Freedom House ratings in which Cape Verde, Ghana, Senegal, Sierra Leone and The Republic of Benin fall into the category of “free” states, and are regarded as consolidated democracies (FHI, 2013). Actually, these countries constitute about two-thirds of the consolidated democracies in the entire sub-Saharan Africa. More clearly, 5 out of the 9 consolidating democracies in sub-Saharan Africa (South Africa, Botswana, Mauritius, Lesotho, Ghana, Senegal, Sierra Leone, Benin, Cape Verde) are from West Africa (Freedom House, 2013).

Table 7: Freedom House Status of West African Countries, Showing Political Freedom Scores and Civil Liberties Scores for 2013

Countries	Political Rights	Civil Liberty	Freedom Status	Democratic Status
Benin	2	2	Free	Consolidating
Burkina-Faso	5	3	Partially Free	Hybrid
Cape Verde	1	1	Free	Consolidating
Cote d'Ivoire	5	5	Partially Free	Hybrid
Gambia	6	6	Not Free	Autocracy
Ghana	1	2	Free	Consolidating
Guinea	5	5	Partially Free	Hybrid
Guinea-Bissau	6	5	Not Free	Autocracy
Liberia	3	4	Partially Free	Hybrid
Mali	2	3	Not Free	Autocracy
Mauritania	6	5	Not Free	Not Free
Niger	3	4	Partially Free	Hybrid
Nigeria	4	4	Partially Free	Hybrid
Senegal	2	3	Free	Consolidating
Sierra Leone	2	3	Free	Consolidating
Togo	5	4	Partially Free	Hybrid

Source: Freedom House, Freedom in the World Report, 2009 (Washington, DC: Freedom House, 2009 and African Elections Database Country Reports (<http://africanelection.tripod.com/>) Accessed 25-05-2014.

Table: 8. Polity Score of Countries in West Africa, 2013

Countries	Scores	Status
Benin	7	Democracy
Burkina Faso	0	Closed Anocracy
Cape Verde	10	Full Democracy
Cote d'Ivoire	4	Open Anocracy
Gambia	-5	Closed Anocracy
Ghana	8	Democracy
Guinea-Bissau	2	Open Anocracy
Guinea	2	Open Anocracy
Liberia	6	Democracy
Mali	5	Open Anocracy
Mauritania	-2	Closed Anocracy
Niger	6	Democracy
Nigeria	5	Open Anocracy
Senegal	7	Democracy
Sierra Leone	7	Democracy
Togo	-2	Closed Anocracy

Sources: Polity score on regime authority spectrum <http://www.systemicpeace.org/polity/polity4.ttm>. Accessed 25-05-2014.

Tables 7 and 8 indicate an improvement in freedom and restraints on executive authority. This is shown by the improvement and upgrade of Senegal and Sierra Leone's democratic

status in both the Freedom House and Polity scores (FH, 2013; Polity, 2013). According to Freedom House, both Senegal and Sierra Leone have moved from ‘partially free’ to ‘free’. Whereas, Senegal retained its democratic status in the polity score, Sierra Leone moved from open Anocracy to democracy. Furthermore, the institutionalization of elections and democratic commitment in Ghana, Cape Verde, and Benin over decades provides optimism that liberal democracy will become institutionalized in West Africa in the long run, despite the observable shortcomings. Ghana, Cape Verde and Benin have been seen as the democratic models in Africa, and rate much higher than the democracy in South Africa where electoral turnover is yet to take place and the ANC have dominated since the founding election (Gyimah-Boadi, 2008). Furthermore, although Sierra Leone and Senegal are yet to be as consistent in their democratic practice as Ghana, Benin and Cape Verde, the democratic prospects are high in these countries because of credible elections and electoral turnover.

For illustration, Senegal is deemed as a model of democracy in West Africa. This is simply because the increasing quality of democratic elections has led to elite circulation and the alternation of power from the incumbent to the opposition party without any crisis. In 2000, President Abdou of the Socialist Party (SP) handed over power to Abdoulaye Wade, the Senegalese Democratic Party (PDS) candidate. Similarly, Abdoulaye Wade having completed his second term in 2007, despite attempting to prolong his power, graciously stepped down after his defeat in the 2012 presidential election and handed over power to President Macky Sall, the coalition candidate of the Alliance for Republic (APR) (Kelly, 2012). In Sierra Leone, President Ahmed Tijan Kabbah of Sierra Leone’s People’s Party (SLPP), who ruled from 2002, handed over power in 2007 to the newly elected President, Ernest Bai Koromah of the All Peoples Congress (APC) after peaceful democratic elections. In 2012, President Ernest Bai Koromah was re-elected in another credible and peaceful election. The case of Sierra Leone is particularly instructive, given that the country has emerged from a civil war, which ended in 2002. This war not only truncated the democratic process, but also weakened state institution and structures¹⁰⁴.

However, in Senegal and Sierra Leone, although there has been improvement in their democratic practice and they have shown the potential for consolidation, the

¹⁰⁴ The civil war in Sierra Leone started in 1991 and ended in 2002. It began when the Revolutionary United Front (RUF) with the support from the forces of Charles Taylor National Patriotic Front of Liberia (NPFL), intervene in Liberia in an attempt to oust the regime of Joseph Momoh. The war ended in 2002, leading to the conduct of election in 2002, which installed a new democratic government (see Mustapha and Bangura, 2010).

institutionalization of the rule of law and constitutionalism has been a major challenge. For example, during the period before the first and second alternations in power, freedom declined with growing constitutional breaches by the incumbent regime. It is for this reason that Senegal's democratic status dropped from free to partially free in 2009. This further fuelled the democratic setback in which the country was subject to a long period of demonstrations and protests, because of the incumbent attempt to extend its power. As argued by an interviewee in Senegal,

The 2012 election took place in the context of deep political strife. Widespread apprehension resonated throughout this small West African country as citizens feared their much-lauded democracy would be toppled after a breach of the constitution by the then incumbent.¹⁰⁵

Notwithstanding this, the apprehension died down due to the credible elections and the peaceful alternation of power, in which the incumbent president Abdoulaye Wade handed over the baton of leadership to the winner of the elections. In the case of Sierra Leone the country's democratic status dropped from 'free' to 'partially free' in 2014 as a result of decreasing freedom and a constitutional breach which saw the president remove his vice-president in contravention of the constitution (BBC, March 18 2015; *Telegraph*, March 18 2015). Benin, Cape Verde and Ghana have been long standing consolidated democracies and have been seen as models of democracy in West Africa. Moreover, Ghana and Cape Verde have been seen as the forerunners of liberal democracy and consolidated democracy in Africa (Zoumenou, 2009; Abdulai and Crawford, 2010; Arthur, 2010). These countries have not only institutionalized credible elections, they have also enhanced the capacity of electoral infrastructures through which the electoral turn-over and alternation of power has been made possible. By alternating power between political actors, political elites have entrenched a democratic culture and demonstrated commitment to democracy as the only viable system of government (Gyimah-Boadi, 2008).

The Ghanaian experience with democracy highlights an acceleration of institutional efficacy and a pact between political elites that underscores the respect for the rule of law, democratic procedures and constitutionalism. These factors have culminated in the alternation of power twice in Ghana since 2000. In the 2000 presidential election, President, Atta Mills of the National Democratic Congress (NDC) peacefully handed over power to the opposition candidate, John Kuffour of the New Patriotic Party (NPP) after he was defeated. President

¹⁰⁵ Personal Interview with a prominent member of CSO in Saint Louis in 2014.

John Kuffour completed his two-term limit and in a similar fashion handed over power to the winning opposition candidate, Atta Mills of the NDC in 2008. The credible elections leading to elite circulation, electoral turnover and the peaceful alternation of power, Ghana is an indication of the commitment of the political elites to democratic stability and consolidation. It should be stressed that the past legacy of military rule in Ghana undermined inclusive participation and truncated attempts to democratize. Thus, conducting credible elections, and institutionalizing liberal democratic practice is indicative of the strong democratic credentials of the country in West Africa. As Boafor-Arthur (2008: 34) argues, ‘the common saying in Ghana now is that power to make and unmake government no longer resides in the barrel of the gun but with the thumb of individual voters’. Notwithstanding, the issue of patronage and ethnic voting has been identified as a major challenge, the consolidation of democracy through legitimate elections and an acceptance by the political elite a major stride in Ghanaian democracy. This perhaps, is Przeworski “uncertain outcome” of devolving power to a set of rules without seeking an undemocratic alternative. Consequently, this is the basis upon which Ghanaian democracy is dubbed, a model of liberal democracy in Africa (Gyimah-Boadi, 2008; Zoumenou, 2009).

Cape Verde, like Ghana, has been outstanding in its democratic practice and has been tagged as ‘Africa’s exception’ (Meysns, 2002). This is because the anti-colonial liberation struggle for independence in the country transformed into the transition to democracy¹⁰⁶ (Meysns, 2002). A significant factor in the consolidation of democracy in Cape Verde is the elite pact and consensus about maintaining the stability of democracy. For example, despite the division in the party for the Independence of Cape Verde (PAICV), leading to the establishment of a new party; the Movement for Democracy (MPD), the elites accepted the uncertain outcome of the 1991 election (Meysns, 2001). Indeed, the incumbent presidential candidates; Aristides Pereira, who had been President since 1975¹⁰⁷, graciously accepted

¹⁰⁶ Following the overthrow of the corporatist regime in Lisbon in 1974, Cape Verde together with other Portuguese colonies in Africa achieved their independence. Cape Verde shared unique characteristics with Guinea-Bissau, given that the same liberation movement; the African Party for independence of Guinea and Cape Verde (PAIGC), tied up both countries under Amilcar Cabra. It also took over power from the colonial power. However, the occurrence of military coup in Guinea-Bissau in the 1980 splits the PAIGC, culminating in the formation of the African Party for Independence of Cape Verde (PAICV). The PAICV constitutes a section of the PAIGC. The opening of competitive multiparty politics in 1991 led to the creation of a new party; the Movement for Democracy (MPD), which contested the first multiparty election in 1991. In that election, the MPD candidate, Antonio Mascarenhas Monteiro defeated incumbent PAICV candidate, President Aristides Pereira (see, Loban and Saucier, 2007).

¹⁰⁷ Aristide Maria Pereira was the first President of Cape Verde from 1975-1991.

defeats by congratulating the winner, Antonio Mascarenhas Monteiro¹⁰⁸ (Gyimah-Boadi, 2008). During the 1996 elections, the two parties built a coalition and adopted a compromise to support the presidential candidate of the MPD, Antonio Mascarenhas Monteiro, who was re-elected for the second term. This consensus was remarkable, given that political elites are rarely willing to arrive at a consensus for ideological reasons and to ensure democratic stability. As Gyimah-Boadi (2008: 14) aptly puts it, ‘this was significant and unprecedented, the two main parties were convinced that there should be only one candidate, and they both supported him while contesting for spoils in the assembly elections’. In 2001, President Antonio Mascarenhas Monteiro of the MPD stepped down after completing his two terms of five years each. In the Presidential election of that year, the MPD presented Carlos Vegas¹⁰⁹, the former minister under Monteiro’s regime, as its candidate, but was defeated by the PAICV candidate Pedro Pires¹¹⁰ (Bogdan, 2005). In 2006, President Pires consolidated his power by being re-elected for the second time. In a consensually unified value system internalized by Cape Verdean elites, President Pires peacefully handed over power to the opposition MPD candidate Jorge Carlos Fonseca¹¹¹ who won the 2011 election. However, few cases of electoral irregularities was recorded, especially given the opposition claim of manipulations in the 2006 elections, the demonstration and commitment of the political elite to respecting democratic rules and norms as exemplified in the acceptance of election result has been the precursor to the country’s democratic stability and consolidation (Meyns, 2002).

In the Republic of Benin, democratic commitment from political elites has also been suggestive of the improving quality of elections and democratic consolidation. Two alternations of power between the incumbent party and opposition party suffice as a confirmation of the democratic credentials of the country. Illustrative of the strong democratic commitment and elite consensus, the military ruler, Mathew Kerekou, of the People’s Revolutionary Party of Benin (PRPB) handed over power to the opposition candidate, Nicephero Soglo of the Benin Rebirth Party (BRP) after their defeat in 1991. Similarly, President Soglo, after his defeat in the 1996 elections returned power to Mathew

¹⁰⁸ Antonio Mascarenhas Monteiro was the first President of Cape Verde elected under a multiparty election. He contested elections under the MPD platform and ruled the country from 1991 -2001.

¹⁰⁹ Carlos Veigas was a minister under President Antonio Mascarenhas Montero from 1991-2001. He was also the former Presidential candidate of MPD in 2001 and 2006.

¹¹⁰ Pedro Pires was the President of Cape Verde after President Antonio Mascarenhas Montero. He assumed office in 2001 under the umbrella of the PAICV and left in 2011.

¹¹¹ Jorge Carlos Fonseca is the incumbent President of Cape Verde. He contested under the platform of MPD to become the President in 2011.

Kerekou, the same person that had initially handed over power to him in 1991. Although President Kerekou was re-elected in 2001, the controversy that surrounded that election raises a question about the legitimacy of Kerekou's re-election. For example, the main opposition candidates, Nicephero Soglo and Adrien Houngbedji, boycotted the second round of that election on the issue of electoral fraud and violation of the electoral law (BBC, 2001). Eventually, Kerekou won the re-run election with 83 percent of the total vote (BBC, 2001). After the completion of his second term in 2006, Mathew Kerekou respected the constitutional two-term limit by peacefully handing over power to President Yayi Boni, an independent candidate who won the election with a landslide victory. President Mathew Kerekou did not only respect the constitutional clauses, he also demonstrated to the political elites a democratic political culture, which speaks to respect for the democratic rule of law and constitutionalism. In demonstrating his commitment to constitutionalism, Mathew Kerekou submitted, 'I would not attempt to amend the constitution to allow me to run for a third term, for "if you don't leave power, power will definitely leave you"' (IRIN, 2005: 1; Idrissou-Toure, 2005: 2). This was noteworthy as Benin demonstrated the drive towards democratization and as Fomunyoh opined, it was 'the harbinger of hopeful political trends in West Africa' (Fomunyoh, 2001: 38).

A significant aspect of the democratic experience of Benin, Cape Verde and Ghana is the behavioural, attitudinal and the constitutional disposition of the political elite in the consolidation of democracy. For example, the decisions of the presidents in Ghana, Benin, and Cape Verde to abide by the constitutional term limit and prevent an arbitrary exercise of political power illustrated a key democratic behaviour, which other political elites must emulate in the consolidation of democracy in West Africa. This attitude is symptomatic of democrats who are committed to democracy constitutionally, attitudinally and behaviourally, regardless of whether it is against their wish or not. Such democratic behaviour is a paradigm shift from anti-democratic attitude observed in Niger, Mauritania, Cote d'Ivoire, Togo, Burkina Faso, Guinea, Gambia and Guinea where attitudes and behaviour of political elites has not only manifested in the sit-tight syndrome, but has also truncated democratic rule through unconstitutional changes in government. As Omotola (2011:35) argues, 'the manner in which some incumbents have devised extra-constitutional means of clinging to power, especially through electoral violence and violation of the democratic rule, amount to strategies of unconstitutional change of government which undermined the consolidation of democracy in Africa'. The phenomenon of coup d'états in Mali, Guinea-Bissau, Guinea,

Mauritania and Niger is suggestive of the involvement and control of the military in and against post-cold war democratization in Africa. As Good (2002:285) noted, ‘contemporary democracy in most regions of Africa constitutes legitimization of autocracy through the ballot box, the future of liberal democracy is in jeopardy’. Although the conduct of elections, as a key feature of liberal democracy, is taking root in the region, the sit-tight syndrome and retention of power by incumbent political elites is indicative of the method through which political elites flagrantly violate democratic rules and constitutionalism. Thus, the immediate challenge confronting democratization in Africa is to institutionalize the effectiveness of the rule of law and the constitution as the main drivers of democratic consolidation (Ibrahim, 2003).

3.5. Summary of Chapter three

This chapter has established that the democratic transition that gave birth to democratic regimes in the 1990s has not been encouraging. This is because of the route that many transitions to democracy have followed, especially in the context that elections are institutionalized, but the fundamental principles, which enhance the democratic quality of elections for democratic consolidation, are ignored, and frequently abused. The chapter argues that this tendency has implications for democratic consolidation in West Africa. Although, some transitions to democracy have increased the prospect of democratic consolidation, several other transitions have been stalled because of undemocratic and unconstitutional changes of government. The reluctance of political elites to respect the rule of law and constitutionalism has eventuated in a major crisis of elections and unconstitutional changes of government in West Africa. By undermining the rule of law, constitutionalism and liberty, the political elite not only generate antidemocratic traits (electoral fraud, violence and the refusal to accept electoral outcomes), they also constitute a serious threat to the consolidation of democracy in West African states.

However, the chapter has also argued that the dividends of the democratic quality of elections, leading to democratic consolidation, have given cause for optimism in Ghana, Benin and Cape Verde. Even so, the increasing democratic reversals in a host of other states, such as Niger, Togo, Cote d’Ivoire, Guinea-Bissau, Mauritania, and Guinea raises a challenge for the consolidation of democracy in West Africa where only 5 out of the 16 countries are deemed to have consolidated their democracies. The declining value of democracy therefore raises concern, and likely re-echoes the pessimism of the anti-democratic school of thought

on the probability of liberal democracy in West Africa (Gilley, 2009). While military interventions in politics constitutes unconstitutional and illegal changes of government, the attitude and behaviour of political elites, that violate the constitution and attempt to change it, especially those who came to power through popular democratic elections, remains the greatest challenge to democratic consolidation in West Africa.

Thus, the problematic of democratic consolidation in West Africa is the institutionalization of flawed and controversial elections as a consequence of the violation of democratic rules and the undermining of constitutionalism. This chapter therefore provides a West African context for the Nigerian democratic transition and electoral democracy since 1999. In Nigeria, the conduct of elections has constituted itself as the challenge of democracy. Rather than being the catalyst to consolidating democracy, elections have become a façade of democracy in which the violation of the rule of law, constitutionalism and liberties have been at the mercy of electoral conduct and processes in Nigeria.

The next chapter, therefore, focuses on examining elections and democratic consolidation in Nigeria between 1999 and 2011. It argues that the problematic of democratic consolidation in Nigeria through elections has been the consequence of the constant violation of democratic rules of the game and procedures by political elites through fraud, violence and rejection of election results. This has implications for democratic consolidation in Nigeria.

CHAPTER FOUR

4.0. ELECTIONS AND DEMOCRATISATION IN NIGERIA (1999-2011)

The problem we (people) have in Nigeria is that every succeeding election is worse than the previous one. In other words, the election of 1999 was better than that of 2003, and if care is not taken (that of 2003) will be better than that of 2007. That does not show growth, it does not show that our democracy is being deepened; talk less of thriving (Ken Nnamani, The former President of the Nigerian Senate 2003-2011).

The sentiments expressed in the above quotation sum up the crisis of elections in Nigeria and reflect fluctuations in the prospects of democratization in West Africa. These fluctuating prospects are linked to the increasing subversion of multiparty elections which have implications for democratic consolidation. As stressed in the preceding chapter, although elections are becoming institutionalized in the region, democratic progress in many countries in West Africa is waning. In Nigeria, for example, the democratization process has seen four consecutive elections since 1999 which is an indication that democracy is taking root in the country. Yet, each of these elections has been sharply criticized. With the exception of the 2011 elections, which was seen as an improvement when (compared to the 2003 and 2007 elections), nearly all elections in Nigeria have been characterized by serious irregularities and violence. Notwithstanding that the 2011 elections was adjudged to be fair (NDI, 2011), the post-electoral violence which engulfed the outcome of the elections due largely to claims of electoral fraud, underscores the challenge of electoral democracy in Nigeria. This buttressed the assertions that elections since 1999 ‘have been successively less free and less credible in Nigeria’ (Joseph, 2008:2). Unfree and unfair elections have undermined the gains and consolidation of democracy in Nigeria.

A major problem of the electoral process in Nigeria has been the premium placed on political power as a basis for extending and rewarding patronage networks and capital accumulations among the political elite (Obi, 2011; Adejumobi, 2007). This has amplified the increasing tendency of political elites to violate democratic rules and procedures through the strategy of fraud and violence. This value orientation explicates the zero-sum politics or the warlike mentality in which the electoral process in Nigeria is approached and subsequently subverted (Jinadu, 2011). As argued by Obi (2011: 1), an electoral process which is largely perverted can ‘hardly involve the process of establishing, strengthening, or extending the principles, mechanism and institutions that define a democratic regime’. This notion clearly situates the challenge of elections and democracy within the context where democratic consolidation has

been seriously impeded. This chapter examines elections and democratic consolidation in Nigeria. It critically interrogates the general elections between the period of 1999 to 2011, with a view to understanding how the elections have impeded or promoted democratic consolidation in Nigeria. Given this objective, the chapter will examine the military authored transition elections of 1999 and the subsequent civilian elections of 2003, 2007 and 2011. While examining the implications of these elections for democratic consolidation, I argue that despite the regularities of elections in Nigeria, they are yet to promote and advance the course of democracy, as the tendency of the political elite to subvert the electoral process and democratic principles has been the problem of democratic consolidation in Nigeria.

4. 1. Background to Nigeria's Democratization

Nigeria's democratization process started with its first elections in 1959, shortly before the termination of colonial rule. On the eve of independence, the departing colonial power conducted elections which ushered in the first civilian administration of the First Republic in Nigeria between 1960 and 1966. This process, being the first of its kind in terms of the participation of the people in the democratization process, marked the first step towards democratization in Nigeria. Although the recklessness of the political elites in personalizing political power through widespread corruption, ethnic mobilization and nepotism, as opposed to the respect for democratic rules and institutions, eventually led to the collapse of that democratization experiment, such anti-democratic attitude, which underlies the disregard for democratic rule of the game, was responsible for the military intervention in politics on January 15 1966 (Tar, 2007). As a consequence of the military intervention, the frictions in the military (which is itself a fraction of the broad political spectrum¹¹² of the elites), as a result of the North-East rivalry led to the counter-coup of 27 July 1966 which saw major General Gowon succeed Agunyi Ironsi (Tar, 2007)¹¹³. By 1975, another coup had taken place in which Major General Murtala Muhammad ousted General Gowon in a bloodless

¹¹² Political spectrum is a shorthand method of describing political ideas and beliefs, which summarises the ideological position of politicians, parties, elites and interest groups (see Heywood, 2007:276). Although the military was seen as major institutions of the state, yet it has ideological preference for several factions of the elite, especially along regional divide. This reason explains the counter coup of July 1966 (see, Ihonvbere, 1996).

¹¹³ It was believed that the counter-coup of July 1996, in which many Southern politicians including the head of state Aguiyi Ironsi lost their lives, was a retaliatory coup for the 15 January 1996 military coup which was believed to be targeted at the Northern politicians and military officers. For details of military coup in Nigeria, see Ihonvbere J.O. (1996). 'Are things falling apart?' The Military and the Crisis of Democratization in Nigeria, *Journal of Modern African Studies* 34(2), 214. See also Siollun, M. (2009). *Oil Politics and Violence: Nigeria's, Military Coup Culture (1966-1976)*. New York: Algora Publishing. p.11

coup¹¹⁴. Not long, another coup took place in February 1976, though aborted, but led to the assassination of General Murtala. The consequence of this, culminated in the installation of General Olusegun Obasanjo (the second in command to Murtala) as the new head of the government. Having promised to return the country back to civilian rule, President Olusegun Obasanjo honoured his commitment by handing power over to the elected civilian regime of Shehu Shagari in 1979 (Kura, 2009). Election irregularities and manipulation was witnessed during the elections and the result was challenged by the opposition presidential candidate, Chief Obafemi Awolowo of the National Party of Nigeria (NPN) at the Supreme Court (Omotola, 2013). Despite this, the transition to civilian rule authored by the military was acknowledged as a substantial progress towards democratic rule in Nigeria (The Nation, 2 June 1999).

Despite the process of democratization, the attempt by the NPN regime to extend its control and centralize political power results in large scale electoral rigging (Omotola, 2010). This was the principal factor that led to another military coup on the 31st of December, 1983 in which Major General Muhammadu Buhari¹¹⁵ became head of state. As posited by Lewis (2003:131), ‘the degeneration of the 1983 elections into violence and electoral fraud, under the watchful eye of the nation’s political class lends credence to the intervention of the military’. At the end of 1984, the military regime of Major General Buhari was also ousted in a palace coup led by the then Chief of Army staff; Ibrahim Babangida,¹¹⁶ while he was away in Saudi-Arabia on a pilgrimage. Between 1983 and 1995, Nigeria witnessed the most authoritarian and repressive military regimes of Ibrahim Babangida¹¹⁷ and Sani Abacha¹¹⁸

¹¹⁴ The military coup of 30th July 1975 was a palace coup which brought Major General Murtala Muhammad to power after Lt Colonel Yakubu Gowon was ousted by the same soldiers who staged the coup that brought him to power.

¹¹⁵ The military coup of December 31st 1983 was staged by senior officers in the Nigerian Army. The senior military officers include Major General Ibrahim Babangida, Major General Muhammadu Buhari, Brigadier Ibrahim Bako, Sani Abacha, Shehu Musa Yar adua, Jeremiah Oseni and Tunde Idiagbon among others. The coupist overthrew the democratically elected regime of President Shehu Shagari and installed Major General Muhammadu Buhari as the new head of government (see, Siollun, 2009).

¹¹⁶ Ibrahim Babangida is a retired military General who ruled Nigeria as a military president from 27th August 1985 when he staged a military coup to oust Major General Muhammadu Buhari and ruled until August 27 1993.

¹¹⁷ Ibrahim Babangida was the Chief of Army Staff, and a member of the Supreme Military Council (SMC), under the regime of President Muhammadu Buhari. He ruled Nigeria as a military president from 27 August 1985 to August 27 1993(see, Siollun, 2009).

¹¹⁸ Sani Abacha was the Chief of Army Staff under the regime of Major General Babangida in 1985. He became the Minister of Defence in 1990, and on the 17th of November, 1993, overthrew the Interim National Government and became the head of state. Hitherto, the ING had been installed by the regime of Babangida; after he was forced to step aside under the pressure of the annulment of the June 12th, 1993 election (see, Momoh and Adejumobi, 1999).

that undermined the democratization process. Even though their juntas each initiated a process of democratic transition, they manipulated it with a view to perpetrating their power to ensure a smooth transmutation from ‘Khaki to Agbada’¹¹⁹. The case of Ibrahim Babangida is a classic example. As soon as he became the head of state through the 1983 military coup which displaced Major General Muhammadu Buhari and Tunde Idiagbon, he gave assurances that his government ‘would not remain in power a day longer than necessary’ and that his regime ‘would be the last military regime in Nigeria’ (Obi, 2000:74). As part of his democratic commitment, he went as far as creating democratic institutions such as the Political Bureau (PB) and Centre for Democratic Studies (CDS) for which ‘members of the political class could proceed through political learning, institutional adjustment, and re-orientation of their political culture’ (Ojo, 2014:23). However, after the cancellation of several democratic processes, the insincerity of President Babangida to hand over power became palpable as he annulled the June 12 1993 elections. The June 12 elections, was adjudged by the International Election Monitoring Group and domestic observers as the most free and fair election in the political history of Nigeria (Diamond, 1996; Obi, 2000). Had the June 12 election been allowed to stand, General Ibrahim Babangida would have set the country on a viable democratic course that provided the foundation for liberal democratic rule in Nigeria. Instead, Ibrahim Badamosi Babangida (IBB) annulled the election and stepped aside to hand over power to an Interim National Government (ING) headed by Chief Ernest Shonekan¹²⁰. It has been argued that Shonekan was appointed to head the ING because he was a core loyalist of President Babangida (Omotola, 2008). Although the selection of Shonekan to head the Interim Government was seen as an attempt to pacify the Yoruba (given that he came from the region where MKO Abiola, the winner of the June 12 elections is from), the decision to hand over to an Interim and not a substantive government was suggestive of an attempt to rule from afar. In condemnation of such moves, civil society instituted legal action against the Interim National Government (ING) and on the 10th of

¹¹⁹ Khaki, here denotes military uniform in Nigeria language, while Agbada, on the other hand, is the special clothing which is associated with civilian rulers in Nigeria. Through the transmutation from Khaki to Agbada, Babangida and Abacha as military rulers sought to transform to a civilian government either by extending their power or by conducting fabricated elections which would bring them to power as a civilian’s regime (Siollun, 2009). This was the case in Ghana (1992) and Gambia (1994), where military regimes of Jerry Rawlings and Yahaya Jammeh transmuted respectively from a military to a civilian president. The implication of this for the democratization process is that military symbol and cultures are internalised alongside democratic practice.

¹²⁰ Chief Ernest Shonekan was a British trained Nigerian lawyer, a traditional chieftain who ruled Nigeria from 26 August 1993 to 17 November 1993. He was appointed as the head of the Interim National Government by the military regime of Babangida under the pressure to return power to a democratic government (see, Momoh and Adejumobi, 1999).

November 1993, the Lagos High Court declared the regime as unconstitutionally null and void¹²¹ (Omotola, 2013).

As a consequence of the suspension and vulnerability of the ING, General Sani Abacha sacked the Interim Government in a bloodless palace coup (Siollun, 2009). On assumption of office, he orchestrated a self-succession bid in the context that he would transmute from a military ruler to a civilian president. Indeed, Abacha's agenda from the beginning was clear; to personalize power and institutionalize autocratic rule. Even if it resulted in a negative image for the country, he was bent on actualizing his political ambition. By instituting a 'Gestapo-regime of terror'¹²², Abacha ruthlessly repressed and suppressed the political opposition, frequently co-opting, blackmailing and criminalizing the political class in his transmutation agenda (Momoh and Adejumobi, 1995). Furthermore, Abacha dismantled all existing political structures and instituted unprecedented human rights abuses, conscripted the press and assassinated pro-democracy activists in his attempts to realize his agenda (Adejumobi and Momoh, 1999). As a result of growing threats and intimidation, all the existing six political parties adopted Abacha as candidate by consensus for the Presidential election of June 8, 1998. However, Abacha died on August 7, 1998 of suspicious circumstances, the cause of which is yet to be clearly ascertained¹²³. Following the demise of Abacha, General Abdu-salami Abubakar¹²⁴ became the head of state and in 'about turn, quick march'. General Abdul-salami authored a new democratic transition which returned the country to democratic rule in 1999 (Obi, 2000: 79).

¹²¹ See Momoh & Adejumobi, 1995; Obi, 2000; Reno, 1999; Ojo, 2014, among others for a detailed account on the emergence and collapse of the democratic transition programme of General Babangida.

¹²² This regime operates on brute, but clandestine force to terrorise the civil population. They persecute and exterminate political opponents in a silent manner not easily known to the public. The regime uses a special police force, including the police, the state security service (SSS) and the military regiment which acted as a Gestapo force, cracking down on the population and acting as instrument of threat, frenzy and civil insecurity in the society (Adejumobi, 1999).

¹²³ There have been several positions on the exact cause of General Abacha's death. To some his death was a consequence of a heart attack. To others, Abacha was extra judicially executed by his political rival through food poisoning. He allegedly ate from a poisoned apple when in the company of two Indian prostitutes imported from Dubai (See, Weimer, 1998).

¹²⁴ General Abubakar Abdusalami was installed the military president by the dominant faction of the Nigerian military after the death of President Abacha. He ruled from 9 June 1998, to 29 May 1999 when Nigeria adopted a new constitution and multiparty democracy commenced in Nigeria (Obi, 2000).

Table: 9. Summary of Political Regime Types Prior to the Fourth Republic in Nigeria 1960-1998

Date	Regime Classification	Political leadership	Duration of Regime
1960-1966	Parliamentary	Abubakar Tafawa/ Azikiwe	5 years
1966-1967	Military	Aguiyi Ironsi	6 months
1967-1975	Military	Yakubu Gowon	8 years
1975-1979	Military	Murtala/Obasanjo	5 years
1979-1983	Civilian rule	Shehu Shagari	4 years
1984-1985	Military	Buhari/Idiagbon	1 year and 6 month years
1985-1993	Military	Ibrahim Babangida	8 years
1994-1996	Military	Sanni Abacha	3 years
1996-1998	Military	Abubakar Abdu- Salam	3 years

Source: Compiled by the author from several sources on the political history of Nigeria before the fourth republic that started in 1999 (see, Omotola, 2010; Momoh and Adejumobi, 1999; Momoh and Adejumobi, 1995).

The table above indicates the number of regimes which have ruled Nigeria since her independence. It shows the prevalence of military rule (at least, for about 29 years of the country political history) in Nigeria’s political history. This has a telling implication for the democratization process in the country. This view further underlies why military legacy and anti-democratic behaviours has permeated the electoral process in Nigeria since 1999.

4.2. The 1999 Democratic Transition in Nigeria

Nigeria returned to democratic rule in 1999, under the headship of the former military General Olusegun Obasanjo. The assumption of political power by President Obasanjo can be seen as a significant development for the democratization project in the country, for two reasons. First, was that Obasanjo was a committed democrat; the military head-of-state that transitioned the country to the civilian regime in 1979. Secondly, it provided the opportunity for the military institutions to address the contradictions in the military, as reflected in their frequent coups and perennial intervention in politics. President Obasanjo was seen as a committed democrat who would advance the democratic course of Nigeria. Although the hurried implementation of the transition process (without resolving political tensions and several national debates emanating from the annulment of the June 12 elections) raised fear in

certain quarters¹²⁵, the possibility of avoiding the recurrence of another national crisis which could have serious consequence for the nascent democracy was the main issue which confronted the regime of President Obasanjo in 1999 (Obi, 2000).

Without cognizance to this, the military quickly rushed the transition programme within 6 months, from July 1998 to May 1999, the shortest in the democratic history of the country (Yagboyaju, 2011). It started with the inauguration of the Constituent Assembly (CA) to review a draft copy of the 1995 Constitution. The committee submitted its final review to the Provisional Ruling Council (PRC) in 1998 and set the framework for conducting the 1999 elections (Obi, 2000). Following the completion of the task of the Constituent Assembly, a new electoral management body, the Independent National Electoral Commission (INEC)¹²⁶, was created by Decree No. 17, 1998 and the amendment Decree No. 33, 1998 of the Federal Military Government of Nigeria (FGN, Decree No 17 and 33, 1998). The commission was vested with the broad mandate of conducting elections and coordinating the general administration of the electoral process, including the registration of political parties in line with the constitution and electoral act; the registration of eligible voters for elections to collate the list of candidates for submitted for election, among other electoral functions (Animashaun, 2010). These functions were also broadly stated in the Section 15, part 1 of the Third Schedule of the 1999 Constitution (as amended) and Section 2 of the Electoral Act 2010 (as amended). Of all these functions, the registration of political parties was the most sacrosanct for the INEC before the elections were conducted. This was because under the Abacha regime, all the existing six political parties had been outlawed and were cooped into a one party state structure under the regime of General Abacha. In the registration of political parties, therefore, the INEC adopted strict guidelines to ensure the establishment of competitive and sustainable political parties. As a consequence, only 3 out of the 26 political parties that applied for registration were registered (Obi, 2000). The three registered parties were the People Democratic Party (PDP), the All People's Party (APP) and the Alliance for Democracy (AD).

¹²⁵ Nigerians were engulfed in fear that the military regime of Abubakar was not sincere, given that the issue of June 12 1993 elections and some other national questions which led to the national crisis between 1993 and 1996 were not resolved before a new transition programme was embarked upon. Part of the issues which the June 12 elections provoke was the agitation for Sovereign National Conference (SNC) and resources control by states of the federation (see, Obi, 2000).

¹²⁶ Independent National Electoral Commission of Nigeria (INEC) is the body vested with the organization and management of elections and others electoral matters related to it (see, Decree No. 17, 1998 and the amendment Decree No. 33, 1998 of the Federal Military Government of Nigeria).

4.2.1. Pre-1999 Transition Election

The pre-1999 election period is significant in understanding the outcome of the 1999 elections. This is so because the process leading to every election has a way of determining and shaping its outcome. According to Adejumobi (2000:62), this is ‘the ecology of elections’. To him, the process and infrastructure of the electoral process are the ecology of elections and they define how meaningful elections are (Adejumobi, 2000). Thus, understanding the period leading up to the elections enables a plausible analysis of the process and the outcome of them. A major issue which emerged during the pre-1999 electoral period, before the final ratifications of political parties, was the initial refusal of the INEC to register the Alliance for Democracy (AD). This was simply because the party was ethnically based which show it was not national in character and also that it does not have offices across two-thirds of the states of the federation (INEC, 1999)¹²⁷. Despite the fact that the AD was later approved after a legal tussle between the party and the INEC¹²⁸, what was evident was that all the three political parties were ideologically empty; they were simply ethnically based, with their main interest located in the advancement of the political interest of their various regions in Nigeria (Obi, 2000). For example, while the All People Party has been seen as the party of the Ibo of the South-East, the AD has been associated with the Yoruba people of the South-West. The PDP has been seen as been the party of the North. As contended by Enumuo (1999:3) ‘with no significant ideological differences, the parties were agglomerations of Nigeria’s notables, individuals, who had been prominent in past civilian and military regimes and business, as well as a handful of young wealthy professionals and businessmen’. This suggests that the political parties formed in 1999 were not ideologically rooted; they were merely a reflection of the corporate interest of the elites. This was why Ezeife, a prominent politician in Nigeria, asserted provocatively that, Nigerian political elite ‘are not better than group of armed robbers, who have agreed on how to share loots’ (Vanguard, 7 September 1998).

¹²⁷ Action for Democracy (AD) was an ethnic party, based in the South-western part of Nigeria and few other states in Nigeria. Their major support came from the Yoruba speaking population of Nigeria. This explains why it had its headquarters in Lagos and branch offices across the six states that comprised the South-West geopolitical zones of Nigeria. AD was a left-right ideological party created in 1999 during the 1999 transition programme.

¹²⁸ INEC initially deregistered Action for Democracy on the basis that it did not meet the requirements for registration. A major issue raised by INEC in the disqualification of the party was that the party was ethnically based and did not have offices across two-thirds of the states of the federation. On the basis of this, AD took its case to the court where the Supreme court nullified INEC decision for acting illegally by introducing conditions unknown to the Constitution in the registration of political parties (see, Obi, 2000).

Of the three political parties, Nigerians were seemingly comfortable with the AD, given its emphasis on the reformation of the country's federalist balance, which is central to the national question in the country¹²⁹, whereas the other two major parties, the PDP and the APP, are 'loose coalitions of centrists and conservatist professional politicians, businessmen, and retired military officers' (Obi, 2000: 8). Despite these differences, what is however seen as a common denominator among the three political parties is that they seem to agree on the imperatives of elite coalition. This is in the interests of wresting power from the military and shifting power from the North to the South to compensate for the annulment of June 12 1993 election, in which Moshood Abiola, a presidential candidate from the Southern part of Nigeria was in the lead before the truncation of the transition process (Omotola, 2013). In this context, political elites participated and legitimized the transition process through their involvement in the 1999 electoral process to ensure that the military vacated the democratic space which they had long occupied since 1966 when they first intervened in politics.

4.2.2 The Presidential and National Assembly Elections

For the Presidential election, the AD and the APP formed an alliance and adopted a consensus candidate, Chief Olu Falae, who was a former Secretary to the Federal Government of Nigeria, while the PDP adopted Olusegun Obasanjo, a retired military general of the Nigerian army. The election was held on the 27th of February, 1999 and Olusegun Obasanjo of the PDP won the Presidential elections by a wide margin, polling 18, 738,154 votes (about 62.78 per cent of the total votes) against the runner-up's Chief Olu Falae 11,110,287 (about 37.22 per cent) (Akinboboye, 1999). As a confirmation of the widespread victory of the PDP, it also won a majority of executive and legislative positions at the state and local levels. A major observation during the election was the low voter turn-out. Only 52.3 percent of the registered voters came out to vote, compared to the 80 percent of the registered voters recorded during the June 12, 1993 election (Animashaun, 2010). Two reasons partly explain this. The first is the high degree of military intimidation and crackdown during the elections which potentially frightened the electorate from casting their votes. As posited by Animashaun (2010:13) 'the heavy military presence during the 1999 elections, was responsible for the low voters turnout'. Secondly, the disenchantment of the

¹²⁹ The Action for Democracy (AD) in 1999 insisted on a federalist balance as a major means of addressing the national crisis created by the annulment of the 1993 election. One of the strategies advanced by the AD was the convocation of the sovereign national conference where issues of resources control, power sharing formula and revenue allocations which have been at the behest of Nigeria's national problem would be discussed (see, Obi, 2000).

people emanating from the annulment of the June 12 election prevented many members of the electorate from voting. This view was aptly captured by a political observer when he argued that the major reason that was responsible for the low voter turnout during the 1999 elections was the distrust that had been created because of the failed democratization process by the military¹³⁰. The table below indicates the results of the 27 February 1999 presidential election.

TABLE 10: The Result of the Presidential Election of 27 February 1999

Candidates	Total number of Votes	Percentage of votes
People Democratic Party (PDP)	18, 738, 154	62.78
AD/APP Alliance	11, 110, 287	37.22

Note: The total registered voters were 57, 938, 945, while the total votes cast was 30,280,052 representing a turnout of 52.3%. The invalid/blank votes were put at 431,611 while the total valid votes amounted to 29,848,441.

Source: Compiled from the African Elections Database Country Reports (<http://africanelection.tripod.com/>). Accessed 10-06-2014.

The Senate and the House of Representative (National Assembly) elections were conducted on the 20 February, 1999 and the results are shown in Table 11.

TABLE 11: The Result of the National Assembly Elections, 20 February, 1999.

PARTY	The Senate		House of Representatives	
	Percentage of Votes	Number of Seats (109)	Percentage Of Votes	Number of Seats (360)
People's Democratic Party (PDP)	56.4	59	57.1	206
All People's Party (APP)	31.2	29	30.6	74
Action for Democracy (AD)	12.4	20	12.1	68
Vacant/Undeclared seats	-	01	-	12

Note: About 57,938,945 voters registered for the Senate elections and the total vote cast were 24,386,247 representing a turnout of (42.1%), while the House of Representatives has 57,938,945 registered voters with 23,573,407 total votes cast representing a turnout of (40.7%).

Source: Compiled from the African Elections Database Country Reports (<http://africanelection.tripod.com/>). Accessed 10-06-2014.

¹³⁰ Personal interview with an elected representative of the CPC.

What the above table indicates is that the PDP won on a landslide, with absolute control in the executive and legislative elections. The combined polls of the AD and APP were not even up to half of the total votes amassed by the PDP in the elections. This has a telling implication for the dominance of PDP in the subsequent elections in 2003, 2007 and 2011 and the challenge of consolidating democracy in Nigeria.

4.2.3. Election Monitors' Reports and Criticisms of the 1999 Elections

Despite the significance of the 1999 elections in disengaging the military and re-establishing democracy in Nigeria, both international and domestic observers condemned the process and the outcome of the elections. For instance, the Transition Monitoring Group (TMG) (a platform of about 56 human rights groups and other domestic civil society organizations), which deploys around 3000 elections observers and monitors, acknowledged that 'although the conduct of the 1999 Presidential election was successful, both sides had committed fraud, and 'it is difficult to say the extent to which the efforts of the two parties cancelled each other' (TMG, 1999). Similarly, the Carter Centre¹³¹, in conjunction with the National Democratic Institute (NDI)¹³² also reported in its post-election statement that 'there was a wide disparity between the number of voters observed at the polling stations and the final results that had been reported from several states. Regrettably, therefore, it is not possible for us to make an accurate judgment about the outcome of the Presidential elections' (Carter Centre 1999)¹³³.

In confirmation of the electoral fraud and irregularities, the supervising head of the transition programme, Abdu salami Abubakar¹³⁴, also attested to the irregularities which characterized the 1999 elections. However, to him, 'it was not as high as to affect the overall results' (Onuoha, 2002: 348). On the other hand, the Commonwealth Election Observer Group¹³⁵'s report, on the elections was the opposite of the TMG and Carter Centre reports. According to

¹³¹ Carter Centre is an election monitoring and observation group which has been monitoring elections since 1999 in Nigeria.

¹³² The National Democratic Institute is an election monitoring and observation group which has been monitoring elections since 1999 in Nigeria.

¹³³ The Carter Centre, for instance, reported overwhelming ballot stuffing, inflated voter turnout figures, altered results, voter's disenfranchisement, and inconsistent application of the INEC procedures across the country (see Carter Centre Report, 1999)

¹³⁴ General Abubakar was the military president and head of the transition programme who returned Nigeria to democratic rule in 1999.

¹³⁵ The Commonwealth Election Observer Group is an election monitoring and observation group which has been monitoring elections since 1999 in Nigeria.

them, ‘the overall conditions did exist for the free expression of will by the electors at the National Assembly and Presidential elections. They stated further that, “the results may be said to have reflected the wishes of the people and constituted a legitimate basis for completion of the transition from military to democratic government’ (Commonwealth Observer Group, 1999: 10). This position raises eyebrows, given the wealth of evidence which shows the flaws in the elections. It has been argued that the commonwealth was more interested in the change of regime rather than the establishment of democratic structures in Nigeria. This partly explains why they look the other way on electoral irregularities (Oshodi, 2007). Despite the dissatisfaction of the TMG with the elections, it could not demand the cancellation of the election and a call for fresh elections (Oshodi, 2007). However, the growing domestic and international pressures for democratic reform suggest that such electoral irregularities and imperfections should be seen as part of the process of military disengagement from Nigeria’s politics (Fatai, 2008).

A primary observation which explains the irregularities in the 1999 democratic transition programme was the absence of a constitutional and regulative framework. This is in addition to the emergence of the retired soldiers in Nigeria’s politics. These two factors have far reaching implications for the subsequent elections, as well as the entire democratic project in Nigeria. In the case of the absence of the legal framework, the 1999 constitution only comes into force after the completion of the transition process. Thus, the elections were conducted without any constitutional framework or any constitutionally affirmed electoral laws to safeguard the democratic interests of the actors and the electorate. The Provisional Ruling Council (PRC) which designed the transition programme under the headship of Abdusalami Abubakar only released the approved constitution by the Provisional Military Council after the conclusion of the transition programme (Yagboyaju, 2011). As a result, it was hard for the electoral process to be guided, as the absence of a statutory framework for the elections led to the violation of civil and political rights as many electoral misdemeanor and irregularities went unpunished (Ojo, 2014). The absence of the regulative and constitutive framework in 1999 no doubt engendered the absence of democratic safeguards by which the behaviour of political actors could have been constrained.

As argued by Kew (1999:23), ‘the completion of the 1999 transition programme without a constitutional order was a deliberate attempt by the ruling regime to manipulate the elections in favour of Obasanjo, as a mark of solidarity to the military institutions and its collaborative

political forces' (Kew, 1999)¹³⁶. This position was further buttressed by the Secretary of Ikorodu Local Government, a key member of the All Progressives Congress (APC), when he claimed that 'the crisis of democratic consolidation in Nigeria can be traced to the 1999 election which was conducted in the absence of a constitutional framework. The absence of constitutional framework legitimised the institutionalization of rigging and violence, as a mechanism of capturing political power in Nigeria'¹³⁷. The challenges of constructing viable political foundations for the democratic future of the country in the absence of a constitutional framework, raises serious questions about the nature of democracy being instituted. This was the basis of institutionalizing anti-democratic behaviour such as the use of violence, electoral fraud and the violation of democratic rules and procedures in the Nigerian democratic experiment. As noted by Ojo (2007: 20), 'the journey to the electoral sham of 2007 began with Abubakar's transition programme of 1999 which was not sufficiently entrenched to bring into being a democratic government; an administration that is inherently illegitimate cannot be a catalyst for democratic consolidation'. By implication, the 1999 democratic transition did not shape the democratization course in a way that created a viable foundation for democratic consolidation. The subversion of constitutional and institutional processes explains the prevalence of electoral fraud and violence as a dominant phenomenon of politics in Nigeria, especially in the 2003 and 2007 elections, deemed to be the worst elections in the democratization history of the country.

In addition, the implementation of the 1999 transition programme by the military and the integration of its dominant faction; the retired soldiers into the democratic project, also entrenched authoritarian and military legacy into the electoral process in Nigeria. Indeed, the political behaviour and orientation of the political elite was reconstructed within the lens of authoritarianism which gave rise to a warlike mentality and zero-sum game situation. In this context, zero-sum political game is internalized, as are the major features of the democratization process in Nigeria. Following this, the democratic space saw several retired military Generals contest and win elections for executive and parliamentary positions. Many of them won elections as state Governors, members of the National Assembly and even as president through the monopoly of the instrument of force by the military. Although the

¹³⁶ Kew documented the various forms of rigging perpetuated by the INEC staff during the 1999 elections. He cited an example of where the presiding officer and the two party agents; one from APP, were thumb-printing as many PDP votes as they could stuff into the ballot box (Kew, 1999: 31).

¹³⁷ Personal Interview with a prominent member of the ACN in Nigeria, 2014.

involvement of retired soldiers in politics is seen as part of the disengagement process in which the retired military can be accommodated in the democratic project, the infusion of military values and symbols into the democratic spaces raises further concern for the emerging political culture in Nigeria. While the phenomenon of the retired soldier as a powerful phenomenon in Nigeria politics started with the Babangida political transition programme, it was the General Abubakar political transition that really integrated the retired military officer as a major faction of the elites in the Nigerian democratization process (Adekanye, 1999)¹³⁸. It is calculated that about 130 wealthy and powerful retired military officers are members of the People's Democratic Party (PDP), the current ruling party in Nigeria (Adejumobi, 1999). To him, 'amongst them, at least 30 are of the rank of Major General and above, while the others comprise of colonels and other ranks' (Adejumobi, 1999: 9). More significantly, the PDP has been regarded as a party "of army arrangement" (Tell January 11, 1999: 27). In fact, the predominance of retired soldiers in politics is suggestive of the fact that a past president (between 1999 and 2007) Olusegun Obasanjo was a retired general. In addition, the current Senate President David Mark, and many of the state Governors were also retired military generals. Although, the consequence of this initially does not constitute a challenge to the democratization process, the moment political competition became a do or die affair, the democratization process in Nigeria was dangerously undermined as the electoral **process became subverted and implications for the consolidation of democracy in Nigeria.**

4.3. The 2003 Elections

Following the undemocratic context in which the 1999 elections were conducted, the 2003 elections, being a consolidation process, provided the opportunity for addressing the inadequacies inherent in the 1999 democratic transition (Omotola, 2010; Agbaje and Adejumobi, 2006; Carl-Levine, Pisto and Adebo, 2004; Onuoha, 2003). According to Pisto and Adebo (2004), the 2003 elections were significant for Nigeria in addressing the democratic challenge of 1999 being the first civilian administered elections after the military interregnum. More succinctly, it provides the opportunity for addressing the ills of the 1999 elections, chiefly, the antidemocratic political cultures and the legacy of the military in the democratization process (Ojo, 2007). Indeed, Nigeria saw the 2003 elections as a chance to deepen their nascent democratization experience. However, this optimism eventually waned

¹³⁸ For a detailed account of the retired soldier's phenomenon in Nigerian politics, see, Adekanye, 1999.

as the process and outcome of the 2003 general elections was largely contrived and manipulated. The degree of electoral irregularities which characterized the elections posed a serious threat to the consolidation of democracy in Nigeria.

4.3.1. The Pre-2003 Democratic Election Period

In the preparation for the 2003 general elections, a number of democratic reforms took place which indicated a measure of seriousness on the part of the ruling regime to address some of the lingering problems of the electoral system. For example, the number of registered political parties increased from 3 to 30, voters' registers were updated and the judiciary became active in a constitutional context that departed from the haphazard practice in 1999, where their independence was undermined by the military junta (Agbaje and Adejumobi, 2006). Despite the democratic reforms, a number of issues undermined the process and outcome of the 2003 elections. These issues included the controversy surrounding the proposed 2001 electoral bill, re-ordering of the conduct of the general elections, inadequacies in the process of voter's registration, and political violence (Agbaje and Adejumobi, 2006; Omotola, 2010).

4.3.1.1. Controversies Surrounding the 2001 Proposed Electoral Bill

It should be recalled that Nigeria's 1999 elections was conducted without any Electoral Act and thus the proposition of a bill to the National Assembly by the INEC for deliberation and enactment into an Electoral Act was seen as a major part of the reform process (Agbaje and Adejumobi, 2006). Despite taking the right step by instituting the process for enacting electoral reform, the INEC failed to ensure the input of the major stakeholders¹³⁹ before sending the bill to the National Assembly. As a result, the bill received a lot of disapproval from the major stakeholders, especially opposition political parties and civil society organisations. In sharp condemnation of this flawed step, 35 civil society organizations, under the umbrella of the Electoral Reform Network (ERN)¹⁴⁰, presented a memorandum to the National Assembly in an attempt to record their grievances and put forward their input for the draft Electoral Bill. In their memorandum, they pertinently noted that the:

¹³⁹ In this sense, stakeholders in the electoral process include; members of the opposition political parties, civil society organizations and the National Assembly among others.

¹⁴⁰ The Electoral Reform Network was established in 2001 by 35 Civil Society Organizations with the main objective of mobilising Nigerians to the struggle for electoral reform through their legislative advocacy on the draft electoral bill 2001. They also ensure a level playing field for the 2002 and 2003 elections is created (see, Agbaje and Adejumobi, 2006)

INEC draft Electoral Bill in its present form will definitely stultify the electoral process, instead of opening up the democratic space. Apart from the excessive powers conferred on INEC, there are many provisions which will not engender popular participation. It is with a view to liberalizing the process that the following memorandum was arrived at (ERN, 2001: 1).

In the bill, several clauses and provisions show the deliberate attempt of the incumbent regime, in collaboration with the INEC, to manipulate the electoral process. For instance, Clause 80 (1) of the Electoral Bill limits the registration of political parties. The draft provision reads ‘at the close of nomination for the general elections, any political party which fails to sponsor at least fifteen percent of the candidates for the Councillorship, Council Chairmen, and State Houses of Assembly respectively, throughout the federation, spread among two-thirds of the states of the federation and the Federal Capital Territory shall not participate in the general election’ (Draft Electoral Bill, 2001) This was a strategy to undermine the rights of the opposition parties to participate in the electoral process, especially those that do not have a national spread or two third membership from across the country. In addition, this clause would also affect political parties that do not have the financial capacity to sponsor’s candidate across the country. Indeed, it is a clear threat to popular and inclusive liberal democratic practice, in which popular participation is the main driver.

Following the increasing condemnations of the clause, President Obasanjo, singlehandedly reviewed the clause to read; ‘a registered political party must win at least fifteen percent of the chairmanship and councillorship position in the federation, spread among two-thirds of the states and the Federal Capital Territory to participate in general elections’ (Animashaun, 2010: 12). Perhaps this provision does not in any way depart from the initial one which seeks to alienate new parties from participating in the democratic process, considering that it was still aimed at limiting political participation in the democratic space. Clearly, it suggests an attempt to evaluate the performance of the new party as a precondition for participating at the national elections. This issue almost overshadowed the conduct of the 2003 elections but for the intervention of the Supreme Court who set aside the clause by directing that political associations should be registered without any encumbrances (Supreme Court, 2001). Notwithstanding, the issue raises concern about, and some degree of suspicion against the ruling party and the INEC in the 2003 electoral process, especially as narrow minded interest

dictated the passage of the bill rather than sincere commitment to the reform of the electoral process (Agbaje and Adejumobi, 2006).

4.3.1.2. The Controversial Recommendation on the Reordering of Elections

Another issue which undermined the legitimacy of the 2003 elections was the controversial recommendation for changes in the order of elections by the Senate Committee. Initially, the order of elections is that elections start with the local government, followed by the state elections, before the presidential elections. What the committee did was to reverse the process and begin with the presidential election and end with the local government elections. According to the committee, the presidential election should come first, followed by elections for the National Assembly, Governorship and then the local government elections. Critics have argued that the logic behind this was for the President and the National Assembly to secure their election before the state elections took place, especially against the backdrop of the 1999 Constitution which empowers state Governors as a strong political force (Agbaje and Adejumobi, 2006).

Thus, it means that the Presidential and National Assembly elections would be conducted before the Gubernatorial elections to checkmate the growing powers of the governors in frustrating the political interests of the national politicians in their states (Omotola, 2010; Agbaje and Adejumobi, 2006). Despite an accusation by the Governors that it was an attempt by the President to coerce them into supporting him, the recommendation was approved. Indeed, an attempt to create this uneven playing field, by controversially changing the order of elections, was the decisive factor which explains why many state Governors lost their seats in the 2003 elections. It is the case that after the Presidential and National Assembly elections, many state governors who were the direct opponents of the president were rigged out in the governorship election, given that the INEC was filled with the loyalist of the president (Animashaun, 2012). In addition, the use of the state security and political thugs to intimidate and manipulate the electoral process, also ensured victory for the PDP in the 2003 election (Omotola, 2010).

4.3.1.3. Inadequacies in the Voter Registration Exercise

There were also serious inadequacies in the process of voter registration. It should be recalled that prior to the 2003 elections, the voter registration exercise was between September 2002

and January 2003. To ensure ease of the registration process, the INEC introduced a computerized voter registration machine in 2002. However, the organization and processes of the registration were characterized by serious irregularities which undermined the legitimacy of the 2003 elections. There were cases of double registrations, the registration of minors, the refusal to register members of the opposition parties by INEC, and the phantom voters on the registration roll constitute a major challenge in the engendering credible electoral process (Agbaje and Adejumbi, 2006). As noted by Levine, Pitso and Adebo (2004: 33), the voter's registration process for the 2003 election, 'suffered several setbacks that affected the overall enfranchisement and confidence in the electoral process'. For them, 'the issue of logistical delays, insufficient staff training, the lack of security at registration centers, poor voters' education, hoarding of registration forms and cards with the aim of selling them to politicians and creating artificial scarcity of registration materials were the major issues which undermined the registration process' (Levine, Pitso and Adebo, 2004: 33).

As a confirmation of the irregularities which characterized the registration process, the former Minister of Information who is a PDP party leader, concurs with the position that the registration process was haphazard. According to him, 'the 2002 voter registration processes were marred by serious and phenomenal malpractices'¹⁴¹. Consequently, the failure of the INEC to publish the list of actual registered voters to confirm their names at the completion of the exercise further exposed the agenda of the INEC who are loyal to the president to ensure that voters roll are phantom(voters' roles are phantom?). As required by Section 10 (1) of the Electoral Law of 2002, the list of registered voters must be published so that voters can confirm their information (Electoral Law, 2001). What is, however, more disturbing is that the INEC claimed to have registered 61 million voters, despite the widespread irregularities. As argued by Lewis (2003:141), 'the commission finally claimed to have registered 61 million voters, thereby crowning of the glaringly troubled and tangled process with success rate of 100 percent, improbably, to say the least'. The challenge of constructing a credible and legitimate electoral register therefore explains the spate of irregularities and electoral fraud to which the 2003 elections were subjected by the INEC and the ruling PDP. Such dishonest conduct undermines a level playing field and is the basis upon which liberal democratic practice and its consolidation has been impeded in Nigeria.

¹⁴¹ Interview conducted with a Chieftain of the PDP at the national level on the 20 August 2013. The Minister wants to be anonymous.

4.3.1.4. Pre-election Violence

A notable factor which also undermined the success of the 2003 elections was the political violence that characterized the period prior to the elections. Many prominent opposition politicians were assassinated by hired assassins. Moreover, as claimed by a Lagos based politician ‘the political atmosphere was charged as many voters were afraid to vote in the 2003 elections owing to flying reports of political violence and assassinations which increased in the period leading to the elections’¹⁴². According to Human Right Watch report (2003:15), a famous member of the Nigerian Bar Association, Bernabas Igwe, was murdered in Anambra State in September 2002, for urging the Governor to resign due to his inability to pay the salaries of civil servants (HRW, 2003). Similarly, Ishaya Mohammed, the deputy chairman of an opposition party, the United Nigeria People’s Party (UNPP), was also killed during the state primary elections (HRW, 2003). In another high profile political assassination, the chairman of the All Nigeria People’s Party (ANPP), Harry Marshall, was gruesomely murdered in Abuja (the capital city of Nigeria) for criticizing them as being autocratic in the governance style of the ruling People’s Democratic Party (PDP) (HRM, 2003: 15). Also, Human Right Watch documented the killing of the former attorney and the minister of justice of the Federal Republic of Nigeria, Bola Ige, was assassinated in relation to an Osun State House of Assembly fracas between the AD and PDP members of the legislative house (HRW, 2003).

There were also several cases of hostility and intimidation between the ANPP and PDP gubernatorial candidates which almost resulted in assassinations (Levine, Pitso and Adebo, 2004). The serial assassination of politicians in the period leading up to the elections was a dangerous trend in the run-up to the 2003 general elections, as the political landscape became tense due to the fear of violence and electoral uncertainty. As noted by Human Rights Watch (2003), the political violence, including the assassinations witnessed before the 2003 election, was a threat to the legitimacy of the 2003 general elections and democratic sustenance in Nigeria.

¹⁴² Interview conducted with the former Secretary of Ikorodu Local Government and the Chieftain of the APC in Ikorodu Local Government, Lagos State on the 10th of January, 2014.

4. 3. 2. The Presidential and National Assembly Elections

In the order of the elections, the presidential and governorship election took place on the 19th of April, 2003, while the National Assembly election was held on the 12th of April, 2003. The State House of Assembly election was conducted on the 3 May 2003. In the lead up to the presidential election, Olusegun Obasanjo, the incumbent President, the candidate of the PDP and Muhammadu Buhari of the ANPP were the leading forerunners. Significantly, the two candidates were former military heads of state and were seen as former military juggernauts; capable of giving Nigeria's democratic project a sense of direction. In the case of General Buhari, he was seen as an anti-corruption crusader, given his activities as the former head of state between 1983 and 1985. Indeed, his campaign programmes revolved round the issue of restoring discipline and accountability in governance in Nigeria. On the other hand, Obasanjo still enjoyed the democratic credentials which brought him to office in 1999, with his campaign emphasis on consolidating democratic gains made in 1999. Although, the remaining 28 political parties attempted to form a coalition around a consensus presidential candidate for the elections, the irreconcilable ideological differences and procedural considerations undermined their collective effort. At the end of the 2003 general election, the presidential election results were declared as follows:

Table 12: The Results of the Presidential Election 19 April, 2003

Candidates	Total Number of votes	Percentage of Votes
Olusegun Obasanjo (PDP)	24 456 140	61.94
Muhammadu Buhari (ANPP)	12 710 022	32.19
Odumegwu Ojukwu (APGA)	1 297 445	3.29
Jim Nwobodo (UNPP)	169 609	0.43
Gani Fawehinmi (NCP)	161 333	0.41
Sarah Jubril (PAC)	157 560	0.40
Ike Nwachukwu (NDP)	132 997	0.34
Chris Okotie (JP)	119 547	0.30
Balarabe Musa (PRP)	100 765	0.26
Arthur Nwankwo (PMP)	57 720	0.15
Emmanuel Okereke (APLP)	26 921	0.07
Kalu Idika Kalu (NNPP)	23 830	0.06
Muhammadu Dikko Y (MDJ)	21 403	0.05
Yahaya Ndu (ARP)	11 565	0.03
Abayomi Ferreira (DA)	6727	0.02
Tunji Braithwaite (NAP)	6932	0.02
Iheanyi-Chuckwu Godswill Nnaji (BNPP)	5987	0.02
Olapade Agoro (NAC)	5756	0.01

Pere Ajunwa (LDPN)	4473	0.01
Mojisola Obasanjo (MMN)	3757	0.01

Note: Total number of registered voters equals 60 823 022; total voters 42 018 735 (a turn- out of 69.1%); invalid/blank votes 2538 246; total number of valid votes 394, 804, 89.

Source: Compiled from the African Elections Database Country Reports (<http://africanelection.tripod.com/>). Accessed 10-06-2014.

The foregoing table indicates that incumbent President Olusegun Obasanjo won the 2003 Presidential election with total vote of 24, 456, 140 million, which is about 61.94 percent of the entire vote, while also securing two-thirds of the states of the federation including the Federal Capital Territory (FCT) Abuja. According to Nigeria's 1999 constitution, 'a winner in a Presidential elections involving more than two candidates, must satisfy the first, pass the votes in addition to securing at least 25 percent of the total votes cast in at least 2/3 of the states of the federation and the Federal Capital Territory' (The Federal Republic Constitution, 1999). The closest to President Obasanjo in that election was Gen Muhammadu Buhari who polled 12,710,022 which is about 31.19 percent of the entire votes. On the basis of this, President, Obasanjo was returned for a second term having been elected the president in 1999.

Table 13: The Result of the National Assembly Elections 12 April 2003

Party	Senate	House of Representatives
	Total Number of Seats (109)	Total Number of Seats (360)
People's Democratic Party (PDP)	76	223
All Nigerian People's Party (ANPP)	27	96
Action for Democracy (AD)	06	34
United Nigerian People Party (UNPP)	-	02
National Democratic Party (NDP)	-	01
All Progressives Grand Alliance (APGA)	-	02
People's Redemption Party (PRP)	-	01
Others	-	-

Note: There was one vacant seat. The registered voters for Senate and the House of Representatives elections were 60 823 022. The total votes for the former were 29995171(a turnout of 49.35); invalid/blank votes were 965 064; total valid votes were 29030107. Therefore, total votes for the latter were 30386270 (a turnout of 50.0%); invalid/blank votes were 1,153, 200; total valid votes were 29, 233, 070. Source: Compiled from the African Elections Database Country Reports (<http://africanelection.tripod.com/>). Accessed 10-06-2014.

In the National Assembly election, the PDP also acquired a massive electoral victory as it won the majority of the seats in the Senate and the House of Representatives. Even in most of the state Houses of Assembly elections, the PDP won in a landslide victory. According to Omotola (2010: 546), 'the victory could be credited to the power of incumbency which created an un-level playing field between the PDP and opposition political parties prior to the 2003 elections'. For example, Omotola (2010), had claimed that 'the PDP's massive victory was due largely to the power of incumbency, which enabled it to have substantial and unhindered access to state machineries, including the treasury, mass media, INEC and the security forces'. This gave the PDP political leverage and advantages, on the basis of which they acquired a huge victory at the polls. Onuoha (2003: 59) claimed that 'rather than rigging, those interested in retaining power or winning at all cost, especially actors who were in control of the instrument of the state, simply fixed the results of the elections they desired to win'. The consequence of this was the defeat of the opposition party in their stronghold. It was therefore significant that the major opposition party, Alliance for Democracy (AD), acknowledged for its oppositional politics, was defeated in its stronghold as five of the six gubernatorial seats in its geo-political zones were won by the PDP. This dominance was so definitive that 'the PDP started behaving like a mini-army under a garrison commander, driving the country towards a one party state' (Omotola and Aremu (2007: 53-57). Consequently, the one party dominance, such as the one witnessed in the 2003 elections has a propensity that undercut opposition politics, but also promote one party state,

4.3.3. Election Monitor Reports and Criticisms of the Conduct of the 2003 Election

The results and the outcome of the 2003 elections were vehemently criticized and rejected by the opposition parties. Indeed, several controversial issues in the period leading to the elections clearly indicate that the process and outcome of the election would be contrived. The degree of irregularities, electoral fraud and violence that characterized the election raised further questions about the legitimacy of elections as indicators of democratic consolidation in Nigeria. Both international and domestic election observers were unanimous in their submission that the election was not a true reflection of the democratic choice of the Nigerian people due largely to the high occurrence of electoral irregularities and manipulation (Omotola, 2010; Agbaje and Adejumbi, 2006; Ojo, 2007; Levine, Pisto and Adebo, 2003; Suberu, 2007; HRW, 2003; Ajayi, 2007, EU-EOM, 2003; NDI, 2003; TMG, 2003). For

example, the post-election submission of the Transition Monitoring Group (TMG) reported that,

apart from the fact that the 2003 elections were compromised by various factors, such as lack of transportation for INEC officials on election days, poor distribution of electoral materials, it is the case that while the voters waited and persevered in the polling stations to cast their votes, the political class and the political parties had different ideas. The voters wanted their votes to determine the winner of elections, the political class wanted to corrupt the process and rig their way into elective office. On the whole, the results can be said to marginally reflect the choice and will of the people (TMG, 2003: 120).

While the conclusion of the TMG did not condemn outrightly the outcome of the elections, the high incidence of irregularities and electoral fraud presented before the Justice of the Appeal Court were revealing. In his dissenting judgment on the litigation¹⁴³ over the 2003 Presidential elections, the Justice of the Appeal Court; S.A. Nsofor poignantly put it:

I find the substantial non-compliance with the mandatory electoral law amounts to no election. I also find that there was violence perpetuated by President Obasanjo and INEC. In Adamawa state, for instance, there was massive rigging, malpractices and violence using law enforcement agencies.....May Nigeria never and never see a black Saturday like April 19 2003 (Fayemi, 2009: 20).

Analysis of the interviews suggests that, the 2003 elections results from different submissions show clearly that the elections were fixed in many cases. For illustration, Stuart Mole, a Commonwealth Election Observer, exposed how many polling centers in the Niger-Delta geo-political zones were characterized by vote-fixing and buying (Analysis, 2003). He added that, 'while voter turnout for the April 2005 elections was very low in many polling stations, with some booths not opening till 2 p.m. and closing before 5.00 pm, the election results declared for most constituencies indicated a 90-100 percent voters turn-out' (Mole, 2003: 472). In a more disturbing view, Mole stressed that: The most extraordinary of all, this apparently phantom elections recorded extraordinary high turnout figures generally in excess of 90 percent. In Tai district, where we had seen few voters and where the polls had only opened for a few hours, turnout was recorded at an incredible 99.6 percent (and the PDP share of the votes, at 99.2 percent). Clearly, widespread voter's intimidation, had accompanied massive electoral fraud (Mole, 2003: 472)

¹⁴³ The litigation was on the petition challenging the victory of the incumbent President Olusegun Obasanjo of PDP, in the April 19 2003 Presidential election by the presidential candidate of ANPP; Muhammadu Buhari. The Appeal Court, however, dismissed the appeal and returned President Obasanjo re-elected (see Vanguard, 24 April, 2004; The Punch, 21 December 2004).

Furthermore, there were also reported cases of pre-marked ballot papers and ballot-padding, especially in the presidential elections in the same region. As posited in the Economist report (2007: 26) ‘PDP gunmen were beating up opponents, intimidating voters, snatching ballot papers and stuffing them with pre-marked ballots’. The view from the Economist further shows the subversion of the democratic choice of the people, given that election results were not only falsified in places where voting do not take place nor do voting conducted according to the electoral procedure. Mole poignantly captured this trajectory:

We also came across pre-marked ballot papers already thumb printed, being issued by electoral officials. There were stuffed ballot boxes and I watched a youth who casually attempted to empty his bulging pockets of marked ballots into the ballot box. Later, as I watched over two ballot boxes, waiting for them to be collected and counted, a gang of about 30 youths high on booze burst and seized the boxes rifling through them as they drove away (Mole, 2003: 472). The above quotation was possibly the more reason while the TMG which hitherto had not been critical of the elections, later claimed that the 2003 elections was a ‘civilian equivalent of a coup d’état’ (TMG, 2003:9).

My fieldwork confirmed electoral fraud by prominent politicians who benefited from the elections, and that the 2003 elections were flawed and should not be deemed legitimate. Although nearly all the political parties were involved in 2003 election rigging, the ruling party seemed to have been the main orchestrator of electoral fraud (Oshodi, 2007). For example, the former Deputy Governor of Osun State between 2003 and 2007, a member of the People Democratic Party (PDP), asserted that, ‘I can tell you frankly the election was full of mass rigging. Maybe some party rigged better than the other or the winners were smart enough to manipulate the process and win the elections. The truth is that nearly all the political parties were involved in the rigging dynamics’¹⁴⁴. Similarly, the Deputy Governor of Lagos between 1999 and 2007, under the platform of the Action for Congress (AC), also claimed that the INEC perpetrated rigging and fraud for the ruling PDP. According to him, ‘INEC is not reliable, because we lost in other areas apart from Lagos regarding the overall verdict of the 2003 national elections’.¹⁴⁵

The above submissions show that the INEC was not in control of the election as several ‘unconstitutional and undemocratic strategies were used to write or fix electoral results in the 2003 elections’ (Onuoha, 2003: 59). The lack of control of the INEC further indicates

¹⁴⁴ Personal Interview with the former Deputy Governor of Osun State on the 12 December 2013.

¹⁴⁵ Interview with the former Deputy Governor of Lagos State and AC stalwart on the 20 January 2014.

that both the ruling and the opposition parties were not only involved in electoral fraud and manipulation during the 2003 elections, they also benefitted from the perverted electoral process. Although, the PDP was the largest beneficiary of the fraudulent electoral process, they all are, according to TMG, a ‘bunch of electoral fraudsters that do not believe in elections as a means and mechanism of leadership changes’ (TMG, 2004:3).

A primary observation was that despite the widespread degree of electoral fraud that characterized the 2003 elections, the democratic promoters and international organizations neither condemned nor called for a re-run of them. For example, the Commonwealth election observer group in their report indicated that ‘while it can be said that the 2003 elections were characterized by irregularities, they did not impede on the success of the elections’ (Commonwealth, 2003). This statement is an indication of the acceptance of a certain level of electoral fraud as almost inevitable by some governments internationally (HRW, 2003). This is the major area in which democratic promoters have continued to be subject to criticism especially with respect to elections which do not meet the benchmark of liberal democracy. Although many monitoring agencies may like to ‘tread more carefully when dealing with states that are important to their donors’ (Kelley, 2010: 164), the crucial interest of the monitoring states is a significant factor that determines the outcome of the report of election observers and monitors (Onapajo, 2014). Perhaps the strategic importance of Nigeria as the most populous African country, an influential member of the Commonwealth and African Union (AU) may have been responsible for the casual acceptability of the 1999 and 2003 elections (HRW, 2003).

The fact that the Bush government visited Abuja after the inauguration of President Obasanjo, despite reports of election irregularities in the 2003 elections was suggestive of the window dressing of complicity on the part of democratic promoters. This is why Herskovits (2007) posits that the real protagonists of liberal democracy could look the other way and ignore obvious shortcomings, in the interest of democratic promotion. Undoubtedly, as a result, the contribution of democratic promoters to the consolidation of democracy has often been at the level of mere rhetoric and lip service (Brown, 2005; Brown, 2011; Obi, 2011). Rather than enhance the prospects of democratic consolidation through the condemnation of irregular election practices and results achieved through them, they often lend credence to the election irregularities. This is in the name of democratic promotion, which is neither in the interests of the population nor of consolidating democracy globally. This factor has been a

contributing factor as to why undemocratic elections have become a constant phenomenon in Nigeria.

4.3.4. Electoral Violence

Apart from the electoral violence which characterized the period before the 2003 elections, there were also reported cases of violence during the elections. More clearly, these cases of electoral violence were between the ruling party and the opposition. The most electoral violence occurred in the south-eastern part of Nigeria where the PDP governors and their cohorts orchestrated an unprecedented amount of violence in a bid to outwit their opponents in the 2003 electoral contest (HRW, 2003). According to the HRW (2003: 23) ‘more than three quarters of the incidents of violence, intimidation, harassment, ballot box stealing and stuffing and vote buying were documented in the South and Southeast’. Although, splinters of violence occurred in other parts of the country, the South-Eastern part recorded the highest degree of electoral fraud and violence. In most of the South-eastern parts of the country there was intense violence and instability that was characterized by electoral competition (Agbaje and Adejumobi, 2006). For example, Human Rights Watch reported the case of a chairman of the local chapter of PDP in Port Harcourt, (southern part of Nigeria), who informed a human rights activist without any fear ‘of how PDP had distributed guns in the area to thugs in readiness for the 2003 elections’ (HRW, 2003:15).

Despite these documented cases of electoral misconduct and the perpetration of violence before and during the 2003 elections, none of the people culpable have been prosecuted. Many of its perpetrators were either arrested or released almost immediately, whereas many from the opposition party have been made to face the wrath of the law (Animashaun, 2010). Attempting to shield perpetrators from possible prosecution by the ruling regime raises a serious concern for the institutionalization of the rule of law and constitutionalism in Nigeria. Put differently, it suggests the consolidation of impunity while the rule of law and constitutionalism are being eroded. The flagrant degree of impunity and anti-democratic behaviour evinced by the rising wave of electoral violence and malpractices by the political elite without prosecution has been the basis for which electoral violence and impunity continue to thrive in Nigeria. In the real sense, this explains why elections have ‘become a criminal activity in which bandits and criminal gangs hold sway because such modes of political practice reified popular culture and social values’ (Agbaje and Adejumobi, 2006: 29). The reality across the country is such that the phenomenon of electoral fraud and

violence has assumed a manifest dimension and constitutes an important strategy in the political elite's assumed political office. Indeed, the prevalence of anti-democratic alternatives is an indication of the low commitment to democracy and the implication for democratic consolidation. Thus, while the optimism in Nigeria was that the 2003 elections would be an improvement in the 1999 elections, it turned out to be worse, as the constant phenomenon of electoral fraud and violence continued to impede the consolidation of democracy.

4.4. The 2007 Democratic Elections

Considering the flawed and controversial nature of the 1999 and 2003 elections, the 2007 general election was seen as a defining moment in the democratic history of Nigeria. Apart from the fact that it provided an opportunity to alternate power between civilian presidents, it also created an opportunity to resolve the perennial contradictions inherent in Nigeria's electoral processes. Several scholars have alluded to this opportunity as crucial to the institutionalization of democratic practices and the consolidation of democracy in Nigeria (Marielainen, 2012; Omotola, 2010; Fatai, 2008; Ojo, 2007; Suberu, 2007; Oshodi, 2007; Ajayi, 2007; Odion, 2007, Ibrahim, 2007). In that instance, Adejumobi (2007: 12) had argued that the 2007 elections present an opportunity to, 'occasion a break with the past, and rekindle public confidence in the electoral and democratic processes of the country'. Given that this was the third consecutive election following the 2003 and 1999 elections, they signalled, 'an opportunity for change and power turnover' (Unger, 2007: 1). In spite of the historical and democratic significance of the elections, there was a unanimous view that the 2007 general elections were the most horrible in the democratic history of the country (Kerr, 2013). As argued by Suberu (2007: 97), 'if the 2003 general elections were "hardly credible", 'the 2007 balloting was blatantly fraudulent' (ICG, 2007). It is the most awful in the democratic process of Nigeria (Suberu, 2007). Undoubtedly, the 2007 elections would have been remarkable, had the political elite not undermined the electoral process with unprecedented fraud and malfeasance and in a manner that posed serious concerns about the possibility of democratic consolidation in Nigeria. In other words, the conception that the 2007 elections would lead to the consolidation of democracy in Nigeria soon became a myth (Omotola, 2013; Kerr, 2013). For Rawlence and Albin-Lackey (2007: 101), the 2007 elections represent a 'continuation of a downward spiral in election quality, evident in 1999

and 2003 elections'. Thus, the 2007 elections failed to break away from the tragedy of a violent political past that has stalled democratizations in Nigeria.

4.4.1. The pre-2007 Democratic Election Period

In the period leading up to the 2007 elections, a number of contentious issues came to shape their process and outcome, perhaps accounting for the worst elections in the political history of Nigeria. There were three fundamental, but contentious, issues similar to those of the 2003 election that came to overshadow the success of the 2007 elections. The first was the introduction of the data capturing machines. The second was a discourse around the proposed constitutional adjustment that included a provision to permit the incumbent to run for a third term in office (Adejumobi, 2007). The third was a crisis of internal democracy, especially in the ruling party.

4.4.1.1. The Introduction of the Data Capturing Machine

Following the characterization of the previous registration of voters exercise with serious manipulation and subversion, INEC introduced the Direct Data Capturing Machine (DDCM), to improve upon the experience of multiple and under-age registration. This multiple and under-age registration largely manifested in the 2002 registration process and undermined the credibility of the national voters' registration list in Nigeria. Thus, the process of voter registration through the DDCM was completed and the INEC claimed to have registered 61 million voters. At the end of the registration process, the INEC was expected to provide evidence according to the 2006 Electoral Act by making the voters' register available to the Nigerian public. They refused to make the register available, but also failed to provide any explanation as to how the registered figures were arrived at (Ojo, 2007). Although, it has been argued that the delay beyond the limit set by the 2006 Electoral Act¹⁴⁶ was responsible for the non-display of the voters register, the refusal of the INEC to address the public on the why the lists of registered voters' was not released, raises concern on the sincerity of the

¹⁴⁶ The delay in the registration process was caused by factors ranging from the late release of funds to INEC, lack of registration materials and inefficiency of INEC official in operating the DDCM, among others. INEC completed the registration process, but hide under the electoral clause and avoided making public the voters register, knowing fully, the time limits for displaying of voters register as stated by the 2006 electoral act had lapsed. According to the 2006 Electoral Act, 'the registration of voters, update and revision of the voters' register shall not be later than 120 days before any elections covered by this act' (see, Electoral Act 2006, Part 3, Section 10 sub-section 5). Without prejudice to the above section, section 10 subsection 3 of the same act, also stated clearly that 'the commission shall within sixty days after each year's make available to political party the names and address of each person registered during the year' (see, Electoral Act 2006, Part 3, Section 11 sub-section 3).

commission. Such concern is against the backdrop of the claim that the INEC have registered 61 million prospective voters. This is, more so, to the fact that the registration process was characterized ‘by incessant delay, massive irregularities and lack of technical know-how of the operation of the machine, culminating in many Nigerians being unregistered’ (Suberu, 2007:99). As argued by Ojo (2007: 22), the major problems during the registration exercise included ‘inefficient machines, absence of electricity to charge the batteries (this is a country which is experiencing incessant power cuts, with some communities being in total darkness for long period)’. Indeed, the mismanagement of the DDCM machines left many Nigerians disenfranchised with the process largely characterized by serious inadequacy. Furthermore, there are also indications that the DDCM machines were not supplied across the country (Ojo, 2007). For instance, at the commencement of the exercise, only 1500 DDCM machines were supplied across 120,000 registration centers, which would have required 33,000 DDCM machines to constitute an adequate supply (Kwaja, 2008:3).

While the inadequacy of supply of the machines became an issue as many people remained unregistered, there were confirmed reports that revealed that some of the INEC DDCM were found in the premises of one Lamidi Adedibu, a prominent PDP politician in Oyo State (Ibrahim and Ibeanu, 2009). According to Kwaja (2008: 3), ‘six DDCM machines were found in possession of Alhaji Lamidi Adedibu, the most influential politician in Ibadan, Oyo State where he was illegally registering both qualified and under-aged people’. How the DDCM got to his private residence is unknown. Adedibu has yet to deny the report linking the DDCM to him; neither has the State made any attempts to prosecute him for the offence (*Punch*, 27 January, 2007). This raises a question mark about the registration process and the credibility of the INEC. Finding a DDCM machine in the premises of a politician while the government looks the other way further suggests why the 2007 elections was doomed to fail and that the INEC was partisan and compromising. According to the communiqué signed by the Arewa Constitutive Forum (ACF)¹⁴⁷, a group of prominent Northern leaders in Nigeria, ‘we shared in the grave concern and trepidation expressed nationwide by respected and knowledgeable persons and organizations and indeed the general public about the inadequacy of the arrangement being made for the 2007 general elections’ (*Sunday Punch*, 15 October 2006: 14).

¹⁴⁷ The Arewa Consultative Forum (ACF) is a political and cultural group which composes of Northern leaders of Nigeria. This forum was formed in 2000 to advance the general interest of the North in political, economic and social matters

As a consequence of the above, the Chairman of the INEC was summoned by the National Assembly to defend the degree of their preparedness for the 2007 elections. Although the INEC was able to convince parliamentarians, the gross inefficiency in the registration process ignited a lack of confidence when the INEC again delayed the other procedures that had to do with the announcement of the voting procedures, the locations of polling centers and the training of domestic observers (NDI, 2007). It should be emphasized here that prior to the day of the election, it is the right of the electorate to be duly informed about the voters' register and other vital information that have to do with their full participation in the electoral process, yet the INEC was less concerned about this clause of the Electoral Act. However, the aftermath of the elections in which the PDP won in a landslide victory raises questions about the neutrality and partisanship of the INEC to conduct credible electoral process in Nigeria.

4.4.1.2. The Proposed Constitutional Amendment for an Incumbent to Run for a Third Term

The second issue that overwhelmed the 2007 elections was the debate on a proposed constitutional amendment to extend the term limits for presidential office to three terms. This debate was orchestrated to allow the incumbent president to run for a third term in office. It suffices to say that tenure extension has become a major debate across Africa as several presidents who came to power through popular elections are desirous of extending their tenure in office, either through fraudulent elections or through constitutional changes. For example, Yoweri Museveni, of Uganda, Mobutu Seseke of Zaire; Paul Biya of Cameroon and Sam Nujoma of Namibia have all changed the constitutions of their various countries to extend their tenure (Kivuwa, 2013). It was in this light that President Obasanjo sought to extend his power through a controversial constitutional revision. Realizing the implication of power extension against the consolidation of the country's nascent democracy, a coalition of civil society and political parties mobilized and mounted pressure on the elected representatives, who were expected to approve the constitutional changes. Although the changes were turned down by the parliamentarians, the resultant vengeance which President Obasanjo mounted on the opposition who objected to his agenda set the tone for the electoral fraud and zero-sum warfare which characterized the 2007 elections. Thus, Obasanjo viewed the 2007 elections as a 'matter of life and death for the PDP and Nigeria' (Tenuche, 2009: 2). In similar comments, President, Obasanjo said, 'it would be a calamity for Nigerians if the PDP lost the 2007 elections; no PDP, no Nigeria' (Tenuche, 2009:5). By reducing electoral

competitions to warfare and zero-sum politics, President Obasanjo and PDP reduced the democratic space from participation and competition. Indeed, it was in this context that the unprecedented intra party struggle that ensued between President Obasanjo and Vice President Abubakar Atiku, as well as the volatile inter-party relations in the period before the 2007 elections can be situated.

4.4.1.3. Internal Democracy

The manner in which many of the political parties conducted their party primaries sends a worrying signal to the 2007 elections. In the process of party primaries, virtually all the parties undermined party rules and discipline in the period leading up to the 2007 elections. Section 223 (1a) of the 1999 Constitution, states that political parties must conduct their primaries in accordance with the party rules and procedures (see, section 223 (sub-section 1a) of the 1999 Constitution of the federal republic of Nigeria). According to section 223 (1a) of the 1999 constitution, ‘the constitution and rules of a political party shall provide for the periodical elections on a democratic basis of the principal officers and members of the executive committee or other governmental bodies of the political party’. Although the Constitution was silent on internal democracy, several electoral laws enacted in 2001, 2006 and 2010 by the National Assembly, has made provisions that require that political parties conform to the requirements for the nomination of electoral candidates. For example, Section 85-87 of the Electoral Act provides details of the requirements for internal party democracy in party conventions, meetings and congress in relation to the nomination of candidates for executive committee and other governmental elective offices specified under the act (Section 85-87 of the Electoral Act, 2010). Despite these legal requirements, the reality in many political parties was that they did not respect internal democracy. While it is stressed that this phenomenon was common to all the political parties, the PDP seems to have been the worst of all. In one case, Ifeanyi Ararume and River State Governor, Rotimi Amaechi who contested for the senatorial seat and governorship elections respectively, won their party primaries, but were substituted before the elections with other candidates (Ikeanyibe, 2014).

During this period, there were lots of defections of politicians as a result of undemocratic party primaries where the leadership of the party imposed their will by imposing or substituting candidates with persons of their choice. For example, Mallam Isa Yaguda, the former Minister of Aviation and key member of the PDP, defected to the All Nigerian Peoples Party (ANPP) prior to the 2007 elections due to his dissatisfaction with the conduct

of the party primary in which he was tactically replaced as the candidate of the party (Irikpen, 2010). In the same manner, Dr. Olusegun Mimiko, the current Governor of Ondo State, was also denied the Governorship ticket by the PDP, on the ground that he should allow the incumbent Governor of the state; Olusegun Agagu, to serve for another term. On the basis of such undemocratic behaviour, Mimiko defected to the Labour Party (LP) where he eventually won the Governorship election. In another worrying scenario, the PDP National Working Committee overruled the decision of the state executive of the party to conduct primaries by imposing a former Governor of the Central Bank of Nigeria (CBN), Professor Chukwuma Soludo as its candidate (see, Information Nigeria, 2010). This move was seen by other aspirants as lack of party discipline and violation of internal democracy. Consequently, the affected aspirants all defected to different parties of their choice. For example, Andy Ubah joined the LP, Chris Ngige joined the All Congress Party of Nigeria (ACN) and Peter Obi joined the All Progressive Grand Alliance (APGA) among others¹⁴⁸.

In the opposition ACN, the party has never disguised the undemocratic way it organises its internal democracy. As argued by the National Chairman of the party, Chief Bisi Akande:

Nobody should accuse ACN of imposition because that is our style. Anyone that is not comfortable with that should go and contest in another political party. So, if you see anyone carrying placard around, he is just wasting his time. We know the efforts we made before the party becomes what it is today and where were they when we were making the efforts. It is when they saw that the party is popular that they were attracted to it and we don't expect them to come and hijack the party because of their dirty money (Olarinmoye 2011 cf. Vanguard, January 20, 2011).

Thus, the common impression is for the ACN to mobilise all aspirants for the party primaries, only to announce the list of selected candidates without any electoral process. It is commonly agreed that the leaders of the party are rarely committed to party primaries (Ikeanyibe, 2014). As posited by one member of the party leadership in Lagos state, 'we only balance interests by negotiating, and sharing elective positions among ourselves at caucus meetings and staged the primary to stamp the lists'¹⁴⁹. The Electoral Act allows for the ratification of candidates, but not in a situation where other candidates are perfunctorily denied their franchise to participate in the process, or tactically denied a level playing field in the process (see, the Electoral Act, 2010). For example, the Lagos State Governor Babatunde Raji Fashola secured the party nomination to contest for the 2007 elections through the party leader Bola Tinubu.

¹⁴⁸ See personal Interview conducted with elite politicians in in Abuja, 2014.

¹⁴⁹ Personal Interview with a party leader of Action Congress of Nigeria (ACN) in 2014, Lagos.

During the process, other contestants who aspired to the Governorship position were compelled to step down for the anointed candidate (Gabriel, 2011). In a similar circumstance in the state, Mrs Oluremi Tinubu, Ganiyu Solomon and Gbenga Ashafa also got the party tickets in 2007 to contest the senatorial election without any party primaries (Elombah, 2011). Similarly, in Anambra State, Benchuks was controversially replaced by Chukwuemeka Maduabum who won the party primaries for the House of Representatives. The only justification coming from Chris Ngige the party leader in the state, was that Maduabum had been long term serving member of the party, whereas other aspirants were members of the PDP and ‘cannot jump from PDP to ACN overnight, and win the primaries’ (Elombah, 2011, cf. Ikeanyibe, 2014: 786). It can therefore be deduced from the above that the only reason why the ACN organised party primaries was to create the impression that they had internal democracy. While it could be argued that nearly all the political parties are culpable of perverting internal democratic practice, the absence of internal democracy in all the parties in the selection of candidates for the 2007 elections facilitated electoral fraud and violence that characterised the 2007 elections. Many political parties and their candidates became antagonistic within and outside their parties, against those who they perceived as opponents and political opposition.

4.4.2. The Presidential and National Assembly Elections

Despite the circumstances surrounding the 2007 elections, Nigerians’ desire to institutionalize liberal democracy was seen again when they came out to vote in the 2007 general elections. Unlike the 2003 elections, where the elections for the National Assembly and the presidency came first, the governorship and the state House of Assembly elections were first conducted on the 14th of, April 2007. This was followed by the Presidential and National Assembly elections which were held a week later on the 21st April 2007. Although, 25 out of the 50 registered political parties contested in the Presidential elections, only three of them were the major contestants. They included; Umar Musa Yar ‘adua of the People’s Democratic Party (PDP), Muhammadu Buhari of the All Nigerian People’s Party (ANPP) and Abubakar Atiku of Action Congress (AC). The following results were obtained for the 2007 elections.

Table 14: The Results of the Presidential Election 21 April, 2007

Candidates	Total Number of votes	Percentage of votes
Umaru Musa Yar'adua (PDP)	24,638,063	69.60%
Muhammadu Buhari (ANPP)	6, 605, 299	18.66%
Abubakar Atiku (AC)	2, 637, 848	7.45%
Orji Uzor Kalu (PPA)	608, 803	1.72
Attahiru Bafarawa (DPP)	289, 224	0.82
Chukwu Odumegwu (APGA)	155, 947	0.44
Pere Ajunwa (AD)	89, 241	0.25
Chris Okotie (FRESH)	74, 049	0.21
Patrick Utomi (ADC)	50, 849	0.14
Asakarawon Olapere (NPC)	33, 771	0.10
Ambrose Owuru (HDP)	28, 519	0.08
Arthur Nwankwo (PMP)	24, 164	0.07
Emmanuel Okereke (ALP)	22, 677	0.06
Lawrence Adedoyin (APS)	22, 409	0.06
Aliyu Abu Fari (NDP)	21, 974	0.06
Galtima Liman (NNPP)	21, 665	0.06
Maxi Okwu (CPP)	14, 027	0.04
Sunny Okogwu (RPN)	13, 566	0.04
Iheanyi .C. Nnaji (BNPP)	11, 705	0.03
Osagie Obayuwana (NCP)	8, 229	0.02
Olapade Agoro (NAC)	5752	0.02
Akpore Solomon (NMDP)	5664	0.02
Isa Odidi (ND)	5408	0.02
Aminu Abubakar (NUP)	4355	0.01
Mojisola A. Obasanjo (MMN)	4309	0.01

Note: The registered voters totaled 61,567,036. The total votes (voter turnout) were not available through Marielainen (2012) approximated it to be 58%. Invalid/blank votes were not indicated while total valid votes were put at 35, 397,519.

Source: Compiled from the African Elections Database Country Reports (<http://africanelection.tripod.com/>). Accessed 10-06-2014.

The results show that the PDP won in a landslide victory in the presidential election. Umaru Musa Yar' Adua was declared the President elect with total votes of 24,638,063 which is about 69.6 per cent. The two candidates in the 2nd and 3rd position, retired General Muhammadu Buhari of the All Nigerian People's Party (ANPP) and Abubakar Atiku of Action Congress (AC) respectively, only amassed combined votes of 9,243,147, representing a percentage of 26.39 of the total votes. This figure indicates a setback in the country's drive toward consolidating democracy, and suggests the growing tendency of a dominant one party state. This was so, because the figures show a clear reduction in the number of votes scored

by the runners-up. For instance, the combined votes of the second and third candidates in the elections were 26.39 compared to the 35.38 in 2003, and 37.22 in 1999. A close look at the percentage further revealed a downward trend in the opposition share of votes from 1999 to 2007. Such reduction in the opposition party's share of votes and stronghold was partly due to the hegemony of one party, which is a threat to democratic stability and democratic consolidation (International IDEA, 2007).

Table 15: The Result of National Assembly Election 21 April 2007

Party	Senate	House of Representatives
	Number of Seats (109)	Number of Seats (360)
People's Democratic Party (PDP)	87	263
All Nigeria People's Party (ANPP)	14	63
Action Congress (AC)	6	30
Progressive People's Alliance (PPA)	1	3
Accord Party (ACCORD)	1	-
Labour Party (LP)	-	1

Note: Registered voters and total number of votes were not available for both houses.

Source: Compiled from the African Elections Database Country Reports (<http://africanelection.tripod.com/>). Accessed 10-06-2014.

The results of the National Assembly elections do not differ from those of the Presidential elections in any way as the PDP also won the majority of the seats in them. As indicated in the table, the PDP scooped 263 of the 360 total seats in the House of Representatives, while they amassed 87 out of the 109 available seats in the Senate (African Election Database, 2007). To the consternation of the opposition parties, the PDP also won 28 out of the 36 states of the federation in the gubernatorial election, representing 80.55 percent of the entire votes, leaving ANPP with victory in two states, Borno and Yobe (Omotola, 2010). While the AC and the PPA won in Lagos State and Abia State respectively, the outright landslide for the PDP elicits some degree of suspicion, given the degree of tension and irregularities which characterized the period leading up to the 2007 elections (Ojo, 2007). In particular, evidence suggests that there are no known indications that justify the PDP's massive electoral victory, considering the degree of excruciating poverty and unemployment in the country (Omotola, 2010). That the Nigerian people voted for the PDP under these conditions is seemingly unexplainable.

4.4.3. Election Monitors Reports and Criticisms on the Conduct of 2007 Elections

Following the above observation and incidents of electoral fraud and irregularities, the 2007 general elections have been widely questioned and condemned both in the academic circuit and public spaces as the worst in the history of the electioneering processes in Nigeria (Suberu, 2007; Ojo, 2007; Ajayi, 2007, Omotola, 2007; Omotola, 2009). According to the conclusion of the TMG:

Based on the widespread and far reaching nature of these lapses, irregularities and electoral malpractices, we have come to the conclusion that on the whole, the elections were a charade and did not meet the minimum standards required for democratic elections. We therefore reject the elections and call for their cancellation' (TMG, 2007: 1-2).

The call for the cancellation of the elections by the TMG, suggests the peak of the deepening crisis of electoral democracy in which elections have become hostile to democracy in Nigeria. It is a major setback considering that Nigeria has not conducted viable and meaningful elections since 1999. Indeed, the efforts of the Nigerian people in institutionalizing democracy were again squandered by the political elites because of their inordinate ambition. As concluded by Herskovits, (2007: 123)

The elections themselves proved to be, as a Nigerian observer put it, a charade. They were not just flawed; they also followed the downward trajectory of Nigeria's sad people, who want democracy but are betrayed by their leaders. It is a tribute to the commitment of Nigerian that they keep trying and sometimes succeeded in imposing their will, as they did in Kano in 2003, in the Senate in 2006 (during the third term), and in few states, such as Bauchi (where voters overcame vote rigging of the PDP, and elected a Governor from the All Nigerian People's Party), in 2007.

In another related report, the National Democratic Institute (NDI) was reported to have said that 'in many ways and in a number of ways, the electoral process failed the Nigerian people. The cumulative effect of the serious problems the delegation witnessed substantially, compromised the integrity of the electoral process' (NDI, 2007: 60). Similarly, the Commonwealth Observer Group, though diplomatic in its criticism, stressed that 'overall, in organizational terms, these elections fell short of the standards Nigeria had achieved in 2003, and certainly well below those to which Nigeria is committed. We have concluded that there is an impediment in the ability of voters to express their will fully, freely and fairly' (Commonwealth Observer Group, 2007: 3).

Apart from the various domestic and international reports which seriously indicted the 2007 election, the view of many social critics also condemned the elections as fraudulent, reductive and the worst in the democratic politics of the country. As an illustration of this, Professor Wole Soyinka, the Nobel Prize-winning novelist, condemned the 2007 elections as an electoral sham which must be condemned to the dust bin of Nigeria's democratic history. He claimed further that the premeditated collaboration between what he called the 'Gang of Four', which included the Inspector-General of Police Sunday Ehindero, the INEC chief Maurice Iwu, PDP national Chairman Ahmadu Alli, and Olusegun Obasanjo were responsible for the poor quality of the 2007 election process (Soyinka, 2007). Clearly, his sentiments suggest an unholy collaboration between the electoral body and the PDP to instigate electoral fraud through the repressive apparatus (the Police and the State Security Service) under the control of the ruling party. Indeed, the PDP undermined the will of the Nigerian people by intimidating and manipulating the electoral process. The Association of Labour Unions and Civil Society Organizations (ALUCSO)¹⁵⁰ noted the PDP's 'wilful destruction of democratic culture and institutions, the relentless assault of the people, and the corruption of the system' (*This Day*, 24 May 2007). Through this attitude, the political elite, especially the ruling PDP truncate the democratic progress of the country. This scenario continues to impede democratic consolidation, as elections have become the victim of its retrogression in Nigeria. Two key issues that indicate the degree of electoral fraud in the 2007 election are the post-election violence and electoral disputes and adjudication.

4.4.3.3. Post-Election Violence

As a consequence of the increasing disenchantment and condemnation of the 2007 elections, there was sporadic agitation and demonstrations in the South-Western part of Nigeria which is the major stronghold of the opposition party. Political crisis and violence sprang up in Edo, Ekiti, Kogi, Ondo, Osun, and Lagos among other states where electoral fraud had taken place heavily in favour of the ruling party (Ajaero, 2007). This led to several clashes between the members of the ruling PDP and the opposing AC. There were claims and counter claims once the results in favour of the PDP were declared by the INEC, which the opposition party viewed as unacceptable and undemocratic (Human Right Watch, 2007b). As a result, violence was exacerbated and there were corresponding responses from the government in

¹⁵⁰ ALUCSO is a coalition of labour-civil society association with key interest in the electoral process in Nigeria

the form of the Nigerian police to silence protesters and demonstrators in what the Inspector General of Police described as the ‘minimum force’ to end and banned protests¹⁵¹. Indeed, the violence had serious implications for the people and some institutions in the states. For example, Human Rights Watch (2007b) reported that about ‘300 people died in the post 2007 elections protest and demonstration, largely due to police brutality and crackdown on protesters’ (Human Rights Watch, 2007b). Similarly, the offices of the INEC, political parties and police stations were destroyed by protesters (Ojo, 2007).

4.4.3.4. Electoral Disputes and Adjudication

The second issue is the spate of post-election disputes and adjudication which marred the outcome of the elections. The fact that the aftermath of the election witnessed several electoral disputes and judicial controversies, suggests that the elections were not in themselves transparent and credible. Indeed, there were growing resentment and condemnation domestically and internationally against the legitimacy of the elections (Suberu, 2007). Despite the condemnation of the flawed 2007 elections, the only response that came from the PDP was that aggrieved parties should seek legal redress. The main reason for asking the opponent to resort to legal redress was simply because of the measure of influence and confidence which the PDP shared that the judiciary would rule in their favour (Odion, 2007)¹⁵². As illustrated by the former President Olusegun Obasanjo, ‘our elections could not have been perfect. My advice to all those who feel aggrieved by the outcome of the elections is that they should avail themselves of the laid down constitutional procedure meant for seeking redress in electoral matter’ (New York Times, 23 April 2007). Following the statement from Obasanjo that the opposition party should explore democratic options and legal redress, opposition parties (especially the Action Congress of Nigeria (ACN) and the Congress for Progressive Changes (CPC)) went to court to contest the results of the presidential and governor elections. There were some degrees of fear that justice might not be served in court, given the belief that the ruling PDP had been manipulating state institutions. Beyond the fear that some judicial officers might compromise justice, the opposition party banked on the activism of the judiciary in excelling in court. Suberu (2007: 103) explicates this view when he claims that the ‘PDP’s virtual stronghold on the country’s political

¹⁵¹ The IG of Police gave directives to all Police Chiefs across the country to crack down on protesters and this was reported via the Nigerian Television Authority (NTA) network news at 9pm on 30th, April, 2007.

¹⁵² The ruling party (People’s Democratic Party) under the headship of President Olusegun Obasanjo and the Independent National Electoral Commission were boastful by asking the aggrieved parties in the 2007 election to seek legal redress.

institutions and resources make the prognosis quite precarious, yet the recourse to the judiciary by the oppositions party, derives from the exemplary independence and integrity exhibited by the Supreme Court since 1999’.

The real prospect of addressing electoral fraud has been through the judiciary, as it has served as the domain where electoral disputes have been resolved since 1999. For example, Olu Falae, the candidate of the AD/APP in the 1999 presidential elections went to court, although the judgment was not in his favour. Similarly, despite the unfavourable judicial verdict, Muhammadu Buhari, the ANPP candidate in the 2003 presidential elections, also took his electoral appeal up to the Supreme Court in 2003, 2007 and 2011. In some other cases, the judiciary (tribunal) has been pivotal to the reversal of electoral fraud (Suberu, 2007). The evidence that the 2007 elections were characterized by a high degree of electoral fraud and manipulation was symptomatic of the numbers of petitions and litigations that 2007 elections attracted. For example, it was reported by some studies that the 2007 election related petitions added up to about 1250 (Aiyede, 2007). Of these numbers, the presidential election attracted 8, the governorship election 105, the Senate attracted 150, the House of Assembly 331 petitions. In addition, the State House of Assembly recorded, 656 election related petitions (Aiyede, 2007; Suberu, 2007). In a shocking revelation, Lawal (2008) put the total number of electoral litigation cases during the 2007 electoral process at 6180. Apart from the fact that this litigation overburdens the court, based on the fact that the court cannot discharge them due to their proximity to the inauguration date, the figure clearly depicts the magnitude of electoral irregularities and fraud that characterized the 2007 election.

In spite of the voluminous petitions, the judiciary rose up to the challenge and decided many of these cases as at when due. For example, the case of the presidential election was decided by the Supreme Court, six months after the swearing-in, in favour of late President Umaru Yar ‘adua of the PDP. Similarly, the Appeals Court decided some elections petitions at the gubernatorial level, especially those from states such as Kebbi, Kogi, Adamawa and Sokoto among others, where the verdict of the case was in favour of the PDP candidates (Omotola, 2010). In some of the governorship elections, the court in a declaratory judgment annulled the result of elections in Osun, Edo, and Ondo States in favour of the opposition candidates (Odion, 2007; Omotola, 2010), whereas a rerun was declared in other states, such as Ekiti. Despite the effort of the judiciary in resolving electoral disputes, the judicial adjudication

process is not free from reported cases of allegation of corruption and partisanship on the part of the judicial officers (*The Guardian* 12 June, 2007; *Thisday*, 26 June, 2007).

The partisanship of the judiciary has a consequence for the consolidation of democracy in a country where electoral democracy is gradually taking root. Elections have been regular since 1999, which is a good sign of democratic practice, but the assumption of office through illicit and undemocratic means such as electoral fraud and violence are major challenges facing the consolidation of democracy in Nigeria. Against this backdrop President Umar Yar 'adua, who was a beneficiary of the fraud and contrived election in 2007 was forced to acknowledge that the electoral process and outcome was characterized by vote rigging and manipulation. According to him, 'the April elections were so heavily marred by vote rigging, that European Union observers said they fell far below basic international standards and were not credible' (*Guardian*, 24 April 2007). He however, acceded to the desirability of electoral reform on assumption of office.

4.4.4. The 2011 Democratic Elections in Nigeria

Given the documented reports and widely held opinions on the failure of the 2007 elections, the 2011 elections provided another incentive for the improvement in the electoral process, despite pessimism as to whether Nigeria could ever conduct free and fair elections. As a measure of concern, President Yar Adua reconstituted the electoral management body by sacking the incumbent chairman Prof Maurice Iwu. It should be recalled that the INEC had been a major culprit in the manipulation of the electoral process. As a consequence of this, Prof. Attahiru Jega was appointed as the new INEC chairman¹⁵³. His appointment restored some measure of confidence and public trust to the electoral process. The reason for this was that, Jega was seasoned academics, an integrity personality and an objective social critic whose pedigree was seen to bring about improvement in the country's chequered electoral process. The advisory body (the National Council of State) which comprised former heads of the country, governors and cabinet members approved his appointment expeditiously (Odion, 2011). On the basis of this goodwill, the INEC chairman assumed office and conducted the 2011 elections. Although adjudged to be relatively free and fair compared to those of the

¹⁵³ Before his appointment as INEC Chairman in 2011, Professor Attahiru Jega was a former Vice Chancellor of the Bayero University of Kano and Chairman Association of Academic Staff of University of Nigeria who was noted for his uncompromising stance and integrity. Jega has written extensively about Nigeria's electoral process, a factor which was central to his appointment by the President, as the commission chairman (see Odion, 2011).

1999, 2003 and 2007, the phenomenon of electoral fraud and violence still undermined them. The degree of electoral fraud instigated the post-election violence raising serious concerns about the viability of liberal democracy in Nigeria. A number of issues shaped the process and outcome of the elections, especially in the period leading up to the 2011 elections. These issues included the reform of the electoral process, voter registration and zoning principles.

4.4.4.1. The Reform of the Electoral Process

As stated above, President Umaru Musa Yar ‘adua promised to reform the electoral process, considering that his regime struggled to establish regime legitimacy as a consequence of his assumption of office through a flawed and controversial election. Shortly after his inauguration, he constituted a 23 person Electoral Reform Committee (ERN) under the Chairmanship of Justice Muhammadu Uwais¹⁵⁴. The committee was vested with the responsibility of coming up with recommendations regarding the improvement of the electoral system in Nigeria (Odion, 2011; Gberie, 2011). In 2008, the committee submitted its recommendations which cut across the problematic areas of the electoral process. The report was nationally acknowledged as a vital document which will protect the electoral process against the problem of electoral fraud and violence; it has suffered in the past. As argued by Yagboyaju (2011: 102):

The report is a fundamental document in addressing the challenge of electoral democracy in Nigeria. More importantly, it would significantly helped to put in place the necessary framework to resolve all issues concerning elections petitions before candidate is sworn into office. By this, the practice where illegal occupant is allowed to remain in office for up to three out of four year’s tenure, in some instances, shall be resolved. It should be noted, that the present arrangement, which allows a beneficiary of a fraudulent election to have access to state resources that he deploys to defend such a stolen mandate portends great dangers to the democratic process.

Instead of accepting the far reaching recommendations of the Uwais report, the government chose to play politics with the soul of the report by doctoring some aspects of it, before sending it to the National Assembly for ratification (*Guardian*, 23 September, 2009). It is important to stress that the aspects doctored were those which had to do with the appointment of the INEC Chairman, funding of the INEC, expeditious adjudication of election disputes before winners assume office and other clauses for which the executive continued to hold the

¹⁵⁴ Before his appointment as the Chairman of the Electoral Reform Committee in 2008, Justice Muhammadu Lawal Uwais has a decorated legal career. He was the Chief Justice of the Supreme Court of Nigeria between 1995-2006.

electoral committee for ransom. The draft report sent to the National Assembly was also subject to another level of revision, especially the recommendations that had to do with the funding of the INEC from the consolidation account and the expeditious adjudication of electoral disputes (*Guardian*, 23 September, 2009). Following the review from the National Assembly, the president refused to adopt the report claiming that key elements of the report had been tampered with (*Guardian* 23, September, 2009).

In response, the government consulted the USAID¹⁵⁵ and UK's Department of International Development (DFID)¹⁵⁶ under the American and British governments, to do an independent assessment report for them on the challenges of the electoral process and success of the 2011 elections (Gberie, 2011). The commission submitted its report but it was not very different from the Uwais report. Among the major recommendations highlighted in the USAID/DFID report, were the restructuring of the INEC to be truly independent and immune from the influence of the president, and the funding of the INEC to be taken from the consolidated revenue account as determined by the National Legislature (IAR, 2011). In addition they recommended that the election should be accountable and that electoral disputes should be adjudicated upon in a timely manner.¹⁵⁷ While these recommendations were all contained in the Uwais recommendations, they were not in any way different from the reviewed draft report returned to the President by the National Assembly for adoption¹⁵⁸. There was no need for any further commission, when the Uwais report should have been sufficient in addressing the ills and challenges of the electoral process.

In the midst of the report, President Musa Yar adua died and his Vice-President Goodluck Jonathan took over the reins of governance. On assumption of office, he quickly restored some measure of confidence in the electoral process by restructuring the electoral

¹⁵⁵ United State Agency for International Development is the United State agency for responsible for administering foreign aids and promotes democracy in societies.

¹⁵⁶ Department of International Development (DFID) is a United Kingdom government department responsible for administering overseas aid.

¹⁵⁷ Independent Assessment Report Team Final Report, submitted to the Nigerian Government, January 2011.

¹⁵⁸ Both the ERN and the DFID/USAID recommendations, including the review draft report from the National Assembly did not differ remarkably. They all address the major issues affecting the credibility of the electoral process. These issues include, the appointment of the INEC Chair not by the president, funding of INEC on consolidated account like the National Assembly and autonomy of INEC on structural and electoral matters. Both reports articulated the imperative of this recommendation to the Nigeria's electoral process. This was why critics of the DFID/USAID commission had claimed that it was a waste of time and that government was just trying to delay the reform process, since the Uwais recommendations released hitherto, cut across all these aspects, there is no point constituting another commission (see, Yagboyaju, 2011).

commission through the implementation of a good number of the recommendations of the IAR report and the reviewed draft report from the National Assembly (Gberie, 2011). Both recommendations were reviewed and merged to constitute the 2010 Electoral Act (Orji and Uzodi, 2012). The key areas implemented in the 2010 Electoral Act included, but were not limited to, the restructuring of the INEC, especially with respect to administration and funding. The issue of administration is to ensure the independence of the INEC in terms of the appointment of its staff and general administration, while improvement in funding of the INEC was removed from the Presidency and charged to the consolidated funds through the National Assembly (see Electoral Act, 2010). By deriving its funding from the consolidated account, the INEC enjoys the status of the judiciary and the National Assembly whose funding is derived from the consolidated accounts (Article 157 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)). As a consequence of the 2010 electoral reforms, the INEC was able to change the time-limit for registration and conduct of the election. This is in addition to the timeframes for the resolution of electoral disputes from the 120 days stipulated in the 2007 electoral act to 60 days (Electoral Act, 2010). The purpose of this was to ensure that electoral disputes and litigation would be decided before the inauguration of elected officials. In the same vein, a 90-day limit was provided for the Notice of an Election¹⁵⁹ in contrast to the earlier 150 days in the 2006 Act (see Sections 30 and 31 of Electoral Act 2010).

4.4.4.2. The Challenge of Voter Registration

After the constitution of the INEC, the Chairman, Prof Jega, implemented a significant restructuring of the workings of the electoral commission. The restructuring included the compilation of a new electoral register that was different from that of the 2007 that was characterized with a lot of inadequacies. For example, it was observed that the 2007 registration list included such names as ‘Mike Tyson, Nelson Mandela and Muhammad Ali that are alien to the socio-political environment of Nigeria’¹⁶⁰. Thus, to avoid such errors in the registration process, the INEC introduced biometric data to ‘eliminate multiple registrations and impersonations’ (Odion, 2011: 650). The INEC also relieved corrupt and

¹⁵⁹ According to the Electoral Act 2010 ‘the commission shall not less than 60 days before the day appointed for holding of an elections under this act publish a notice in each state of the Federation and Federal Capital Territory stating the date of the election and appointing the place at which nominations papers are to be delivered (see the Electoral Act, 2010, Section 31, subsection (1) a and b.

¹⁶⁰ It was discovered that the 2007 electoral register contained fictitious names. For example, it included names such as Mike Tyson, Muhammad Ali, and Nelson Mandela.

inefficient officials and replaced them with the members of the National Youth Service Corps who served as ad-hoc staff¹⁶¹. Many prominent academics were also engaged in the electioneering exercise as state commissioners¹⁶² and returning officers¹⁶³ (Orji and Uzodi, 2012). For the elections, there was a change from a secret ballot system which had been in use in the past, to a modified open ballot system (MOBS). According to the INEC chief, ‘the MOBS is a modified version of the popular open ballot system The difference is that while the open ballot exposes the choice of voters at the polling booth, the MOBS, allows voters to make their choice secretly’ (The Nigerian Voice, 25 March 2011). The MOBS also ensures that all voters assemble at the polling center before the commencement of voting. This has the benefit of allowing voters to observe the counting and the announcement of the results at the polling units. This novel initiative brought about some measure of transparency and precision in the electoral process, especially against the backdrop of past electoral processes that had promoted electoral fraud and irregularities through the secret ballot system.

Despite the comprehensive reform undertaken by the INEC, the registration exercise suffered some challenges. While it can be argued that the 2011 registration exercise differs from the previous experience of the role of the INEC Chairman in electoral malpractice, the leadership of INEC was honest about the challenges characterizing the registration process and was ready to address them (Odion, 2011). As an illustration, after the first round of the registration process, which was conducted for two weeks, the INEC realized that many Nigerians were yet to be registered and so, requested another extension to complete the registration process. The reason provided by the INEC was among others, the shortage of time and logistical operation and transportation (Odion, 2010). Public opinion was opposed to the position of the INEC on the extension of the registration process. The argument was that INEC ought to have prepared a feasibility study to know whether two weeks would or not be sufficient to conduct the voters’ registration exercise, especially in a country like Nigeria, which has wide geography and population (Odion, 2011; Orji and Uzordi, 2012).

¹⁶¹ The NYSC programme is a one year period of mandatory national service in which Nigerian graduates below the age of 30 years serve. The programme was put in place by the military government in 1972, just after the end of the Nigerian civil war, to encourage social mobility and to promote national integration. The INEC recruited mostly NYSC members as Ad Hoc Presiding Officers during the 2011 general elections.

¹⁶² INEC State Commissioners are the Resident Electoral Commissioners. They are vested with the organization and management of elections in each of the 36 states and the FCT Abuja (see, INEC, 2011).

¹⁶³ A Returning officer is the employee of the INEC, representing the commission to conduct, oversee and give reports of the results of election in any area or state of the federation including the federal capital territory (see, INEC, 2011). They are significant to many aspect of the electoral process including the management of polling units, staffs and supervision of elections.

Notwithstanding, that the National Assembly approved the extension for the completion of the registration exercise from January to April 2011 (Imam, 2011), INEC was not methodical again to understand that the fresh registration exercise could not be accomplished in two weeks. The inability of INEC to address the registration problem, raises doubt about the efficiency of the electoral management body. This was why a critical blogger had derided the INEC as being unprepared for thinking that two weeks would be sufficient to register 70 million voters. According to him:

The whistle is blown-off to the races...I don't know, though how 70 million people will be registered in 2 weeks, 14 days, 336 hours, 20,160 minutes, 1,209,600 seconds or 650 per seconds. That is lightning registration! I figure that we will require four to five times that length of time per registrants, which means that we won't be able to register more than 10-15 million people in two weeks, outside chance 20 million....But we shall see (Aluko, 2011)

At the end of the registration exercise, the INEC registered about 74 million voters, which was 92 percent of the voting public, which was an improvement in the 2007 registration figure, put at 60 million (Gberie, 2011). Nevertheless, the incidents of double registration and ghost registration again characterized the final lists. For example, the European Union Commission (2011: 24) noted 870,612 duplicate entries. This, according to the INEC Chairman, was 'minimal, under 1 percent' (INEC Press Release, 2011: 3). The sincerity and effort put in by the commission to ensure a successful registration process was decisive in categorizing the error as insignificant and would not undermine the entire registration process (*The Punch*, 14 January 2011). The improvement in the accuracy of the electoral register therefore shaped the outcome of the 2011 democratic elections as more distinctly free and fair.

4.4.4.3. The Issue of Zoning and the North-South Divide

A significant issue that almost undermined elite-consensus and impinged upon the credibility of the 2011 elections was the issue of power zoning. The principle of zoning is a power zoning or a consociational strategy¹⁶⁴ devised to alternate power between the South and

¹⁶⁴ A consociational strategy is a form of democratic principle which seeks to ensure the sharing of power in a state among diverse groups (ethnic, religious, political, national or linguistic) by allocating them collective rights. The central focus of consociationalism is governmental stability, power sharing arrangement, democratic stability, and absence of violence (see, Lijphart, 2004). It applies in the Nigeria's case because of the believe that the Northern part of the country has control political power more than other regions. Thus, it is important to

Northern part of Nigeria (Gberie, 2011). In Nigeria, the zoning principle is not defined constitutionally, nor is it a general standard among all the political parties. Instead, it is a gentlemen's agreement between the Southern and Northern political elite in the PDP to allow power to rotate between the North and South on a two terms basis¹⁶⁵. According to (Yagboyaju, 2011: 97), 'it is an unwritten agenda between the various factions of the hegemonic elite, meant to repossess power from the military, and a geopolitical power shift from the North to the South'. As Gberie (2011: 13) aptly put it:

This [principle of zoning or power rotation] is highly significant politically. Zoning was far from perfect, but the fact is that it may be principally responsible for the political stability Nigeria has enjoyed since 1999; the longest period of civil rule since its independence in 1960, should be a course of deep reflection. Nigeria surely needs such a consensus if it is to remain together; this is what many Nigerians call the 'National question' or 'the Federal character' of the country.

There have been mixed reactions as to the efficacy of this strategy in addressing the power relations between the political elite of the North and the South. For those who did not favour the zoning principles, their argument was that it is unconstitutional, whereas the pro-zoning group viewed the principle as strategic in addressing the skewed power relations among the geopolitical regions of Nigeria. In other words, it is a federal and consociational solution that would probably close rank between the South and the North in the process of engendering a democratic consensus and national integration.

The zoning principle was implemented in 1999 when President Obasanjo, a southerner, was elected and completed his two term limit in 2007. Although he attempted to destroy the

ensure power rotates to other regions to ensure fairness, equity and even development under the Nigeria's federal balance (see, Gberie, 2011).

¹⁶⁵ The power rotation policy was a national question, borne of the perception that the Northern part of Nigeria has, which is majorly Muslims, have dominated political power especially at the Presidential level under the Nigeria's federal system of government. As stated by Gberie (2011:7), 'Northerner-civilian and military have rule for 38 out of the 51 years of existence as an independent state'. This view is buttressed considering that, with the exception of the six month military rule by Aguiyi Ironsi and Olusegun Obasanjo (both Southerners) brief spell after the death of Murtala, virtually all the head of state and presidents of Nigeria, in the 54 years of independence of the country have been from the Northern part of the country. The anxiety generated by this led to the National debate in which equitable zoning of power was advocated, especially against the perceive injustice against the Southern part of the country which is Christian dominated. The principle was animated after the annulment of the June 12 1993 elections won by a Southerner Moshood Abiola by the regime of Babangida who is from the North. The consequence of this engendered serious frictions among the major elites across the broad political spectrum. It is in the context of addressing this skewed elite relations that the liberal minded elites in the PDP came up with the zoning principle in 1999. Although, this principle was not a constitutional arrangement, it is a political arrangement meant to ensure elite accommodation and consensus in the governance of the country across ideological divides and geographical zones (see, Gberie, 2011, Yagboyaju, 2011). It stated that presidential power should rotate for two terms between the Muslim dominated North and Christian dominated south (see, Gberie, 2011).

principle by seeking an extension to his tenure in 2007, the zoning principle faces enormous challenges in ensuring elite pact and consensus in Nigeria. This was so because, the political elite was more committed to their regional interest than the zoning principle of power which is capable of bringing about elite pact and democratic stability. This was evinced by the fact that after President Obasanjo reluctantly left office in 2007, the new president, Umar Musa Yar 'adua that emerged from the North could not complete his tenure due to his untimely death. President Yar 'adua died before the completion of his first term. The question that arose then was whether a new candidate from the North should complete the first term and also eligible to contest for the second term, or Yar' Adua's vice; Goodluck Jonathan, who is a southerner, should assume office. Beyond the question of power zoning, the position of the 1999 Federal Republican constitution was that, 'the Vice-President shall hold the office of President if the office of the president becomes vacant by reasons of death resignation, impeachment, permanent incapacity or the removal of the president from office for any other reason in accordance with section 143 or 144 of this constitution' (Constitution of the Federal Republic of Nigeria, 1999). On the basis of this, the vice president completed the tenure of president Yar adua, but was vehemently condemned in 2008 when he indicated his interest to contest the 2011 presidential elections. The Northern elite rose up against this aspiration claiming that president Jonathan was trying to truncate the principle as he should be ineligible to run for the second term given that that North is yet to complete its second term under the two-term zoning arrangement. As a counter force against Jonathan's aspirations, the group under the Northern Elders Political Leader's Forum (NEPLF)¹⁶⁶ adopted a consensus northern candidate, Abubakar Atiku who to compete against President Jonathan in the PDP primaries. However, Abubakar Atiku was defeated by President Jonathan who scored 2736 votes to his 805 votes in the primary election (Sahara Reporter, 2011). As a result of this defeat, the Northern leaders brokered another alliance, Muhammadu Buhari, another Northern candidate who was contesting under the platform of the Congress for Progressive Change (CPC) for the purpose of advancing Northern agenda.¹⁶⁷ The implication of this not

¹⁶⁶ The Northern Elders Political Leader's Forum (NEPLF) is a political platform through which leadership of the North came together to discuss political issues affecting the Northern part of Nigeria with a view to arriving at a consensus. This forum was established in 2011 and its aim was to assume the mouth piece of the North on political matters. Membership of this forum includes; former minister of finance Adamu Ciroma, former President Ibrahim Babangida, former Vice President Abubakar Atiku, former National Security Adviser Aliyu Muhammadu Gusau, former Vice Chancellor of Ahmadu Bello University Prof. Ango Abdullahi among others.

¹⁶⁷ There are indications that that former President Ibrahim Babangida Abubakar Atiku and former National Security Adviser Aliyu Muhammadu Gusau, in their bid to advance the interests of the North, and despite the failure of Atiku at the PDP primaries, had an alliance talk with the opposition, the ACN and the CPC, such that

only increased tension and unhealthy political scheming, it also shaped the voting pattern and associated violence in the post 2011 elections.

4.4.5. The Presidential and the National Assembly Elections of 2011

Based on the 2011 electoral calendar, the National Assembly election came first and was scheduled to be held on April 2nd, while the presidential election was to take place on the April 9. The Governorship elections and those of the House of Assembly were to be held on April 16th (Odion, 2011). Civil society and the press had expressed confidence in the capacity of the INEC under the leadership of Jega to provide a legitimate electoral process (*The Punch*, 28 April 2011). This confidence was berated when in an unexpected circumstance the election dates were shifted to April 4th for the National Assembly, April 19th for the presidential elections and April 26th for the governorship elections. The reason given by the INEC was that the postponement was motivated by the need to ensure the credibility of the elections. According to the INEC Chairman ‘we cannot proceed with these elections, if we want them to be free, fair and credible, when there are no result sheets and other significant logistics’ (Gberie, 2011: 9). These changes in the dates of the elections raised concern against the backdrop of the confidence repose on INEC in delivering credible electoral process (Gberie, 2011; Odion, 2012). For example, the foremost Newspaper in Nigeria, the *Punch*, reported in its editorial that, ‘the sheer incompetence of INEC, has turned a moment of celebration to a flash of queasy foreboding for an enthusiastic nation’ (*The Punch*, 28 April 2011).

Eventually, the campaign process witnessed 3 major candidates as the main contestants out of the 20 of them that aspired to become president under different political platforms. These three included President Goodluck Jonathan, the flag bearer of PDP; the former military head of state, General Muhammadu Buhari, who contested under the platform of the CPC and Nuhu Ribadu, a former anti-graft chief and the candidate of the ACN. Indeed their campaigns across the country were amplified by ethno-religious factors that shaped the 2011 elections. The table below indicates the outcome of the 2011 presidential elections in Nigeria.

Table 16: The Results of the Presidential Election 16 April, 2011

Candidates	Total Number of Votes	Percentage
Goodluck Ebele Jonathan	22,495,187	58.89%

Buhari could be presented as a strong force against Jonathan in the 2011 presidential elections. For details, see Oladiji (2011) IBB, Gusau, Atiku Midwives Alliance Talk – ACN, in: *Leadership*, 19 April.

(PDP)		
Muhammadu Buhari (CPC)	12,214,853	31.98%
Nuru Ribadu (ACN)	2,079,151	2.40%
Ibrahim Shekarahu (ANPP)	917,012	0.09%
Mahmud Waziri (PDC)	82,243	0.21%
Nwadike Chikezie (PMD)	56,248	0.15%
Lawson Aroh (PPP)	54,203	0.14%
Peter Nwagwu (ADC)	51,682	0.14%
Iheanyi .C. Nnaji (BNPP)	47,272	0.12%
Chris Okotie (FRESH)	34,331	0.09%
Dele Momodou (NCP)	26,376	0.07%
Solomon Akpona (NMDP)	25,938	0.07%
Lawrence Adedoyin (APS)	23,740	0.06%
Ebiti Ndok (UNPD)	21,203	0.06%
John Dara (NTP)	19,744	0.05%
Rasheed Shittabey (MPPP)	16,492	0.04%
Yahaya Ndu (ARP)	12,264	0.03%
Ambrose Owuru (HDP)	12,023	0.03%
Patrick Utomi (SDMP)	11,544	0.03%
Chris Nwokobia (LDPN)	8,472	0.02%

Note: There were 73,528,040 registered voters. Voter turnout was 39,469,484 (53.7%). In addition, invalid/blank votes were 1259,506 and the total valid votes comprised 38,209,978.

Source African Elections Database Country Reports (<http://africanelection.tripod.com/>). Accessed 10-06-2014.

The table shows that Goodluck Ebele Jonathan of the PDP won the election with 22, 495, 187 votes. Muhammadu Buhari and Nuhu Ribadu trailed after him with 12,214,853 and 2,079,159 respectively. Although, the electoral turnover was low, a critical observation from the table above indicates a decrease in the number of incidences of electoral fraud when compared to the 2003 and 2007 elections. According to the table, the combined votes of the losing candidates were approximately half of those of the winner. This is unlike the 2003 and 2007 elections where the winner amassed almost all of the entire votes cast in the election, to the extent that the combined votes of the losing candidates did not even total one-third of that of the winning candidate's. For example, in terms of percentages, the combined vote of other candidates in the 2007 elections was around 26 percent compared to that of the winner which was 70 percent. In 2011, the winner recorded 69% of the votes in contrast to the 41 percent combined votes of the losers.

Furthermore, the governorship elections also presented a new electoral outcome compared to those of the 2003 and 2007 elections, where the ruling party dominated. The proximity between the winner's share and the loser's share of the entire vote is indicative of the degree

of competition and electoral fairness (Lindberg, 2006). Though other factors such as participation and legitimacy are equally important in determining the democratic quality of elections, the proximity of votes, between the winner and the losers provide explanation for why the 2011 election was fair compared to the previous ones where the share of votes was too narrow. This shows a reduction in the incidence of electoral fraud and manipulations, as the declining trend witnessed in the share of votes between the winner and the loser between 1999 and 2007 improved significantly. This further explains that if political elites choose to adhere to electoral procedures and rules governing electoral competitions, the propensity is that elections become meaningful and a legitimate instrument for the consolidation of democracy.

Furthermore, in addition to the improvement in the share of votes, opposition parties reclaimed states they lost to electoral fraud in the 2003 and 2007 election. For instance, the opposition ACN which hitherto had lost 5 of the 6 states in its stronghold, the South-West, was able to reclaim them back with the exception of Ondo state, which was won by the Labour Party (LP). Nevertheless, though, the PDP still won the highest number of political offices, they however lost the absolute control they hitherto enjoyed in the previous elections. Likewise, the PDP lost its two thirds majority in the governorship elections, as it only controlled 23 out of the 36 states compared to 27 in the 2007 elections (ICG, 2011:1).

Table 17: The Result of the National Assembly Election, 4 April 2011

The table below shows the result of the National Assembly elections for the April 4 2011 elections.

Party	Senate	House of Representative
	Total Number of Seats (109)	Total Number of Seats (360)
People's Democratic Party (PDP)	71	203
Action Congress of Nigeria (ACN)	18	69
Congress for Progressive Change (CPC)	7	38
All Nigerian People's Party (ANPP)	7	28
Labour Party (LP)	4	8
Democratic People's Party (DPP)	1	1
All Progressive Grand Alliance (APGA)	1	7

Accord Party of Nigeria (ACCORD)	-	5
People's Party of Nigeria (PPN).	-	1

Source: INEC websites; the results of the Senate and House of Representatives members in the 2011 legislative elections. <http://www.inecnigeria.org/wp-content/uploads/2013/03/House-of-Reps-2011>. Accessed 18 May 2015.

The improvement in the electoral process that reduced the difference in the number of shared votes between the ruling PDP and the opposition party in the presidential elections, also occurred in the National Assembly election. This was because the PDP lost its parliamentary dominance that it had maintained since 1999. Even though they still have the majority in the house, it is difficult for them to dominate the house as they have done in the past parliamentary sessions, especially in 2003 and 2007. Before the 2011 National Assembly elections, about 80 percent of the members of the National Assembly were from the PDP. For example, in 2007, the PDP had 87 out of the 109 senators in the Senate. This is in addition to 263 out of the 360 members of the House of Representatives. When compared to 2011 as indicated on the table above, the PDP only had 71 out of 109 seats in the Senate, while in the House of Representatives it controlled 203 of the 360 members. By implication, the PDP lost its two-thirds majority and their 'one time invincibility' in the National Assembly (ICG, 2011:1). This further suggests that apart from the decline in the dominance of the PDP and reduction in the incidence of electoral fraud and manipulations, there was an improvement in the 2011 elections compared to the previous ones held in 2003 and 2007. This factor indicates the inherent value of elections as promoter of democracy. Thus, the institutionalisation of elections whether or not credible has a prospect for democracy. On the other hand, a credible election is an indication that political elites are beginning to see elections as a vital element of democracy and consolidation.

4.4.6. The Election Monitors Report and Criticism on the 2011 Elections

Despite the initial hiccups which the INEC faced as a result of the, problem of registration process and postponement of the 2011 elections, the election was a fair reflection of the wishes and aspirations of the Nigerian people. As observed by Gberie (2011: 3) 'the 2011 election was indeed very 'peaceful, well organized and in the opinion of many Nigerians and the international community, fair and reflective of the popular will of the people'. Although the low voter turnout in the elections raises the question of popular participation, the election

was a true confirmation of the choice of the people that did vote (Odion, 2011, Gberie, 2011; Lewis, 2011, ICG, 2011; EU-EOM, 2011; COG, 2011). There was indeed a reduction in electoral fraud which had always characterized the previous experiences (Omotola and Ayedogbon, 2012). As the Economist of 28th April 2011 refers to it, ‘the 2011 election was the first credible election in Nigeria since the end of military rule 12 years ago’. For example, the Commonwealth Observer Group captured the improvement in its report when it noted in its interim report that ‘the April 2011 elections marked a genuine celebration of democracy in Africa’s most populous country. Previously held notions that Nigeria can only hold flawed elections are now being discarded and this country can now shake off that stigma and redeem its image’ (Commonwealth Observer Group, 2011). In the same vein Terrence Macaulay Carson applauded the elections, declaring that, ‘the conduct of the 2011 elections offers the potential opportunity to consolidate its democracy and a leeway to redeem its democratic commitment at the global level’ (Agbamu and Ajayi, 2011; Daily Sun, 29 April 2011).

The improvement in the 2011 electoral process showed the resolve by Nigerians to break away from the electoral regression of the past which have undermined the consolidation of democracy in Nigeria. Against the backdrop of this, the INEC was able to restore some degree of credibility and legitimacy for itself and the electoral process. As Johnny Carson, the US Assistant Secretary of State for African Affairs on a diplomatic mission to Nigeria during the April 2011 elections averred that, ‘United States applauds the work of INEC, and its Chair.; Professor Attahiru Jega, on their management of the electoral process. We have been most impressed with the dedication of the Nigerian Youth Service Corps, who spent long hours under the sun alongside patient voters to permit voters to exercise their rights to vote. Such dedication by Nigeria’s youth is to be commended and is a cause for real optimism in the country’s future’ (see, Press Release United State Diplomatic Mission to Nigeria, 2011). This acknowledgement from an observer’s point of view also indicates that the elections were peaceful and orderly, especially as the National Assembly elections were conducted in a nonviolent and systematic manner which confirms credible electoral process. For illustration, the former President of Botswana Festus Mogae, and the head of the Commonwealth Observer Group aptly submitted:

In our experience, the National Assembly elections generally took place in a peaceful and orderly manner. The required staff and stakeholders were present and the various stages of the electoral process; including the polling day, accreditations, voting, counting, tabulation and

declaration of results-broadly proceeded smoothly and transparently... We believe that an important step forward has been taken in Nigeria with the successful conduct of the National Assembly elections and other elections in the 2011 electoral process (cf. Gberie, 2011: 4).

The 2011 elections were also given domestic and international approval as both domestic and international election monitoring groups unanimously agreed that the election was credible and met international standards. For example, the NDI (2011: 7) reflected the same thinking as above when they observed that,

The 2011 elections was a significant improvement over the polls of 2007, which was marred by incidence of pre-elections and election-day violence. A flawed voters registration process, and opaque tabulation and announcement of the results. Observers agreed that the 2011 results surmounted many of the logistical challenges, and more adequately reflected voters 'preferences.

In a similar report that shows the credibility of the elections, the ECOWAS Election Monitoring Committee¹⁶⁸ dubbed the 2011 elections as 'fair and transparent' (ICG, 2011:4). The peaceful nature and transparency of this election is further confirmed by the low level of electoral disputes compared to the myriad of petitions which the 2007 elections attracted (Ugochukwu, 2009; EU-EOM, 2011). Clearly, this is suggestive of a decline in electoral fraud and violence which has undermined the consolidation of democracy in Nigeria since 1999.

However, it should be stated that the 2011 election was not without its shortcomings. The election was characterized by flashes of electoral fraud and violence, especially the chronic post-election violence which claimed lives and property. While these shortcomings were minimal compared to previous experiences, they should not be glossed over. As documented by the Internal Crisis Group, 'with the April 2011 general elections, Nigeria may have taken steps towards reversing the degeneration of its previous elections, but work is not finished' (ICG, 2011: 1). In the same vein , the European Union Election Observation Mission to Nigeria had also claimed that though, 'the 2011 general elections marked an important step towards strengthening democratic elections in Nigeria, but challenges remains' (EU-EOM, 2011: 1)

¹⁶⁸ The ECOWAS Election Monitoring Committee is an election observation and monitoring group which comprises of representatives of member states.

These challenges are symptomatic of the wide-scale post-election violence which marred the declaration of the presidential election result. Although President Goodluck Jonathan was re-elected having met the constitutional requirements, Buhari and his cohorts were dissatisfied claiming that the elections were filled with fraudulent practices, especially in the South. This led to a spate of post-election violence. It cannot be concluded that the 2011 general elections were completely satisfactory, considering reports of lateness in the delivery of election materials to some voting centers, ballot stuffing, vote buying and violent intimidation of voters, the ethno-regional friction between the North and South was more immediately responsible for the post-election violence. As claimed by the EU-EOM (2011: 2) in their report, 'the election days were generally peaceful, though, not without some electoral problems; the violence in the North and Middle Belt following the result of the presidential poll, must be condemned and all perpetrators brought to justice'.

4.4.6.1. The 2011 Post-Election Violence

It should be stressed again that the chronic and intractable violence which marred the post 2011 elections indicates a threat to democratic stability and consolidation in Nigeria. This electoral violence was said to have been instigated by the presidential candidate of the CPC, General Muhammadu Buhari who had advised the electorate to cast and defend their votes violently. According to him, 'You should never leave the polling centers until votes are counted and the winner declared. If anybody tries to tinker with the votes, you should lynch them' (*Vanguard*, 17 March 2011:3). He had initially issued a threat that 'the fate of this country will be decided by the people in April; as anybody who stands in the way of the people will be crushed by the people' (Shiklam, 2011:2). Buhari also warned the political class that 'with what is happening in the North Africa, Middle East and the Gulf states, I think the message is getting across to the politician, especially the ruling party that they either behave themselves or the ordinary people will take over. Election must be free and fair, that is the bottom line. If people choose bad legislators, let them freely change them. But if they can't, what is happening in some part of Africa and Middle East is bound to happen' (Tattersall, 2011: 1).

While, Buhari's warning is instructive, given the increasing electoral fraud in Nigeria, his reference to the North-Africa form of revolt if the 2011 elections were not credible suggests that the Nigerian political elites are yet to imbibe a democratic political culture and norms.

The statement credited to Buhari has been seen as an amplifier of the post-election violence in which an unprecedented rate of casualties was recorded. Undoubtedly, this explains why many reports have acknowledged the violence as the most intractable electoral violence in Nigeria's political history (USIP, 2011; HRW, 2011; ICG, 2011). In all of the fourteen states of the North, the sympathizers of General Muhammadu Buhari, the Presidential candidate of the CPC, killed and destroyed many lives and properties, especially churches and businesses, with opposition members being the primary targets (USIP, 2011). Although, the burning of churches was condemned by Buhari, a Muslim devout, the post-election violence almost resulted to religious conflicts as Muslim-Christian confrontation was witnessed in some part of the North (Suleiman, 2011). Consequently, about 800 lives, many of which were non-northerner and serving corps members, attached to INEC as ad-hoc staff, were lost in the violence (HRW, 2011; USIP, 2011; Shuaibu and Iroegbu, 2011). In another distressing report, 'over 65, 000 valuable lives were displaced, with property estimated to be in the region of several millions of Naira lost in the course of the violence' (Suleiman, 2011: 54-55).

Thus, the post-2011 electoral violence must be situated within a context which undermines the democratic gains recorded in the 2011 elections. Rejection of democratic outcome suggests the low level of elite accommodation and agreement on democratic rules and procedures of the game. Where democratic actors are committed to safeguarding democracy, the option of violence is not what they ascribe to. If unsatisfied with the electoral process, they seek democratic alternatives, rather than fighting their cause through anti-democratic means. Although the increasing degree of electoral manipulation calls for concern, it is not enough for the political elite and the masses to explore authoritarian stratagems for advancing their interest. More fundamentally, elites must imbibe democratic attitudes and cultures. By this, the democratic effect of elections gradually habituates in a manner where the masses and the elites view democracy as the only game in town. As argued by Przeworski (1991: 26) democracy becomes 'the only game in town where no one can imagine acting outside the democratic institutions, when all the losers want to do is to try again within the same institutions under which they have just lost'. Thus, refusing to accept the 'democratic outcome of elections, but rather mobilize extra-institutional protest' (Schedler, 2001:71) or 'take up arms to overthrow elected authorities by force' (Schedler, 2001:71) constitute a serious threat to, democratic consolidation. These are the predominant tendencies in Nigeria

and the basis upon which democratic consolidation has become the victim of electoral fraud and manipulations in Nigeria.

The above indicates the problem of democratic consolidation in Nigeria. Electoral fraud and violence serve as the tools of electoral and democratic subversion. These factors amplify the crisis of electoral democracy since 1999 in Nigeria. In this context, politics has assumed a zero-sum game situation and violence, with consequence for democratic institutionalization. This scenario does not institutionalize democracy and constitutes a threat to the consolidation of liberal democracy, in spite of the frequency of elections since 1999 in Nigeria.

4.4.7. Summary of Chapter

In this chapter we examined how the conduct of elections since 1999 has impeded democratic consolidation in Nigeria. It was observed that despite more than a decade of conducting elections in Nigeria, elections have yet to promote democratic consolidation. Rather, politics has continued to institutionalize anti-democratic tendencies such as electoral fraud and violence as witnessed in all the democratic elections since 1999. In spite of several reforms through the Electoral Act to bring about improvements in the electoral process, the phenomenon of electoral fraud and violence did not abate under study, as the manifestation of electoral subversion and violence continue to be a major feature of Nigeria's democratic experiment even in the 2015 elections dubbed to be free and fair. Nigeria's political elites are yet to see democracy as the only game for their society. The tendency of the political elites to undermine democratic rules and procedures therefore is the main reason why liberal democracy and its consolidation are yet to institutionalize in Nigeria.

Thus, the reality is that Nigeria is in need of democratic reforms which challenge the deep-seated and inherent problems of the electoral system and the political culture of the political elites. This stands in contrast to the electoral process in Senegal where elections have not only been free and fair, leading to the alternation in power of the political parties, but has also increased the prospects of democratic consolidation in Senegal.

CHAPTER FIVE

5.0. ELECTIONS AND DEMOCRATISATION IN SENEGAL (2000-2012)

‘Consolidating democracy does not only signify ‘institutional minimum of legal code and institution of representation and accountability, it is the legitimation of the democratic regime and habituation of democratic rules and procedures such that political and societal actors accept the new democratic rule of the game’ (Beck, 1997:5).

Senegal, unlike Nigeria, whose democratization process was truncated by military rule in the 60s and 70s, has had long experience of multiparty democracy since 1946. Although the nature of its multiparty democracy was characterized by a single party dominance, or what Villalon (1994) called ‘one-party state of affairs’, democratization commenced in Senegal when it conducted free and fair elections that led to democratic change and power alternation in 2000. Through the institutionalisation of another free and fair credible elections in 2000, 2007 and 2012, power alternated in Senegal culminating in the generalization that the country is ‘one of the few West African countries, generally considered to be successfully making transition to a fully democratic state’ (Vengroff, 1993: 23).

While Senegal shows the promise of consolidating its democracy, the controversy surrounding the 2007 elections, due largely to the unequal playing field and abuse of the democratic rules and procedures by the incumbent political elites, raises concern about the nature of democracy being consolidated in Senegal. Put differently, the increasing electoral crises which led to protest and demonstrations as a consequence of the abuse of the political rights and constitutionalism was seen as a negative trend in the Senegalese democracy. This has further underscored the view that Senegal is a semi-democracy or illiberal democracy (Kelly, 2012; Levitsky and Way, 2010; Afrobarometer, 2009). The postponement of elections, disrespect for electoral code and constitutionalism and persecution of political opposition, cannot be glossed over, as they determine the extent to which a level playing field is created for all democratic actors to realize their objectives and to the extent to which democratic stability and consolidation can be measured. Notwithstanding, the ability of the political elite to embrace dialogue, consensus and coalition, [though sometimes motivated by patronage politics] leading to electoral turnover and alternation has been decisive in the prospect of consolidating democracy in Senegal. In the light of the foregoing, this chapter examines elections and democratic consolidation in Senegal since 2000 when the country witnessed genuine democratic rule. It would critically interrogate the 2000, 2007 and 2012 elections

with a view to establishing how they promoted or impeded democratic consolidation in Senegal.

5. 1. Emergence of Electoral Politics in Colonial Senegal

The drive towards democratic stability in Senegal had its root in the involvement of the Senegalese people in politics by the French colonial power before independence. As rightly posited by some studies, multiparty politics started in Senegal during the colonial era when Senegalese Africans were indoctrinated into the social and political process of their colonial masters through the ‘policy of assimilation and association’¹⁶⁹ (Villalon, 1994; Derboe, 2010; Fall, 2011). As a result, franchise was extended to the ‘four communes’ which include: Saint-Louis, Dakar, Rufisque and Goree. Though the franchise was initially restricted to the inhabitants of Saint-Louis and Dakar on the proof of five years residence, Frenchmen of biracial culture were allowed to participate in the electoral process during the period. Notwithstanding, electoral participation was further extended to the inhabitants of Goree and Rufisque in 1880 and 1887 respectively with the electoral condition reduced from five years to one (Fall, 2011). It was not until 1946 that the residents of the four communes enjoyed full franchise to exercise their civic rights without any conditions. Consequently, various associations began to spring up as the basis of political openings, informal groups such ‘*Auro de Saint Louis*’ (Dawn of Saint Louis) and ‘*Mouvement des Jeunes Senegalais*’ (Movement of Senegalese Youth) were established respectively. These two groups were at the forefront of mobilization for the election of Blaise Diagne who became the first African deputy to the French parliament (Ndao, 2003). Furthermore, the election of Blaise Diagne into the French parliament further expanded the political space, as several associations affiliated with the

¹⁶⁹ Although in practice the policy of assimilation and association does not in any way differ remarkably from one another, the policy of assimilation is an ideological policy objective of the French colonial power for indoctrinating the colonial people in the 19th and 20th century into the administrative and social-political structure of the French colonial power. The policy of assimilation was behind the enfranchisement of the four communes; Dakar, Rufisque, Saint Louis and Goree where colonial Senegalese since 1946 enjoyed the same rights as French citizens, including the right to education in French Language, culture and political rights. For details on the policy of assimilation see Crowder, M. (1962), *Senegal: A study in French Assimilation Policy*. London: Oxford University Press. See also Diouf, M. (1998), ‘The French Colonial Policy of Assimilation and the Civility of the Originaires of the Four Communes (Senegal): A Nineteenth Century Globalisation Project, Development and Change’ 29(4), 671-696. On the other hand the policy of association was introduced as an extension of the policy of assimilation. Its objective was to address the problem of implementing the assimilation policy which has been seen to promote mutual distrust. In other words, referring to the colonial people as French African is derogatory; rather they should be seen as French citizens, so as to promote mutual cooperation among the French people in the colony and metropolis. For details on Policy of Association see Lambert, M. B. (1993), ‘From Citizenship to Negritude: Making a Difference in Elite Ideologies of Colonized Francophone West Africa. Comparative Studies in Society and History’ 35(2), 239-262.

France-based parties became the rallying point of political mobilization and active involvement in the politics of Senegal (Abdou, 2005; Derboe, 2010). This gave room for the establishment of the Senegalese Socialist Party “*Parti Socialiste Senegalais*” (SSP) and Senegalese section of the French Socialist Party, known as “*Section Francaise de l’Internationale Ouvriere*” (SFIO). Nevertheless, these parties are largely unable to influence colonial policies as they are still tied to the apron-strings of the French government and were largely influenced by the French political elite. Yet, they served as the political platform for which the Senegalese people were mobilized for political actions and independence (Diaz, 2012).

Following a significant number of reforms implemented by the Brazzaville Conference after the Second World War, Francophone Africans became more agitated and were yearning to be involved in the political administration of their country. While the decrees of 13 March and 11th of April, 1946 created a citizenship status for all inhabitants of French colonial Africa which participated in the 1946 Constituent Assembly that drafted the fourth Republican Constitution of France, the colonial power began to realize the need to open the political space for more inclusive politics for the colonial people in Francophone Africa¹⁷⁰. Consequently, the Fourth Republican constitution expanded the political space by creating a General Council (*Conseil general*) which opened the democratic space for multiparty elections. As a result, the Senegalese people enjoyed full suffrage on the 15th of December, 1946 election when they elected Lamine Gueye and Leopold Senghor to the French parliament. Although the council elected three Union Councilors from other parties, *the Bloc Union Republicaine Socialiste* (Socialist Republican Union Bloc) of Gueye and Senghor won all the five seats representing Senegal in parliament (Borrella, 1958). The democratic space was expanded more as elections were also conducted for the legislative council in 1951, local government (Cantonal) in 1952 and the Senatorial district in 1958 (Fall, 2011).

Notwithstanding, before the elections, crisis broke out in the SFIO sections (Bordeaux-based Commercial group) of the Socialist Republican Block, due to the failure of the SFIO to defend the right and liberties of the Senegalese people. As a result BDS, under the leadership of Senghor broke away from the SFIO to form their own independent party (Fall, 2011). Consequently, the BDS claimed overwhelming victory for the second time by amassing 47

¹⁷⁰ The French parliament enacted several laws relating to citizenship status in the French colonies, especially the Law of 7 May 1946 which granted citizenship to men and women in the colonies.

out of the 60 seats of the legislative elections with only 13 seats won by the opposition SFIO.¹⁷¹ Due to the overwhelming victory of the BDS, other opposition parties including, the *Union Democratique Senegalaise* (UDS), the *Socialist Unitaires* (SU), the Movement for the Autonomy of Casamance (*Mouvement Autonomiste Casamancais* (MAC) and the Senegalese People's Movement (*Mouvement Populaire Senegalais* (MPS) aligned with the BDS to form a large party for independence¹⁷². With the exception of the Senegalese Party for Social Action, all other parties aligned with the BDS. Although the BDS alliance with opposition parties was expected to strengthen the capacity of political parties in Senegal, the lack of political ideology and the domineering tendency of the BDS led to the collapse of the alliance (Villalon, 1994). The collapse of the alliance led to the BDS merger with other new parties to form the Senegalese Progressive Union (UPS). This party is today known as Socialist Party (PS) and it was the platform through which Leopold Senghor was elected as the first president of Senegal in 1960.

5.1.2. Background to Democratization in Senegal

On assumption of power at independence, Senghor incorporated into the government leadership of the alliance which won the independence elections. While Leopold Senghor became the president of the Republic; Lamine Gueye was made the president of the National Assembly and Mamadou Dia was the president of the council of government [Prime Ministers]. Among the three political leadership power was shared in consonance with the country's constitution adopted on 26th, August 1960 which is anchored in a parliamentary system of government and bicephalous executive, instituted by the constitution of 24th, January 1959 (Khadre-Lo, 2005; Fall, 2011). Despite the delineation of power, conflict broke out among the three political figures. A major cause of the friction is the lack of understanding or poor definition of power among the three political leaders¹⁷³. Both Senghor and Mamadou Dia as the president and head of government respectively, became engulfed in the battle of supremacy in the course of the administration of the country. The outcome of the clash was the arrest of Mamadou Dia by President Senghor on the allegation that he was planning a coup against the government. The removal of the prime minister led to the eventual replacement of the parliamentary bicephalous system with a presidential system of

¹⁷¹ SFIO contested the election under the platform of Senegalese Party for Socialist Action (PSAS)

¹⁷² Personal Interview conducted with the leader of the National Caucus of the League Democratic Party

¹⁷³ Personal interview with prominent member of PS in Dakar 2014.

government. A new constitution was also adopted on 7th March 1963 to effect the changes (Beck, 1997; Khadre-Lo, 2005). Under the new constitution, a number of changes were made. First, executive power was now vested in the single executive rather than the bicephalous; two man-executive which resulted in conflict initially. Secondly, the constitution codified the principle of separation of powers as the three organs of government became independent of one another. Thus, the principle of ‘mutual irrevocability of powers, which is to say that ‘the government was not accountable to parliament and the executive, did not have the right to dissolve parliament’ became the fundamental principle in the exercise of power in Senegal (Fall, 2011:167). Indeed, this promoted jurisdictional boundary and power relations among different organs of government as they now served as a check on one another, but the character of political leadership with respect to their constitutional powers was also shaped (Khadre-Lo, 2005).

A fundamental flaw of the constitution is that, although it recognises the formation of political party, it however does not indicate the legal condition for their formation and activities. As a result, the UPS exploited this opportunity by foisting a de-facto one party state in Senegal after 1963, as many political parties were not given legal recognition by the state. Thus when the 1963 presidential elections took place, Senghor won the election by 99%, given that the opposition *African Regroupment Party (PRA)*¹⁷⁴ and the *Party of African Independence (PAI)*¹⁷⁵ were not recognized and many of their leaders coopted into his party (Derboe, 2010). This was despite the fact that the Senegalese National Front (*Front national Senegalais*¹⁷⁶ created by Cheik Anta Diop, who was the main opposition to the UPS had been outlawed. After the elections of 1963, UPS remained the only party as Senghor used his Presidential power to co-opt and outlaw all opposing political parties and associations within the party structure of the UPS. The only legally recognized opposition party was the *Parti du Rassemblement Africain (PRA)*, but that was a camouflage to show that Senghor was

¹⁷⁴ African Regroupment Party (PRA) was an independent party formed by Abdoulaye Ly, Ahmadou Maktar and Asane Seck in 1958 as a result of the conflicts in the Senegalese Progressive Union. The main aim and objective of the party was the attainment of independence for Senegal. Being a breakaway of the UPS, the party maintained a socialist ideological orientations and policy. In 1966, the PRA re-joined the UPS.

¹⁷⁵ Party of African Independence was an independent party formed in Thies, Senegal in 1957. The party was a communist party and was the first to demand independence from French rule. Though the original PAI was banned in 1960, it metamorphoses into African independence Party-Renewal which was legality recognized as PAI in the post independent period.

¹⁷⁶ The Front National Senegalaise was formed by Cheick Anta Diop in 1963 as opposition party to the pro-west regime of Leopold Senghor. The party operates on communist principles, doctrines and policy.

committed to party politics¹⁷⁷. As argued by Villalon (1994), this era marked the beginning of the institutionalization of the Weberian ideal-type of charismatic patrimonial and rational legal authority which reinforced a de-facto one party state in Senegal (Weber, 1978).

The one party state agenda is, however, backed by several constitutional changes and clauses and would also be seen in regimes after Senghor. For example, the legalization of UPS as the only party by the 1963 Constitution was to ‘theoretically create a single national party that institutionalized a de-facto one party state’ (Cruise O’ Brien, 1967). Although, the institutionalization of one party state ideology in Senegal was derived from the African political leadership who had chosen to adopt a one party de-jure or de-facto state as a dominant principle of state administration after independence, one party rule in Senegal was an autocratic subversion of the multiparty electoral politics which Senegal instituted during the colonial era (Villalon, 1994). The notion held by Senegalese leaders that ‘when there is a party that identifies itself with the nation, then the democratic foundation will be stronger more than if we have two or more parties and each of them reflecting a portion of the community’ (Denis-Constant Martins, 1975: 680) was the contradiction on which the democratization struggle of Senegal reflects up till date.

This notion was the foundation of the ‘big man’ rule and patrimonial politics in Africa, as the ideology being internalized by African leaders is the suppression or co-optation of opposition parties within a singular state party structure. This was the intention of Senghor in 1966 when he deliberately created a unified party system under the pretence of creating a national party by striking an alliance with the *Parti du Rassemblement Africain* under the leadership of Abdoulaye Ly and Cheik Anta Diop’s *Bloc des Masses Senagalaise* (BMS). By co-opting some members of the legally unrecognized political party, the *Parti Africain de L’Independence* under the leadership of Majmouth Diop, Senghor ensured hegemony and overwhelming control over other political parties outside the PS. Through patronage politics and networks Senghor was able to sustain the PS in power for a long period in the democratization struggle in Senegal. For example, Senghor’s response to growing political and economic tension leading to protests and demonstrations, especially in the 1960s and 70s was the extension of patronage benefits and state supports to the marabouts (Muslim clerics) and the civil associations to influence their followers to back out from political dissention (Fetton, 1987; Diaw and Diouf, 1998). The marabouts and their disciples are the ‘mystical

¹⁷⁷ Personal Interview with prominent member of PS in Dakar, Senegal 2014

denomination of the Sufism brotherhood'¹⁷⁸ (Osei, 2013:91). The marabouts are the religious leaders, perceived as holy men to whom their disciples (*taalibe*) owed their allegiance (Capan, 1980:174-199). Hence, it was easy for them 'to mobilise their disciples to support the ruling party and even gave voting instructions to them' (Osei, 2013: 90). Thus, this was the 'broker-mediated system of reciprocity between the state and informal social groups in which a special role was played by informal groups to ensure state support and political stability' (Osei, 2013:90). This resultantly strengthened the UPS to win all the post-independence elections and rule Senegal for 40 years. The party won the 1963, 1968, and 1973 elections under Senghor and completed the rout in 1981, 1988 1993 and 1998 before the defeat of the PS culminating in the alternation of power in 2000 (Fall, 2011). All of these elections were not without criticism as a result of electoral fraud and manipulation amid the tendency of the ruling PS to institutionalize a one party agenda.

5.1.3. Political Liberalization and Widening of the Democratic Space

As a consequence of the growing resentment against the UPS, Senghor caved in to some democratic reform in the electoral system by de-concentrating the executive power through the re-introduction of the position of the Prime Minister and subsequently agreeing to review the constitution to include the clause for the legalization of political parties (Beck, 1997). This development led to the formation of new political parties and recognition of some of the old ones. Consequently, the new and the old political parties aligned and formed a broad political platform of three distinct ideological persuasions as the new constitution required. The first was the UPS whose ideology was tailored towards centralist socialist democratic orientations. The second was the PDS in whose ideological leaning was couched in the liberal-democratic party, while the third was the *Parti Africain de L'indépendance* (PAI) which travelled the Marxist-Leninists path (Villalon, 1994). This step was seen as the right one to liberalize democratic politics and participation as against the one party agenda where only the UPS was the only legally recognized political party. As rightly noted by a prominent scholar in Senegal, 'the constitutional reforms of 1976 and 1978 incontestably democratized

¹⁷⁸ The Sufi brotherhood in Senegal comprises four major strands: The Tijaniyyah, Mouridiyyah, Quadriyyah and the Layenne brotherhoods. Although the Tijaniyyah has the largest number of followers, the Mouridiyyah is the most influential in commerce and economic sectors of the country. All of the groups are dynastically ordered and structured, tied to religious centers and led by noble families. For example the leadership of the Mouridiyyah (khalif) lives in the sacred city of Touba. The marabouts reside in local areas and are subordinated to the Khalif.

the Senegalese political system by allowing the emergence and expression of multiple political views and the organization of competitive elections in which opposition candidates could take part' (Sy, 1976: 9). By implication, the 1963 constitutional clauses which tactically forestalled candidates from competing against the incumbent were removed¹⁷⁹. For example, the incumbent candidate, President Senghor was the only qualified candidate in all of the different presidential elections organized prior to these reforms and always won with what Fall (2011:169), termed 'Stalinesque results'¹⁸⁰. Under the same circumstances, the 1963 constitution, which provided for the majority list system without the possibility of differential or preferential voting for the elections of deputies to the National Assembly, was also struck down and given the liberalization of the political space (Fall, 2011). By this, a new proportional system was introduced with smaller parties given consideration on the basis of their electoral threshold. The practice then was for the ruling party to claim the majority of the seats by excluding the minority parties and accepting only the candidate of their choice on the majority list.

Following the expansion of the democratic space, Senegal entered the stage of competitive politics and democratic openness in which the electorate 'were no longer reduced to a choice between a single candidate and a blank ballot' (Ndao, 2003:516)¹⁸¹, but one in which their votes now counted. In the words of Lekene, (2000:51) 'Senegalese people had gained freedom of suffrage, the liberty of comparing before choosing, a liberty that symbolised the very idea of democracy'. Thus, when the presidential election took place in 1978, four opposition parties participated in the election. Although the PS won the elections as well as dominating the majority in parliament, the winning of 18 deputies out of the 100 parliament

¹⁷⁹ See for example, Article 24 of the 1963 the constitution which provides that candidates for the office of the President were only eligible if they were backed by a legally registered political party or by the signatures of fifty voters including a least ten deputies. During that period no candidates could qualify unless there was division within the ruling party, only one candidate could meet the conditions established by the constitution and that was President Senghor, the candidate of the ruling party.

¹⁸⁰ See the presidential election of 1 December 1963 where President Senghor was elected by 85.08% of the total votes cast. Similarly in the Presidential election results of 25 February 1968 the sole candidate was also elected on a landslide victory, capturing 94.11% of the vote. The circumstances of claiming a block vote with a single candidate securing 99.97% of the total votes was repeated in the vote of 28 January 1973 as President Senghor claimed an uncompetitive victory. The system of sponsorship by deputies from the single party also enhanced the domination of Senghor in the presidential elections of 1973, in which he scooped 99.97% of the total vote.

¹⁸¹ It was surprising that Senghor forced the opposition and the secret supporters to choose blank ballots through which they super-imposed the name of their candidates before counting.

seats by the opposition PDS showed the involvement of the opposition in the new proportional representation system¹⁸².

As a result of the improvement in the admission of the opposition party into the parliament, political opposition became active as they continued to demand for more political reforms. Thus, the opposition parties in 1978 contested the controversial electoral code in court (Young & Kante 1992). Consequently, the activism of the opposition party and the incessant crisis in the UPS, led to the controversial stepping down of Senghor for his Prime Minister Abdou Diouf, who became the president after the resignation of Leopold Senghor in 1981. To earn legitimacy from the opposition party, Diouf initiated his own political liberalization by improving on the reform initiated by Senghor. He widened the democratic spaces by allowing the creation of more political parties in addition to the three mentioned above (Creevey, Ngomo & Vengroff, 2005; Fall, 2012; Diaw & Diouf, 1998). Thus, the restriction on political parties was jettisoned for the adoption of a multiparty system without any stringent conditions (Nzouankeu, 1984)¹⁸³. On the basis of this many political parties sprang up and the number of political parties increased from four in 1978 to fourteen in 1981 (O'Brien, Diop & Diop, 2003).

Despite the political liberalization, the 1988 and 1993 elections were characterized by electoral fraud as President Diouf won the elections in controversial manner. By accumulating over 80 percent of the votes, the credibility of the elections was called into question (USAID, 2013). A major argument advanced for the subversion of the election was that the electoral officials compromised the integrity of the elections in the interest of the ruling party, since they were civil servants under the regime (Villalon, 1997). Apart from the electoral fraud which took place during the election, the period leading to the election was also characterised by unfair advantage on electoral competition which was largely in favour of the incumbent. For example, the ruling party did not only ban some of the opposition coalition, they were also politically persecuted. Such decisions led to an uncontrollable protest for which Abdoulaye Wade, the leading opposition figure was incarcerated in February 1988 (Derboe, 2010). This decimated the strength and formidability of the opposition political parties as Abdou Diouf won again in a landslide victory amidst political repression and electoral fraud (Beck, 2011). This led to another round of violence in major

¹⁸² Personal Interview conducted with the Party Leader of the *Socialist Democratic Party*-[Parti Democratique Socialist] (PDS).

¹⁸³ This was also reflected in the Law No. 81-16, 6 May 1981.

cities of Senegal; it is however significant to stress that rather than pacify the protesters, the regime unleashed an unprecedented clamping-down on the protesters and consequent followed by a state of emergency when the demonstrators were unbending (Beck, 1997).

Following the inability of the regime to suppress the protesters, President Diouf was compelled to intensify more reform in the electoral process. By giving in to dialogue and debate, President Diouf and the coalition of the existing nineteen political parties (*19 collectif*)¹⁸⁴ adopted the Consensual Electoral Code in 1992¹⁸⁵. However, when the code was put to test in the 1993 presidential and legislative election, there were still reported cases of electoral fraud and manipulations attributed to the ruling party. Notwithstanding, the share of the votes between the winner and the losers indicate that there was an improvement in the electoral process as a consequence of the introduction of the code. For example, Abdou Diouf scored 58.40 percent to defeat Abdoulaye Wade's 32.03 percent in that election. Although, there were claims of electoral fraud and manipulations in which the ruling PS was expected to address, the only response from them was the extension of invitations to strong opposition members to participate in the government of national unity. Rather than rejecting this overture to insist on the reform of the electoral process, the PDS candidate, Abdoulaye Wade, accepted the invitation to participate in the Diouf regime in 1991 and 1995 (Villalon, 1997).

While it has been argued that Wade should not have participated in the regime of national regime, he mobilised the 19 collectives again to dialogue with the ruling party resulting in the establishment of an independent electoral body against the backdrop of electoral agency which were part of the state administration. Following this, the National Elections Observatory (*Observatoire National des Elections*) [ONEL] was created, whose mandate was to oversee the electoral process and ensure post-election peace (CENA, 2000). The lack of independence of ONEL, due largely to the fact that it still operated under state structure led to its replacement by the Autonomous National Electoral Commission- *Commission Electorale Nationale Autonomie* (CENA) which was vested with the mandate of supervising and

¹⁸⁴ The 19 collectives are the coalition of the opposition political parties which came together after the electoral fraud of 1998 in which Abdou Diouf won on a landslide with about 80 percent of the entire votes, due largely to the incarceration of leading political opposition, especially Abdoulaye Wade, to prevent them from participating in the elections. After the election, the group mobilised a national dialogue with the incumbent party, where they resolved to establish a new electoral code, given that the 1963 one was too pro the ruling party. Thus, the major achievement of the 19 collectives was that they were able to achieve the establishment of the new electoral code which to a large extent reduced electoral irregularities and fraud in Senegal.

¹⁸⁵ See the analysis of the consensus Electoral Code of February 1992 in Diop, A.B (2009)

controlling the electoral process. It should however be stated that while the CENA supervises the electoral process, the conduct and organization of elections was still under the administration of the state¹⁸⁶.

5.2. The 2000 Democratic Election in Senegal

Although electoral fraud has been a constant feature of Senegalese politics, the 2000 election laid the democratic foundation for the country. The electoral code was remarkable in this respect for three significant reasons. First, the code addressed the flaws in the 1963 constitutional provisions relating to the electoral process such as the uneven playing field and transparency of the electoral process (Villalon, 1994). Secondly, unlike the past electoral regulations drafted alone by the ruling party, the electoral code had inputs from all political parties and major stakeholders (Fall, 2011). Thirdly, the president displayed some measure of sincerity by advising the National Assembly to endorse the code ‘without changing a single comma’ in the bill (Fall, 2011: 171). Not only was the electoral code adjudged as an excellent set of electoral rules which would enhance the prospect of the electoral process, it was also seen as perfect document that addressed the electoral fraud and manipulations which characterized the past electoral experience before the year 2000 in Senegal (NDI, 1993). As argued by the youth coordinator of PAI, ‘the new electoral code beckoned a new dawn for democratic process, but significantly enhanced majority rule and democratic sustainability in Senegal’¹⁸⁷. With the institutionalization of the electoral code, the ‘cycle of electoral playacting and disputes’ obviously gave way for a trend of peaceful and legitimate elections which culminated in the alternation of power in the post 2000 democratization in Senegal (Fall, 2011).

The electoral code among other things, addresses the following salient issues in the Senegalese electoral system:

1. Lowering the age of electoral majority from 21 to 18.
2. Establishing the right to vote for members of the Senegalese diaspora.
3. Guaranteeing the Secrecy of the ballot by making use of ballot boxes mandatory for all voters.

¹⁸⁶ In other words, the Directorate of Election under the Ministry of Interior was still vested with the conduct of elections, while CENA only supervises and ensures that the processes are conducted in line with electoral regulations and constitutional provisions.

¹⁸⁷ Personal Interview with the youth coordinator of the PAI on the 20th August 2014.

4. Identification of voters through mandatory presentation of voter's card.
5. Revision of the general electoral roll with a view to establishing new voters' lists under the supervision of the parties.
6. Establishment of the rule of two terms maximum.
7. Establishment of a national ballot-counting commission and departmental commissions presided over by a magistrate and including representatives of all political parties standing election.
8. Making the court of Appeal competent to hear electoral campaigns disputes.
9. Authorizing coalition of parties in legislative elections (a vital opportunity to limit the impact of voting procedures favouring the Social Party, whose long standing establishment guaranteed success under the majority list system).
10. Authorization of independent candidates in presidential and legislative elections.
11. Elections of the President of the Republic on the first round condition on an absolute majority of ballots cast totaling one quarter at least of all voters enrolled.
12. A combination of a majority vote at the department level and a proportional vote at the national level in legislative elections to promote small parties entering parliament.
13. A guarantee of equal access to the media for all candidates (Diop, 2009: 191; Villalon, 1997: 176).

Following the institutionalization of the 1992 electoral code, Senegal entered a new democratic landmark reinforced by a novel democratic habituation and party coalition that led to the potential for democratic consolidation in the country. On the basis of this, the presidential and legislative elections of 2000 and 2001 respectively were conducted, leading to peaceful electoral turnover and alternation of power— '*Alternance*' from the PS to the PDS.¹⁸⁸

5.2.1. Pre-2000 Democratic Election

In the period leading to the 2000 elections, apart from the substantial reforms of the electoral process to enhance transparency and legitimacy, two important issues were central to the alternation of power and the collapse of the 40 year PS regime in Senegal. The first, was the internal party crisis in the PS and the second was the collapse of Patrimonial Politics as electoral strategy of the ruling PS.

¹⁸⁸ *Alternance* is a French word used for alternation or change.

5. 2.1.1. Internal Wrangling in the Socialist Party [*Parti Sociale*]

A significant factor that led to the collapse of PS and the peaceful transfer of power from the PS to the PDS was the internal wrangling between the leadership of the PS. President Diouf and other leading personalities of the party such as Djibo Ka and Mustapha Niasse, were becoming irritated by the leadership style of the ruling coalitions. Diouf was seen as being highhanded and was not ready to carry along other partners of the coalition side-lining them in party affairs and general administration of the state. It should be emphasized that, Djibo Ka and Mustapha Niasse were influential figures that mobilised support for the party during the 1993 coalitions which saw Diouf defeat Wade. The role played by the duo during their involvement in the students union in the 1980s, confers on them some measure of goodwill among the student population and the Senegalese public. The failure of Diouf therefore to give them due recognition coupled with the failure to honour the coalition arrangement, led to the breakaway of Djibo Ka and Mustapha Niasse to form their own party that eventually coalesce with the PDS to oust the PS from power. As (Galvan, 2001:54) rightly argues, ‘the decisive shift in Senegalese party politics came not from the outside but from within the PS itself, most notably the decision of two leading political figures to leave the party’. While the two political stalwarts left the PS with their followers, many of the University Professors who became disenchanted with Diouf’s regime also encouraged the resentment against the regime (Derboe, 2010). A prominent one among them was Iba Der Thiam of the Patriotique Democratique Convention (CDP) who was at the forefront of mobilizing students to support the change-agenda against President Diouf.

5.2.1.2. Collapse of Patronage Politics and the Ruling Socialist Party

After the breakaway of Djibo Ka and Mustapha Niasse from PS, the death of the Khalif; Abdou Lahatt led to the collapse of patronage politics as a mode of political mobilisation. Patronage politics had been the strategy for political mobilisation by the PS regime since the time of Senghor. The inability of the ruling PS to give patronage after the death of the Khalif was therefore responsible for the decline in the electoral value of PS and the eventual change in the political sociology of Senegal. It should be recalled that the PS had always relied on the overwhelming support and mobilization of the Islamic brotherhood from rural Senegal due largely to the patronage politics and networks which they extended to their leaders. However, the effect of urbanization and economic adjustment upset the neo-patrimonial system, as religious leaders became more careful in aligning with the political sphere. As a consequence,

a new dynamics in political relations emerged and people began to appreciate the power of their franchise (USAID, 2013). Furthermore, unlike Khalif Abdou Lahatt who was politically inclined, Khalif-General Salilou Mbacke's apolitical stance and decision to focus more on spiritualism further raised serious concern for the PS. As noted by Beck (2009: 97) 'the new Khalif refuses to implicate himself in the vulgar affairs of electoral politics and remained politically silent in the elections of 1993 and 2000'.

As a result, the electoral fortune of the PS was greatly affected, as its support based in the rural areas where the Islamic leaders have enormous control over their subjects was gradually weakening. While the PS did not outrightly lose control in the entire rural area, due largely to the fact that some strands of the Sufi brotherhood, the Mouridiyyah, chose to offer support to the PS in the 2000 election, the non-involvement of the Khalif in politics, especially in passing official *Ndigel* (fatwa or order)¹⁸⁹ accelerated the collapse of patronage politics (Cruise O' Brien, 2003). What became obvious in the coming period was that the silence of the Khalif also culminated in the division among the brotherhood, as lesser marabouts broke away by defining their own authority and re-negotiating benefits for their patronage support to the ruling PS (Audrain, 2004). While the *Ndigel* or voting instruction was jettisoned by many followers of the brotherhood, especially Cheikh Tidiane Sy and Mamadou Kara Mbacke (Audrain, 2004:100), some disciples religiously followed the *Ndigel*, by supporting President Diouf in the election (Villalon, 2004). Thus, despite losing in the election, it was obvious that patronage politics was never going to collapse in Senegal as indicated by political events in 2007 when President Wade resuscitated patronage politics to mobilize electoral support for the PDS.

5.3. The Presidential and the National Assembly Elections

Granting that the electoral campaign broadly focused on the alternation of political power and economic development which has been a major problem resulting in unemployment and poverty in Senegal, the 2000 presidential elections in Senegal took place in the midst of serious political uncertainty and expectation. The PS campaign promises were based on the centrist socialist programme, whereas the PDS programme revolved round a neo-liberal economic programme¹⁹⁰. After the campaign activities and completion of the party list, the

¹⁸⁹ *Ndigel* is a Wolof language in which Khalif and the lesser Marabouts give voting instructions to their disciples on which candidate and political party to vote for in the election.

¹⁹⁰ Personal interview with the National Chairman of the Caucus of the PDS.

presidential election was conducted on the 17 February 2000. Below is the result of the presidential election in Senegal in 2000.

Table: 18. The Result of the Presidential Election, 17 February 2000

Candidates(Party) Coalition	Round		Round	
	First		Second	
	Number of Vote	Percentage of Vote	Number of Vote	Percentage of Vote
Abdoulaye Wade (PDS)	518,740	31.01%	969,332	58.49%
Abdou Diouf (PS)	690,917	41.30%	687,969	41.51%
Mustapha Niasse (AFP)	280,538	16.77%	-	-
Djibo Leity Ka (URD)	118,484	7.08%	-	-
Iba Der Thiam (CDP-Garab Gi)	20,164	1.21%	-	-
Ouseynou Fall (PRS)	18,604	1.11%	-	-
Cheikh Abdoulaye Dieye (FSD-BJ)	16,211	0.97%	-	-
Mademba Sock (RTA-S)	9,326	0.56%	-	-

Note: Summary of first round of voting (19 March 2000); The number of registered voters was 2,725,987, with total votes (Voter Turnout) totaling 1,696,384 (62.2%). Invalid/blank votes was 23,400 and total valid votes was 1,672,984. Summary of second round of voting (19 March 2000); Registered voters was 2,745,239, with total votes (Voter Turnout) totaling 1,667,775 (60.8%). Invalid/blank votes was 10,474 and total valid votes was 1,657,301.

Source: Compiled from African Elections Database Country Reports (<http://africanelection.tripod.com/>) Accessed 16-07-2014.

The above table shows that the PDS coalition won the 2000 presidential election after two rounds of elections. Abdoulaye Wade, the coalition candidate, defeated President Diouf of PS. Following the first round of voting, Presidential Diouf scored 518,740, which equals 41.3 percent and his main contender Abdoulaye Wade scored 30.1 percent, which equals 690,917 of the votes. It should be stressed that the Senegalese electoral system for presidential election relies on ‘Majority Two-Round System (TRS). Under this system, candidates contest

elections and where none of them score above the 50 percent threshold a second round election is called for on a first past the post (Vengroff & Magala, 2001:106). The principle is for the two leading candidates in the first round of elections to contest in the second round to determine the winner (Vengroff & Magala, 2001). It is the second round of elections that usually opens room for coalitions among candidates and their parties. Consequently, Mustapha Niassé, the third place candidate in the first round of the election and other opposition parties, aligned with Abdoulaye Wade to form the SOPI-coalition (Change coalition) under the leadership of Abdoulaye Wade. As a result of the coalition, Abdoulaye Wade defeated Abdou Diouf by scoring 969, 332 votes which is 58.49 percent compared to 41.51 percent which is 687, 969 of the total votes (African Election Database, 2000).

A significant observation from the elections was that Abdou Diouf graciously and peacefully handed over to Abdoulaye Wade. It must be emphasized that the decision of President Diouf to accept defeat and hand over power peacefully to the opposition candidates was the defining moment in the gradual consolidation of democracy in Senegal. Given that the handing over was the first electoral turn-over and power alternation in Senegal in which political elite respected the democratic outcome, democratic gains and fortunes was institutionalised in Senegal. Nevertheless, the decision by President Wade to dissolve the National Assembly elected in 1998, and organize another legislative election became worrying. Critics argued that the president's attempt was to manipulate the national assembly to ensure the domination of his party; PDS, given that the PS still had absolute domination of the parliament. In the context of the growing popularity resulting from the democratic change, the referendum approved President Wade decision to organise a new election. Consequently the election was conducted on the 29 April 2001. Below is the outcome of the election 2001 National Assembly election.

Table 19: The Results of the National Assembly Election, 29 April 2001

Party/ Coalitions	Number of Votes	Percentage of Votes	Total Number of Seat (120)
Sopi Coalition	931,617	49.58%	89
Alliance of Progressive Forces	303,150	16.13%	11
Socialist Party (PS)	326,126	17.36%	10
And Jëf-African Party for Democracy and Socialism (AJ-PADS)	76,102	4.05%	2
Union for Democratic Renewal (URD)	69,109	3.68%	3
Senegalese Liberal Party (PLS)	17,240	0.92%	1
Party for Progress and Citizenship (PPC)	17,122	0.91%	1
Alliance for Progress and Justice-Jëf-Jël (APJ-JJ)	15,048	0.80%	1
National Democratic Rally (RND)	13,286	0.71%	1
Independence and Labor Party (PIT)	10,854	0.58%	1
Others	99,192	5.28%	-

Note: Registered voters was 2,804,352 with total votes (Voter Turnout) totaling 1,889,928 (67.4%). Invalid/blank votes was 11, 082 and total valid votes was 1,878, 846. **Source:** Compiled from African Elections Database Country Reports (<http://africanelection.tripod.com/>) Accessed 16-07-2014.

The foregoing indicates that the ruling PS lost their majority in the National Assembly, to the PDS/Sopi coalition. In the election, PDS secured 89 seats which are 49.58 percent of the total 120 total seats in the National Assembly. The PS which had won 93 out of the 104 seats in 1998 legislative elections only won 10 seats, while the Alliance for the Forces of Progress (AFP) captured 11 seats. In addition, the remaining seats were shared among other parties;

the Union for Democratic Renewal and the Jef-Jef shared 3 and 2 seats respectively while the remaining seats were distributed each among the remaining five parties (IPU, 2000). The implication of this was that the opposition party effectively took control of the democratic space from the PS as they were defeated in both the presidential and parliamentary elections. Unlike the majority two round system for the presidential election, ‘the National Assembly elections is guided by a mixed-member majoritarian (MMM) system, with some of the seats allocated on the basis of plurality block votes at the department level (in 31 departments) with the district magnitude ranging from one to five seats. The remaining seats are distributed by PR using a Hare Quota system with largest remainders in a single national constituency’ (Vengroff, 2001:106). Under this arrangement the distribution of the legislative seats amounted to 120, in which 65 seats are allocated for the department and 55 for the national list. By this system, the electorate can only vote using ‘a single ballot paper to vote for the party alone, as the vote for the party equals both the district (department) and the national list’ (Vengroff, 2001:106 &107). On the basis of this, PS lost control of the parliamentary majority and they became a minority in the parliament, having been unable to win a department as a result of lack of plurality block votes in any of the 31 departments (Osei, 2013).

5.4. Election Monitoring and Observation Report on the 2000 Elections

The phenomenon of independent elections observation is largely unknown in Senegal, as elections observation is fused under the administration of the state. This was basically the French political structure which Senegal adopted. Issues that are capable of undermining the stability of the state are incorporated into the state structure. Organization of elections and observation are done by the Ministry of Interior. This explains why there was high degree of electoral fraud and manipulation before 2000 since the overall activities of electoral governance including conduct, supervision and management were done by the state administration. As argued by a prominent member of West African Civil Society Organization, election monitoring is a recent phenomenon in Senegal. Simply put, observation of elections is part of the general mandate of the Ministry of the Interior. And for us as CSO, our comprehensive involvement in electoral monitoring and observations only started in 2007¹⁹¹. Although, prominent politicians have argued that the importance of election observer cannot be glossed over. As a third party, they provide legitimacy to the

¹⁹¹ Personal interview with the coordinator of West Africa Civil Society Organization, Dakar 2014.

electoral outcome; the fact that the 2000 election was peaceful, without any violence or manipulation during or after the elections is suggestive of the free and fair nature of the elections¹⁹².

A significant way of ascertaining the credibility of the elections is whether the loser wilfully accepts the outcome of the result without employing any anti-democratic alternative or not. And in the case of the 2000 elections in Senegal, the broad spectrum of political parties in the country unanimously agreed that the 2000 election was free and fair. International monitoring observer also attested to the legitimacy of the elections. For example, monitors from French-speaking countries and the Organization of Africa Unity affirmed that the election was free and fair (IPU, 2000). In a more instructive tone, the Economic Commission of West African State (ECOWAS) passed a vote of confidence on the election as a template for democratic society. According to them, ‘the 2000 election is a reflection of votes of the Senegalese people and the democratic change is likely going to be the foundation for which democracy will be constructed in the country’ (ECOWAS, 2000). This view was stressed when the Freedom House report of 2013 noted that the 2000 election ‘was not only free and fair according to international observers, it represents a giant leap in the drive towards democratic consolidation in Senegal’ (Freedom House, 2013: 2). The electoral success of 2000 in Senegal was not only about the alternation of power from the incumbent to the opposition, it was a departure from the cycle of contested elections in which fraud and manipulation has subverted democratic institutionalisation in Senegal

5.5. Pre 2007 Elections

The period before the 2007 elections was filled with high level of optimism, as President Abdoulaye Wade was expected to introduce sweeping democratic reforms and political turn around, given that the democratic experience in Senegal before the 2000 election petrifies authoritarian rule and decline in democratic freedom. Indeed, Wade was largely a victim of political persecution and repression at the hands of the ruling SP regime during these periods. The emergence of Wade through the Sopi-coalition, therefore, was expected to address the backdrop of 40 years of PS authoritarianism and economic hardship. It is instructive to note that Wade’s neo-liberal policies bore good fruit: Senegal, which was a relatively small economy, began to witness profound changes in the economic fortunes of the country, as the

¹⁹² Personal interview with prominent in politician, Dakar 2014

country witnessed profound developmental changes. For example, volume of trade and tourism increased tremendously with the international profile of Senegal under Wade regime. There was also radical improvement in infrastructural facilities and developments, as roads, housing and electricity especially in urban and many rural communities became accessible to Senegalese people. This was also reinforced by the improvement in the economy of Senegal reflected through increased per capital incomes and peaceful environment enabling to foreign direct investment.

However, President Wade's proclivity towards authoritarianism was his own undoing. As posited by Derboe (2010:7), 'in fact, opponents of the regime insist that the costs of Wade's liberal policies, coupled with his inclination toward authoritarianism, are greater than any semblance of economic development'. Consequent upon this, the growing authoritarian streak exemplifies by the increasing violations of rights, subverts Senegal's testimonial as consolidating democracy. Contrary to expectation in the political context, Wade institutionalized a repressive siege of authoritarianism and patrimonial politics which underscored his desire to perpetuate himself in power (Mbow, 2008). In the light of Wade personalisation and authoritarian agenda, the post 2000 democratization in Senegal became another 'era of Senghoristic caricature'. Wade became high handed and changed the constitution several times to personalize power (Mbow, 2008). As argued by Osei, (2013:94), the Senegalese people were at 'cross-roads as political power and institutions became strongly centralized in the hands of the president; the opposition remained ineffective and was only able to engage in in-fighting'. Consequently, four key issues which underline Wade's proclivity to personalize power and shutdown of the democratic space against the opposition in the 2007 elections include: the constitutional revision of 2001, postponement of elections, failure of the Ministry of Interior to update electoral register and resurgence of patronage politics.

5.5.1. Constitutional Revision and Wade's Authoritarian Agenda

Although there was initial call for constitutional review, due to the inadequacies which characterised 1963 and 1993 constitution which had been largely favourable to the PS regime in the past, Wade undertook a constitutional review in 2001 which undercut the democratic foundation in Senegal. In the approved constitution, Wade expanded his presidential powers by initiating a clause in Article 25 of the constitution to proscribe the right to hold protests and demonstrations against the government. In addition, Wade also changed the number of

years for the presidential term from seven to five years, but limited the maximum number of term limit to two. Although the constitutional review was approved by the PDS dominated parliaments, it however has a telling implication for democracy in Senegal [as will be seen in the next chapter]. Wade's constitutional review must be situated in the context of his growing authoritarianism. According to the opposition, Wade's constitutional agenda was an attempt to gain absolute political control of the parliament and to avoid the 'confrontational opposition' path which he was subjected to in the past¹⁹³. Two reasons seem to provide justification for this. The first was that the PS was still in the majority in the National Assembly¹⁹⁴. Realizing the consequence of this for the next legislative elections, Wade avoided any alliance with the PS by organizing a referendum on the basis of the outcome of the presidential elections in which Wade still enjoyed dominant support of the change-coalition. The second reason was Wade's quest to return the country to one party rule by institutionalising PDS as a major party in Senegal.

Consequently, the breaking away of President Wade from the Sopi-coalition lend support to the apprehension in the opposition camp on whether the Wade would be fair with the 2007 electoral process, especially with second cycle of legislative elections coming up in 2006. In the midst of opposition demanded for improvement and transparency in the electoral process¹⁹⁵, President Wade reluctantly, gave in to some reforms which include the replacement of ONEL with CENA to oversee the overall task of elections given the reasonable level of suspicion on ONEL as agency of the government. Consequently, decree No.2004-673 of 2 June 2004 and decree No. 2004-1379 of 29 October 2004 were enacted respectively as legal requirement for the creation of the autonomous electoral commission in Senegal¹⁹⁶. Despite the creation of a new independent electoral body, their mandate does not

¹⁹³ Personal Interview with the National coordinator of APR in Saint Louis 2014.

¹⁹⁴ According to the result of the 1998 National Assembly elections, PS captured 93 out of the 140 legislative seats; the PDS was left with 23 of the seats. The remaining parties that participated in the elections shared between themselves the remaining 24 seats.

¹⁹⁵ There have been reported complaints, especially against the backdrop of the temporary nature of ONEL and the lack of constitutional power for sanctioning the administrative authorities for failing to fulfill their electoral responsibility

¹⁹⁶The first decree related to the establishment of a commission tasked with the responsibility of making suggestions for the creation of the independent electoral commission. The commission comprised membership of each of the legally recognized political parties and was expected to submit a draft proposal to the President of the Republic in two months, following its establishment. The second decree empowered the President to appoint the chairman of the autonomous electoral commission.

go beyond election supervision and monitoring. By implication the agency of the government are still the ones in charge of the organization and management of elections in Senegal.

5.5.2. The Return of Patrimonial Politics

As a consequence of his declining popularity and breakdown of the SOPI-coalition, President Wade resuscitated the slumbering patrimonial politics and networks among the religious cleric. As an ardent follower of Sufi ideology, Wade resuscitated the collapsing patrimonial alliance between the state and the Mourides brotherhood. He visited and designated the Grand Khalif of Touba; Serigne Saliou Mbacke as the spiritual father of the country and directed several infrastructural projects to Touba. As a result, Wade regained the confidence of the Khalif and many of the Mourides who had hitherto supported PS gave him total support. Indeed, a Mourides member of the PS interviewed asserted that they were heavily induced with material gifts such as clothes cars and cash for shifting their allegiance to PDS¹⁹⁷. It is evident that the Sufi brotherhood played a key role in the mobilization of followers for political support in Senegal. It was therefore no surprise that in the period leading up to the 2007 elections, the Khalif gave an order to his ardent followers to support President Wade in the 2007 elections. This follows several campaigns where he canvassed electoral support for Wade by opining that 'If re-elected (Wade), would complete the modernization of the city's infrastructure' (Osei, 2013:95). The backing by the Khalif therefore clearly indicates a strong endorsement of Wade by the entire Islamic brotherhood, with such support decisive in the 2007 elections.

5.5.3. The Crisis of Electoral Roll Call/Register

A major factor which also shaped the outcome of the 2007 elections was the failure of the Ministry of Interior to review the electoral register. According to the Senegalese Constitution, the Ministry of Interior under the executive is vested with the responsibility of voter's registration and review of the electoral lists. The beauty of the Senegalese electoral system is that the registration of voters is an ongoing process which makes it easy for the register to be updated almost every time to accommodate new voters. However, the voters' registration list was not updated in the period leading to the 2007 elections, despite the demand for the

¹⁹⁷ Interviewing some Mourides, they claimed they were heavily induced by the ruling regime of Wade to support the PDS in 2014. This view was also corroborated by the earlier interview conducted by Bakhao Fall in 2007, in which he alluded to one of the leaders of the Islamic brotherhood reported to have been given a house in Dakar and a sizeable amount of cash to cross over to the ruling party (as cited in Osei, 2012:95),

presentation of the updated register for the election by the opposition leader¹⁹⁸. The Directorate of Election during interview claimed that the register was updated but the problem was the introduction of biometric registration which created the problem of double registration due largely to technical and inefficiency on the part of the registration officials¹⁹⁹. To buttress the technical errors alluded to by the Director of Elections: the youth leader of League Democratic Party (LDP) noted that ‘a single name was registered differently, but with same demographic information’²⁰⁰. In the same vein, the youth leader of PS also claimed that many prospective voters from his party were disenfranchised, including him, because of the difficulty of many Senegalese in understanding the new biometric procedures rubbed off on the outcome of the registration exercise. Although both respondents shared the view of the PDS youth leader that the inadequacy in the registration process was not enough to undermine the outcome of the elections²⁰¹, the circumstances where voters’ registration are neither updated nor characterized by irregularities is a clear case of an uneven playing field and a stratagem for which political liberty and participation are denied. This explains the boycott of the 2007 Presidential elections by some opposition political parties.

5. 5. 4. Postponement of Elections and Uneven Playing Field

Considering the growing authoritarian tendency, the disenchantment with his rule, President Wade and PDS lost their electoral value in the face of a growing public disenchantment. Consequently, the regime postponed the National Assembly election originally shifted to 2006. This election was scheduled to coincide with the presidential election of 25 February 2007. That said, the presidential election was also extended to 3 June 2007 (Fall, 2011; Derboe, 2010). This recommendation was validated by the Constitutional Court and the National Assembly dominated by the ruling PDS. As if that was not enough, the legislative election which was supposed to be conducted at the same time with the presidential elections was later separated as the elections drew nearer (Derboe, 2010).

Two justifications were provided for this postponement. The first was that the postponement was inspired by financial difficulty resulting from the incidence of the heavy rain that led to

¹⁹⁸ Personal Interview when with representative of one of the political parties that boycotted the 2007 elections in Dakar 2014.

¹⁹⁹ Personal Interview with the Directorate of Elections in the Ministry of Interior in Dakar 2014

²⁰⁰ Personal Interview with the youth leader of LDP in Dakar 2014

²⁰¹ There was a general consensus that the problem with the voters’ registration was not enough to overshadow the outcome of the 2007 elections.

the disaster-stricken displacement of people in 2006.²⁰² Citing financial difficulty as a justification for shifting the poll without a referendum or dialogue was a flagrant disregard of the constitution and popular will of the Senegalese people. The second justification was issued in response to complaints by the Party for Independence and Labour (PIT) and the Socialist Party (PS), against the presidential decree which inexplicably allocated seats to the advantage of the ruling parties (IPU, 2007). It was claimed that the department's majority was not in tandem with the demographic requirement and so the distribution of seats must be step aside pending the time adjustment would be made²⁰³. By setting the distribution of seats aside, the ruling regime deliberately shifted the legislative election to 3rd June, 2007, as it would become impossible to conduct the elections within the deadline stipulated by the electoral code in which the declaration of candidacies should have been submitted sixty days prior to the election (Article L. 168, 1993). The strategy by which the electoral process is skewed to favour the political interest of some political actors against the other is suggestive of the proclivity to prevent the opposition party from having probable chance of winning elections. As argued by Fall (2011:174), the deliberate postponement of the elections 'appears to have been manoeuvres on the part of the ruling party aimed at influencing the electoral process, by generating a crisis of confidence among the protagonists, including several opposition party leaders who challenged the legitimacy of Wade's 2007 presidential victory'. This view was further corroborated when a former member of PDS, who has now defected to APR, claimed that the postponement was borne out of President Wade political expediency, to attend to the growing public opinion which remains largely unfavourable to him, if elections take place²⁰⁴. It is within this context that the 2007 election can be properly situated.

5.6. The 2007 Democratic Elections

The 2007 electoral campaign broadly focused on the continuation of Wade's economic reform and democratic change of power. It is noteworthy that the PDS campaign promise was premised on the consolidation of its long standing economic reform and continuing infrastructural development programme. The opposition parties on the other hand, spoke more to changes against the backdrop of increasing crisis of government and economic

²⁰² Personal Interview held with the National party leader of PDS in Dakar 2014

²⁰³ See www.socialisme-republique.sn.org

²⁰⁴ Interview with a prominent leader of APR, a former member of the caucus in PDS.

downturn which had resulted as a consequence of Wade's authoritarian rule and agenda to personalize power. In the course of the campaign activities, there was a reported case of uneven playing field. For instance, the National Council for the Regulation of Broadcasting was accused of favouring the state owned-media and some newspapers in granting more concessions to President Wade than other candidates. For example, the *La Soleil* newspaper ran a special edition for the presidential campaign running to 12 pages, equivalent to about 40 percent of the newspaper's coverage, whereas opposition candidates combined received less than 9 percent (Reporter without Border, 2007). This was a violation of the Electoral Code which suggested balance and fair reporting on candidates (Beck, 2011). After the campaign activities and completion of party list, the presidential election was conducted on the 25th of February, 2007. Below is the result of the 2007 presidential election in Senegal.

Table: 20. The Result of the Presidential Election, 25 February 2007²⁰⁵

Candidates/Party Coalition	Number of votes	Percentage of Votes
Abdoulaye Wade (PDS) [Sopi 2007]	1,914,403	55.90%
Idrissa Seck (REWNI) [And Liggey Sénégal]	510,922	14.92%
Ousmane Tanor Dieng (PS)	464,287	13.56%
Moustapha Niasse (AFP) [CA 2007]	203,129	5.93%
Robert Sagna [Takku Defaraat Sénégal]	88,446	2.58%
Abdoulaye Bathily (LD- MPT) [Jubbanti Sénégal]	75,797	2.21%
Landing Savané (AJ-PADS)	70,780	2.07%
Talla Sylla (APJ-JJ)	18,022	0.53%
Cheikh Bamba Dièye (FSD- BJ)	17,233	0.50%
Mamadou Lamine Diallo [Tekki Taaru Sénégal]	16,570	0.48%
Mame Adama Guèye	13,700	0.40%
Doudou Ndoye (UPR)	9,918	0.29%
Alioune Mbaye	9,016	0.26%
Louis Jacques Senghor (MLPS)	8,212	0.24%
Modou Dia	4,491	0.13%

Source: Compiled from African Elections Database Country Reports (<http://africanelection.tripod.com/>) Accessed 16-07-2014.

²⁰⁵ It should be noted that registered voters was 4,917,157, total votes (Voter Turnout) totaling 3472712 (70.6%). Invalid/blank votes was 47,786 and total valid votes was 3,424,926.

The foregoing table indicates that 15 political parties participated in the 2007 presidential election and the incumbent President Abdoulaye Wade won the first round of voting having satisfied Article 33 of the 2001 Constitution which states that ‘No one is elected at the first round if they have not obtained the absolute majority of the suffrage expressed’. In the first round of voting, Wade secured 1,914,403 votes, which was about 55 percent of the total votes. The implication of this was that the second round of voting would be unnecessary since the threshold of 50 percent plus 1 had been met. In the entire voting process, the closest to President Wade, in terms of votes was Idrissa Seck of (REWNI) party, who scored 510,922, which was about 14.92 percent and Ousmane Tanor Dieng of (PS) who pooled 464,287 amounting to, and 11.56 percent of the total votes. Thus, President Wade was returned elected as president of Senegal (African Election Database, 2007). In the result of the 2007 National Assembly election, the PDS also has upper hand by harnessing majority of the seats in the parliament. Below is the result of the National Assembly elections of 3rd June 2007.

Table 21: The Result of the National Assembly Election, 3 June 2007

Candidates/Party Coalitions	Number of votes	Percentage of votes	Number of Seats (150)
Sopi 2007 coalition	1,190,609	69.21%	131
Takku Defaraat Sénégal coalition	86,621	5.04%	3
And Defar Sénégal coalition	84,998	4.94%	3
Waar-wi coalition	74,919	4.35%	3
Rally for the People (RP)	73,083	4.25%	2
Front for Socialism and Democracy-Benno Jubël (FSD-BJ)	37,427	2.18%	1
Alliance for Progress and Justice-Jëf-Jël (APJ-JJ)	33,297	1.94%	1
Convergence for Renewal and Citizenship (CRC)	30,658	1.78%	1
Authentic Socialist Party (PSA)	26,320	1.53%	1
National Patriotic Union (UNP)	22,271	1.29%	1
Reform Movement for Social Development	20,041	1.16%	1

(MRDS)			
Rally of the Ecologists of Senegal-The Greens (RES-Les Verts)	17,267	1.00%	1
Social Democrat Party-Jant Bi (PSD-JB)	15,968	0.93%	1
Senegalese Patriotic Rally-Jammi Rewmi (RPS-JR)	6,847	0.40%	-

Source: Compiled from African Elections Database Country Reports (<http://africanelection.tripod.com/>) Accessed 16-07-2014.

As evidenced by the table, PDS also had massive parliamentary control. It won 131 out of the enlarged 150 seats in the Assembly, while the remaining seats were distributed among other parties and coalitions. This victory could be credited to the Senegalese electoral system which favours the party with the majority vote in the presidential elections. For example, the PDS is allotted 90 seats on the majority list and also distributed 40 seats to itself and its coalitions. The highest allocation to the opposition party on the proportional list was 20 seats (IPU, 2007). As a matter of fact, PDS controlled about 90 percent of the Senegalese unicameral national assembly. Although the boycott of the 2007 elections by some 13 opposition coalition parties was also responsible for the landslide victory recorded by President Wade and his party. It is worth mentioning that the Senegalese electoral system is unfavourable to the opposition. Apart from the incumbent party having the large number of seats based on majority votes, the president and his party by discretion also determine the distribution of the proportional seats of which it is certain to have number of its allies on the lists. This system promotes a zero-sum game tendency in which, the winner wins all. To pinpoint this lopsided distribution of seats, ‘PDS deputies in parliament claimed that from the majority list they were supposed to have more than 12 seats because they had about 300000 votes, while the ruling APR has a little over one million votes, surprisingly, APR allotted to itself 119 seats. This is the political advantage that the party that wins the presidential use in consolidating their power and a major reason why many parties go into coalition in Senegal²⁰⁶.

²⁰⁶ Interview with the deputy of PDS; a leader of the opposition party in the parliaments and a one-time Minister of Youth and Social development.

5.7. Creation of the Senate as Institution of Patronage

In order to ensure its control and compensate the coalition that won the 2007 elections, the ruling PDS made a controversial decision to create the Senate after the 2007 elections. By using its parliamentary supremacy, it promulgated a law creating the operation of bi-cameral legislature. This was a departure from the unicameral legislature which has existed in the country since independence. Thus, on the 31st of January, 2007, an indirect election was organized for ‘35 seats of the 100 seats in the Senate through a college of locally elected officials in which PDS won 34 out of the 35 seats’ (Freedom House, 2011:3). The remaining 65 seats were claimed by the president and shared among the members of his coalition. Through this strategy, the PDS and the president have more loyalists in the Senate²⁰⁷. Thus when the Senate was inaugurated in September 2007, the elected speaker of the National Assembly, Papa Diop, was appointed the President of the Senate, while Macky Sall, the Prime Minister and elected deputy became the Speaker of the National Assembly. Although the creation of the Senate serves to balance the business of law making especially in a plural society such as Senegal, its design as the domain of patronage positions raises fundamental questions against its rationale. For example, Wade, apart from filling the Senate with his loyalists, the institution serve as checkmate against the National Assembly on several issues of national importance (Derboe, 2010). Yet, this was the same legislative institution which Wade disbanded in 2000 on the grounds that it was a ‘political design to advance the interest of the ruling PS, rather than the collective interest of the Senegalese people’. In justifying the re-creation of the Senate, President Abdoulaye Wade claimed that it will deepen and consolidate Senegal democratic system (Bingol & Vengroff, 2012). This shows that the Senate along with the National Assembly serves as the platform for rubber stamping many of President Wade’s constitutional revision and authoritarian policies.

5.8. Election Monitoring Reports and 2007 Electoral Controversy

Granting that the 2007 election has been adjudged as free and fair in terms of conduct (ECOWAS, 2007), instances of the uneven playing field such as the postponement of elections, problem of electoral registration, harassment of journalists and political opposition which characterized the period before the election undermine the legitimacy and free and fair

²⁰⁷ In this case, the Senegalese Senate is the upper house; but it has a reduced mandate compared to the National Assembly, especially on issues of oversight and budgetary approval. More fundamentally, it serves as a presidential check on the national assembly, being the upper house, rather than as autonomous legislative power.

nature of the elections²⁰⁸. According to the dominant opinion among political elites and members of political parties in Senegal, ‘Even if there are claims that the 2007 elections was not free and fair, there was no prove to say so and if was any it does not undermine the legitimacy of the election’²⁰⁹. For example, the General-Secretary of PS noted that, ‘in terms of electoral fraud, I do not think it exists in the 2007 elections; I did not see a single confirmed case of fraud that discredits that election’²¹⁰. This statement was further confirmed by the representative of RADDHO (*the Human Rights Recontre Africaine pour la Defense des Droits de l’Homme*), who claimed that the incidence of fraud in the 2007 election was non-existence and there was no evidence in respect of such allegation²¹¹. Similarly, a former president of Senegal was also quoted as saying that all the elections held since the inception of third wave democracy in Senegal have been free and fair and acceptable to all democratic actors. For him ‘the 2000, 2007 and 2012 elections were free and fair, despite the controversy about the 2007 elections, no one has come up with concrete evidence stating why the elections did not pass the true test of democratic elections’²¹².

The democratic quality of elections is reflected in the free choice and exercise of liberty of the people to determine their leadership for democratic sustenance. The result of the 2007 elections reflects the true nature of the electoral outcome as affirmed by the Constitutional Court of Senegal’²¹³. Although the Domestic and International monitoring group also passed a vote of confidence on the elections, the flaws in the process of that elections indicates that the 2007 elections lacks democratic quality and has telling implication for democratic

²⁰⁸ Election is said to be free, when its conduct reflects peaceful casting of votes without any problem or hiccups which undermine the electorate to exercise their franchise or any symptoms of electoral fraud and manipulation. However, when the process leading to an election was characterised with unlevel playing field and lack of transparency which tactically prevent competition and provide realistic chance for both the opposition and the incumbent to win, election then maybe unfair, even though it conduct was peaceful. See Animashaun, 2010; see also Adejumobi, 2001 on the ecology of elections; defines in terms of process and structure of election for understanding the extent of free and fair, democratic quality of election

²⁰⁹ Interview with many of the political elites and members of the political party on whether the 2007 elections was free and fair, as the opposition party is yet to sufficiently proof that the election is not. A large number of respondents across parties claimed the election was free and fair, and that the slight irregularities observed by the opposition party was not enough to undermine the credibility and legitimacy of the election.

²¹⁰ Personal Interview with National leader of PS

²¹¹ Personal Interview with the representative of RADDHO IN Saint Louis, Senegal 2014.

²¹² Personal Interview with the former president of Senegal in Dakar, 2014.

²¹³ Personal Interview with PS Youth leader. This position was also held across the party spectrum that no evidence was provided to really show that President Wade truly rigged the elections. According to the PS youth leader their mindset was derived from the fact that since Wade was suffering from credibility crisis, the opposition party thought he would lose the elections, but Wade went ahead and won with over 60 percent of the votes in first round of votes.

consolidation in Senegal (Press Report, 2007). Such implication was buttressed by El Mbodji when he asserts that as a leading member of the government which is the institutional emanation of the party in power, the Minister of the Interior is in actual fact, politically responsible for the electoral victory of his political family. The political obligation of accountability that is incumbent upon him also extends to his representatives in the administrative districts in charge of steering the electoral process at the community level. The systemic infiltration of the whole chain of the electoral process by the government and its territorial branches was quickly perceived as a negative factor limiting the unfolding of the democratic process in the new African democracies under formation. It is not able to provide the traditional minimum guarantees of neutrality, impartiality, transparency and honesty of the vote (Mbodji cited in Fall, 2011: 185).

Assessed against the above, it should be stressed that 13 political parties boycotted the 2007 National Assembly elections on the ground that President Wade manipulated the electoral process during the presidential election and key issues relating to the conduct of the legislative elections were unresolved. Although, political elite should explore democratic alternative, yet boycotting election is suggestive of the dissatisfaction with the electoral process, which at the same time raises legitimacy question on the outcome of the elections. The resultant boycott explains the voters' turnout which was 34 percent compared to 70 percent in the 2000 elections (Beck, 2011; Derboe, 2010). A major argument advanced those political parties that boycotted the 2007 elections was the refusal of Wade to dialogue with them. According to them 'Wade declined to honour the dialogue initiated by the opposition parties to resolve the areas of problem in the electoral process led to the boycott of the legislative election under the platform *Siggil Senegal*' (Stand up for Senegal). Nonetheless, the decision to boycott the election has been condemned by the minority leader of the parliament, who is a PDS deputy, when he claimed that:

The decision of the opposition to boycott the National Assembly elections was a bad one. There is no proof as to what the opposition alluded as the manipulation of the electoral register. I expect them to boycott in 2012, since it is the same un-updated voters register that was used in the election. The basis of the boycott was just the overwhelming grievances against Wade in the media and in the opposition political party. The same people that boycott realized their errors and align with Wade for the 2012 elections.²¹⁴

²¹⁴ Interview with the minority leader of the parliament and PDS leader Dakar 2014.

A significant observation from the above quotation was that even if the 2007 elections were not free and fair, opposition boycotting elections poses threats for democratic consolidation. As argued by Schedler (2001) boycotting election is anti-democratic behaviour. According to him when ‘democratic actors do not accept the outcomes of democratic elections, but rather mobilize extra-institutional protest, boycott elected assemblies, or take up the arms to overthrow elected authorities by force then democracy has clearly not “become the only game in town [where] no one can imagine acting outside the democratic institutions” (Przeworski, 1991:26). While it can be argued that boycotting election is not in the interest of democracy, attempting to subvert the democratic process to create advantage for the ruling party is more dangerous to democratic consolidation. As argued by a deputy of the PDS, ‘we can surely accept some irregularities in the voters register emanating from registration errors which prevent people from voting but also delegitimises the outcome of the 2007 elections, it is better for the opposition to accept the result in the interest of democracy²¹⁵. This view obviously undermines the democratic quality of election and inclusive politics, because it is not enough to undermine participation and by glossing over irregularities which characterised elections. The vehement rejection of the 2007 election by the opposition parties undercut progress towards consolidated democracy in Senegal.

5.9. The 2012 Democratic Elections

The 2012 election was significant for democracy in Senegal, because it marked the third term of peaceful election, and was seen as a litmus test for democratic consolidation. Indeed, the election marked the triumph of people’s rule and underscores the growing democratic culture in Senegal, especially against the backdrop of the controversy which greeted the 2007 elections. It is crucial because it indicated for the first time that the democratic stability of the country would be put to test as a consequence of the rise of Wade’s autocratic rule and unconstitutionality (Alenou, 2012).

5.9.1 The Pre 2012 Elections

In the period leading to the 2012 elections, three fundamental issues determined the course and outcome of the elections. The first is the internal crisis in the PDS, the second is Wade’s

²¹⁵Interview with the President Movement of Patriots’ for development, two terms deputies and Minister of Youth, Culture and Development under Abdoulaye Wade regime in 2007.

proposed constitutional amendment of the electoral system and the most fundamental is the emergence of the June 23 Movement.

5. 9.1.1. Internal Crisis in the PDS and Breakdown of the 2007 Coalition

It should be stated that the same factor which led to the collapse of the PS in 2000 when Mustapha Niasse and Djibo Ka left to form another party was the same factor that resulted in the collapse of the PDS coalition in 2012. The breakdown in the relationship between President Wade and his major allies, Idrissa Seck and Macky Sall, in 2007 led to the internal wrangling which undermined the solidarity in the PDS coalition. The conflict started with the crisis of succession, when Idrissa Seck who was the Prime Minister to President Wade clandestinely indicated interest to succeed the president. Unknown to him the president was already positioning his son, having made him the coordinating Minister of four Ministries under his regime. This resulted in a serious crisis which led to the removal of Idrissa Seck as prime minister and subsequently expelled from the party. Following his departure from the party with his teeming supporters, Seck was accused and arrested for embezzlement of public funds by the regime of Wade (Kelly, 2012). Though, political opposition condemned such act as politically motivated aimed at destroying the political career of his former number two. The acquittal of Seck by the Supreme Court led to increasing public support for his party that became a major opposition force against the PDS in the 2009 municipal election which PDS lost overwhelmingly, as well as the 2012 elections which led to the collapse of Wade regime in Senegal.

In a similar context, Macky Sall, the campaign manager of Wade in 2007, who became the President of the National Assembly, was also forced out of the PDS, simply because he raised accountability question against the son of the president, Karim Wade in 2008 against the backdrop of corruption going on in the executive branch of government. President Wade saw this as an indictment and mobilized parliamentary majority of PDS in the National Assembly to change the tenure of the speaker from five year to one, which saw Sall's tenure ended abruptly (Beck, 2011). Sall left the PDS to also form his own party, the APR aligned with Seck REWNI to become the major opposition parties against the PDS. The disenchantment with Wade rule led to a broad base coalition which formed the APR-Yaakaar (United in Hope) that produced Macky Sall as their presidential candidate. Sall went on to win at the second round of the 2012 presidential election in Senegal.

5. 9.1.2. Proposed Constitutional amendment of the Electoral system

By 2008 public opinion had risen against Wade's authoritarian and unconstitutional rule. As shown by the Afrobarometer (2008) survey report, Wade's legitimacy as the president of Senegal had declined below 30 percent. This was against the backdrop of the increasing preference for democracy in 2002, 2005 and 2007 shown by the Senegalese people (USAID, 2013). In the midst of this growing disenchantment Wade declared that he would contest for a third term in 2012, claiming that while the revised 2001 Constitution now underlines two-terms for the President, term limit does not cover his first seven-year term in 2000 under the previous constitution (VOA, 2009). By this, Wade's claim was that his first term starts in 2007 and so he is qualified to stand for another election in 2012 which will equal his second term as provided by the 2001 constitution²¹⁶. As a result of the unchecked power of the president and in violation of the electoral code, Wade used his prerogative power to declare that the next presidential election would be held on February 26 2012.

In an attempt to create a soft landing for contesting for the third term, Wade suggested two constitutional changes to the parliament. The first was the replacement of the current electoral system which requires that Senegal majoritarian process that requires a 'second round of voting if no candidates received more than 50 percent of the votes with a plurality requirement of only 25 percent of the electorate to win in the first round' (USAID, 2013: 4). By this Wade only requires 25 percent of the total votes to be declared winner in the 2012 elections. The second proposition was the joint ticket for the president and vice president (Kelly, 2012). This proposition attracted growing suspicion in the sense that Wade's agenda was to appoint Karim for the vice-presidential position in the election which he was sure to win based on the first proposal, after which he would step down for him as Senghor did for Diouf in 1981 (Villalon, 2011). Although the proposal was turned down by the parliament under the heavy influence and pressure from the coalition of political party and civil society, Wade's eligibility was cleared by the Constitutional Court which was filled by his allies (Villalon, 2011; Kelly, 2012). The most instructive ploy was that while Wade's candidature was confirmed, the Constitutional Court disqualified opposition candidate Yousouf Ndor (BBC, 2012). This move further aggravated public disapproval of Wade's authoritarian and unconstitutional rule. On the basis of this, the political opposition sensitized and mobilized

²¹⁶ Wade argument relies on the precedent set by President Abdou Diouf who in the absence of term limit until after 1999, contested election in 1983 and 1988, which allow him to contest election in 1993 but also in 2000

the Senegalese public against Wade's attempt to personalize power and undermine constitutional safeguards, leading to protests and rejection of Wade across the country.

5.9.1.3. Coalition Politics and June 12 Movement

A notable event which shaped the outcome of the 2012 elections and collapse of patrimonial rule in Senegal was the coalition of the Senegalese opposition. Opposition political parties in Senegal are largely fragmented, the same way they have always been since the emergence of electoral politics in the country. The only time they have found motivation coming together was in the process of ousting the incumbent, largely due to materialism or patronage network²¹⁷. Thus, like the 2000 Sopi-coalition which ousted Abdou Diouf in 2000, political elites also coordinated under the 'Benno-Yaakaar' (United in Hope). The Benno-Yaakaar benefited from the June 23 Movement²¹⁸ and youth bulge resulting from the excruciating poverty and unemployment resultantly from the collapsing economy under the President Wade regime in Senegal. It was therefore an opportunity for the youth to vent their anger against the regime that has been largely responsible for their economic woes and hardship. Thus, using rap and hip up music, Web 2.0 and other social media like Facebook and twitter, Senegalese youth mobilise and sensitise themselves across the country, [especially the major urban centre] to vote against Wade²¹⁹. Under the 'June 23 Movement' the youth, opposition groups and civil society organization stood in defence of democracy by protesting against Wade abuse of constitutional and authoritarian rule. In fact the movement was the most decisive factor which rescued democratic from authoritarian ruins in Senegal as opposition galvanized themselves across collective democratic interest and constitutional rule.

5.10. The Presidential and Parliamentary Elections

²¹⁷ Personal interview with the caucus member of APR, Dakar 2014.

²¹⁸ The 'June 23 Movement' is a platform which the coalition of political parties and civil society used to protest against President Wade's autocratic and unconstitutional rule. It comprises several organizations including African Assembly for the Defense of Human Rights (RADDHO) under the leadership of Alioune Tine, who mobilized opposition political parties, movements and workers unions into a group called 'Touché Pas a Ma Constitution'!. (Don't Touch my Constitution). It also comprises several youth movements, the prominent among them being the Y'en a Marre' (Fed Up With). Realizing the implication of un-collaborative effort, the groups came together under a common umbrella called the June 23 Movement. The June 23 Movement is not an organization *per se*, (do you mean *per se*?) it is just an anomie movement whose name derived from the date when organised protest brought about the collapse of authoritarianism and unconstitutional rule in Senegal on the June 23 2011. On this day, the parliament was expected to approve the constitutional proposal of Wade, but the movement mobilized Senegalese people across the Dakar, converging at the freedom square at the front of the parliament building where they protested such controversial constitutional revision. The movement was confronted by the state forces but, they stood in the face of tyranny, chanting 'free our country' until the parliament and Wade backed down from approving the proposal.

²¹⁹ Personal Interview with the coordinator of the Yen a Marre in Dakar 2014

Following the collapse of Wade's proposed constitutional revision, campaign activities intensified. In the campaign process, PDS focused more on youth employment, agriculture and infrastructural development. On the other hand, the APR-coalition campaign concentrated on the implementation of the Assise-National, which anchors on good governance, institutional reforms and reduction of official corruption²²⁰. During the campaign process, President Wade and his party coopted and blackmailed the opposition parties in an effort to prevent them from forming a viable coalition against him (USAID, 2009). He introduced new political parties at will and paid the campaign and electoral costs of many existing tiny political parties as coalition partners. During the electoral process, President Wade harassed and censored opposition political parties, frequently denying their civil and political rights (Amnesty International, 2012). For illustration, Alioune Tine, the President of RADDHO and some other leaders of the REWMI party were not only intimidated, they were also arrested by the Director of Intelligence and Crime (DIC) in the period leading to the election (Observateur, 2012).

In addition, there were clear cases of uneven playing field as the Ministry of Interior, under the firm control of the executive, banned and proscribed campaigns and freedom of associations, despite the fulfillment of constitutional requirement by political opposition (Kelly, 2012). Several meetings, campaign and protests were prohibited, with opposition political figures deliberately attacked and injured in the process by the police. An example is the case of the opposition leader, Yousouf N dour and Di eye, the mayor of Saint Louis, were badly injured and brutalized during one of the campaigns against Wade's misrule. (Sud Quotidien, 2012). While all of these were happening, the democratic promoters US, France, EU were never concerned about Wade's attitude to the political opposition as well as the setback to the democratic process. For example neither ECOWAS nor AU sanctioned Senegal for the democratic violation committed by President Wade given that the country was a signatory to good government and democracy.

With reference to the elections, there were growing concerns about the credibility of the electoral process especially as Wade changed the organization of election from the Directorate of Election under the Ministry of the Interior to a newly created Ministry in Charge of Elections (MCE). The new ministry was placed under his allies, the electoral technocrats; Cheikh Gueye (USAID, 2013). It was in the midst of these uncertainties that the

²²⁰ Personal Interview with one of the caucus leaders of APR, Dakar 2014.

2012 elections took place. Below is the result of the 2012 Presidential election which took place on the 26 February 2012 in Senegal.

Table 22: The Results of the First and Second Round of the 2012 Presidential Elections, February/March 2012²²¹

Candidates/Party Coalitions	First	Round	Second	Round
	Number of votes	Percentage of Votes	Number of votes	Percentage of Votes
Abdoulaye Wade (PDS) [FAL 2012]	942,327	34.81%	992,556	34.20%
Macky Sall (APR-Yaakaar) [Macky 2012]	719,367	26.58%	1,909,244	65.80%
Moustapha Niasse (AFP) [BSS]	357,330	13.20%		
Ousmane Tanor Dieng (PS) [Bennoo Ak Tanor]	305,924	11.30%		
Idrissa Seck (Rewmi) [Idy 4 Presidents]	212,853	7.86%		
Cheikh Bamba Dièye (FSD-BJ)	52,196	1.93%		
Ibrahima Fall	48,972	1.81%		
Cheikh Tidiane Gadio (MPCL)	26,655	0.98%		
Mor Dieng (Yaakaar)	11,402	0.42%		
Djibril Ngom	10,207	0.38%		
Oumar Khassimou Dia (PHNJ)	6,469	0.24%		
Amsatou Sow Sidibé (PDC)*	5,167	0.19%		
Doudou Ndoye (UPR)	4,566	0.17%		
Diouma Diakhaté (IDJ)	3,354	0.12%		

Source: Compiled from the African Elections Database Country Reports (<http://africanelection.tripod.com/>) Accessed 16-07-2014.

As the table above indicates, out of the fourteen political parties that participated in the first round of the Presidential Election, only five of them pulled more votes. The coalition of

²²¹ It should be noted that in the first round of the election held on the 26 February 2012, registered voters were 5, 302, 349. Total number of votes (Voters turnout) stood at 2, 735, 135 (51.6%). Total number of invalid/blank votes was 28,346, while the total number of valid votes was 2,706, 789. At the run-off election held on the 25 March 2012, registered voters were 5, 301,648. Total number of votes (Voters turnout) stood at 2, 915, 893 (55.0%). The total number of invalid/blank votes was 14,093 while the total number of valid votes was 2,901, 800.

President Wade, the alliance for victory won 35 percent of the votes, the coalition of Macky Sall, Benno AK Macky secured 26 percent, Moustapha Niasse; ‘Benno Siggil’ scooped 14 percent, Tanor Dieng ‘Benno AK Tanor’ Coalition secured 11 percent, while Idrissa Seck’s REWNI won 8 percent of the entire votes (Ousmane, 2012:2). Since none of the coalitions were able to pass the threshold [a simple majority, first past the post of fifty percent and above], the second round of elections become inevitable and was fixed for 26 March 2012. The fragmented opposition parties, realizing the need to oust President Wade from power and to restore democratic normalcy in Senegal, formed another coalition to face President Wade in the second round of the elections. The coalition was able to resolve a lot of issues, including the adoption of Macky Sall as the coalition candidate- APR Benno-Yaakaar (United in Hope)²²². At the end of the run-off elections, the coalition of Macky Sall won the Presidential elections with 65.4 percent, while the incumbent coalition’s President Wade’s lost with 34.2 percent (Kelly, 2012).

After the presidential election, the parliamentary election was held on the 1st of July, 2012, and the following results were obtainable from the outcome of the elections.

Table: 23. The Result of the National Assembly Election, 1 July 2012²²³

Party Coalitions	Number of votes	Percentage of votes	Number of seats
Benno Bokk Yaakaar coalition	1,040,899	53.06%	119
Senegalese Democratic Party (PDS)	298,846	15.23%	12
Bokk Giss coalition	143,180	7.30%	4
Citizen Movement for National Reform (MCRN-Bes Du Ñakk)	113,321	5.78%	4
Republican Movement for Socialism and Democracy (MRDS)	70,655	3.60%	2
Party for Truth and	48,553	2.47%	2

²²² Interview with one of the APR leader, who contended that after the first round of the 2012 elections, the opposition mobilised itself under the June 23 Movement where it was resolved that the coalition as a whole should back Macky Sall in the second round of the elections.

²²³ It should be noted that registered voters were 5, 368, 783. Total number of votes (Voter turnout) stood at 1,968,852 (36.7%). Number of invalid/blank votes was 7,076 while the number of total valid votes was 1,961,776.

Development (PVD)			
Union for Democratic Renewal (URD)	21,964	1.12%	1
Senegalese Patriotic Movement (MPS-Faxas)	21,868	1.11%	1
Patriotic Convergence for Justice and Equity (CPJE-Nay Leer)	20,762	1.06%	1
Party for the Emergence of Citizens (Tekki 2012)	20,671	1.05%	1
Deggo Souxali Transport ak Commerce (DSTC)	18,859	0.96%	1
Leeral coalition	17,791	0.91%	1
And Jëf-African Party for Democracy and Socialism (AJ-PADS)	15,889	0.81%	1
Democratic Alliance (AD-Pencho)	14,841	0.76%	-
Taxawal Askan Wi coalition	12,922	0.47%	-
Wallu Askan Senegal coalition	12,044	0.61%	-
Rally of the Ecologists of Senegal-The Greens (RES-Les Verts)	11,783	0.60%	-
Salam coalition	10,855	0.55%	-
Authentic Socialist Party (PSA)	9,577	0.49%	-
Lii Dal Na Xel coalition	9,216	0.47%	-
Taxawu Askan Wi Party (PETAW)	8,107	0.41%	-
Synergy for Progress and Democracy (SPD)	7,326	0.37%	-
Allied Coalition of the People (CAP 21)	6,717	0.34%	-
Citizen Democracy (DC)	5,130	0.26%	-

Source: Compiled from African Elections Database Country Reports (<http://africanelection.tripod.com/>) Accessed 16-07-2014

The foregoing table also shows that the APR, Benno Yaakaar coalition pooled the highest number of seats. The APR Benno coalition has 119 seats, while the leading opposition PDS only has 12 seats, with other opposition parties sharing the remaining 19 seats from the total 150 constituent seats. By this, the ruling party has a majority control of the parliament, as the voice of the 23 opposition seats can be effectively suppressed by the ruling party in major debates. A continuing issue which is generating a lot of controversy is the election of the National Assembly which is skewed in favour of the ruling party against the opposition. Despite the introduction of the mixed electoral system which allows for proportional representation and majority system, the winning coalition usually dominates the national assembly given that they have the largest share seats. Unlike in the past, a significant difference in the sharing of seats in the 2012 National Assembly elections compared to those of the 2000 and 2007 was that while the president party has 43 percent of the entire number of seats, the remaining 57 seat are shared between the other winning coalitions and the opposition parties. By implication, it would be difficult for Macky Sall to hold the National Assembly to ransom given that he does not control absolute majority in the parliament anymore. The implication of this is that the president can no longer use the parliament to rubberstamp his arbitrary exercise of power and controversial constitutional revision anymore.

5.11. Election Monitor and Observers' Reports

Despite the political opposition's conviction that President Abdoulaye Wade would not acknowledge defeat and may likely plunge the country into another round of political instability, as seen in the period leading to the 2012 elections, the president graciously congratulated the newly elected president²²⁴. According to Wade, 'my dear compatriots, at the end of the second round of the vote, the current results indicates that Macky Sall has won' (Adams, 2012:2). Furthermore, the spokesperson for president added that 'it is the whole country that has just won...This is a big moment for democracy and President Abdoulaye Wade has respected the voice of the people' (AFP, 2012:1). These acknowledgments were suggestive of two significant implications for democracy in Senegal. First was that regardless of the political interest, political elites still believed in the uncertainty of electoral outcome. Second, was that acceptance of electoral outcome was an indication that election was free, fair and credible. As confirmed by various reports of

²²⁴ Personal interview with the campaign director of APR in Dakar, 2014.

international and domestic election observers, the 2012 elections in Senegal was peaceful, transparent and reflected the wishes of the people. According to the African Union ‘Wade’s concession was a show of maturity’ and as the Commission chairman of the Union noted, the credibility of the election ‘proved that Africa, despite its challenges, continues to register significant progress towards democracy and transparent elections’ (AU, 2012). Similarly, the European Union spokesperson, Catherine Ashton, observed that the legitimacy of the elections is a ‘great victory for democracy in Senegal and in Africa. Senegal is a great example for Africa’ (Al-Jazeera, 2012). Global personalities from liberal democratic countries also attested to the credibility of the elections as a mark of democratic improvement in Africa. As claimed by the French President Nicholas Sarkozy the ‘good news for Africa in general and for Senegal in particular, Senegal is a major African country and a model of democracy’. While the election was given international applause, the coalition of civil society organization for elections (COSCE) at the domestic level also attested to the credibility of the elections when it significantly submitted that:

‘it is truly the Senegalese people who have won...Senegalese democracy has won. But we have participated actively in this victory by conducting an exemplary monitoring effort in which we took the decision needed to effectively monitor these elections. We did not conduct a traditional observation mission, we conducted a proactive, positive observation mission, during which we unanimously certified that through One-World which signify that the elections was free and fair, legitimate and the true reflection of the votes of the Senegalese people (COSCE, 2012:2)²²⁵.

The foregoing indicates that, unlike Nigeria, elections in Senegal have been free, fair and have a high degree of legitimacy, leading to electoral turnover and power alternation in 2000 and 2012. In spite of the continuing challenges relating to incumbents’ attempts to create an uneven playing field and institutionalisation of electoral fraud, elite agreement in the face of peaceful alternations of power in Senegal are suggestive of the institutionalization of viable and transparent electoral system that promote democratic consolidation. That said, the increasing violation of democratic rule of the law, constitutionalism and liberties, undermines the potential for the consolidation of a liberal democracy in Senegal. Here, it is instructive to highlight Mali’s experience where 20 years of consolidated democracy were reversed as a consequence of political elites’ abuse of the democratic rules and institutions. A comparison can be made between Mali and Senegal inasmuch as the incumbent political elite frequently

²²⁵ This statement was credited to Professor Babacar Guèye, the President of the coalition of Civil Society Organization for elections in Senegal.

undermined and violated rule of law, constitutionalism and liberties leading to the boycott of election by opposition parties, democracy can face the risk of reversal. In this situation, the credibility of elections is usually called into question, and elections as a fundamental element of democratic consolidation become a farce, or what Adejumobi called a ‘façade of democracy’ (Adejumobi, 2000). Nonetheless, outgoing political regimes in Senegal have shown high level of commitment to democracy by accepting the uncertain outcome of the electoral process through conceding defeats, especially by incumbents in 2000 and 2012. It thus can be argued that in the final analysis, there is a growing culture of democratic habituation which is crucial for the consolidation of democracy in Senegal.

5.12. Summary of the Chapter

In this chapter we examine elections and democratic consolidation in Senegal. The democratic history of Senegal is the history of electoral politics, having been involved in the practice of elections since the colonial period. Although, the post-colonial era witnessed democratic trappings in the contexts of Senghor’s and Diouf’s de facto one party democracy and centralism, the democratic reforms of the 1970s and 1980s which led to the liberalization of the democratic space has been crucial in the institutionalization of free and fair legitimate elections. These reforms restored legitimacy and credibility on the electoral process which led to peaceful alternation of power in 2000 and 2012. The democratic quality of the elections dropped in 2007 due largely to the uneven playing field created by the incumbents political elite (such as postponement of elections and failure to review the voters register) to prevent the opposition parties from having plausible opportunity to win the elections. However, the tendency by ruling political elites to violate the constitution through controversial revisions and weakening of political institutions poses a major setback to democratic consolidation in the country, and is the basis upon which Senegal is often referred to as semi-democracy or hybrid regimes.

Having articulated how Nigeria and Senegal have institutionalized their elections in the process of consolidating their democracy, in the next chapter I undertake a comparative analysis of the two countries with a view to establishing the significance of elections to democratic consolidation. In addition, the next chapter will also underline the major argument of the dissertation on whether elections in the absence of the rule of law and constitutionalism and liberties would consolidate democracy.

CHAPTER SIX

6.0. Comparative Analysis of Elections and Democratic Consolidation in Senegal and Nigeria

Political regimes conduct regular multiparty elections at all levels of government, yet violate basic democratic standards such as the rule of law, constitutionalism and liberty in serious and systematic ways' (Schedler, 2010b:69).

As demonstrated in the preceding chapter, Nigeria and Senegal are rooted in different political trajectories which explain their contradictory electoral outcomes. Such electoral outcomes are suggestive of how democratic qualities of elections have enhanced the prospect of democratic consolidation in Senegal, while flawed and controversial elections have impeded democratic consolidation in Nigeria. Some studies and reports about the third wave of democratization have conceived competitive elections as the main requirement for the consolidation of democracy (Huntington, 1996; Bratton, 1998; Richard & Shin, 2001; Lindberg, 2006). However, the inadequacies of this proposition given the crisis of electoral democracy in many democratising states, which relied heavily on the conduct of elections as the measurement of democracy, has further questioned the notion that elections alone are sufficient as the central element of democratic consolidation. For example, Karl (1995) cautioned about the 'fallacy of electoralism' because the subversion of elections as an instrument of authoritarian rule or as a means by which pseudo-democrats legitimise their rule, further underscores the need to consider election as the most significant variable of democratic consolidation. As posited by Linz & Stepan, (1996: 30) democratic consolidation 'does not necessarily entail a high-quality democracy or a high quality society', in which elections are the most noteworthy value of democratic consolidation. Considering that 20 years of electoral democracy in Mali was disrupted by military intervention, the need to look beyond the conduct of elections as the most significant element of democratic consolidation is becoming the reality of democratization in many emerging democracies.

While it is valid to categorise countries as democratic on the basis of free and fair competitive elections, it would be misleading to argue that they have been democratically consolidated, in a context that their elections lack democratic quality, which makes them meaningful for the consolidation of democracy. This flaw highlights the context within which elections have become a major victim of democratic consolidation in Africa (Adejumobi, 2000). Stated clearly, the tendency in most electoral democracy has been the desperation of political elites

to win elections, not minding the violation of democratic principles and procedures. Yet a finding in this study shows that while elections have impeded democracy, they have also become significant, and have increased the prospect of democratic consolidation. The extent to which elections have impeded or promoted democracy is predicated on how political and structural factors have shaped the process and outcome of elections. Thus, by the comparative analysis in this chapter, the study utilises the literature on democratic consolidation in tandem with remarkable trajectories in the findings from the field work on elections and democratic consolidation. It relies mainly on the following explanatory themes. These thematic explanatory variables are: (1) elections as significant component of democracy; (2) democratic consolidation by election and reversal, as phenomenon of hybrid regimes; (3) the structural-political context and democratic consolidation in Senegal and Nigeria. The structural and political contexts in both countries are the electoral management bodies, political parties and civil society organizations. The above thematic issues are examined in relation to how they promote or impede credible electoral process and outcome and their implication for democratic consolidation in Nigeria and Senegal.

6.1. Elections as Significant Component of Democratic Consolidation

The first main finding from the summary of interviews relates to the significance of elections as a strong component of democratic consolidation²²⁶. Although some have questioned the contemporary relevance of this statement in the light of the prevalence of electoral fraud and manipulation in many democratising countries, credible multiparty elections have proven to be a prospect for democratic consolidation (Adejumobi, 2000; Joseph, 2008). Considering the military and authoritarian background of many countries before the third wave democratization especially in West Africa, the regularity of elections suggest that democratic practice and inclusive participation of the people in representative government are the most nuanced processes of democracy. This equally shows that elections are becoming institutionalised in the political development of the region. The importance of elections was therefore stressed when Bratton (1998:51) noted that ‘if nothing else, the convening of scheduled multiparty elections, serves the minimal functions of marking democratic survival’. The internalization of elections by Nigeria and Senegal since 1999 under the third wave democratization therefore is suggestive of the increasing effort to institutionalise

²²⁶ There was unanimous view in the broad spectrum of interviews conducted that elections promote the consolidation of democracy.

elections and by extension consolidate their democracy. Thus, since 1999, both countries have conducted elections which have not only shown their commitment to liberal democracy, but also to ensuring that democracy becomes the only game in town. For example, Senegal has conducted credible elections which has led to electoral turn overs and power alternations. Much like Nigeria whose regularity of elections despite their imperfections, have been seen as a step towards entrenching electoral democracy in Nigeria (Odion, 2007). Undoubtedly, the prominent role played by elections in a democracy has therefore defined it as the practice of democracy. As argued by an influential politician in Senegal:

Election is central to democracy; it is the only means by which we can gauge democratic credential of a country. The participation in the democratic process through elections shows that people are determining their destiny by choosing their leader, but also render them accountable through the same process of elections. Most importantly, it is the first step in the process of consolidating democracy. Obviously, we cannot have democracy without elections²²⁷.

Although the above statement does not mean that elections alone are sufficient to engender democracy, it denotes that, elections are significant in the process of consolidating democracy (Przeworski, Alvarez, Cheibub & Limongi, 2000; Omotola, 2010). As succinctly argued by Bratton & van de Walle: 1997 cf. Lindberg, 2006:1), ‘no other institutions precede participatory, competitive, and legitimate elections in instrumental importance for self-government’. In support of this argument, Lindberg (2006:144) underscored this when he claimed that ‘elections not only signify democracy; they breed democracy, through the self-reinforcing, self-improving quality of repetitive elections’. On the basis of this premise, Lindberg (2006b: 139) further concluded that ‘repeated elections regardless of their relative freeness or fairness, appear to have positive impacts on human freedom and democratic values’. This position reflects the view of a former Senator of the Federal Republic of Nigeria who noted that ‘democracy without strong reference to elections is a fallacy. Even elections with irregularities have its own worth, for such irregularities would serve as the basis of democratic reforms and improvement’²²⁸. This is not to uphold electoral irregularities and manipulations, but to argue that consistency of elections in a political society, even if they are marred by imperfections are likely to improve through demand for reform aimed at restoring the credibility of the electoral process. This is simply the situation in Nigeria where the 2011

²²⁷ Personal Interview with a prominent leader of PDS.

²²⁸ Personal Interview with a prominent member of PDP, a former Minister of Information of the Federal Republic of Nigeria.

and 2015 elections were clear departures from the previous elections since 1999 in terms of credibility and legitimacy. For this reason, Lingberg (2006: 74) had claimed that ‘the inception of multiparty elections usually initiates liberalization, and repeated electoral activities create incentives for political actors, fostering the expansion and deepening of democratic values’.

More importantly, the frequency of elections promotes civil and political liberties and serves as the basis of democratic participation in the political system (Lindberg, 2009). The institutionalisation of credible elections in Senegal has brought about improvement in freedom and democratic quality of elections. Consequently, Senegal, according to Freedom House and Polity, is regarded as a ‘free and democratic country’. To elaborate the classification of Freedom House: it categorises a country as an electoral democracy if certain principles of liberal democracy, such as political and civil liberties are institutionalised in relation to free and fair legitimate elections. Conversely, a country is excluded from the league of democratic countries when it substantially fails to meet the threshold above (FH, 2013). Although this bench mark is not sufficient for understanding democracy, democratic promoters have internationally adopted this measure as the minimum standard for measuring democratic countries.

Emphasising the place of elections for representative government, the African Union (AU), in its attempt to advance democracy and corporate governance in Africa, has acknowledged democratic elections as the ‘basis of the authority of any representative government which constitute a key element of the democratization process and therefore are essential ingredients for good governance, rule of law, the maintenance and promotion of peace, security, stability and development’ (AU, 2002:37). The kind of election which the AU adduced to is the free and fair credible and legitimate multiparty elections which have telling implication for good governance, the rule of law, security and associated development. Under this circumstance, elections ‘remain fundamental, not only for installing democratic government, but also serve as requisite for broader democratic consolidation’ (Bratton 1998:52). Consequently, the significance of elections as a potential for democratic consolidation would be highlighted in the next section where the findings in Senegal suggests that legitimate elections have the prospect to promote democratic consolidation.

6. 2. Democratic Consolidation by Election: The Case of Senegal and Nigeria

A major observation in the democratic experience of Nigeria and Senegal is that both countries have institutionalised multiparty competitive electoral democracies, with regular and uninterrupted electoral sequences since 1999. Apart from local elections, both countries have had about three to four sets of general elections consecutively. Starting with Senegal, the country under the third wave of democratization which started in 1999 has conducted three sets of elections with the first one in 2000, and followed by the others in 2007 and 2012. Of the three elections, the 2000 and 2012 elections were significant to the democratic stability in Senegal. This was simply because both elections led to electoral turnover and power alternation. To illustrate the alternation of power which occurred by the 2000 and 2012 elections, Abdou Diouf of Socialist Party [SP] handed over power to the Senegalese Democratic Party coalition (PDS) in 2000; from the PDS, Abdoulaye Wade peacefully handed over power to the Alliance for Republic coalition (APR) in 2012 (*Quotidien*, 15 July 2013).

The electoral turnovers after the initial transition in Senegal are what Samuel Huntington (1991) referred to as the 'two-turn-over test'. According to him, when a peaceful democratic change and alternation of power has occurred twice, after the transition elections in which the incumbent loses to the opposition and the opposition also loses to the incumbent or another opposition at another election is termed a democratic consolidation (1991:267). The logic behind the two turn-over test, as contended by Przeworski et al (1991), is the persuasive argument which suggests that a democratically consolidated country must hold competitive elections in which the opposition is able to win, leading to power alternation at least twice. This is what Senegal has done to have been dubbed consolidated democracy. Thus, qualifying Senegal as consolidated democracy in the same rank as Ghana, Benin and Cape Verde in which two- electoral turnover has taken place further suggests that democracy is consolidating in West Africa (FH, 2013; Huntington, 1991; Boafo-Arthur, 2007). In that wise, Senegal's record of holding three successive elections (with two alternation of power in 2000 and 2012), is an indication that democracy is taking root as the only viable system of government in the country. This commitment has positive connotations for the legitimacy and viability of institutions. As suggested by empirical evidence 'democratic change and power alternations promote government acceptability and resurgence of robust political institutions' (Bratton, 2004:95). As posited by Bratton (2004:147) 'peaceful vote and subsequent transfer of power from one group to another should serve in the public mind, to validate rule by the people'. Also, it is through this that 'legitimacy can be renewed, either by improving policy

performance or by the replacement of an underperforming government at the poll' (Bratton, 2004:156).

On the basis of its electoral turnover and alternation of power, several reports have categorised Senegal as a consolidated democracy (FH, 2013; see also Huntington, 1991). According to the 2013 Freedom House report, Senegal earned the score of 2.5 out of 7 in 2012, and was regarded as 'free' and consolidated democracy on the basis of improving freedom and credible elections (FH, 2013). In the same way, the Polity Scores Index which captures regime spectrum and authority also classified Senegal as a consolidated democracy. Its benchmark was the restrains on executive power and arbitrary exercise use of state institutions during the period leading to the electoral turnover (Polity, 2013). Utilizing the result-oriented minimalist conception, Przeworski (1991) argued that democratic consolidation is the acceptance of the uncertainty of electoral outcomes in which political elites allow the baton of leadership to alternate in the interests of democracy. On the basis of this, electoral competition becomes open in such a way that incumbent and opposition party have a plausible chance of winning since the electoral process and outcome is not pre-determining in favour of a particular group or candidate, which makes the entire electoral process a sham. In liberal democratic parlance, free and fair election is seen as a significant 'political platform that has the mechanism for peaceful, orderly and legitimate transfer of power' (Ninsin, 2007:88). This political platform is what democratic consolidation is predicated upon especially newly emerging democracy where elections are fundamental to the institutionalisation of other liberal democratic principles.

A primary observation from interviews with a broad spectrum of politicians and coalitions of civil society organization suggests that the institutionalization of credible elections and freedom is an indication that Senegal is moving towards democratic consolidation. Considering that the period before the 2000 elections was characterized by democratic trappings, in which democracy was stalled for 40 years under the PS regime,²²⁹ the peaceful democratic changes in 2000 and 2012, underscores the acceptance of democracy as the most acceptable system of government in Senegal. In the words of Linz and Stepan (1996:2) 'the overwhelming majority of the people come to believe that any further political change must emerge from within the parameters of democratic procedures'. In addition, any political

²²⁹ Personal interviews with a broad spectrum of political parties and CSO claimed that there have been remarkable improvements in the conduct of election since 1998 in Senegal

regime which upholds such principles believes in the sanctity of democracy as ‘the only game in town’ (Linz & Stepan, 1996: 2). Therefore, sustaining the process of democratic change of power through elections has a fundamental value in the institutionalization of freedom and democracy (Afrobarometer, 2005 & 2009). The table below illustrates the impact of elections on freedom and democracy in Senegal according to Freedom House and Polity IV.

Table: 24. Impact of Elections on Democracy in Senegal, 2000, 2007 and 2012

Year of Election	Political Rights	Civil Liberties	Freedom Rating	Status
2000	3	4	3.5	Partially Free [Alternation]
2007	2	3	2.5	Free
2012/13	2	3	2.5	Free [Alternation]

Source: Drafted from Freedom House on Senegal, <http://freedomhouse.org/search/Senegal> (Accessed 27 October 2014)

Table: 25. Polity IV Country Regime trend of Senegal in 2000, 2007 and 2012

Year of Elections	Score	Status
2001	8	Democratic
2007	8	Democratic
2012	7	Democratic

Source: Drafted from Polity IV on Senegal, <http://www.systemicpeace.org/polity/polity4.htm> (Accessed 27 October 2014).

The foregoing table shows a correlation between elections and democratic status of Senegal between 2001 and 2012. According to Freedom House rating, Senegal was categorized as ‘partially free’, with a score of 3.5 in 2000. The credible election of 2000 which led to the first alternation of power in the country was not enough to improve the freedom rating of the country, due largely to the serious violations of freedom before the year 2000. However, the democratic gains in 2000 created a template for the 2007 and 2012 democratic elections which eventually led to the improvement in the ratings of Senegal from 3.5 to 2.5 which signifies ‘free’ and consolidated democracy. For the same reason, Polity IV, on a score of 8, categorized Senegal as fully democratic in 2001 and 2007. Although there was a slight drop

to 7 in 2012 which indicates a decline in freedom, it did not change the democratic status of the country, since the score of 7 is still regarded as democratic. As the above evidence shows, Senegal was regarded as democratically consolidated by both Freedom House and Polity benchmarks.

That being said, qualifying democracy as consolidated on the basis of regular elections has caused several controversies especially given the fallacy of electoral in which incumbent who came to power through democratic elections end up subverting them. As argued by Bogaards (2007:85), ‘the minimalist, result oriented conception of democracy is usually a farce, as emerging realities in Africa indicate that banking on elections as indicator of consolidation is unreliable, especially with the growing phenomenon of pseudo democratic elites whose tendency is to perpetuate authoritarian rule’. Depending on election as a mode of democratic consolidation is the consequence of the controversy which greeted the 2007 elections in Senegal. Although, the broad spectrum of political parties and civil society organization adjudged the elections as free, but unfair given the unlevelled playing field which the incumbent created, to prevent the opposition party the chances of winning the election. The unlevelled playing field was in form of the postponement of the elections two weeks to the date of the elections, contrary to the electoral code which says that election can only be postponed three months to the date of the election (Electoral Code, 2014).

Further, there were also claims of incumbent refusal to update the electoral register and intimidation of political opponents.²³⁰ These factors not only raised questions on the legitimacy of the 2007 elections, they instigated the electoral boycott by some opposition political parties in the legislative election of that same year. Elections maybe free, but when incumbent devise unfair advantage, they create electoral benefits at the expense of the opposition parties. Hence, this is the rationale reached by some studies to categorise Senegal as electoral authoritarianism’, ‘hybrid or quasi-democracy (Rakner & Svasand, 2013; Rakner & Van de Walle, 2009). At the same time, it is the justification why illiberal or semi-democracy is becoming institutionalised rather than liberal democracy as the Nigerian case suggests.

Contrary to the Senegalese democratic experience, the Nigerian democratic experience since 1999 has been characterised by the challenge of institutionalising democratic elections. In

²³⁰ Personal Interviews from the broad spectrum of civil society organization and political parties in Senegal

other words, flawed and controversial elections have become the problem of consolidating democracy in Nigeria. Unlike Senegal, Nigeria has conducted four sets of elections within the same period when the third wave of democratization commenced. Nigeria started with the transition elections in 1999 and further consolidated the 1999 elections with the 2003, 2007 and 2011 elections. Although the 1999 elections were seen as a military authored transition, the 2003 and 2007 general elections were seen as optimism for annexing democratic gains which is the consequence of the disengagement of military from politics and sustaining democracy in Nigeria. However, the degree of manipulation and electoral fraud which surrounded those elections (especially in 2007) quickly doused the optimism. The European Union Elections Observer Mission of 2007 elections captured this trajectory when it claimed that:

The 2007 state and federal elections have fallen short of basic international and regional standards for democratic elections. They were marred by poor organization, lack of essential transparency, widespread procedural irregularities, significant evidence of fraud, [particularly during the collation process], and voter's disenfranchisement at different stages of the process. The lack of equal conditions for contestants and numerous incidence of violence account for these irregularities. As a result, the elections have not lived up to expectations of the Nigerian people and the process cannot be considered to have been credible' (EUEOM, 2007:1).

Empirical findings from the interviews²³¹ and newspaper reports also confirmed that the Nigerian electoral process had been seriously perverted and fraudulent (This Day 23 June 2009; Nigerian Tribune 16 April 2007; Guardian, 18 May 2011). Even though the 2011 general elections offered new democratic hope due to the improvement in the conduct of the election, the outcome of the 2003 and 2007 elections almost undermine the stability of democracy in Nigeria. More worryingly, democratic consolidation has been at risk because no elections since 1999 has been adjudged free and fair in terms of conduct and outcome. With the exception of 2015 elections which was dubbed as meeting international standards, all other elections since 1999 have been free of one condemnation or the other (Obi, 2011; Joseph, 2008). To show that electoral fraud has been a common feature of Nigerian politics, a former British officer, Harold Smith, has confessed that he was used by the British government to mastermind the covert action to rig elections, so as to achieve Northern

²³¹ This statement was credited to the Interview with the broad spectrum of political parties and civil society on the exact nature of the electoral process in Nigeria, Abuja, 2014.

domination of Nigeria (New Africa, 2005). Under the circumstance where elections are frequently manipulated, the electorate become helpless and choice less. In the words of Agbaje and Adejumobi (2006: 27) the people are, ‘powerless in an environment of political and electoral misdemeanour’. Under such circumstance ‘voting does not amount to choosing in Nigerian environment, as electoral choices are made by political barons outside the orbits of electoral norm, rules and procedure’ (Ake, 2000:2). In other words, results are written for winners and losers in preparation for the assumption of office and elections are only a facade or window dressing for confirmation of the predetermined result²³².

Although it has been argued in some quarters that the incumbent party has the propensity to benefit from electoral fraud and manipulations (Onapajo, 2014), nearly all political parties have used such stratagems as a means of securing electoral victory at the poll (Obi, 2011; Adebani and Obadare, 2011). As pointed out by a former chairman of TMG, ‘electoral fraud and rigging is the characteristic of all political parties in Nigeria, including the least opposition parties. As a consequence of its contrived electoral and democratic process, Nigerian elections have been satirically referred to as ‘flawed and choice less elections’ (Nkandawire and Ake, 1996) ‘muddled elections’ (Suberu, 2007), ‘criminal electoral politics’ (HRW, 2007) and ‘garrison democracy’ among other descriptions (Adebani and Obadare, 2011; Omotola, 2009). The epithets above are illustrative of the current trend of electoral politics in which elections has impeded democratic consolidation, preventing electoral turnover and democratic setback since 1999²³³. This democratic setback is summed up in the Freedom House and Polity IV ratings illustrated below between 1999 and 2011:

Table 26: the Impact of Elections on Democracy in Nigeria, 1999, 2003, 2007 and 2011

Year of Election	Political Rights	Civil Liberty	Freedom	Status
1999	4	3	3.5	Partly free
2003	4	5	4.5	Partly free
2007	4	4	4.0	Partly free
2011	4	4	4.0	Partly free

Source: Drafted from Freedom House on Nigeria, <http://freedomhouse.org/search/Nigeria> (Accessed 27 October 2014).

²³² Personal Interview with prominent politicians of ACN Abuja, 2014

²³³ Personal interview with the Lagos State Chairman of ACN, Lagos 2014.

Table: 27. Polity Country Regime trend of Nigeria in 1999, 2003, 2007 and 2011

Year of Election	Score	Status
1999	4	Anocracy
2003	4	Anocracy
2007	4	Anocracy
2011	4	Anocracy

Source: Drafted from Polity on Nigeria, <http://www.systemicpeace.org/polity/polity4.htm> (Accessed 27 October 2014).

The foregoing table shows a weak correlation between elections and democracy in Nigeria. According to Freedom House rating, Nigeria was ‘partially free’ in 1999 when it had its transition election and was given a score of 3.5. While this is viewed as a consequence of past military rule, subsequently the impact of flawed and controversial election in 2003 and 2007 led to further decline, as the country dropped from 3.5 to 4.5 during the same period. By implication, the country was still ‘partially free’. This status was maintained until 2011 when another election was held. Although the improvement in the conduct of the 2011 elections, compared to past elections may have improved the status of the country, the post electoral-violence damaged the potential for improved democratic status for the country. It is in the context of the declining democratic freedom and flawed elections that the Polity also categorized Nigeria as open-Anocracy: a regime classification derived from autocracy. Such a regime is neither democratic nor totally autocratic, because some measure of freedom is granted through the conduct of elections, even though those elections lack democratic quality because of the manipulation and arbitrary exercise of power by the executive. Under the Polity scores Nigeria has a consistent grade of 4 [which is classified as open-Autocracy] for the entire period under consideration in this study. On the basis of the above evidence, Nigeria has been regarded as democratically reversing, despite the sequence of electoral cycle, since 1999 (Etteh, 2009). Even the minimal democratic gains through the sequence of elections has been subverted by what Schedler (2002) called the ‘menu of manipulation’ which underlies different strategies adopted by the incumbent to win election and stay in power. Although, this does not mean that flawed and controversial elections cannot improve overtime with regularity and reforms, skewed elections are symptoms of hybrid regime rather than democratic consolidation.

In summarizing this section, elections have become a key element of liberal democracy to which Senegal and Nigeria have been committed to since the rebirth of democracy in 1990. Despite their commitment, democratic outcomes have been contradictory in the two countries. While free and fair, credible elections have enhanced the prospect of democratic consolidation in Senegal, flawed and controversial elections have impeded the consolidation of democracy in Nigeria. This therefore explicates the argument that elections ‘may be regime-sustaining or regime subverting’ (Schedler (2002b:49).

However, it is noteworthy that recent electoral outcomes where democratic quality of elections has led to democratic change and alternation of power in Senegal can be likened to the promotion of democratic consolidation as witnessed in countries such as Ghana, Benin and Cape Verde in West Africa. This has marked a significant watershed in the debates about the role of elections in newly democratising states. As the case of Senegal portends, such trend is not widespread given that flawed and controversial elections in many newly democratising countries such as Nigeria have been problematic to democratic consolidation. Notwithstanding, there is a strong affirmation domestically and internationally that Senegal has recorded somewhat impressive democratic progress. This cannot be said of Nigeria where controversial election has marred its effort at consolidating its democracy.

However, the manifestation of electoral authoritarianism and un-level playing field in countries that have institutionalised electoral turnovers and optimism about democratic consolidation raises concerns on whether democracy is consolidating or not in West Africa. This is so given that democratic experience are replete with incumbents who came to power through democratic elections, but end up subverting them. Given that even in so many consolidating democracies which have passed the electoral turnover test, there are still the challenges of excessive presidential power, pervasive corruption and elite disregards for democratic rule and procedures, elections cannot be solely relied upon as the main indices of democratic consolidation (Abdullahi and Crawford, 2010). What is however common in many West Africa countries is the occurrence of hybrid regime or electoral authoritarianism in which ‘regimes which conduct regular multiparty elections at all levels of government yet violate basic democratic standards in serious and systematic way’ (Schedler, 2010:69). If this definition applies to a given country, then elections constitute a meaningless democratisation enterprise which ostracised the heart of democracy (Seligson and Booth, 1995: 16). For Schedler (2002) therefore, there is an inherent contradiction in using elections to define

democracy. According to him ‘the idea of democracy has become so closely identified with elections that we are in danger of forgetting that the idea of modern history of representative elections is a tale of authoritarian manipulations as much as it is a saga of democratic triumphs’ (2002:2). Thus, holding of elections to channel political competition among elites and accord public legitimacy to the winner, despite the manner of their execution, undermines sustainable liberal democracy and its consolidation (Diamond, 2000; Carothers, 2002). Furthermore, ‘if the aim is to promote democracy, we need to look to elections and beyond’ (Sisk and Reynolds, 1998:149-153) as the tendency of political elites to undermine democratic rules and procedures has been the main setback to electoral democracy in Senegal and Nigeria (Afrobarometer, 2009; Pfeiffer, 2009; Levitsky and Way, 2002; Diamond, 2002; Diamond and Molino, 2005).

6.3. The Structural-Political Context and the Electoral Process in Senegal and Nigeria

While it has been demonstrated in the section above that elections are not sufficient for consolidating democracy and that we should look beyond elections, a fundamental question raised by this study therefore is that how has the structural political context in both countries ensured that elections are credible or flawed and the implication for democratic consolidation? The structural political context identified in this study is seen as socio-political institutions involved in the electoral process. They include: the electoral management body, political parties and civil society. They are central to the electoral process because they shape the process and outcome of elections. In the democratic consolidation literature, the electoral management body, political parties and civil society have been identified as a crucial component of democratic consolidation (Pridham, 1995; Linz and Stepan, 1996; Bratton and Van de Walle, 1997; Schedler, 1998; Diamond, 1999; Puhle, 2005).

6.3.1. Electoral Management Commissions in Nigeria and Senegal

An important factor in the structural contexts of Senegal and Nigeria is the role played by their electoral management commissions in the process and outcome of elections. Contemporary comparative democratization studies have documented the role of electoral management bodies in the electoral process and a strong indicator for the consolidation of democracy (Omotola, 2009; Mozaffer and Schedler, 2002; Agbaje & Adejumobi, 2006; Jinadu, 2014; Fall, Hounkpe, Jinadu, and Kambale, 2011). These studies emphasise the crucial role of electoral body in ensuring the effectiveness of the electoral process and by

extension, the consolidation of democracy. As observed by Mozaffer and Schedler (2002: 7), electoral management body is significant to the conduct and management of elections, because they determine the ‘wider set of activities that create and maintain the broad institutional framework for voting and electoral competition’. While the electoral management body contribute to the legitimacy of the electoral process, they can also be used to subvert the democratic process, especially where they are impartial; and partisan (Kerr, 2009). As summed up by Eklit and Reynolds (2002:86-87), ‘the extent to which political actors see the entire electoral process as legitimate and binding’ is dependent on the trust and confidence in the electoral management body. To stress the significance of electoral management body in the process of consolidating democracy, Article 2 on the Rights and Responsibilities of States of the Inter Parliamentary Unit (IPU) stated the criteria for free and fair elections. It posited that ‘state should take necessary policy and institutional steps to ensure the progressive achievement and consolidation of democratic goals, including through the establishment of a neutral, impartial or balanced mechanism for the management of elections’ (IPU, 2006:p.x).

In buttressing the above claims, empirical evidence from the interviews also revealed that the effective electoral management body has contributed to the institutionalisation of credible elections in Senegal²³⁴, whereas poor management of elections by the electoral management commission is largely responsible for flawed and controversial elections in Nigeria²³⁵. However, the observation above does not mean that the organization and management of elections in Senegal is also not without its own inadequacies, it however indicates a better performance than Nigeria’s electoral commission whose management of elections has been extremely chaotic.

6.3.2. The History and Formation of Electoral Commissions in Senegal and Nigeria

The formation of electoral commissions in Senegal and Nigeria is shaped by the policy of their respective colonial powers. For example, the electoral commissions in Senegal were modelled on the French system which established a semi-autonomous electoral commission to administer elections in their various colonial territories (Kambale, 2011). Following the French example, Senegal’s electoral body is part of the state administrative structure. Under this structure, the civil servants in the Ministry of Interior were directly responsible for the

²³⁴ Personal interview with a deputy member of the National Assembly, 2014

²³⁵ Personal interview with a legislator at the National Assembly in Nigeria 2014

organization and management of elections.²³⁶The reason adduced for this kind of election management body was the French policy which perceives elections as a question of national sovereignty which must not be delegated to any independent body outside the structure and control of the state (Fall, 2011). At the same time, the semi-autonomous electoral body was instituted by France to unify its entire former colony under the ultimate objective of the French state²³⁷. Under this rationale, an election is seen as part of a state project, which the ruling regime must closely monitor and control, and not as a democratic process determined by the uncertainty of outcome²³⁸.

In the same way, the establishment of the electoral management body in Nigeria also reflects a semi-autonomous body or a partial electoral body whose mandates do not go beyond election supervision on behalf of the state. Considering the need to ensure independence and efficiency of the electoral body, Nigeria's electoral management body went through different transformations. For example, between 1959 and 1963, the body was referred to as Electoral Commission of Nigeria (ECN). Subsequently, between 1963 and 1996 it was named Federal Electoral Commission (FEC). In 1976 up till 1979, the electoral body was referred to as the Federal Electoral Commission (FEDECO), and between 1986 and 1988 it was known as National Electoral Commission (NEC). Furthermore, the Abacha regime changed the nomenclature of the electoral body in 1993 by calling it the National Electoral Commission of Nigeria (NECON). It was called by this name until 1998 when it was renamed Independent National Electoral Commission (INEC)²³⁹ following the enactment of the 1999 Constitution of the Federal Republic of Nigeria. The Constitution confers full independence on the commission to immunize it from partisan politics and control by the executive government. Up till date, INEC has conducted all elections in Nigeria's post third wave democratizations (Omotola, 2010).

In the same vein, the growing electoral fraud and lack of transparency that characterised the post-independent elections in Senegal also led to the opposition call for the reform of the electoral management body. Such demand became a crucial aspect of the reform process in the 1970s and 1980s in Senegal. The reform process started with the creation of the National

²³⁶ Personal Interview with a principal officer in the Ministry of Interior

²³⁷ Personal Interview with a principal officer in the Directorate of Elections

²³⁸ Personal Interview with a principal officer in the Directorate of Elections

²³⁹ Personal Interview with a principal officer of INEC in Lagos, 2014.

Observers of Elections (*Observatoire National des Elections-ONEL*) in 1997,²⁴⁰ and was followed by the formation of High Council for Broadcast Media (*Haut Conseil de l'Audiovisuel-HCA*) in 1998²⁴¹. However, the two agencies were still not independent, neither were they vested with the administration of elections. While ONEL was charged with election observation, the HCA controls the media in terms of regulations in relations to the use of the media. However, the degree of government control over these two agencies led to their repeal. Following the nullification of the two agencies, the Autonomous National Electoral Commission (*Commission Nationale Electorale Autonome- CENA*) was established through Law No. 97-15 of 8 September 1997 of the Republican Constitution of Senegal. Initially, CENA was seen as autonomous electoral management body, but the continuation of elections as a state project compromised the autonomy of the commission. By this, the Ministry of Interior under the presidency was in charge of the organization and management of elections. CENA therefore was only constitutionally mandated to monitor and supervise the organization of election conducted by the Ministry of Interior.²⁴² At any rate, CENA exercises some measure of control especially in the area of electoral irregularities and can invalidate electoral outcome on the basis of verifiable evidence of electoral manipulations (Fall, 2011).

To ensure transparent and accountable elections, additional bodies were created to back up the Ministry of Interior on the organization of election. These bodies include, the National Council for the Regulation of Broadcasting (*Conseil National de Regulation de l'Audiovisuel-CNRA*), to ensure a levelled playing field among political parties in their access to airtime and campaign activities. The Directorate of Elections (*Direction Generale des Elections-DGE*) and the Directorate for Computerisation of the Electoral Register (*Direction de l'Autonomisation des Fichier-DAF*)²⁴³ a department under the MIO, also assists in the organization of elections, registration of voters and referendum²⁴⁴. Apart from these two departments, there is the Commission in charge of Ballot Counting (*Commission des Votes*) as well as the Ministry of Foreign Affairs (MFA), who also play important roles in the

²⁴⁰ Personal Interview with a principal officer in the Directorate of Elections

²⁴¹ Personal Interview with a principal officer in the Directorate of Elections

²⁴² Personal Interview with a principal officer in ANEC

²⁴³ Personal Interview with a principal officer in the Directorate of Elections

²⁴⁴ A referendum is interchangeably used with plebiscite. It is a direct vote, or a ballot question in which the entire electorate votes on a particularly pressing issue or proposal, for example, the adoption of a new constitution, or constitutional amendments or approval of a law.

general administration of elections with respect to ballot counting and verification. The Council of Judges was also institutionalised as the only legal body that has the right to declare election results through the National Council for the Regulation of Broadcasting²⁴⁵. As a matter of fact, the CENA, Ministry of Interior and other cognate bodies mentioned above constitute what is known as electoral management commission in Senegal (Constitution of the Republic of Senegal Article 2, No 97-15 and 16, 1997). However, these bodies by law are not autonomous institutions; the only independent body among them is CENA which exercises a considerable check on the Ministry of Interior and its cognate bodies in the conduct and management of elections²⁴⁶. The fact that CENA does not conduct elections raises concern on the degree of its autonomy and credibility of the electoral process. Although, the presumption that INEC is independent in Nigeria contradicts the position of the 1999 constitution of Nigeria which provides for the commission as an agency of the federal government. Thus, the establishment and the mandate of the electoral management bodies have implications for the institutionalisation of credible elections in both countries.

6.3.3. Modes of Appointment and Terms of Office of Electoral Commissions in Senegal and Nigeria

It is not a coincidence that the history of electoral management bodies in both countries is accompanied by similar patterns of appointment of the members of the electoral commission. In both countries the president appoints the Chairman and other commissioners of the commission. For example, appointment of the membership of CENA is done by the President, and members are drawn from people of high moral personality and integrity. The President also appoints members on a proportional basis from among various associational groups including lawyers, academics, human rights advocates, and communication professionals among others in the civil public²⁴⁷. In line with the electoral code, membership of CENA is composed of twelve (12) people appointed by Presidential decree (Article L4 of the Electoral Code 2014). In the case of Nigeria, Section 14 of the Nigerian 1999 Constitution ‘provides that the president has the power to appoint the Chairman of INEC and 12 national commissioners, in addition to the residence commissioners in each of the 36 states, plus 1 for the Federal Capital territory; Abuja’. The only difference in the clauses of

²⁴⁵ Personal Interview with a principal officer of CENA

²⁴⁶ Personal Interview with the Secretary of CENA

²⁴⁷ Personal Interview with the Secretary of CENA

appointment in both countries is the process of approval. For example, while the appointment of INEC is subject to the approval of the President, their existence is determined by the parliament in Senegal.²⁴⁸ On the other hand, the Senate approves the membership of the commission in Nigeria.

On the fixed term of membership, the commission is placed on five years non-renewable second term, and their composition is considered along proportionality and federal character principles on the advice of the Council of State²⁴⁹. In the case of Senegal, members enjoy fixed term of office, usually six (6) years with one third renewable every three years²⁵⁰. A major observation from the interview about the Senegalese democratic experience is that despite the security of tenure and autonomy, the appointment of CENA has been subjected to persistent influence and control from the executive branch of government. For example, the chairman of CENA, Mustapha Toure, was made to resign his position in 2009, following the vote of no confidence passed by President Abdoulaye Wade. According to Mustapha Toure:

The President of the Republic asked me to come in for an audience, which took place on 5 November at the presidential palace. When I arrived at his office, he clearly explained to me that he no longer had confidence in me. He repeated several time you are against me; you are fighting against my party. Since you no longer have my confidence, he added, I am asking you for restitution of the mandate I entrusted in you in the days before you lost my confidence (Quoted in Fall, 2011:188).

Other notable examples which show persistence influence and control of the electoral body by the incumbent president include the case of Professor Eme Awa and Humphrey Nwosu, who were unconstitutionally removed from office in 1989 and 1993 respectively as Chairman of INEC in Nigeria. Their sins were that they refused to compromise and be answerable to the president (Agbaje and Adejumobi, 2006). Many forthright electoral Chairmen have been forcefully removed. On the contrary, several others have compromised for the fear of not being removed as INEC chairman. To however forestall situation where INEC chairmen would be unanswerable to the president, many incumbent presidents have to use their prerogative to appoint loyalists who are liable to the whims and caprices of the ruling regime²⁵¹. A good example was the appointment of Maurice Iwu, a professor of pharmacy, by president Obasanjo in 2005. Under Maurice Iwu, INEC recorded the worst legitimacy in the

²⁴⁸ Personal Interview with a principal officer of CENA

²⁴⁹ Personal Interview with a principal officer of INEC

²⁵⁰ Article L.4 of the Electoral Code[Translated]

²⁵¹ Personal Interview with a principal officer of ACN

history of electioneering in Nigeria, military regimes included because Iwu managed the most perverted and controversial electoral process in the democratic history of Nigeria between 2005 and 2010. Not only did Iwu lack knowledge of the electoral process, he was turned the electoral management body into a hunting tool against the opposition. Indeed, the height of his repugnance and ignorance was displayed to the international election observers when he claimed that election monitoring is different from election observer. Suberu revealed that

Under Maurice Iwu, a professor of Pharmacy whom Obasanjo had nominated for the Chairman's post in 2005, INEC not only helped the presidents and hampered his foes, but also turned a hostile eye on foreign elections observers and domestic monitors alike. Spuriously claiming that 'election observation is different from election monitoring' INEC officials insisted that 'it is only INEC that is constitutionally permitted to monitor elections in Nigeria' (INEC, 2007: 11).

As European Commission defined election monitoring in its handbook; 'it is the process of observation of elections by autonomous group from another country or a non-governmental organization (NGO) to examine the process and the conduct of an election on the basis of the country's constitutional and legal framework as well as international practice' (EC, 2008: 4). Hence, an attempt at bifurcating election monitoring and election observation speaks volumes of the chairman's poor knowledge of the electoral process, in addition to his low understanding of the relevance of election monitoring and observation to a credible electoral process. Thus, under the circumstance that the INEC chairman is not versed or knowledgeable in the electoral process, the implication is a contrived electoral process in which elections are bound to be totally flawed and controversial. This was why the 2007 elections authored by Maurice Iwu were the most fraudulent and the worst in the history of electioneering in Nigeria²⁵². Although, the role of CENA in ensuring credible electoral process have been acknowledged in Senegal, the commission's failure to prevent the postponement of the presidential and legislative elections against the provision of the electoral code in 2007 has been seen by the opposition parties as justifying their lack of trust

²⁵² Personal Interview with a prominent member of CSO in Nigeria, 2014

and believe that CENA is sympathetic to the incumbent president who appoints them²⁵³. To the opposition parties, CENA ‘was an accomplice in fraud and electoral masquerade’²⁵⁴.

Furthermore, given the absence of stability of tenure system, many INEC Chairmen have been forced to resign their appointment prior to the expiration of their tenure system. In an exemplary manner, the President Goodluck Jonathan dismissed the INEC Chairman, Maurice Iwu, by asking him to hand over before the completion of tenure to the most senior Electoral Commissioner in the Civil Service²⁵⁵. Yet, Section 158 (1) of the 1999 Constitution says that ‘the commission shall not be subject to direction by any person or authority, except in respect of the appointment and discipline of its staff’. This constitutional clause means that INEC is expected to be immune from any interference, except on issues of its staffing and discipline. Furthermore, the fact that INEC can be subject to direction on issue of appointment and discipline has also rendered the commission weak, as many of INEC staff turn out to be partisan, and thus rendering the commission vulnerable.

The vulnerability of INEC has also been aggravated by the attitude of the National Assembly who has failed to exercise its oversight power on the appointment of INEC chairman. In most cases, the appointment of INEC chairman is mere formality in Nigeria, given that the majority in the National Assembly are from the ruling party. In several other instances many of them are expecting to benefit from the selection item team who are likely to protect their interest during the electoral process.²⁵⁶ This scenario is the same with Senegal where the parliament are powerless in the appointment of electoral management body since such appointment is not functional on their approval as the Nigerian case suggests. Under this condition, the electoral body has become appendage of the incumbent president and the ruling regime. While the argument above cannot be easily brushed aside, it is the mode of appointment of INEC Chairman and their commissioners that has undermined the capacity and professionalism of the commission to organise credible elections, especially in the case of Nigeria. Notwithstanding its mode of appointment, CENA in Senegal has maintained some measurable degree of professionalism and has refused to be manipulated, because of the perception that they are accountable to the public, rather than the president or national

²⁵³ Personal Interview with a prominent member of REWNI in Dakar 2014

²⁵⁴ The statement was credited to Abdoulaye Bathily, a prominent member of the Jubbanti-REWNI coalition which contested the first round of the 2012 Presidential Election.

²⁵⁵ Personal Interview with the principal officer of INEC in Lagos, 2014

²⁵⁶ Personal Interview with a high ranking senator of CAN in Lagos, Nigeria 2014

government²⁵⁷. According to this researcher's summary of the broad spectrum of opinion from the three major political parties, although CENA is not without its own shortcomings, its existence has been very pivotal to ensuring credible electoral process in Senegal, ensuring adherence to the electoral code and cordial inter party relations in Senegal²⁵⁸.

6.3.4. Structural Autonomy of the Electoral Institutions in Senegal and Nigeria

In both countries, the conventional mandate of the electoral commissions is the management of elections in relation to other electoral matters relevant to the overall administration of the electoral process. Even though the mandate of CENA is only to supervise elections in Senegal, they have benefitted from a legal framework which safeguards its autonomy, operational permanence and financial independence (Art. L1 paragraph 1 of the Law No. 03-2005). Findings from the field work revealed that CENA has demonstrated some considerable degree of autonomy and professionalism in the exercise of their mandate. As a public institution which it claims, it has shown capacity to ensuring a credible electoral process, as the 2000 and 2012 elections which is not only legitimate but also accepted by all democratic actors suggests. For example, a principal officer of the commission has indicated a number of ways which indicate their independence. According to him,

We have maintained our autonomy by disagreeing with the President on a number of salient issues that borders on the constitution and electoral matters, which I would not want to divulge for the purpose of the mandate and sanctity of my office. For the purpose of this interview, I can tell you with all sincerity that we have ensured that we follow what the electoral code dictates, regardless of who is affected in the process of electioneering.²⁵⁹

Specifically, in relation to the organization of elections, the commission has ensured that issues central to electoral controversy in the past has been addressed. For instance, the controversial electoral register which created problem in 2007 election has been reviewed. Similarly, effective monitoring and supervision of elections has reduced and electoral fraud to the minimum²⁶⁰. As a matter of fact, the building of a strong relationship and sharing of ideas with political parties and civil society has culminated in the mobilisation of

²⁵⁷ Personal Interview with principal electoral officer of CENA in Senegal 2014.

²⁵⁸ Personal Interviews with the broad spectrum of the dominant political parties on their views about CENA in Dakar and Saint Louis 2014.

²⁵⁹ Personal Interview with a principal officer of ANEC

²⁶⁰ Personal Interview with a member of ANEC

stakeholders in accepting the process and outcome of the electoral process²⁶¹. This further underscores the reason why there have been minimal or no electoral disputations emanating from the declaration of the result, since there is trust in CENA that the electioneering process is fair and transparent.

However, there has been scepticism about the credibility of CENA given that it only supervises elections. As stated above, the mandate of CENA does not go beyond election monitoring and supervision, the Directorate of Election under the Ministry of Interior which is a ministry under the executive is the one in charge of the organisation of elections (Mbodji, 2011). The scepticism has been countered by the Director of Elections. According to him,

‘I have been in the process of conducting elections and organizing referendum since 2000. I have not allowed any top ranking official to influence me, nor have I accept any advice from the Minister which is contrary to the electoral law. In spite of the change of government we have remained unshaken, because we are institutions of the state and not of any president or his cabinet’²⁶².

Although the absence of electoral fraud indicates that the DOE may be correct in his assertion, the fact that the conduct elections were done by an agency under the control of the minister, who is himself a member of the ruling political party, raises questions about the neutrality of the DOE in the organization of election. Contrary to the measurable performance and autonomy of CENA in the process of elections in Senegal, the issue of autonomy is not as clear as the Nigerian case suggests. It is very problematic in terms of conception and practicality. As a former Secretary of INEC noted;

The issue of autonomy is not as simple as we think; election management is about cooperation among all stakeholders, because the degree of autonomy is often unclear²⁶³. This is so because, is it autonomy in terms of control, financing, recruitment, institutional structure and administration of election?²⁶⁴

This lack of clarity is compounded by the contradictions in the Nigerian Federal Republic Constitution of 1999. For example, the clause in Section 158 (1) of the 1999 Constitution states that ‘in exercising its power to make appointments, or to exercise disciplinary control over persons, the Independent National Electoral Commission shall not be subject to the direction or control of any other authority or person’. What this clause highlights is that INEC

²⁶¹ Personal Interview with a principal member of ANEC, 2014

²⁶² Personal Interview with the Directorate of Elections in Senegal 2014.

²⁶³ Personal interview with former Secretary of INEC 1992

²⁶⁴ Personal interview with former Secretary of INEC 1992

is only independent in matters relating to appointment and discipline and not immune from directive and control from any other authority or person in charge of authority. In extrapolating the implication of the above provision, Abel Guobadia, the former Chairman of INEC between 2000 and 2005, pointed out that ‘the 1999 Constitution only granted the commission power and independence over its employees but fell short of giving similar independence in the discharge of its core functions (Guobadia, 2009: 128). Yet, Electoral Act No. 17 of 1998 signifies that ‘the commission shall not in the discharge of its functions, be subject to the control of any other authority or persons’. These two clauses are somewhat contradictory because of their ambiguity in stating in clear term what INEC autonomy covers. This deficit and constitutional ambiguity have been exploited by many presidents to undermine the capacity of the commission (Jinadu, 2014). On the basis of this, the commission has become largely ineffective and unprofessional in the conduct and control of the electoral process.

For this reason, the perception that INEC is a reliable electoral institution in the organisation of elections has dropped below average. For example, the Afrobarometer which studied the perception of Nigeria in relation to trust on INEC, concluded that 58 percent of the electorate believe the commission has been very poor in the management of elections in Nigeria (Afrobarometer, 2009). The simple reason for this perception is that INEC has been largely partial and incapable of conducting credible elections as witnessed in the 2003 and 2007 elections, in which election was perverted in the interest of the ruling party in Nigeria. According to Akinboboye (2005:307) ‘INEC is a partial arbiter that exists at the mercy of the [PDP] government and which can be directly or indirectly susceptible to manipulations with the consequent subversion of wishes of the people’. The subversion of the wishes of the electorate was further emphasised when Agbaje & Adejumobi (2006:31) usefully argued ‘INEC does not seem to be in genuine control of activities on the election days. Extra-INEC forces (often working in tandem with INEC officials) used unconstitutional methods to determine the outcome of many of the elections conducted by INEC’. While the lack of capacity and inefficiency has been a challenge to the performance of INEC, the absence of autonomy has been the central reason for which the electoral process has been hijacked by powerful political forces and their allies (Ogunsanwo, 2003).

6.3.5. The Institutional Checks in the Management of Elections in Nigeria and Senegal

Contrary to Senegal which has benefitted from institutional checks and accountability as a consequence of several bodies involved in the process of elections, electioneering process in Nigeria is devoid of any form of checks and accountability, especially with respect to vote counting and verification. Although election monitoring and observer often try to scrutinise the electoral process, their scrutinisation does not go beyond election observation which is not sufficient to detect some implicit manipulations. In the absence of no other institution that could assist INEC in the conduct of election, like Senegal INEC has been overburdened with responsibilities to the extent that it is finding it difficult to perform effectively on these functions. According to Section 153 (f) and Part 1 of the Third Schedule to the 1999 constitution:

INEC is in charge of organising elections for various offices of the President and vice-president, Governor and deputy-Governor of a state and members of the Senate and House of Representatives and the House of Assembly of each state. It registers political parties, adopts the rule to govern their campaign, and monitors their organization and operation, including auditing and publishing reports on their finances; it compiles the voters register, and carries out any other functions conferred upon it by an act of the National Assembly.

These responsibilities are too much, and have impacted on the performance of INEC. Combining the challenge of registering and updating voters register, conducting elections for all the positions highlighted above and at the same time monitoring political party's primaries, and monitoring their campaign finances among other responsibilities has become too burdensome for INEC. By contrast, the establishment of other cognate bodies to assist CENA in the administration and management of elections has institutionalised credible electoral process. Through institutional checks of votes and acceptability of electoral outcome, Senegalese electoral process has improved in their drive towards democratic consolidation.²⁶⁵ For example, Senegal has 45 departments and CENA is represented by a controller of elections who collates election results in each of the polling units and hands results to the supervisor in the departments who submits such to CENA at the central level²⁶⁶. Constitutionally, CENA is supposed to send the results to the President, but they must ensure it tallies with the results collated by the Directorate of Election in the Ministry of Interior as well as the Ballot Counting Commission before the final results are sent to the President. At the same time, the Commission in charge of balloting must forward the verified results to the

²⁶⁵ Personal Interview with the principal officer of the Electoral Commission in Senegal 2014.

²⁶⁶ Personal Interview with the principal officer of the Electoral Commission in Senegal 2014.

Council of Judges before they declare it through the National Council for the Regulation of Broadcasting²⁶⁷. The ingenious electoral verification strategy not only ensures that votes are transparent, but also that they reflect the wishes and aspirations of the electorate.

Although the Civil Society Organization has introduced the ‘Swift Count’ to ensure checks and accountability of votes in Nigeria²⁶⁸, the lack of trust and poor relationship between INEC and CSO has undermined the usefulness of this initiative²⁶⁹. This issue would have helped to advance the transparency of elections because it about verifying votes and sending results to the situation room as soon as they are counted. According to the former Chairman of TMG, the implementation of the swift count was responsible for the improvement in the conduct of the 2011 elections compared to the previous ones²⁷⁰. However, a better strategy which would enhance accountability of elections is the unbundling of INEC²⁷¹ as the current practice in Senegal indicates. This issue has also been a major recommendation of the Uwais panel on electoral reform in Nigeria. According to the report, ‘INEC should be unbundled, to face only the mandate of elections alone, while other bodies should be established to assist the institutions in the general management of elections and other electoral matters’ (ERC, 2008:3). In the absence of this, the sad truth is that INEC has been largely ineffective and below par in the performance of its mandates. In a more telling view a major political commentator noted that:

INEC is largely inefficient; they are neither here nor there. In terms of mandates, I have not seen any mandate they have performed to commendation. Whether the conduct of elections, registration of voters or collation of candidates for election from party lists, they have score very low in all of these electoral activities. Apart from constantly being driven by the ruling party, their worst game is to orchestrate a one party democracy for the ruling PDP in 2007, if not partially for the judiciary, they would have killed democracy in its infancy in Nigeria²⁷².

²⁶⁷ Personal Interview with the Principal officer of ANEC, Nigeria 2014

²⁶⁸ The Swift Count is the statistical and telephonic device established by the CSO for the monitoring and coordination of elections. The purpose is to give real term (time?) information on elections and its process against the usual practice elections observation and issuing of results without confirming the accuracy of the result released by INEC. The broad objective of the Swift Count is to cross-check and double check the accuracy of the results coordinated by CSO and INEC.

²⁶⁹ Personal Interview with the former President of TMG in Nigeria 2014.

²⁷⁰ Personal Interview with former Chairman of TMG in Lagos 2014

²⁷¹ Personal Interview with a member of CSO in Lagos 2014.

²⁷² Personal Interview with members of the National Assembly 2014

This statement clearly shows gross inefficiency and poor performance on the part of the electoral body in the conduct of elections. It also partly explains why there has been lack of trust and confidence on INEC since 1999 in Nigeria. This is not the case in Senegal where trust in the electoral management commission has increased remarkably. According to report of the Afrobarometer in 2012, ‘65 percent have trust in the electoral management commission of Senegal’ (Afrobarometer, 2012). Although the Afrobarometer report which indicates 49 percent of trust in the electoral body in 2009 was a decline. The improvement in 2012 suggests the increasing public trust and social capital of the electoral management body in Senegal. Despite the ingenious system of checks and balances which has led to the institutionalisation of credible electoral process in Senegal, autonomy of CENA and their involvement in the organization of election should be institutionally enhanced against the backdrop of manipulations which may result from the conduct of elections by the agency of the executive.

Table: 28 Summary of Contribution of the Electoral Commissions on Democratic Consolidation in Senegal and Nigeria

Description	Senegal	Nigeria
Composition	By the President	By the President
Tenure of Office	Fixed Term of 6 years Renewable	Fixed term of 5 years Renewable
Funding	Charged from the consolidated Account	Charged from the consolidated Account
Institutional Checks	Effective	Weak and or non-existent
Mandate	Supervision and Monitoring of Elections [unburdened]	Organization of Elections and other electoral matters [overburdened]
Social Trust and Capital	Average	Very Low
Contribution to Electoral Process	Average	Very Low

Source: Developed by the researcher based on his field work in Senegal and Nigeria in 2014.

6.4. Political Parties and Democratic Consolidation in Senegal and Nigeria

In addition to the organisation and management of elections, political parties also play a crucial role in determining the nature of the electoral process in terms of whether election would be credible or not and by implication promote or impede democratic consolidation. As identified by literatures of comparative democratization, political parties have been seen as

vehicles for democratic mobilisation and consolidation (Adejumobi, 2007; Basedau, 2007; Burnell, 2004; Olukoshi, 1998). For example, Adebayo Olukoshi underscored this view when he claimed that:

it is the liberal view of politics, at whose heart is the assumption that no political order can be democratic which does not rest on the right of citizens who are entitled to a suffrage vote, to vote in or out the highest officials of government. Political party is the most effective vehicle for mobilising voters support in the competitions for electoral office. The institutionalisation of a multi-party system therefore; relies on the principle and practice of democracy (1998:19).

Empirical evidence from the field work in Nigeria and Senegal also attested to political parties as an element of democratic consolidation²⁷³. For instance, the National Coordinator of PDS in Senegal contended that party politics is the fulcrum of democratic interaction in which democracy solely lies. Without political platform for the mobilisation of electorate, collective decisions cannot be articulated and aggregated. Indeed, political parties are strong conditions for democratic sustainability²⁷⁴. While the role of political parties should not be overstated in the current democratization discourse, they can also undermine democracy especially in the context of structurally weak and fragmented political parties.

6.4.1. Nature and Character of Political Parties in Senegal and Nigeria

Although Nigeria and Senegal have been multiparty democracies since the democratisation process began in both countries, the truth, however, is that, the institutionalisation of political parties as a vehicle for political mobilisation and democratic consolidation has not been commendable in both countries. Nigeria has over 60 political parties²⁷⁵ while Senegal parades more than 70 political associations (Gellar, 2005). Although, nearly all the structures of political parties in existence during the post-independence era have given way to another set of political parties, few political parties have dominated the democratic space since 1999 in both countries. In Nigeria, for example, some of the existing and dominant political parties include: the People's Democratic Party (PDP), Alliance Congress for Nigeria (ACN), All Progressive Grand Alliance (APGA), Labour Party (LP), Congress for Progressive Change (CPC) and All Nigerian Progressive Party (ANPP). With the exception of PDP and the newly formed coalition party, All Progressive Congress (APC), all other political parties in Nigeria

²⁷³ Personal Interview with members of the National Assembly 2014

²⁷⁴ Personal Interview with a prominent member of PDS, Senegal

²⁷⁵ Personal Interview with a prominent member of the National Assembly in Nigeria 2014.

are structurally and electorally unviable²⁷⁶. At best, they are products of individual or regional sentiment and articulation.

On the other hand, Senegal has cultivated a strong culture of party politics since 1948 when it conducted the first election to the French Parliament under the third Republic. Although, the 1960s and 1970 saw the dominance of PS under the one party state of President Senghor, the liberalization of politics under the regime of Abdou Diouf in the 1970s and 80s led to the establishment of many political parties in Senegal. Apart from the PS, which was the ruling party for almost forty years under the above Presidents, there was also the formation of the Parti Democratique Sociale-(Socialist Democratic Party) (PDS) by Abdoulaye Wade, and subsequently the formation of the Republique Parti Alliance – (Alliance for the Republic) (APR) under the leadership of the current President of Senegal, Macky Sall, in 2008. In addition to the above was the REWNI party formed by Idrissa Seck. As findings from the interview suggests, the above were the dominant parties since 2000 in Senegal.

A major observation of the researcher during the interview much like Nigeria was that political parties in Senegal were merely loose associations which lacked a clear-cut ideological preference and definitive political goal. As posited by Kelly (2012:124), many of these smaller political parties, were ‘mere telephone-booth parties; tiny formations that have few members and participate only haphazardly in elections’. This explains why many of them only survive on alliances and coalitions. Indeed, coalitions and alliances have become the major phenomenon of politics in Senegal due largely to the mushrooming of smaller parties²⁷⁷. In the case of Nigeria, many of these political parties have mutated from one political structure to another, not necessarily for lack of identity or ideological preference but because they lacked a national outlook. For example, what is known as Action Congress of Nigeria (ACN) started from a political structure called the Action Congress (AC), which is itself coming from the Action for Democracy (AD). This party aligned with the All People Party (APP) in Nigeria to contest the Presidential election in 1999, but has metamorphosed into several political structures after the demise of that alliance. The inability of the party to

²⁷⁶ Personal Interview with a prominent politicians in CPC

²⁷⁷ Personal Interview with a prominent member of the national caucus of the APR.

capture power at the centre, coupled with increasing inter-party instability culminates in its alignment with other parties to form the, All Progressives Congress (APC)²⁷⁸.

However, political parties from Senegal and Nigeria have laid claim to certain political spectrum. They lack identity and direction that define such spectrum in terms of programmes and policy preference. Although, the earliest political parties in Senegal identified with divergent ideological spectrum vis-à-vis, the Socialist Party (PS), Liberal Democratic Party (PDS) and Marxist-Leninist Party (PAI), the tendency to dishonour this value system in the face of patronage politics undermined their commitment to their distinct ideological preference.²⁷⁹ Thus, Osei, (2012:93) has concluded in his study of party-voter's linkage in Senegal, that 'Senegalese parties are noticeably less steady, incoherent and unorganised.' The absence clear cut ideological commitment explains why many of these parties have revolved around personality and material interest, rather than societal cleavages in which the people are at the centre of political mobilisation and articulation of interests (Hartmann, 2010). They are a mere association, structurally weak, fragmented and vulnerable to manipulation by its leadership²⁸⁰. These assessments of Senegalese political parties were verified by interviewees during the field work.

Similarly, Nigerian political parties are also fragmented and ideologically empty with no clear cut political direction or policy preference. As the director of CENCOD, a leading civil society organization in Nigeria argues, 'most political parties in Nigeria are largely informed by political expediencies, they are fragmented and ideologically porous, they are little to the left and little to the right, without a clear-cut ideological leaning and progressive undertakings, they are not a good vehicle for democratic development'²⁸¹. While political parties are weak ideologically, many of them are also passive players and are only active during elections. In a more worrying submission, Lewis (2003:134) usefully described the nature of political parties in Nigeria when he submitted that:

The nebulous party system has little to do with any distinct ideologies, strategies or sectional appeals. The major parties are relatively diverse in

²⁷⁸ The APC is the ruling party at the centre in Nigeria having ousted the PDP from power in the just concluded 2015 general elections in Nigeria.

²⁷⁹ Personal Interview with prominent leader of PDS in 2014

²⁸⁰ Personal Interview with a prominent politician in St. Louis 2014

²⁸¹ Personal Interview with a prominent member of CSO in Lagos 2014.

their leadership and constituencies, but remain focused on elite contention and patronage. Ethnicity is still a crucial vehicle for political mobilization. Personalities and clientelist network predominate; internal discipline is weak; internecine battles are common. Politics is winner-takes-all because public office is still a high road to personal enrichment by dubious means.

Beyond ideological questions, a major observation which emerged during the interviews was that almost all political parties in Nigeria are ethnically and regionally based. With the exception of the PDP, which has national spread, every other party is regionally crafted as mobilisation instrument for ethnic interest and regional convenience. This is not a coincidence, because the earlier parties formed during the first republic in Nigeria were more interested in maintaining their regional strongholds rather than having national control (Onuoha, 2003). Thus, political parties since 1999 have inherited this tendency as the dominant mode of party formation and operationalization has been to sectionalise political parties. For example, ACN is seen as the party of the Yoruba people in the South-West. Their dominant control of electoral politics in the South West attests to this. In the same way the All Progressive Grand Alliance (APGA) is noted for its political base in the Eastern part of the country, at the same time the stronghold of the Congress for Progressive Change (CPC) has been linked to the core North of Nigeria.

To buttress the fact that political parties have ethnic or regional appeal in Nigeria, Suberu (2007:101) noted that ‘even the PDP which proclaims itself to be Africa’s largest party and is in fact impressively multiregional, it remains a fractious and ideologically inarticulate congeries of politicians whose great common enterprise is rolling out of patronage along ethno-regional lines’. This point is substantiated by the voting pattern in the 2011 general elections which indicated a stronghold of ethnic voting in the 2011 Presidential election. In that election, out of the 36 states of the country, the two leading Presidential candidates secured block votes in their respective regions. For example, the candidate of the CPC, Muhammadu Buhari, won in all the 12 states of the North while President Goodluck Jonathan; the PDP candidate won 15 of the 16 states from the southern part of Nigeria. The tendency of regional or ethnic party has weakened the development of mass-based and national party committed to political mobilisation and democratic consolidation in Nigeria. Even though, political parties in Senegal have shunned ethnic or regional parties, patronage

network has visibly been the reason for their loss of ideological commitment and institutionalisation of weak party structure.²⁸²

In spite of the fragmentation and absence of ideologically driven political parties, the institutionalisation of coalition politics by political parties has contributed to democratic sustainability in Senegal. The peaceful democratic change and power alternations have been the consequence of coalition politics. For illustration, the PDS, Sopi-coalitions which comprises of several political parties, under the leadership of Abdoulaye Wade, was responsible for the democratic change and peaceful alternation of power in 2000, after 40 years of PS rule. In a similar context, the APR- Yaakaar-coalition formation under the leadership of Macky Sall was responsible for the change in power despite President Wade's recalcitrance to leave power. As argued by a prominent member of PDS, coalition among political parties in Senegal was the lynchpin for organizing political elites along specific interests, with the overall goal of institutionalising party politics and democratic change²⁸³. Although coalition politics has promoted patronage network among Senegalese political elites, as preference for viable political party was jettisoned for weak political party. Notwithstanding, the institutionalisation of political party in the democratization process in Senegal has been responsible for electoral turnover and peaceful alternation of power which are signs of consolidating democracy.

While political party has contributed to consolidating democracy in Senegal, the same cannot be said of Nigeria where powerful individuals known as political barons or Godfathers have hijacked the political process, as well as the corresponding political power, at the expense of the people. In Nigeria, political Godfathers, according to Agbaje & Adejumo (2006: 40), are 'political barons who deploy vast array of resources, financial and political contract and networks and even traditional social capital, to support their preferred candidates, who are expected to do their bidding in return'. As a result of their wealthy status, they bankrolled and monetized the electoral process with phenomenon of vote buying and bribing to ensure their preferred candidates win elections. By sharing the spoils with their loyal followers, political Godfathers use inducements and violence as well as informal networks (political thugs and extra-legal groups) to win elections²⁸⁴. For example, Governor Chris Ngige of PDP in 2007

²⁸² Personal Interview with prominent member of PDS in 2014 Dakar.

²⁸³ Personal Interview with prominent member of PDS in St Louis 2014.

²⁸⁴ Personal interview conducted with an executive member of ACN in Lagos 2014

was able to win the Governorship elections in Anambra state because Andy Ubah (an illiterate but rich politician) bankrolled his election (Oseni, Fatai & Saka, 2013).

Similarly, Rashidi Ladoja, the former Governor of Oyo state, enjoyed the support of the strongman of Ibadan politics, Lamidi Adedibu, as his acclaimed Godfather before winning the 2003 governorship elections. In the same vein, Asiwaju Bola Tinubu the acclaimed Godfather of Governor Raji Fashola also bankrolled his election to become the governor of Lagos state (Oseni, et al, 2013). In the circumstance, where the interests of the so called godfather are threatened, they usually deploy the same principality they use in winning elections for their candidate, ranging from violence, killing and monetary inducement to ensure that they wrestle power from their acclaimed godson. The power tussle between Andy Ubah and Chris Ngige in Anambra state and Adedibu and Ladoja in Oyo in 2003 respectively, typifies the implication of godfatherism to Nigerian politics (Adetula, 2008). Due to this personality cult woven around political parties with its prevailing neo-patrimonial tendency, it is always difficult to extend alliance to other parties, as electoral competition is seen as orbit of battle ground, where the winner take all. Rather than viewing political competition as arena of engagement and cooperation among several social forces to advance democratic principles and norm, they deliberately undercut all avenue of collaborative and coalition politics (Kew, 2010). It is therefore not a coincidence that it took Nigeria about 16 years of its democratic experience since the inception of democracy in 1999 before power could alternate from one party to another. Through the APC coalition, a peaceful change of power from the ruling PDP to the opposition APC was accomplished.

6.4.2. Coalition Formations, Splits and Defections in Senegal and Nigeria

A primary phenomenon which has shaped the extent to which political parties are institutionalised in Senegal and Nigeria is the phenomenon of party coalitions and splits in the democratic experience of both countries. Although most theories that inform party politics and coalition building²⁸⁵ are Eurocentric (Axelrod, 1970; Dodd, 1976; Luebbert, 1983), with the exception of a few Anglophone countries, party politics and coalition formations are uncommon in Africa (Resnick, 2006). What occurred in Africa, at the time of independence, was the dominant party system, which was constructed on the permutations of

²⁸⁵ In Wyatt's theoretical characterisation, alliance can be defined as the coming together of at least two political parties prior to an election in order to maximise their votes. Whereas a coalition refers to the agreement of a minimum of two political parties to work together in parliaments and or in government on the basis of the elections outcomes.

strong Presidential and authoritarian one party state. While this system discouraged governments of national unity, it was strongly disposed to single party formations (Bogaards, 2014). The exclusion from power of other factions of the political elites reinforced the need and the justification for coalition (Kadima, 2014). As a result, coalition became an instrument of power sharing and distribution in which the broad spectrum of political elites are integrated into the national politics (Kadima, 2014).

However, recent findings from the fieldwork suggest that either before or after elections, office seeking or personal interests are the main drivers of coalition building in many African countries (Bogaards 2014; Booysen 2014; Rosnick, 2014). Furthermore, several interviews from across the broad spectrum of political parties in Senegal and Nigeria also reveal that coalitions are predicated on instrumentalism rather than on ideological prism²⁸⁶. According to a youth leader of League Democratique party (LDP):

All the coalition's that we have formed in Senegal have been premised on what the party does not reach a consensus on. When a platform that serve as a counter force against the ruling government is required, coalition building becomes the inevitable, the marriage of inconvenience, given that parties with different ideologies [socialist, Marxist and liberal] are integrating under the same umbrella for unequal electoral fortune. This is why at the end our lack of sincerity always drags us to where we started the coalition, because the foundation on which the coalition was built upon is on lack of distinct programme and terms of reference²⁸⁷.

Although coalition politics have become an institutionalised aspect of Senegal's democratic practice, most of these coalitions have been largely unstable and incremental. Two plausible factors were responsible for this. The first is the nature and character of the Senegalese electoral system and the second is the, the prevailing patronage network. As for the first, the Senegalese electoral system is based on mixed system, which is a combination of simple majority, first past the post and proportional system. This system allows the formation of coalitions at the second round of elections, especially when the threshold has not been met. The dynamics of coalition formation in the Senegalese electoral system is very probable, as dominant party opens opportunities to smaller parties which have no hope of winning elections. Secondly, nearly all the coalitions that have occurred in Senegal were never driven by ideological considerations; rather they have been underpinned by the sharing of patronage

²⁸⁶ Broad spectrum of interviewees from across political parties and civil society organizations held the view that coalition politics in Senegal is largely driven by spoils and benefits from the ruling government.

²⁸⁷ Personal Interview with the Youth leader of Ligue Democratic Party 2014

benefits. In many of these coalitions, the tendency of the dominant party to undercut the coalition partners in the sharing of patronage by adjusting its rational calculations after the success of the coalition has always been responsible for the breakdown of coalitions (Creevey, et. al, 2005). For a lucid illustration, Creevey, et al, (2005: 487) in the case of Senegal usefully identifies why coalitions break down:

Once in control of the presidency, and with the right to rule by decree, including the power to modify the electoral system, Wade could install a system designed to be more representative of the voters' wishes to maximize the opportunities for his supporters. Significant numbers of leaders deserted the PS and opportunistically moved into the PDS fold. Coupled with greater resources now available for the PDS, including the full weight of the Presidency, this made the highly inequitable system the PDS had previously attacked suddenly seem attractive (Creevey, et. al, 2005:487).

This was why the majority of political parties that formed the Sopi-coalition in 2000 left after President Wade became dominating and marginalising major coalition partner through increasing Presidential power, decreasing proportional share of coalition partner and increasing control over the National Assembly (Fall, 2011). Although, it was not surprising that the 2000 Sopi-coalition collapsed, the desperation to oust the authoritarian regime of Diouf and his Socialist Party (PS) from office, was the front burner which underscores why the coalition collapsed. The fact that the 2000 coalitions were neither driven by ideological preference nor policy considerations was sufficient for the demise of the coalition, even without Wade's overbearance on the coalition partners²⁸⁸. This was why, the decision for which the six political parties which include three leftist parties, *Jef/Parti Africaine pour la Democratie et la Socialisme* (AJ-PADS), *Ligue Democratique/Mouvement pour le Parti du Travail* (LD-MPT) and *Parti de Independance et du Travail* (PIT) (Party of Independence and Labour) to coalesce with a more neo-liberal PDS to form the Sopi-coalition headed by Abdoulaye Wade clearly indicates that defeating the incumbent rather than common policy objective was the main reason for the coalition.

Apart from the breakdown of coalition due to the desperation of coalition partner, the reduction of patronage to opposition members has also been responsible for unstable coalitions. Given that coalitions are not driven by ideological preference, the expectation of coalition members is to maximize their benefits (Wahmann, 2010). In the absence of

²⁸⁸ Personal Interview with the National coordinator of PDS in 2014.

reduction in patronage benefits, which is the driver of the coalitions, coalition partners are likely to pull out of the coalition arrangement. This was why Mustapha Niasse and Djibo Ka left the PDS to join another party. In the same vein, Idrissa Seck and Macky Sall left the PDS- Presidential Support coalition to form new parties, REWNI and APR respectively, which formed a coalition under the APR-Benno-Yaakaar that defeated Wade in the 2012 Presidential election. On the basis of this, Mbow (2008:167) concluded that ‘Senegalese political parties and its elites proliferate and disappear at will in dizzying bouts of fusion and floor-crossing that on the whole makes it hard to take the country’s party scene seriously’. This has dangerously hampered the capacity of parties to constitute a strong opposition to the incumbent party in political competition.²⁸⁹

The incumbent ability to capitalise on opposition weakness has been a major issue in the phenomenon of competitive authoritarianism in Senegal, as incumbent presidents use state power and resources to co-opt or decimate major opposition parties. In such circumstances, for example, Kelly (2012: 125) noted that ‘leaders of these parties remained in Wade’s ruling coalition to receive diplomatic passports and monthly salary of US\$150’. In the case of President Wade fallout with strong coalition partners, the strategy is to promote their second in command to contain mass defection and retain bargaining power. Although, mass defection increased after Macky Sall and Idrissa Seck left the PDS in 2006, the inducement offers to disenchanted members and new parties ensures that Wade continues to have electoral control. The tendency of parties to defect as a strategy of patronage negotiation has reduced opposition coalitions to fragility and unpredictability in Senegal.

What is obvious from the foregoing is that coalitions in Senegal are designed as the new way of capturing political power and sharing associated benefits rather than designed to build an institutionalised party structure through programme and ideological orientation. Despite the fact that coalition through party alliance has facilitated democratic change and electoral turnover in Senegal, coalitions building are designed simply to effect a change of government and patronage benefits (Hartman, 2010). This explains why the major debates about coalitions in Senegal have been predicated on rational choice rather than programmatic consideration.²⁹⁰ In other words, coalition politics has not engendered viable political parties as a vehicle for

²⁸⁹ Personal Interview with a APR deputy in Saint Louis, 2014.

²⁹⁰ Personal Interview with the minority leader of PDS at the National Assembly in Dakar 2014

democratic consolidation in Senegal. As argued by opposition leader and two time deputy in the National Assembly:

Virtually all coalitions formed in Senegal since inception of democratization has not been built on common ideology, common vision and programme, they have been a product of opposition leaders attempt to hijack power or the incumbent attempting to consolidate power. I called them opportunistic electoral coalitions and patronage circulation. This is the more reason why electoral coalitions often failed in many democracies in Africa. ²⁹¹

Undoubtedly, unstable coalitions and weak party structure have implications for democratic institutionalisation and consolidation in Senegal. Unlike Senegal, coalition formation is not a common phenomenon in Nigerian politics. Two related factors are responsible for this. The first is the nature of politics which is premised on winner takes all. The second is the nature of ethnic composition and character of political parties in Nigeria. As argued above, political competition in Nigeria is a based on zero-sum game making it difficult for the opposition to organise around a common policy or ideological platform for which coalition can be formed to effect a democratic change. As Ibrahim and Idayat (2013) posit, most of the political parties in Nigeria ‘lacked internal discipline and ideological principle that is necessary to maintain coalition’s arrangements. More than that, political parties are ethnically and regionally designed (cf. Kadima, 2014:237). This has made it difficult for the opposition parties to mobilise around a coalition, since parties are not willing to subsume their ethnic identity and regional colouration around a national political party which could be attained through coalition building. As rightly argued by Bogaards (2014), the winning of elections by opposition coalitions is usually complicated by ethnic composition of party politics. According to him, ‘the spoils of collaboration are uncertain because, firstly, the coalitions might not win the elections and secondly there is no guarantee that once in office the winning candidates will keep his or her promise to share power and resources’ (2014:28). That is why Arriola (2013:27) claimed that in patronage based politics across Africa, ‘politicians must be able to pay upfront for the cross-ethnic endorsement that makes up electoral alliances’.

The fact that coalitions and alliances are entirely strange in Nigeria unlike Senegal since the enthronement of democracy in 1999 does not mean there have not been alliances and coalitions prior to 1999. Prior to the first republic, precisely in 1954 the Northern People Congress (NPC) and the National Council of Nigeria and Cameroon/Northern Element

²⁹¹ Personal Interview with the minority leader of PDS at the National Assembly in Dakar 2014.

Progressive Union (NEPU) against all odds, enter into coalition to form the national government at the centre given that none of them could secure enough seats to form the national government (Sklar, 1963; Dudley, 1982). Considering that both parties that formed the alliance have their stronghold in the North and East, the Action Group (AG) which was a strong party from the South West officially became the opposition party (Coleman, 1958). However, the ideological polarity between these parties eventually led to the collapse of the coalitions, as a 'conservatist' NPC, and regionally based 'welfarist' NCNC could not find a common group because of the domineering tendency of the NPC (Nwosu, et al, 1998:55).

In the post independent era, two major robust and wider coalitions were formed among the major political parties. The first coalition comprises of the [NPC, Nigerian National Democratic Party (NNDP), the Niger Delta Congress (NDC), the Mid-West Democratic Front (MDF) and the Dynamic Party (DP)] and they formed the Nigerian National Alliance (NNA). On the other hand, the NCNC, AG, NEPU, UMBC, Zamfara Commoners Party (ZCP) and Kano People's Party formed the United Progress Grand Alliance (UPGA). While the NNA was keen on national unity, the conviction of UPGA was to restructure the federation with a view to breaking the Northern hegemony which always undermine regional development (Osaghae, 1998). However, the outcome of the elections in which NNA won 201 out of the 301 seats, leaving the UPGA with only 109 seats raises disenchantment in the political landscape (Ikelegbe, 1995:202). The belief was that the election was manipulated by the ruling NPC to favour the coalition which it belong to (Ikelegbe, 1995). The disenchantment in the UPGA camp had swelled to the extent that the government of national unity proposed by the NPC could not stop the political instability and violent conflict which ensued. The consequence of this culminated in the military coup on the 15th of January, 1966 which ended the first republic (Osaghae, 1998, Ikelegbe, 1995). During the second republic which was between 1979 and 1983, the NPN and NPP similar to the NPC-NCNC alliance prior to the independent to form the government of national unity. Conversely, the alliance broke down consequent upon the crisis over patronage distribution and benefits (Osaghae, 1998).

This development continued till 1999 when a pre-election coalition was formed between Action for Democracy (AD) and /All People's Party (APP) for both to present a joint candidate for the presidential election in 1999. This alliance features Chief Olu Falae of the AD and Umaru Shinkafi of APP as presidential and vice-presidential candidate respectively.

Such alliances are usually difficult to sustain after the elections since the principle upon which the alliance was constructed is to win elections rather than on ideological considerations. Also in 2003, former President, Olusegun Obasanjo struck an alliance with the AD to enhance his chance of winning the 2003 elections, especially that he lost in the strong hold of the AD in 1999. The ideational theme of the alliance is that the AD would not produce a presidential candidate against Obasanjo, such that the interest of the AD governors would also be protected (The Punch 15 May 2003). An analogous alliance was that of the AD, ANPP and fragment of PDP which contest the 2007 presidential election and the negotiated coalition between the Congress of Progressive Change (CPC) and Action Congress of Nigeria (ACN) was botched

A major coalition which would have been significant in engendering democratic change was the Conference of Nigerian Political Parties (CNPP) which mobilised all political parties under its umbrella to constitute a strong opposition against the dominance of the PDP in 2011. However, the coalition failed to agree on structural principles and common ideology within which a new party would be formed.²⁹² In a deeply ethnically-divided and plural society such as Nigeria, coalition politics may present a golden opportunity to political elites to reconcile some political differences and advance a common course beyond their identities (Salih & Nordlund, 2007). The absence of this has been the more reason why it took political parties until 2015 before electoral turnover and democratic change of government could be effected since 1999.

A critical examination of this section demonstrates is that coalitions/alliance in Nigeria and Senegal scarcely produced the anticipated electoral turnover or democratisation effect. Although, some of them in the case of Senegal have brought about peaceful alternation of power, they have undermined the institutionalisation of viable political parties and democratic consolidation in the absence of policy collaboration and consideration. Rather than predicated on ideological nuances and policy alternatives, they are motivated by distribution of political power and patronage network, which exacerbate rentier and ethno-regional boundaries. As well, account of coalition/alliance building is replete with failed promises and proclivity towards hegemonic politics. This further explains the instability of coalitions, splits and defections among coalition partners, and a telling implication for democratic quality of elections and consolidation in Senegal and Nigeria.

²⁹² Personal Interview with a prominent member of ACN in Lagos 2014.

Table 29: Summary of the Contributions of Political Parties to Democratic Consolidation in Senegal and Nigeria.

Description	Senegal	Nigeria
Party System	Multiparty[fragmented]	Multiparty[fragmented]
Electoral System	Mixed System	First Past the Post
Inter- Party Relations	Stable	Unstable
Coalitions Formations	Unstable	Rare
Power Alternation	Twice, [2000 and 2012]	One Party Dominance [Except in 2015, since 1999]
Contribution to Democratic Consolidation	Average	Low

Source: Developed by the researcher based on his field work in Senegal and Nigeria in 2014.

6.5. Civil Society, Social Movements and Democratisation in Senegal and Nigeria

In the same way like electoral management bodies and political parties, civil society has also been identified as crucial to democratic consolidation (Fatai, 2012; Doowon, 2006; Diamond, 1997). These studies were inspired by the celebrated works of de Tocqueville and Putnam on the intrinsic worth of civil society to democratic stability and consolidation. For instance, Diamond (1997:5) argues that a ‘healthy liberal democracy requires a public that is organized for democracy, socialized to its norms and values, and committed not just to its myriad narrow interests but to a larger, common civic end. Such a civic public is only possible with vibrant civil society’. More instructively, Hadenius and Uggla (1996:1628), stress the argument of Diamond when they contend that ‘an active civil society is a necessary condition for the development of a democratic system of governance, only the free practice of democracy found in the civic sphere can promote the development of the democratic popular culture that makes the rule by the people a feasible option’. Although, the contribution of civil society is usually constrained under illiberal and undemocratic regimes, an active civil society functions to imbibe democratic philosophy, interrogates state actions and enhance the prospect of democratic consolidation (Encarnation, 2003).

It is noteworthy that in Senegal and Nigeria respectively there is a strong culture of civil society which has contributed to democratic development. Both countries parade a myriad of

civil society organizations which have been involved in the process of stabilizing democracy. For example, they have been engaged in elections monitoring, promotion of popular participation, restraining of arbitrary power, and strengthening of state institutions in the interests of democratic sustenance in both Nigeria and Senegal.

6.5.1. Civil Society and Election Observation and Monitoring

Undoubtedly, civil society has been widely acknowledged to play a key role in the process of institutionalizing and consolidating liberal democracy. This is because they confer legitimacy and credibility on elections through observation and monitoring. More importantly, they serve as the middle men between political parties and electoral commissions through the evaluation of electoral processes and outcome to determine the legality of the new regime (Diamond, 1997). Empirical evidence from the field work in Senegal and Nigeria also confirms that civil society organizations in the Tocquevillian tradition have played an important role in ensuring democratic quality of elections, especially in Senegal. Although the involvement of civil society organizations in the monitoring and observation of elections only started in Senegal in 2007, their late involvement was the consequence of the electoral history of the country in which the organization and management of elections was institutionalized in the state structure²⁹³. As argued by a prominent member of civil society organization in Senegal, the management of elections and observation are seen as part of the administration of the state. No independent group outside the state was allowed to observe elections, except constitutionalized institution of the state²⁹⁴.

This explains why the National Observers of Elections (*Observatoire National des Elections-ONEL*) only served as observer and monitor of elections before 2007. However, following the irregularities and lack of neutrality which characterized the monitoring of elections by this agency, the opposition party pressured the ruling party into accepting the proposal for the creation of an independent monitor and observers of elections. The acceptance of this proposal led to the involvement of civil society organization in the monitoring and observation of elections. As a consequence, CSOs collaborated under the Coalition of Civil Society Organization for Elections (COSCE) to monitor the 2007 elections. COSCE is a network of about 30 CSOs. It trained and deployed over 500 observers to various polling

²⁹³ Personal Interview with the principal office in ANEC, Senegal 2014. Do you mean the principal officer of ANEC?

²⁹⁴ Personal Interview with a member of RADDHO Senegal, 2014.

stations and collation centers to monitor elections across the entire region in the country²⁹⁵. To avoid impersonation, COSCE is accredited by the Ministry of Interior (Senevote, 2012). Based on the involvement of the CSO in the monitoring of election, Senegalese electoral process has been transparent and accountable. As claimed by a principal officer of RADDHO ‘apart from the transparency and fairness of the electoral process, the credibility of elections in Senegal has also been predicated on the role of the civil society who monitors and provide the right information, in the process of engendering free and fair elections’²⁹⁶

In the process of ensuring credibility and transparency of the electoral process, Senegalese civil society organizations have introduced a novel technology called ‘One World’²⁹⁷. This device is a mapping technology used for ensuring transmission of election results in real time immediately as they are being collated and counted at the polling center (Senevote, 2012). Through this technology, information on electoral irregularities, fraud and violence can be ascertained so as to stem such occurrences. For example, this initiative was central to the detection of electoral fraud in some parts of Dakar before it affects the credibility of the 2012 elections²⁹⁸.

The quality of elections has also been institutionalized as a result of the collaborative network with other institutions involved in the electoral process. For example, the CSO has meetings and dialogues with the electoral commission, Ministry of Interior, political parties and other network of social groups to agree on common practice and standard in the management and participation in elections. This initiative has enhanced the credibility and acceptability of election. In its 2012 election report, COSCE concluded that ‘the elections faithfully reflect the will expressed at the poll’ (COSCE, 2012). The outcome of the 2012 elections and the peaceful transfer of power despite the challenge before the election further confirm that the One World innovation is functional on electoral credibility and integrity in Senegal.

²⁹⁵ Personal interview with a prominent member of the CSO in St Louis Senegal 2014

²⁹⁶ Personal Interview with a prominent member of the CSO in sat Louis Senegal 2014

²⁹⁷ The One-World is a mapping technology invented by COSCE for election monitoring operations in which over 500 observers could send elections report directly from the field through text messages to the Situation Room, providing for the first time ever an initial indication of their findings in real time. Although the observations from this report are not final, it further serve as confirmation data with those of other coalitions, in making formal assessment and evaluation of voting process throughout and after the elections.

²⁹⁸ Personal interview with the Secretary of RADDHO in Dakar, 2014.

Similarly to the Senegalese One World, the TMG and coalitions of other Civil Society groups in Nigeria have also introduced the ‘Swift Count Technology’²⁹⁹ to systematically assess the electoral process and provide independent verification of the official results as they are being released by INEC (Project Swift Count, 2011: 1). This method was used for the 2011 general elections where about 8000 citizen observers were dispatched to the 774 local governments in Nigeria, including about 7000 trained accredited non-partisan stationary observers at 1500 polling units located in the entire six geopolitical zones, including the Federal Capital Territory (Project Swift Count, 2011: 1). Additionally, nearly 1000 mobile observers were also deployed to identify trouble spots during the elections (Project Swift Count, 2011: 1). Although there was friction between INEC and the election observers during this process, Swift Count was responsible for the relative fairness and credibility of the 2011 elections.

Unlike Senegal, there have been frictions between the CSOs and INEC in Nigeria on the credibility of elections. Illustrative of this, INEC has on several occasions subjected election observers to rigorous and frustrating screening during accreditation process and has refused to approve members of CSO for election observation.³⁰⁰ For example, some members of TMG were deliberately denied accreditations by State INEC in 2007 on the claim that no directive was given by INEC to issue accreditation to potential CSO observers (TMG, 2007). However, CSOs have been actively involved in the process of election monitoring and observation since 1999 in Nigeria. For example, the Transition Monitoring Group (TMG), Alliance for Credible Elections (ACE) and Domestic Election Observation Group (DEOG) has taken the flagship of election monitoring as their core responsibilities. In the same vein, the Save Nigeria Group (SNG), the Coalition of Democrats for Electoral Reforms (CODER), and the Civil Society Coordinating Committee on Electoral Reform among others have undertaken the task of mobilizing for electoral reforms and constitutional rule (Obi, 2011). Among the above stated CSOs, TMG is the largest platform of CSO participating in the democratic process in Nigeria. It should be noted that the formation of the Transition Monitoring Group (TMG) was the consequence of the perennial struggle between the Campaign for Democracy (CD) group and military authorities in 1999 to protect the

²⁹⁹ The Swift Count is the baseline for quick count of elections. Its judgement relies on reports from representative’s random samples of polling stations from every part of Nigeria. The Swift Count was a joint initiative of the Federation of Muslim Women’s Associations in Nigeria (FOMWAN), Justice, Development and Peace/Caritas Nigeria (JDPC), the Nigerian Bar Associations (NBA), and the Transition Monitoring Group (TMG).

³⁰⁰ Personal Interview with a prominent member of a CSO in Lagos, Nigeria 2014

democratic process from military manipulation as has been the case before 1999.³⁰¹ The coalition is an umbrella for about 56 human rights groups and other domestic civil society organizations. They have trained and dispatched about 50,000 elections observers across the country to take flagship of election monitoring and observation in the 120, 000 polling units in the country since 1999.³⁰² As the leader of all other monitoring agencies, the TMG and other coalitions of domestic monitors have monitored all elections including the rerun in Nigeria. They have produced several reports detailing the extent of electoral fraud and irregularities in Nigeria. For example, TMG in its report on 1999 elections, concluded that ‘the conduct of the 1999 Presidential election was successful, but there were signs of electoral fraud on the election days, both sides had committed fraud; it is difficult to say the extent to which the efforts of the two parties cancelled each other’ (TMG, 1999). While the 1999 report has been less disturbing that of the 2003 elections was more disturbing. As concluded by the TMG:

It is the case that while the voters waited and persevered in the polling stations to cast their votes, the political class and the political parties had different ideas. The voters wanted their votes to determine the winner of elections, the political class wanted to corrupt the process and rig their way into elective office. On the whole, the results can be said to marginally reflect the choice and will of the people (TMG, 2003: 120).

In 2007, TMG also concluded that the 2007 election was more of a sham and charade which must not be allowed to see the light of the day if democracy is to be sustained in Nigeria. In their assessment, it was the worst in the history of Nigerian elections (TMG, 2007). Despite the efforts of the civil society groups to ensure credible elections through their reportage, they have been subject to inhumane treatment. A compelling case was that of Abubakar Momoh, a Professor of Political Science at Lagos State University, Nigeria who was severely beaten and assaulted during the course of election monitoring. According to him

They (PDP thugs) asked us, what was our mission in Ekiti state? We said we were observers, and they retorted that they did not believe in or recognize observers. They said we were sent by Asiwaju Bola Tinubu (an AC leader), that we were all from Lagos, We showed them our INEC registration, our personal identity cards, where we worked and all that, but they wouldn’t have any of that. They tore our identity cards, went into their vehicles, harassed us with their weapons-cutlasses,

³⁰¹ Personal Interview with a prominent member of a CSO in Lagos, Nigeria 2014

³⁰² Personal Interview with a prominent member of a CSO in Lagos, Nigeria 2014

bottle, all sorts of dangerous weapons- and because I was the spokesperson, they beat me up and smashed a bottle on my head. And the policemen, about four of them, could not do anything to protect us.³⁰³

Many election monitoring observers have been seriously injured and become targets and victims of the violence associated with the electoral process in Nigeria.

In some instances, election monitors and observers have sometimes been seen to display partisan tendencies which affect their neutrality and integrity in election monitoring. In fact, the findings of this study discovered that there is significant connection between the some CSOs and political parties. It is the case that some observers are members of political party. At the same time some have mutated into political party. For example, the Democratic Alternative (DA), the Joint Committee for Democracy (JCD), and the National Conscience Party which started as CSOs, are now political parties in Nigeria (Tar, 2009). Even in Senegal, it is not uncommon to see members of the CSO enrolling as members of political party. As pointed out by former TMG president ‘the incapacity of the CSO has been the struggle fatigue in which internal wrangling has led more than half of the pro-democracy activists to opt to participate in politics’.³⁰⁴ This dual status has implications for election monitoring and credible electoral process in Nigeria and Senegal.³⁰⁵ However, violence against forthright and unbiased monitor is an attempt to manipulate and discredit the electoral process. The Nigerian police have frequently been indicted for not offering enough protection to election monitors, aiding and abetting thugs allegedly belonging to the ruling party, especially the PDP to subvert peaceful electoral process, through intimidation and attacks of election monitors so as to create room for rigging and manipulations.³⁰⁶

³⁰³Cited from Interview conducted by Onapajo Hakeem with Professor Abubakar Momoh, a member of the Transition Monitoring Group in Nigeria. Moshood Erubami, the past President of TMG 1999 to 2007, and Dr Olaniyan Azeez were also attacked in the same Ekiti rerun elections in Nigeria. In the course of my own interview, Erubami confirmed how they were beaten and escapes death by a whisker. .

³⁰⁴ Personal Interview with a prominent member of TMG in Lagos, 2014.

³⁰⁵ Personal Interview with the representative of RADDHO in Dakar, 2014

³⁰⁶ Personal Interview with a prominent member of CSO in Lagos, 2014

Table 30: Summary of the Contributions of Civil Society Organizations to Democratic Consolidation in Senegal and Nigeria

Civil Society	Senegal	Nigeria
Nature of CSOs	Fragmented	Fragmented
Structural Organization	Fairly Coordinated	Fairly Coordinated
Relations with Parties	Stable	Stable
Relations with Electoral Commission	Strong	Weak and characterized by Suspicion
Contribution to Electoral Process	Strong	Strong

Source: Developed by the researcher based on his field work in Senegal and Nigeria in 2014.

6. 6. Summary of Chapter Six

While the structural-institutional context of both countries has partially explained the trajectories of their democratization by election, democratic consolidation still has a long way to go in both countries. In the case of Senegal, structural and political context have been very marginal in their contribution to democratic consolidation as the management of elections by the agency under the executives rather than CENA, which is the main electoral management body still raises concern on the credibility and legitimacy of elections in Senegal. The experience of Nigeria suggests that structural factor; especially the electoral management body has been responsible for the major crisis of electoral democracy in Nigeria. As exemplified by the deepening crisis of electoral management, INEC has been culpable for the flawed and controversial elections since 1999. The absence of autonomy has undercut professionalism and institutional constraints, and has been the basis for which the electoral management bodies have been called to question in both countries. In the case of political parties, the subversion of the electoral process by major political players through electoral fraud and violence especially in Nigeria, the prevalence of tiny political party without electoral value as the findings suggest in Senegal, is the major consequence of electoral crisis in many democratizing countries. The findings also demonstrate that coalition formation has offered democratic goods as demonstrated by electoral turnover and power alternation in both countries, especially in Senegal, the absence of vibrant and ideologically rooted political parties is a bane of democratic consolidation in Senegal and Nigeria. In clarity, the reliance on patronage politics by smaller politics has undermined the democratic goods which coalitions and consensus politics could have provided for both countries especially Senegal.

And rather than enhancing political structures, this has explicated why coalitions frequently breakdown as the experience in Senegal demonstrated.

The challenge, therefore, is not whether elections are becoming institutionalized in both countries, findings from the research demonstrates that that political elites who assume power through democratic elections are creating unlevelled playing fields through the structural and political contexts to prevent opposition from winning elections with a view to personalizing power, and deflating democracy in both countries. By doing this, political elites disrespect democratic rule of law, constitutionalism and the liberty which promotes democratic quality of elections, electoral integrity and democratic consolidation. Furthermore, the principle of the rule of law, constitutionalism and liberty serve as democratic safeguard which thwart democratic reversal and enhances democratic consolidation. This is the gap this study attempts to fill by arguing that elections alone do not engender democratic consolidation in the absence of rule of law constitutionalism and liberty.

The next chapter focuses on examining the rule of law, constitutionalism and liberty as fundamental elements of democratic consolidation. It argues that the absence of these principles, despite the routinization of elections, even if credible or otherwise has been the basis of democratic retrogression as would be demonstrated with the Nigeria and Senegal's case in the next chapter.

CHAPTER SEVEN

7.0. The Rule of Law, Constitutionalism, Civil Liberties and Democratic Consolidation in Nigeria and Senegal

Following the argument in the preceding chapter, elections are very important to democracy, yet they become meaningless when they are not underlined by key fundamental principles of liberal democracy such as the rule of law, constitutionalism and liberties. Experiences in many new democracies also show that the internalisation of elections in the absence of other liberal democratic principles is not sufficient for democratic consolidation. In the context of institutionalising elections, especially where they are not undergird by these liberal democratic principles such as liberty, the rule of law and constitutionalism gives an invitation to the phenomenon of hybrid regimes in many African democracies. Under this circumstance, election does not engender democratic consolidation, even if they are credible or flawed. In the light of this, this chapter demonstrates that the absence of the rule of law, constitutionalism and liberties in Senegal and Nigeria has undermined the prospect of democratic consolidation in both countries, making them to be dubbed semi-democracy or illiberal rather than a consolidated democracy.

7.1. Elections, Civil Liberties and Political Rights

A major factor which raises a fundamental question about the consolidation of democracy in Senegal and Nigeria is the decline in civil and political rights. According to O'Donnell, (2004: 33) 'civil liberties and political rights are the freedom of expression, the availability of alternative sources of information (freedom of the media) and associational autonomy (freedom to organize political parties, interest groups and social movements'. As claimed by Diamond and Molino (2004: 10) in a 'democratic regime the issue of freedom and political equality are the defining and distinguishing elements between substantive democracies and their aberrations'. These principles are crucial to democracy because they are the necessary conditions which determine the extent to which elections are fair, inclusive; legitimate and serve as the cursor of democratic consolidation (Diamond, 2015). The absence of freedom no doubt undermines democracy, and has been responsible for the increasing cases of electoral fraud and violence, which constitutes a serious impediment to the consolidation of liberal democracy in West Africa. Although, the declining freedom of many countries has been linked to the persistent democratic downturn in the world since 2006, the manner in which

many democracies are frequently tampering with freedom in the post-third wave democratisation is telling (Diamond, 2015). This telling circumstance is worrying for the institutionalisation of civil liberty and political rights in many emerging democracy, especially in West Africa which is just recovering from the experience of past military and authoritarian rule. Consequently, Diamond (2015: 144) in a number of ways, poignantly captured the waning nature of freedom in the world:

First, there have been a significant and, in fact, an accelerating rate of democratic breakdown. Second, the quality or stability of democracy has been declining in a number of large and strategically important emerging market countries, which I called “swing states”. Third, authoritarianism has been deepening, including in big and strategically important countries. And fourth, the established democracies, beginning with the United States, increasingly seem to be performing poorly and to lack the will and self-confidence to promote democracy effectively abroad.

In affirmation of the above quotation, more countries have deteriorated in terms of freedom than they have improved. For example ‘29 out of the 49 sub-Saharan African states (almost 60 percent) declined in freedom, while only fifteen (30 percent) improved and five remain unchanged’ (Diamond, 2015: 148). At the same time, ‘twenty states in the region saw a decline in political rights, civil liberties, or both that was substantial enough to register a change on a seven point scales (while only eleven states saw such a visible improvement)’ (Diamond, 2015: 148). In spite of such improvement in freedom, especially in many larger states of Africa ‘freedoms deteriorated in thirteen of the 25 of them, and improved in only eight’ (Diamond, 2015: 148). The diminishing state of freedom has been at the heart of democratic consolidation in many African countries. Even though the institutionalisation of elections indicates that people are exercising their choice, the conduct of elections indicates little about civil and political liberty, especially in the context where the majority are restricted in exercising their liberty.

A major finding from the interview in Senegal and Nigeria, therefore, shows that there is a growing violation of civil and political liberties by the incumbent political elite or a faction of it. Police brutality and assault, government persecution and constitutional prohibition are rampant in both countries. However, allegations are rarely investigated, nor prosecuted even as democratic norms and the rule of law dictates. The democratic features of both countries have been characterised by increasing trampling on the democratic freedoms of the political opposition. Although in the case of Senegal there was improvement in freedom in Senegal

after the 2000 elections which open the democratic space leading to electoral turnover, the increasing persecution of political opposition characterizing the pre and post 2007 elections has been responsible for the diminishing rate of civil liberties and political rights in the country. There was conscious effort by the incumbent president to use constitutional clauses in denying the civil and political liberty of the political opposition. For example, President Wade's insertion of Article 25 into the constitution to proscribe the right to hold protests and demonstrations against his government was a clear case of rebuffing political freedom. Yet, this is the same Wade who had used protests and demonstrations as instrument of political change against the regime of Senghor and Abdou Diouf in the 1960 and 70s. According to Amnesty International (2012: 10), 'there is no apparent justification for this ban which undermines rights to freedom, because such rights are constitutionally provided for in the Senegalese constitution of 2001. Article 8 and 10 of the Senegalese Constitution states that, 'Senegalese people have rights to freedom relating to demonstrations and meetings' (Senegalese Constitution, 2001). Thus, Wade's prohibition of peaceful protest and demonstration against his regime despite using such democratic principle to assume power is suggestive of lip service and insincerity to democratic norms. As a scholar has dubbed him, President Wade is a pseudo democrat; who only pretends to be a democratic president because of the international prestige attached to democratic countries (Levitsky and Way, 2010; Mbow, 2008). For this reason, other scholars and reports have also dubbed him the soubriquet 'veritable caricature of Senghorism' (Mbow, 2008: 159, Amnesty, 2012).

In spite of Article 7 of the Senegalese Constitution which provides that 'human person is sacred. It is inviolable. The state has the obligation to respect it, and protect it' (Senegal Constitution 2001), governments went ahead and override the constitution with security clause. According to Article 80 of the National Security provision which state that 'any act that might compromise public security or cause serious political disturbances shall be prohibited' (National Security, 2005). Consequently, the Senegalese police and Gendarmerie-anti-riot police persecuted and assaulted protesters in what led to several injuries and death. There are reported cases of police throwing tear gas grenade and canisters at the protesters, resulting in the suffocation of protesters and demonstrators. The consequence of the crackdown resulted to the death of a student of Cheik Anta Diop University of Dakar, after sustaining gunshot injury caused by police sporadic shooting (*Le Populaire*, 2012). A leading figure in the demonstration, Youssef N dour, an internationally renowned singer and Di eye,

the mayor of Saint Louis, were also assaulted and arrested by the Directorate of State Intelligence Commission (DIC) (*Sud Quotidien*, 2012).

Nevertheless, while the act that could breach public peace or may result in military intervention should be forestall, banning peaceful demonstration is a clear case of government intolerance and persecution of political opposition. Although government often rationalised its actions by laying claim to some constitutional provisions and regulative instruments, persecution of political opposition does not show that the incumbent regime had habituated democratic values and principles. Even if the protesters breached public peace, as often claimed by the government, the appropriate thing is to peacefully dislodge the protesters rather than assaulting, or persecuting them. Hence, ‘authority’s decision to prohibit public gatherings and demonstrations in Senegal is a worrying source of concern for democratic deepening’ (Amnesty International, 2012: 18).

Undermining the constitution by the ruling elites probably inhibits democratic deepening and the implication for attitudinal and constitutional consolidation. The humiliation and arrests of Jean Paul Dias, the leader of Gaiende Centric Bloc (GCB) and his family by the police for criticising the policy of the government therefore is suggestive of such attitudinal intolerance and disregards for civil liberty (*Sud Quotidien*, 2012). Even when Bathelmy Dias, a prominent member of PS, condemned such act as undemocratic, he was also arrested and imprisoned for criticizing the government (Mbow, 2008). This has culminated in the erosion of democratic freedom, as basic liberal freedoms in Senegal are frequently trampled and denied (O’ Donnel, 1996).

The decline in freedom in Senegal was also heightened by the persecution and intolerance against opposition parties. For example, the decision of President Wade’s to accuse his former Prime Minister; Idrissa Seck of corruption because of his interest in the presidential race has been seen as persecution of opposition figure (Kelly, 2012) The political succession battle between Idrissa Seck and Abdoulaye Wade, who is interested in installing his son Karim Wade as president to ensure that he personalise power has continue to generate tension within the PDS camp. Although, a general belief was that Seck would succeed Wade as his number two after the expiration of his tenure. Wade desperation to install his son led to the institution of charges of corruption against Seck. Despite that the Constitutional Court dropped the charges of corruption against Seck for lack of merit, attempt denying political opposition from exercising their political rights is a clear violation of civil and political

liberty. Furthermore, the arrest of Yankhoba Diattara, the personal assistant of Seck by the police on the directive of the president, because he mobilized against the President during his visit to Thien, the political stronghold of REWNI further suggests the attempt of the president to undermine political liberty, but also persecute the opposition parties in an attempt to personalise power.

In the midst of the tension between President Wade and Idrissa Seck, the Speaker of the National Assembly, Macky Sall, raised the question of accountability against Karim Wade; the coordinating Minister of four Ministries which hosted the Conference of Islamic Organizations (CIO), under his father's regime. Instead of allowing his son to give account of his activities as accountability and transparency is a core principle of liberal democracy, President Wade mobilised the National Assembly to remove the speaker, where majority of the deputies were from PDS and also his loyalists. By demanding accountability from Karim, Macky Sall was deemed to have disrespected the President by not informing him before taking step to hold his son to accountability. According to Wade, 'I am the President of Senegal, and the accounting officer of the regime. Macky Sall is supposed to inform me before demanding accountability of my son. That to me was an orchestrated plan to destroy the political career of my son'³⁰⁷.

Although, despite that critics of Macky claiming that the step taken by him was deliberate at indicting the President, there is nothing wrong in raising questions of accountability against any government officials regardless of whether they are close to the President or not. Furthermore, the right to exercise oversight function of the National Assembly against the executive is a cardinal principle of liberal democracy in which separation of power, and checks and balance are central to. The unhindered removal of the speaker therefore, further indicates fusion of power rather than separation of power which the presidential system of government practiced by Senegal is associated with. Where other organs of government are subordinated to the executive, the implication is symptomatic of executive recklessness and emergence of imperial president. The removal of the speaker was also followed by the removal of his loyal deputies from their various committee positions in parliament³⁰⁸. As argued by a former deputy of PDS, who is now a member of APR, 'the victimization of Idrissa Seck and Macky Sall was borne out of Wade's secret plan to install Karim after the

³⁰⁷ Personal interview with the former President

³⁰⁸ Personal Interview with prominent member of APR Senegal 2014.

completion of his tenure. Both Seck and Macky are seen as potential competitors and the allegation of accountability is seen as an attempt to rub-off the credibility of Karim³⁰⁹. Thus, persecuting the political opposition has not only led to the decline of freedom in Senegal, it has also undermined the credibility of governance, as the lack of executive restraint in the exercise of power has eroded the legitimacy of government.

In a similar vein, there has also been deterioration in the civil liberties and political rights in Nigeria especially in the period between 2003 and 2007 elections. The desperation of incumbent President Obasanjo and his political party PDP to hold on to power and consolidate their hegemony has led to serious crackdown on the civil and political right of opposition political candidates. Two formal institutions were used to advance this strategy: the Independent National Electoral Commission (INEC) and Economic, Financial and Crime Commission (EFCC). These institutions not only usurped judicial power by disqualifying opposition candidates at will from standing elections, they also undermined democratic liberties of the political opposition. An illustrious example was the disqualification of the Vice President Atiku Abubakar, the Action Congress (AC) Presidential candidate for the 2007 elections, on the grounds that he was indicted by the Administrative panel of inquiry inaugurated by the Federal Executive Council (Jinadu, 2011). Through this report, Atiku was not only dismissed from the PDP, he was also prevented from exercising his franchise, as he was disallowed to participate in the Presidential election. Despite, that the Supreme Court ruled in favour of Atiku, declaring that INEC had no such power to disqualify party candidates and that only State Court or Federal High Court has such power to declare a candidate ineligible for elections (see Section 32(4)(5) and (6) of the Electoral Act 2006), INEC was unfair to him on the claims that they had problem re-printing another 65 million presidential ballot paper within three days in which the elections was to be conducted (INEC, 2007). In addition, INEC also alluded that even if they were able to meet up with the timeline of reprinting the ballot paper, they are faced with the challenge of distributing them across polling stations in the states of the federation (INEC, 2007). In furtherance of opposition persecution, the ruling PDP issued several white papers prohibiting candidates from contesting elections using one allegation or another. As a result, many Governors were forced to drop their political ambitions as plea bargaining, such that corruption charges against them could be withdrawn (Onapajo, 2013). Former River state Governor and his Abia state

³⁰⁹ Personal Interview with prominent member of APR Senegal 2014.

counterparts who were members of PDP were also forced to drop their presidential ambition for the fear of being prosecuted by the EFFC (Onapajo, 2013).

Apart from those that were forced to drop their ambition, the PDP barred many candidates from contesting in the 2007 elections. For example, of the 77 cases of candidates barred from contesting election, 37 of them were from key opposition parties.³¹⁰ Amidst, the disqualification of opposition candidates, PDP through the support of the INEC also manipulated party lists by substituting names of those who won party primaries, before, in most cases after the deadlines had lapsed. A good illustration is the case of Rotimi Amaechi after winning the PDP governorship primary in River State. According to Ogunsanwo (2003:16) ‘mere subterfuge of manipulating the party lists submitted to INEC in Abuja and replacing the names on the original list, victory was declared for some individuals. This was well after the deadline had passed for submitting new names to replace disqualified ones’. This scenario was even more vexing with another case of a senatorial candidate under PDP; Ifeanyi Ararume, who won the party primary but, was replaced with another candidate on the ballot paper on the day of the election. Despite the ruling of the Supreme Court that he should be reinstated, PDP refuse the court ruling, but also dismissed Ararume on the claim that he had embarrassed the party in the law court and in the court of public opinion (Omotola, 2010). This attitude is a clear attempt at watering down of party primaries, as well as denying civic and political rights of the citizen.

It should be stressed that the disqualification of opposition candidate and parties from contesting the 2007 elections, had been linked to their involvement in the collapse of the third term agenda in which president Obasanjo was prevented from continuing in office (Ibrahim, 2007). It should be recalled that in 2006, President Obasanjo sought to extend his tenure by attempting to change the constitution through the report of the National Political Reform Conference (NPRC). Despite the recommendation of the conference that third term should be permitted for presidents, the Civil Society Organizations and coalitions of political parties, through legislative advocacy was able to pressure the National Assembly into disapproving the agenda (Suberu, 2007). Following the collapse of the agenda, Obasanjo became vindictive as he persecuted many state Governors who failed to support his ambition (ICG, 2007). For illustration, Governor Orji Uzor Kalu of Abia state, Joshua Dariye of Plateau and

³¹⁰ Out of the 77 cases considered by the panel, 37 opposition candidates were indicted, 36 were recommended for further investigations and four were cleared.

Rashidi Ladoja of Oyo state were all charged with corruption offenses without any substantive basis for the charges, nor was due process followed before being arrested (Onapajo, 2013).

Another example of the violation of civil and political liberty was the outbreak of political violence and assassination meant to intimidate major members of the opposition whose presence was seen as a threat to the domination of the ruling party. Indeed, the period before and between the 2003 and 2007 elections featured clear cases of politically induced violence. In the period leading up to the 2003 elections, the Committee for the Defense of Human Rights (2003: 31) noted that ‘the spectre of political violence and assassinations in the country had become too intense that one cannot distinguish between civilian and military rule in Nigeria’. Although, Igbafe and Offiong (2007) had documented a list of assassinations, the most mysterious of them are the assassinations of the Attorney General of the Federation and the Minister of Justice, Chief Bola Ige, Harry Marshall and other prominent politicians. In addition to high profile political assassinations, many leaders of the opposition political parties were harassed and arrested by the security forces with a view to disorganizing their campaign in the period leading to the elections (ICG, 2007). For example, the leadership of APC was prevented from campaigning in Ekiti Governorship election (The Nation, 2014). In 2007, the Action Congress Governorship candidate in Osun, Rauf Aregbesola, Micheal Koleosho, AC leader, two members of the National Assembly and Yushau Armiyau of ANPP were arrested and detained, among others to prevent them from campaigning for their respective parties (Kura, 2009). While Human Rights Watch noted an improvement in freedom compared to the military era, the violations of freedom have been a major problem for democratic consolidation in Nigeria since 1999. Human Rights Watch (2007:136-138) captured this poignantly:

Since the end of military rule in 1999 Nigeria has enjoyed the longest stretch of uninterrupted civilian government in its history as a nation. While this period has seen some improvement in respect for civil and political rights, government actors including the police, military and elected officials, continued to commit serious and persistent abuses against Nigerian citizen. Nigerian police and other security forces continued to be implicated in widespread acts of torture, ill-treatment, extrajudicial killings, arbitrary arrest and property destruction.

Evidence from the broad spectrum of opposition political parties also claimed that the brutalization of political opponents has been the main characteristics of the incumbent regime

in Nigeria³¹¹. For example, the United Action for Democracy, (a civil society organization) and prominent political activists were brutalized and arrested by the Nigerian police for educating opposition parties on how to handle post elections disputes (ICG, 2007). In the process, Abiodun Aremu and Abdullahi Ahmed, the UAD coordinator were also arrested for their advocacy against electoral fraud in which the PDP was the main culprit (Sunday Sun, 2006 p.2). Apart from this, the period under concern has seen Nigerian Police arrested 20 other members of the human rights movement in Lagos in connection with their role on civil advocacy and political education (Vanguard, 5 December 2006, p. 49). In some other cases of police brutality against Civil Society groups, there were about 20 injured casualties, with death toll totalling as much as three (Human Rights Watch, 2007b).

With regards to the increasing intimidation and victimization of political opposition in Nigeria, Suberu (2007:98), ably captures the ordeal of political opposition at the hands of the ruling regime thusly:

The police would brazenly intimidate or detain opposition supporters and candidates, ransack the offices and campaign headquarters of opposition parties and deny them permits for major opposition's rallies and meetings. Even independent organizations, including private media and civil society groups, suspected of oppositions sympathies would become targets of police and security service harassment and intimidation.

The above narrative suggests the diminishing state of civil and political liberties in Senegal and Nigeria. This explains why both countries have been said to be un-consolidating democracy, as the repudiation of democratic freedom by incumbent regime has undermined the widening of the democratic space. By denying the civil rights and political liberty of the opposition parties, political elites are violating core democratic principles of consolidation, as popular participation, tolerance of political opponents and fair competition which defines the degree of freedom in a country are cardinal principles of liberal democracy. Consolidating democracy therefore in the absence of these principles, is a farce as such democratic experiment suffers from required liberal safeguards which enhance the prospect of democratic consolidation. In the absence of these principles, democracies tilt towards hybrid or illiberal regime, rather than liberal democracy whose principles are the main drivers of democratic consolidation. The consolidation of liberal democracy, therefore, can only occur

³¹¹ Interview with Ahmadou Jallo, a prominent member of the PS who gave a detailed account of how Wade repressed the political opposition during his despotic rule between 2003 and 2007.

where democratic actors enjoy their democratic rights and freedom without any form intimidation and persecution whether in the period before election or during it (O Donnel, 1996).

7. 2. Crackdown on the Press

In addition to the denial and persecution of political opposition, a major feature of Senegal's and Nigeria democratic experience has been the deliberate attempt by the incumbent regimes to crack down on press freedom. It should be stressed that independent press is significant to democratic consolidation; as the major heartbeat of democracy and popular participation. The importance of the press therefore, cannot be overstated (Akinwale, 2010). The press not only disseminates information, they also shape opinions in a political society. Indeed, the development of an independent media has been seen as major incentive for freedom and democracy (Gellar, 2005; Omotola, 2009; Akinwale, 2010). The significance of the press for democracy was emphasised when, in his testimonial during the 2008 World Press Freedom Day, the (then) President of the United State of America, George Bush revealed that press freedom is a major provisions in the United State Constitution, emphasizing freedom of expression as indispensable for a free and democratic society (Akinwale, 2010). In stressing the imperative of the press, Nigeria and Senegal have also affirms the role of the press and freedom of speech in their various constitutions. For example, Section 39 (1) of Nigeria's constitution of 1999 stated inter alia the right to freedom of expression and of the press (Federal Republic of Nigeria, 1999). Similarly, Article 8 of Senegal's constitution of 2001 also protects freedom of expression and the press. More specifically, Article 10 guarantees the 'right to express opinion freely, in words, in writing, in images and by peaceful marching' (Republican Constitution of Senegal, 2001).

Contrary to the constitutional provisions in both countries, freedom of the press is not generally respected in Senegal and Nigeria, as several cases of media clampdown and persecution continue to raise questions about the independence of the press in both countries. Indeed, the setback suffered by the press under the regimes of Presidents Abdoulaye Wade and Olusegun Obasanjo in Senegal and Nigeria respectively attest to the lack of independence of the press, the fourth estate of the realms. Although, both Presidents were victims of political persecutions during the military and authoritarian rule in their respective countries, but have assumed office through democratic elections, their reliance on several

provisions of the penal code to criminalize press activities raises concern on their commitment to democratic freedom.

Press freedom has partially or has been non-existent in Senegal. This has occurred as a consequence of the frequent clamping down of press freedom and right to expression. Many unconstitutional and authoritarian repressive state security laws or penal code has been use to ensure the press are silenced and become less critical. For example, Article 12 of Senegal's Penal Code conceives critical journalism as a threat to national security (Penal Code, 1996). According to the code 'the press shall be subject to prosecution, fines and incarceration, in the event that their write up is in conflict with the interest of the state³¹². This code has therefore activated and increase state censorship and press restriction. According to the Freedom House Report on press freedom, 'although defamation, libel and insults are criminal offenses, such charges are occasionally brought against journalists to block or punish critical reporting or commentary' (Freedom House, 2013: 1).

Consequently, it has led to several professional journalist and media practitioners being subjected to harassment and intimidations. Some examples illustrate the repression of the media in Senegal. Professor Abdou Latif Coulibaly's (journalist and director of Sud-FM) was persecuted and repeatedly threatened for the publication of several books against the government. One of the books that put the government in serious legitimacy crisis was the one titled 'Wade an opponent in power: change of power trapped' (CPJ, 2011). The reason for his persecution was not far-fetched; the book criticized President Wade's authoritarian rule and his growing personalization of power against the Senegalese people (Mbow, 2008). Furthermore, government intolerance of political opposition has also led to the activation of Article 80 of the penal code to convict, Madiambal Diagne, the editor of *Le Quotidien*, (an authoritative newspaper in Senegal) on July 2004 because he exposed a confidential documents of the government to the public domain (Sarr, 2012). According to the spokesperson of the regime, ' attempt at exposing secret reports and correspondence of the government, and spreading news for the purpose of causing serious political turmoil is a serious offense against the state' (Sarr, 2012: 23).

The antagonism against the media was driven by Wade's contempt for opposition. The former president was not interested in strengthening democracy; rather his preference was to

³¹² That statement was translated from French to English language

institutionalize a hegemonic personalized project in which the political opposition is effectively suppressed. In a more calculated attempt to stifle free journalism, the directors of *Walfadjri and Le Quotidien* [a private newspaper] in Senegal reported the attempted assassination of Talla Sylla, the opposition leader of Jef-Jef by state security forces. They were arrested, quizzed and detained for more than 24 hours, without the option of bail³¹³. It was only the increased public pressure which saw these professional journalists released after two weeks. Perhaps, the most alarming example was the closing down of media offices and outlets, arresting their staff for defamation and persecuting them in their course of advancing political liberty and democratic freedom. The shutting down of the Sud FM radio station, removal of their newspapers from circulation and the arrest of about 30 journalists of Sud Quotidien which is the newspaper section of the radio stations by the Minister of Interior, Ousmane Ngom was a clear indication of government attempt to destroy press freedom and independence (Mbow, 2008). The only reason adduced by the minister was that the Sud Correspondence granted an interview with a perceived rebel leader who is against the government of President Wade (Mbow, 2008; Sarr, 2012).

Several media practitioners have also been sentenced to imprisonment or made to pay fines. For example, in 2008 the editor-in-chief of *L'Observateur*, Serigne Saliou Samb, and a reporter, Jules Diop, were sentenced to six month imprisonment for defamation. The newspaper was also fined 30 million CFA francs (US \$72,000) (Freedom House, 2009). In another related case which shows the crackdown on freedom of the press, El Malick Seck, a journalist of *24 Heures Chrono* was sentenced for an article which accused the President of money laundering in 2008 (Freedom House, 2009). At the same time, Papa Moussa Gueye, the director of *L'Exclusif* and Ndoye, a journalist, were given a six month suspended prison term for publishing what the regime termed 'false news'. It is instructive that the false news was the editorial of the newspaper which referred to the 'nocturnal escapade of President Wade' (Freedom House, 2009). In that editorial, the legitimacy of President Wade was called to questions, due largely to the fact that he was becoming unpopular among the Senegalese people who voted him into office in 2000.

Nigeria's government has also undermined press freedom. Several cases of press crackdown have been reported since the inception of democratic rule in 1999 (Akinwale, 2010). For example, the State Security Service (SSS) in 2007 assaulted African Independent Television

³¹³ Personal Interview with a leading political figure of REWNI in Saint Louis, 2014

(AIT) reporters and smashed their original documentary entitled ‘a tenure elongation’. During the process, several members of staff of the media outfit were arrested (Frank and Ukpere, 2012). Several public commentators and political analysts who were also in the AIT studio to offer meaningful contributions to the third term debates in relation to how they affect constitutional democracy in Nigeria were also intimidated and assaulted (Frank and Ukpere, 2012). The rationale for the arrest was that AIT was airing the live debate on the tenure elongation which the National Assembly is yet to approve (Kura, 2011). In another crackdown, SSS in 2007 invaded the same media office for airing a documentary titled ‘Nigeria’s political development’ which was seen as an indictment of the government for the flawed and manipulated 2007 elections. The raiding of the editorial offices and arrest of press employees by the Nigerian Police has led to the declining press freedom in Nigeria. Several newspapers such as *The Nation*, *Daily Independent*, *The Punch*, *Daily Trust*, *Vanguard*, *Business Day*, *This Day* and *The Observer* were victims of frequent persecution and crackdown (*The Punch* 28 May 2008). A major excuse of the government has always been that media houses ought to seek authorization before airing or publishing any information deemed critical to the government.

Moreover, press freedom is also challenged by the cumbersome process of approval by the media regulatory agencies. For instance, when *Channels Television* notified the National Broadcasting Corporation (NBC) 48 hours before the broadcast of an impromptu live political programme, the regulatory body declines it; government also deployed heavy security service to prevent the programme from being aired live (Vanguard, 2009). As summed by the editorial of *Punch* newspaper in Nigeria, It is sad that while international standards, which allow journalists to perform their duties without any hindrance, are respected even at war fronts, Nigerian journalists and media houses face intimidation and harassment on a daily basis at home (*The Punch*, 2008:14).

A plausible explanation for the manipulation of the SSS and the Police in Nigeria and Senegal as instruments of victimisation and crackdown was the over concentration of power in the Presidency. The excessive use of state power by the president or Isoumuna (2011) ‘imperial presidency’ has promoted the tendency of incumbent president to manipulate state institutions, especially the police and the SSS in bringing the state under their tight control³¹⁴. According to the Director of CLEEN, a civil society organization on electoral policing, the

³¹⁴ Personal Interview with the coordinator of CLEEN, Lagos, 2014

police and SSS have been affected by the ‘regime philosophy rather than democratic policing in which the armed forces are accountable to multiple constituencies such as the parliaments, judiciary and the people’³¹⁵. Although a number of clauses in the Police Act in Nigeria’s Constitution indicate that the operational control of the police lies with the President (Section 9-15 of the Police Act, 2014), the subordination and undue control of the police by the Presidency without any institutional checks has undermined the police as a security institution of the state in which the protection of life and property are its core functions. The subordination of the police has led to its incorporation into the executive to the extent that it is difficult to separate them from the executive in which the preponderance compositions are members of the ruling party. According to a retired police Commissioner ‘it is difficult to differentiate between the ruling party and the state’.

While there is a thin line between the government and ruling regime, Kura (2011:90) observed that ‘for neopatrimonialistic and clientelistic reasons, the President or better still the ruling party has political control over the police and the army, every officer would tend to show allegiance to him, in order to benefit from patronage and largesse and to save their jobs’ (Kura, 2011: 90). This has made it difficult for the police to serve in the interests of the people. Indeed the police have been largely overdeveloped as an instrument of repression in the absence of parliamentary or abiding civilian control. While the police have committed a lot of human rights abuses, many of these crimes have gone unpunished, with government shielding perpetrators from the law (Amnesty International 2010). According to Amnesty International ‘any investigation into allegation of human rights violations committed by Senegal police and gendarmerie are usually swept under the carpet’ (Amnesty International, 2012: 23).

Moreover, government has also used legislation to shield the security agent and public office holders from possible prosecution. For example, passage of the controversial ‘Ezzan Amnesty law’ in Senegal was used to grant amnesty to all perpetrators of political crimes between 1993 and 2004 (Beck, 2011). This has been seen as an attempt by government to acquit government officials who perpetrate political crimes from reproach (Kelly, 2012). The shielding of perpetrators of political crimes not only raises concerns about the institutionalization of the rule of the law and constitutionalism, it also encourages impunity and anti-democratic attitude, given that perpetrator are most likely to go unpunished. Such

³¹⁵ Personal Interview with the coordinator of CLEEN, Lagos, 2014

attitude and disposition is what Agbaje and Adejumobi (2006:29) referred to as the institutionalization of a ‘criminal activity in which bandits and criminal gangs hold sway, because such modes of political practice reified popular culture and social values. Consequently, the prospect of democratic consolidation becomes endangered especially where pseudo-democrats and political elites failed to respect and institutionalize civil and political liberty. This view buttressed the argument advanced that democracy is yet to be consolidated in Nigeria and Senegal, and that the Freedom House rating and Polity index scores which indicate that democracy is consolidating especially in Senegal in the period under study is problematic. Below is the freedom house and Polity Scores index of Nigeria and Senegal, 1999-2013.

Table 31: Freedom House Rating of Democratic Freedom of Senegal and Nigeria, 2001-2013

Year	Freedom Rating (Senegal)	Status	Freedom Rating (Nigeria)	Status
2001	3.5	Partially Free	4.0	Partially Free
2002	3.5	Partially Free	4.5	Partially Free
2003	2.5	Free	4.5	Partially Free
2004	2.5	Free	4.0	Partially Free
2005	2.5	Free	4.0	Partially Free
2006	2.5	Free	4.0	Partially Free
2007	2.5	Free	4.0	Partially Free
2008	2.5	Free	4.0	Partially Free
2009	3.0	Partially Free	4.5	Partially Free
2010	3.0	Partially Free	4.5	Partially Free
2011	3.0	Partially Free	4.0	Partially Free
2012	3.0	Partially Free	4.0	Partially Free
2013	2.5	Free	4.5	Partially Free

Source: Freedom House on Senegal and Nigeria <http://www.freedomhouse.org/search> [Accessed 15 October 2014]. Freedom House does an annual assessment of the degree of freedom in the world [civil liberty and

Political Rights]. It rated countries on an annual scale of 1 to7, where 7 signify the highest degree of freedom, whereas 1 is the lowest. Under this scaling, scores are further methodologically categorized under the code Free [1.0-2.5], Partly Free [3.0-5.0] and Not Free [5.0-7.0].

Table 32: Polity IV Country Regime trend of Senegal and Nigeria 2001- 2013

Year	Regime Spectrum (Senegal)	Status	Regime Spectrum (Nigeria)	Status
2001	8	Democracy	4	Open Anocracy
2002	8	Democracy	4	Open Anocracy
2003	8	Democracy	4	Open Anocracy
2004	8	Democracy	4	Open Anocracy
2005	8	Democracy	4	Open Anocracy
2006	8	Democracy	4	Open Anocracy
2007	8	Democracy	4	Open Anocracy
2008	7	Democracy	4	Open Anocracy
2009	7	Democracy	4	Open Anocracy
2010	7	Democracy	4	Open Anocracy
2011	7	Democracy	4	Open Anocracy
2012	7	Democracy	4	Open Anocracy
2013	7	Democracy	4	Open Anocracy

Source: Polity scores index on Senegal and Nigeria <http://www.sytematicpeace.org/polity/polity4.htm>. The polity scores captures regime authority spectrum on a 21 point scale ranging from -10 [hereditary monarchy] to +10[Consolidated democracy]. The polity score can also be converted to regime categories: 3 part of categorization of autocracy (-10 to -6) anocracies (-5to+5) and the three special values -66-77 and -88 and democracy +6 to +10.

Although the foregoing table indicates an improvement in civil liberty and political rights in Senegal between 2003 and 2008, the decline witnessed between 2009 and 2012 was the consequence of the growing persecution of political opposition and the conscription of the democratic space by the incumbent regime of President Wade and his party, PDS. It should be stated that the improvement in freedom witnessed in Senegal between 2003 and 2008 was largely due to the free and fair elections leading to the electoral turnover of 2000. The

electoral turnover and power alternation from the incumbent to the opposition party enhanced civil and political liberties till 2008, considering that incumbent regime tolerated political oppositions, but also uphold freedom of expression and association. At the same time, post 2008 (2009-2012) democratisation era witnessed a decline in freedom, as Senegal dropped from 'free' to 'partially free' as indicated on the Freedom House scores above. Although the 2013 elections saw Senegal's rating returned to 'free', the legitimation crisis which had engulfed the 2007 elections and subsequent abuse of freedom and constitutionalism by the incumbent President Abdoulaye Wade was the precursor to the declining freedom and democratic setback in Senegal in the period between 2009 -2012³¹⁶. This attitude no doubt deny the opposition the opportunity to win elections on a competitive level, they also emasculate the prospect of consolidating democracy. For these reasons stated above, some scholars have referred to Senegal as not fully democratic because of the absence of freedom during those periods (Levitsky & Way, 2010; Kelly 2012). As noted by Schedler (2002), therefore, elections can only qualify as democratic if they occur in an open environment where civil and political liberties are not subject to repression. While democratic quality of elections has an inherent value for freedom, they offer little significance to democratic consolidation when liberty and rights are frequently violated.

Conversely, while Senegal had some degree of improvement in freedom, Nigeria has been diminishing in democratic freedom, despite the emergence of competitive politics in 1999. Nigeria remained 'partially free' throughout the entire period under consideration in this study. The major reason for this was largely due to the phenomenon of electoral fraud and violation, intimidation and persecution of political opposition, authoritarian disposition of the ruling regime among others. Virtually all the elections conducted since 1999 have been flawed and controversial and have had negative implications for freedom. In the context of flawed and controversial elections, civil and political liberty cannot be institutionalised as the opportunity for people to express their preference through voting and political participation is denied. This partly explains why electoral fraud continues to be a phenomenon in Nigeria's elections despite electoral turnover, which occurred in the 2015 general elections, as voters seldom express their democratic freedom in elections guided by electoral fraud and violence. In most cases the preference of the electorate is not a reflection of the outcome of elections. The consequence of the denial of democratic freedom and skewed electoral process are

³¹⁶ Personal Interview with a prominent member of civil society organization

usually teleguided by politics of warfare and zero-sum game situation. In the context of politics of warfare as indicated in Nigeria, the chances that democratic elections and freedom will be institutionalized are slim.

The Polity Index Score also enhance the explanation that democratic freedom is declining in Senegal and Nigeria. Unlike Freedom House, Polity IV measure regime spectrum and attributes that relate to governance and institutions to understand how countries are institutionalizing the degree of autocracy or democracy (Polity IV, 2013). In reference to the table above, Polity IV indicates an improvement in the regime spectrum of Senegal between 2001 and 2007, (Senegal was rated as a democratic country). However, the decline in freedom, led to the decrease in the regime spectrum of the country from 8 to 7 between 2008 and 2012. Even so, dropping from 8 to 7, was still a democratic indicator for Senegal, it further raises some concerns that freedom is thinning, and the quality of democracy is diminishing. The highhandedness of former President Wade, leading to the persecution of the political opposition and abuse of political institutions and constitutionalism, exacerbated the low legitimation of government and weakness of state institutions. It was under this circumstance that state institutions and governance became seriously atrophied resulting in frequent protests on political and economic issues against the government. The protest against the third term agenda and collapsing economy and government reactions through repression and persecutions weakens the major institutions and structures of government in the performance of their mandate (Kelly, 2012). This explains the suggestions that Senegal portrayed anocratic tendencies between 2008 and 2012 because of the breakdown of institution, executive lawlessness and persecution of political opponents (Bingol and Vengroff, 2012).

In the case of Nigeria, which was similar to the Freedom House perception that Nigeria was partially free, the Polity Index steadily maintained the same regime spectrum throughout the period under consideration for Nigeria (It was open-Anocracy)³¹⁷. This was so, because Nigeria continued to exhibit the traits of regime which continues to show signs of institutional weakness, executive highhandedness and lack of competition in electoral conduct, due largely to electoral manipulation and violence since the inception of democracy in 1999 (Herskovits, 2007; Norris, 2010). For example, the excessive exercise of power and

³¹⁷ Open-Anocracy is a regime spectrum which is characterised by autocratic characteristics such as intolerance and highhandedness of the regime, persecution of political opposition and conscription of the democratic space among others.

highhandedness by President Obasanjo through the state institutions such as EFCC and the police to persecute and crackdown political opponent in the period before the 2007 elections undermines the legitimacy of the state institutions and structures, which shows the agenda of one party state.

In summary, even though Senegal had witnessed improvement in their freedom at the early stage of their democratisation, the repression of political opposition, manipulations of democratic process and procedures, abuse and tinkering of the constitution and institutional breakdown is suggestive of a decline in civil liberty and political rights and the implication for democratic consolidation in both countries. Although, Nigeria has constantly struggled to institutionalize freedom since 1999, the appreciable progress made by Senegal has been scuttled by incumbent highhandedness and arbitrary use of power (Kelly, 2012). Hence it is simple to aver the lack of institutionalization of democratic freedom despite regularity of elections is a threat to the prospect of liberal democracy and its consolidation in Nigeria and Senegal (Levitsky and Way, 2010; Schedler, 2002; Diamond and Molino, 2004). Diamond and Plattner (2000) therefore has argued that ‘numerous regime exhibit a strange combination of remarkably competitive elections and harsh repression’, the idea of some countries regularizing their elections in the context that democratic freedoms are frequently denied is problematic for democratic consolidation. Thus, consolidating elections without civil and political liberties would not engender democratic consolidation. Even if a regime tolerates electoral competition, without allowing freedom, the consequence will only be what William Case called a ‘desultory mix of freedoms and control’ (Case, 1996: 12). Therefore, since Senegal, much like Nigeria is declining in the institutionalization of freedom despite free and fair elections, it would rather be too optimistic to refer to Senegal as consolidated democracy. In any case both Nigeria and Senegal are best classified as hybrid regimes or semi-democracies, since they failed to meet minimum threshold of countries institutionalizing civil and political rights for the period under consideration (Diamond & Molino, 2004; Schedler, 2002; Levitsky & Way, 2010). Thus, a political regime which does not fulfil the threshold of liberal democracy is dubbed illiberal regime or defective democracy (Merkel & Croissant, 2004). In that regards, Nigeria and Senegal therefore provide classic cases of illiberal democracy, in which elections are regulars but civil and political liberty are infrequently institutionalized.

7.3. Elections in the absence of the Rule of Law and Constitutionalism

Several studies have identified the contribution of the rule of law and constitutionalism to the consolidation of democracy (Wachira, 2014; Rosenfeld, 2001; O' Donnell, 2004; Sarr, 2012; Rose and Shin, 2001; Linz and Stepan, 1996). Many of these scholars view the rule of law and constitutionalism as the cornerstone of contemporary constitutional democracy in which the transition from authoritarian to constitutional democracy could be cemented (Linz & Stepan, 1996). According to Rosenfeld (2001:1) 'the rule of law requires that the state only subject the citizenry to publicly promulgated laws, that the state legislative functions be separated from the adjudicative functions, and that no one within the polity be above the law'. In other words, the rule of law is central to promoting equality of the law and prevention of arbitrary exercise of power. Although the rule of law in a broader sense sets the template for constitutionalism by 'limiting the power of the government, adherence to the rule of the law and protection of fundamental rights'(Rosenfeld, 1994:3), constitutionalism stipulates the extent to which the rule of law and procedures has been adhered (Fallon, 1997).

From a legalistic point of view constitutionalism is conceived as a principles of government in which nonconformity with becomes null and void (Onyekpe, 2001). Going beyond the legal scope, Barnett (2000:7) contended that constitutionalism is the fundamental principle which underlies the legitimacy of government actions. According to him, 'constitutionalism is meant in relation to constitutions written and unwritten-conformity with broad philosophical values within a state. Constitutionalism implies something far more important than the idea of 'legality'' which requires officials' conduct to be in accordance with pre-fixed legal rules. A power may be exercised on legal authority; however, the fact is not necessarily determinative or whether or not the action was "constitutional". For that reason, democratic rule of the law and constitutionalism are not the rules of law in its minimal form or historical sense (O'Donnell, 2004); rather, it 'is a truly democratic rule in which the exercise of power [must] be within the legal limits conferred by parliaments on those with power-the concept of *intra vires* and those who exercise [must be] accountable to law' (Barnett, 2000:5). Seen through this prism, the rule of law and constitutionalism, according to Diamond, Plattner & Schedler (1999:3), undergird three fundamental objectives;

First is that it upholds the political rights, freedom and guarantee of a democratic regime. Secondly, it upholds civil rights of the whole populations, and thirdly, it establishes network of responsibility and accountability which entails that all public and private agents, including the highest state officials (The president) are subjects to

appropriate legally established control, on the lawfulness of their acts (Diamond, Plattner & Schedler, 1999:3).

In the absence of the above fundamental objectives which the rule of law and constitutionalism uphold, democracies open up opportunity for pseudo democrats to exhibit anti-democratic attitude that are dangerous to democratic stability and consolidation.

A striking phenomenon in the findings of this study is the low institutionalization of the rule of law and constitutionalism in Senegal and Nigeria. This is evinced through increasing controversial constitutional reviews, abuse of power, violation of electoral laws, and lack of independence of the judiciary. Despite that these principles were lacking in the electoral process of these countries, they were also not ingrained in their political life thereafter. The absence of the rule of law and constitutionalism, therefore, has increased the tendency of incumbent political elites to violate democratic rules, procedures, constitutions, and liberties.

7. 3.1. Abuse and Controversial Revision of the Constitution

One of the findings of this study is that one of the greatest challenges confronting democratic consolidation in Senegal and Nigeria is the abuse and controversial revision of the constitutions. While controversial constitutional reviews are common in Senegal, the norm in Nigeria is the contempt for the constitution and other regulatory frameworks such as the electoral law. The rate at which the incumbents attempt to revise the constitution has called into question the sanctity of the constitution as a crucial democratic instrument and norm. As an indication of how much the constitution has been subjected to a series of revision, especially in Senegal, Ousmane (2012:2) observed that in Wade's '12 years as head of state, he made 14 revisions to the constitutions, motivated, for the most part, by his desire to prolong his stay in power'. In 2001, there was a call for the review of the constitution because it was largely favourable to the ruling PS. Wade's decision to embark on changes to the constitution by inserting clauses to advance his hegemonic project and personalise state power against the political oppositions was largely responsible for the dwindling democratic fortunes, which was contrary to the democratic prospect recorded after the 40 years of electoral turnovers in Senegal in 2000.

Two factors seem to have instigated President Wade decision to change the constitution. The first was that despite Wade's victory in 2000 Presidential election, the PS was still in the

majority in the National Assembly³¹⁸. Instead of aligning with the PS due to their majority, President Wade chose to ‘get rid of the old tenant’ (Khadre-Lo, 2005: 225) in the parliament by organising a referendum that led to the dissolution of the National Assembly. Hence, he conducted the legislative elections in 2001 and the PDS took over majority in the parliament. In that election, PDS won 131 out of the 150 seats, while the PS was only left with the remaining seats³¹⁹. The second reason was that Wade was desirous of establishing a hegemonic party in which the need for coalitions with any partners or parties would be foreclosed. By this, it would be easy for him to avoid any strong opposition against his regime and his party.

In the approved constitution, Wade expanded his presidential powers to include prerogative on the right to protest and demonstration. For example, Article 25 of the 2001 constitution proscribes the right to hold protest and demonstration against the government (Senegalese Constitution, 2001). This clause is instructive, considering that the same president had pursued democratic power through agitations, protests, and opposition politics before assuming the rein of power. While the right to peaceful protests and assemblies underscores the recognition of a wide range of rights including social, economic, and political, Wade’s censoring of organized protest through controversial constitutional clauses suggests a deliberate attempt to institutionalize authoritarian rule³²⁰. Furthermore, President Wade also controversially changed the clause relating to the presidential term limits. He changed the term limits from seven to five years, while also pegging the maximum number of terms to two. This decision was applauded by the Senegalese, and was seen as attempt to strengthen term limits which have not been streamlined since the emergence of constitutional democracy in the country. However, Wade’s decision to go back to the 7 years from the 5 years single term which he reverted to in 2001 raises concerns about his commitment to democracy³²¹.

As a consequence of this new change, the members of the National Assembly also extended their tenure for one more year on the claim that the 7 years single tenure is supposed to lapse in 2007 as indicated by other constitutional changes in 2004³²². In defiance to the

³¹⁸ According to the Sopi coalition headed by the PDS, the result of the 1998 National Assembly elections shows that out of the 140 legislative seats, PS won 93, PDS won 23, while the other opposition parties that participated in the election shared between themselves the remaining 24 seats.

³¹⁹ Personal Interview with PDS deputies in the parliament.

³²⁰ Personal interview with a prominent member of PS in Saint Louis in 2014.

³²¹ Personal interview with a prominent member of PS in Saint Louis in 2014.

³²² Personal interview with a prominent member of PS in Saint Louis in 2014.

Constitution, the parliament adopted a controversial law, which extended the mandate of the National Assembly till 2007 on the same time that the Presidential election took place (Derboe, 2010). According to the controversial law, paragraph 1, Article 60 reads ‘the mandate of the deputies elected at the outcome of the elections of 29 April 2001 is extended to be renewed on the same day as the president election’ (Fall, 2011:174). While this was happening, President Wade- being the custodian of the constitution- neither condemn the unconstitutionality, nor did he call for the dissolution of the National Assembly for the breach of the constitution. The fact that President Wade was silent on this issue clearly shows the conspiracy of the political elites against the people and the spirit of the law and constitutionalism.

The impunity to frequently change the constitution continued as President Wade, in 2009, attempted again to modify the electoral system despite the tension which the 2001 controversial constitutional review created. President Wade’s proposed modification of the electoral law was in two forms. The first was the amendment of the fifty percentage threshold to twenty-five percentage for the first round of election, to prevent the second round of election in the presidential election. This modification was in sharp contrast to the constitutional provision in which according to Article 33 ‘no one is elected at the first round if they have not obtained the absolute majority of the suffrage expressed’; and if no candidate has obtained the majority required (50 percentage, plus 1 minimum threshold), it proceeds to a second round of ballot which follows the decision of the Constitutional Council’ (Article, 33 of the Reviewed 2001 Constitution). Thus, what this translates to is that, as soon as Wade is able to secure 25 percentage of the votes in the first round of election, he would be automatically declared the winner and there would be no need for a run-off. It is disturbing that political elites or incumbents who assume political power through democratic elections seek to change the electoral goalpost in their interests, rather than seek to institutionalize democratic practice. With regards to the second amendment which was aimed at a joint ticket for the President and Vice President, critics have claimed that it was aimed at selecting the President’s son, Karim Wade, as running mate or vice-presidential candidate, to whom he would subsequently hand over after his retirement (Ousmane, 2012). While such clauses indicates personalization of power, popular opinion has it that Wade was trying to create a

dynasty in which his son Karim has been positioned to take over. As illustrated by Ousmane (2012: 3):

Unknown in Senegal before Abdoulaye Wade's coming into power, his son Karim Wade of a French mother, was propelled into a position of great power while not even able to speak Wolof, the national language of the country. Karim Wade was by 2012 the commander of four of the government's most important ministerial portfolios, earning him the local nickname of Minister of the Heaven and Earth.

The implication of the above is the crisis of constitutional democracy in which the issue of term limit is generating serious tension in Senegal. The crux of the issue is whether the incumbent President, Macky Sall should reduce the presidential term limit from seven to five years single term. While opinions are diverse on this issue, the President has claimed that the constitution would be changed on term limit from seven to five under the approval of the referendum. According to him 'I was elected for seven years but next year I will propose the organization of a referendum for the reduction of my mandate. The move will allow a revision of the constitution, first on the mandate, and then on some aspects to strengthen our democracy' (*Guardian*, 17 March 2015). Some had argued that the seven years should be left the way it is, because attempting to review it again may erode the sanctity of the constitution; instead, the clause should be subject to the approval of the referendum rather than changing it³²³. However, the decision by Macky Sall to reduce the presidential term limit is suggestive of a strong democratic commitment, yet constant subjection of the constitution to changes render the fundamental law of the countries worthless and precarious, as the constitution may probably be subjected to more controversial changes in future by another regime relying on such precedence. The tendency of incumbent elites to controversially revise the constitution in an attempt to perpetuate power has been the growing concern in the consolidation of democracy in West. Given this, Fall (2012:3) noted that 'controversial and spontaneous modification of the constitution, such as the dozens of revision witnessed under the regime of President Wade, not only weakens democratic values and norms, they also make the process of democratic consolidation painstaking'.

Contrary to Senegal where controversial constitutional revisions had hampered democratic consolidations, the disregard for the constitution and electoral law is the major threat to democratic consolidation in Nigeria. There were several cases of contempt against the rule of

³²³ Personal Interview with the General Secretary of RADDHO in Dakar 2014.

law and constitutionalism. Illustrative of this, President Obasanjo in 2007 instigated the impeachment of Governor Rashidi Ladoja of Oyo state. It should be recalled that the executive-legislative face-off between Governor Ladoja and members of the State House of Assembly led to the illegal impeachment of the governor. A faction loyal to Lamidi Adedibu -who happened to be one of the foot soldiers of President Obasanjo and PDP- with the support of President Obasanjo, ensured that the governor was removed from office³²⁴. Despite the court directing that the governor should be reinstated, President Obasanjo refused to implement the decision of the court (The Nation, 2 October, 2011 p. 10). Critics claimed that Obasanjo's grudge with Governor Ladoja was concomitant to his involvement in the collapse of the third term aspiration of the president³²⁵. President Obasanjo's attitude did not only indicate intolerance to political opposition, but showed also a strong confirmation of his affront against the rule of law and constitutionalism by consistently refusing to obey court order. This has been the basis of persistent frictions between President Obasanjo, and the opposition parties (Isoumuna, 2011). The increasing disregard for a constitutional framework was therefore the basis for which the Guardian editorial observed that 'if the PDP cannot submit itself to the rule of law and due process, then it cannot be entrusted with the country's constitution' (Guardian, 21 October, 2005).

In a similar circumstance which also shows total disregard for the rule of law and constitutionalism, democratically elected Governor of Anambra state, Chris Ngige, was illegally put under house arrest by heavily armed police men and his deputy was installed without any reaction from the President. Rather than condemn such illegality the President justified the unconstitutionality by claiming the Governor should have honoured the wish of his political leader (Isoumunah, 2011). According to him, 'that serves him right, since the Governor was not ready to dance to the tune of his political godfather, then he should be ready to face the consequence' (Guardian, 2011 p. 12). This kind of statement is unacceptable from a President who assumes office through democratic elections, but also claimed to commit to democratic principles and norms. Rather than strengthening the principle of constitutionalism, President Obasanjo's institutionalisation of undemocratic behaviour and impunity had given rise to the zero-sum game or the do or die political relations in which violence has become a dominant features of Nigerian democratic project. This was why

³²⁴ Personal Interview with a prominent member of CPC in Lagos 2014

³²⁵ Personal Interview with prominent politicians in Abuja, 2014.

Agbakoba (2008: 2) summed up the attitude of President Obasanjo as ‘an imperial president³²⁶ that has little regard for the rule of law and constitutional rule’.

As a consequence of the rising wave of constitutional abuse and excessive exercise of power, Obasanjo increasingly grew into an imperial president by declaring political warfare against opposition politicians. By institutionalising the tendency of imperial presidency Obasanjo announced that for him and his party, the 2007 elections would be a do or die affair³²⁷. With reference to the 2007 elections in Nigeria, Obasanjo and PDP undermined the democratic procedures, abused democratic power in a manner which silenced political opposition, weakened competitive politics and undermined the entire democratic process from party primaries to the final outcome of the 2007 election. As summarised by Obi (2005:56):

In the PDP of today, all known internal democracy have been thwarted. The party does not care a hoot about the processes of elections or selection. It violates them at will. In the party, it is not the people that make choice; it is the few [under an imperialist presidency- [an addition mine] who have seized the instruments of power that imposes its will on the people. If democracy is to throw open the polity for mass participation in political affairs, the PDP has shrunk the political space, thus making democracy look like a closed shop. The sins of PDP against democracy are legion.

As a consequence of the findings above, imperial presidency has a serious implication for the institutionalisation of rule of law and constitutionalism in Nigeria. This was because according to Isoumuna (2011:45) ‘the African Imperial president has no stomach for the rule of law or constitutionalism, even if his rise to power was derived from the constitution. Governance is personalized’. Given the excessive power vested in the institution of the presidency in many presidential systems of government in Africa, they did not only ‘breach the intent and spirit of the law’ (Khadre-Lo, 2005: 225), they also viewed themselves as ‘divine-right president who conceives the state as monarchy without limits’ (Mbow, 2008:158). As buttressed by Emerson (1996: 269) the imperial president is a:

Regime of a man (elder) and a party is necessary in Africa, precisely because these nations, lie on fragile foundations and that they are faced with urgent and monumental tasks of integration and development. For a population which still has not attained the lowest degree of political

³²⁶ We conceptualise an Imperial Presidency as an executive which displays hyper-personalisation of power and extreme disregard for the rule of law and constitutionalism.

³²⁷ Interview with a former member of Bayelsa State House of Assembly, 12 November 2013.

formations, the feelings of national identity shall probably be easily created by concentration of political attention not only on a single party, but on a single leader.

This tendency has often laid the foundation that the president cannot be subjected to rules. Isoumuna (2011) has identified two main reasons the imperial president cannot be subjected to the rule of law and constitutionalism. First, his interest in the constitution is to the extent that it is useful for demonstrating his sovereignty, whereas, the second is that it stands as the basic law of the state which can only be applied when it is convenient (Isoumuna, 2011). It is under these circumstances that Imperial Presidents often suspended the constitution or changed it through the application of self-rule or political expedience (Isoumuna, 2011). This explains the growing tendency of imperial president or hyper personalization of power in which the idiosyncrasies of these political leaders are rationalized. Rather than the institutionalizing of democratic rules and procedures in many African countries, imperial presidents are busy subverting them (Okoth-Ogendo, 1991). This attitude was poignantly buttressed by the former Secretary of PS and Minister of Presidential Affairs and Services under President Diouf; Mr. Tanor Dieng when he claimed that:

Senegalese institutions were dangerous when we were in power and even more dangerous now with the alternation regime. An over development of presidential powers has been observed since the late President Leopold Sedar Senghor, everything is in the hands of the President of the Republic. He initiates, decides and executes. Everything departs from and comes down to him. We note a kind of culture of the executive or culture of ‘Bonapartism or Caesarism’. Everything is in the hands of the president who has almost unlimited power.

In emphasis, presidentialism or imperial presidency in both Senegal and Nigeria has followed the institutionalization of arbitrary power, as incumbent presidents continue to employ motley of unconstitutional means to retain power. Through frequent abuse and controversial review of the constitution, many incumbent presidents have frustrated and muscled down the political opposition as well as undermined the rule of law, constitutionalism, and liberty. Hence, this explains why the logic of presidentialism in many African states are accompanied with legitimacy crises, which have resulted in widespread violence and conflicts in several African emerging democracies. This was why Oko, (2008:4) had argued that, the ‘once buoyant optimism towards democracy in Africa-faded to foreboding’ (Oko, 2008:4), as the attitude of incumbent president in Africa constitute a threat to democratic consolidation.

7.3.2. Unconstitutional Attempt to Extend Power

In addition to the abuse and controversial revision of the constitution, a major challenge for the consolidation of democracy in Nigeria and Senegal has been the ‘sit-tight’ syndrome or unconstitutional extension of power by incumbent presidents. Even though Senegal and Nigeria provide a classic experience of a failed experiment of power extension attempts, post third wave of democratizations have been characterised by phenomenal reluctance of African leaders to relinquish political power. Before now, it could be argued that term limit had not been an issue for many African Presidents before the democratization wave in 1990, the phenomenon of single party dominance had ensured that incumbent presidents institutionalized their regimes. With the help of single party democracy, it was therefore easy for the incumbent head of state to sit-tight on power or to be re-elected indefinitely (more often exclusively as the sole candidates). Life presidency, in this regard, has become the norm in Africa. At the very least, longevity in power defied any democratic logic³²⁸. As argued by Wandjik (2007: 276) ‘the constitution adopted accession of sovereignty for African states did not foresee a limit in the number of presidential terms’.

This argument has been advanced by Leopold Senghor when he claimed that ‘in 1960, we had not well considered the fact that in Europe, the bicameral parliamentary regime was a product specifically for Western Europe. Democracy in Africa, for thousands of years; is a democracy which is firmly hierarchical, with one crown on one head’ (Bougi, 1991: 31). In similar vein, Mobutu Sese Seko, the former president of Zaire, argued that the ‘African chief does not share his power’ (Bougi, 1991: 30). Similarly, African Presidents have developed a scorn for term limit, especially as the notion of father of the nation had become the dominant slogan in many countries in Africa. Yet, strong evidences have suggested that since the emergence of democratization, many African leaders are willing to vacate surrender power against the initial experience of the early period of independence where a one party ideology has been the reason why many presidents have chosen to stay in power (Fombad & Inegbedion, 2010).

³²⁸ For example, Ahmadu Ahidjo had 24 years in power [from 18th February 1958 - 1982]. Leopold Sedar Senghor and Abdou Diouf of Senegal spent 40 years altogether in power [1960 - 2000], Houphouet-Boigny of Cote d’Ivoire lasted for 38 years before being ousted [1959-1993], Mathieu Kerekou under military rule in Benin had spent 19 years [1972-1991] before he later contested and become the democratic president of Benin. It was 23 years in power for Moussa Traore in Mali [1969-1991], Gnassingbe Eyadema entrenched himself for 38 years in power [1967-2005], while Omar Bongo in Gabon had 19 years before being relieved of power [1972-1991]

A useful study conducted between 1990 and 2004 has it that seventeen African presidents had voluntarily retired and surrendered their power (Fombad & Inegbedion, 2010). Bearing that in mind, not less that 'eight of them or about one third voluntarily vacates office between 2000 and 2004' (Fombad & Inegbedion, 2010:6). While the decision by African presidents to vacate power is becoming pronounced, West Africa in the entire continent has shown the most profound commitment to this political change. For example Jerry Rawlings, the erstwhile military ruler of Ghana, transmuted to civilian president and handed over power after his second term in office to a democratically elected government. In the same direction, former military ruler, Mathew Kerekou of Benin, not only completed the transition programme, but also peacefully respected the two terms limit after the expiration of his tenure in office. Furthermore, Miguel Travoada of Sao Tome and Principe and Alpha Oumar Konte of Mali also followed the path of honour, by handing over power to democratically elected regimes to also show their commitment to democratic rule (Fombad and Inegbedion, 2010).

However, the phenomenon of power extension as witnessed in many African countries, including Senegal and Nigeria, raises serious concern for the prospect of liberal democracy and democratic change in West Africa. The attempt by the duo of President Abdoulaye Wade of Senegal and Olusegun Obasanjo of Nigeria to seek a third term after the expiration of the two terms sanctioned by their constitution indicate a new phenomenon of the post-third wave democratization. It is even more disturbing when presidents who had assumed political power through democratic elections would make a public declaration that they would extend their tenure. They extend their power through the insertion of third term clause in the constitution or contest election for the third term. A classic example of this attitude is the statement credited to Senegalese president, Abdoulaye Wade when he averred that 'I take back what I said, I will extend my power' (*Maa waxoon waxeet* in Wolof)³²⁹. Yet this was the same Wade who in 2007 had said, 'I have locked the Senegalese constitution into prohibiting third term presidency' (Ousmane, 2012:4). Wade's only justification was the controversial clauses in the amended constitution in 2001, on term limit. The Senegalese constitution established a five-year presidential term, renewable at the end of the term. Accordingly, Article 27 of the constitution states that 'the duration of the mandate of the president of the republic is seven

³²⁹ Personal interview with a prominent member of REWNI party in Senegal, 2014.

years. This modification does not apply to the mandate of the president of the republic in office [exercise] at the moment of its adoption’.

The truth from the above constitutional clause is that even though the reviewed constitution increased the term limit to 7years, incumbent president is not a beneficiary or a recipient of this clause. More controversially, Article 104 (a) stated that ‘the current president of the republic pursues his mandate until its termination’. In addition, it also claimed that ‘all the other provisions of this constitution are applicable to him’ (Article 104 (b), Senegal Constitution 2001). This means that while the sitting president is expected to see out the term started before the 2001 referendum, he must also abide by all other clauses provided for by the new constitution. ‘Wade’s argument, therefore, was that the seven years of his first term in 2000 had nothing to do with the 2001 amendment which stated a two term limit of 5 years each and so he deserved another single term of seven years (Kelly, 2012; Ousmane, 2012, Angop, 2012). This justification is too simplistic: even though the constitutional clauses are seemingly controversial, it would be wrong for Wade to extend his stay beyond the two terms. As a matter of logical analysis, the claim of uncompleted term alluded to by Wade was already justified by his decision to postpone the presidential elections originally scheduled for 2006 to be held in 2007. Clearly, Wade’s rule from 2001 to 2007 would have counted as a single term and 2007 to 2012 would also count as the second term, therefore suggesting a third term was a clear attempt to prolong his power.

Despite public pressure from civil society organisation and opposition parties against Wade’s third term agenda, the Constitutional Council cleared the president to contest the 2012 election³³⁰. It should be noted that Wade had politicized several state institutions, by using them as instruments of patronage network and prebendalism. The appointment of the five members of the constitutional council was solely done by the president. The president also fixes their remuneration and provided incentives to them regularly. For example it has been argued that the ‘the 4x4 vehicles and gasoline’ given to the members of the council (*Sud Quotidien*, 2012) were patronage incentives. This has undermined the capacity of this council to freely discharge their mandate, even in the face of an imperial president who had the state institutions under his strong control (Kelly, 2012). While it could be argued that despite that

³³⁰ According to Article 2 of the 2001 Senegal Constitution, the Constitutional court or council is mandated to determine the eligibility of Presidential candidates for elections and ruling on electoral petitions with relations to the Presidential or National Assembly elections. The council is also mandated to announce the results of election and also notes the resignation, incapacitation, death or resignation of the President in relation to deputizing him in his functions.

Wade lost the election, the culture of constitutional subversion by incumbents who would themselves come to power through popular democratic process, portends a major threat to democratic consolidation. As observed by Burns, the United States Deputy of State, ‘Wade’s decision to run again [for the third term] undermines Senegal’s spirit of democracy and threatens its long record of political stability’ (VOA News, 2012).

In a related circumstance, President Olusegun Obasanjo in 2007 also sought an extension to his tenure after completing his two terms in office from 1999 to 2007. In 2005, President Obasanjo disguised by convening a National Political Reform Conference (NPRC) which was mainly jam-packed with his loyalists (Suberu, 2007). Stakeholders were sceptical about President Obasanjo’s decision to hold the conference, given that he had initially condemned the idea on the basis that there cannot be two sovereigns especially that the National Assembly is already constituted³³¹. Significantly, rather than discuss national problems for which the conference was meant, the foremost issue on the agenda of the conference was the review of term limit (Political Reform Conference, 2005). This was to ensure that the president can stay in office beyond two terms limit imposed by the constitution. At the same time, the joint Committee on the review of the 1999 Constitution had been commissioned among government officials and members of the National Assembly to look into the possibility of reviewing the 1999 constitution (Inegbedion and Omoregie, 2006).

An important recommendation of the committee was the need to expunge Section 137 (1) (b) of the 1999 constitution which deals with the issue of term limit. With the exception of Section 135 and 137(1) (b) of the Constitution of the Federal Republic of Nigeria which allows extension of term when the territory of Nigeria is at war, Section 137(1) (b), unequivocally states that ‘a person shall not be qualified for elections to the office of the president if he has been elected to such office at any two previous elections’. This section was what the committee recommended for removal from the 1999 constitution of Nigeria. To demand that the section be deleted, is suggestive of instituting authoritarianism which is capable of promoting sit-tight-syndrome of incumbent presidents. As a consequence of this, the agenda of President Obasanjo in extending his tenure became apparent, and political

³³¹ Personal Interview with the National leader of ACN

opposition and coalition of civil society organizations mounted pressure and legislative advocacy against the agenda³³².

Despite the growing resentment and campaign against the third term by the opposition political parties and CSOs, President Obasanjo and his followers tried to influence the National Assembly, offering bribes to some of its members³³³. As noted by the Economist (2007), President Obasanjo was accused of giving inducements to members of the National Assembly up to the tune of 50 million Naira (equivalent to US \$ 6.5million). As the minority leader of the House of Representatives pertinently observed:

I can recall vividly that people were being given N50million, some N100 million to support the third term. The money totalled over N10 billion. How could N10 billion be taken out of the treasury for a project when you were the sitting President, yet that project was not your idea, where did the money come from? ³³⁴.

In spite of the monetary inducement, the National Assembly, on 16 May 2006, disapproved the third term proposal. Prior to that time, there were widespread indications that Obasanjo had been advised by President Bush to drop the idea of tenure extension. As revealed in the memoir of Condoleezza Rice, a former US Secretary of State in 2011, ‘in 2006 when President Olusegun Obasanjo of Nigeria sidled up President Bush and suggested that he (Obasanjo) might change the constitution so that he could serve a third term, President Bush told him not to do it’ (Rice, 2011:638). There were also indications that Obasanjo was advised by the PDP party Chairman, Audu Ogbe, to back down from the agenda. Rather than heed the warnings of these political figure, Obasanjo instigated the removal of the PDP Chairman (Punch 29 November 2007). Obasanjo’s behaviour consequently has been seen to be that of ‘a deceptive democrat, whose penchant for power sporadically intoxicates like the Scottish rum’³³⁵. It is, however, worrisome, when considering that presidents who came to power through strong democratic credentials would resort to undermining the constitution and rule of law for the purpose of extending their stay in office. As noted by a prominent newspaper columnist, Alamu Tatalo, ‘if anything, the last ten years stand as an eloquent

³³² Personal Interview with the former head of TMG in Lagos, 2014.

³³³ Personal Interview with, the Minority leader of the House of Representatives and ACN chieftain in Lagos on 8 October 2014.

³³⁴ Personal Interview with, the Minority leader of the House of Representatives and ACN chieftain in Lagos on 8 October 2014.

³³⁵ Personal Interview with a prominent member of the CSO.

testimony to the impossibility of establishing a democracy with practising non-democrats' (The Nation, August 31, 2009). What this, therefore, translates into is that democratic consolidation under third wave democratization is still filled with booby traps, suggestive of opportunist incumbents attempting to manipulate and personalise power (Warioba, 2006). Gonidec (1993:25) aptly capture the predicament:

Even if, formally, the state continues to be governed by a constitution, it would only to give itself a good image on the international scene or by fetishism; we can observe that, in several cases, the constitution is only a simple façade behind which hide a political regime least bothered about constitutionalism as a technique for limitation of power.

However, the statesmanship of Abdoulaye Wade and Obasanjo and their efforts to engender peace and stability in West Africa has been commended, their attempts to undermine democratic ethos leading to the attempt to extend their tenure has made their democratic commitment a suspect (Olopade, 2012). In this regard, there seems to be a disconnection, as democratic presidents are promoting 'constitutional dictatorship' rather than constitutional democracy (Dubois, 1996; 26). This was why Zakaria (1997: 22) has labelled such regimes as *illiberal democracy* because they are 'routinely ignoring constitutional term limits on their power and depriving citizens of basic rights and freedoms'.

Although institutions such as the constitution are enduring frameworks which are not easily subverted, the argument that institutions serve as system of restraints is increasingly watered down as political elites have continued to shape and design them to their advantage. Two factors are responsible for this in both countries. The first is that the constitution has been subject to controversial revisions. This is peculiar to Senegal where the incumbents continually use the constitution as authoritarian instrument through the implanting of anti-democratic clauses. Following from this, Kivuwu (2013:12) posited that 'the long term implication of constitutional tinkering constitutes a threat to democracy, for as long as incumbents are willing to change constitutional articles to meet their immediate political needs, the same could be used to encroach or ultimately demolish any restraints on the executive that in future it finds cumbersome.'

The second is that the constitution has been crafted as authoritarian document to advance the personalization of power. This latter perception speaks more to Nigeria's 1999 constitution which was authored by the military. This constitution, not only contained several ambiguous clauses that have been exploited by political elite to perpetrate arbitrary rule. For example,

the constitution failed to take cognizance of the federal nature of the country; it was framed around centralized system of government which exclusively concentrates power at the centre (Ihonvbere, 2000). This has not only promoted arbitrary exercise of power, it has also culminated in the subversion of democratic order in the country. As posited by Soyinka (2006), the 1999 constitution was a ‘military document imposed upon the nation, forced down its throat and was designed to concentrate power’. Thus, the concentration of power in the executive is obviously tied to the crisis of constitutionalism. Many incumbent Presidents have capitalized on this advantage to undermine the constitution, especially against the backdrop of weak legislature and judiciary. This has led to the subversion of the principle of separation of powers considering that the legislature and judiciary have been made subservient to the executive through a weak oversight in the system. This tendency has institutionalized the increasing, arbitrary power of the presidents in many African democracies. The above comments illustrate the current constitutional crisis in Senegal, in which the issue of term limit has become a key national debate. In the same scenario, the issue of constitutionalism has become a major challenge to democracy in Nigeria

7.3.3. Violation of Electoral law

In the same manner that incumbents are attempting to prolong their power, the violation of electoral law is also gaining momentum in both Senegal and Nigeria’s democracies. They subvert the electoral rules to create advantage for incumbents and deny the opposition a plausible chance of winning election. By creating an unlevelled playing field, political elites undermine the competitive and participative nature of the electoral process. As such, the credibility and legitimacy of elections are undermined. For illustration, a classic case was President Wade’s postponement of 2007 election, two weeks to the conduct of the election without the approval of the referendum. According to the electoral code of Senegal, it should be recalled that the presidential election was expected to be held in 2006. However, in 2006 the National Assembly controversially, amidst opposition condemnation, passed a law under the directive of the president to postpone the legislative elections to 2007, the same date as the presidential election based on the initial legislation which extends the tenure of the deputies. In the midst of opposition, complaints, and agitation, the election was again set for another date with the legislative election unbundled from the presidential election as stated above (Derboe, 2010). Eventually, the presidential election was held on the 25 February 2007, while the National Assembly election was held on the 3 June 2007, lathough, President

Wade had referenced that the postponement of the election was based on the petition filed by some political parties that the distribution of seats in the National Assembly was not geographically spread. The Constitutional court, therefore, set the elections aside pending the adjustment of the demographic requirement and the distribution of seats (Derboe, 2010).

While the Electoral Code had stipulated that the declaration of candidacies should have been submitted sixty days before the conduct of the election (Article L. 168, 1993), the failure of the Constitutional Court to comply with the provision of the Electoral Code has informed the lack of trust in the court³³⁶. Furthermore, it has been argued that those parties seeking readjustment of the distribution of seats are loyalists of the ruling PDS, whose intention was to use the petition to prevent the election from holding, considering that President Wade was not likely to win the election if conducted on the initial date. As Fall (2011:174) has argued, the ‘delays appears to have been manoeuvres on the part of the ruling party aimed at influencing the electoral process, by generating a crisis of confidence among the protagonists’, including several opposition party leaders who challenged the legitimacy of Wade’s 2007 presidential elections’. This suggests an implicit stratagem by which the incumbent regime unsettles the opposition. This is what Levitsky and Way (2010) termed ‘unlevel playing field’. According to them, ‘an unlevelled playing field is one in which incumbents’ abuse of the state generates such disparities in access to resources, media or state institutions that opposition parties’ ability to organize and compete for national office is seriously impaired’ (Levitsky and Way, 2010:57).

An unlevelled playing field is usually not conspicuous; perhaps it is a silent aspect of electoral fraud which has consequence for political competition. As posited by (Levitsky and Way, 2010:57) ‘an unlevelled playing field is less evident to outside observers than is electoral fraud or repression; it has a devastating impact on democratic competition’ (2010: 57). In the event that the opposition parties are deliberately denied equal access to democratic competition, the chances are that opposition parties will likely not win elections. This is why some critics have argued that the 2007 election in Senegal was not free and fair, because the incumbent not only created an uneven playing field through the postponement of the election and manipulation of electoral register, but also through several cases of electoral manipulation before and during the election (Mbow, 2008; Kelly, 2012). This issue has been at the heart of a hybrid democracy, in which elections are applauded as democratic, even

³³⁶ See www.socialisme-republique.sn.org

when there are serious perversion in the process and outcome of the elections (Omotola, 2009).

In a similar scenario, there have also been serious violations of the electoral law by the incumbent political office holders and their parties in Nigeria. Many of them both at the federal and state level act like political godfathers by undercutting the electoral act. The tendency to violate the electoral law has been common in two fundamental areas. The first is in the area of campaign spending, while the second is on the imposition and substitution of candidate. In the case of campaign spending, many candidates spend beyond the limits prescribed by the electoral act. For example, section 90 of the Electoral Act prescribes the minimum election expenses for various candidates, ranging from the president, National Assembly members and Governorship candidates. In the case of the presidential election, the maximum election expenses to be incurred by the presidential candidates shall be 500,000, 000 million. For the Governorship election, 200, 000,000 million shall be required whereas 40,000,000 and 20,000,000 million is required in the case of candidates for the Senate and House of Representatives (Electoral Act, 2010). In contravention of these provisions, many incumbents and political elites have monetized the electoral process by spending beyond the stipulated benchmarks.

By monetizing the electoral process, symptoms of electoral fraud, violence, and vote-buying have become dominant features of the Nigerian electoral process. In situation of unregulated spending, many incumbents engage in violence and electoral fraud by engaging political thugs and security forces who intimidate political opponents during the electoral process. This is in contravention of Section 95(5) of the Act which says that a 'political party or its member shall not retain, organize, train, or equip any person or group of person for the purpose of employing them for the use or display of physical force or coercion in promoting any political objectives or interest, or in such a manner as to arouse reasonable apprehension that they are organized, trained, or equipped for that purpose'. In the context that political elites, especially the incumbent, violate electoral law, and employ violence and fraud to attain democratic power, democracy risks being consolidated.

The phenomenon mentioned above, therefore, has informed the imposition and substitution of candidates by incumbent political office holders, who act as *Political Godfathers* and *Barons*. Given their huge financial capacity, they usually finance and bankroll party primaries and the electoral process in a manner which infringe on the electoral law of the country. For

instance, Section 31(1) of the Electoral Act 2001 ‘state[s] that every political parties shall not later than 60 days before the date appointed for the general election under the provisions of this act, submit to the commission in the prescribed forms, the list of the candidates the party proposes to sponsor at the elections, provided that the commission shall not reject or disqualify candidates.’ Despite this provision, several incumbent presidents and governors have been in the habit of exercising dominant control over party structure and the process of selecting party candidates. In most cases their preferred candidate are favoured and their opposition are dis-favoured at will (Nwanegbo & Alumona, 2011). Several examples have been highlighted in this chapter, especially with reference to the cases of Rotimi Amaechi and Ifeanyi Ararume, both of PDP who were substituted by the powerful forces in the PDP after they had won their party primaries respectively. In contravention of party primaries, the 2003 electoral process saw incumbent governors deciding candidates for the state house of Assembly across the state (Nwanegbo and Alumona, 2011).

In addition, the ruling PDP had validated the candidature of all the serving governors of the party to contest the 2003 elections without party primaries (Odey, 2003). For the same reason, the Alliance for Democracy, which had a stronghold, is the South-West, also prevented gubernatorial aspirants from contesting elections in 2003 general elections to allow the incumbents an easy ride for a second term (Nwanegbo & Alumona, 2011). Worse still, cases where party primaries were held, they were usually stage-managed to deceive the electorate as though they were staged. For example, during the PDP National Convention in 2007, a good number of the presidential political appointees were made automatic delegates with a view to ensuring the interests of the incumbent president. Thus, primaries and conventions are merely a routine exercise in which party discipline and provision of the electoral law are flagrantly disobeyed. As indicated in the above narratives, the contravention of the electoral law in Senegal and Nigeria highlights the limits of electoral democracy in both countries and a telling implication for democratic consolidation in both countries.

7.3.4 Weak and Vulnerable Judicial System

A primary observation which indicates the lack of rule of law and constitutionalism is the weakness and vulnerability of the judicial system in Senegal and Nigeria. Although the constitution asserts the independence of the judiciary in relation to the principles of separation and check and balances, the executive seems to have weakened the autonomy of the judiciary in both countries. The domination of the executives has almost undermined the

independence and autonomy of the judiciary in Nigeria and Senegal. This is evident considering that the appointment, promotion, and discipline of judicial officers are placed under the control of the executive arm of government. Based on this, the president, for example, appoints judges in Senegal based on the recommendation of the *Conseil Superior des Magistrats* (CSM). This *Conseil* is under the headship of the President in Senegal (OSIWA, 2008). Likewise, Section 153 of the 1999 Constitution of the Federal Republic of Nigeria vests the power to recommend to the President on the appointment, dismissal, and general administration of the judicial officer to the National Judicial Council (NJC) which is part of the Federal Executive Bodies (FEB). The NJC comprises the Chief Justice of the country (as the Chairman), who is Minister of Justice, and other senior judges (Section 20 of the 3rd schedule of the 1999 Constitution). In this context, the principle of separation of powers is hardly implemented as the judiciary is reduced to an agent of the executive, a factor which explains why it has chicken under the heavy influence of the executive. This partly explains why the Constitutional Court, whose appointment, salaries and tenure of office are determined by the president, has found it difficult to exert checks on the arbitrary exercise of power by President Wade. Instead, the court supported many of his violations against the constitution and constitutionalism in Senegal (USAID, 2013). This has further strengthened centralization rather than decentralization.

Because of the growing centralisation of power, many of the state institutions, especially the judiciary have been constituted as instrument of witch-hunting. For example, while the High Court of Justice had not deemed it worthwhile to prosecute official corruption which engulfed Wade's regime, especially with the increasing public outcry and media coverage of corrupt practices and allegation against Karim Wade and many high-ranking official of the government (Coulibaly, 2009), the court had been pro-active in the persecution of Idrissa Seck, the leader of the strong opposition forces against Wade. The sole reason for this was that the members of the HCJ were drawn from the legislature (predominantly PDS members) under the leadership of a judicial official (IRIN, 2005). The composition of the HJC with parliamentary members indicates the weakness and lack of autonomy of the judiciary. In addition the partisanship of the judiciary, including unlawful trials of journalists and political opposition critical of Wade's regime, continued to outweigh the degree of judicial activism in Senegal.

Much like the castration of the judiciary in Senegal by the executive, the Nigerian judiciary had been decimated by the legacy of military rule in Nigerian politics prior to 1999. They have, however, shown real activism since 1999 when democracy was institutionalized in Nigeria. By adjudicating several electoral disputes, they have restored some degree of confidence on the part of the Nigerian people. The election tribunal and the courts have invalidated several elections on the ground of electoral fraud and have called for re-reruns in many others. The contribution of the judiciary to rescuing Nigerian democracy from imminent reversal was instrumental to the sustenance of democracy in Nigeria (Suberu, 2007). For example, the court ruled against electoral fraud and has restored the rightful owner of mandates in some state of the federation especially in Edo state (Adam Oshiomole), Anambra (Peter Obi), Rivers (Rotimi Amaechi), Ondo (Olusegun Mimiko), Osun (Rauf Aregbesola), Ekiti (Kayode Fayemi) in the 2007 governorship election. In the face of executive witch-hunt and persecution of the judiciary, the Supreme Court, in a landslide judgment, had also declared the eligibility of several candidates prevented from contesting elections due to political reasons or administrative panels. A classic example was the case of the former vice President Abubakar Atiku, who was prohibited from contesting elections on the basis of administrative panel report which indicted him of corruption and abuse of public office.

However, this is not to say that the judiciary has been immune from executive interference and control (Onapajo and Uzodike, 2014). For example, the decision to suspend the Justice of the Appeal Court, Ayo Salami, by the president Goodluck Jonathan despite his exoneration for any wrongdoing by the courts suggests a clear disregard for the principles of separation of power. Critics have argued that the reasons for his dismissal is not unconnected to the several electoral judgments made under Salami at the Appeal Court which was against the ruling PDP. The opposition parties, especially ACN view such attitude as a mutiny against the rule of law, and pressed for the reinstatement of Justice Salami by the National Assembly. The opposition argued that the executive had destroyed the principle of separation of power as enshrined in our Constitution and has reduced the National Judicial Council to an appendage of the executive arm of government (*Channels Television*, 2012). This remark followed the 2012 report of the US government on the state of affairs in Nigeria which noted that ‘the issue raised question regarding the partisan nature and level of independence within the judiciary’ (US Department of State, 2012: 17)

The precariousness of the judiciary has, therefore, given room for their vulnerability. Several cases of bribery and corruption which was aimed at influencing the outcome of litigation process in the judiciary were reported (Onapajo and Uzodike, 2014). As a result, four judges had been suspended by the NJC in the 2003 governorship election sitting in Akwa Ibom state following the investigation by security operatives who confirmed that bribes were received by the judges (Suberu, 2007). This phenomenon forced Justice Kayode Eso, one of the foremost SAN in Nigeria to lament that the judiciary has been ridden with opportunist ‘billionaire election tribunal judges’ who are undermining the integrity of the judiciary. In the same vein, Ishola Williams (The head of Transparency International, Nigeria) also referenced the contradiction in the current judicial dispensation. The contradiction is such that ‘All the Judges are just using the election tribunal to make money. All those who had gone through election tribunals are millionaires today; I challenge them to say *No*’ (Onapajo and Uzodike, 2014: 21). It is safe to therefore conclude that despite the contribution of the judiciary to democracy in Senegal and Nigeria, the growing power of the executive has continued to undermine the independence of the judiciary and the rule of law, making them not only susceptible to manipulation and partisanship, but also inability to safeguard civil liberties and democratic freedom.

Empirical facts indicate that the tendency to undermine democratic rules and norms evolved more under presidential systems in West Africa than under the parliamentary system of government (Kivuwu, 2013; Isoumunah, 2011). This is because of the excessive power vested in the institution of the Presidency, which itself has amplified the violation and abuse of power. This assertion is further buttressed by the democratic experience, in which Imperial Presidents in Nigeria and Senegal, as shown above, have not only undermined the constitution but have also manipulated it to advance a ‘sit-tight’ syndrome in power. More fundamentally, the tendency to undermine the constitution and the democratic process also partly explains the weakness of the parliamentary and the judicial system in many of the democratising countries to the extent that the legislature and judiciary have been subservient to the growing power of the executive.

Under this circumstance, the notion of separation of powers has become vague and vulnerable and check and balances which enhance horizontal and vertical accountability of government have been eroded. For example, accountability and transparency were frustrated during the regime of President Wade as both the legislature and the judiciary have been

turned into willing tools of the President in his personalisation of power agenda. As argued by Mbow (2008: 2) ‘rather than building on the political openings and democratic institutional progress of the late 1990s, the president has reversed course, draining institutions of their substance and stripping the other branches of government of their power in order to subordinate them to the executive and render them impotent’.

What the foregoing discussion indicates is that while Nigeria and Senegal pretentiously uphold elections as a mode of democratic change, political regimes in both countries have formed the habit of undermining democratic rules and procedures. It can, therefore, be argued that in the event that the principles underlying the protection of rule of the law, constitutionalism, and liberties are not properly institutionalised, the conduct of elections is a mere window dressing; which is prone to democratic reversal or breakdown. Electoral democracy is in serious danger if the conception of democratic consolidation seems to leave out the core principles of liberal democracy simply because periodic elections have become the norm. This has been the key reason liberal democracy is reversing and illiberal or hybrid democracy is gaining momentum, especially in West Africa³³⁷. The growing phenomenon of hybrid regime or illiberal democracy has, therefore, been the more reason autocrats believed that mere of conduct elections, regardless of their conditions, are sufficient to assume a democratic system (Roth, 2009). In this circumstance, many of the pseudo-democrats ‘appear to embrace democratic principles while avoiding any risk of succumbing to popular preferences’ (Roth, 2009:141). Such regime types are often a ‘legacy bearing fruits, notably through the skilful and strategic manipulation of the electoral process’ (Case, 2006: 107). The worst case of such regime is illustrated by the Mali case where more than 20 years of electoral democracy collapsed under the orgies of elite manipulation of democratic rules and constitutionalism. The implication of this has consequence for the ‘the thesis of the growing gap between formal and liberal democracy’ (Diamond, 1997: 30).

Thus, democratic consolidation depends on the effective institutionalisation of rule of law, constitutionalism, and liberty. While these democratic principles and attributes may seemingly take time to institutionalise, against the backdrop of the authoritarian past of West Africa, imbibing democratic culture by political elites and the mass would reinforce the entire spectrum of liberal democratic principles such as respect for electoral rules and procedures,

³³⁷ I assume that the major threshold for measuring liberal democratic countries is the rule of law, constitutionalism, and political liberty

democratic freedoms, separation of powers, accountability and constitutionalism, and institutionalization of credible elections and the implication for consolidated democracy. These principles not only promote legitimacy of the political elite, they are also the attitudinal norms on which their behaviour and attitude are predicated upon, as well as the foundation on which liberal democracy and its consolidation is sustained (Bratton, 1998).

7.4. Summary of Chapter Seven

In this chapter, it was revealed that the institutionalisation of elections in the absence of liberal democratic principles such as the rule of law, constitutionalism, and liberty is not sufficient to engender democratic consolidation as the democratic experience of Nigeria and Senegal revealed. Despite the regularity of elections in both countries which has shown progress towards democratic consolidation, the increasing violation of rule of law, constitutionalism, and liberty, as exemplified by the growing abuse and controversial revision of the constitution, persecution of political opponent, and the media has been a major clog in the wheel of democratic consolidation in Nigeria and Senegal. This underlies the crisis of liberal democracy and stability in both countries. This crisis is the growing phenomenon of hybrid regimes in many West African countries. In circumstances where the rule of law and constitutionalism are not institutionalized or ingrained in political life thereafter, the tendency for political elites to undermine democracy is high given with telling implication for democratic reversal.

Consolidating democracy, therefore, requires that the principles of rule of law, constitutionalism and liberty must be institutionalised, such that incumbent political elites can be restrained from subverting democracy especially in West Africa, where the political landscape is still affected by the enduring legacy of military and authoritarian rule. To divest the political landscape from the enduring legacy of military and authoritarian rule is to develop a value system which respects democratic rule and constitutionalism, regardless of whether their interest is at stake or not. By this, the elite will adopt the idea that democracy is the only game in town and the consolidation of democracy becomes realisable.

This argument is further strengthened in the next chapter which reveals findings that show how the value system of political elites promote or impede democratic consolidation in line with the theoretical framework adopted for this study. While the rule of law, constitutionalism, and liberty are the fundamental norms of democratic consolidation, their

institutionalisation requires the presence of political elites who are ready to habituate and are constrained by institutions in the process of consolidating democracy.

CHAPTER EIGHT

8.0. POLITICAL ELITES, INSTITUTIONS AND DEMOCRATIC CONSOLIDATION

Political elites, engaged in a strategic political game when faced with authoritarian regime deterioration, will ultimately engage in regime change when it is strategically viable to do so.-Przeworski, (1988:64-68).

In furtherance of the argument in the preceding chapter, democratic consolidations cannot be guaranteed in the context that political elites wilfully failed to respect democratic rule of the law, constitutionalism, and liberties, or accept to respect them when they are most comfortable. This is because, these principles are the foundational element which allows democracy to stabilize and consolidate. Beyond stabilizing and consolidating democracy, they also shape the behaviour of political elites with a view to ensuring that they conform to democratic norms and procedures. The way and manner in which democratic actors view institutional rules and procedures as representing their democratic interest determine the extent to which they are committed to it. This is why the illustrations given in the previous chapters on Nigeria and Senegal provide plausible understanding of the democratic context and how they shape explanations of why political elite abide by or disregard democratic rules and constitutionalism.

In the light of the foregoing prelude, this chapter interrogates the value systems and orientation widely held among the broad spectrum of political elites in both countries and their implication for elections and democratic consolidation in Nigeria and Senegal. This interrogation is conducted within the context of the elites' growing violation of democratic rules and procedures leading to democratic setback and un-consolidation, to demonstrate that the rule of law, constitutionalism and liberty are the fundamental norms which would forestall the continuing subversion of the democratic process, and the implication for democratic consolidation in Nigeria and Senegal.

8. 1. Conceptualizing Political Elite

For the benefit of this chapter, it is important to re-emphasize the concept 'political elites', as simply referring to the incumbent regime's political office holders, including those involved in government and the opposition parties³³⁸. Political elites are the 'strategic [role] of the 'ins'

³³⁸ I offer this definition as a framework within the context in which political elites is discussed in this chapter. It is in consonance with the earlier definition used for the construction of the theoretical lens of this dissertation.

or those already included in the regime, but not the role of the ‘outs’ or groups excluded by the rules of the regime (i.e. business, trade unions, military, media, religious and intellectual) without political rights or accepted institutional avenues of participation’ (Collier, 1999: 18). They hold commanding positions in key societal structure which place them in the position to affect strategic choices regularly (Higley and Burton, 2006). Through an organizational conception, scholars have projected elite to number not less than 10,000 in the United States, estimated to be about 5000 in France and Germany which are medium size countries. In the Scandinavian countries such as Denmark, Sweden and Norway, they are roughly about 2000 (Higley and Burton, 2006:9-10). This classification reinforces the notion that elite comprises those who shape authoritative allocation of values and rewards in a political society (Easton, 1953). Thus, it means that decision making in a political society are the preferences of the political elites, ‘reflecting their values and serving their ends’ (Anderson, 1994:30), rather than the demands of the masses. This therefore explicates why political elites play a very key role in the in the political and democratic processes of societies. Political elites have been the driving force of the democratization process in democratizing countries in West Africa (not only in Nigeria and Senegal).

8.2. Political Elites: Formation, Composition and Circulation in Nigeria and Senegal

Ideally, despite the divergence of political elites, their formation and composition is supposed to be based on the value system and ideological orientation which they share (Kifordu, 2011). Critical elitists have argued that common background which underscores political socialization, attitude formation and interest structure of the political elites has been the decisive element which shapes the formation and composition of elites (Prewitt & Stone, 1993). In relation to Nigeria and Senegal, political elites are product of the social-cultural political and religious milieu, but restricted to the few individuals which benefits at the expense of the population. Contrary to the emphasis on equal participation by the liberal pluralist perspective³³⁹, political elites in Senegal and Nigeria reflect an oligarchic tendency of unholy coalitions between the dominant political elites, particularly in Nigeria where the military and conservative elites have dominated the democratic space. As fallout of their

³³⁹ The plural liberalist’s perspective of elites denotes that political power is fragmented and dispersed across different groups on the basis of their interest. Its central proposition is that political regimes differ according to the nature of rules and resources that underpins power and role structure in the society. Robert Dahl was the foundational theorist of the plural liberalist perspective, who uses it to espouse the concept of polyarchy to imply a political system where power is vested in the hands of many groups. For more on pluralist liberalist perspective, see Stepan, 2001; Fishman, 1990.

ascendancy, they enjoy access to political power and economic resources in a context which strengthens the domination of the political elites, but weakens the foundation of democracy (Kifordu, 2011).

Political elites' formation and composition, therefore, has been continuously circulated around that specific value system in which the interest of the elite matters rather than the preference of the majority. In this context, circulation is the effect of the procedure of 'contestation and social inclusion that impact on the composition of the political elites, in relation to certain determining variables, such as differences in social structures, values and interests' (Kifordu, 2011:11). This interplay is the 'configuration through the constellation of the elite types' (Dogan, 2000:13). Although elite circularity is contrary to elite reproduction, which is the process of indoctrinating political elites from similar social structure into the broad spectrum of the elites' spectrum, political elites' reproduction in Senegal and Nigeria occurs within the general spectrum in which their value system is constructed and upheld. Such pattern has continued to reinforce the tendency to personalize power by undermining democratic rule and procedures for the sole aim of advancing the corporate interest of the elite. Though this obviously culminates in the marginalization of other social groups, perhaps the coalition of elites to harmonize their collective agenda is the ultimate strategy within which elites marginalize the people and subvert democratic processes of the society.

Although the formation and composition of elites in Senegal and Nigeria does not generally follows a particular pattern, a major factor that determines how political elites are formed and composed is the value orientation which they shared at every given point in time. In the case of Nigeria, two types of political elite are dominant political players; the military and the post- military elites (democratization period from 1999 to date). Although, these elites are sometimes fluid and oscillate due largely to the nature of their interest, they are essentially constrained by the value system and social structure which they share. The military elite comprise retired military officers and civilian apologists for military rule. To Obi (2000:79) they are 'loose coalition of centric and conservative professional politicians, businessmen, retired military officer and younger element who are either rich or had rich sponsors'. As a major political force in Nigerian politics, 'it is calculated that no less than 130 rich and influential military officers are members of the PDP' (Adejumobi, 2010:9). In this estimation, 'at least 30 are of the rank of Major Generals and above, while others comprise mostly of Colonels and other ranks' (Adejumobi, 2010:9). Their hegemonic control of Nigeria's

politics is demonstrated by the fact that the current president of Nigeria; Muhammadu Buhari was a former military General. Also, Olusegun Obasanjo, a former military General was the president of Nigeria between 1999 -2007; David Mark who was a former Colonel in the Nigeria army was also the President of the Senate between 2007 and 2015.

As a mark of their ascendancy, many of the elites have also won elections as state Governors and members of the National Assembly in Nigeria. A major observation is that they have circulated more in the post military democratization era as a phenomenon of retiree soldiers and political godfathers whose political control and influence is the centre-point to political power and patronage network. This explains why the likes of the late Olusola Saraki, Lamidi Adedibu and Andy Ubah among others have been influential members of Nigeria's political elite since 1999. The combination of the military oligarch and the powerful civilian moneybags has reinforced the hegemony of cross-cultural, multi-ethnic groups whose control is derived from the monopoly over state apparatuses and primitive accumulation from the Nigerian rentier economy (USAID, 2006).

The post-military elites on the other hand are fractions of the political groups and CSO who brought about military disengagement in Nigeria's politics. Although, they are largely products of the National Democratic Coalitions (NADECO) movement, their reproduction since 1999 has shaped the formation and composition of post- military elites in Nigeria. This is so because while some have been co-opted by the military elites, the remaining ones have constituted a progressive and strong oppositional force against the ruling military elites since 1999. For example the former Governor of Lagos state-Bola Tinubu, Lai Muhammad, Bisi Akande, Balarabe Musa, among others were some of the post military political elite who have been very relevant in Nigeria politics. Although their relevance is a question of latent degree of ideological postulations and programmes leading to infrastructural developments in many of the state they have governed, one major observation is that patronage politics has been the dominant mode of elite reproduction and circulation in Nigeria. This is why the benefit and ownership of economic resources and other instrumental conditions which advance access and retention of state power, such as ethnicity, regionalism, and religion are the decisive conditions which the members of the political elite attach importance to in their hegemonic project in Nigeria (Kifordu, 2011).

The formation and composition of political elites in Senegal differs from that of Nigeria in terms of formations and circulations. Following from this, two classifications are obtainable; namely, the post-independence political elite and the post 2000 alternation elite. The former derives its root from the *evoluee*; Senegalese elite with French education (Foucault, 1989). The introduction of the policy of assimilation and association by the French colonial power to extend social-cultural and political franchise to the Urban Senegalese elites culminated in the formation and composition of political elites in Senegal (Dahou and Fahoucher, 2009). It should be noted that the French colonial power heavily relied on a patronage network with Sufi brotherhood and charismatic local leaders to promote cooperation and legitimacy for their rule. Thus, post-independent political elites in Senegal such as Leopold Senghor, Muhammadu Dia, and Cheik Anta Diop adopted the French pattern of elitist politics by integrating the elite into state project through patrimonial network and benefits. It is through this method that the like of Abdou Diouf (the deputy to Senghor), Tanor Dieng and Abdoulaye Wade were indoctrinated and circulated into the main structure of the post independent elites in Senegal (Dahou and Fahoucher, 2009).

The shift in power from the PS to the PDS in 2000 led to the formation and circulation of new elites in the post Alternance era in Senegal. These new members of the emerging political elites institutionalized a new set of values derived from their activism as former prominent student leaders at the Cheik Anta Diop University in Senegal. Among their leading lights are Mustapha Niasse and Djibo Ka. Many University professors, CSOs who had always served as the base for the mobilization of students for electoral participation and political actions were also part of this elite structure (Derboe, 2010). Unlike in Nigeria where public officials should be non-partisan, University lecturers in Senegal openly participate in politics³⁴⁰. The new elites were also complemented by the resurgence of entrepreneur marabouts and technocrats; Macky Sall and Idrissa Seck were the most prominent among this group of elite.³⁴¹

While these new elites' structures attempt to reinvent a new strategy of political mobilization through civic engagement and democratic education, they were, however, hindered by the patronage network and material conception which the Senegalese society had been used to.

³⁴⁰ Personal Interview with the national youth leader of PS, who also doubles as senior lecturer in UCAD

³⁴¹ The post 2000 alternation saw the emergence of entrepreneur marabouts and technocrats as new faction of the broad spectrum of the elite. Foremost are the current president of Senegal; Macky Sall; former PM, Idrissa Seck; PS leader Tanor Dieng, among others.

Two factors were partly responsible for this. First, it was difficult if not impossible to mobilize the Senegalese society without the involvement of the religious leaders who have control over the local people, and whose mobilization strength has been the basis of electoral victories in the past (Beck, 2011). Secondly, because of the difficulty of winning elections without coalitions, it becomes inevitable for the new elites to reach out through patronage network to other factions of the elite, old or new, even if they differ ideologically. Thus, it is through this strategy that the ‘reciprocal assimilation of elites; the inclusion of both new and old elites in large patronage networks are sustained’ (Bayart, 1993:152). This factor, therefore, reinforced the nature of elite circulation in Senegal, as patronage networks became the dominant consideration in the formation and reproduction of elites. This is why it has been argued that the two electoral turnover and alternation which occurred in Senegal in 2000 and 2012 were undergirded by the circulation of the political elite in the context of patronage alliance and politics of unholy alliance³⁴². Notwithstanding the circulation of elite through patronage benefits- a key feature of political elites in Senegal- is that they are consensually unified against authoritarian and unconstitutional rule.

Although elites’ theories sought to apprehend the major features of the political elites over time, a primary observation is that the trajectory of elite formation and circulation in Nigeria and Senegal since independence differ slightly in contextual conditions such as social configuration, political affiliations, and value orientations. Although, unlike Nigeria, Senegalese political elites cut across ethnic lines, no major shifts have occurred in the formation and circulation of political elites in both countries. Elite formations and circulations are still largely characterised by corporatist patronage network, which explains why they oscillate between unified and *disunified* elite structure. The table below shows the composition and characteristics of political elites in Nigeria and Senegal. It clearly shows that there is no critical departure in the formation and circulation of elite in Senegal and Nigeria.

³⁴² Personal Interview with the national youth leader of PS, who also doubles as senior lecturer in UCAD

Table 33: Political Elite Composition and Characteristics in Nigeria and Senegal

Political Elites	Nigeria	Senegal
National Assembly Elites	Composed of highly educated elites and retired military officers. They are fragmentally disunited, explaining the frequent conflicts and change in leadership.	Composed of insufficiently educated elite (About 80% of the current deputies are not educated in French). They are consensually unified, but along the lines of party interest and patronage network
Executive /Ruling Elite	Composed of retired military Generals, professional politicians, technocrats, and business tycoons who are driven by centralization of power and economic leverage.	Composed of few educated elites, and technocrats marabouts entrepreneurs driven by personalization power and patronage benefits
Religious Elite	Composed of religious leaders from both Christian and Muslim religion. They sometimes cut across ethnic and regional lines, but are still emerging as a major factor in politics.	Composed of religious leaders from the Islamic Sufi-brotherhood, marabouts and other Muslim clerics. They are deeply involved and have become a major factor in Senegalese politics. But they rely heavily on state patronage and benefits.
Opposition elites	Basically a composition of all the opposition political elites. They lack consensus owing to ethnic, religious and regional tendencies resulting from the skewed nature of Nigeria's federalism.	They comprise opposition political elites. They sometimes cut across CSO because of their fluidness. They are driven by consensus which reflect on their electoral turnover and power alternation, but are also product of patronage politics.

Sources: Developed by the researcher based on close observations of political elites from the field in 2014.

8. 3. The Value Systems of Political Elites in Senegal and Nigeria

Regardless of the histories and trajectories of elite formation and composition in Senegal and Nigeria, a major observation is how the value orientations of the elites explain democratic consolidation in both countries. This is to say that the ways in which the totality of attitude, actions and inactions of the elites, shapes the decision of the broad spectrum of the political elites to promote or impede democracy in both contexts. According to Milcot (2008:157), value system or orientation is a ‘coherent set of principles and contextual ideological preferences which govern the totality of the attitude and behaviour of the political elite in a political system’. It is derived from the aggregate historical experience and culture of the political elites, as shaped by orientations, perceptions and understanding of politics in relation to their psychological and behavioural dispositions to it (Agbaje and Adejumbi, 2006). Although value systems and orientations differ from one group of elites to another, they are however geared towards a specific interest and agenda with which the group identifies (Francis, 2008).

Indeed, understanding the elite is to underscore ‘the attitudes and values orientation which are intrinsically linked to the belief system which they profess’ (Francis, 2008:18). According to her, such belief system can be fundamental, such as ideology which is driven by the entirety of a group conviction and commitment (Francis, 2008). Ideology, in this context, is very significant, ‘in most cases uncompromising and driven by passion especially in the realms of politics, belief, no matter how absurd, are the common patrimony of rulers’ (Sereno, 1962:109). This is why the ideology professed by a group of elites determines the basis for their integration or differentiation no matter how good or bad their critics may deem it. Whether the value system held by the elites is democracy promoting or subverting, elite care less about any other value orientation which is not in conformity with their general orientations. This posits that value orientation is at the centre of elites’ actions and inactions. Wasilewski (1996), therefore, identifies two significant features of value orientation for the sustenance of political society. First and foremost, they constitute independence and necessary components of consolidation, and secondly, their interrelation with other components of consolidation, such as institutions, reinforces the contribution of political elites to democratic sustenance.

8.3.1. Consensually Unified Political Elites in Senegal and Disunified Elites in Nigeria

Burley and Higley (2006) propose that the survival of democracy hinges on a well-articulated value system which is internally accommodating and relatively reinforces consensus politics. They argue that ‘no liberal democracy or its close cousin, a consolidated democracy, has ever emerged without the formation of such an elite’ (Higley & Burton, 2006: 26). This is what they called consensually unified elites. In their view:

Structural integration is extensive in the sense that overlapping and interlocked communication and influence networks encompass and tie together all influential factions and sector elites, with no single faction or sector elite dominating the networks. Value consensus is extensive in the sense that, while factions and sector elites regularly and publicly oppose each other on ideological and political matters, their actions overtime suggest an underlying consensus about the most norms of political behaviour and the worth of existing political institutions. Elite persons and factions accord each other significant trust, they cooperate tacitly to contain explosive issues and conflicts, and their competitions for political power have a positive-sum or ‘politics as bargaining’ character.

Consensually unified elites differ from the disunited elites where ‘structural integration and value consensus’ among the broad spectrum of the elites are marginal, competition for political power is characterised by zero-sum game or warfare because of lack of trust, and a premium is placed on political power as the decisive condition of hegemonic project (Higley & Burton, 2006). A major observation in Senegal and Nigeria is that it is difficult to understand which of the value systems of the above typology are internalized, since elites in both countries oscillate between the consensually unified and disunited typology. Thus it can be inferred that value system by itself is not stable in either context. Rather, it is conditional on other contextual factors, such as strategic calculations and normative interest, which determine the decisions which emerge at a given time or under a given circumstance. That said, political elites in Nigeria seem to lean more towards the value system of disunited elites than towards consensually unified political elites structure.

Senegal, in some respects, has shown a consensually unified elite structure whose value system indicates ‘politics-as-bargaining’ and conflict resolution (Satori, 1987: 123). The inception of multiparty politics in Senegal witnessed the resolution of political differences through consultation, dialogue and negotiation rather than violence (USAID, 2009). This democratic ideal has been prevalent in Senegalese politics and has formed the basis of stable politics in the country. This is not to say that elite relation is outrightly devoid of

disagreement owing to contradictory interest, political elites in Senegal usually embrace tolerance and consensus. Such consensus provides the basis for the establishment of the 1992 Electoral Code that addressed the crisis of electoral fraud and single party domination since 1960 in Senegal (Beck, 2011).

The institutionalization of this Electoral Code under the consensus drawn by the broad spectrum of political elite in Senegal has culminated in the credibility and legitimacy of elections since the emergence of the third waves of democracy in Senegal. Although, Nigerian federalism and legacy of military rule has been the persistent tendency which destroyed the integration of the political elites in Nigeria, the premium placed on political power as the determinant of patronage politics and primitive accumulation has entrenched a value orientation which typifies the absence of consensus among the political elite. The absence of that consensus has reduced elections to a 'do or die' enterprise, which is permissive of winner takes all game rather than agreement on the general conduct in the democratic domain (Agbaje and Adejumobi, 2006). Such attitudinal tendencies have been responsible for the increasing electoral fraud and manipulation of the political processes due largely to the fierce contestation in the acquisition of political power (Adebanwi and Obadare, 2011; Tenuche, 2009). This norm of behaviour and value system has further engendered anti-democratic attitudes which reflect through centralisation and personalization of power. As posited by a significant member of the post-military political elite, the former vice president of Nigeria, Atiku Abubakar (2005:8):

Nigeria has experienced decades of military and authoritarian rule which has left deep imprints in our political culture. Consequently, our political elites have become used to centralization, concentration and personalization of political power, the central defining elements of modern despotism. The consolidation of democracy, however, requires the institutionalization of political power in which due process, and rules and regulations replaces, the exercise of personal power.

When political elites institutionalize personalization of power and abuses the democratic process in a manner which undermines the interest of other democratic actors, it is difficult to develop a consensual and democratic culture of tolerance and social capital. Yet, compromise about democratic rules and procedure among political elites is a necessary requirement for a stable democratic system (Wasilewski, 1996). Although, agreement and consensus does not typify the absence of open expression of conflict, a balance between conflict and consensus is usually reached to resolve differences. As argued by (Higley & Burton, 2006: 26), such

equilibrium occurs when 'elite persons and factions accord each other significant trust, they cooperate tacitly to contain explosive issues and conflicts, and their competitions for political power have a positive-sum or politics as bargaining character'. For example, despite the age-long battle between the PS and the opposition party in 1970 and 80s, the opposition, PDS, participated in their government of national unity. This tendency promotes elite integration which is central to democratic consolidation.

Although it is possible that elite integration through government of national unity is aimed at providing patronage and compensation to the section of the elite that lost in the previous elections, the willingness of the ruling elite to involve other sections of the elites in governance is indicative of tolerance, and the widening of the democratic space for other democratic players, rather than shutting it against them. Under this circumstance, conflictual relations are mitigated and consensus is promoted in the processes of governance and development. Thus, the peaceful democratic relations which have led to democratic alternation and changes in Senegal can be attributed to value orientations which view political elites as partners in the democratic progress in Senegal. Whereas, such attitudinal traits has been largely absent in Nigeria where normative and strategic issues such as regionalism, religion, and ethnic factors are the defining attributes which have undermined elite consensus and integration. More disturbingly, ruling political class is in the habit of subverting institutions to undermine other class of elite to advance their corporate goal.

A main feature of the democratic experience of Senegal which indicates the institutionalization of consensual democratic value system is the acceptance of the outcome of the democratic process. As mentioned above, the preferences of political elites and strategic interest are the most decisive factors which shape democracy. The acceptance of election result by the incumbent President Abdou Diouf and Abdoulaye Wade in 2000 and 2012 respectively also indicate that the value orientation of the political elites in Senegal is drifting towards consensus despite the serious electoral conflicts and antagonism of the 1970 and 80s (USAID, 2013). This attitudinal value and orientation is suggestive of a strong commitment to democracy, especially as political elites imbibe the value system or orientations in which 'antidemocratic challenges, such as the use of violence, rejection of election results and the transgression of authority are rolled back' (Schedler, 2001:69). This is not the case with Nigeria where the rejection of election result is replete with the instigation of violence and undemocratic language capable of rocking democratic stability in the

country. For instance the presidential candidates of CPC, General Muhammadu Buhari after losing the 2011 election was quoted as saying that he would not go to court and that the people should demand their mandate through demonstration. According to him:

Going to court to contest the elections would be a waste of time, (having been doing the same since 1999) provided my people acted with the unspoken alternatives: take their protest to the street (Tell April 27 2011).

It should be stated at this juncture that the statement above triggered the post 2011 violence which led to several death and destruction of lives and properties (Suleiman, 2011; Bamgbose, 2011). Such motivation would, no doubt be, taken seriously by the people, especially in the North which has been pitched against the South in an ethno-religious tension (Aloziouwa, 2012). To stress the fractured North-South relations, General Muhammadu Buhari, in the period leading to the 2011 elections also cautioned ‘the political class, especially the ruling party that anybody who tries to undermine the interest of the people in the 2011 elections would be smashed by the kind of democratic revolution witnessed in North Africa’ (Shiklam, 2011:23). Although Buhari statement is a consequence of the crisis of the skewed electoral process which has seen him losing the presidential election three times since 1999, statements capable of inciting violence is unacceptable of any democrat.

Given that democracy always provides alternative for redress in case anyone is unsatisfied, political elites should explore those options, or seek dialogue to resolve conflict rather than exploiting authoritarian means which are capable of undermining democracy. This is one significant value that political elites in Senegal have internalized. A classic example is the formation of the national dialogue, ‘Assises-Nationale’³⁴³. This dialogue was initiated to address the controversy over the 2007 elections and to address myriad of problems bordering on institutional and electoral crises (USAID, 2009)³⁴⁴. This platform provided the framework for debate, compromise, and consensus. Perhaps, it is the ‘reference platform for opposition

³⁴³ The Assise-National was a national dialogue which mobilised the broad spectrum of political parties and civil society organizations in Senegal around debates on the 2007 electoral fraud and Wade’s increasing constitutional violations. Under the prominent leadership of Amadou-Mahtar, the national dialogue extended invitation to President Wade and his Party, but they declined the invitation on the claims that the dialogue is anti his regime and authority. Yet, about 83 groups which comprise political parties, Civil Society Organizations and major stakeholders in Senegal signed the Assises-National which constitutes a Good Governance Charter for institutional reforms and democratic consolidation in the country. More importantly, the charter has been translated into all the national languages across the 45 departments in Senegal.

³⁴⁴ Specifically, the dialogue identified institutional weakness of the Judiciary and the parliament as the basis of democratic crisis, especially under the regime of Presidents Diouf and Wade.

coordination against democratic setback in Senegal' (Assises-National, 2009:4). Although the major recommendation of the charter have yet to be implemented by the current President, Macky Sall, who was a member of the dialogue, the abolition of the Senate (which was seen as the domain of patronage benefits reserved for the loyalists of the presidents) has been abolished. The president, through the charter, has also resolved the controversy surrounding the term limit. These two recommendation implemented by the president has been described by the broad spectrum of the elite as a major step in the implementation of the Assise-National (USAID, 2013).

Although the invention of the zoning principle in Nigeria could be seen as a step in the direction of elite consensus, the tensions which the principle has evoked since its implementation attested to the fractured relations among political elites in Nigeria. The principle, no doubt, has fairly promoted elite consensus through the rotation of power between the North and South elites in PDP. Indeed, other political elites outside the ruling PDP have also adopted the principle as the fundamental principle of power distribution among the political elite in Nigeria. On the one hand, the zoning principle has been partially responsible for the longest period of democratic stability which the country has enjoyed since 1960. On the other hand, the deepening of the North-South divide which the principle exacerbates has undermined elite consensus and collective bargaining among political elites (Gberie, 2011). Consensus has been more difficult in Nigeria due largely to severed ethno-religious relations and centralization of power by the ruling political elite. To stress the fractured relations and contradictions among the Nigerian political elites, the former Governor of Kaduna state, Lawal Kaita, claimed during the crisis of zoning in Nigeria that:

Anything short of a Northern president is tantamount to stealing our presidency. Jonathan has to go and he will go. Even if he uses the incumbency power to get his nomination on the platform of the PDP, he would be frustrated out of office [if Jonathan emerges as President next year]. The North is determined, if that happens, to make the country ungovernable for President Jonathan or any other Southerner who finds his way to the seat of power on the platform of the PDP against the principles of the party's zoning policy (*Nigerian Tribune*, 12 May, 2011).

What the above suggests is that the political elites are pursuing their interest differently, rather than consensually, through the framework provided by democracy. Under this circumstance, consensus and agreement, which are necessary ingredients of democracy, are

dangerously undermined (Przeworski, 1991). An issue which has consistently undermined consensus formation in Nigeria has been the legacy of military rule and federalism. The centralization and monopolization of power by the Northern political elites against other regions has increased the tendency for secessionist-oriented ethnic conflicts and struggles for self-determination, which are becoming serious issues in Nigeria's democracy and national integration. Moreover, the diverse nature of Nigerian society with a skewed federal structure has also prevented elite consensus in Nigeria (USAID, 2006). These factors exacerbate inequality, but have also engendered the debates with regard to resource control and possible regional autonomy as a national question in Nigeria. Despite several consociational and federal character principles such as quota system, derivation principles, and developmental needs, elite consensus has been extremely difficult with the democratic process being the victim of such lack of consensus. Ake (2001:34) aptly captures this trajectory:

As they [coalition of ethnic based political elites and their parties] pulled apart, they placed more value on capturing political power for themselves and grew increasingly fearful about what seemed to them to be the grave consequence of losing power to their rivals in the competitions for power. These competitions for power were raised higher and higher, and with it, the intensity of political competition and its domination by efficiency norms

8.3.2. Oscillation between Unified and Disunified Elites in Senegal and Nigeria

As argued initially, elite consensus are hard to come by in Nigeria, and despite that elitism in Senegal has shown signs of consensus politics, political elites fluctuate between the unified and dis-unified structures in both countries. This finding is connected to the absence of stable value systems and unpredictability of attitude and behaviour of elites in both contexts. For illustration, despite presence of consensus in Senegal, the frequency with which incumbent political elites violate institutional rules and constitutionalism to advance personal interests raises concern on the inconsistency of value orientation of political elites. For example, several controversial constitutional revisions made by President Wade with the support of the parliament, largely dominated by PDS deputies, is suggestive of how a united elite can oscillate when their interest is at stake. This is illustrated by the extension of benefits to loyal PDS members, coalition partners, and other significant social forces in his personalization project (Dahou & Foucher, 2009). While it can be argued that abuse of the constitution by President Wade was confronted by opposition coalitions, the decision by some of the elite

coalition to support Wade in the 2012 elections suggests that elite consensus is a function of the strategic interest of the political elites.

A fundamental factor which explains why political elites fluctuate from unified to disunified elite structure is the prevalence of ‘patronage’ politics in both countries. Although most patronage networks were constructed to maintain the hegemonic control and strategic interest of the ruling regime, political elites are often well disposed to the spoils system which takes care of their personal interests. That is why in the absence of patronage and spoils system, the inevitable, usually, is intra conflict is leading to breakdown and formation of another coalition. For example, the reduction in patronage benefits of the coalition partners by the ruling PDS was responsible for the splits and breakdown of the Sopi-coalitions in 2000 and 2007. As portrayed by a prominent member of APR, ‘beyond the power tussle which ensued between Wade and his lieutenant [Idrissa Seck and Macky Sall], patronage control and instrumentalism was the defining conditions of elite formation in Senegal’.³⁴⁵ While there is breakdown of old coalition, new ones are formed. This is the more reason why new crop of political elite that emerged from the Sufi brotherhood formed new coalitions which sided with President Wade and party [PDS] in the 2007 election after benefiting from financial and material incentives from the ruling regime (Wolpe & MacDonald, 2006). Indeed, patronage politics constitute a major strategy by which the opposition parties are co-opted by the ruling regime to join the government.

This intricate system of patronage and spoils politics largely feeds on rent seeking activities and helps to explain why political elites have not embraced consensual politics in many West Africa countries (VonDeopp, 2005). Considering that the state is the primary avenue for the distribution of patronage and economic benefits, political elites co-opt and reproduce new elites and entice others into sharing such incentives by allowing them to align and realign with them. The creation of the Senate in 2008, in which President Wade singlehandedly appointed two-third of its membership, was an attempt to compensate his allies, but also to coalesce the elite around the value orientation on which Wade’s personalization of power depended³⁴⁶. As argued by a prominent politician, ‘the Senate was the reserve domain of President Wade, an unconstitutional institution through which the

³⁴⁵ Personal Interview with the National member of the Caucus of APR in Dakar 2014.

³⁴⁶ Personal Interview with a member of APR in Saint Louis in 2014

ruling regime provides patronage to its ardent supporters and other major political actors outside the PDS loyal to Wade's personalization of power'.³⁴⁷ Although, the Senate was later abrogated by the current regime in Senegal, the fact that the devotees of the president, pressured him to retain the institution as a patronage sharing template, is suggestive how the value orientation of political shape their commitment to democratic institution³⁴⁸.

The patronage network highlighted above is also linked to increasing corruption and institutional abuse by which democratic consolidation has been undermined. Corruption and patronage networks are becoming rampant because of the way political elites continue to support antidemocratic behaviour being demonstrated by the ruling regime in returns for benefit from the state (Onapajo, 2013). For example, President Obasanjo in his anti-corruption war exonerated state Governors who supported his third term agenda despite huge evidence of corruption against them, whereas the Economic Financial Crime Commission (EFCC) had persecuted his perceived opponents (Suberu, 2007). Governors such as James of Ibori Delta state, Christopher of Alao-Akala of Oyo state, Olusegun Agagu of Ondo state, Alli Modu Sheriff of Bornu state, and Gabriel Suswan of Benue state, among others, had a free day syphoning and looting government covers (This Day, 2008). The impact of patronage networks on corruption was also the reason President Wade entrusted his loyalist with the biggest project of the government in Senegal. For example, as stated before, Karim Wade, apart from being the coordinating minister of four ministries, was also responsible for Senegal (grand project)-*grand projet*, which included 'construction of International Airport in Dakar, construction of a sweeping boulevard along the city Atlantic shoreline, and a toll motor way to speed up access to the rest of the country' (Melly, 2012: 7). Many critics have argued that vesting Karim with such enormous responsibility, especially in light of the fact that he was still relatively new to the business of governance and development, raises serious question of corruption against the regime³⁴⁹. To confirm the pertinence of such questions: several of the projects were advanced through shady deals, given that due processes were not followed and other business interests were excluded³⁵⁰. At the same time, many of President Wade's cronies enjoyed state contracts and economic privilege at the expense of other elites' undermined consensus among the broad spectrum of political elite. As argued by Melly

³⁴⁷ Personal Interview with a member of PDS in St Louis 2014

³⁴⁸ Personal interview with a member of APR in Saint Louis 2014

³⁴⁹ Personal interview with a member of APR in Saint Louis 2014

³⁵⁰ Personal interview with a member of APR in Saint Louis 2014

(2012:7), it was difficult for Wade to curb corruption as ‘evidence points strongly to a dramatic increase in unexplained wealth among some influential members of Wade’s cabinet and political figure closely linked to the regime’. This further show that within the context of patronage networks, abuse of power and corruption are common denominators among the elite: As Chabal and Daloz (1999) aver:

Corruptions are not just endemic but an integral part of the societal fabric of life. For those at the bottom end of society, like lowly civil servant, the sale of the limited amount of power they possess is virtually their only means of survival. Higher up, extortion is one of the major avenues of enrichment; it facilitates social advancement and the upholding of one’s position. It enables the political elites to fulfil their duties, to meet the expectations of their clients, and hence, to enhance their status’

The implication of the above is that corruption denotes a major setback to democratic processes and institutions. The fact that many corrupt countries are also the least democratic countries further suggests that institutional weakness and the absence of accountability are characteristics of a fragile democracy (Amundsen, 1999). Consequently, incumbent elites have to look the other way or pay lip service to fighting corruption. Perhaps they sometimes initiate anti-corruption crusade as a façade to cover up corrupt practices going on in their regime by using the anti-corruption institutions to persecute the opposition. This phenomenon is common in Nigeria where the EFCC has been used to persecute and silence opposition parties while looking the other way with regard to evidence against the allies of the president. (This Day, 28 August 2008). This tendency further deepens the division among the major political elites and negatively affects the potential for democratic consolidation.

In sum, the foregoing suggests that despite the fact that political elites in both contexts differ in terms of their value orientation, they oscillate between the typologies of consensually unified elites and disunited elites. While the political elites in Senegal have internalised the culture of dialogue, consensus, and agreement leading to the adoption of common electoral code that improve their democratic practice, the increasing abuse and institutionalisation of patronage politics is the major factor in which undermined value consensus for democracy has been a major challenge of consolidating democracy in the country. This factor has also been deepened in the case of Nigeria where the consensus and agreement about the democratic rules and procedures have been lacking largely dueto the value orientation which view politics as warfare or zero-sum game rather than bargaining and conflict resolution. Consequently, this factor has reinforced electoral fraud and violence in Nigeria. However,

more importantly, it has also highlighted the internalisation of patronage politics, especially in Senegal where political elites have undermined the potential for democratic consolidations largely due to patronage politics and corruption among key political elites.

8.4. Political Elites and Formal Democratic Institutions in Nigeria and Senegal

Democratic institutions are a significant element in the consolidation of democracy. Apart from setting the context and template for democratic process, they also shape the value system and orientation of the political actors (Villalon and Von Deopp, 2005). Following this, a discourse on the role of political institutions in the consolidation of democracy has frequently been advanced by scholars (Kivuwa, 2014; Lijphart, 2004; Horowitz, 1990; Levi, 1990). For example, Eisenstaedt (1969:410) posits that institutions have come to represent not only 'the rules of the game', but also indicate what values systems are established in a society'. Subsequently each 'society tends to give rise to set of institutions (Legislative, judicial...needed to solve its perpetual, basic problem' (Eisenstaedt, 1969:410). A major concern is how the nature of political institutions shapes the value orientations of political elites in the newly emerging democracies. While political institutions reinforce the value of democracy, the way and manner they are crafted defines the degree to which they cause democratic consolidation in new democracies. As argued by Di Palma (1990), democratic consolidation is predicated on the design of political institutions inasmuch as they affect the quality of democracy itself. Notwithstanding the precariousness of political institutions in many West African countries, due largely to the legacy of authoritarian and military rule, raises a serious challenge to democratic consolidation (Villalon and VonDeopp, 2005).

A major observation is that the destruction of institutional capacity has been the consequence of weak political institution in Nigeria and Senegal. Political institutions are not weakened and made vulnerable in Senegal and Nigeria to the extent that they cannot modulate politics nor are they capable of checking the constraints placed on them by political elites. As noted by Kivuwa (2013: 11), 'today political elites and leaders need not call upon the coercive apparatus of the state [though always a possibility] to earn or sustain their political power but have only to manipulate the legal and institutional structures to stay politically buoyant'. It is, therefore, not a coincidence that the main target of political elites in foisting their rule is the legal (legislature and judiciary) and constitutional institutions. These major political

institutions form the context of discussion in this section of the chapter. As discussed earlier in this study, these institutions have been weakened by the phenomenon of imperial presidency in which the adoption of presidential system of government has vested excessive power in the executive organ of government. Through this, the incumbent president and his ruling elites have become dominant over other organs of government, making them subservient in the process.

8.4.1. Political Elite and the Weakening of the Legislature

The National Assembly is the law making organ of the government and one of the key formal political institutions of democracy in both Nigeria and Senegal. Article 60 of the Constitution of Senegal vests the National Assembly with law making mandate. Thomas & Sissoko (2005:97) have identified three core functions of the National Assembly in Senegal; representation, rule-making, and executive oversight (Thomas & Sissoko, 2005). The National Assembly, as mentioned before, comprises 150 deputies who are directly elected by Universal suffrage (Article 60). By this 60 of the 150 seats are allocated through proportional votes from party lists and the remaining 90 seats are shared based on one or two member districts by majority votes (USAID, 2013). In the case of Nigeria, the National Assembly comprises of the upper chamber- the Senate, which comprises 109 elected members, including Federal Capital Territory; and the lower chamber- the House of Representatives. The lower chamber has 360 elected members (Section 4 subsection 1 & 2 of the 1999 Federal Republican Constitution of Nigeria). According to Section 4(1) 'the legislative power is vested in a National Assembly of the federation which shall consist of a Senate and House of Representatives'. Furthermore, the body shall have power to make laws for the peace, order and good governance of the Federation or any part thereof with respect to any matter included in the exclusive legislative lists' (Section 4 (2)). Section 80, 88 and 89 of the Constitution also vest appropriation and oversight function in the National Assembly. Apart from law making, the oversight function over the executives is a well-defined notion of separation of power in which the three organs of government are independent but serve as checks against one another.

Instead of seeing the National Assembly as a partner in power, the executive, in both contexts, view it more as a competitor, and as a result, have been in running battle with the law making body. The implication of this has been largely responsible for the instability leading to the removal of the leadership of the National Assembly. The removal of Macky

Sall as the Speaker of the National Assembly in Senegal in 2006 and Senate president; Chuba Okadigbo in 1999 in Nigeria were not unconnected to the executive-legislative friction which has characterised post-military regimes in Nigeria. Two factors were responsible for this. Firstly, is the nature of the law making body and the second is the undue political influence on them. With regard to the latter, the way parliamentary institutions were created in many presidential systems of government has been the reason why they have become vulnerable. The case of Senegal is particularly illustrative. The National Assembly is traditionally subservient to the President of the Republic, due to the heritage of the French Gaullist convention according to which ‘historically the Senegalese conception of majority rule require submission to the president of the republic, the leader of the only- and later, majority- party in the house’ (Thiam 2009:280). The outcome has been the consequence of the growing presidential power, as seen under the regime of Senghor, Diouf, and Wade. In fact, ‘the president now enjoys greater power to dissolve the National Assembly’ (Dahou and Foucher, 2009:21). This was the case after the 2001 constitutional amendment when President Wade dissolved the National Assembly instituted in 1998 [composed of PS majority] before the expiration of their tenure. Indeed, as Dia (2007:3) noted ‘the executive show no respect to the National Assembly. The president decides on everything. He appoints the National Assembly bureau from his palace and sets the agenda of the National Assembly’. This explicates why the parliament was at the mercy of President Wade in several of his controversial constitutional changes, such as the extension of 5 years single term to 7 years in 2007.

In addition, deputies are constrained by the ‘*reglement interieur*’- the rules and procedures of the House to seek the opinion of the President before a bill can be initiated. In many cases, bills are not initiated by the National Assembly due largely to lack of technical knowhow in which the composition of the executive is nuanced (Tamba, 2006). As a consequence, it is easy for the president to impose his own interests on any bill. Even in the case of appropriation or its implementation, the National Assembly has lesser power to question it (USAID, 2013). This has partly exacerbated the increasing official corruption and absence of accountability as Audit Committee Report (ACR), Commission of Inquiry and House Committees concentrate more on less controversial areas rather than on the key area of implementation of the budget (USAID, 2013). In any case, the recommendation goes to the president rather than the National Assembly for deliberations and sanctions.

As a consequence of the vulnerability of the National Assembly, a critical finding from the field work was that parliamentary deputies are illiterate and not nuanced in their understanding of processes of legislative advocacy³⁵¹. A major reason for this was the absence of minimum qualification for contesting for the position of deputy. According to Tamba (2006:47), ‘many sitting deputies do not have an adequate level of education (80 members out of 150 in the current legislature are illiterate in French) to do parliamentary works’. This has caused the quality of legislation and lobbying to be weak, not least with regards to exercising executive oversight activities.

Although, contrary to the Senegalese scenario, large numbers of the members of the National Assembly in Nigeria are well informed and educated, a major challenge in the case of Nigeria is the overwhelming political influence of the president on the parliament. Several factors explain this. First and foremost, the subversion of internal democracy in political parties in a manner which ensures that loyalist of the president are elected, but also dominates the parliament. For example in 2003 and 2007, President Obasanjo not only determined returning candidates in the PDP, he was also instrumental in deciding how many candidates won elections to the National Assembly (Babalola, 2010). Furthermore, in the context that the ruling party has the majority, the opposition becomes very weak and legislative approval becomes a rubber stamp³⁵². This explains that the wholesale electoral reform is yet to make an appearance in Nigeria, as many of the members of the National Assembly are beneficiaries of the skewed electoral process and thus have found it difficult to initiate a critical reform of the electoral process in Nigeria (Agbaje and Adejumobi, 2006). The extension of patronage to many loyal members of the National Assembly and the use of EFCC to silence or persecute uncompromising members of the National Assembly has further weakened the parliament (Babalola, 2010). Many legislators, including the opposition members, have remained silent in the face of many instances of executive lawlessness for the fear of being persecuted. Although, the National Assembly under the regime of Chuba Okadigbo as Senate president was replete with catalogue of impeachment offenses against president, threats of

³⁵¹ Personal Interview with the National Caucus of the PDS, Dakar 2014.

³⁵² Of the total number of the National Assembly the PDP has 76 Senators out of 109 and 223 out of the 360 members of the House of Representation in 2003. The figure for the Senate rose to 87 in the Senate but dropped to 203 in the House of Representative in 2007. Nevertheless, PDP still boasts of the majority in both houses which constitute the National Assembly.

being persecuted has made the National Assembly leadership to chicken out (Isoumuna, 2011).

In addition, a major challenge against the National Assembly as oversight institution is the increasing degree of corruption rocking it since inception of democracy in Nigeria. Nearly all the leaders of the National Assembly since 1999 have been removed for one case of corruption or another. For example, the Senate President, Evans Ewerem, and Speaker of the House of Representative, Salisu Buhari, at the inception of democracy in 1999, were removed from office for proven allegations of forgery and perjury (*The News*, June 6 1999; Tell, August 9, 1999). To emphasize the institutionalization of corrupt practice in the National Assembly, a year had not passed when the successor of Evan Ewerem, Chuba Okadigbo, a professor of Political Science, was also removed for allegation of gross financial misappropriation. He was found wanting in the spending of 75 million naira for the purchase of Sallah [Muslim ceremony] ram for senate members (*The Punch*, May 1 2000). Several other allegation such as contract inflation, award of contract without due process, and over-bloated of constituency projects, among others are some of the striking ethical and corruption cases in the National Assembly (*The News*, August 21 2000). There have also been unconfirmed allegations of bribery which have rocked the law making bodies. In the midst of increasing allegations of corruption against the National Assembly during the fuel subsidy scam in 2011, a federal House of Representative member, Farouk Lawan, was taped collecting \$620,000 out of the \$3million bribe agreed with the oil magnate, Femi Otedola, during his committee investigation of an allegation of corruption in the onshore and offshore industries (*Premium Times*, 2015). In the context of the low credibility of the National Assembly, Adolphous Wabara, Senate president in 2007 and other key members of the upper house were removed after the EFCC uncovered a bribery scandal involving them and the Minister of Education who induced the Senators with 55 million naira to increase the financial appropriation of his ministry (the Ministry of Education) (*The Guardian*, April 8 2005:1-2). The above does not portend a positive prospect for democratic consolidation in Nigeria.

While many of the leaders of the National Assembly have been impeached for being corrupt and unaccountable in Nigeria, the demand for accountability and transparency in government has led to the removal of the speaker of the National Assembly in Senegal (Beck, 2011). Clearly, the case of Macky Sall was palpable; the president instigated the National Assembly

where his party has the majority to effect the removal of the speaker by changing the house rule from 5 years to 1 year single tenure. It should be stated that it was easy to influence the National Assembly because disloyalty to the president by any deputy meant he would not return to the assembly at another election on the party list over which the president has sole prerogative (Najib, 2011). Consequently, this has reinforced patronage politics and network in Senegal as parliamentarians think more of what they will lose than of their commitment to democracy. It was in the midst of the institutionalization of patronage benefits that the regime of Abdou Diouf and Wade created the Senate as a domain of patronage benefits for key loyalists of the party and other political elites well-disposed to their regime. Although the current regime of Sall has abolished the Senate, Wade created the second legislative chamber in 2007 as an alternative measure to weaken the National Assembly, especially against the backdrop of the growing resistance in the National Assembly by the opposition party.

While the National Assemblies of both countries have been subservient to the executive, they have, however, demonstrated some measure of autonomy. The disapproval of the parliament against the constitutional changes of President Obasanjo and Abdoulaye Wade in 2007 and 2009 respectively, to elongate their tenure was suggestive of legislative autonomy in the face of executive abuse of the constitution. A major observation was that the National Assemblies in both countries could have approved the agenda considering the control of the house by the president, their disapproval was however a consequence of the public pressure generated by the opposition party and CSO in the period leading to the debate³⁵³. As contended by Kelly (2012:127) in the case of Senegal, ‘with majorities in the National Assembly and the Senate, Wade surely assumed that these amendments would pass, but his calculations were wrong’. Thus, the weak institutionalization of the National Assemblies in Nigeria and Senegal is a consequence of less efficient institutional design and undue political influence resulting from executive recklessness and domination. This further explains the growing tendency of the incumbent president and his ruling party to shape or subvert political institutions and constitution.

8.4.2. Political Elite and Subversion of Judiciary

In the same way as the legislature, the judiciary has also been subverted in the face of the executive’s recklessness and domination especially by the ruling elites. Indeed, its efficiency and autonomy to serve as the reservoir of justice and liberty has been weakened in Senegal

³⁵³ Personal Interview with a prominent member of PS who was a member of the house from 2007-2012

and Nigeria. Constitutionally, the judiciary is granted autonomy as one of the three organs of government, and by the principle of separation of power, judges are assumed to be distinct in the discharge of their duties and to serve as check against the arbitrariness of the government. In Senegal, the constitution has guaranteed the independence of the judiciary and judges have been immune and safeguarded by the status of their office and the entrenchment of the Superior Council of the Judiciary (USAID, 2013). In the same way Section 6(6) (a) of the 1999 constitution of Nigeria conferred judicial powers in the court established by the Constitution of the Federal Republic of Nigeria. However, judicial independence in both countries has been difficult given the way the constitution was designed to give the president the prerogative to appoint judges through the advice of the judicial council or commission which is itself a ministry under the presidency. This clause has made it difficult for the judiciary to be independent in both contexts.

A principal observation in the findings shows that incumbent presidents in both countries have capitalized on the mode of appointment of the judicial officers to undermine and weakened the judicial institutions. Many judicial officials have been to advance the personalization of power agenda of the incumbent regime. In that instance the role of the Constitutional Court in validating President Wade's third term relying on the controversial constitutional framework of 2001 is a classic illustration of how the judiciary is used to undermine judicial institutions³⁵⁴. This was so because the Constitutional Court in Senegal, for example, consists of President Wade's loyalists, who are part of the Court on the support of the president. This explains why the nature of patronage benefits has, therefore, reduced the Ministry of Justice to institution of oppression and persecution rather instrument of safeguarding liberties. For example, several media practitioners, critical members of CSO and opposition parties deemed to be opponents of the regime were persecuted using legal measures and statecraft. For example, several journalist and members of opposition parties have been detained, arrested, and prosecuted with the outcome being fines or imprisonment for being critical of the government (Wittman, 2006).

³⁵⁴ The Constitutional Court is mandated to determine the validity of candidate for elections in Senegal. It is a five member court, which constitutes justices appointed by the President. Their mode of appointment has made it difficult to effectively exercise checks on the executive, after all, the President pays their salary and made them subservient with a lot of material benefits and incentives. Amidst apprehension and condemnation, the court went ahead and validated the candidature of President Wade to run for a third term in 2012, after officially completing his two-terms as stipulated by the constitution in 2007.

By contrast, the judiciary in Nigeria has been very active since 1999, and has contributed to democratic sustenance especially in the area of electoral dispute and adjudication which has been a major challenge of the electoral process. Through court decisions and judgments, several stolen mandates have been returned to the rightful owners in many states, as mentioned earlier. In addition, the court has also stood its ground against executive impunity and arbitrary use of power, especially in the widely known case of former Vice-President; Atiku Abubakar. Notwithstanding, both the legacy of military rule and executive recklessness have hindered the autonomy of the judiciary in the discharge of its constitutional functions since 1999. For example, the refusal to reinstate the president of the Court of Appeal, Justice Ayo Salami, after the NJC had absolved him of allegation of corruption and partisanship was indeed, a sign of executive disregard for the judiciary (Onapajo and Uzodike, 2014). The decision of the executive to disregard court decision has reduced the judiciary, to ridicule. Whereas, the judges who danced to the tune of the executive have been largely rewarded for their loyalty. For example, it was reported that that some court judges were motivated by contracts and monetary incentives after their contribution to victory of PDP in 2003 general elections³⁵⁵. Though unconfirmed, it might, in truth, not be unconnected with the truth (going by the increasing allegations of bribery and corruption enveloping the judiciary). The reported cases of bribery to influence electoral verdicts had raised suspicions about judicial integrity (Suberu, 2007). A strong confirmation of corruption in the judiciary was the suspension of some judges by the National Judicial Council for collecting bribe during the Governorship tribunal sitting in Akwa Ibom. It is on this premise that the National Chairman of the Nigerian Bar Association, J.B. Dauda, had claimed that ‘there is a growing sensitivity animated by practical confirmation that the judiciary is subverting the electoral process through the purchase of justice in several instances in Nigeria’ (cited in Nnochiri, 2011:13). Consequent on the above report on corruption, the conception is that electoral victory could be attained at the domain of the judiciary through monetary inducement, particularly as the outcome of some electoral disputes and litigation were perversions of justice. Adekanbi (2014) summed up this trajectory when he claimed that:

In Nigerian politics now, the wisdom is: don’t waste your time campaigning. Don’t waste your money printing billboards, handbills or posters. Don’t waste your time throwing away money for mobilization. Just keep your money in the bank and call a very good lawyer and let him tell you the loopholes in the Constitution or the Electoral Act. Memorise

³⁵⁵ Personal Interview with a prominent member of the PDP who is now a party leader in ACN Abuja, 2014

the loopholes and give all the money you've saved to a judge. Tell him: I have gotten all the loopholes, they [the opponents] have flouted it' [and you shall win at the end of the day (Adekanbi cited in Onapajo, 2014:137)

Thus, the manipulation of democratic institutions by political elites, especially the ruling elites has been the basis on which the rule of the law and constitutionalism has been undermined in Nigeria and Senegal. Instructively, the coalitions of civil society organizations and labour, clearly summed up the impact of weakening political institutions when they claimed that the Nigerian political elites 'willfully destroyed democratic culture and institutions of accountability, the tyranny of the few, the relentless assault on the people and corruption of the system' (*This Day*, 2007).

In stressing the implication of the subversion of institutions, the former prime minister under President Wade's regime in 2004 argued, when campaigning for the presidential position in 2012, that 'the crisis of institution, the first reform I mean to lead, is to reduce the power of the institution of the president. Senegal needs a president who reassures, encourages and promotes, rather than a demigod who seizes all powers and has a power of life and death over the citizens' (*Quotidien*, 2007). This view was echoed by the Chairperson of RADDHO, Alioune Tine, when he contended that 'the office of the president has become an institution which not only subsumed, but also enslaved all other democratic institutions, reducing them to the status of dwarf institutions. Worse, institutions are manipulated unscrupulously to serve the will of the political elites. When they resist, they are crushed like flies as is the case with the Council of the Republic for Economic and Social Affairs (CRAES)' (RADDHO, 2007: 3).

Under these circumstances, apart from the fact that the main democratic institution of the state cannot serve as checks, they are dangerously incapacitated. The National Assembly has become a chamber of rubber stamp while the judiciary is essentially becoming an appendage of the executive. This explains the continuing abuse of the democratic process and constitutionalism as the institutions of checks and balances have been reshaped by the political elites to serve their whims and caprices. Following the weakening of formal democratic institutions, Huntington (1996:9) has argued that 'the threat to third wave democracies will not come from the military generals or revolutionaries, but from political elites who win elections, take power, and manipulate the mechanism'. This statement is a

truism considering that many political elites in Africa, who came to power through popular democratic process, are subverting such processes and procedures in a manner which threatens the consolidation of democracy.

A striking issue which explains the increasing motivation for the manipulation of democratic institutions and processes is the normative tendency to dominate other elite groups. The natural inclination of political elites has always been to monopolize power rather than restrain it, for it is through their political control that they appropriate economic power (Douglass, Walli & Weingast, 2006). This tendency has been central to why political elites frequently violate the rule of law and constitutionalism, especially in a democracy which is already marked by worthless political institutions and poor constitutional framework as suggested above (Nugent, 2008). In such context, Diamond (2008) argues that ‘democracy cannot be sustained, as the endurance of democracy requires constitutionalism, compromise and respect for the rule of law (Diamond, 2008: 43-44).

In summary institutions are important factors in the consolidation of democracy, not only do they set the rules of the game, they also serve as the system of restraints which shapes the behaviour and attitudes of political elites, who, in turn, are also shaped by them. Although the feasibility of democratic institutions in many West Africa countries have been worrying, the abuse and violation of institutions by political elites is the main challenge facing democratic institutions in Africa. This is further suggestive of the low institutionalization of democratic value system and orientation, which indicates that political elites are yet to imbibe democratic norms and principles such as the rule of law and constitutionalism which are central to the strengthening of democratic institutions. In the absence of democratic value system and orientations, institutions not only become atrophied, they are also incapacitated. Thus, while elections in Senegal and Nigeria have been regular, the weakness and low capacity of political institutions have been the basis for which democratic quality of rule of law and constitutionalism are eroded. By implication, Haynes, (2001: 139) had argued that the ‘pattern of institutional regularity which significantly informs progress towards democratic consolidation becomes absent, especially in the context that structural contingency [personalized rule, disregard for the democratic rule and constitution] constitute impediment to democracy’. Still, it is apt to argue in line with Rustow’s (1970:344) contention that ‘the presence of democrats does not connote certainty of democratic consolidation; political elites must adjust their attitude and behaviour in a way which confines with democratic tenets and

principles'. Adaptation to democratic behaviours and norms by the emerging political elite of the post-third wave democratization has been extremely difficult. The norm is that they are leaning more towards authoritarian tendency than they are to democratic commitment. The case of Senegalese and Nigerian political elites, especially the incumbents, typifies this.

8. 5. Political Elites and Democratic Consolidation

It should be emphasized that political elites are crucial to the consolidation of democracy. Being significant to democratic consolidation presupposes that political elites must habituate a value-system which is defined in consonance with institutional rules and constitutionalism. The culture of respect for democratic institutions and constitutionalism must be adapted in a manner which symbolizes fairness and transparency of the electoral process. The fairness and transparency of the electoral process, therefore, connotes that political elites have conformed to democratic norms, procedures and rules which underlie the legitimacy of elections as significant elements of liberal democracy and consolidation (Tonkin, 1996). A significant approach for consolidating democracy is to ensure the congruence between formal democratic institutions and the value system of the political elite. According to Przeworski (1991), democracy requires a self-enforcing equilibrium in which all key actors find it in their interest to support democratic rules and processes. This is because the costs of subverting democratic institutions are perceived to be worse than the costs of conformity. Thus, consolidation of democracy is tied in with the self-enforcing limit on the power of the political elites through the rule of law and constitutionalism to ensure elections are meaningful through the respect for the democratic rules and norms embedded in liberal democracy. The significance of democratic consolidation, therefore, is the incentive for adhering to democratic rules and constitutions by political elites since they serve as the foundational norm of democratic stability, especially in newly emerging democracies.

The above line of argument is pertinent in electoral democracies such as those in West Africa where the culture of authoritarianism, and military rule has undermined democratic consolidation. Given that the mechanism by which democratic institution operates is rules and constitutions, it is required that political elite agree to abide by these rules in their interest and those of democracy, rather than subverting. Yet, respecting the rules is in their best interests and democracy since everyone gives up the culture of subverting democratic rules and procedures and democracy, is seen as the only game that is appropriate for their political

system. Thus, imbibing democratic cultures, through the respect for democratic rules and procedures before, during, and after elections would institutionalize liberal democracy and consolidation over time. By respecting democratic rules and constitutionalism, core political actors are willing to play the game according to established rules and regulations. Consequently, political elites ‘give up the habit of placing themselves above the law (Schedler: 2001:69). Instead, they obey the laws, the constitution, and mutually accepted norms of political conduct (Diamond, 1999 cf. Schedler, 2001:69). The effective entrenchment of this principle clearly reinforces consensus building and cooperation on conflictual relations between the broad spectrum of political elites to resolve political conflicts according to established norm, and in the interest of democracy (Omotola, 2014). What the above suggest therefore is that democratic stability and consolidation is consequent upon ‘the conscious decision by political actors to abide by the rules as set out in the processes, procedures, and institutions of liberal democracy’ (Kotze, 2010:39).

By respecting the rule of law and constitutionalism, political elites choose to refrain from anti-democratic behaviours which erode democratic legitimacy; rather, they value democratic incentives to prevent democracy from reversal. By transforming authoritarian behaviour and anti-democratic value system which have permeated the political system, political elites are presenting good democratic credentials about themselves. The outcome is institutionalisation of attitudinal, behavioural, and constitutional value system which not only protects democracy, but also ensures its consolidation over a long period of time. This is the foundation upon which several liberal democratic societies across the world are based. Such attitudinal and behavioural tendencies are what are required in West Africa where the vestige of military and authoritarian past continue to undermine the institutionalization of liberal democracy. The assumption that a consolidated democracy ought to be constructed on constitutional order, in which the rule of law, [constitutionalism and civil liberties], in combination with credible elections must, therefore, be taken seriously in the drive towards democratic consolidation in West Africa. This is the gap that this thesis attempts to fill.

8.6. Postscript: Political Elite, 2015 Elections in Nigeria and Democratic Consolidation

Granting that the scope of this study does not cover the 2015 elections, it is instructive for understanding the main argument of this dissertation. Furthermore, it was stated in the background to this study that the Nigerian 2015 general elections are serious concerns for this study- considering the volatile nature of elections since 1999. A major observation was

that the improvement in the democratic quality of the 2015 elections which saw a peaceful electoral process culminates in the first alternation of power in Nigeria since 1999. This is a clear departure from the democratization experience of the country in which no election has been free from controversies since the emergence of the political history of the country. These controversies reached their peak during the 2003 and 2007 elections where electoral fraud and violence made the elections the worst in the electoral history of Nigeria. Not even the 1993 elections conducted under the military were subverted as much as the 2003 and 2007 elections respectively. This circumstance undermines the democratization struggle of the country both domestically and internationally to the extent that the democratic fortune annexed by Nigeria after the disengagement of the military were squandered. Thus the free and fair, legitimate electoral process which led to the electoral turnover from the ruling PDP to the APC, 'marks an important step forward for democracy in Africa's most populous country and a key member of the Commonwealth' (The Commonwealth, 2015).

While the 2015 election occasioned a break from the previously flawed electoral process, it was a strong confirmation of the theorization of Staffan Lindberg (2006:139) which claims that 'repeated elections regardless of their freeness or fairness appear to have a positive impact on human freedom and democratic values'. He states further that 'the inception of multiparty elections usually initiate democratic liberalization, and repeated electoral activities create incentives for political actors, fostering the expansion and deepening of democratic values'(2006: 139). While this study is in consonance with Lindberg's postulations, it usefully claims that the consensus drawn by the political elites to respect the democratic rules and procedures was central in the democratic quality of those elections. Despite the fact that the elections were peacefully conducted and the uncertainty of outcome was accepted, a critical observation was the attitude and value orientation of political elite displayed during the process and outcome of the elections. In spite of the organization and technical problems encountered in the use of the card readers, political elites exercised patience and maturity in ensuring the credibility of the process. For example, President Goodluck Jonathan had to wait for several hours in the sun to vote due partly to some administrative problem. Elsewhere, too, political leaders stood their ground to prevent vote rigging and violent intimidation of voters, which has often been the practice in previous elections.

A more fundamental attitude which enhances the legitimacy of the electoral process and underpins a democratic value orientation is the acceptance of the election result demonstrated

by the incumbent President Goodluck Jonathan by graciously congratulating the opposition candidate Muhammadu Buhari. This kind of attitude is what this study articulated as democratic safeguards which enhance democratic consolidation and its immunity from reversal. When political elites choose to respect democratic rules, procedures, and constitutionalism, it habituates democratic norms which strengthen democracy as a viable system of government. More importantly, it also underscores the institutionalization of democratic culture which restrains political elites for exercising anti-democratic attitudes and behaviours. Consequently, democracy is viewed as the only system of government worthy of internalizing. It is on the basis of such value systems and orientations that the study demonstrates that political elites are significant to democratic sustainability and consolidation. Consequently, Nigeria, with the conduct of the 2015 elections, is on the path to democratic consolidation, as the behaviour and attitude of political elite is suggestive of the institutionalization of democratic rules of the law, constitutionalism, and liberty which are the most fundamental indicators of democratic consolidations as demonstrated in this study.

8.7. Summary of Chapter Eight

The foregoing suggests that political elites and the value system which they held over a period of time have implication for democratic consolidation. Despite the fact that the formation and value system of the political elites in Nigeria and Senegal differ, they both are influenced by strategic interests rather than by democratic values and norms. This factor explains why democratic consolidation is still problematic in West Africa. Despite the fact that political elites are displaying tendency for consensus and institutional compromise, especially in Senegal, the violation of democratic rules, institutions and, constitutionalism, due largely to the personalization of power, shows that the value system which is concomitant with democracy is yet to be internalized in Nigeria and Senegal. This partly explains why elites oscillate between united and disunited elite structure in both countries, considering that ‘they are not anchored in deeply structured belief system, and they are not yet separable parts of comprehensive and well integrated whole’ (Wasilewski, 1996:23). They never really consider the worth of democratic values and norms, explaining why ‘specific values and disposition cluster along narrowly defined issues and often happens to be mutually incompatible’ (Wasilewski, 1996:23).

This explains why democratic rules and the constitutions have been frequently abused in Senegal and Nigeria, with tendency for political elites to be antagonistic and uncompromising. This tendency has been responsible for institutional weakness and constitutional erosion and the implication for democratic consolidation. There is a structured relation between political institutions and the narrowly defined value system of the political elites. The point is that they both reinforces one another, since undemocratic value orientation is often internalized through the process of its manipulation, and at the same time, institutional atrophy reinforces incongruent value systems that amplify the authoritarian streak and undemocratic culture. Both institutions and political elites shape one another, depending on the value system shared and adopted by the political elites. Unless political elites imbibe democratic values and principles in which the rule of law, constitutionalism and liberty are institutionalized, democratic consolidation will remain elusive, as illustrated in this study with reference to Nigeria and Senegal.

CHAPTER NINE

9.0 CONCLUSION AND RECOMMENDATIONS

The thesis is a study of elections and democratic consolidations in West Africa through a comparative lens of Nigeria and Senegal, 1999-2012. It shows that the future of *liberal democracy* in West Africa appears bleak, and that democratic consolidation is still a work in progress. It argues that the flagrant abuse of the rule of law, constitutionalism and liberties by political elites to perpetuate themselves in power is central to the bleak future of liberal democracy and consolidation in West Africa. Thus, in the introductory part of this work, I problematized the contradictory trajectories of liberal democracy in West Africa in which only 5 out of 16 countries, according to Freedom House and Polity scores, are democratically consolidating, while the others are considered retrogressing (FH, 2013; Polity, 2013). The conclusion drawn from the reports suggests that democratic progress is regressing despite the institutionalisation of periodic elections in Africa. In liberal democratic parlance, the institutionalisation of elections is a step in the course of democratization, yet the lack of the entrenchment of the rule of the law, constitutionalism and liberties suggests the absence of the foundational safeguards of liberal democracy. The consequence has been the occasional re-institutionalisation of the phenomenon of military or other unconstitutional processes for changes of government in West Africa. Hence, given that elections are becoming a significant variable in the measurement of democracy, my approach in this study, therefore, has been to interrogate how elections are promoting or impeding democratic consolidation in the absence of this foundational safeguard.

In light of the above, I have made a sustained attempt to broaden the study of elections and democratic consolidation in two significant ways. Firstly, I have contributed to the argument which claims that election is a barometer of liberal democracy. No state is dubbed as democratic without the presence of elections, whether or not elections are credible. The credibility of elections is defined as the legitimacy and acceptability of the electoral process and its outcome by all democratic actors (Moehler, 2009). Consequently, it is believed that the consistency of elections overtime inevitably will lead to democratic improvements and freedom. This is the situation in the democratic processes of Senegal and Nigeria, where in spite of the flawed nature of elections and democratization processes, elections have improved in the post- third wave of democratization in both countries. The Senegalese electoral experience in which free and fair elections in 2000 and 2012 respectively

culminated in electoral turnover and power alternation, has improved the prospects for democratic consolidation in the country. At the same time the progress in the conduct of Nigeria's 2011 elections as well as the current electoral turnover in 2015 (the latter is not covered in this study but is useful for the argument advanced in this study) which saw the incumbent ruling PDP concede defeat to the opposition APC coalition for the first time since 1999, despite the chequered electoral history of the country, suggests that regular elections, even if initially flawed, have the potential for democratic consolidation over time. Clearly, this finding is consistent with the argument of Lindberg (2006:2) in his ground-breaking work *Democracy and Elections in Africa* that 'elections in newly democratizing countries do not signal the completion of the transitions to democracy but rather foster liberalization and have a self-reinforcing power that promotes increased democracy in Africa's political regimes'. More importantly, it has been argued that 'elections facilitate the institutionalisation of, and deepening of actual civil liberties in the society, and are a causal variable in democratization' (Lindberg, 2006:2). Thus the institutionalisation of regular elections as a key aspect of the democratization process in Nigeria and Senegal since 1999 underscores the importance of election as a key element of democratic consolidation.

Secondly, I underlined the fact that in the absence of rule of law, constitutionalism, and liberties, elections, on their, own do not engender democratic consolidation. Apart from the fact that this deduction was supported by several studies (Adejumobi, 2001; Lindberg, 2006; Wachira, 2014), it was also substantiated during the field work for this thesis and was pronounced in the opinions of many respondents who contributed to this study. Overall, it was evident that Nigeria and Senegal provide an instructive contextual milieu for the study of elections and democratic consolidation in West Africa. Against this backdrop, the thesis has used the Nigerian and Senegalese cases to enhance the study of elections and democratic consolidation in newly developing democracies, particularly in West Africa.

For reasons of clarity and systematization, I construct the concluding aspect of this study along the main research objectives and arguments to show how the objectives were realised in this study. I will then proceed to show how the study has offered a contribution to the literature and also highlight key recommendations on elections and democratic consolidation.

I begin a clarity and systematization process by re-stating the research objectives:

1. To examine the ways elections impede or promote democratic consolidation.
2. To establish the extent to which liberal democratic principles such as rule of law, constitutionalism, civic, and political liberties exist and are institutionalized in Nigeria and Senegal.
3. To interrogate whether elections engender democratic consolidation in the absence of liberal democratic principles such as rule of law, constitutionalism, civic and political liberties.
4. To extrapolate the political context from the Nigerian and Senegalese cases that may have led to the facilitation of democratic consolidation through election in one system but not in the other.
5. To see the extent to which political value systems widely held among the political elites have become institutionalized and impact upon elections and democratic consolidations in Nigeria and Senegal.

9.1. Elections as an Impediment or Promoter of Democratic Consolidation

Before realizing this objective, I interrogated the democratization struggle in Nigeria and Senegal under the so-called third wave of democratization and found out that the electoral outcomes in both countries signifies a contradictory trend which illustrates how elections have promoted the prospect of democratic consolidation in one country, while flawed and controversial elections have impeded democratic consolidation in another. What this contradictory trend illustrates is that regular elections have become consistent features of both Senegalese and Nigerian political processes. Both countries have institutionalized the conduct of elections since 1999 when multiparty democracy commenced in Senegal and Nigeria respectively.

Indeed, Nigeria, which enthroned democracy in 1999, has conducted four sets of elections in 1999, 2003, 2007 and 2011, while Senegal has conducted three sets of elections in 2000, 2007 and 2012. While the conduct of elections in the two countries has spanned more than a decade, a notable difference in their tenure system indicates why the numbers of elections were not in both countries. While Nigeria operates on a four year tenure system, Senegal has implemented a seven year tenure system for the elected office holder, especially at the national level. Notwithstanding the variation in their tenure system, the regularities of

elections during these decades of electoral practice without a democratic breakdown or unconstitutional changes of government (despite some challenges) indicates that both countries are on the path to consolidating their democracy.

That said, a commitment to democratic consolidation is more evident in Senegal than Nigeria, given that free and fair elections in 2000 and 2012 culminated in electoral turnovers and power alternations which are crucial signs of democratic consolidation. For this reason, Senegal is considered a consolidated democracy having passed the two-turnover test of electoral competitions (Niasse, 2012). However, this study demonstrates that neither Senegal nor Nigeria are yet consolidated democracies given that electoral fraud and controversies characterize their respective elections, especially the 2003 and 2007 elections in Nigeria, and 2007's election in Senegal. Flawed electoral procedures raise challenges which impede the prospect of democratic consolidation in both countries. Apart from the frequent electoral fraud and violence in Nigeria's elections since 1999, the changing of the electoral schedule and manipulation of the electoral register, which resulted in the boycott of the legislative elections by the political opposition in 2007 in Senegal, reveals the democratic flaws in both countries. This, perhaps, constitutes a major way in which elections have impeded democratic consolidation. In the circumstance that political elites instigate an uneven playing field to gain electoral advantage, elections become meaningless and do not reinforce democratic consolidation. Hence, Senegal has been defined as a semi-democracy rather than as a democratically consolidated democracy (Dahou and Foucher, 2009, Kelly, 2012). As observed by Levitsky and Way (2002), Senegalese political system could be better described as 'competitive authoritarianism' as it fails to meet conventional minimum standards for democracy, which is a symptom of hybrid or illiberal democracy.

In the same vein, the phenomenon of electoral fraud and violence has continued to pose a serious challenge to democratic consolidation in Nigeria as well as many other West African countries. A combination of fraud and force has become the prevalent method utilized by political elites to manipulate the electoral processes and influence the outcome of elections. Electoral frauds are perpetrated at two fundamental levels of the electoral process in Nigeria. The levels are: firstly- the pre-election level, and secondly- the election day level. On the pre-election level, electoral manipulations manifest through multiple-registration, forgery of registration card, under-age registration, card-buying, bribery, and failure to present voters lists. On the election day level, cases of electoral fraud include ballot snatching, voter buying,

under-age voting, ballot stuffing, forgery of voting materials, and intimidation of electoral officers, as well as falsification of ballots. Apart from the pre-election and election day fraud, there is substantial evidence that electoral fraud is now a post-election phenomenon in Nigeria. The current bribery scandal rocking the judicial system in Nigeria is consequent on the perversion of electoral verdicts by some judges; to the extent that illegal owners of mandates assume office through declaratory judgment rather than through the democratic choice of the electorate.

In addition to judicial corruption, there have also been the employments of violence and impunity to determine democratic outcome. As a consequence of the increasing level of intimidation and harassment of political opponents and voters, elections have become skewed, both in the process and outcome, in favour of the political elite using violence. The incidence of violence further explains the spate of politically motivated killings and assassinations which usually characterize elections in Nigeria. The strategic use of violence is cultivated by the political elites and their agents, including security officers, to influence the outcome of elections and also to cow the opposition into silence. Although the phenomenon of using electoral violence as a strategy to win elections is more pronounced in Nigeria than Senegal, the electoral experience in both countries raises cautious optimism about the prospect of consolidating democracy in both countries. The fallacy of elections in which the substance and content of liberal democracy are largely missing in the practice of democracy is largely suggestive of why Senegal and Nigeria should be seen more as illiberal democracy than consolidating democracy, since they are still lacking in the institutionalization of key liberal democratic norm and principles such as the democratic rule of law, constitutionalism, and liberty which enhance the democratic quality of elections, but also animate democracy towards consolidation. An election under the circumstances described above is nothing more than ‘the fading shadow of democracy’ (Adejumobi, 2000:59). This is why focusing on holding regular elections without institutionalizing other crucial liberal democratic principles endangers the salience and relevance associated with democratic consolidation (Diamond, 2002). The insufficiency of liberal norms in the practice of democracy therefore is what scholars have termed *illiberal democracy* or *semi-democracy* (Hobson, 2012).

As a consequence, therefore, the study demonstrates that what is presently the democratic situation in Senegal and Nigeria is what can be referred to as ‘illiberal democracy’ to borrow from Zakaria (1997) or ‘semi-democracy’ as defined by Levitsky and Way (2010). This

study did not interrogate the degrees of illiberalism in Nigeria and Senegal respectively, due largely to the unresolved debate and ambiguity on ‘democracy with adjectives’ (Puhle, 2005). However, I have classified Nigeria and Senegal as illiberal or semi-democracies in the period studied on the basis of the phenomenon of electoral fraud and violence which manifests through the postponement of elections, intimidation of political opponents, rigging, manipulation, and violation of the democratic rules of the game and constitutionalism. Though significant to democracy, the findings from this study therefore refuted the idea that regular elections are sufficient for consolidating democracy.

9.2. The Institutionalization of the Rule of Law, Constitutionalism, Civic and Political Liberties in Nigeria and Senegal

This study established that the major reason elections continue to be the victim of democratic consolidation in many democratizing countries is the low institutionalization of the rule of law, constitutionalism, and liberties. As the cases of Nigeria and Senegal suggest, the institutionalization of rule of law, constitutionalism, and liberties has been on the decline because of the way political elites, especially the ruling elite continue to flagrantly violate and abuse democratic rule of the game and procedures. In Senegal, for example, Abdoulaye Wade and the regime which came to power through popular elections in 2000 undermined the electoral code in several ways: by postponing elections and creating an uneven playing field which subverted the chances of the opposition political parties to win elections. On several occasions, the constitution was controversially changed at his whims and caprices in order to personalize political power. For the two terms he served, Wade controversially changed the constitution more than 14 times to ensure that he remained in power (Ousmane, 2012). The controversial changing of the constitution has, therefore, been responsible for the major debates in Senegal in which the incumbent President, Macky Sall, is attempting to mobilize a referendum to change the single term limit from 7 to 5 years. When incumbents choose to change the constitution at will, it has a telling implication for the stability of constitutional democracy, and weakens the spirit of the constitution as the custodian of the democratic process and the people. Weakening the spirit of the constitution makes it an unviable document with which future regimes find easy to tinker in order to internalise authoritarianism which could lead to democratic erosion or outright breakdown.

Beyond the erosion and weakening of the constitution, Wade persecuted the political opposition, denied political liberties, gagged the press and persecuted civil society groups

who were critical of his regime. Under Wade's regime, corruption and patronage politics were the dominant strategies used for preventing due process and enabling abuse of various institutional infrastructures of democracy, especially the parliament and the constitutional court. In many instances, President Wade used his party majority and control over the parliament to perpetrate unconstitutionality. The removal of Macky Sall, the President of the National Assembly, for demanding accountability from Wade's son, Karim, as well as the unfounded allegation of corruption against Idrissa Seck, former prime minister, show good examples of how President Wade weakened formal democratic institutions to advance his personalization of power. In addition, the validation of President Wade's third term by the constitutional court, despite the constitutional safeguards which prevented him from doing so, further indicates how political elites usually cornered democratic infrastructure for perpetuating the culture of impunity and constitutional abuse.

In Nigeria also, the incumbents' disregard for the constitution is also suggestive of the declining institutionalization of the rule of law. For example, (former) President Obasanjo not only persecuted political opposition, he also allowed all sorts of impunity and electoral malfeasance under his regime to undermine the democratic quality of elections. As a consequence of his imperial leadership, President Obasanjo became largely unrestrained, disregarding court rulings on electoral matters and showing contempt for the judiciary. Many occurrences of his disrespect for the constitution were a persistent source of controversies between him and the opposition parties. President Obasanjo was always in the habit of undermining and persecuting the media (The Punch 28 May 2008). He was highly critical of the CSO and was always abrasive in his attitude to their activities. President Obasanjo undermined freedom of the press and persecuted political opposition (Akinwale, 2010).

A plausible explanation for the increasing disregard for liberties, low institutionalization of the rule of law, and constitutionalism in both Senegal and Nigeria has been the nature of the presidential system. Under this system of government, the executive is vested with wide-ranging powers which increase the tendency for rule violations and arbitrary exercise of power. Many incumbent presidents have become too arbitrary and unrestrained by state institutions. They have undermined the principle of separation of power frequently by exercising undue control over the judiciary and the legislature as well as other institutional infrastructures of the state, such as the police and electoral management agency. The separation of power under the presidential system of government becomes more a farce than

real. As demonstrated by this study, in the absence of checks and oversight by the parliament and the judiciary over the executive, in which the president hold sway, the tendency to abuse and violate the rule of law, constitutionalism, and liberties as the fundamentals of democratic practice and consolidation increases. In Senegal and Nigeria, therefore, the rule of law, constitutionalism, and liberties are not institutionalized, or are weakly entrenched, since the ruling elites who are supposed to be the custodian of the constitution are the ones undermining it through disregard for the equality of the law, constitutional breach and electoral violation. The study demonstrates that these factors explain the reasons the electoral process has been characterized by impunity and anti-democratic behaviour especially in Nigeria where the phenomenon of electoral fraud and violence has become very problematic. Despite the pervasiveness of fraud and violence in the electoral process, perpetrators are seldom brought to justice especially if they are agents of the ruling regime. This does not only indicate the absence of equality and rule of law, it also shows the subversion of the justice system to an extent which endangers the institutionalization of the rule of law, constitutionalism, and liberties (this is illustrated in the thesis along with their implication for democratic consolidation in Nigeria and Senegal).

9.3 Can Elections Engender Democratic Consolidation in the Absence of the Rule of Law, Constitutionalism, Civic and Political Liberties?

In a context in which the rule of law, constitutionalism, and liberties are not institutionalised, elections cannot engender democratic consolidation. As demonstrated in this study, these principles ensure firstly, the meaningfulness and validity of elections in such a manner that political actors see the entire process as 'legitimate and binding'; secondly, the habituation of democratic norms, procedures, and rules of the game before, during, and after elections. Undue emphasis on elections only, without recourse to the institutionalization of these principles, has, therefore, been the consequence of democratic reversals and setbacks in many democratising countries in which the trend has been fabricated or controversial elections. Through the violation of democratic rule of the law, constitutionalism, and liberties, elections have become a worthless democratic practice which impedes democratic consolidation rather than promote- as the cases of Nigeria and Senegal demonstrates. Hence, this study revealed that despite the fact that Nigeria and Senegal are institutionalising elections, they are not consolidating the rule of law, constitutionalism, and liberties, which are essential for promoting democratic consolidation, within a context that mitigates antidemocratic

tendencies which could unexpectedly emanate from political elites. For this reason, what is dominant in both countries is illiberal or semi-democracy, which suggests regularity of elections in the absence of key liberal democratic principles significant to the meaningfulness of elections and democratic consolidation. The case of Mali, where 20 years of electoral democracy succumbed to military hegemonic rule, were the consequence of weak institutionalization of the rule of law and constitutionalism. In other words, this depicts that electoral democracies are susceptible to reversal if they are not safeguarded by the rule of law and constitutionalism.

While it should be stated that democratic consolidation is a process, it also should be emphasized that it is a process which is not immune to pseudo democrats who are always parading themselves as democrats, but are tacitly institutionalising autocratic temperaments to perpetuate power. This tendency explains the frequent return of military rule and unconstitutional changes of government in many West Africa countries as seen in Mali in 2012, Guinea-Bissau in 2012, Niger in 2010, Guinea in 2008, Mauritania in 2005 and 2008, and Togo in 2005. The resurgence of military and authoritarian rule, after the third wave of democratization in Africa therefore has a telling consequence for the consolidation of democracy, especially in West Africa where the conflict between authoritarian past and liberal democracy is conflictual. Although liberal democracy is becoming more victorious in this struggle, as the regularity of elections is becoming the order of democratic practice in the region, the non-existence of other fundamental principles of liberal democracy such as the rule of law, constitutionalism, and liberties continues to pose a major challenge to the full institutionalisation and consolidation of liberal democracy in West Africa. Thus elections in the absence of the rule of law, constitutionalism, and liberty do not engender democratic consolidation, whether or not they are credible.

Against this background, the study argues that elections, although crucial to the consolidation of democracy, do not engender democratic consolidation in the absence of other liberal democratic principles such as the rule of law, constitutionalism, and political liberties. These principles serve as the foundational ethos which constrains and regulates the behaviour of political elites, they also promote democratic consolidation. This is the major argument of the thesis and the gap which the dissertation attempts to fill.

9.4. The Contextual, Structural and Political Factors that Facilitate or Impede Democratic Consolidation through Elections in Senegal and Nigeria

The thesis demonstrated that apart from elections, some structural and political contexts were also responsible for both the promotion and the impediment of democratic consolidation in Senegal and Nigeria. These contextual, structural and political factors include the role of the electoral management body, political parties, and civil society organizations. Although these institutions contributed to the consolidation of democracy in both countries, the politicization of these institutions by political elites have seen them impede democratic consolidation more than they have contributed, especially in Nigeria. In the case of the electoral management body in Senegal and Nigeria respectively, both countries operate the semi-autonomous electoral management body which indicates that they are not exclusively autonomous of the executive branch of government. The non-autonomous and dependent nature of the electoral management bodies in Nigeria and Senegal has been responsible for their low contributions to the management and administration of elections. The study revealed that structural issues such as the mode of appointment and membership, tenure system, funding and power of the commissions has been the context in which electoral management bodies have been ineffective in fulfilling their mandates. Indeed, it is largely responsible for their partisanship and compromise under the domineering influence of the executives (IDEA, 2012; Agbaje and Adejumobi, 2006). These factors have been responsible for the crisis of the electoral process in which fabricated and controversial elections have become a constant phenomenon in many democratising countries as the Nigerian case illustrate.

The study demonstrated that the institutional checks present in Senegal as a consequence of the involvement of many bodies in the management of elections has enhanced checks and balances in the improvement of the conduct of elections. However, the study also emphasized that the fact that the Directorate of Elections (DOE) in the Ministry of Interior, under the control of the executive branch, organizes elections, whereas the ANEC, which is the real electoral body, only supervises elections, raises questions on the neutrality and partisanship of the electoral management body in the process and outcomes of elections. Thus, the structural design of electoral management bodies in Senegal and Nigeria has been largely responsible for the subversion of the electoral process. By the same token, the lack of autonomy which relates to the consequence of their appointment, funding, tenure and

institutional power also explains their poor performance and partisanship in the management of elections and the implication for democratic consolidations.

While Senegal and Nigeria operate a multiparty political system which has enabled democratic change and power alternation, as the Senegal case strongly depicts, the proliferation of small and fragmented political parties in Nigeria and Senegal has undermined democratic consolidation in both countries. Many of these political parties are not organically rooted in the society, but in certain individuals who bankroll and control their activities. For this reason, the study demonstrated the vexing and dangerous phenomenon of political parties crafted by individuals as a key challenge to democratic consolidation. Many of these individuals, especially as the Nigerian case illustrates, have taken absolute control of political parties due to the array of vast resources and instruments of violence at their disposal- which they use for manipulating and gaining electoral advantage. Despite the personality cult in many of these political parties in both countries, it is noteworthy that the Senegalese political parties are largely national in outlook and have made some contribution to the promotion of democratic consolidation through coalition formations and alliance politics. By contrast, the personalization of political parties has been the basis of ethnic and regional affiliation as well as patronage network in Nigeria. This singular factor has been the bane of coalition formation and consensus politics as a viable tool for electoral turnover or democratic change of power, which did not occur in Nigeria since 1999, until recently in 2015.

While the study revealed that coalition politics is a potent strategy for democratic change in Senegal, the drawback is that coalition building in Senegal is driven by patronage politics and lack of ideological considerations. That is why many of the coalitions formed to win elections collapsed after the electoral success. In the cases of both countries, intra party conflicts which frequently lead to defections and floor crossing are the consequence of ideological-deficit parties or split alliances and coalitions. In Nigeria, for example, a large number of candidates left the ACN for the PDP due to imposition of candidates in 2007 (*The Punch* 28 May 2008). In Senegal, the constant friction and power tussle between former President Abdoulaye Wade and his prime minister, Idrissa Seck, and the speaker of the National Assembly, Macky Sall, in the PDS was responsible for the break-away of the duo to form REWNI and APR, respectively. This study, therefore, demonstrated that rather than evolving vibrant and robust political parties which strongly contribute to democratic consolidation, small parties which

lack ideology and electoral value have impeded democratic consolidations rather than promoting it in Nigeria and Senegal.

On a positive note, the thesis revealed that civil society organizations have contributed more to democratic consolidation than they have impeded it. In both Senegal and Nigeria, I established that CSO and social movements have contributed to democratic consolidation through civil engagement, democratic education and participation, collaborative efforts at fighting against unconstitutional and arbitrary exercise of power by the ruling regime, and election monitoring and observations. Indeed, the monitoring of elections by civil society coalitions such as that of TMG in Nigeria has helped to reveal the extent of the crisis in the electoral process and its implications for democratic consolidation. Put differently, it is through the reports of the TMG that electoral manipulations and irregularities are brought to public knowledge which continues to elicit the imperative for electoral reforms. In the case of Senegal, the study demonstrated that the CSO has helped a great deal to ensure the credibility and legitimacy of the 2000 and 2012 elections through the 'One World' technology. This technology ensures that elections are counted on the spot and monitors transmit the result immediately to the situation room where cross-examination, verification and analysis are done in preparation for the declaration of the result. However, on a less positive note, I also corroborate that the contributions of CSO to democratic consolidation in Nigeria and Senegal have largely been plagued by the backlash of military and authoritarian regimes, especially as the Nigerian case indicate. Furthermore, lack of funding and the absence of ideological grounding have resulted in their deepening crisis in terms of partisanship and organizational atrophy. These factors have challenged the strength and viability of CSO in contributing more to democratic consolidation.

9.5 How the Political Value Systems of the Elites have Become Institutionalized and Impacted upon Elections and Democratic Consolidation in Nigeria and Senegal

In the last chapter of this thesis, I examined the composition and circulation of political elites in Senegal and Nigeria, and demonstrated that the value system of the political elites is central to the contradictory trajectories of electoral politics in the two countries. The chapter explained that the value system and orientation in both countries differs between consensually unified elite groups which embrace more of consensus in political life and view politics as a bargaining process, whereas disunited elites view politics within the prism of

disunity or zero-sum approach to political life. Senegalese political elites embrace consensus politics to some extent, which has enhanced electoral politics, whereas in Nigeria lack of consensus among the broad spectrum of political elites has been the bane of its flawed electoral process. In other words, undemocratic attributes such as electoral fraud and violence have been the dominant values used in pursuing electoral power in Nigeria. Notwithstanding distinctions between the value systems of Nigerian and Senegalese political elites, the chapter observed that in both countries, a stable value orientation has not been the key attribute of the respective political elites. They still oscillate between the two main value systems identified above due to normative consideration and strategic interest. It was revealed that political elites in both contexts, especially the ruling elites, undermine democratic rule and procedures when they find it less risky than respecting it.

The chapter confirmed that the value orientation of consensus which exists among Senegalese political elites has fostered peaceful electoral process through the establishment of the 1992 electoral code responsible for the transparency and fairness of the electoral process. Moreover, the initiation of the National dialogue aimed at establishing a framework for institutional reforms and good governance in 2007 also indicates the value of consensus inherent among Senegalese political elites. However, the disunited nature of political elites in Nigeria does not suggest that they totally shun consensus politics; they sometimes embrace consensus in the interest of democracy. The case of the botched third agenda was a classic example. The coalition of opposition political parties and civil society organization put pressure on the National Assembly through legislative advocacy and lobby to prevent President Obasanjo from desecrating the constitution by ruling for the third term. Notwithstanding, elites in Nigeria have largely pursued their political agenda differently, and it explains why electoral turnover and democratic change since 1999 only occurred in 2015.

Regardless of the value consensus by political elite in both contexts, the violation of democratic rules, institutions and constitutionalism revealed the absence of a deeply structured value orientation which animates a strong democratic commitment. Consequently this explains their clustering around patronage networks and deconstruction of democratic norms and political institutions such as the parliament and the judiciary which are supposed to serve in the interest of all as the viable institutions of democratic safeguards and checks. This tendency has been responsible for institutional weakness and constitutional erosion and the negative implications for democratic consolidation. It was demonstrated that there is

synergy between political institutions and the narrowly defined value system of the political elites. This linkage shape the manner which informs whether political elites respect democratic rule and procedures or not. Therefore, consolidating democracy, therefore, requires that political elites institutionalise democratic value system which habituates the respect for the rule of law, constitutionalism, liberties, and other institutional infrastructures which enhance liberal democracy.

9.6. Contribution to Knowledge

Existing studies have shown that elections are a vital element in the consolidation of liberal democracy (Omotola, 2010; Lingberg, 2006; Quinn, 2006; Vanhanen, 2004; Huntington 1991; Przeworski, et al, 2000). That said, elections alone are insufficient to consolidate democracy. Thus, scholars have adopted several other criteria, such as the roles of institutions, political parties, structures and agency, and civil society, among other criteria (Pridham, 1995; Linz and Stepan, 1996; Bratton and Van de Walle, 1997; Schedler, 1998; Diamond, 1999; Puhle, 2005; Erdman, 2011). These studies are certainly useful in understanding the various dynamics, conditions and trajectories which cause consolidation of democracy. While the current study has been inspired by previous studies which espoused the achievement of self-enforcing equilibrium in support of democratic rule and constitutionalism (Linz & Stepan, 1996; Weingast, 2004; Diamond, 1999), they have not systematically interrogated the institutionalization of the rule of law, constitutionalism, and liberties in relation to how they shape the behaviour of the political elite towards the consolidation of liberal democracy. The recent resurgence of military and unconstitutional changes of government in the post-third wave of democratization in which political elites are flagrantly violating democratic rule of the game, procedures, and constitutions in West Africa is, therefore, suggestive of the imperatives of the rule of law, constitutionalism, and liberties in the process of consolidating democracy.

While it is safe to say that elections have become a regular feature and have opened the path to democratic consolidation of many countries in West Africa, as demonstrated in the case of Nigeria and Senegal, much less progress has been made in the institutionalization of the rule of law, constitutionalism, and political liberties. This raises question on the legitimacy of African political systems and further provides a plausible reasons why elections have been the victim of democratic consolidation. The conducts of fabricated elections or subversion of

the democratic rules and procedures by political elite pose serious risks to the institutionalisation and consolidation of liberal democracy. Elections under these circumstances are nothing more than what Adejumobi (2000) termed a 'façade of democracy' or what Levitsky and Way, (2010) called semi democracy, and electoral authoritarianism (Levitsky & Way, 2009; Ekman, 2009; Diamond, 2002). This scenario explains the growing phenomenon of hybrid regimes or illiberal democracy (Zakaria, 1997), considering that the 'exclusive focus on elections risk the salience of relevant norms and principles associated with liberal democracy' (Diamond, 2002:7). What is otherwise known as the 'fallacy of election' or the kind of 'faith that merely holding elections will channel political actions into peaceful contests among elites and accord public legitimacy to the winners, regardless of whether they are free or not' (Karl and Schmitter, 1991:78).

Thus, undue emphasis on elections only, without recourse to the institutionalization of these principles, is the cause of democratic reversal and setback in many democratizing countries as witnessed in Guinea-Bissau, 2012; Niger, 2010; Guinea, 2008 Mauritania, 2005 and 2008, and Togo, 2005 and particularly in Mali where 20 years of consolidating democracy succumbed to the harsh reality of military rule and unconstitutional change of government (Diamond, 2008). The principles of the rule of law, constitutionalism, and liberties, therefore, ensure the meaningfulness and validity of elections in such a manner that political actors see the entire process as 'legitimate and binding', (Mozaffar and Schedler, 2002), also defined in terms of the habituation to democratic rules and procedures before, during, and after elections.

Against this background, the study offers contribution to knowledge, and emerging literature on elections and comparative democratizations. It demonstrated that elections, although crucial to the consolidation of democracy, do not engender democratic consolidation in the absence of other liberal democratic principles such as the rule of law, constitutionalism, and political liberties. These principles are the foundational ethos which constrains and regulates the behaviour of political elite in a manner which prevents them from seeking anti-democratic alternatives. As a cornerstone of liberal democracy and consolidation, the principles of the rule of law, constitutionalism, and liberties are underscored by cementing the stability of constitutional democracy and the political culture which regards democracy as the ultimate goal of the society. The absence of which is likely to reinforce 'arbitrary exercise

of power by political leadership (Rosenfeld, 1994). Therefore, consolidation of liberal democracy in West Africa must be constructed on the institutionalization of the rule of law, constitutionalism and civil liberties in such a way that elections become meaningfully credible to democratic consolidation.

More importantly, while the Nigeria and Senegal democratic experience present a contradictory trajectory of electoral politics; they also provide a significant lesson for other fledgling democracies in West Africa. The institutionalization of elections since the emergence of third wave democracy in West Africa without reversal to military rule or unconstitutional changes despite the daunting challenge of electoral democracy in both contexts is a strong confirmation that Nigeria and Senegal are improving in their democratization struggles, and on the path to consolidating their democracy.

9.7. Recommendations

The imperatives for electoral reform in Nigeria and Senegal have been advanced by key democratic players in both countries. For example, the national caucus leader of the SP claimed that despite free and fair elections in Senegal, there is need for electoral reform to address certain areas of the electoral process which are more beneficial to the ruling regime than the opposition party³⁵⁶. More importantly, the fact that the former President Umar Musa Yar ‘adua, a ‘beneficiary of the flawed electoral process acknowledged that the elections that brought him into power in 2007 was massively rigged’ (Suberu, 2007), was also suggestive of the urgency of electoral reforms in Nigeria. In light of the above, the following suggestions are put forward as recommendations for improving elections and democratic consolidation as a consequence of the findings from the field work in Nigeria and Senegal. Although several efforts at reforming the electoral process in the past have been made in both countries through their respective Electoral Acts, a profound reform of the electoral process is yet to be witnessed. For instance, despite that the 2001, 2006 and 2010 Electoral Act, as well as the Justice Muhammadu Uwais’s electoral reform report of 2008 which was instituted, electoral malfeasance is yet to abate in Nigeria. In the same vein, the enactment of the 1992 and 2014 Electoral Code in Senegal, electoral misdemeanour still persists. A good number of electoral reforms were made by the regime of President Goodluck Jonathan courtesy of the DFID Independent Assessment report of the electoral process and the Uwais panel report on

³⁵⁶ Personal Interview with a prominent politician of the PS in Dakar 2014

electoral reform which included issues bordering on the structural independence and funding of the electoral commission. With regards to the structural independence of the electoral management body, some notable efforts have been made to ensure the autonomy of INEC. The foremost effort was the reconstruction of the membership of the body in such a way that the membership of the commission is devoid of political party members. In that instance, Section 156 of the 1999 Constitution was amended as against the initial provision which stipulates that ‘No person shall be qualified for the appointment as a member of any of the bodies (including INEC) aforesaid if he is not qualified or if he is disqualified for elections as a member of the House of Representatives’. This could literally be translated to mean that ‘no one would be qualified as a member of the House of the Representatives without being a member of a political party’ (Jinadu, 2011:157).

A related issue was the administrative independence of INEC which was enhanced to make its own rules, and regulate its own procedures through appointments, promotions, and dismissals which otherwise are largely done or influenced by the executive before the current changes. Section 160, subsection 1 of the 1999 Constitution has been modified to indicate that INEC shall not be subject to approval or control from the President in the process of exercising its structural powers and regulations of its own procedures (EUEOM, 2011:12). As a consequence of further reforms and to further enhance the autonomy of the electoral body from executive interference, the funding and recurrent expenditure of INEC has also been charged to the consolidated account so that INEC can access its funds without any hindrances. As a result, Section 84 of the 1999 Constitution has been amended for that purpose (Jinadu, 2011:157).

9.7.1. Independence and Strengthening of the Electoral Management Bodies

Considering that crises of the electoral processes have always been the consequence of controversial elections predicated on the abuse of power of incumbency, fundamental reform of the electoral process in Nigeria and Senegal must start with the strengthening of the electoral management body. This is to promote their independence, professionalism and efficiency in the management of elections. The lack of independence and partisanship of the electoral management bodies has been the basis on which incumbents have exacted overbearing influence on the electoral processes and undermined democratic processes at will. Strengthening the electoral management bodies should be done in three significant

ways. First is to change its mode of appointment. This has to do with the appointment of the chairman and membership of the electoral management commission. The current practice where the president appoints the key officers of the electoral management bodies in Nigeria and Senegal must be discontinued. This is because it has been the main reason why the commissions have been rendered inefficient and often compromised in the management of elections. It has also been the way in which the ruling party abuses the electoral process and democratic procedures. It stands to reason, therefore, that the clause in the constitution of Nigeria and Senegal which gives the president the prerogative to appoint the chairman and membership of the electoral commission should be changed. This study recommends that it is changed to empower an independent and non-partisan public institution such as the National Judicial Council and Council of State (which comprises former presidents of the country) to shortlist candidates for the approval of the National Assembly without necessarily needing to involve the president in the process.

Although, the electoral body in Senegal comprises individuals from different professional calling, the fact that their mandate is only on supervision of elections. Their responsibility and accountability to the president who appointed them raises concerns about their independence. Second, and following this concern, the electoral management body should be insulated from all of the organs of government, especially the executives. The tendency to see the electoral commission as an agency of the executive should be discontinued. In this regard, its structural autonomy should be strengthened with respect to appointment and decision making rather than control from the executive. This body should be vested with full-fledged mandate of election administration and management and not election supervisor or observer. This was why, despite the legitimacy of elections in Senegal, questions are still being raised on the fairness and transparency of the electoral process.

As a result, the management of elections should be done by an independently appointed body which handles the mandate of elections rather than by a dependent body or agency under the executive. The model of independent and professional electoral management commission in which EMB has not only been insulated from executive interference, but has also demonstrated professionalism in the conduct of elections in Ghana should be adopted. Although the electoral body is appointed by the president in Ghana in a manner similar to Senegal and Nigeria, the Ghanaian electoral body has demonstrated a substantial degree of autonomy, proficiency and legitimacy which underscores deep institutionalization of the

electoral body as a neutral and efficacious institution in the management of elections (Omotola, 2009). The merit of this is the growing confidence in Ghana's electoral management and the consolidated status of democracy in the country. By contrast, in Nigeria and Senegal, confidence in the electoral management bodies has been declining, especially in Nigeria where the management of elections has been seriously problematic. While the cases of Nigeria and Senegal point to the general weakness of the electoral process, there is need for both countries and other West African countries to invest in constructing an electoral body that is not only neutral but is clear of jurisdictional overlapping with all the main organs of government. Unless such electoral management framework is designed, elections will continue to be subverted or fabricated by ambitious political elites wishing to personalize their power. The absence of the framework recommended above was the responsible for the political instability which broke out in Cote d'Ivoire in 2010.

Thirdly, the unbundling of the electoral management bodies in Senegal to include several bodies, institutions, and department is a novel and innovative idea for the transparency of elections. This has promoted institutional checks and balances on the conduct and management of elections and has also been responsible for the improvement in the quality of elections. Conversely, in Nigeria the electoral management body is bundled to perform all electoral related matters, including the conduct of elections, registration of political parties, voter registration, delimitation of constituency, monitoring of campaign finance, and internal democracy of political parties. This huge responsibility has posed a serious challenge for INEC in the discharge of its mandate. As a result, I concur with the recommendation of the Electoral Reform Committee (ERC) that INEC should be unbundled by involving other cognate bodies in the conduct of elections. Among the bodies proposed are the Political Parties Registration and Regulatory Commission, Constituency Delimitation Commission, and Centre for Democratic Studies (ERC, 2008).

9.7.2. Routinizing and Updating Voters Registration

To reduce the occurrence of electoral fraud and violence contestation, voter's registration exercise should be conducted as a continuous exercise rather than a timely activity which has become problematic and prone to irregularities in Nigeria and Senegal. Such problems are illustrated by the controversies which surround the issue of voters' updates in Senegal in 2007. While the routine voter's registration in Senegal is a welcome idea, it should be

frequently updated and available to the civic public within the required time stipulated in the Electoral law. This will allow electorates and political parties to file claims and counter claims in relations to error of omission or commission before the election. The current practice where voters register are updated a few days before the elections has been the reason why elections are manipulated and the entire register characterized by errors of magnitude proportion such as falsification of registers, under age registration, bloating of the voters register, buying of voters card and failure to past voters lists for confirmation before elections. Registration of voters should be done as routine exercises which must be updated at regular intervals.

9.7.3 Reform of the Current Electoral System

The current electoral system of first-past-the-post/ simple majority system in Nigeria is the reason that the political elites have placed a premium on the zero-sum or do-or-die political dispensations. Following this, there is a need to change the electoral system to a modified form of proportional representation to reduce election and post-election tensions which continue to rock the consolidation of democracy in Nigeria. Although Senegal combined plurality-majority system and proportional representation, the latter is used in the presidential elections, while the former is used for the National Assembly elections. According to the proportional principle, the party that wins the presidential election also has the highest number of proportional seats in parliament, shared on the basis of the total number of votes in the presidential election and national consideration. This principle has vested too much control by the ruling party of the parliament. Apart from the fact that incumbent party has the largest number of seats, their dominance of the National Assembly is the reason the ruling party finds it easy to abuse the constitution, orchestrating controversial reviews, and weakening state institutions. The weakening of political institutions as a result of this system has promoted patron-client networks which make the exercise of oversight functions difficult, if not impossible. While proportional representation is good in itself, especially for plural societies, it should be streamlined within the context which ensures that the ruling party does not have an absolute majority in the parliament or in the sharing of positions, especially in countries like Nigeria and Senegal.

9.7.4. Institutionalization of Rule of Law, Constitutionalism and Liberties

There is also the need to institutionalize the rule of law and constitutionalism. This is the most important aspect of the recommendations, because they are the backbone of freedom and liberties. This should be done in three related ways. First, there is need to entrench the culture of constitutionalism which guarantees liberties, constitution and other democratic rules. By safeguarding these legal instruments from abuse, political elites are forced to imbibe and respect constitutional doctrines and applications. Under this circumstance, the incumbents are bound by term limits and prevented from arbitrary use of power which undermines liberties of the people. As a consequence, strong clauses such as life imprisonment and disqualification should be inserted in the constitution to serve as deterrence to government officials and electoral offenders. This would obviously curb the tendency of political elites to abuse the rule of law and the constitution. Given that electoral fraud and violence is becoming institutionalized in the electoral process, electoral crimes should be taken seriously and should not be treated with kid gloves. Secondly, the judiciary should be strengthened and made independent from executive and legislative pressures. The case where the judiciary has been controlled by the executive in both Senegal and Nigeria is negative for democratic development as it has been the basis on which the ruling political elite grossly violates the rule of law, constitutionalism, and liberties. Thus, the autonomy of the judiciary should be pursued vigorously in the interest of liberties and constitutionalism. This can be done through reviewing of the constitution to subject the appointment and dismissal of justices to the National Judicial Council (NJC), rather than the executive and the legislature according to the current practice. In the current dispensation, Section 153 of the 1999 Constitution views the NJC as a Federal Executive body. As stated earlier in this study, the NJC is composed of the Chief Justice of the country (as the headship) and other 27 high profile judges (Section 20 of the 3rd Schedule of the constitution above). Despite the acclaimed autonomy of the NJC, it can only recommend judges for appointment and dismissal by the NJC; they are subject to the approval of the president. Thus, ensuring full autonomy of the judiciary and making it immune to executive interference would enhance the capacity of the judiciary and restore some degree of public confidence in the institution. The importance of judicial activism and independence was captured by late Chief Justice Mahomed Ismail of South Africa and Namibia:

To survive meaningfully in a democratic state is to internalize an independent judiciary that internalises the rule of the law within the psyche of the citizen. The active participation of the organs of civil societies outside of the constitution in the articulation and dissemination of these values is a logistical necessity for the survival and perpetuation of the rule of law. Without it, the law and the ruler become alienated from the ruled. In a dangerously sterile sense the law itself becomes a series of mechanical commands to the citizen resting its ultimate authority on the physical might of the state and its capacity to impose its will on the citizenry. There can be no security in such a legal system either for the governor or the governed. A maturing society premised on the rule of law and constitutionalism therefore requires the support of national ethos of human rights conscientiously and methodologically propagated, and legitimise through an independent judiciary (1994:6).

Thirdly, there is need to prevent controversial and unscrupulous changes in the constitution and other electoral rules. This tendency amplifies the electoral and political crisis that engulfed Senegalese politics which almost resulted in democratic setback between 2007 and 2012. Countries must conform to international standards on democracy. For example, the ECOWAS Protocol on Democracy and Good Governance must be strictly adhered to by ‘prohibiting of any illegitimate amendment of the constitution and electoral law or other regulative norm relating to electoral matter, within six month prior to an election without a consensus dialogue of stakeholders’(Section 1, Article 1, ECOWAS Protocol, 2001:6) . The civil society organization should be central here in disseminating information and acting as whistle-blower against arbitrary revision of the constitution, electoral acts, and other regulative institutions to prevent the culture of impunity and unconstitutionality. In the absence of this, political elites have frequently violated constitutive and regulative frameworks which erode the spirit of the constitution. Elites have also engendered a national crisis in which controversial review of the constitution has become a strategy for uneven playing field and sit-tight syndrome. Thus there is the urgent need to establish a sustainable judicial system which fortifies democratic infrastructures in a manner which ensures accountability to internalize the culture of constitutionalism and rule of law. By this, the constitution would not only be safeguarded from unnecessary interference, but would also ensure accountability, good governance, and democratic consolidation. **9.7.5. Evolving Ideological Political Parties as a viable tool of Coalition Building and Democratic Consolidation**

Although coalition building in Senegal has been a very significant factor in electoral turnover and power alternation, political parties in Nigeria and Senegal are too ideologically porous to be viable instruments of democratic consolidation. This backdrop has been the consequence of the politics of coalition in which tiny but fragmented political parties become relevant. As at the period of this report, Nigeria and Senegal are yet to institutionalize organic, ideologically vibrant political parties. The splits and floor crossing which has characterized these parties has further exacerbated internal wrangling among them. Many of these parties are premised on material conception and patronage considerations rather than programmatic or policy agendas. The presence of so many tiny, phone booth and fragmented political parties therefore has been the factor militating against ideologically and structured political parties necessary for the consolidation of liberal democracy in Nigeria and Senegal. While this has been absent in both countries, patronage benefits and sectionalism has been the praxis of these parties, explaining why power alternation only occurred in Nigeria in 2015. As a result, there is urgent need to reduce the number of political parties in Nigeria and Senegal to give room for sizeable, strong but viable and ideologically rooted political parties which reflect the democratic needs of the people, and also serve as agents of democratic consolidation.

9.7.6. Evolution of Democratic Culture through Training and Reorientation of Political Elites

Consolidating democracy in West Africa requires that political elites should imbibe democratic political culture and value preference to allow for the entrenchment of the principles of liberal democracy. Political elites should see democracy as the only the viable political system capable of addressing their collective needs and aspirations. There is a serious need to subject political elites to democratic training and reorientation to divest the entrenched authoritarian and military values which have been institutionalized against the backdrop of the long years of military and authoritarian rule in West Africa. This legacy and its attendant value orientation have been a prime cause of the increasing violation of, and abuse of the rule of law, constitutionalism, and liberties. Engaging the political actors in democratic training, reorientation, and dialogue would no doubt improve the attitude, psyche and mentality in a manner that promotes the entrenchment of democratic rules and political institutions. Democratic attitudes and dispositions such as tolerance, accommodation, bargaining, confidence in institutions and altruistic interest would promote socialization of

democratic norms and values as well as social capital which will also enhance the potential for democratic consolidation. While it should be stressed that the value orientation of political elites shapes political institutions, strong political institutions should also be constructed to constrain the temperaments of political elites, especially the incumbent ones. This is highly profitable in enhancing checks and restraints on arbitrary exercises of power by ruling political elites and the implication for democratic consolidation.

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