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**NILDS**  
Journal of  
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# Foreword

## **Professor Abubakar O. Sulaiman**

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The National Institute for Legislative and Democratic Studies (NILDS) is an organ of the National Assembly, established by the NILS Act 2011. It's mandate was later expanded by the NILS (Amendment) Act 2017 to include the Democratic Studies component. NILDS has, among its mandate; the strengthening of Democratic Institutions and deepening of democracy in the country. In order to achieve this, conscious effort has to be made to encourage cutting edge research in democracy and governance to feed policy makers and other critical stakeholders. This is because the making of public policy and the strengthening of democratic institutions has to be based on empirical data that address societal needs, to ensure that democratic institutions are responsive and that the legislative processes are in tandem with the desire of the Nigerian population.

The birth of the NILDS Journal of Democratic Studies will provide the scholarly community the platform for the dissemination of the output of original research on democracy and related activities by local and International Scholars. A unique feature of this journal is that it has a section dedicated to policy analysis. This is intended to encourage scholars

to engage in critical and thorough review of government policies for the purpose of enhancing the quality of public policy and practice. This sets the journal apart as an agenda setting platform for the deepening of democracy and strengthening of democratic institutions, not only in Nigeria but also the West African sub-region. While the Institute engages in activities aimed at building capacity for the legislators at national, state and regional levels in its efforts at strengthening democratic institutions, the journal will be the scholarly arm for harnessing quality scholarly research that would provide the empirical data required for both the legislature and the executive in deepening democracy.

The maiden edition of the journal which has been delayed by the COVID-19 Pandemic that resulted in the shutdown of major activities across the globe for some months is finally birthed. I therefore, recommend this journal to members of the academic community, policy makers - legislators at the national, state and local government levels including members of the executive and judicial arms of the government. Others include: Ministries, Departments and Agencies of government, international development partners, Civil Society Organisations (CSOs), the mass media, researchers and students.

## Editor's Note

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On behalf of the Editors, it is a great delight to bring to you the *NILDS-Journal of Democratic Studies*. This maiden edition was delayed for several months because of the COVID-19 Pandemic which was not envisaged at the beginning of the year. This journal will bring you original and quality research with bias to empirical studies, twice each year, from scholars across the globe. With an editorial board comprising world class scholars having decades of experience in research and scholarly writing, our commitment is to ensure cutting edge research of cross cutting issues emerge from our stable.

Given the unique nature of our Institute, a special section has been devoted to analysing and interrogating policy issues because it constitutes one of the core responsibilities of the Department of Democratic Studies of the Institute. This is a unique feature which is not usually in journals of tertiary institutions or Institutes. In this first edition, we present eight scholarly articles, one policy paper and one book review. This maiden edition opens with a paper entitled, "The Role of the National Assembly in Budget Process in Nigeria." In it, the authors show the critical importance of the role of the National Assembly in securing the democratic consents required by the constitution before spending of public funds. The National Assembly undertakes the process of consideration and authorisation of the budget by passing the Appropriation Bill for assent and approval for the mobilisation of resources and their expenditure for the given fiscal year by the government. The article, "Development Implications of Morocco's membership of the Economic Community of West African States (ECOWAS)," argues that apart from Morocco not being part of the geographical entity (West Africa) for which ECOWAS is meant, admission of the country into ECOWAS will serve the interests of Morocco more than the interest of the member countries of ECOWAS. There is also the argument that if Morocco is admitted, it would undermine Nigeria's status

and influence in ECOWAS.

In the “Impact of Women Organisations Access to Public Institutions and Officials on Policy Outputs in Health Sector in Ghana and Liberia (2006 - 2018),” the authors utilize empirical data to show that women organisations’ access to public institutions and officials had a more positive impact on policy outputs in the health sector of Liberia than in Ghana. The article, “Legislative Effectiveness in Nigeria’s National Assembly: An Institutional Assessment Approach” argues that over the years, scholars have developed various instruments for assessing the performance of the legislature but are unsuitable for evaluating the Nigerian legislature. For this reason, the author modified Volden and Wiseman’s LES model to make it amenable for comparative evaluation of the Nigerian National Assembly using institutional approach. The model was then used to evaluate the performance of three legislative sessions of the National Assembly based on Bills processed with revealing results. In the article, “Nigeria’s External Image and Global Responses to the Postponing of the 2019 General Elections: A Preliminary Investigation,” the author examines the implications of the postponement of the elections few hours to its commencement following logistics hitches, on Nigeria’s external relations. The author focuses primarily on the reaction of the major western allies, especially United States, Britain and the European Union.

The paper, “Resurgent Violent Farmer-Herder Conflicts and ‘Nightmares’ in Northern Nigeria” undertakes a historical review of violent Farmers-Herders conflict in the Northern parts of Nigeria, and postulates that there has been a resurgence in the last five years. The author provides empirical evidence that the recent upsurge in Farmers-Herders conflicts had resulted in a higher level of carnage than previous ones and proposes that strategies for combating such conflicts must involve the Farmers and Herders themselves, instead of government setting up committees that make recommendations without the actors’ genuine input. The paper on “Challenges faced by the Criminal Justice System and the Role Players in Combating Cybercrime in Nigeria” presents cybercrime as a new wave of criminality confronting law enforcement agencies across the world, but

law enforcers are less-funded and less-equipped to deal with this emerging crime. The author argues that the situation is further compounded by the virtual and borderless nature of the crime which raises the question of jurisdiction and applicable national legislation in case of prosecution. The author suggests that the Nigerian criminal justice should adopt proactive measures in dealing with and preventing cybercrime. In “Vote Buying and Credible Elections in Nigeria: An Opinion Survey of Voters on the 2019 General Elections in the Federal Capital Territory (FCT), Abuja,” the author undertakes a survey of the influence of vote buying on conduct of credible elections in Nigeria. The author proposes that vote buying has emerged as a major impediment to credible elections in Nigeria, and has the capacity of hindering democratic consolidation in the country.

Unique to NILDS-JDS is the devotion of a separate section for policy analysis. “Conducting Scheduled Governorship Elections in Edo and Ondo States in the Face of COVID-19 National Health Emergency in Nigeria” analyses the policy implications of conducting general elections in Nigeria during the period of COVID-19. The authors offer veritable suggestions on measures that could be adopted to ensure that credible elections are held in periods of national public health emergency. The book review section of the journal critically examines Duncanson, C. (2016) book entitled *Gender and Peace Building*, published by Polity Press. The author proposes that there is need for the adoption of a framework that makes women an integral part of peace building process in conflict prone societies given the fact that women (more than men) are affected in unique diverse ways when conflicts arise.

The Editorial Board of this journal is committed to publishing original papers that are at the fulcrum of democratic studies nationally and internationally and maintaining the same quality in its future editions. This will place the *NILDS-Journal of Democracy* at the vantage position of becoming the journal of choice for scholars, legislators, policy makers, politicians, and other stakeholders interested in democratic studies, especially the deepening of democracy.



We shall have rolling call for papers, and will receive papers all through the year, while the ones that successfully navigated our double peer review mechanism get published. For scholars seeking the platform to reach their target audience and make the right impact globally, we offer you NILDS-JDS. Stakeholders desirous of reading the highest quality papers in the sub-field (democratic studies), we offer you NILDS-JDS.

Welcome to a New Dawn.

**Dr. Ngozi Nwogwugwu**

Editor

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**Article**

**1**

**The Role of the National Assembly  
in Budget Process in Nigeria**

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Christopher Ochanja Ngara<sup>1</sup>  
&  
Habila Kawo Dasat<sup>2</sup>

## Abstract

*This paper examined the various stages in the budget process in Nigeria such as the budget preparation and submission, budget authorization, budget execution and budget evaluation/audit report; and highlighted the role of the National Assembly at each of the stages. Using descriptive method, the paper also interrogated other critical roles played by the National Assembly in the approval of budgetary frameworks such as the Medium Term Expenditure Framework (MTEF), the Revenue Profile and the Debt and Debt Limit. The paper identified the challenges faced by the National Assembly in the appropriation process to include unavailability and unreliable data, shortage of skilled manpower, frequent disruption in oil production, global fluctuation in prices, corruption, late preparation/submission of budget estimates by the Executive, delays in the release of funds for capital projects as well as strained Executive-Legislative relationship. The paper concluded that for the National Assembly to effectively discharge its roles in the Nigerian budget process, it must develop and maintain effective and accurate data as well as strengthen and effectively engage supporting institutions such as the National Assembly Budget Research Office (NABRO) and the National Institute for Legislative and Democratic Studies (NILDS).*

**Key Words:** Budget process, MTEF, National Assembly, NABRO, oversight,

## Introduction

A budget is an aggregate policy instrument for organising and articulating government goals and objectives often expressed in terms of programmes and projects usually accompanied by a financial plan. It is an instrument used for attaining some pre-determined goals, and for imposing checks and balances both vertical and horizontal accountability (Abubakar 1986). It spells out and prioritises objectives or goals which compete for scarce

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financial resources (Ogbu 2012). A budget usually covers a period of one year and contains details on how a government intends to mobilize and allocate the anticipated resources that would accrue to it during the period (Ariyo 1997). According to SPARC (2014), budgets are governments' most important economic policy tool. Budgets translate a government's policies, political commitments and goals into decisions on how to use revenues to meet the country's competing needs.

Budget process, therefore, refers to the stages through which governments initiate, consider and approve budget proposals. It involves institutionally and legally ordered sequence of interrelated activities including preparation, submission, authorization, execution and audit and review. According to Onah and Innocent (2017 p. 10), the "budget process is carried out within the budget cycle which is a complete set of events occurring in the same sequence every year and culminating in the approved budget." The cycle allows the system to absorb and respond to new information and, therefore, allow for government to be held accountable for its actions. Although, existing budgetary system may be less than perfect in guaranteeing adherence to this principle of responsibility, however, periodicity contributes to achieving and maintaining a purposeful government (Lee, Johnson and Joyce 2013, p. 53).

Government, in every country, has responsibility to cater for the security and welfare of its citizens. Such responsibilities include the provision of infrastructure and amenities such as roads, electricity, bridges, transportation, schools, water, housing, hospitals, peace and order as well as creation of jobs, and social security, amongst others. The annual budget is the vehicle provided by law for the acquisition, allocation and distribution of national resources for socio-economic development of the nation. In many countries of the world, the responsibility of making annual budget is shared between different ministries, departments and agencies of government but in most democracies such roles is shared between the executive and the legislative arms of government, be it, presidential or parliament systems.

In Nigeria, the 1999 Constitution, (as amended), made the executive and legislature the main actors in the budget process in Nigeria. Sections 4, 59, 80 - 81 of the 1999 Constitution of the Federal Republic of Nigeria, as amended, specifically detailed the powers and responsibilities of the two arms of government on how monies accruing to the country may be expended over a period of time. These constitutional provisions are enshrined to give effect to the principle of separation of powers and checks and balances between the two arms of government. To ensure that public resources are effectively and judiciously used by public officials for the provision of public good, the National Assembly, in exercise of its powers in Section 80 and 81 of the 1999 Constitution (as amended) is empowered to carry out oversight on the executive arm of government by ensuring that the provisions of the budget is complied with.

While the 1999 Constitution is sufficiently clear about the roles of executive and the National Assembly in the budget process and in each of the stages of the budget process, there are often misconceptions and misinterpretations of the relevant provisions, leading to conflicting roles between the two arms of government in the budget process. It is against this background that this paper examines the roles of the National Assembly in the budget process in Nigeria.

### **Historical/Socio-Political Context**

Budget owes its origin to Europe, particularly, Great Britain. The concept was used in Great Britain to describe the leather bag which the Chancellor of the Exchequer (the Minister of Finance) carried to the parliament, the statement of government's needs and resources (Ojobo 2011). Notwithstanding, the involvement of the legislature in budget process has its history. According to Posner and Park (2007), the role of the legislature as fiscal policy institution in England is associated with the rise of modern democracy and the demand by the electorates for more accountability from their representatives.

In Nigeria, budget practice can be traced to the country's colonial experience. During the colonial era, the budget was prepared and executed by the colonial administrators with little or no input from the indigenous people. However, public budgeting commenced in 1922, and gradually, Nigerians began to be involved in the legislative and administrative systems (Ogunyemi 2012). Consequently, in the 1950s, Nigerians participated in the debate on the administration of taxation and how the taxes were to be appropriated. This development laid the foundation for public budgeting in Nigeria. As Nwekeaku (2014) rightly observed, even after independence, Nigeria continued to retain the content, structure and approach of the British colonial system of budgeting. However, due to the frequent incursion of the military in politics from 1966 to 1979; and between 1984 and 1999, legislative experience with the budget process was limited. Since the return to civilian rule in May 1999, the National Assembly has been playing significant roles in Nigeria's budget process.

### **Conceptual and Theoretical Reflections**

Some scholars see budget as the most useful tool for planning and control within organizations in both developed and developing countries (Ahmad, Suleiman and Alwi, 2003; Joshi, Al-Mudhaki and Bremser, 2003; Wijewardena and Zoysa, 1999; Ghosh and Chan, 1997). The term budget is a common usage in both public and private sector management. In every system, planning for the present and the future is crucial, hence the need for a budget. Achim (2009) suggests that budget is a planning document which contains a number of financial and /or non-financial information that refers to activities that will take place in the future. In most societies, government plans activities and programmes which it hopes to achieve in line with its priorities on yearly basis. Therefore, budget is normally prospective and futuristic because it refers to anticipated revenue and expenditure.

According to Enoh (2012), the budget is the single, most important governing tool in any democracy, as it determines the resources and uses



of public funds. This position is corroborated by Stapenhurst (2013) who asserts that the budget is the key economic tool of the government, and constitutes arguably its most comprehensive statement of priorities. Ogbu (2012, p. 38) identified certain purposes which budget are meant to serve, to include: “clarifying organizational objectives and goals; identifying constraints and bottlenecks while planning ahead; quantifying financial effects of intended behaviors; establishing targets and benchmarks for assessing progress; integrating and coordinating objectives and activities; reconciling long, medium and short term activities; providing basis for expert monitoring and evaluation; matching resources available to claim on them; and committing resources to programmes”.

As Abubakar (1986) rightly observed, budget performs the function of accountability and control, management, planning and economic policy. Similarly, Uyar and Bilgin (2011) affirmed that budgeting is necessary for controlled expenses, profitability, aid short/long-term planning, coordinate operations, evaluate performance, motivate managers, motivate employees and communicate plans with employees. Although, Lucy (2000) and Kodjo (2009) classified budget into three, namely; fixed or static budget, flexible budget and zero-based or incremental budget, the utility of all forms of budget can be measured by the qualitative and quantitative impact they have on the lives of the target population. However, what must be acknowledged is that not all budgets are beneficial to the society even as some are more impactful than others. An impactful budget depends, to a large extent, on whether its formulation is well thought out, participatory, transparent and accountable and whether it is properly implemented.

Tambuwal (2012, p. 2), concurred with this view when he opined that “a well thought-out and clinically executed budget has the power to transform the economy, redistribute wealth, open up opportunities, energize the public sector, reduce poverty and unemployment and guarantee the well-being of the people.” Adeniyi (2008) suggests that consistent success in budget implementation over the years in any country can result into economic growth and development. By implication, a poorly implemented budget over time can lead to economic stagnation, poverty, unemployment and

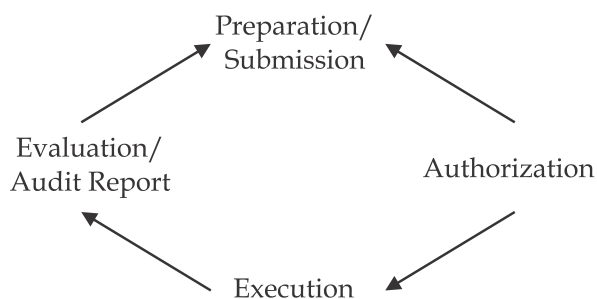
underdevelopment. Thus, budget plays a fundamental role in the life of an individual, organization or nation. Therefore, the stakes involved in budget makes it too important a responsibility to be left under the control of just one arm of government.

Despite the several benefits of the budget as canvassed by various scholars, proper budgeting, particularly, poor budget implementation has been one of the major issues that has plagued Nigeria since independence. In December 2017, for instance, the Senate queried the Minister of Finance, Kemi Adeosun, for achieving less than 50% implementation of the 2017 budget (Oputah 2017). Furthermore, most times, the budget is partially or selectively implemented depending on the interest of the government. On the whole, a successfully planned and prudently managed budget is vital to the attainment of government objective of improving the socio-economic wellbeing of its citizens. The success or failure of a budget depends largely on whether it impacts negatively or positively on welfare of majority of the people.

### The National Assembly and the Budget Process in Nigeria

To appreciate the role of the National Assembly in the budget process in Nigeria, attempt is made to examine the part that the National Assembly plays at each of the stages of the budget cycle. The figure below provides a vivid picture of a budget cycle:

**Figure 1: The Budget Circle**



**Source:** Nwekeaku (2014)

## **Budget Preparation/Submission**

This is the first stage in the budget process or cycle. Traditionally, the preparation of an annual budget with all the objectives that are built into it is premised on expected revenue during the year. Ogbu (2012) noted that the success or failure to implement the annual budget largely depends on whether or not the expected revenue is received. Usually, it is the President who decides the broad budget strategies on the basis of the administration's policies and a view of the microeconomic environment. He provides the Budget Office with a plan of action for implementing the strategy, while he comes up with a more detailed version of the plan. The Budget Office then issue out call circulars to the various Ministries, Departments and Agencies (MDAs), inviting them to prepare and submit their financial estimates for the next financial year in line with guidelines provided. Once the estimates are submitted by the MDAs, the Budget Office and the Ministry of National Planning collate and analyze the proposed income and expenditures for necessary inputs and adjustments.

The MDAs are called upon to defend their proposed estimates before an inter-Ministerial Committee on Budget headed by a Permanent Secretary. When the estimates are scrutinized and adjustments are made, the draft budget is then presented to the Federal Executive Council to study, analyze and interpret (Onyekpere, 2016). It is worthy of note that new administrative innovation in the budget process observed between 2011 and 2015 is that the executive and the leadership of the National Assembly meet at the highest level to discuss the budget. When the executive is satisfied with the draft budget, the President writes to the National Assembly for a date to enable him lay the proposed budget before the National Assembly (usually at a joint sitting) as required by section 81(1) of the 1999 Constitution, (as amended).

Although, the National Assembly does not have a constitutional role in the budget process at this stage, the administrative initiative of the President to invite the leadership of the National Assembly to discuss the draft budget estimates is for political expediency. This can be interpreted as

intended to bring the legislature to be up to speed with the executive on the matter in order to prevent gaps in information that may breed discord. Such measures are usually meant to create a sense of partnership between the two arms of government which is necessary for the smooth, prompt consideration and passage of the Appropriation Act, when the estimates is eventually submitted to the National Assembly.

However, before this is done, The Medium Term Expenditure Framework (MTEF), which sets the basis for the preparation of the estimates of revenue and expenditure must have been approved by the National Assembly as required by Section 81(1) of the 1999 Constitution, (as amended). The provision of the Fiscal Responsibility Act Section 12(1) makes it mandatory for the Federal Government, after consultation with the states to:

- 1) Cause the preparation and laying before the National Assembly for their consideration a Medium Term Expenditure Framework (MTEF) for the next three (3) years; and
- 2) The framework so laid shall be considered, for approval with such modifications if any, as the National Assembly finds appropriate by a resolution of each House of the National Assembly.

Since part of the MTEF is the Consolidated Debt Statement which is guided by the limits of Consolidated Debt as set out in Section 43 of the Fiscal Responsibility Act (2007), it set the overall limits for the amounts of consolidated debt of the Federation, State and Local Governments pursuant to the provisions of items 7 and 50, Part 1 of the Second Schedule to the 1999 Constitution. In specific terms, Section 42(1) of the Fiscal Responsibility Act provides that the framework for debt management during the financial year shall be based on the following rules:

- a) Government at all tiers shall only borrow for capital expenditure and human development provided that such borrowing shall be on concessional terms with low interest rate and with a reasonably long amortization period subject to the approval of the appropriate legislative body where necessary; and

- b) Government shall ensure that the level of public debt as a proportion of national income is held at a sustainable level as prescribed by the National Assembly on the advice of the Minister.

Similarly, as required by Section 80, the National Assembly must approve the revenue profile which provides detailed information on proposed expenditure as well as revenue sources to finance the budget. As Ogbu (2011) argues, the revenue profile is significant to the extent that the attainment of budget objectives is predicated on expected revenue within a given fiscal year.

This means that the Fiscal Responsibility Act provides for the preparation of the MTEF to be done presented by the executive and approved by the National Assembly. Thus, the powers of the National Assembly to approve the MTEF, which provides the benchmark for preparing the budget estimates, makes the legislature a crucial institution in the formulation of budget policy.

### **Budget Authorization**

Although the National Assembly has the ultimate control over public funds, the Executive has the financial initiative. "Only the President can request that an appropriation be made increased or proposed; to impose or increase taxation" (Sam-Tsokwa and Ngara 2016, p.4). Once the President secures a date from the National Assembly to present the budget estimate he lays the budget before a joint sitting of the National Assembly. The President or his representative (Minister of Finance) gives a detailed explanation or breakdown of the draft budget to the legislators. The presentation of the budget by the President is considered as the first reading (Order 92[1b] of the Senate Sinding Orders).

After the first reading, the two chambers (i.e., the Senate and the House of Representatives) work separately on the draft budget. The Appropriation Committee, in collaboration with the Rules and Business Committee, draws up a time table to determine when the budget would be read the

second time. It is during the second reading that the debate on the general principles of the budget (such as priority framework, macroeconomic framework and fiscal policies etc.), are discussed. Usually, a day or two is set aside for that purpose (Order 92 [3] of the Senate Standing Orders). The draft budget is then referred to the Appropriation Committee (Order 92 [4] of the Senate Standing Orders) which distributes copies of the relevant budget to the various Standing Committees of the National Assembly which serve as Sub-Committees of the Appropriation Committee.

During the consideration of the draft budget by the various Standing Committees, the legislators, as representatives, extensively lobby each other to influence projects (resources) to their constituencies. Johnson (2005, p. 2) rightly observed that representation involves “more than simply living in a specific area in the country, or having characteristics in common with those one represents (e.g. gender, political beliefs). It involves listening to constituents, making decisions and exercising influence on their behalf.” Since the accountability demand on the individual legislator is high in Nigeria, the opportunity to meet some of the yearnings and aspirations of constituents is during the budget process.

The various Sub-Committees then invite the MDAs under their purview for the appraisal of the extant budget and defend the proposal of the next year. Meanwhile, each Sub-Committee is advised to harmonize with its counterpart in the other chamber. After the defense by the MDAs and harmonization by the Sub-Committees in both chambers, the Sub-Committees collate the revised draft budget and report to the Appropriation Committee which makes recommendations on the budget, distribute copies to the legislators and forward same to the plenary (Supply Committee) for consideration.

During the third reading of the draft budget, minor amendments are made and passed. At this time, a Conference Committee of the two chambers is normally constituted to harmonize the positions of the two chambers as prescribed by Order 92(19) of the Senate Standing Orders. After the passage of the budget, the clean copies are forwarded to the president for assent. Where he fails to assent within thirty (30) days, the legislature can,

at a joint sitting, override him with a two third majority votes as provided in Section 59(4) of the 1999 Constitution, (as amended).

## **Budget Execution**

This is the third phase in the budget process and it is also known as the implementation stage. After the passage of the budget and assented into an Appropriation Act by the President, the executive moves into action by implementing the budget as provided for in the Appropriation Act. Funds are released to the various MDAs for the purpose of executing the various programmes and projects proposed in the Appropriation Act. The funds are usually sourced from the Consolidated Revenue Funds. Under normal circumstances, the Appropriation must be complied with because any deviation would amount to the breach of the law (Nwekeaku, 2014). However, sometimes, certain unforeseen events such as drop in crude oil production due to domestic political instability, fall in pricing regime in the international market etc., could make it difficult for the executive arm of government to implement the budget as passed.

The role of the National Assembly in the implementation of the budget is important to the extent that the National Assembly through the process exercises oversight on the executive to ensure that monies withdrawn from the Consolidated Revenue Account are expended as provided in the relevant Appropriation Act. This is provided for in Section 80 (2), (3) and (4), respectively, that such withdrawals must be in accordance with the legal procedure to meet expenses charged on the fund or through the Appropriation Act of the National Assembly. The implication of this provision is that whereas the constitution has made provisions for supplementary budget to accommodate unforeseen events, no money may be spent on items not included or provided for in the Appropriation Act. In other words, the executive arm of government is not supposed to spend any money without the approval of the legislature (Hamalai and Ajiboye, 2014). By extension, the Appropriation Act enables the executive to withdraw funds from the Consolidated Revenue Fund of the Federation.

## **Evaluation or Audit Report**

The National Assembly is empowered by law to monitor the implementation of the appropriation Act as part of its oversight functions through its Standing Committees. The oversight mechanism of the National Assembly is provided for by the constitution and the Standing Orders/Rules. Oversight is one of the legislature's "check and balance" functions, by which it seeks to ensure that programmes are carried out legally, effectively, and for the purpose for which they were intended. In practicing oversight, parliaments look back on government spending and activities to determine whether money was spent appropriately, and to ask "value for money" questions (Johnson 2005, p. 3). Sections 88 of the 1999 Constitution (as amended), gives the National Assembly the power to invite any Officer or Agency to appear before it to give explanation on the implementation of the Appropriation Act.

Unfortunately, most of such invitations have turned out to be mere rituals or formality without concrete outcome. Furthermore, the Auditor General is expected to carry out periodic checks on the activities of the MDAs in relation to budget implementation as provided in Section 85(4) of the 1999 Constitution, (as amended). The Auditor General's independence or freedom from direct control of any authority or person is guaranteed by Section 85(6) of the same Constitution. This periodic checks are aimed at exposing irregularities in the process of budget implementation (Nwekeaku, 2014). Where the Auditor General Report queries MDAs', such queries are hardly taken up by the National Assembly. In most cases, such reports are swept under the carpet.

## **Challenges facing Budget Process in Nigeria**

The budget process in Nigeria is not without its huge challenges. Some of these challenges are partly man-made, while others are created by situations beyond the control of the actors. Data is very crucial to budgeting but are mostly not reliable or unavailable. Nwekeaku (2014) observed that



in Nigeria, lack of reliable qualitative and quantitative data has always reduced the budget business to mere hunches and guess work. He pointed out that another challenge is inadequate number of competent budget officers which is critical to the success of the budget process.

Furthermore, unstable political climate giving rise to violence, social restiveness and youth militancy, especially in the Niger Delta region between 1999 and 2015 have impacted negatively on sustaining a predictable capacity in oil production and revenue projections. Similarly, the recurrent fluctuation in international price of crude oil within the last decade has made it difficult to profile a predictable revenue projection in any given fiscal years. Others have been the late presentation of the appropriation Bill by the executive to the National Assembly, strained executive-legislative relationship leading to unnecessary delays in the passage of the Appropriation Bills, corruption and lack of political will by the legislators.

A very important challenge facing the budget process is poor implementation of budget which has qualitative and quantitative dimensions: the qualitative dimension is the implementation of project especially infrastructure below the standard provided for in the project design which leads to early failure or collapse of infrastructures. The quantitative dimension is the inability of the executive arm of government to implement a good number of the projects and programmes contained in the Appropriation Act. The National Assembly has accused the executive of performing below expectation in terms of budget implementation. According to Ekpu and Iweoha (2017), since 1999, there has never been a year that the capital budget attained 75% implementation. The poor implementation of capital budget has also been accentuated by late release of capital funds.

## **Conclusion and Recommendations**

Budget is an important economic management tool for national growth and development. Therefore, the role(s) played by the legislature is crucial.

Both arms of the government should take their roles in the budget process with all seriousness so as to give Nigerians the dividends of democracy and good governance.

In order to ensure effective and efficient budget process in Nigeria, it is recommended that accurate data is maintained while the National Assembly Budget Research Office (NABRO) and the National Institute for Legislative and Democratic Studies should be strengthened and fully engaged to provide support services such as research output, data management, expert advice, among others, to the National Assembly on routine basis. Similarly, the National Assembly should provide regular training to its staff and employ highly skilled professionals in budgeting, especially those with higher degrees to assist in the budget process.

Government should take sincere and concrete steps to enthrone good governance, mitigate group-based grievances and improve state-society relations in order to reduce violence, insurgency and militant agitations, especially, in the Niger Delta, and consequently prevent disruptions in oil production activities. The ongoing efforts of President Muhammadu Buhari at combating corruption should be sustained and intensified at all levels. Part of the measures should include early preparation and passage of the budget (the early passage of the Appropriation and Financial Act, 2020, is highly commendable), prompt release of capital funds for budget implementation as well as continuity in the execution of all projects irrespective of regime change.

Finally, there is need for regular interface, synergy and cooperation between the executive and the leadership of the National Assembly at the highest level during budget consideration in order to bridge communication gaps and close ranks before the Appropriation Bill is formally presented. This is to avoid misunderstanding and unnecessary conflicts and rancour that usually characterize the budget process often leading to recurring delays in the passage of the Appropriation Act.

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Article

# 2

**Development Implications of  
Morocco's Membership of the  
Economic Community of West  
African States (ECOWAS)**

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&  
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## Abstract

The membership application of Morocco to the Economic Community of West African States (ECOWAS) in February 2017; one month after returning to the African Union (AU) following over three decades, has continued to generate arguments. This study adopted the expository design to appraise the development implications, for Nigeria particularly and West Africa in general, of Morocco's membership of ECOWAS. The study confirmed that Morocco's membership in ECOWAS would pose a significant challenge to the influence of Nigeria in the bloc. It concluded that Morocco's membership of ECOWAS would not only be unique but may translate to increased development in the sub-region. The study however recommended that while ECOWAS should not be in a hurry to accept Morocco's membership, Morocco, for the time being, should focus on its involvement with the AU, work to revive the Arab Maghreb Union (AMU), while maintaining already established economic ties with West African states.

**Key Words:** Membership, Development, ECOWAS, Arab Maghreb Union, Morocco

## Introduction

The Economic Community of West African States (ECOWAS) is a regional organization established via the Lagos Treaty signed on May 28, 1975 (ECOWAS Revised Treaty, 1993), and located in the West African sub-region; precisely headquartered in Abuja, Nigeria. At inception, the membership of the community included fifteen (15) West African countries, namely: Benin, Burkina Faso, Cote d'Ivoire, The Gambia, Ghana, Guinea, Guinea- Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo. Mauritania eventually withdrew membership and was

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replaced by Cape Verde. (Ajulo, 1989; Akinbobola, 2008; Abati, 2018; Touré, nd).

Article 3(1) of the ECOWAS treaty (ECOWAS Revised Treaty, 1993) states the organization's objectives as:

...to promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations among Member States and contribute to the progress and development of the African Continent.

The implication of the above is that the economic community is tasked with creating economic integration primarily across the West Africa region, and to contribute to economic development of Africa at large. Igrouane (2017) noted that ECOWAS aims to promote economic sufficiency for each member state and collectively as a bloc. This, the organization aims to achieve, by creating an economic cooperation in the West African sub-region which will enhance inter-state trading and collective economic growth.

Following this backdrop, the King of Morocco, King Mohammed VI on June 4, 2017 at the 51st Summit of ECOWAS held in Monrovia, formally requested that his Kingdom be accepted as an official member of the ECOWAS. This request came two months after the Kingdom of Morocco was readmitted as a member of the African Union (AU) (Pine, 2018; Byiers and Abderrahim, 2018). Morocco, as a Kingdom, is among the countries located in North Africa. It is important to note that Africa, as a continent, is divided into 5 geo-political sub-regions according to their geographical locations. This division into geo-political regions was conducted during an Ordinary Session of the then Organization of African Unity. Africa has five geo-political regions: Northern, Western, Central, Eastern and Southern Africa, as divided by the Council of Ministers of the Organisation of African Unity (OAU) (now African Union (AU) at an Ordinary Session in Addis Ababa, Ethiopia, from February 23 to March 1, 1976, by Resolution No. CM/Res.464 (XXVI) (Okoronkwo, 2017). These geo-political regions



are otherwise known as Regional Economic Communities (REC), and each economic community, signed the Protocol of Relations between the African Economic Community (ECA) and the RECs on February 25, 1998 (Touré, n.d). The North African sub-region comprises five states, namely: Egypt, Libya, Tunisia, Algeria, Morocco and the territory of Western Sahara (Uchendu, 2015).

Considering the fact that the Kingdom of Morocco does not belong to the West African region, the request of the North African state to join ECOWAS has been shrouded in a lot of controversy. While some see the move as a welcome development, suggesting that it could enhance social and economic relations between the North and the West and the rest of Africa (Igrouane, 2017; Abati, 2018), others opined that it is illegal for a North African country to be part of a West African regional community. Those who hold the contrary viewpoint argue that such a move could erode the objectives and identity of ECOWAS, and undermine the influence and power of Nigeria in ECOWAS following the country's status as a major voice in the region (Falana, 2017; Touré, n.d. and Oguh, 2017).

Using system theory, this paper examines the quest for development and the membership of Morocco in ECOWAS. What this membership portends for West Africa and Nigeria as a major stakeholder in ECOWAS, as well as the African continent at large. It contributes to knowledge by assessing how a suspicion-free relationship can be established and maintained between the ECOWAS and Morocco.

The next section of the paper is an interrogation of the arguments for and against the Kingdom of Morocco's bid to be a member of the ECOWAS. It is followed by the analysis of the effects this membership could have on ECOWAS as a system (as an organization) itself, and, or as a sub-system (unit) of Africa under the African Union (AU), and Nigeria (a sub-sub system or unit of ECOWAS) as an economic power in the region. The paper then assesses the options that exist for healthy relationship between ECOWAS and Morocco that could be favorable and developmental to both Parties and Africa as a whole.

## **Appraising Arguments for and Against Morocco's ECOWAS Membership Bid**

Some supporters of Morocco's membership interest in ECOWAS are of the opinion that the Western regional organization and the Northern Country's relations will foster inter-connectivity between the regions. And it will also boost economic prosperity in Africa. In the words of Abati, (2018):

Economic and political considerations should override geography that is merely nomenclatural, particularly if the applicant-countries are within Africa. Opening up ECOWAS beyond geographical boundaries would be more in keeping with the long-term goal of the AU, which is the creation of an African Economic Community (AEC) that promotes the integration and cooperation of the various regional blocs in the continent. Incidentally, this is the growing global trend. For example, Egypt, Tunisia and Libya are members of the Common Market of Eastern and Southern African States (COMESA). Algeria has also submitted its accession applications to this economic body (para. 10).

The implication is that if ECOWAS accepts Morocco's membership bid, it will not be the first regional organization to accept a member that does not belong to its region. In addition, economic and political development should be paramount in the adoption of members and not their geographical location. To further stress this point, Pine, (2018, para. 1) observed that Morocco's intention is borne out of its desire "...to foster continental integration and understanding and for ECOWAS" particularly "to crown the strong political, human, historical, religious and economic ties at all levels with ECOWAS member countries." Morocco's membership is observed as an avenue to expand the reach and influence of the ECOWAS beyond the West African region.

Nigeria's Minister of Foreign Affairs, Mr. Geoffrey Onyema supporting Morocco's bid to join the ECOWAS, explained that Morocco's membership could translate to developmental win-win situation for both Morocco and

ECOWAS. According to Anumba-Khaleel, (2017):

Onyema argued that although the ECOWAS Treaty was clear on which country could join the bloc, the Heads of State of the member-nations could choose to “modify” it to allow Morocco access into the group. The reality is that trade with Morocco has been increasing, both with ECOWAS and Nigeria. So, we are looking at more trade, which will be a win-win for us. Is Morocco a Trojan-Horse for the EU? There are laws and rules in international trade that prevent dumping of goods or easy access to other markets. It is not something that will happen easily that the EU will dump goods here... (para. 25-27)

Onyema was advocating for Morocco’s membership to be considered because of potential developmental gains it could mean for all member states and ECOWAS. And rules guiding international trade would not allow any country to be easily turned to a dumping ground for European goods.

Igrouane (2017 para. 16), stated that Morocco’s interest in the membership of the ECOWAS is as a result of “difficult” status quo being currently faced by the North African state under the umbrella of their regional organization, the Maghreb Arab Union. He suggested that joining the ECOWAS is a step towards Morocco’s domination in Africa. In his words; “If Morocco wants to be strong and a leader in Africa, it should become part of [the continent’s] communities,” “... its request to join ECOWAS is a future preparation to join other communities.” Also, Mounia Boucetta, the Secretary of State to the Minister of Foreign Affairs and International Cooperation of Morocco, as cited by Byiers and Abderrahim, (2018, para. 12) noted that Morocco’s “...bid to join ECOWAS is “a strategic decision with strong political and economic dimensions” and “in no way reflects a desire to topple the power of any state.” This point was made in order to avert fear from current ECOWAS members who were skeptical about the true intentions of Morocco for wanting to join the ECOWAS. It is meant to be a pure political and economic developmental move, expected to be

mutually beneficial to all parties.

However, Falana (2017), in arguing against the request of Morocco opined that it is legally wrong for the Kingdom of Morocco to join the West African community. This is because the revised treaty of the ECOWAS does not allow for such membership. He added:

Before the submission of Morocco's request for membership of ECOWAS, Nigeria and some member states of the economic grouping had raised serious objections to the "EU-ECOWAS Partnership Agreement" designed to allow the industrialised members of the European Union to flood West Africa with manufactured goods and thereby destroy the infantile industries in the member states of ECOWAS. If Morocco is admitted to ECOWAS the European Union would have achieved its objective as it has signed an Association Agreement with Morocco which is similar to the EU-ECOWAS Partnership Agreement in every material particular. In other words, if the request is granted, Morocco will take advantage of the ECOWAS Protocol on Free Movement of people and goods to serve as a gateway for EU goods entering into West Africa and thereby defeat the principal objectives of the ECOWAS (para. 4).

Supporting this stand by Falana, Pine, (2018, para. 3) argued that, "Morocco, located in North Africa is ..., geographically and legally speaking, not qualified to be a member of ECOWAS. In the forty-two years of the existence of ECOWAS this is the first time a non-West African country is applying for membership." The motive behind this desire is therefore questionable (Pine, 2018). This questionable desire of Morocco can be further established with the fact that it has spent most of the last thirty years strengthening relationship with Europe at the expense of Africa (I-ARB Africa, 2018). I-ARB Africa, (2018) also observed that Morocco could be hoping to benefit from the economic strength of West Africa which has a population of about 335 million, GDP of \$345 billion, and with it established bilateral

relations with almost all the 15 countries of the ECOWAS. It could be said that Morocco is looking to extend its reach and influence in West Africa by wanting to be part of the ECOWAS.

Prof. Amadu Sesay, Prof. Fred Agwu, Prof. Charles Dokubo and Prof. Alaba Ogunsanwo, among others, at a seminar organized by the Nigerian Institute of International Affairs (NIIA), in Lagos on the December 6, 2017, entitled: "The ECOWAS and Morocco's quest for Membership: What Implications?" opined that Morocco's membership in ECOWAS could adversely affect democratic consolidation in the West Africa sub-region, while also reawakening the divide between Francophone and Anglophone states in the sub-region. Additionally, Morocco might be the ruin of ECOWAS considering its record of contributing to the destruction of most of the organizations it belongs (Gbonegun, 2017). Gbonegun, (2017) suggested that Morocco's bid is as a result of the crisis in the Arab region, and if it is allowed official membership it could bring about such crisis among members of ECOWAS. He concluded by saying; "...Morocco's attempt to join ECOWAS is to expand its base, trade, influence and opportunities since ECOWAS is more attractive." (Gbonegun, 2017, para. 9). This could topple the status quo of the West African Economic Community.

### **ECOWAS' Membership: The System Theoretical Perspective**

The System Theory was propounded by a biologist Ludwig von Bertalanffy (1901-1972) (Dougherty and Pfaltzgraff, 1997; Olaniyi, 2005; Adams, et al, 2013), and was introduced to political science through the works of David Easton. He published "The Political System" in 1953 with the aim of developing a theory that could be useful across the social sciences (Olaniyi, 2005).

According to Gusau, (2013), "the system theory or approach to the study of integration regarded the nation state as sole actors in the international system and always in interaction with each other in order to make the region, continent or the whole world an organized complexity" (p. 167).

In other words, a system is as good, effective and orderly as the level of co-operation and interaction between and among its units or parts, and a system could exist at a regional level like the ECOWAS, a continental level like the AU, or at a global level like the United Nations (UN). Thus, the system theory can arguably be used to explain or analyze Morocco's bid for ECOWAS' membership, ECOWAS in this case, being a system whose parts or units comprises West African states.

Dougherty and Pfaltzgraff (1997) suggested that "a whole which functions as a whole by virtue of the interdependence of its parts is called a system, and the method which aims at discovering how this is brought about in the widest variety of systems has been called general systems theory" (p. 17). This point is supporting the fact that co-operation and inter-dependency needs to exist among parts for a system to be functional. Therefore, it can be said that ECOWAS as a system is operating by virtue of the interdependence and co-operation existing among its member states, the lack of which could bring about a breakdown of the system. However, it is important to note that every part or unit is important as such, the action or inaction of one affects the others and the system as a whole (Mahajan, 2008).

Each of ECOWAS' member states is an individual political system on its own, and, the ECOWAS as a system is an integration of sub-systems. As Dougherty and Pfaltzgraff, (1997) clearly noted, a system that exists within a system is referred to as a subsystem, usually, common, features, orientations and goals are shared by subsystems that belong to the same system, their similar attributes enhances their cordial relationship as members of a whole. Article 4 of the ECOWAS Revised Treaty specifically stated: "(a) equality and inter-dependence of Member States; (b) solidarity and collective self-reliance; (c) inter-State co-operation, harmonisation of policies and integration of programmes" (ECOWAS, 1993) as parts of the fundamental principle of the organization and these are important elements of a working system.

David Easton noted that a system must have three elements: parts; these parts must be related to one another and to the system; the second is

called the structure; the kind of relationship that exists among the parts; and finally function; the contribution of each part towards the survival of the system. He further explained that system theory preaches harmony as against conflicts, integration and not competition, relationship, interdependency and equilibrium as opposed to shifting alliances. In other words, the uniting member states of a system should not be suspicious of each other (Olaniyi, 2005).

### **Morocco's ECOWAS Membership and Developmental Prospects for Africa and West African States**

The implication of Morocco's ECOWAS membership can be viewed as good or bad depending on the observer's perspective. For most supporters of this bid, it is a welcome development that could expand the horizon of ECOWAS. However, those against it are mostly of the opinion that the bid is solely meant to benefit Morocco, the North African Country to the detriment of the West African sub-region. In West Africa, Nigerian trade unions, business investors, some former diplomats and other stakeholders seem to be the arrow heads opposing the Morocco's bid for ECOWAS (Abati, 2018).

When discussing emerging issues on Nigeria's foreign policy, Amb. Oladapo Fafowora, the National President of the Association of Retired Career Ambassadors of Nigeria (ARCAN), said Morocco's bid was due to its wish to extend its industrial export which mostly comes from EU, specifically France, to the larger market in West Africa (Adekunle, 2018). This shows that the primary interest of Morocco's bid is its national economic development, and Nigeria, with its \$333 billion economy according to its 2016 GDP, is regarded as the "gateway to the West African region". Nigeria, with this economic power in West Africa, Michel Arrion, a European Union Ambassador to Nigeria and West Africa, opined that Nigeria should guide the economy of the region as it is an extension of its economy. Morocco with a GDP of \$110 billion, if admitted to ECOWAS will significantly fetter Nigeria's position as an economic powerhouse in

the region (Oguh, 2017), and in the words of Oguh, (2017), “The North African country will immediately become the second largest economy in the region, way ahead of Cote d’Ivoire (GDP of \$34 billion), Ghana (GDP of \$30 billion), and Senegal (GDP of \$19 billion)” (para. 4&5).

The points above imply that Nigeria may lose its position as a major player in the regional body if it allows Morocco’s membership of ECOWAS to sail through, and Morocco’s membership could be detrimental to Nigeria’s economic development. According to Ogundipe (2017), while citing Fashina, (nd), the convener of “The Nigerian Movement for the Liberation of Western Sahara,” indicated that Morocco’s move to join the ECOWAS is a calculated plan to reduce the reach and might of Nigeria and her efforts in the sub-region. As such, the country should take the challenge seriously so as not to lose its place in West Africa and in Africa as a whole. Ogundipe (2017) further stated that Prof. Bolaji Akinyemi, a political scientist, and a former Minister of External Affairs of Nigeria, described Morocco’s attempt to join ECOWAS as the most serious insult to Nigeria’s foreign policy dominance since the Civil War. Supporting this stand, John Shinkanye, the chairman of the Association of Retired Career Ambassadors of Nigeria (ARCAN) opined that if Morocco’s move sails through; “it would be one of the most humiliating moments of our country’s foreign policy since independence” (Anumba-Khaleel, 2017, para. 7). Thus, the implication of Morocco’s membership in ECOWAS will be dire for Nigeria if this move is not vehemently opposed.

On the security implication of Morocco’s bid, John Shinkanye, posited that: “the admission of Morocco will pose serious challenges to peace and security and will particularly affect the current regional efforts to fight and defeat terrorism ...” (Anumba-Khaleel, 2017, para. 7). He further stated that “...free movement of people, goods and services will further open up the corridor between North and West Africa to the proliferation of small arms and light weapons, human trafficking, increased nefarious activities of terrorists and other non-state actors.” (Anumba-Khaleel, 2017, para. 7). Without the free movement of goods and services enjoyed in West Africa by members states of ECOWAS extended to Morocco, states



in the West African sub-region especially Nigeria have been confronting human trafficking, illegal migration and security challenges; the Boko Haram insurgency. Allowing Morocco to enjoy the benefits of being a West African country while in the North could make these challenges worse. As stated by Hassan, (2017), "...there are reports that ISIS is recruiting in large numbers in Morocco. ECOWAS's free movement protocol would make it easy for recruits to travel within West Africa, posing a huge security risk to a region that is already battling Islamic militancy and Boko Haram" (para. 8). All these are pointing to likely increase in insecurity in the West Africa sub-region if Morocco becomes a member of the ECOWAS, and development in such a situation will be a herculean task.

Morocco, as a non-signatory to the African Charter on Human and People's Rights, means that citizens of ECOWAS member states enjoying the Free Movement of Persons, Residence and Establishment, under article 2 of ECOWAS Protocol A/P.1/5/79, could find their rights trampled upon in Morocco (PLAC, 2017). Under this article, ECOWAS 'citizens', could move, live and establish freely in any ECOWAS member States' territory (ECOWAS, 1993).

Additionally, the integration of a North African Kingdom into the West African regional organization could mean an end to the name and identity of the Economic Community of West African States (ECOWAS). As membership of the regional organization would have gone beyond the West, thus it would no longer be strictly a West African Community. Anumba-Khaleel, (2017, para. 13&14) while citing Femi Falana opined; a North African state in a West African organization will lead to a change of name and organs of operation of the organization. Also, Nigeria has fervently been against the EU striking Economic Partnership Agreement (EPA) with ECOWAS; however, with Morocco's economic strength and cordial relationship with the European Union (EU), EPA may become a reality, thereby flooding the sub region with European goods, and cause increment in unemployment. With this, Nigeria's economy, making up 70 percent of West Africa's economy will be subverted and Morocco could become the economic power (Anumba-Khaleel, 2017). By and large, the

kingdom of Morocco stand to gain more from this proposed association than any other party involved. To emphasize this, the Economist, (2017, para. 3), suggested that:

Membership...stands to benefit Moroccan companies operating in the region, as it will ease the flow of goods between Morocco and ECOWAS states and reduce trade costs. According to estimates from the African Development Bank, the regional policy (which halves customs duties for intra-ECOWAS trade) could generate a 5% increase in Moroccan exports to this region. In the long term, this would help to diversify and expand Morocco's export markets.

This indicates that Morocco will be using the West African region to improve its economic lot; however, this could also mean bettering the economic stand of the African continent as a member of the African Union (AU) (newly readmitted after 33 years of absence).

It is important to note that although most of the objections towards Morocco's membership of ECOWAS are majorly from Nigerian stakeholders, the relationship between Nigeria and Morocco has not always been unfriendly. For one, Nigeria supported Morocco's readmission into the African Union (AU), Morocco also invested in a fertilizer production plant in Nigeria, with the aim to promoting its revenue generation from Agricultural sector and downscale Nigeria's dependence on oil (Tagba, 2017). Additionally, Tagba, (2017, para. 5) stated that "The two countries have also agreed to build a gas pipeline that will channel Nigerian gas along the West African coast all the way to Morocco and eventually into Europe. Nigeria is also looking forward to benefiting from Morocco's experience in renewable energies, tourism, infrastructure and rural development." It could however be said that with the current relationship between Nigeria and Morocco, both countries can enjoy even more economic partnership under the umbrella body of the ECOWAS. ECOWAS membership could foster closer interdependence and relationship between Morocco and Nigeria, which could lead to economic prosperity for both, extending to West Africa and

Africa as a whole system. Since what happens to a part or unit of a system affects the others and then the system as a body.

Moreover, in international politics and diplomacy, it is important for each nation involved to first of all consider its national interests. And any move or relation that could jeopardize these interests would essentially be discouraged or outrightly avoided (Shively, 2008). Thus, Morocco is seeing humongous opportunity in being a part of ECOWAS, and its aim is to reduce its dependence on Europe, and diversify its economy into emerging markets where its firms can benefit from being relatively competitive (Fabiani, 2018). ECOWAS member states and most especially Nigeria should, of utmost importance consider what they stand to benefit or lose by Morocco's membership in the ECOWAS.

### **Trade and Economic Relations between ECOWAS and Morocco**

Following Morocco's rejoining of the AU without any resolve to the issue of the African Union's insistence on the sovereignty of Sahrawi Arab Democratic Republic that made it leave in the first place, it is currently bidding to join the ECOWAS, even though it does not share geographical boundaries with any West Africa State. Also, the ECOWAS recognizes the rights of people in Western Sahara to independence and self-determination and Morocco does not (Hassan, 2017). All these raises questions to the true intentions of this North African Kingdom (PLAC, 2017).

While Morocco stands to gain a lot in its membership of the ECOWAS, it already enjoys considerably high bilateral relations with most countries in the West. As observed by Hassan, (2017, para. 10), "Morocco is already heavily involved with the West African Economic and Monetary Union and claims that its greatest investment is in West Africa." Of what use would a controversial membership be to it then, if such would lead to a possible disorganization of the economic community? Considering that it is a monarchical government, it would be the only undemocratic member-state of the West African organization. In other words, it would not only

not be sharing geographical boundaries with any West African state, it would not be having similar governing tenets with other members, thereby not falling in line with a “true” system formation (structure) where all units or parts should have certain level of inter-connectivity and similarity (Dougherty, and Pfaltzgraff, 1997).

Morocco, as classified among states in North Africa, should put things in order in its region, resolve the Western Sahara independence issue, and being a major voice in the region, it should make the Arab Maghreb Union (AMU) work (Ibrahim, 2017). This would go a long way in building the confidence of ECOWAS members in its capacity to be a member of a union and not contribute to making a regional body moribund like it did to AMU. Morocco has been having an observer status in the ECOWAS since 2005, and currently participates in the community’s activities (Hassan, 2017). Thus, the Kingdom of Morocco should focus on putting its house (region) in order, while working towards maintaining the relationship it has with the West African sub-region and not feed suspicions by wanting to be an official member of a regional body to which it does not naturally belong.

## **Conclusion**

The paper has attempted an explanation of the politics of Morocco, a North African Kingdom, wanting to be a member of the regional organization in West Africa from the system theory’s perspective. The distance from the North to West Africa, and the nature of regional economic community (REC) distribution by the OAU, now the AU, makes the interest of Morocco in this organization suspicious to ECOWAS and most especially, Nigeria which is a prominent figure in the economic bloc. While Morocco sees economic opportunity in being part of the regional body, it does not have legal backing to that effect. Opponents of Morocco’s ECOWAS membership fear that the region could turn to a dumping ground for European products, considering the close proximity of Morocco to Europe and the kind of economic relationship they have established over time.

Also, apart from the fear of whittling Nigeria's influence if Morocco's bid is granted, there is also the fear of easy movements for terrorists from the North to the West, thereby further stretching the security issues in the region and most especially Nigeria with its battle against the Boko Haram insurgents. Nevertheless, as noted earlier that Morocco presently has cordial economic relations with most West African countries and it also has had an observer status in the ECOWAS since 2005, it would however do well for itself not to feed suspicions by its interest of being an official member of the organization because it is important for all parts of a system to be able to function inter-connectively and inter-dependently without the fear of domination by the parts.

Thus, the paper suggests that the Kingdom of Morocco, as a key figure in the North African region, should focus on making its regional organization, the Arab Maghreb Union (AMU) work again, and prove that it is capable of being a member of an organization without precipitating its extinction. It can play utmost role in stabilizing its regional organization while maintaining cordial relations with other regions in Africa without destabilizing the regional classifications based on geographical location by the AU.

Finally, it is important to point that the national interest of each state will be the guiding principle in their decision to either support or go against this bid. However, Article 9 of the ECOWAS Revised Treaty of 1993 enables it to act on a matter under consideration by a unanimous consensus or a two-thirds majority (ECOWAS, 1993). As such, member states of ECOWAS who do not want Morocco onboard will have to canvass others to this effect.

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Article

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**Impact of Women Organizations  
Access to Public Institutions and  
Officials on Policy Outputs in the  
Health Sector in Ghana and Liberia  
(2006 – 2018)**

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&  
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## Abstract

Among the major ways that Women organizations seek to influence policy outputs in relevant sectors are through access to public institutions and officials. Ghana and Liberia despite having a large number of women organizations that are actively involved in the political and policy processes are still experiencing major health challenges, such as the prevalence of chronic diseases as policy outputs showed mismatch of outputs to needs, low quality of services and significant rural health delivery deficit. The study examined the impact of women organisations access to public institutions and officials on policy outputs in the health sectors in Ghana and Liberia from 2006 - 2018. The study adopted convergent parallel design (a mixed method design). The population of the study was 92 registered women organisations in the two countries with a sample of 677 select-respondents using Taro Yamane formula. Validated questionnaire and interview guide were instruments of data collection. Linear regression was employed in the analysis of quantitative data while qualitative data were content analysed. The researchers found that women organisations access to public institutions and officials had significant effect on policy outputs in health sectors of Ghana and Liberia,  $F_{(2,677)}=3931.142$ , Adj.  $R^2=.921$ ,  $p<0.05$ . The study concluded that Women organizations access to public officials and institutions had significant impact in Liberia with formulation of maternal and child health policies, while it did not produce the same result in Ghana. Women organisations need to collaborate to be able to make better impact on policy outputs in the two countries.

**Keywords:** Access, health sectors, policy outputs, public institutions, women organisations

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## Introduction

Political participation of women can be measured in three different dimensions: their participation as voters, their participation as an elected representative and their participation in the actual decision making process (Shanker, nd,). Women's participation in decision-making is essential for women's interests to be incorporated into governance. It has been widely experienced that governance structures which do not provide for adequate participation of women, often suffer from state interventions which are neither inclusive nor democratic. Including women, especially in local governments, remains an essential step towards creating gender equal opportunities and gender sensitive policies. Since women have different needs and perspectives on social and political issues, it is important to involve women in governments to incorporate all the societal viewpoints in policy and decision-making processes. Women are actively involved in household and community work and hence well aware of real issues faced by common people. This gives them insight and perspective which can be instrumental in sustainable overall development.

Among the impediments to women political participation at the gladiatorial level is lack of adequate funds to prosecute electoral campaigns which are highly monetized across African countries including Ghana and Liberia. Most of the women that desire to serve in public office, face the challenges of limited funds to prosecute political campaigns. Some of them may also not be able to muster the kind of energy given to succeed in the highly intense electioneering process (Gatzinski, 2018).

Other identified impediments to women political participation are the traditional, cultural and sometimes religious roles that are ascribed to women in most African societies, including Ghana and Liberia (Gatzinski 2018; Agbalajobi 2010). Traditionally, women across Africa are restricted to the role of caretakers or caregivers and homemakers, which implies that their involvement in the public sphere becomes the exception instead of the norm. In Ghana and Liberia, politics is regarded as male dominated while the traditional roles of women are apolitical in nature being confined to the "traditional private sphere."

In Ghana, women are often underrepresented in the leadership of the major political platform. As a result there is a big gender gap in political participation in terms of election into decision making roles even though a large number of women vote in elections. According to Ichino and Nathan (2018), there are social norms against women's participation that are important predictors of women's participation such that women in more conservative households that believe that women should not be active in public sphere because of societal roles that make the public sphere the domain of the men, experience lower rates of participation in politics.

The major platform through which most women participate actively in politics and governance is the membership of the women organizations. Women organizations seek to achieve increased involvement of women on equal terms with men at all levels of decision making. This is regarded as key to the achievement of equality and development, peace as well as democracy. The activities of women organizations also encourage incorporation of women's perspectives and experiences into decision making that could enhance satisfactory solutions not only for the women but the society at large (Kassa, 2015). Beyond mobilizing their members to vote during general elections, the women organizations also utilize such mechanisms as access to public officials and institutions, agenda setting, and accountability measures to influence policy output in the pro-women sectors.

Women organizations access refers to the ability of women to enter the state, both in the electoral arena as well as the policy arena. Access can be attained through a variety of means. In the electoral arena, strategies include the use of quotas, reserved seats, party influence and global norm-setting through multinational agreements (such as the Southern Africa Development Community (SADC) Protocol on Gender and Development). In the policy arena, governments may invite women's participation; women's movements may challenge policies that discriminate against women in consultative processes and most commonly in Africa, special mechanisms collectively known as national gender machineries can offer institutionalized access to policy making processes. In the parliamentary

arena, access can range from the ability to make submissions to government on upcoming legislation, attending public hearings on legislation, to one on one discussion with members of parliament. Access is also the beginning of a process of keeping government accountable for its actions toward a constituency of women.

The extent to which women can obtain political access is largely influenced by a society's political culture, cultural attitudes, identity politics as well as the economic barriers that accompany gender roles. The nature of the political system (whether it is democratic, authoritarian or a dictatorship) impacts the number of and contestation between parties. The electoral system will determine how, and how many, women get into parliament. Formal commitments to equal participation may not translate into more seats in parliament. In situations of nation building, contestations between the interests of including women and acknowledging ethnic particularities play a role in the outcomes of representation (Agbalajobi, 2010, p. 77). For these reasons, quotas have been proposed as a mechanism for breaking through entrenched barriers to women's participation. In the policy arena, National Gender Machineries are important structures that can support women in government and provide access to the structures in which the key priorities of governments are set. However, their effectiveness in terms of access depends on the extent to which they are allowed to participate in Cabinet (for example) as full members.

Policy output is composed on three levels of abstraction: the goals of policies, the instruments used to achieve these goals, and the settings in which the policies are applied (Howlett&Cashore, 2009). Although governments are always faced with various options, the goals of the policy must target the needs of the citizenry who elected the government, as it is believed that government exists to serve the people, which is the whole essence of democracy (Odedina & Nwogwugwu 2020). The implication is that policy output would be evaluated based on the way it impacted the citizens. A policy instrument, on their part, are described as "building blocks" or means to transfer the rather abstract principles and rules set out by policies into concrete and substantive action (May, 2003, p. 225) and

are, therefore, located at the center of the taxonomy (“mechanisms”). Each policy instrument comprises a wide range of intensity measures, such as objectives, the tools to reach these objectives, benefits and burdens affecting the target populations, and rationales legitimizing the implementation structures (Bobrow, 2006; Schneider & Sidney, 2009).

Albrecht and Arts (2005) suggest that policy output is characterized by two basic elements, namely “the launching of policies and measures (PAMs) as well as the organization and mobilization of resources to execute these” (p. 888). The political actions of launching the policies and the mobilization of resources in ensuring effective implementation of the policies are encompassed in the policy output. Knill et al. (2012) argue that to analyse the policy output in any given context, there is a need to examine the “density” and “intensity,” of the policy. By this the authors mean an interrogation of the number of policy instruments that are utilized in the specific policy being analysed.

Scholars propose that analysing policy output through the examination of the policy instruments is vital in undertaking comparative studies of policy output. This would involve a focus on policy density, e.g., by counting policies related to specific regulatory problems or types of policy instruments (Jahn & Kuitto, 2011; Knill, Debus, & Heichel, 2010; Albrecht & Arts, 2005). However, in the words of Grant and Nathan (2008) “simply counting (policy instruments) without accounting for their content is likely to produce measurement error” (p. 306).

Although Ghana is reputed to be the most consolidated democracy in West Africa, it had made marginal improvement in women representation in national parliament which could have effect on the level of attention that is given to some pro-women sectors such as health. By 2016, there was an increase in the number of female Parliamentarians from 10% (2012) to 13% (2016) (i.e. from 29 to 35), which is still below the 30% threshold set by the United Nations for effective representation in decision making (Munemo, 2017). The level of women involvement is far below that of high-flying countries in Africa, such as Rwanda and South Africa. In the case of Liberia, the twelve-year rule of the first female President in Africa

Ellen Johnson-SirLeaf, may not translate to drastic improvement in policy outputs in the health sector. In spite of the formulation and implementation of the National Health Policy 2007 to 2011, major health challenges remain, including the prevalence of chronic diseases as policy outputs showed mismatch of outputs to needs, low quality of services and worker in competencies, as well as a significant rural health delivery gap (Lee, Kruse, Panjabi, Massaquoi, Chan and Gwenigale (2011).

The study therefore, examined the impact of women organisations access to public institutions and officials on policy outputs in the health sectors of Ghana and Liberia from 2006 to 2018. The remaining parts of the study are Women and public policy, methodology, findings and discussion, conclusion and recommendations.

### **Women and Public Policy**

Feminist perspectives to policy studies have grown over the last three decades emerging as a sub-field of study (Lombardo, Meier and Verloo 2013; Orloff and Palier 2009; Mazur and Pollack 2009; Mazur 2002; Hawkesworth 1994). Given that there is absence of a corpus of feminist theory on policy, the study brings together some of the feminist writings theorising policy, with a few to contributing a comprehensive feminist theoretical reflection on policy (Lombardo and Meir, 2018, p. 611). The section is not exhaustive in terms of covering the entire gamut of feminist literature on policy, rather it reviews only literature that are helpful in arriving at a feminist theoretical position on policy studies. There is effort to highlight insights that feminist theorisation adds to the study of public policy, the new conceptualisations and framings that feminist scholars have made that is different from those of mainstream policy studies, the research questions they have raised and how these help to advance feminist theory on policy.

Feminist scholars have contributed in different ways to expanding the notion of what is public and what therefore, are important policy issues. The nature of the (policy) issues on which they have focused – dealing with violence, care, or the body – has allowed feminist thinking to scrutinize



policies through gender and intersectional lenses that illuminate biases in existing policies and unequal relations between women and men (Lombardo and Meir, 2018, p. 610).

This sub-field began with feminist activists and scholars challenging lack of attention to gender in policymaking, and politicized the absence of women from policy making. These activists and scholars also drew attention to the complex ways gender structured the operation of various policy fields (Lombardo, Meier and Verloo, 2013). Scholars in this school of thought come from various disciplines, including; anthropology, economics, geography, political science and public administration with the common interest of studying “the process and content of policy and policy making, the institutions and actors involved, and the challenges at stake in order to further “gender+ equality,” a concept that “situates gender always in relation to other axes of inequality” (Lombardo and Meier 2018). Feminists’ scholars that have theorized on policy have different foci which range from emphasising the concerns, needs, and position of women to the adoption of gender as an analytical category that investigates how power permeates socially constructed relations and institutions, to discursive and intersectional approaches that go beyond gender altogether (Lombardo and Meier, 2018).

A major area of contribution in policy studies is broadening the notion of what is public and what could then be categorised as important policy issues. Feminist scholars by challenging claims of policy neutrality and universality, pose challenges to public/private dichotomy on which policies have been traditionally biased (Okin 1991; Pateman 1983). By shoring up a division between the public and private spheres and allocating the public domain to men, while restricting women to the private sphere, public policies not only neglect issues considered private, but circumscribe the equal citizenship of women. In a now classic debate, feminist scholars have demonstrated that the two spheres are deeply interrelated with each supporting and maintaining the other. According to Mazur (2002), it is feminist struggles that led to expanding the scope of what is considered as political and emergence of new policy areas such as; violence against

women, reproductive rights, the sharing of care work between the sexes, as well as equal work and equal political representation. The globally recognized 35% quota for female membership of national legislative assemblies is product of the equal political representation by women although, majority of the countries of the world (including Ghana and Liberia) are very far from attaining the target.

As a result of the primary role that government plays in policy making, mainstream policy scholars have emphasized institutions, as they study the varying roles of the legislatures, executives and judiciary in the policy process (Eneanya 2015; Sambo 2008; Parsons 1995). Recently, some of these scholars have adopted the neo-institutionalist approach with emphasis on rules, routines, and cultures, as key factors in the making of policies (March and Olsen 1989, 1984). The assumptions of this framework is that “the policy making process and the actors involved in it, as well as the actual output, are shaped and constrained by existing institutions, which operate according to powerful conventions in specific historical contexts, deploying long-established routine” (Lombardo and Meier 2018).

Feminist theorists have gone beyond the propositions of mainstream policy scholars to develop institutionalist studies that have deepened the analysis of power in formal and informal policy institutions, showing an interest not merely in analysing and describing how institutions work, but also critically evaluating their inadequacies from the standpoint of equal citizenship (Krook and Mackay 2011). Lombardo and Meier (2018) write that “attuned to the role of institutions in cementing gendered power relations that disadvantage women, feminist institutionalism conceives of institutions as objects to study and challenge, as battlegrounds over gendered norms and power relations”.

Another area of interest to feminist policy studies is the view of public policy as a social construction in relation to issue definition and agenda setting, usually regarded as the constructivist model of policy studies. Constructivist models examine how social meanings enable and constrain policy making through debates in which actors and institutions structure

arguments intended to persuade others in the hope of achieving a shared understanding of problems to be addressed (Lombardo and Meier 2018).

## **Methodology**

The study adopted convergent parallel design (a mixed method approach), involving the combination of quantitative and qualitative methods. Creswell (2003) explains that using mixed-methods “provides a more complete understanding of a research problem than either approach alone” (p. 32). In this type of design, the two methods are weighed equally, data are analysed independently, while the results are interpreted together (Cresswell and Pablo-Clark, 2011). Women organizations were adopted as unit of analysis for measuring women political participation which facilitates women representation in the two select-countries. Policy outputs were restricted to education, health, social-welfare and women empowerment sectors. The study also adopted the comparative method in comparing the policies supported by female legislators and those supported by their male counterparts in the two countries.

The population of the study was 92 registered women organizations in Ghana (45) and Liberia (47). The women organizations have a total membership of 37,776. Taro Yamane (1967) formula was used to set the sample size at 677. Multi-stage sampling technique was used to select the respondents from eight cities in the two countries: Accra, Kumasi, Ho and Obuasi from Ghana; and Monrovia, Bong, Grand Cape Mount and Fish Town from Liberia. The instruments of data collection were questionnaire and interview guide. Quantitative data were analysed using linear regression, while narrative interpretative approach was employed in analysis of qualitative data.

## **Findings and Discussions**

$H_0$ : women organizations access to public institutions and officials has no significant effect on policy outputs in the health sector in Ghana.

**Table 1:** Effect of women organizations access to public institutions and officials on policy outputs in the health sector in Ghana

<b>Variable</b>	<b>Coefficient</b>	<b>Std. Error</b>	<b>t- Statistics</b>	<b>Prob.</b>
(Constant)	1.205	.888	1.358	.175
Women organizations access to public institutions	.112	.204	.550	.582
Women organizations access to public officials	4.088	.100	41.002	.000
R-Square	.810			
Adjusted R-Square	.809			
F-statistics	845.000			
Prob. (F-statistics)	.000			
Dependent Variable: Health sector				
Source: SPSS Output (2019)				

Table 1 reveals a multiple regression result on Women organizations access to public institutions and officials effect on policy outputs in the health sector in Ghana. Looking at the result, it shows that Women organizations access to public institutions (coefficient= .112,  $t = .550$ ,  $p = .582$ ) has no significant influence on policy outputs in the health sector in Ghana, while Women organizations access to public officials (coefficient= 4.088,  $t= 41.002$ ,  $p = 0.00$ ) have significant positive effect on policy outputs in the health sector in Ghana, the t-statistics revealed that only Women organizations access to public officials parameter estimates is individually significant. This implies that an improvement on the Women organizations access to public officials will bring about a corresponding increase on policy outputs in the health sector in Ghana, other things being equal. The Adjusted R- Square of 0.809 reveals the explanatory power of Women organizations access to public officials on the policy outputs in the health

sector, the result shows that 80.9% variation on policy outputs in the health sector is explained by Women organizations access to public officials. The F-statistic reveals the combined significant influence of all the independent variables on the dependent variable. Hence, from the result, it shows that the parameter of the general model is significant at 0.000 which is less than 0.05 level of significant. This means that the parameters estimates in a whole are statistically significant in explaining policy outputs in the health sector. Hence, the null hypothesis is rejected.

$H_0$ : women organizations access to public institutions and officials has no significant effect on policy outputs in the health sector in Liberia.

**Table 2:** Effect of women organizations access to public institutions and officials on policy outputs in the health sector in Liberia

<b>Variable</b>	<b>Coefficient</b>	<b>Std. Error</b>	<b>t- Statistics</b>	<b>Prob.</b>
(Constant)	-1.369	.845	-1.621	.106
Women organizations access to public institutions	-.529	.161	-3.277	.001
Women organizations access to public officials	5.788	.099	58.702	.000
R-Square	.927			
Adjusted R-Square	.926			
F-statistics	1734.303			
Prob. (F-statistics)	.000			

Dependent Variable: Health sector

Source: SPSS Output (2019)

Table 2 reveals a multiple regression result on Women organizations access to public institutions and officials effect on policy outputs in the health sector in Liberia. Looking at the result, it shows that Women organizations access to public institutions (coefficient=0.529,  $t= 3.277$ , prob. =.001) and Women organizations access to public officials (coefficient= 5.788,  $t= 58.702$ , prob. =0.000) have significant positive effect on policy outputs in the health sector in Liberia; the t-statistics revealed that the individual parameter estimates are significant. This implies that an improvement on the Women organizations access to public institutions and officials will bring about a corresponding increase on policy outputs in the health sector in Liberia, other things being equal. The Adjusted R- Square of 0.926 reveals the explanatory power of Women organizations access to public institutions and officials on policy outputs in the health sector, the result shows that 92.6% variation on policy outputs in the health sector is explained by Women organizations access to public institutions and officials. The F-statistic reveals the combined significant influence of all the independent variables on the dependent variable. Hence, from the result, it shows that the parameter of the general model is significant at 0.000 which is less than 0.05 level of significant. This means that the parameters estimates in a whole are statistically significant in explaining policy outputs in the health sector. Hence, the null hypothesis is rejected.

Combined result for both countries (Ghana and Liberia)

$H_0$ : women organizations access to public institutions and officials has no significant effect on policy outputs in the health sector in Ghana and Liberia.

**Table 3:** Effect of women organizations access to public institutions and officials on policy outputs in the health sector in Ghana and Liberia

Variable	Coefficient	Std. Error	t- Statistics	Prob.
(Constant)	-.570	.479	18.950	.000
Women organizations access to public institutions	4.557	.058	5.268	.000
Women organizations access to public officials	1.307	.146	8.952	.000
R-Square	.921			
Adjusted R-Square	.921			
F-statistics	3931.142			
Prob. (F-statistics)	.000			

Dependent Variable: Health sector

Source: SPSS Output (2019)

Table 3 reveals a multiple regression result on Women organizations access to public institutions and officials’ effect on policy outputs in the health sector in Ghana and Liberia. Looking at the result, it shows that Women organizations access to public institutions (coefficient= 4.557, t= 5.268, prob. =0.000) and Women organizations access to public officials (coefficient= 1.307, t= 8.952, prob. =0.000) have significant positive effect on policy outputs in the health sector in Ghana and Liberia; the t-statistics revealed that the individual parameter estimates are significant. This implies that an improvement on the Women organizations access to public institutions and officials will bring about a corresponding increase on policy outputs in the

health sector in Ghana and Liberia, other things being equal. The Adjusted R-Square of 0.921 reveals the explanatory power of Women organizations access to public institutions and officials on the policy outputs in the health sector, the result shows that 91.2% variation on policy outputs in the health sector is explained by Women organizations access to public institutions and officials. The F-statistic reveals the combined significant influence of all the independent variables on the dependent variable. Hence, from the result, it shows that the parameter of the general model is significant at 0.000 which is less than 0.05 level of significant. This means that the parameters estimates in a whole are statistically significant in explaining policy outputs in the health sector. Hence, the null hypothesis is rejected.

Findings in Tables 1, 2 and 3 show that women organizations access to public institutions and Women organizations access to public officials have significant positive effects on policy outputs in the health sectors in Ghana and Liberia. The implication of this finding is that an increase in the level of women organizations access to public institutions and officials will bring about a corresponding increase on policy outputs in the health sector in Ghana and Liberia, other things being equal. The findings are in agreement with earlier studies by Domingo, Holmes, O'Neil, T., Jones, Bird, Larson, Presler-Marshall, and Valters, (2015) as well as Walby (2005) and Jahan (1996) that greater women voice and access to public officials and institutions would result in positive change including change in social norms.

The findings equally agree with the writings of Laplante (2004), that most of the time, women played major role in making sure that the health and other aspects of the psycho-social well-being of people were considered. Such interventions formed major parts of social and political change. Majority of females played different key roles as actors of change in their communities, especially, as teachers of change (Kirk, 2007).

Women organizations access to public officials and institutions led to maternal and child health policies in Liberia, while it did not produce the same result in Ghana. The interviewees corroborated this finding from the



quantitative data as the female top civil servants from Ghana stated that the process of policy making was such that most of the time by the time the women organizations make their input, it does not meet up with their schedule or may not be in tandem with the intentions of the government. The interviewees from Liberia reported greater synergy between the women organizations and public officials especially regarding health of women and girls, with the gender ministry collaborating with women organizations that are active in the health sector, alongside the efforts of the ministry of health. Among the area of focus in the health sector is putting an end to female genital mutilation (FGM), which in spite of posing major risks to the health of girls, is still being practiced in several parts of the two countries. Some of the top female civil servants stated in interviews that the fact that there are many small women organizations doing the same thing hinders their effectiveness to influence policy outputs in the health sector. Bigger organizations would be able to muster greater capacity to influence policy outputs than many small organizations dissipating energy without meaningful outcome.

There was agreement between the quantitative data and the qualitative data, as the interviewees from Liberia were more forth-coming with the evidence of women organizations input having impact in the health sector, especially with the women organizations that focus on the health highlighting their programmes to promote health of the girl child. The officials of the women organizations from Liberia made reference to various activities that they carried out on women's health alongside the gender and health ministries in their country to justify their claim of enjoying very collaborative relationship with the ministries. The good relationship that the women organisations enjoyed with public institutions and officials may not be divorced from the fact that the country had a female President who was at the fore-front of pushing women agenda in the health as well as other sectors.

## Conclusion and Recommendations

Women organizations access to public officials and institutions had a positive impact in Liberia, resulting in policy outputs in the women's health sector; especially girl child health. However, the effect of women organizations access to public officials and institutions on health in Ghana was not as prominent as the Liberian case. Although FGM is still being practiced in several parts of the two countries, officials of women organizations in Liberia enjoyed greater collaboration with officials of the ministry of health and gender ministry regarding putting an end to FGM. The study recommended that women organizations need to form alliances that would make them stronger and better able to push through their policy agenda with the relevant public institutions and officials, as many small groups pursuing similar agenda seemed to dissipate energy and resources with minimal impact than would one big organization that possesses enormous resources and able to pull the right strings.

The two countries need to domesticate their affirmative action policies to ensure that more women are involved in governance and the policy process. This will ensure that there is greater collaboration between public institutions/officials and women organisations working on health issues. The governments of the two countries need to work with women organisations and community leaders to ensure that the practice of FGM is abolished in the two countries.

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**Article**

# 4

**Legislative Effectiveness in  
Nigeria's National Assembly: An  
Institutional Assessment Approach**

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Adebola Rafiu Bakere, PhD<sup>1</sup>

## **Abstract**

Over the years, legislative scholars have designed different approaches, indicators, benchmarks and assessment toolkits for evaluating the legislature. These range from self-assessment guide to minimum criteria for legislative performance. However, the applications of these assessment toolkits seem difficult in evaluating the Nigerian legislature. It is against this backdrop that this paper employed a modification and domestication of Volden and Wiseman's LES model to come up with a measuring toolkit: ILES Model suitable for comparative evaluation of the Nigerian legislature using institutional approach. The ILES model was used to evaluate the National Assembly over three Assemblies and the findings show that the Nigerian legislature was ineffective during the 4th Assembly and fairly effective during the 5th and 6th Assemblies. Based on the volume of Bills processed, the paper concluded that the National Assembly has a high prospect to perform better. Thus, the paper recommended, among others, a robust capacity building for lawmakers especially on how to push Bills through the legislative cycle to become laws that will impact positively on the people.

**Key-Words:** Legislative effectiveness, Institutionalism, Assessment benchmark, Lawmaking, National Assembly.

## **Introduction**

The legislature symbolizes the existence of democracy. Fish (2006) argued that the effectiveness status of the legislature determines the status of democracy. If the legislature of a country is strong, the democracy of that country is bound to be strong. The fundamental question is: how can we measure the effectiveness of a legislature in order to know how strong or weak such a legislature is? Scholars, analysts, development partners and

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legislative practitioners have come to realise the need to constantly and continuously evaluate the legislature in attempts to deepen democratic process (Barkan, 2010; Okoosi-Simbine, 2010; Fish & Kroenig, 2009; Cox & William, 2008; Zwingina, 2006). The motivating factor for this belief stems out of the centrality of the legislature to democratic experiences. In fact, it is arguable that democracy is inconceivable without the legislature, as the tenets of democracy are construed around the legislature. Perhaps, it is in light of this that Bello-Imam (2004) asserted that any attack against the legislature is a blow against democracy.

The essence of evaluating the legislature is to establish the level at which the institution fosters democratic sustenance or its extent at exposing democratic rule to the threat of truncation, especially in the developing countries. In all democracies, citizens are always interested in the performance level of their legislators in advancing the interests of the constituencies on the floor of the House and the numbers of developmental benefits the legislators are able to attract to their constituencies. Premised on this, the legislators began to give priority to serving the interests of their constituents in order to win their sympathy for re-election. This coherent trajectory stimulated scholarship interests in evaluating the legislature thus leading to the emergence of the concept of “legislative effectiveness.”

Since the 1970s when the concept of “legislative effectiveness” gained traction, different approaches, indicators, benchmarks and assessment toolkits for evaluating the legislature have been put forward by scholars. These range from self-assessment guide to minimum criteria for legislative performance. Legislatures across the globe, especially in the developed democracies, have institutionalised these assessment toolkits and periodic evaluations have become more of tradition. However, the reverse is the case in developing democracies as most legislatures especially in Africa detest evaluation and the legislators are most willing to frustrate any attempt at evaluating them. More worrisome is the fact that most of the developed assessment toolkits are not applicable in these developing democracies given the differences existing across the legislatures and the specificity of the political environment where the legislatures operate.



In view of these disheartening experiences in Africa, efforts have been put into the development of workable assessment toolkits to evaluate legislatures in Africa. While these efforts are yielding fruitful outcomes, there are enormous gaps in the process. The developers of most of the African-specified assessment toolkits in picking their case studies, for instance, usually snub Nigeria despite having the biggest legislature on the continent. The underlying assumptions and variables of the assessment toolkits are usually not applicable given the country's socio-political specificity. It is expected that Nigeria should have been the adorable bride to the developers as any toolkit developed on the specification of the country is likely to work in most (if not all) developing democracies. It is against this backdrop that this paper examined a number of these assessment toolkits with the objective of developing an applicable toolkit suitable for evaluating the legislature in Nigeria especially in the aspect of the performance of its lawmaking function.

### **The Concept of Legislative Effectiveness**

Scholarly works on "legislative effectiveness" has its origin in the United States and can be traced to the 1970s. In his classic work, Mayhew (1974) attempted to identify the factors that can guarantee an incumbent parliamentarian his or her seat in the next election. He examined the electoral connection in Congress and discovered that incumbents Congressmen were extremely sensitive to the potential electoral implications of their votes, and as a result, behave strategically when announcing a position on a roll-call vote. In essence, the electorate will only return a legislator if s/he is seen to be effective in the parliament; thus legislative performance is largely motivated by re-election.

What is central to the conceptualization of the term by these scholars is the fact that legislative effectiveness depends crucially on the ability of elected representatives to take the issues that are important to their constituents and to translate them into public policy. Volden and Wiseman (2013) argued that it is the varying abilities of legislators to advance their legislative agendas,

based on their personal aptitude and on their institutional positions that determined their position in the legislative effectiveness ranking. From this analysis, it can be deduced that the systematic differences across members in advancing agenda items can help us to understand the internal workings of the legislature and subsequently venture into the inquiry on why some legislators are more “effective” than others.

### **Problems of Measuring Legislative Effectiveness and the Methods Adopted**

Having popularised the term in the global political analysis (by the above mentioned scholarly efforts), the consequence was contesting whether legislative effectiveness can be determined through assessment of the individual legislators or the parliament as a whole. This, as earlier noted, led to the proliferation of indicators and benchmark such as the Commonwealth Parliamentary Association’s (CPA) Recommended Benchmarks for Democratic Legislatures; the National Democratic Institute for International Affairs’ (NDI) Minimum Standards Assessment Survey; the Inter-parliamentary Union’s (IPU) Self-Assessment Toolkit for Parliaments; the Parliamentary Centre’s Parliamentary Report Cards; the International IDEA’s State of Democracy Assessment Methodology, among others, for measuring parliaments’ effective.

The tools/instruments for measuring individual legislator’s effectiveness include: PRS Legislative Research Service developed in India; Pakistan Institute of Legislative Development and Transparency (PILDAT) developed in Pakistan; Africa Leadership Institute- AFLI Parliamentary Scorecard developed in Uganda; Legislative Effectiveness Score (LES) developed in the United States by Craig Volden and Allan Wiseman, among others. Despite the efforts of the World Bank Institute and the Griffith University by organizing a workshop on September 21-24, 2008 in Brisbane, Australia with the theme: “Workshop on Legislative Benchmark and Indicators;” where participants shared approaches, methodologies and results, and discussed whether a new holistic framework to measure

the legislature's capacity or performance could (or should) be established, no consensus was achieved on a unified benchmark and indicator owing to the fact that there was no unified resemblance of the status, function, institutional framework, membership composition of the legislature and, most importantly, the system of government in all democracies. Consequently, difficulties emerged in developing appropriate indicators that could fit into all case studies.

There are fundamental methodological problems facing scholars, practitioners, donors and politicians in measuring legislative effectiveness globally. These methodological problems emerged from varying epistemological standpoints. Scholars attempted to measure legislative effectiveness from different standpoints depending on their perception of what to measure, how to measure, what method and tool to adopt in measuring an intangible variable such as legislative effectiveness. Some scholars of comparative legislature (Volden and Wiseman, 2013; Cox and William, 2008; Adcock and Collier, 2001) argued that measuring legislative effectiveness is best done by measuring individual legislative effectiveness while others (Fish, 2006; Fish and Kroenig, 2006) argued for measuring the effectiveness of the legislature as an institution.

However, in Nigeria, scholarly efforts on studies of the effectiveness of the Nigerian legislature are highly appreciable. Before the emergence of the Fourth Republic in 1999, it was difficult to do any meaningful analysis of the lawmaking institution owing to the fact that the history of Nigeria's legislature had been riddled with disruptions, reinstatements and reforms, all of which left it without any strong, deeply engrained legislative tradition, institutional memory, norms, practices and procedures. The experience that the four times (First to the Fourth Republic) has sprung back into life, is that the process of setting down roots must begin afresh. However, for the first time in independent Nigeria, the National Assembly has witnessed about two decades of uninterrupted legislative activities from 1999 to 2003 (4thAssembly), 2003 to 2007 (5thAssembly), 2007 to 2011 (6thAssembly), 2011 to 2015 (7thAssembly), 2015 to 2019 (8thAssembly) and the current 9thAssembly (2019 and ongoing). This has prepared the ground on which

to base performance assessment. It is against this backdrop that scholars began to measure the progression of the legislative branch of Nigeria's evolving democratic government.

Ekor, Katz and Iweala (2014) attempted to fill this gap by domesticating the model of Volden and Wiseman (2009 and 2013) to study individual legislative effectiveness of Senators in the 6th Assembly. Ekor, Katz and Iweala (2014) came up with a framework for legislative effectiveness and also modified the LES model retaining most of the LES components and weighting system. As novel as this effort was, two gaps were observed. First, the analysis was limited to the Senate leaving out the House of Representatives. Perhaps, they followed the style of Volden and Wiseman who also used the LES model to study the United States' House of Representatives leaving out the Senate. Second, Ekor, Katz and Iweala (2014) only studied 43 Senators between 2007 and 2008 which, in our view, may not be enough to generalise the effectiveness level of the Senate in particular and the National Assembly in general. We believe it may have been better if the entire 109 Senators of the 6th Assembly are studied over the four-year period. This paper attempts to fill these gaps in the course of the analysis.

### **Evaluating the Legislature in Nigeria: The Institutional Legislative Effectiveness Score (ILES)**

This paper concurs with the fact that there are numerous legislative assessment toolkits but found solace in Volden and Wiseman's (2009 and 2013) Legislative Effectiveness Score (LES) model to evaluate the legislature in Nigeria. Volden and Wiseman (2013) used the model to assess individual legislative effectiveness in the United States House of Representatives over eighteen Congresses. The proponents acknowledged three limitations to the model regarding its usage and this makes it directly inapplicable in the context of Nigeria. First, the LES model is used to assess individual legislative effectiveness and second, it is limited to one chamber (House of Representatives). Third, there are variables and information used in the

model that is not readily available and applicable in Nigeria. An example is classification of Bills by significance.

Minding these limitations, we modified the model to come up with a new version entitled “Institutional Legislative Effectiveness Score (ILES)” which is capable of assessing institutional effectiveness of both chambers in Nigeria’s National Assembly. The ILES aggregates the variables/information of all individual legislators to stand for the chamber as a unit (i.e. the study calculates the ILES for each chamber). In doing this, four indicators of effectiveness were combined to form the single measuring toolkit (i.e. ILES Model). The first indicator considers how many Bills were read the first time regardless of whether they were executive or members’ Bills. This is premised on three factors. One, the paper adopts institutionalism approach and not individualism approach. Two, Bill sponsorship is overlooked because it may come either as a member, executive or concurrent Bill. Three, there are some sponsored Bills submitted to the Committees on Rules and Business which the sponsor(s) had no intention of passing other than for record purposes that they sponsored such Bills. Such Bills were never followed up and the Committees on Rules and Business never slated them for first reading. The second indicator considers Bills that were read the second time, debated and successfully committed to the appropriate Committee(s). The third indicator considers Bills that received action in both Standing Committee and the Committee of the Whole House. Finally, the fourth indicator considers Bills that successfully went through the Committee of the Whole and were passed at the third reading.

In future studies of single chamber or unicameral legislature, the ILES will have five indicators. The model is specifically drawn to assess institutional legislative effectiveness as against that of Volden and Wiseman that assesses individual legislative effectiveness. This is shown in equations 1 and 2:

**ILES Model**

$$ILES_{it} = \frac{\delta}{N} \dots \dots \dots \text{equation 1}$$

where:

$$\delta = \left( \frac{\alpha \sum_{j=1}^N 1st R_{ej} + \beta \sum_{j=1}^N 2nd R_{ej} + \gamma \sum_{j=1}^N 3rd R_{ej} + \lambda \sum_{j=1}^N PAS S_{ej}}{\dots} \right) \left( \frac{x}{N} \right)$$

.....equation2

and where:

δ: the value of numerator of the ILES

α: is the weight assigned to Bills read the first time, i.e. 1

β: is the weight assigned to Bills read the second time, i.e. 2

γ: is the weight assigned to Bills read the third time, i.e. 4

λ: is the weight assigned to Bills read the third time, i.e. 8

i: each chamber (i.e. House of Representatives or Senate)

t: each Assembly (i.e. 4th, 5th or 6th Assembly)

e: all chambers under review

j: all Assemblies

ej: all chambers in all Assemblies

it: each chamber in each Assembly

N: number of indicators

x: number of Assemblies

$\sum_{j=1}^N$  : the sum of Bills taking all variables into consideration.

1stR: Bills read the first time

2ndR: Bills read the second time

3rdR: Bills read the third time

PASS: Bills passed by the parliament for presidential assent.

The ILES for each chamber is calculated by dividing the cumulative value of  $\delta$  with the number of indicators. The reason for this is to make the model flexible and amenable to change where the indicators are more than four (as used in this study). In addition, the overall weighting of  $\delta/N$  will normalise the value of ILES to be greater than 0 but less than or equal to 1 as thus:

$$0 \leq ILES \leq 1$$

The assumption is that no matter the situation or prevailing circumstance in any democracy (where the legislature is under review), each indicator is a value greater or equal to 0 as thus:

$$n \geq 0$$

where  $n$  is one indicator and  $N$  is the total number of indicators

The essence of this is to bring the model to situate under the basic rule of correlation coefficient that the value of  $r$  is equal to or less than 1. This will make it possible for us to adopt “Measures of Agreement” to formulate standard and global benchmark to be used to ascertain the effectiveness level and interpretation of ILES result. On the other hand,  $\delta$  is calculated by the four large fractioned terms, each representing one indicator. The value of  $\delta$  represents the fraction of each chamber’s (it) Bills read the first time (1); the second time (2); third time (3); and passed (4) relative to  $x$  (all Assemblies) under review. The four terms (indicators) were weighted by  $\alpha=1, \beta=2, \gamma=4$  and  $\lambda = 8$ . These weights were chosen to reflect the view

that advancing a Bill through the four stages becomes more difficult in progress from the early stage to subsequent stages (as also done by Volden and Wiseman). The rule of weighting is premised on subsequent stage attracting twice the value of the previous stage. Thus, a chamber or Assembly that introduces a large number of Bills but failed to push them through the legislative process will receive a relatively low ILES while the one that is able to advance its Bills to the last stage will receive high ILES.

There are a number of features in the model that should be noted. First, the model is comparatively inclined with the inverse relationship among the variables under comparison. The ILES of one Assembly is greatly determined by the output of other Assemblies in the fraction i.e. the higher the ILES of one Assembly the lower the ILES of others. The model rewards hard-work especially at the later stage of the lawmaking process due to the weighting system. Second, the value of  $\delta$  can be greater than 1 but the ILES value cannot be greater than 1 as a result of the normalizing factor. This makes the Measures of Agreement (benchmark) to be inevitable. Third, the model displays variation ranging from poorly ineffective to perfectly effective. The scores for the Assemblies under review can be situated within the measuring scale. Fourth, the ILES value can be subjected to a further large fraction especially when it is used to assess a bicameral legislature. In this case, in order to be able to do a horizontal comparison i.e. comparing Assemblies by merging the two chambers of an Assembly as a single entity, equation 3 (which is a complementary model) is adopted:

**Assembly Average ILES**

$$x_i = \frac{"HoR"ILES + "Sen"ILES}{2} \dots\dots\dots \text{equation 3}$$

where  $x_i$  is both chambers of an Assembly.



The ILES of the House of Representatives (depicted as “HoR” ILES) is summed up with the ILES of the Senate (depicted as “Sen” ILES) and the value is divided by 2 to find the average effectiveness score of the Assembly. The scores of all Assemblies are compared to know which is more effective than others. The average score is also used to plot a line graph to see the effectiveness direction. Finally, whether the comparison is made horizontally or vertically, the variation in the scores can further be subjected to a “value of significance” using a t-test to examine the degree of significance. This will enable a technical and in-depth understanding of the variation beyond the face values thereby assisting in easy identification of all variables that contribute to the effectiveness or otherwise of the legislature.

### **Legislative Effectiveness Benchmark (ILES’s Measures of Agreement)**

The significance of the ILES model will not be fully appreciated without a benchmark. The benchmark will enable us to interpret both the ILES and its average to identify their places in the variation range. In light of this, an acceptable benchmark is inevitable. This paper drew its benchmark using “Measure of Agreement.” Historically, the first measure of agreement was proposed by Cohen (1960) known as “kappa measure of agreement” which measures the proportion of agreement between two raters and serves as an adjustment for agreement by chance, as defined under independence. Also, Jolayemi (1990) developed a measure of agreement by  $\tau$  where  $-1 \leq \tau \leq 1$  (i.e.  $\tau$  is greater than  $-1$  but less than  $1$ ) using  $\lambda$  as an R<sup>2</sup>-type statistic and  $X^2$  which is the value of Pearson’s goodness-of-fit test statistic under the model of independence. His classification of agreement range from “poor” to “almost perfect” as follows:

$$|\tau| = \begin{cases} 0.00 - 0.20 & \text{Poor} \\ 0.21 - 0.40 & \text{Slight} \\ 0.41 - 0.60 & \text{Moderate} \\ 0.61 - 0.81 & \text{Substantial} \\ > 0.81 & \text{Almost perfect} \end{cases}$$

Relying on Jolayemi (1990)'s  $R^2$ -type statistic and  $X^2$  value of Pearson's goodness-of-fit test statistic under the model of independence, we modified the above classification to serve as our Legislative Effectiveness Benchmark as thus:

$$|\tau| = \begin{cases} 0.00 - 0.10 & \text{Poorly ineffective} \\ 0.11 - 0.20 & \text{Ineffective} \\ 0.21 - 0.40 & \text{Fairly effective} \\ 0.41 - 0.60 & \text{Effective} \\ 0.61 - 0.80 & \text{Substantially effective} \\ > 0.80 & \text{Perfectly effective} \end{cases}$$

The above benchmark is a result of several analyses. The ILES model was pilot-tested with numerous possible hypothetical data. The results were subjected to Jolayemi's model and the modification was done in line with the assumption of the ILES model and observed trajectory. The reason for adopting Jolayemi's version among several others stems from the fact that it suits the specificity of this research's design. The overall weighting of the value of ILES, for instance, is greater than 0 but less than or equal to 1 (i.e.  $0 \leq \text{ILES} \leq 1$ ) likewise that of Jolayemi where  $-1 \leq \tau \leq 1$  (i.e.  $\tau$  is greater than -1 but less than 1).

### **Adopting ILES to Evaluate the Legislative Effectiveness of the Nigerian National Assembly**

In applying the ILES as an evaluating tool, information on all Bills between 1999 and 2011 spanning three legislative Assemblies was collected and all the Bills were tracked through the Bill progression report of the Committees on Rules and Business of the three Assemblies as well as the reports of the Clerks. A number of key issues were identified. First, a comparative analysis of the performances of the 4th, 5th and 6th Assemblies in terms of Bills processing and passage was done. Second, using the ILES model, a directional graph (line chart) was plotted with the score to show the level and pattern of the effectiveness of the three Assemblies. Finally, comparing both percentages on average over time (1999-2011) enabled the researcher

to identify the chamber that had more capacity in Bill pushing through the four stages (indicators). However, the researcher recognised that the indicator is not all-encompassing as it set aside other functions of the legislature that could have made up the assessment process. This will be tried in further studies.

## **Data Analysis**

### **A. Evaluating the Lawmaking Effectiveness of the National Assembly: the ILES Model Approach**

The ILES model is used to assess the lawmaking effectiveness of the 4th, 5th and 6th National Assembly. It is pertinent to note that the model is not interested in the number of Bills received by each chamber rather, the number of Bills that passed through the legislative cycle. Hence, importance is attached to those Bills that go beyond mere receipt but were slated for legislative actions from the first reading stage to the final Bill passage stage.

#### **i. Senate**

Out of the 250 Bills received by the 4th Senate, 227 Bills were read the first time. This shows that 23 Bills were never processed beyond receipt stage. In other words, the 23 Bills never made it to the floor of the Senate. However, out of the 227 Bills that passed through the first reading, 138 Bills scaled through and were read the second time. By implication, 89 Bills were killed after the first reading and never made it beyond the first stage of the legislative cycle. During debates, Committee stage, public hearing (for controversial or of sufficient importance) and the Committee of the Whole, 14 Bills were killed leaving 124 Bills to move to the third reading stage. However, only 64 Bills made it to the final stage and were passed by the 4th Senate. It was discovered that 3 Bills were voluntarily withdrawn by the sponsors out of all the 163 Bills killed. The assessment of the lawmaking effectiveness of the 5th Senate shows that 377 Bills were read the first time,

out of the 446 Bills received. This shows that 69 Bills were never slated by the Senate Committee on Rules and Business for legislative actions. 270 Bills were read the second time and 222 Bills were read the third time signifying that 107 Bills and 48 Bills were killed during the second and third readings, respectively. Out of these, 11 Bills were withdrawn. However, only 129 Bills were passed out of the 222 Bills that made it to the final stage. This shows that 93 Bills were killed after the third reading.

The 6th Senate received 477 Bills and 463 Bills were read the first time. This shows that 14 Bills were not processed beyond the receipt stage. Almost half of the Bills read the first time never made it to the second stage as 228 Bills were killed after the first reading leaving the number of Bills read the second time at 235 Bills. The same trend continued during the third reading as 140 Bills were read the third time. During these stages, 12 Bills were withdrawn by the sponsors and others were killed. The final stage was not exempted from the trend as only 72 Bills out of the 140 Bills were passed. This brings the total number of Bills killed to 379 Bills. Adding this to the 12 Bills withdrawn shows that 391 did not scale through the lawmaking cycle. The foregoing data is subjected to ILES analysis as shown in figure 1:

**Figure 1: ILES Analysis of the Lawmaking Effectiveness of the 4th, 5th and 6th Senate**

Senate			
Assembly	4th	5th	6th
1st Reading	227	377	463
2nd Reading	138	270	235
3rd Reading	124	222	140
Passed	64	129	72
<b>Assembly</b>	<b>ILES (Effectiveness Score):</b>		<b>Interpretation:</b>
<b>4th</b>	0.17325348		<i>Ineffective</i>
<b>5th</b>	0.32190305		<i>Fairly Effective</i>
<b>6th</b>	0.2548435		<i>Fairly Effective</i>

Source: Author’s computation with data from NILS, 2013; using ILES Model Application

Subjecting these data to the ILES model as shown in Figure 1, the 4th Senate scored 0.17 against the 0.32 effectiveness score of the 5th Senate, while the 6th Senate scored 0.26. The interpretation of the scores based on the modified Jolayemi (1990)'s R<sup>2</sup>-type statistic and X<sup>2</sup> value of Pearson's goodness-of-fit test (Measure of Agreement), shows that the 4th Senate was ineffective while both 5th and 6th Senate were fairly effective.

## ii. House of Representatives

The 4th House of Representatives received 325 Bills, out of which 321 Bills were read the first time. This shows that only 4 Bills were never processed beyond receipt stage. However, out of the 321 Bills that passed through the first reading, 225 Bills scaled through and were read the second time, leaving the number of Bills killed at 96 Bills after the first reading. 214 Bills were read the third time showing that only 8 Bills were killed during debates, Committee stage, public hearing and the Committee of the Whole. However, more than half of the Bills read the third time were never passed as only 103 Bills made it to the final stage and were passed by the 4th House of Representatives. In all, 208 Bills were killed during the four stages and 10 Bills withdrawn by the sponsors totaling 218 Bills that never made it through the legislative cycle. The 5th House brought about a change in the lawmaking trajectory as all the 343 Bills received were read the first time. However, not all the Bills made it to the second stage as 256 Bills were read the second time making 87 Bills that were killed during the second reading. 248 Bills were read the third time showing that only 8 Bills were killed in the process. Out of the 248 Bills, only 168 Bills were passed signifying that 80 Bills were killed during the final stage. From the 343 Bills received, 168 Bills were passed, 15 Bills withdrawn and 160 Bills killed. Therefore, 175 Bills were not passed during the 5th House of Representatives.

The 6th House followed the trend of the 5th House. All the 503 Bills received were slated for legislative action by the House Committee on Business and Rules and were read the first time. Out of these Bills, only 377 Bills were read the second time. Some Bills were killed at the third stage as 301 Bills were read the third time. However, only 152 Bills were passed

at the final stage. This shows that 351 Bills (comprising 7 withdrawn Bills and 344 killed Bills) were not passed during the lawmaking cycle of the 6th House. Figure 2 shows the ILES analysis of the lawmaking effectiveness of the House over the period under review:

**Figure 2: ILES Analysis of the Lawmaking Effectiveness of the 4th, 5th and 6th House of Representatives**

House of Representatives			
Assembly	4th	5th	6th
1st Reading	321	343	503
2nd Reading	225	256	377
3rd Reading	214	248	301
Passed	103	168	152
<b>Assembly</b>	<b>ILES (Effectiveness Score):</b>		<b>Interpretation:</b>
<b>4th</b>	0.19898862		<i>Ineffective</i>
<b>5th</b>	0.24646503		<i>Fairly Effective</i>
<b>6th</b>	0.30454633		<i>Fairly Effective</i>

**Source:** Source: Author's computation with data from NILS, 2013; using ILES Model Application

- A. From figure 2, the 4th House scored 0.2 inferring that the Assembly was ineffective in lawmaking. The 5th House scored 0.25 and the 6th House earned 0.31, indicating that both Assemblies were fairly effective.
- B. Average ILES Analysis of the Lawmaking Effectiveness of the 4th, 5th and 6th Assemblies

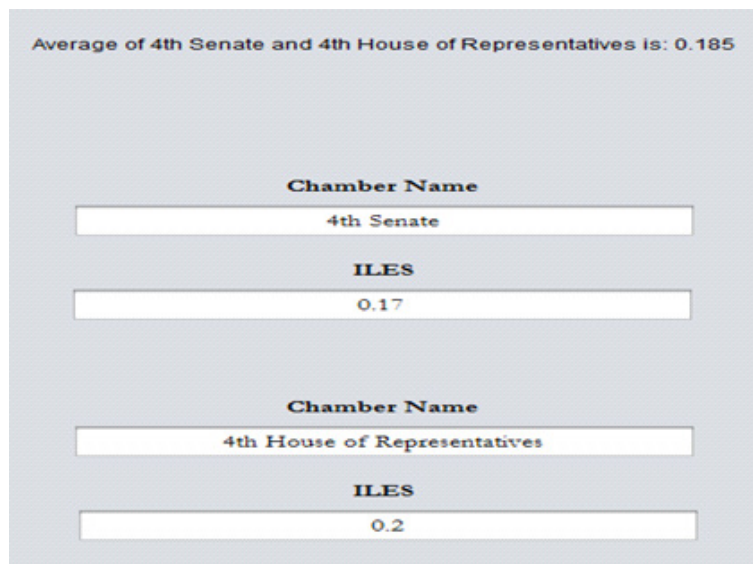
Having identified the effectiveness status of each chamber over the three Assemblies, we also need to find out the effectiveness status of each Assembly by combining the scores of the two chambers that made up each Assembly. The essence of this is to empirically state whether or not the National Assembly is effective in lawmaking at a particular point in time; compare the performance status over time; and give an explanation

of the causal factors of the identified trend. It should be noted that giving effectiveness status of each chamber may not suffice to pronounce the effectiveness level of the National Assembly. This is because both chambers are two sides of the same coin. Since Nigeria operates a bi-cameral legislature, the legislative output of one chamber (Bills) is subject to an identical passage in the other chamber. No matter the number of Bills passed by one chamber, such cannot be enrolled for executive assent until passed by the other chamber in identical form. This means that the performance status of one is attached to that of the other. In addition, the two chambers are seen administratively as one institution operating a single budget, staff control and identical procedural pattern. Thus, the combination of the scores using average analysis is inevitable.

#### 4th National Assembly

From the foregoing analysis, the 4th Senate scored 0.17, while the House of Representatives counterpart scored 0.2. Using the Average ILES model, the ILES value for the 4th National Assembly is 0.19. This is shown in figure 3:

**Figure 3: Average ILES of 4th National Assembly**



**Interpretation:** *Ineffective*

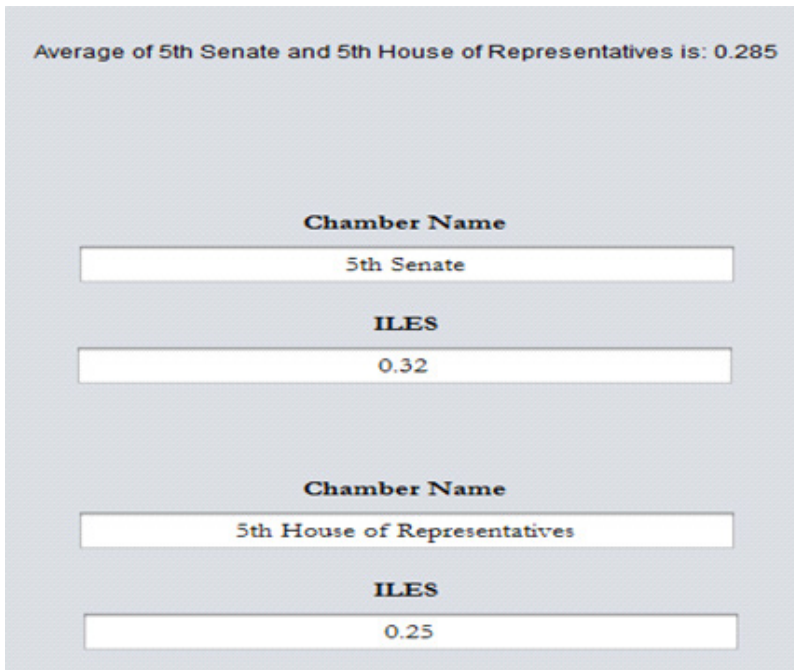
Source: Author's computation with data from NILES, 2013; using ILES Model Application

Subjecting the effectiveness score of the 4th National Assembly to our measure of agreement (benchmark) as can be seen from figure 3, we can empirically posit that the 4th National Assembly was ineffective in lawmaking.

### 5th National Assembly

The Average ILES value of the 5th National Assembly is 0.29. While the Senate scored 0.32, the House of Representatives scored 0.25. This is shown in figure 4:

**Figure 4: Average ILES of 5th National Assembly**



**Interpretation:** *Fairly Effective*

**Source:** Author's computation with data from NILS, 2013; using ILES Model Application

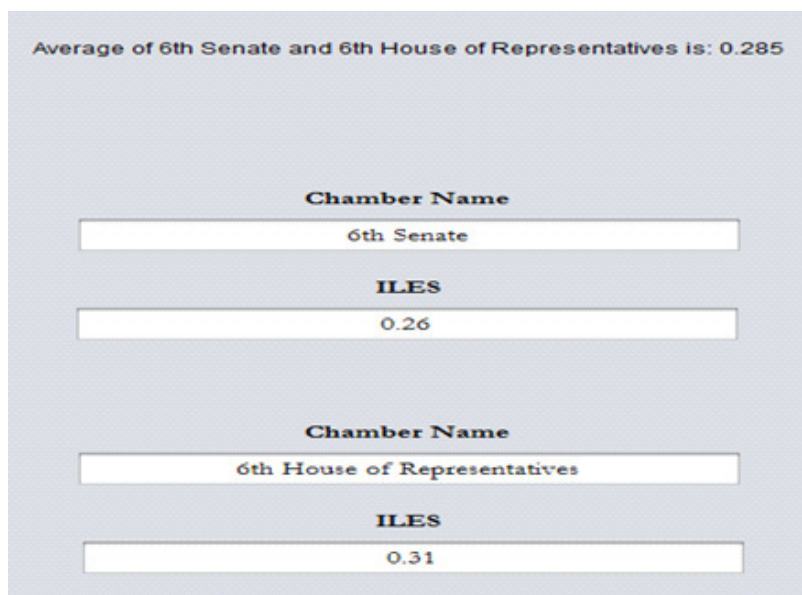


By interpretation based on our benchmark, we can empirically posit that the 5th National Assembly was fairly effective in lawmaking.

### 6th National Assembly

Going by the performances of the 6th Senate and House of Representatives, the 6th National Assembly earned 0.29 from the ILES of 0.26 and 0.31 of both chambers, respectively. This is shown in figure 5:

**Figure 5: Average ILES of 6th National Assembly**



**Interpretation:** *Fairly Effective*

**Source:** Author's computation with data from NILS, 2013; using ILES Model Application

In view of the foregoing, the 6th National Assembly is fairly effective in lawmaking.

### D. Aggregate Lawmaking Performance of the National Assembly (1999-2011)

In order to get the aggregate lawmaking performance of the National Assembly, the study finds the average score of the three Assemblies. This is shown below:

$$\frac{0.19 + 0.29 + 0.29}{3} = 0.27$$

On a general perspective, we find the average effectiveness score of the National Assembly to be 0.27 for the period spanning 1999 to 2011. Situating this on the legislative effectiveness benchmark, the paper empirically posits that the National Assembly was fairly effective in lawmaking under the periods of study.

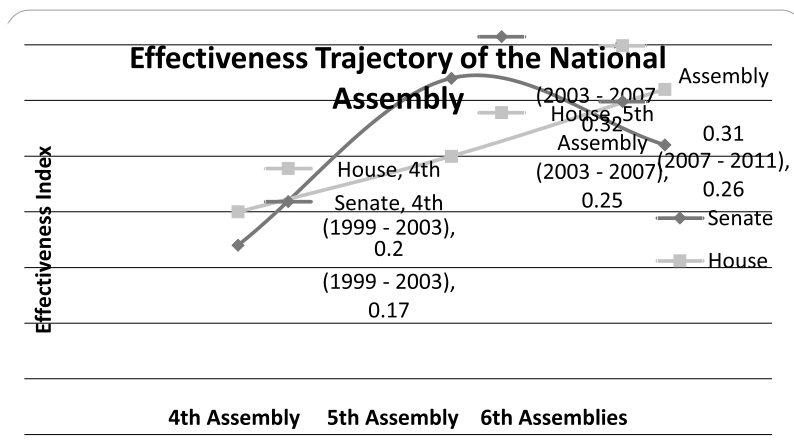
### **Discussion of Findings**

Subjecting the gathered data to ILES analysis, the paper discovered that not all received Bills were slated for legislative floor actions (which begin with first reading). The 4th Senate, for instance, received 250 Bills out of which 227 Bills were read the first time. Out of the 446 Bills received by the 5th Senate, 377 Bills made it to the first reading and 463 out of 477 Bills received by the 6th Senate received action on the floor of the Senate.

The ILES model not only gives consideration to the number of Bills read the first time from the Bills received, but considers the number of Bills that made it through the four stages (as used as indicators of the model). It would be recalled that we noted that ILES model reward hard-work with regard to the ability of the Assembly to push its Bills through the legislative cycle; thus, we found that the 4th Assemblies of both chambers were ineffective in lawmaking while the 5th and 6th Assemblies of both chambers were fairly effective. We also discovered that except in the 6th Senate, there was progressive increase in the ILES value from the 4th to 6th Assemblies of both chambers. The findings from the ILES model reveal that while there is a progression in the lawmaking effectiveness of the House, the Senate recorded a different case. The 5th Assembly of the House was more effective than the 4th Assembly and the 6th Assembly out-performed the 5th Assembly. However, in the Senate, the 5th Assembly was more effective than the 4th Assembly but a decline in effectiveness was recorded

by the 6th Assembly. Though the number of Bills received was at an all time high, there was a geometric decline in lawmaking output which lowered the ILES. Figure 6 epitomizes these trajectories:

**Figure 6: Graphical Presentation of the Lawmaking Effectiveness of the 4th, 5th and 6th Assemblies by Chambers**

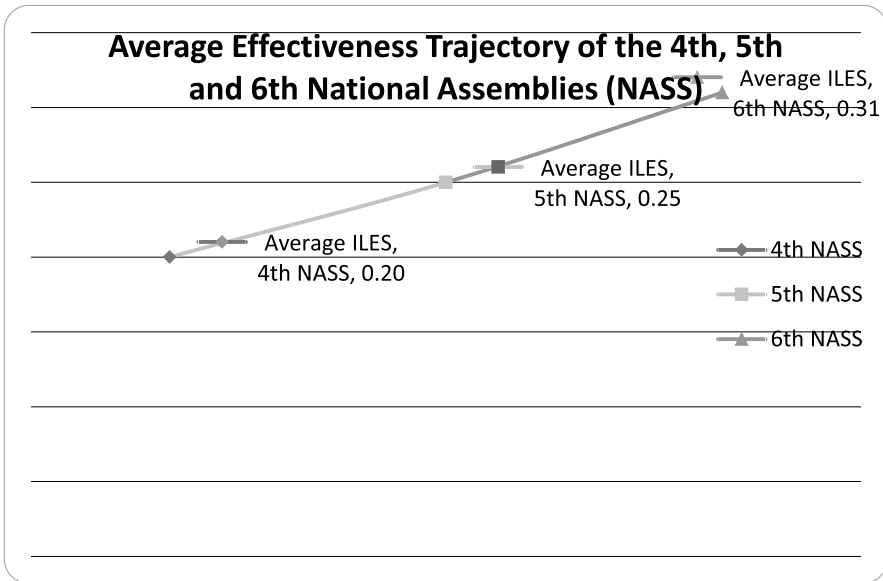


Source: Author’s computation with data from ILES calculation

From figure 6, while there is a continuous ascension of lawmaking effectiveness of the House, the Senate increased from the 4th to 5th Assemblies before declining. This illustration shows that the House was more effective than the Senate in the 4th Assembly but the Senate was more effective in the 5th Assembly. The table was turned in the 6th Assembly as the House reclaimed its spot at the top. Simply put, this shows that the House is more effective than the Senate.

In addition, the second part of the ILES model which gives the average effectiveness status of the three National Assemblies shows that while the 4th National Assembly is ineffective in lawmaking, the 5th and 6th National Assemblies were fairly effective. This is graphically illustrated in figure 7:

**Figure 7: Graphical Illustration of the Lawmaking Effectiveness of the 4th, 5th and 6th National Assemblies**



**Source:** Author’s computation with data from Average ILES calculation

From figure 7, the findings reveal that there is continuous growth in effectiveness status of the Nigerian legislature from the inception of the current republic. The effectiveness status increased from 0.2 to 0.25 and 0.31 for the three Assemblies, respectively.

**Conclusion and Recommendations**

The outcome of the assessment of the legislative effectiveness of the Nigerian National Assembly with reference to lawmaking function evidently shows that the performance output of the legislature is greatly influenced by the institutional framework and the political environment where the legislature is situated. In view of this, the study found that despite the myriad of challenges facing the legislature, it is fairly effective in lawmaking performance though with high prospects to perform better if certain steps are taken. There is a need for more capacity building of the legislators through continuous training and re-orientation toward effective

performance on Bill conceiving, legislative drafting and politics of Bill pushing. The necessity for this stems from the gap between the number of Bills sponsored and the number of Bills passed which shows that most legislators lacked the ability and capacity to push through their Bills.

In addition, to solve the problem of the automatic death of Bills that are not passed at the end of the outgoing Assembly, we proposed that a mechanism be put in place to ensure Bills continuity in the succeeding Assembly. If the sponsor of Bills does not return to the new Assembly, for instance, such Bills should be collated and taken over by a designated “personality” created for that purpose. A “personality,” for example, could be created to take charge perhaps, personified by the Majority Leader of the House/Senate who automatically becomes the sponsor of such Bills. However, such should not be counted for him/her as the sponsor during assessment in order to prevent him/her from having undue advantage over others especially in ranking as suggested above. It would be recalled that we earlier noted that the outcome of this research cannot be generalised for an overall assessment of the National Assembly. This is because the study only uses lawmaking function leaving out the other three cardinal functions (oversight, representation and budgeting) for future research. Therefore, the conclusion that the Nigerian National Assembly is fairly effective is with regard to lawmaking function.

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Article

# 5

**Nigeria's External Image  
and Global Responses to  
the Postponing of the 2019  
General Elections: A Preliminary  
Investigation**

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Godwin Onuh Odeh, PhD<sup>1</sup>

## Abstract

*This paper interrogates the postponement of the 2019 general elections in Nigeria and the attendant international responses it elicited. It noted that Nigeria's national elections had been similarly postponed in 2011 and 2015, respectively. However, the 2019 postponement attracted a lot of local and international attention given the growing political consciousness of the electorates, the timing of the postponement and global expectations. In other words, the postponement had far reaching effects on the nation's external image and drew notable responses because of the place of Nigeria in Africa's democracy and global politics. Based on preliminary investigation gleaned from reports, comments and opinions used as instruments to measure the effects of the electoral processes, the paper upholds that the postponement of the February 16, 2019 elections to February 23, 2019, just few hours to its commencement by the Independent National Electoral Commission (INEC) on the basis of logistics and operations did not portray the nation well in the diplomatic community. Therefore, initial responses and comments from the International Elections Observation Missions, the United Kingdom and the United States appeared not to have properly gauged the quantum of damages done to Nigeria by the re-scheduling of the election dates as comments and responses seems to have, at best, been couched to douse tension and to avoid diplomatic blunder and row. The paper concluded that since the damage had been done, it was incumbent on the citizens, diplomats, scholars and INEC to redress the image of the country in the global community through citizenship diplomacy, good representations, writings that aimed at correcting the anomaly to project the country well in the diaspora and adequate preparation and conduct for the next elections.*

## Introduction

Nigeria currently practices presidential democracy modeled after the American style. During the First Republic, the nation practiced the parliamentary system of government fashioned after the British model.

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For unverifiable reasons, policy makers and political operators switched from the British style to the American model. In adopting the American model, Nigeria is expected to conduct periodic elections after every four years to choose political leaders. Since the nation's return to civil rule in 1999, Nigeria has conducted four elections with one form of shortcoming or the other. Some of the noticeable defects, among others, include electoral malpractices and rigging, violence and shifting/rescheduling of polls. The challenges associated with these defects have constantly raised fundamental questions on whether Nigeria's democracy has really been modeled after the American style. Scholarly arguments tend towards the fact that Nigeria should have overcome force-able electoral lapses that have grave implications for the nation's external image. It is against this background that the paper undertakes a preliminary investigation of Nigeria's external image and responses to the postponed 2019 elections. The paper is structured into six parts namely, introduction; conceptual clarification; history of electoral politics in Nigeria; retrospective consideration of foreign influence and Nigeria's image; Nigeria's external image and responses to the postponement of the 2019 polls and; conclusion.

### **Conceptual clarification**

Periodic elections remain one of the fundamental ingredients of democratic practices. Globally, it feeds democracy and has always drawn serious attention of politicians and both domestic and international observers. Scholars have offered several definitions but few of them would be considered. Elections may be conceptualized as the technical means of allowing popular participation in governance by citizens who choose their representatives in line with the dictates of modern democracies (Ejumudo, 2013, p.50). The definition projects the citizens as key players in the process. The definition also subsumes elections as being "among the most ubiquitous of contemporary political institutions and voting is the single act of political participation undertaken by majority of adults in majority of the nations in the world today" ( Anifowose as cited in Odeh, 2015b, p.12).

Anifowose, further outlined other functions of elections as the means of:

- a. Recruiting politicians and public decision makers;
- b. Making governments;
- c. Influencing policy decision;
- d. Educating voters;
- e. Building legitimacy;
- f. Strengthening elites;
- g. Providing succession in leadership; and
- h. Extending participation to many.

It has also been argued that “free election creates sentiments of popular consent and participation in public affairs and provides for peaceful transfer of authority to new rulers when the time comes for the old rulers to go” (Mackenzie as cited in Wamakko, 2018, p.2).

Ideally, the conduct of free elections has always been the objective of democracies be they general elections, presidential, gubernatorial or senatorial. Therefore, one of the indices of measuring democratic maturity is the ability of a nation to conduct a free and fair election. So, the postponement, by a week, the 2019 general elections just about five hours to its commencement by Independent National Electoral Commission (INEC), the electoral body charged with the responsibility of conducting elections in Nigeria, projected negative signals to the global world with regards to elections and democratic governance.

Historically, the phenomenon of election is traceable to the treaty of Westphalia (Peace of Westphalia, 1646-1648) which brought to the fore the issue of sovereignty as the basis for national and international politics (Odeh, 2015a, p.463). Following Westphalia’s development, elections became the major medium by which social pact or contract is expressed between States and citizens, and between the governors and the governed. The global

origin of elections made its practice in a contemporary nation state like Nigeria, draw attention and reactions from players in international politics. It was therefore, not surprising that the postponement of the 2019 polls riveted global attention on Nigeria, one of Africa's largest democracies.

### **Electoral Politics in Nigeria: A Historical Perspective**

The Hugh Clifford Constitution of 1922 encouraged elective principle in Nigeria. The constitution created the enabling environment for the formation of Nigerian National Democratic Party (NNDP), the first political party founded in 1923 by Sir Herbert Macaulay in Nigeria. (Odeh, 2015a, p.467). Afterwards, various major pan-ethnic groups morphed into political parties. There emerged the National Council of Nigeria and Cameroun which later known as National Council of Nigerian Citizens (NCNC) formed in 1944, and consequently became an Igbo *defacto* party, *Egbe Omo Oduduwa*, a Yoruba union transformed to Action Group (AG) in 1945 and *Jamiyyar Mutanen Arewa*, an Hausa/ Fulani association became the Northern People's Congress (NPC) in 1945 (Elaigwu, 2003, p.42). These ethno-regional political parties were manned by ethnic and tribal champions anticipating the folding up of colonial umbrella and saw the need to fill the political vacuum that would be created by the departure of the whites overlords. The tribal political warlords led their parties along ethnic and religious contours that were constructed by colonialism. In the first general elections of 1959, none of the political parties had overwhelming majority. This necessitated the coalition of NPC and NCNC in 1960 but it was short lived due to the ethnically and regionally based nature of the parties (Odey, 2004, p. 53). The politics of the decades preceding independence may be defined as politics of anxiety; anxiety about not being in control and being arbitrarily subjected to the power-that-be. Given this state of affairs, issues and events that have to do with distribution of power were bitterly contested. The hangover of this politics seems to have subsisted to the present era. In these pioneering elections, there was no case of polls postponement as historical evidence would have one believe.

However, ethnic, religious, regional, political troubles and trauma appear to have accelerated and accentuated the collapse of the First Republic (Gudaku 2007, p.5). The military junta of 1966, which resulted to the death of numerous eminent Nigerians, dressed the stage for the civil war that was fought from 1967 to 1970. In retrospect, the elections of 1964 marred by rigging carried out by NPC members was replicated in the western election of 1965. The 1964 elections registered the first electoral violence in Nigeria. However, the election was neither postponed nor cancelled. The major political crises of the era was electoral malpractices and violent acts of thugs in the so called "Operation Wetie" in which a lot of atrocities such as murder and arson were committed (Falola and Oyebade 2010, p.91). The culmination of these events was that while UPGA's victory was announced over the Eastern Radio, NNDP's victory was announced over the Federal Radio in 1965 (Elaigwu, 2003, p.53).

In the Second Republic (1979-1983), the National Party of Nigeria (NPN), brought Alhaji Shehu Usman Shagari (of the blessed memory) to power (Enyi 2006, p.162). In December 31, 1983, General Muhammadu Buhari, the flag bearer of All Progressives Congress (APC) and the declared winner of the 2015 and 2019 presidential elections overthrew the democratic government ushered in by the 1979 constitution. Among the reasons advanced for overthrowing the Shehu Shagari led government was corruption and incompetence. Consequently, General Muhammadu Buhari's economic policies and draconian laws made the regime run into troubled waters. It is noteworthy that the elections of the Second Republic witnessed no postponement of elections. However, the nation's economic predicament since 2015 seems to make analysts ask if history would not repeat itself.

The Third Republic (1991-1993), was aborted by President Ibrahim Badamasi Babangida and it ended in the June 12, 1993 saga. The presidential election of the time was said to have been won by the late Chief M.K.O Abiola, the flag bearer of the Social Democratic Party (SDP). In the views of many scholars and political analysts, the military regime of Ibrahim Badamasi Babangida did not have any tangible reason for annulling the election that

was considered one of the freest and fairest elections in Nigerian history ( Odeh, 2015a, p.468). The granting of the posthumous honour of the Grand Commander of the Federal Republic (GCFR) to the late Chief MKO Abiola by President Muhammadu Buhari, in 2018, has cleared doubts on the winner of the election although the award has been subject to a lot of political interpretations paramount among which the campaign strategy theory for 2019 elections loom-large. In the 1993 elections, there was no postponement of elections. However, the major political strategy of the regime was a prolonged delay and rigmarole which ended in its eventual abortion.

The Fourth Republic was inaugurated on May, 29, 1999. General Abdulsalam Abubakar (retired), who assumed power upon the death of General Sani Abacha in office, handed over power to Chief Olusegun Obasanjo, the presidential flag bearer of the Peoples Democratic Party (PDP) and the winner of the election. Despite the yearning for democratic governance, and widespread apathy by politicians and electorates in the exercise there was no postponement of the election in 1999. In 2003, Obasanjo was re-elected under the same party in elections adjudged to be very fraudulent (Adibe 2015). Though considered full of irregularities, the poll was not postponed. Obasanjo handed over power to his anointed candidate, Musa Yar'adua in 2007, through what appears to be a questionable election under PDP. Musa Yar'adua openly declared that the election was far below average using the yardstick of global best practices. The election date was not postponed. The death of Musa Yar'adua in 2010 ushered into power, his Vice President, Dr. Goodluck Ebele Jonathan. Dr. Jonathan was expected to complete Yar'adua's tenure and step aside for the North to assume leadership of the country till 2015 on the basis of rotational presidency between the north and the south. However, since power is hardly handed over to people freely or on a platter of gold, he contested and won the 2011 elections. In the elections, the date fixed for voting was not postponed as done in 2015 and 2019 general elections, respectively and it did not attract wide publicity probably because of the degree of political consciousness of the electorates and global expectations. The reason why it was postponed for two days or



so was late arrival of materials in some states of the federation. Attahiru Jega, the former INEC Chairman notes:

The unanticipated emergency we have experienced with late arrival of results sheets in many parts of the country; the result sheets are central to the elections and their integrity... The Commission has taken the difficult but necessary decision to postpone the National Assembly elections to Monday, April 4, 2011 (Jega ascited in Baiyewu, 2019, p.25).

In 2015, the poll was postponed by INEC from February 14 and 28 to March 28 and April 11, respectively of the same year solely for security reasons. As earlier noted, the outcome of the elections brought the APC government of President Muhammadu Buhari to power. The victory of APC was historic because the opposition got to power, at the national level, for the first time in the history of Nigerian electoral system. From 1999 to 2015, Nigeria's political space had been dominated by the PDP as there was no formidable opposition party to wrestle power from its hand, hence the political slogan, "It is still the Peoples Democratic Party (PDP)"(Egwemi,2013, p.86). The postponement of the 2019 general elections few hours to its commencement attracted uproar and created crisis of confidence about INEC among politicians, political parties and the electorates. Besides the national crisis, the postponement of the polls on the ground of logistic challenges, poor weather and burning of electoral materials particularly the permanent voters' cards in INEC Offices in Abia, Anambra and Plateau States as announced and referred to by Professor Mahmood Yakubu, the INEC Chairman on Channels Television on the February 16, 2019 at about 2:45 am created international image crisis for Nigeria. This shall be further explored in the latter part of the paper.

### **Foreign influence and Nigeria's External Image: A Retrospective Analysis**

Politics at the international level, takes cognizance of the existence of other nations because the well being or survival of people and States depends

on the well being of others. Thus, there is a robust history of Nigeria's external image and diplomatic relations. However, this paper's focuses on contemporary times. There is a direct correlation between Nigeria resources and her eventual conquest and colonization. Prior the Berlin Conference of 1884, John Beecroft had already laid solid foundations for British consistent interference in the politics of the interior of Nigeria. Historical documentation cited Beecroft was the Presiding Officer (PO) of the election of the new King of Calabar following the death of King Archibong of the Old Calabar in 1852 (Odeh, 2015c, p.16). This marked an instance of external influence on Nigeria arising from the portrayal of the country abroad by explorers and merchants during the early phase of the British colonialism.

Since Nigeria attained independence in 1960, many western nations have, in one way or the other, been involved in political developments in the country. Put differently, since political independence, Western countries have continued to influence Nigeria's ruling class. The nature of external influence on Nigeria has led to calls that she must acknowledge her neocolonial status and reject it. She needs to stop surrendering her decision making on financial and credit policies and political organization to the west. The process of accepting and implementing programmes; the submission and supervision of her economic policies; planning and performance by foreign agencies; the issuing of reports on the fidelity of the country's plan to foreign objective; the pilgrimage of officials of government to the headquarters of west converge to the fact that neocolonialism is the highest stage of imperialism (Odeh 2015c, p.53).

Recently, Asian countries joined the league of western powers in steering the affairs of the nations because of their economic relevance. Series of military coups and crises that culminated into Nigeria's bloody civil war (1967-1970) have implications for the nation's international image. Thus, the first generations of Nigerian political leaders were conscious of the nation's external image and cautioned against foreign friends and enemies. According to Dr, Nnmadi Azikiwe:

I make this suggestion... it is better for us and for our admirers abroad that we should disintegrate in peace and not in pieces. Should the politicians fail to heed to this warning...the experience of the Democratic Republic of Congo will be a child's play if it ever comes to our turn to play such a tragic role (Azikiwe as cited in Ashafa, 2008, p.455)

During the Nigerian civil war external powers were involved were partisan because international system and international law allowed it. Great Britain, for instance, was accused of complicity in the abortive coup that resulted in the assassination of General Ramat Murtala Mohammed in 1976 (Fawole, 2003, p.117). In the 1980s, due to General Muhammadu Buhari's tough posture and his attempt to undertake a comprehensive review of Nigeria's relations with Britain in what he described as insensitivity of Britain to the nation's economic woes and highhandedness, the regime earned bad publicity around the world, especially the case of government seizure of the British Caledonian jumbo jet en route London and the detention of 221 passengers and 22 members of the crew (Fawole, 2003, p.143). Buhari's military regime appeared to have been sending negative signals on Nigeria's external image to the international community and therefore precipitating a setback to her relations with the world, particularly the great powers.

As a result of the waning popularity of Buhari's government, General Ibrahim Babangida took over power in 1985. As soon as he became the Head of State, General Babangida adopted the economic policies of Structural Adjustment Programme (SAP) in line with the dictates of the west as one of the strategies for repairing the external image of Nigeria that had been battered by General Buhari's regime. Babangida's adoption of the economic policies as well as the promise to hand over power to civilians received the approval of US government. However, rather than follow through with the hand over agenda, the regime embarked on an endless rigmarole. Some of the endless activities include banning of political activities; banning of certain categories of politicians; constant alteration of transition dates

(from 1990 to 1992, January 1993 to August 1993) and the change in the rule of the political game. All these affected Nigeria-US relations. The public statement disapproval of the United States Director of Foreign Service, Mike Brien, in Lagos, that US would not look kindly at any pretext to frustrate the transition programme made Gen. Babangida's regime to expel Mike Brien. In quick response, the US government immediately recalled its military attaché from Lagos and expelled Nigeria's Ambassador in Washington. The US also stopped military assistance to Nigeria and introduced stringent measures for obtaining US visas (Fawole, 2003, p.172). Although Gen. Babangida left office in August 26, 1993 and an interim government headed by Chief Ernest Shonekan was set up, the challenges in Nigeria-US relations had degenerated and completely nosedived during the regime of General Sani Abacha (1993-1998). General Abacha's execution of international environmentalist Ken Saro-wiwa and his eight kinsmen of Ogoni extraction on November 10, 1995 despite international plea for clemency further alienated Nigeria from the international community as she became a pariah nation. The Commonwealth of Nations suspended Nigeria, European Union imposed several sanctions on the country and the United Nations Organization passed resolutions against her. America and Britain, her traditional friends imposed sanctions on her too. Nigeria therefore, became isolated internationally (Dauda, 2005, p.101; Orngu, 2015, pp.109-110). The sudden death of General Sani Abacha in June 1998 and the emergence of General Abdulsalam Abubakar did not immediately change, for the better, the international community posture towards Nigeria. However, Nigeria's frosty relationship with the international community began to thaw as the latter openly demonstrated a genuine transition programme carried through by General Abdulsalam Abubakar. Gen. Abubakar's regime handed over power to democratically elected government on May 29, 1999. General Abdulsalam Abubakar kept to his words when he said: "I do not have any ambition to be a head of state. I did not make a coup, and I believe that so far I have convinced the Doubting Thomases that we are serious" (Fawole, 2003, p.223). His handing over to a civilian administration went a long way in ameliorating the stance of international community towards Nigeria. Unfortunately, the wound his

predecessor inflicted on the nation's external image could hardly be fully healed during the short period of a year or so of the General Abdulsalam's regime.

So, Chief Olusegun Obasanjo's administration (1999-2007) that commenced the fourth republic in 1999 inherited a distressed external image. The administration quickly adopted the old strategy of shuttle diplomacy to remarket the nation to the international community. The relevance of his trips abroad cannot be overemphasized. Among other things, it was:

To seek support for the country's nascent democracy; to reconcile Nigeria with the international community following its pariah status during the previous military regime, to brief the international community about government's on-going efforts aimed at economic recovery and political reconciliation; to invite investors to participate in the nation's economy; to seek assistance for the recovery of nation's stolen funds; to seek relief, cancellations and reduction of debt burden and to seek support for Nigeria to represent in the envisaged enlargement of the UN Security Council (Egwemi as cited in Adejo,2004, p.45)

The above was the thrust of the foreign policy of the administration up to 2007 and most of the objectives were achieved to some extent. By the time President Musa Yar Adua and Dr. Goodluck Ebele Jonathan came on board in 2007, the residual of military mess on the nation's external edifice had been significantly cleansed. However, there were internal socio-economic and political challenges that often tarnished the nation's image abroad. Paramount among the challenges is the conduct of periodic elections and official corruption which always drew international attention.

To salvage Nigeria's numerous problems, political parties adopted various strategies to gain domestic and international favour. There were often clash of interest among political parties in their efforts to shop for votes. In 2015, for instance, the PDP accused the former president of United States, Barak Obama of supporting APC during the elections. Conversely, in

the 2019 elections, APC accused western powers of supporting the PDP (Falana 2019, p.20). Essentially, both political parties directly or indirectly engaged the services of the western nations in their efforts to demonstrate that they have the wherewithal to solve Nigeria's problems. So whenever elections are conducted and foreign observers from the African Union (AU), European Union (EU), Economic Community of West African States (ECOWAS), international civil society organizations converge, the stakes go up on the nation's external image. In other words, the avalanche of global witnesses underscores the fact that elections are not exclusive affairs of independent states including Nigeria. It is against this background that elections in present times attract international responses. Thus, all the processes leading to the conduct of the 2019 elections and particularly its postponement at the last minute impacted negatively on the foreign image of Nigeria. This will be further discussed in this paper.

### **Nigeria's External Image and Global responses to the shifting of the 2019 polls: A Preliminary consideration**

The postponement of the 2019 general elections had a lot of international implications for the Nigerian state. First, it created the problem of external image for the country. The event portrayed, to the world, a nation that could not manage its internal affairs, effectively. A scholar commented on the consequence of the postponement thus:

...portrayed us as a country ...that cannot manage its affairs properly...smaller countries like Ghana, Niger and Senegal conducted their elections without a hitch and look at the negative image this ( the postponement of the 2019 general elections... *Emphasis Mine*) has given us in the international community, as if we are not serious (Dauda, as cited in Baiyewu, 2019, p. 25).

The postponement of the general elections about six hours to its commencement was not entirely new in Nigeria's electoral process but it

further exacerbated the already poor image of the country for Nigerians at home and in the diaspora. However, considering the size of Nigeria in relation to relatively smaller countries like Ghana and Senegal, the challenges posed by logistics cannot be discountenanced but the underlying question is that the postponement remained a bad outing for Nigeria and the INEC given the duration of about four years or so at its disposal to prepare for the 2019 election.

The delay and the ultimate postponement dampened the spirit and enthusiasm of foreign investors and Nigeria incurred a serious economic loss. One of the indices of measuring Nigeria's economic growth is the inflow of revenue through foreign exchange earnings which often times gain appreciable growth through the exchange rate around election time. Unfortunately, the postponement coupled with the attendant nationwide tension discouraged investors. In the words of Larose: "the likelihood of violence is now higher than before. And we have seen some effects on the markets" (Larose as cited in Asu, 2019, p.33). The cancellation of the initial date of the election negatively impacted on the nation's economy. In short, in Port revenue alone, Nigeria is documented to have lost N1.8 Billion due to the change of the election date. Nwani noted that:

On the day the election was postponed, Nigeria lost \$6 million... Apart from the actual cost to the economy, the maritime sector is an international sector and whatever happens in Nigeria affects the rest of the world. It will have impact on the performance of ships that are leaving and coming into Nigeria. The delay (that is in the general elections ... *Emphasis Mine*) is bound to affect the exports and import goods. Most of our exports are meant to be delivered on schedule, otherwise they will go bad and the buyer will reject them (Nwani as cited in Okon, 2019, p.36)

In international trade, Nigeria incurred a very heavy loss just as the nation recorded deficits in the local trade as a result of national standstill in every area of human endeavour due to the stand still caused by the

postponement of the elections. Analysts reported that Saturday, February, 16, 2019 remained a day in which the Nigerian people did not undertake any productive pursuit although petty traders opened shops here and there; the volume of trade was hugely insignificant. (I. Onumiya, February, 17, 2019). In all, local economic activities also suffered greatly as a result of the postponement in the date of the polls.

There were serious and often negative responses from international observers, other nations and individuals to the postponement of the elections. The first global reaction to the postponement came from International Elections Observation Missions that had already been on ground in Nigeria for the exercise. The joint statement of the heads of the Observation Missions reveals:

While we note that this decision has caused disappointment for many, we call on all Nigerians to continue to remain calm and supportive of the electoral process as INEC works to implement its new time line... We urge INEC to use this time to finalise all preparations and ensure that the new election dates are strictly adhered to. We encourage INEC to provide regular update information to the public on its preparation in the coming days and weeks to enhance confidence in the process (Statement of Heads of Observation Mission as cited in Latu-Sanft, 2019, retrieved from [thecommonwealth.org](http://thecommonwealth.org)).

Signatories to the above were, Ellen Johnson Sirleaf, the former president of Liberia and leader of ECOWAS Observation Team, Hailemariam Desalegn, the former Prime Minister of Ethiopia and leader of AU Observation Team, Jakaya Kikwete, the former President of the United Republic of Tanzania and leader of the Commonwealth Observer Group, Rupia Banda, former President of Zambia and leader of Electoral Institute for Sustainable Democracy in Africa Mission Team, Maria Arena, a Belgian member of the European Parliament and leader of the EU Election Observation Mission, Festus Mogae, former President of Botswana and Vaira Vike-Freiberga, former President of Latvia and leaders of National Democratic



Institute / International Institute Election Observation Mission, Boubakar Adamou led the Organisation of Islamic Cooperation observation team and Mohamed Ibn Chambas, Director of African Political Affairs and UN Special Representative of the Secretary- General for West Africa and Sahel. The response of the international election observation mission remains largely pacifying and diplomatically couched since their ultimate aim is peaceful conduct of the election. More so, it would amount to diplomatic blunder to overtly utter unfavourable comments in an unpleasant situation particularly while in a foreign land. However, it ought to be categorically stated that the postponement caused serious disappointment to the international community despite the civil language in which it was couched.

Given the historical and political relevance of the United Kingdom and the United States to Nigeria and electoral practices, respectively, the two countries responded to the sudden postponement of the elections dates. United Kingdom states:

The British High Commission supports the joint statement made by the heads of the international observer missions on the postponement of the 2019 Nigerian elections. We recognise the frustrations of many Nigerians, including those involved in the delivery, supervision and observation of the election and those who travelled to exercise their democratic right. We urge the Nigerian people to come out to vote next weekend in the re-scheduled elections (Laing, 2019, retrieved from [vanguardngr.com](http://vanguardngr.com)).

The US, on the other hand, responded thus:

US Embassy fully supports the joint statement by the heads of ECOWAS and other International Election Observation Missions on the postponement of the February 16 Nigerian elections. We join in encouraging all Nigerians to ensure a free, fair, peaceful and credible election by supporting the Independent National Electoral Commission while it

finalizes electoral preparations this week and by voting in peace together on February 23 ([vanguardngr.com](http://vanguardngr.com)).

The major powers and international observation missions' responses may have partly been influenced by the international engagement benchmark sets by the Nigerian Foreign Affairs Minister, Geoffrey Onyeama. Gleaning from past experiences, the Honourable Minister of Foreign Affairs notes that:

We welcome, very much, your engagement, we appreciate very much the support of all countries in this process, we acknowledge how important your engagement and also in 2015 to help us to deliver probably one of the previous elections. We welcome international observers to the country and all other friends and media fully engaged, but what we are concerned about, has sometimes been just the way the engagement has been communicated...And we have expected and hope that you will also be impartial and just help observe to see if the election will be free and credible and not give any sense of indication that they might be preferences (Onyeamaas cited in Ikuomola, 2019, p.7)

It is likely that the above address might have influenced foreign comments and responses to the postponement of the elections but the postponement did not favourably project and portray the image of Nigeria abroad. Consequent reports written years after the election was conducted revealed utter disaffection of the global community to the postponement of the 2019 elections. In the view or opinion of several scholars in the diaspora, it is only in Nigeria that elections are postponed on the election days (personal interactions on 16 February, 2019). Nigeria may not be the only country where election postponement has occurred; other instances of this need not be used to justify the political episode. The crucial issue is how to analyze the postponement and repair Nigeria's image before other countries, organizations and individuals across the globe that refrained from making comments and responses. This remains a very huge task

for diplomats, scholars and social engineers. Since there is no permanent friend and foe in international politics, it should also follow that there is no permanent image in global community. As noted in preliminary investigations deciphered from reports, comments and public opinion used as instrument for measuring the effects of the electoral processes, there were clear indications that the external image of the country was negatively impacted by the postponement of the elections. However, there is no need to despair because the country's image can be reconfigured through track-two (citizen) diplomacy; conventional diplomacy; and other forms of international engagements but particularly through commendable outing of INEC in the 2023 election so that the blemish caused by the postponement of the elections of February 16, 2019 can be removed in the global community.

## **Conclusion**

The paper has laid the historical background to foreign influence in Nigeria and its external image in modern times. It argues that the external image of the country was badly battered during the military era. However, since the return to civil rule in 1999, Nigeria has continued to suffer from one external image problem to another, namely; official corruption, terrorism, poor conduct of periodic elections, among others. These have always drawn unfavourable comments from the international community. From all indications, the citizens, foreigners and observers were shocked at the last minute-postponement of the 2019 election on the excuses of logistics and ancillary challenges. The excuses raised the fundamental questions of what INEC had done in terms of preparations for the said elections in the last four years or so. It further argued that local and international economies suffered setbacks from the incidence and that it cast a serious pall on the nation's external image. It is the findings of this paper that elections had been previously shifted in Nigeria in 2011 and 2015, respectively, however, the negative publicity and the significance of the 2019 election-postponement is rooted in the growing political consciousness and the

eagerness of the electorates to exercise their democratic rights; the timing of the postponement and the expectations of the international community given the place of Nigeria in Africa's democracy and global politics. It concluded that the postponement of the February 16, 2019 general elections to February 23rd, 2019 on the basis of what appears to be flimsy excuses of logistics and weather challenges given by the Independent National Electoral Commission did not portray the nation well in the eyes of the international environment. As a result, it is only optimists that would expect such an incident to garner favourable external responses. While the damage had been done, it is incumbent on INEC to deploy confidence building by adequately preparing for the 2023 polls and ensuring it avoids unnecessary lapses so as to convince the world of Nigeria's preparedness and commitment to election conduct and ultimately re-represent Nigeria in a better light to the comity of nations.

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Article

6

**Resurgent Violent Farmer-Herder  
Conflicts and 'Nightmares' in  
Northern Nigeria**

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Michael I. Ogu, PhD<sup>1</sup>



## Abstract

*How have variables of terrorism, politics and ethnicity complicated the increasingly devastating conflicts between farmers and herders in Nigeria? What short and long term policy suggestions can aid the management of these conflicts in Nigeria? The descriptive survey method was adopted for the study; gathering primary data from law enforcement officers, village heads, experts, and groups of farmers and herders in select states in Northern Nigeria, and all primary and secondary data were content analyzed.*

*The study found that politics, ethnicity, religion, economic livelihoods and cultural lifestyles are variables that complicate farmer-herder conflicts in Nigeria. The study concluded that government, civil societies, non-governmental organisations, and even more importantly the two groups – farmers and herders, must be committed to ending the conflicts through productive dialogue. One recommendation relating to the implementation of the National Livestock Transformation Plan is ensuring that cattle owners and herders buy-in to the plan, as this will largely determine the success of the transformation plan.*

**Key Words:** Killer-Herdsman, Terrorism, Farmer, Herder, Conflict

## Introduction

Communal and group conflicts, particularly those between groups of farmers and herders, have arguably become the new norm in Nigeria. From mere observation, one can argue that in the last almost half a decade, these conflicts have occurred at least once every month, on the average, leaving in its wake, increasing human casualties as well as wanton destruction of valuable government and private properties. The International Crisis Group (ICG) (2018) reported that “in the first half of 2018, more than 1,300 Nigerians have died in violence involving herders and farmers” (p. 4).

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While these conflicts between farmers and herdsmen are predominant in the North-western, North-eastern and North-central geopolitical zones of the country, herding activities in some other parts of the country; particularly South-east, South-west zones, have also led to agitations by community members and leaders, and a few confrontations with the herders; who are mostly Fulani. In the South-south zone, there appears an apparent fear that these nomadic herders would soon migrate into the zone, in search of pasture and water for their cattle. Although, it can be argued that the one major reason for the arguable indiscriminate grazing of cattle across almost all the six geopolitical zones of Nigeria is the desertification and effects of climate change in the north; many have also feared that the activities of the herdsmen may have assumed a terrorist dimension. This fear is further confirmed by the frequency of attacks by the herdsmen on villages and individuals, the increasingly sophisticated weapons used in such attacks, and devastating nature of the casualties that result from such attacks.

Aside the conflicts described above, which result mainly from conflicts over economic livelihoods and lifestyle patterns, scholars agree that there are other forms of conflicts that seem also predominant in the old Northern region of Nigeria. Some of these are religious conflicts between Christian groups and Muslims, as well as between sects within the Islamic religion (i.e. Sunni Muslims vs. Shiite Muslims); identity conflicts (Biom vs Hausa/Fulani); religious fundamentalism evident in the continued war against Boko Haram and efforts to reclaim several communities ravaged by the Boko Haram terrorists, as well as resettle people displaced from these communities, whose number keeps growing.

Although Oguamanam(2016), Ofuoku and Isife(2009) have attempted to investigate the causes of conflicts between farmers and herders as a consequence of competition over scarce resources; mostly land and water, which influence the livelihood and lifestyle of these groups, only very few scholars, if any, have attempted to interrogate the growing concern and very likely links between these many attacks and terrorism in Nigeria. It is important to mention that “northern Nigeria,” as repeatedly used in this study, covers all the nineteen states and the Federal Capital Territory

(FCT) in the North-west, North-east and North-central geopolitical zones of Nigeria. While the study will focus primarily on the farmer-herdsmen conflicts in the north, we will also refer to other states and zones of Nigeria, to allow for better appreciation of the arguments and submissions made in this study.

## **Background to Conflict in Nigeria**

Conflicts in many parts of Nigeria, and particularly in the North has largely assumed a violent dimension which has made these conflicts more significant, particularly with regards to their consequences on communities, individuals and the state at large. While it may be argued that the Northern region of Nigeria is known for hospitality and peaceful co-existence among its various groups and religious inhabitants, it is important to also mention that conflicts in this part of Nigeria are a result of complexities of politics and socio-economics that have characterized the nation for several decades, particularly since Nigeria's independence in 1960. The International Crisis Group (2010p. 1) also confirmed this assertion by observing that conflicts in the north of Nigeria are a "product of several complex and interlocking factors, including a volatile mix of historical grievances, political manipulation and ethnic and religious rivalries."

While it may prove difficult to conclude that the many increasingly violent conflicts in Nigeria are restricted to a few particular factors, much of the conflicts in Nigeria arguably relates to identity and resource. The recurrent vandalism and mostly violent militant activities in Nigeria's Niger-Delta region are largely consequences of arguable exclusion and disagreements over resource control. Initially stemming from agitations and protests from Ijaw and Itsekiri communities over exploitative government-supported activities of industries drilling the regions rich oil resources without producing any tangible benefits for indigenes of these communities, rather such drilling activities largely resulted in environmental decay and insecurity in the long term for these communities, some of which Adekanye (2007) identified as operations of transnational oil companies

whose activities had caused huge damage to agricultural crops, destruction of fishing farms, and pollution of portable water. In response to the activities of the industries in this region, the indigenes of these communities; especially the young people, have continued to vandalize drilling installations, and carry out activities that have deepened insecurity in the region, despite the Federal government's amnesty programme in 2010. These agitations have simply gone from protests over exploitation to demands for a fair share, and even total control, of the mineral wealth of the entire region. Most recently, it can be argued that those original goals and objectives underlying the Niger-Delta conflict have been displaced by much newer ones, which include, but certainly aren't limited to, hostage taking and demand for huge ransom, among others, many of which have also arguably been high-jacked by criminal elements to make private gains. Osah (2014) summarized such activities simply as war-lordism.

In many other parts of the Nigerian state, particularly across much of the Northern Nigerian region, violent conflicts between herdsmen and farmers have literally become a "nightmare" for residents of rural communities as well as for the Nigerian state generally. Although much of these conflicts initially were identity and resource based, including efforts to preserve means of economic livelihoods of farming and herding by competition over pastures and grazing fields for cattle, access to land and water, evidences in the recent past reveal that these conflicts have been complicated by myriad of factors including ethnicity, politics, religion, as well as terrorism propagated by the Islamic religious group turned terrorist namely the Boko Haram. While conflicts of the latter variety taking after the name of the group instigating them (i.e. Boko Haram) wear the religious mask of Islamic fundamentalism (terrorism), the conflicts involving herdsmen and farmers are about conflicts over economic livelihoods and cultural lifestyles as earlier identified. The two forms of conflicts have come to assume much greater intensity and salience in present day Nigeria than ever, claiming hundreds of lives of people some of whom are members of the Nigerian military, and destroying properties worth several billions of naira and belonging to the state and private individuals.

While the background provided in this section will allow for a more robust understanding of the nature and manifestations of conflicts in Nigeria, this study will focus on what we have identified above as economic livelihood and cultural lifestyle conflicts between groups of farmers and herders, particularly in northern Nigeria. The increasingly changing nature of these conflicts and the growing causalities resulting from them, have put such conflicts on the priority list of security operatives and the Federal government, generally. Hence, the causes, dynamics, and consequences of these conflicts will constitute the main focus of this study, including a body of recommendations for policy action within the Nigerian state.

### **Theoretical Foundations**

The Relative Deprivation Thesis espoused by Ted Robert Gurr, in his 1970 classic text; "Why Men Rebel," provides a rather adequate theoretical basis for this study. Drawing from quantitative analysis of 1,100 "strife events" occurring in 114 "polities" over a period of five years (1961 to 1965), Gurr argued that just as frustration would most likely lead to aggressive behaviour in an individual, relative deprivation would also likely result in collective violence from a social groups.

Relative deprivation therefore is the difference between what people think they deserve, and what they actually think they can get. Therefore, since, according to Gurr (1970, p.24) "the potential for collective violence varies strongly with the intensity and scope of relative deprivation among members of a collectivity," it means that the greater the intensity and scope of deprivation, the greater the violence by the members of the collectivity. Deprivation however, does not necessarily lead to collective violence, just as frustration does not necessarily lead to individual violence, rather, "sufficiently prolonged and sharply felt" deprivation would lead to anger and eventual violence, although a number of other variables, as culture, the society, and the political environment are also worth interrogating.

In application, one could argue that the endemic, changing and increasingly devastating nature of conflicts between farmers and herders have also resulted from sufficiently prolonged and increasingly sharply felt deprivation, especially on the part of the herders, which has pushed them beyond anger to taking up arms against, not just farmers, but the state as a whole. While arguments of discrepancies in what herders think they deserve and what they actually think they would get from the various debates and discussions around policy making and remaking on grazing and ranching, may be sufficient to provide some understanding to the conflicts between these groups, the Fulani culture of communality and vengeance, the highly tensed Nigerian society and current political circumstances, both of the President being a cattle-breeder, and Fulani by ethnicity, may also provide some useful insight to understanding the increasingly complicated nature of these conflicts.

## **Methodology**

This study adopted the descriptive survey method in data gathering and analysis. Primary data were generated from three states; Kaduna, Plateau and Nasarawa, selected purposively from the North-west and North-central zones. Interviews and Focus-Group Discussions were methods used in collecting data from law enforcement officers, rural community leaders, experts in the subject area, and separate groups of farmers and herders respectively. Four focus group discussions were held with two groups of farmers and herders each, with 12 participants in each group also purposively selected from Chikun and Kafanchan, as well as Birom and Barkin-Ladi communities in Kaduna and Plateau states, respectively, where there have been recurrent clashes in these states. Data were collected using tape recorders, and later transcribed as well as content analyzed in order to draw conclusions for the study.

## Causes of Farmer-Herder Conflict

The National Working Group on Armed Violence (NWGAV) and Action on Armed Violence (AOAV), in a 2013 report identified some of what they described as the major “drivers” of armed conflicts in Nigeria; Poverty, underdevelopment and uneven growth, weak governance, lack of transparency, and limited trust in institutions, and prevalence of politicized groups.

Although the drivers identified above constitute a broader explanation for the many violent conflicts that have assumed endemic nature in the Nigerian state, there are other specific factors that directly link to the frequent confrontations between farmer and herder groups in these rural northern communities. Adekanye (2007) identified three sets of variables in his theoretical framework for comparative explanation of conflicts, which will be helpful in understanding the complex factors that fuel farmer-herder conflicts in Nigeria, namely: the “structural-cum-predispositional variables;” the “accelerators” or “precipitants;” and the “triggers” or “catalysts.” The structural or motivational factors responsible for farmer-herder conflicts in Nigeria, may be similar to factors responsible for other types of conflicts across the African continent and particularly in Nigeria, such as differences in ethnicity and religion; cultural lifestyles that permit the possession of small arms by the generality of the public for mostly ceremonial purposes; economic livelihoods that depend on competition over scarce water and land resources for cultivation and cattle grazing, among others. The “precipitants” or “accelerators” of farmer-herder conflicts in Nigeria include; rising poverty, declining access to land and water in the arid region, demographic pressures caused by migration and massive refugee movements and leading to a situation where there are more people than available resources, intensity in the availability and proliferation of sophisticated small arms and light weapons within the Nigerian state, exclusion, rising insecurity, to mention a few. One characteristic of conflict accelerators is the persistence in occurrence and re-occurrence of these factors in the region under investigation, making the region highly prone to spontaneous and sporadic conflict outbreaks.

The conflict “triggers” or “catalysts,” which often arise out of vague and unanticipated circumstances, and immediately spark off farmer-herder conflicts are trespassing of cattle over cultivated land and vegetation, mysterious death of one or more cattle, outright cattle theft or rustling, contamination of stream by cattle, sexual harassment of women by nomads, over-grazing of fallow land, harassment of nomads by youths of host communities, indiscriminate defecation by cattle on roads, among many others.

Manu, Bime, Fon, and Nji(2014) identified the major causes of such conflicts as: competition over land and conflict of culture. Baye (2002), corroborating this view, also observed that encroachment into grazing land, cattle trespass, as well as leadership struggle between the communities are other sources of conflicts. Bello (2013), also enumerated the causes of farmer-herder conflicts as destruction of crops by cattle and other property (reservoirs, irrigational facilities and infrastructure) by the herdsmen; burning of rangelands, Fadama and blockage of stock routes and water points by crop encroachment; and increasing rate of cattle theft. Ofuoku and Isife (2009) also identified destruction of crops, contamination of stream by cattle, over- grazing of fallow land, disregard for traditional authority, sexual harassment of women by nomads, harassment of nomads by host youths, indiscriminate defecation by cattle on roads, theft of cattle, stray cattle, and indiscriminate bush burning as the causes of conflicts between farmers and herders.

Data from the interviews and FGDs, also mirrored the perception from related literature. Respondents identified the trespassing by herders and their cattle on farmers’ farmlands; cattle rustling; selfishness of farmers who cultivate their farms on grazing fields; political instigation; sheer negligence; illiteracy; government encroachment into farms; stubbornness of Fulani; bigotry, hatred, and anger. Others include obstruction of cattle routes and access to water sources; greed; trouble mongering; among others,as responsible for the onset and rising level of pastoral/agricultural conflicts. A recurrent factor identified by most interviewees was vengeance. A top official of the Miyetti Allah Cattle Breeders Association in Southern



Kaduna, in an interview on May 28, 2015, reported:

Somebody whose father and senior brother was killed when he was 15, by the time he is 25years, they would tell him that this is the man who killed your father, he is going to revenge. A Fulani man, if you kill somebody even after 50 years, he can still revenge.

In the same vein, an official at the Divisional Police Headquarter in Barkin Ladi LGA of Plateau State, in an interview on the June 2, 2015, also reported:

Some of the conflicts are intentional by the pastoralist... they are intentional in the sense that sometimes you would see a child under the age of 10 controlling up to 100 cows, it would be difficult for a child of that age to control such a large number of cows. Sometimes too, these pastoralists would intentionally just bring the cows to go and destroy their crops so that there would be problem.

Continuing with this line of explanation, findings from the focused group discussions also revealed mischief and trouble-making as some of the causes of conflicts between farmers and herders, painted a scenario of the herders intentionally grazing their cattle on farm land so as to provoke farmers to retaliate, hence leading to often violent conflicts.

It is evident from the study that most of the cases of herders/farmers conflicts are the accumulation of hatred, vengeance, animosity, and deprivation harbored by the Fulani herders towards the farmers who are mostly indigenous. Although at various levels, ethnicity, religion, cultural lifestyle, economic livelihood, land scarcity, water scarcity and politics, in that order of significance, are factors that explain the endemic and increasingly devastating nature of herders/farmers conflicts, especially within the population under investigation.

## Other Complications of the Conflict

The continued and increasing proliferation and usage of small arms and light weapons by civilians have further complicated the conflicts between farmers and herders. Law enforcement officers and the military have continued to make arrests of herders in possession of military weapons, and some of them have even confessed to being members of the Boko Haram terrorist group. A commander of one of the military operations in northern Nigeria for instance, in a report by the Vanguard (2018), asserted that about 40 herdsman, some of who were armed with AK-47 assault rifles and approximately 3,000 cattle at KwatanGyemu community in Benue state were ambushed by troops. The commander asserted further that “troops engaged the armed herdsman, who fled using cows as shields. Some of the cows were killed while some of the herdsman escaped into the surrounding bushes with gunshot wounds. Punch (2016), in an earlier but related report, stated that the Nigeria Police had declared a “war” on herders bearing arms, noting that this action was imperative “following allegations that Fulani herdsman use dangerous weapons such as AK47 and other guns whenever they are embroiled in violent clashes with farmers over grazing areas for their cattle.”

In the interviews conducted for this study, law enforcement officers confirmed the use of sophisticated weapons in the conflicts. One of the key officers in the Plateau state Police command, in an interview on June 2, 2015, asserted:

Some of the weapons which we have recovered from some of the criminals in the cause of our duty range from prohibited fire arms, even AK-47 is prohibited, and we recovered some of these things from them. They are using it! ... All sorts of weapons are being used by these people who persistently refuse to listen to our calls to lay down arms, so that peace can reign supreme.

Another police officer also in the Divisional Police Headquarter in Barkin Ladi LGA of Plateau State, in an interview on June 2, 2015, also responding

to a question on the kinds of weapons used in these attacks exclaimed:

Sophisticated! Should I mention? They use AK-47, in fact, they use military weapons. Both sides; the indigenes (farmers) and the pastoralist, they all have these weapons.

Although law enforcement officers observed that both groups used sophisticated weapons in these conflicts, the farmer groups had a slightly contrary opinion, as the focus group discussion with a group of farmers revealed that the herders had more access to sophisticated weapons than the farmers, as the Cattle made the herders appear more economically buoyant than the farmers. The farmers claimed that the herders had the option of selling their Cattle and raising sufficient funds to purchase such sophisticated weapons, but the farmers didn't have such collateral. Also, the farmers argued that the mode of attack by the herders depended on the community in question; when the herders got to weak communities, rather than using weapons which would arouse the attention of the inhabitants, they would resort to breaking in, vandalizing properties, macheting people and setting buildings aflame, especially when the herders are not able to gain entrance into the building.

From the study it is evident that farmers are more vulnerable in the incidence of clashes with herders, and are arguably, if at all, forced to take up arms in defense of themselves in the event of such conflicts. In fact, beyond the use of sophisticated weapons, some of the herders who were arrested had charms on them. Information Nigeria (2018) reported that, not only were the arrested suspects in possession of charms amongst other ammunitions, but one of the officers in the military troop that made the arrest observed that one of the arrested herdsmen; Usman, was shot severally, but only sustained injuries.

Also, the nomadic nature of the herders, the porous Nigerian borders and arguably inadequate and inefficient border security are other factors that further complicate the conflict and heighten the possibility of terror infiltrating the conflicts, and such factors may also explain the vulnerability of the farmer groups in the face of the conflicts with herders. Illegal arms

traffickers, migrants and refugees, are arguably consequences of porous Nigerian borders, and they join with the uncontrollable cross-border, extra-territorial nature of the pastoralists themselves to significantly militate against government policies to manage these conflicts, while increasing the likelihood of influx of members of terrorist cells into the country to participate in the conflicts. Punch (2016) reported Senator Heineken Lokpobiri; Nigeria's Minister of State for Agriculture asserting, in a speech to the Nigerian Senate Committee on Agriculture and Rural Development:

The herdsmen, attacking Nigerians across the country, are not Fulani but another gang of Boko Haram insurgents from other countries... Those arrested cannot speak Fulani or any other Nigerian language. Fulani herdsmen are going about their legitimate business, looking for something to take care of their family.

While this may not be sufficient to completely exonerate the herders from the many killings and destructions across the country, it seems to legitimize the declaration of Nigerian Fulani Militants as the new biggest internal security threat to peace in Nigeria after Boko Haram terrorist group (Global Terrorism Index, 2018).

Garba Shehu, President Buhari's Senior Special Assistant on Media and Publicity, reported on the President's assets to *The Vanguard* (2015) that, "in addition to the homes in Daura, he has farms, an orchard and a ranch. The total number of his holdings in the farm includes 270 heads of cattle, 25 sheep, five horses, a variety of birds and a number of economic trees." This declaration arguably identifies the Nigerian President as a herdsman and interested party in the many narratives in Nigeria over the conflicts between farmers and herders and possible strategies for resolution. This has resulted in arguments like those of Ajibo et.al (2018, p. 4) who assert that "ethnic jingoists and politicians have been benefitting in these strives and without doubt have succeeded in creating a divide between the farmers and pastoralist, especially in communities that are less educated."

## Consequences of Conflict

Over the last few months alone, farmer-herder conflicts have cost the Nigerian state a lot in terms of man and materials, as well as worsened the already fragile security situation in the country, particularly in Northern Nigeria, with even more potency than the Boko Haram insurgency. The consequences of these conflicts will be discussed in this section in three categories, namely: human casualties or lives lost, internal displacements, and material cost in physical and economic terms.

The International Crisis Group (2018) observed that farmer-herder conflicts has become Nigeria's gravest security challenge, claiming far more lives than the Boko Haram insurgency. Ajibo et.al (2018) corroborated this view by observing that the violent conflicts involving farmers and herders have not only spread southwards to the central and southern zones and have escalated in recent years and threatened the country's security, stability and peace, these clashes are becoming as potentially dangerous as the Boko Haram insurgency in the North East, as they resulted in an estimated death toll of approximately 2,500 people in 2016 alone. Putting this side by side Gbaradi's (2018) assertion of about 3,780 from 2012 to 2018 deaths of Nigerians by herdsmen aside injuries and abductions, we may conclude that 2016 alone recorded more than half of human casualties from farmer-herder conflicts in Nigeria in the last half a decade. Amnesty International (2018) in a press release reported that clashes between herdsmen and farmers in Adamawa, Benue, Taraba, Ondo and Kaduna resulted in 168 deaths in January 2018 alone and 549 deaths in 2017; many were killed by airstrikes by the Nigerian military in the warring communities, and thousands displaced across Enugu, Zamfara, Kaduna, Plateau, Nasarawa, Niger, Cross River, Adamawa, Katsina, Delta and Ekiti State. The Crisis Group (2018) also observed that from January to June 2018, over 260 people were killed in several incidents in Nasarawa state alone, mostly in the southern zone covering Doma, Awe, Obi and Keana local government areas. These statistics show that the toll of human casualties from farmer-herder conflicts, including officers of the Nigerian military, continues to spiral upward than downward.

In addition to human casualties, internal displacement has also been on the rise arguably exponentially. The Crisis Group (2018) reported that between September 2017 and June 2018, farmer-herder conflicts in Nigeria claimed 1,500 lives, and displaced about 400,000 – an estimated 176,000 in Benue, about 100,000 in Nasarawa, over 100,000 in Plateau, about 19,000 in Taraba and an unverifiable number in Adamawa. The Internal Displacement Monitoring Centre (2018) also reported that by the end of 2017, a total of 1,707,000 were still displaced. Although this figure was considered underestimated, the situation significantly deteriorated between January and June 2018, with another about 417,000 new displacements, especially in the north of Nigeria.

Internal displacements and rising insecurity in the Nigeria, in a report by the International Crisis Group (2018), have disrupted agriculture in parts of Adamawa, Benue, Nasarawa, Plateau and Taraba states. Many of the herders displaced from communities in Benue state cannot find enough fodder for their herds in neighboring Nasarawa state; hence the cattle graze pastures indiscriminately. In the same vein, farmers are unable to work on their farms for fear of attacks from herders. Consequently, the economy is negatively affected as production and distribution of food is increasingly challenged. In fact, Benue, Nasarawa and Taraba states are reported to experience an estimated drop in food production by 33 per cent in 2018 as a result of insecurities in farming communities. These are just an estimate from three of the almost two dozen states in northern Nigeria, a region that arguably makes up much of Nigeria's breadbasket. Increase in such predicament, could affect food production nationwide, further increase food prices, affect agricultural businesses, as well as worsen already widespread rural poverty in many parts of the country. Beyond food production, physical infrastructures, both private and government-owned, have also felt the impact of these rising violent conflicts across the nation. The Punch (2017) and Premium Times (2017) simultaneously reported the assertion of the Benue state Governor; Samuel Ortom that, "a total of 99,427 households were affected, with billions of naira in property losses. In 2014 alone, farmer-herder violence destroyed property worth over 95 billion naira (about \$264 million)."

## **Conflict Management Efforts**

In the recent past, there have been several researches done and published on the changing nature of farmer-herder conflicts (International Crisis Group, 2018, 2017; Yusuf and Buhari, 2018; UsmanLeme, 2017;Oguamanam, 2016;Ofuoku and Isife, 2009). Media reports are released, arguably on daily basis, assessing the conflicts, casualties, and recommending actions for both policy and action. However, critiques argue, and maybe rightly so, that the federal government has not done enough in managing the endemic violent clashes between farmers and herders in many Nigerian communities.

Much of the federal government's response to these conflicts so far have remained reactionary, namely; deployment of additional police and army units to conflict zones, and launching military operations – Exercise Cat Race and Operation Whirl Stroke – to curb violence in six states. While the first military operation lasted from February 15 to March 31, 2018, the second operation is still ongoing, especially in parts of the northwest and north-central zones, resulting in both military and civilian casualties from the clashes of the military with alleged “killer herders.” Conflict resolution mechanisms of dialogues and intervention of traditional leaders in various communities, also seem not to yield the desired result as farmer and herder groups continue to war against each other.

Some of the very timely recommendations, with regards to farmer-herder conflicts in Nigeria, which will be reviewed in this section, are arguably those made by the International Crisis Group (2018), namely:

### **1. Improve Security and End Impunity**

Three measures suggested as crucial for “quickly improving” security arrangements across the conflict zones, include: boosting the numbers of security personnel, particularly in the most vulnerable areas of Benue, Nasarawa and Taraba states. Not only is it imperative to drastically reduce and redeploy to troubled states, the number of soldiers currently involved in policing activities in the less vulnerable parts of the South East and South West particularly, as well as military and law enforcement details

assigned to politicians and privileged few across the country, additional logistics support; in terms of patrol vehicles and especially motorcycles to maneuver difficult rural terrain, gathering and use of intelligence involving closer engagement and communication with locals, are all necessities to which the defense and police sectors should look towards.

Two, perpetrators of violence, among both farmer and herder groups, must be held accountable, transparently and objectively. While an independent high-level commission may be another money venture for a few individuals, the ministry of agriculture, in collaboration with state commissions of agriculture, should rather set up committees to investigate major cases of farmer-herder violence since inception of the Buhari-led administration in 2015, and recommend ways to hold both perpetrators, accomplices and sponsors accountable, this would also mean expedited trials for such cases.

Three, although disarmament of militias and vigilantes was recommended by the Crisis Group, local security structures are very vital in such fragile situations, where residents have arguably been left to the mercy of attackers in the past. Therefore, rather than disarm, comprehensive documentation of arms and training for local vigilante units should be explored. The disarmament programme of the Nigeria Police Force, spanning February 22 to March 15, 2018, is laudable to help reed the country of surplus illegal arms in circulation. The security of Nigeria's land borders should be revamped, and efforts continued against illegal arms production, trafficking and sales.

## **2. Soften Anti-grazing Laws**

Since the rejection of the National Grazing Reserve Bill by Nigeria's National Assembly in 2016, on the basis that grazing is not a function on the exclusive but the concurrent legislative list, and amidst several criticisms of the bill from Nigerians, state governments appeared to have taken the responsibility for managing the conflicts within their respective states, using anti-open grazing laws. The "Prohibition of Cattle and other Ruminants Grazing in Ekiti State Law, No. 4 of 2016," passed by the Ekiti State House of Assembly and signed into law by the State Governor, Ayo



Fayose on October 30, 2016, marked the beginning of anti-open grazing laws in Nigeria. Since the establishment of the law in Ekiti state, however, anti-grazing laws have been enacted in Benue, Edo, and Taraba states, with different levels of enforcement in these states. Benue state however, which employs the use of livestock rangers to drive out herdsmen from much of the state, in the interest of security for the people, has seen heightened attacks from herders, arguably as a response to the seeming insensitive law, which tends to shut the herders out of opportunities to sustain their means of economic livelihood.

Anti-open grazing laws in Nigeria have resulted in several reactions, particularly from the federal government and federal agencies, as well as stakeholders too; many, while praising the initiative, argue that application of such laws in an insensitive manner would only aggravate already existing tensions between groups in these states. Taraba state has paused to amend the provisions of the law to accommodate the interests of herders and encourage transition to ranching in phases, which is the direction which others must go to arrive at a workable legislation. Some core areas of this review, identified by the Crisis Group (2018) include; land acquisition, procedures for obtaining credit, ranch management training and private-public partnerships in establishing ranches, and sensitization campaigns, among others.

### **3. Encourage Herder-Farmer Dialogue and Support Local Peace Accords**

The relevance of continued dialogue, particularly at the community level, between herders and farmers, cannot be overemphasized. Structures have been established in various states to facilitate dialogue between these groups, namely: the Committee on Reconciliation and Development of Gazetted Grazing Reserves in Adamawa state, the Peace Agency in Plateau state and the multi-level conflict resolution committees in Nasarawa state. Not only should these structures be strengthened, but more states should be encouraged to establish similar structures. Again, the fourteen-person joint committee established by leaders of the All Farmers Association of

Nigeria (AFAN) and Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN) to recommend strategies for ending the violence and building peace among them, as well as peace accord signed by leaders of five ethnic groups in Lau local government area of Taraba state with the Fulani, to withdraw militias, jointly comb troubled areas, arrest any person(s) found with arms, and set up a peace and reconciliation committee, are all efforts that must be supported by federal, state and local governments, security agencies, and relevant non-governmental organisations.

#### **4. Implement the National Livestock Transformation Plan**

The National Livestock Transformation Plan (2018-2027) is the report and recommendation from the National Conference on the Nigerian Livestock Industry, held in Abuja in September 2017, and attended by the Federal Ministry of Agriculture and Rural Development (FMARD) and the National Economic Council, chaired by Nigeria's Vice President; Professor Yemi Osinbanjo, as well as Governors and other stakeholders. The six-point plan focused on economic investment; conflict resolution; law and order; humanitarian relief; information education and strategic communication; and cross-cutting issues. In addition to detailing some of the challenges facing the livestock industry in Nigeria, the plan must go ahead to ensure that these challenges are addressed as much as possible. Also, it is imperative to ensure that cattle owners and herders accept the plan, as this will largely determine the success of the transformation plan, especially as many cattle owners are still apprehensive about the phased movement from open grazing to ranching, considering the necessary investments involved in this transition. The Crisis Group (2018) stressed the need for "realistic options" such as easy access to soft credit for establishing ranches, as well as training for alternative employment in the livestock production and management value chain, as this will cater for the large number of herders who will be rendered redundant by the transition. Also, it is important that the transformation plan begins with consenting states, as ranches established without local consent could be a catalyst for conflict in the future.

## **5. Strengthen International Engagement**

It is imperative for the various diplomatic missions in Nigeria, local and international human rights groups, humanitarian organisations and development agencies to persuade the Nigerian government to act more decisively and transparently with regards to the many killings in this region. The government must also be encouraged to sustain demands for better protection of communities, increasingly devote more resources to IDPs in camps and communities in Benue and Nasarawa states, while remaining open to advice and technical support from relevant agencies and organisations. The Crisis Group (2018) also further recommended that the Nigerian government should take more measures to combat desertification and environmental degradation in the arid and semi-arid north, and better regulate transhuman migration in line with international protocols to which Nigeria is a signatory.

## **6. Education**

Although not one of the recommendations by the Crisis Group, evidences of the arguable widening gap between the north and south of Nigeria, with regards to education, reveal that nomadic education is really not enough. Also, the extent of conflicts and devastations resulting from kidnap of school children and housing of Internally Displaced Persons in education facilities, has also not been of positive impact to formal education, particularly in the northeast and northwest regions. In addition to committing more vigorously to nomadic education, which is now several decades old, the government should, as a matter of priority, recommit to making formal education compulsory for Nigerians in the north, especially those of the Fulani tribe, so as not just to give Fulani youth the basic education necessary for alternative employment, but also to arm them with information and knowledge that would make them much more rational contributors to national development and reduce the spite of illiteracy among pastoral folks.

## **Conclusion**

The farmer-herder conflicts in Nigeria has assumed a more devastating and deadlier nature and continues to take increasing toll on both human and material resources, while also deepening insecurity. While it is imperative to get all hands on deck in managing these conflicts – government, civil societies, local and international development agencies, human right organisations and non-governmental organization – it is even more important to get the two groups – farmers and herders – and their leadership to sit longer at the dialogue table and indeed be willing to see to an end to the conflicts. Also, those who may be economically benefitting from the prolonged and continued violence should be fished out by a combination of efficient law enforcement and intelligence efforts, and made to face the law. This would require much more than lip service, but a firm resolve of all stakeholders, and swiftly too.

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**Article**

**7**

**The Challenges faced by Criminal  
Justice System and the Role  
Players in Combating Cybercrime in  
Nigeria**

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Chiji Ezeji, PhD<sup>1</sup>



## Abstract

*Cybercrime is a new wave of criminality confronting the law enforcement clusters of the world. The modus operandi of cyber criminals is different from those of conventional thieves and fraudsters. It is a new area of crime that many law enforcement agencies are ill-equipped and under-funded to deal with. The rapidity of innovations in the computer era also makes it extremely difficult for investigators to catch up with criminals who exploit the net for their nefarious ends. The Criminal Justice of Nigeria and its counterpart in other nations are faced with challenges of cybercrime which includes jurisdictional problem; the borderless space of the internet, when a crime is committed on the internet the question arises as to which national legislation should be used to investigate and prosecute the perpetrators? Therefore, it is crucial that the criminal justice of Nigeria adopts proactive measures in detecting and preventing cybercrime, thereby enhancing reduction of the victimization of law abiding citizens. The paper adopted qualitative method. Interview technique was used in obtaining data from twelve carefully select-officials of the Nigeria Police Force forensic unit, detective unit, crime prevention and investigative unit. The officials were selected because of their expertise in the research topic. Amongst the following are the findings: the paper identified the simplicity of the network, the anonymousness of the users of the World Wide Web makes it difficult to trace the criminals, and cyber criminals impersonate others by using the password of such persons to enter network for criminal purposes. The challenges associated with electronic banking and commerce is that criminals use encryption to conceal evidences, thus, requiring the law enforcement agents to decrypt such evidences before using them for investigations and prosecutions. The following recommendations were suggested in this paper : the law enforcement agencies should establish a regime of constant training and retraining for their operatives, including computer crime detectives, preventers, and investigators. There is an urgent need for more globally coordinated action against cybercrime just as there is need to establish a working group of experts to address cybercrime problems in Nigeria, as well as need to organize various national/international*

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*conferences and seminars on cybercrimes so that best practices can be shared.*

**Keywords:** Combating, Cybercrime, Criminal Justice System, Phishing, Nigeria, Role Players, Detection, Prevention, Investigation, Prosecuting and Techniques

## **Introduction**

The Nigerian community is increasingly relying on the internet and related information technology tools for personal usages, communication, conducting business activities and other benefits. While these developments allow for enormous gain in productivity, efficiency and communication, these tools could be used by criminals to orchestrate various nefarious activities, engage in the destruction of organizations and individual rights and privacy, property and national assets (Wolfpackrisk, 2018). The rapid growth of the internet and its wide acceptance globally has led to victimization of users and poses serious security threats, both in Nigeria and globally as there have been incidences of different internet enabled crimes known as cybercrimes, frequently committed daily in form of fraudulent electronic mails, pornography, identity theft, hacking, cyber harassment, spamming, Automated Teller Machine spoofing, piracy and phishing. Cybercrime poses threats to various institutions and people who make use of the internet either through their internet enabled computers or mobile devices (Symantec Cloud Intelligence, 2019). The escalation of incidences of cybercrime in the society is condemnable and must be addressed properly. Cybercrime has adverse effects on peoples' lives, including socio-economic condition of the nation and its international reputation. This paper focuses on identifying challenges facing criminal justice system and the role of players in combating cybercrime in Nigeria. Detection, prevention, investigation, and prosecuting techniques are highlighted to enhance effective tackling of cybercrimes in Nigeria.

## Research Problem

Lack of skilled experts hinder effective management of applications related to cyber security while inadequate protection from attacks due to internal and external influences (personnel) may create vulnerability within public/private organizations and governmental departments. External attacks are on the rise and have been causing extensive damages to companies and organizations in Nigeria. There are cyber-criminal organizations and syndicate groups in Nigeria and outside its borders that cause damages to individuals, corporate organizations and government offices in the form of extortion, blackmail, spreading of viruses, DOS, malware and ransom ware attacks directed at their targets. Phishing seems to be the most common cyber invasion targeting most sectors in Nigeria. Inadequate control and abuse of systems privileges are other cyber risks faced by Nigeria's financial sector and some government ministries.

Others include malicious software (malware) attacks which seem prevalent in Nigeria and are used in creating support systems to conduct specific cybercrimes such as Denial of Service. Malware is distributed by the social media. This has also become a popular means of attack. Malware is prevalent and has been detected where incidences of information theft or espionage takes place. Cyber criminals make use of techniques such as malicious software and viruses that attaches itself to normal files and consequently reproduces itself to cause damages to a computer system or network. Other techniques such as Worms, Trojan and Backdoor programmes are also used to gain access to a computer system or network at a later date or time. Viruses and malicious software can also be transported by cyber criminals; through a variety of mechanism like emails. E-commerce fraud is also predominant in South Africa. This involves criminals making use of internet and computer networks to defraud victims by posting items that do not exist, thereby deceiving people and defrauding them of their money (Kovacich & Boni, 2016). According to Deloitte Cyber Security (2019), there is an increase in identity theft which involves the use of email or web pages to convince victims to reveal their personal or financial information and the stolen information is used to further perpetrate other crimes. Web hacking

crimes used by criminals to deface government or corporate websites has risen. This act is conducted to embarrass and to prove the insecurity of an organisation or government. Hack-tivism, another major cyber-crime is an act by hackers which involves the use of computers and the internet to conduct resistance against a government or cooperation. Hacktivists conduct DOS attacks, intrusion, and web defacing to make a point in their political views. Ezeji, (2018) reports that cyber espionage involves the utilization of computers to aid the act of stealing sensitive information; these activities are mostly sponsored by a state or other corporation attempting to damage a rival company. Therefore, the problem this study focuses on is the exploration of the impact of cyber-attacks on individuals, organizations and government institutions and the challenges confronting criminal justice and law enforcement clusters in combating, detecting, preventing, investigating and prosecuting cybercrime in Nigeria.

### **Research Objective(s)**

This study examines the challenges confronting the criminal justice and law enforcement clusters in the combating, detection, prevention, investigation, prosecution of cyber criminals in Nigeria. The subsidiary objectives are to:

- identify the role players in cybercrime detection, prevention and investigations;
- ascertain the challenges confronting the criminal justice officials in the investigations and prosecutions of cybercrime;
- identify the incidences and seriousness of cybercrime in Nigeria; and
- advocate clarity on law/legislation with regards to cybercrime in Nigeria.

## Conceptual Framework/Literature Review

### Concept of Cyber Crime

Cybercrime is the criminal usage of computer network or systems for criminal purposes. It also refers to any crime that involves a computer and a network. The computer may have been used in committing a crime or it may be the target. It can also be described as crime committed on any internet enabled device. Net crime refers to criminal exploitation of the internet (Ezeji, 2018). Thomas and Loader (2015) use the term “cyber-crime to refer to computer related activities which can be carried out by global electronic networks which are either illegal or are viewed as such by some parties (examples of cyber-crimes are classified as Hackers). Cyber hackers also known as computer tinkerers are people who enjoy computer as a hobby or professionals who frequently have illegal or unauthorized access to computer systems and cause damages to the systems or information contained in the system. The Electronic Communication and Transaction Act 25 of 2002, seeks to introduce statutory criminal offences relating to information system and includes: Unauthorized access to data interception of or interference with data, computer-related extortion, fraud; and forgery. Hi-tech crime is the illegal usage of information and communication technology against persons, property, organizations or networked computer system (ECT Act, 25 of 2002).

According to the Nigeria Cybercrime Bill, 2013, Cybercrime could be defined as any illegal activity that uses a computer as its primary means. It also includes any illegal activity that uses a computer for the storage of evidence. Cyber-crimes include crimes that have been made possible by computers, such as network intrusion and the dissemination of computer viruses, as well as computer-based variations of existing crimes, such as identity theft, stalking, bullying and terrorism. This bill also provides measures towards safeguarding the nation’s presence in cyberspace while ensuring protection of critical national infrastructure. Furthermore, the bill provides for the prohibition, prevention, detection, response, investigation and prosecution of cyber- crimes and other related matters (Vanguard Newspaper, 2014).

## Cyber Crime Prevention Theories

According to the stipulation of United Nations, crime prevention must be properly planned and evaluated in order for it to succeed. The programme should be cost effective and the following should be taken into consideration: the socio-economic, political and cultural settings and circumstances of the community within which it is being implemented; the development phase in which the community finds itself, with special reference to changes taking place or that may take place and the particular traditions and custom of the community (United Nations, 2017).

In the Nigerian context, cyber related crime prevention programmes should be properly planned, especially now that recent innovations and technological advancements have added shifts in the method of orchestrating criminal activities such as the crimes committed in the cyber system. It is necessary that when crime prevention programmes are planned, consideration should be given to cyber-crime because of its dynamic nature (Ezeji, 2014). Louw (2017) postulates that in order to plan and implement successful cybercrime prevention programmes, the following steps should be adhered to: Phase one entails conducting of safety audit which should start by identifying specific crime prevention strategy through information gathering from different sources, identifying the institutions already involved in crime prevention, analyzing the physical and social characteristics of the environment, decide which crime problems have the highest priority and ensure that the contributing factors causing crimes are identified. In step two, the following crime prevention strategies should be developed: selecting and grouping of the prioritized into focus areas, identifying probable solutions for the prioritized crimes, identifying of partners who can help with the implementation, selection of the most appropriate programme and refining it, and getting support for the planned programme from local and provincial authorities, the police and relevant organizations. In phase three, the strategy should be managed and implemented; programmes should be developed with specific goals, time frames and budgets, ensure that there are sufficient funds to manage programmes. Phase four involves monitoring and evaluation; there is a

need to ensure that monitoring and evaluation are budgeted for, ensure that the objectives of the programme are clearly set out, identify techniques for evaluating the success of the programme and develop a framework for evaluation (Louw, 2017).

In support of the above assertion, Pease (2016) pointed out that effective cybercrime prevention strategy involves identifying an appropriate prevention programme, implementing the programme and evaluating the effectiveness of the programme. Furthermore, effective cybercrime prevention requires collaborative efforts between the criminal justice role players, who must also adopt proactive and intelligence based policing strategies to enhance the effective prevention of cyber- related crime.

### **Investigation of Cybercrimes/Applications of Investigative Principles**

Criminal investigation can be defined as a systematic search for the fact with the primary purpose of finding a positive solution to the crime with the help of objective and subjective clues. Van Heerden (2017) describes objective clues as the factual proof and subjective clues as the evidence offered by people that is, victims, complainants, eye witnesses and culprits who are directly or indirectly involved with the crime. During cybercrime investigation and detection a thorough search must be initiated which includes extensive search of each cyber system/computer terminals or servers and all computer related hardware and software. Obviously, the investigator must ensure that cyber system/computer contents are identified in his or her search warrant documentation. During the search for information, evidence may be found in hard drives, compact disks, tape drives, local area network servers, and magnetic tape, or backup media. If a computer has a fax/modem, evidence may be held in any data with which the computer has interfaced. Investigators should take caution in applying the above principles, so potential evidence are not compromised or lost during investigations (McEwan, 2017).

McEwan (2017) asserts that a comprehensive search is not restricted to locating and seizing physical objects. Evidence may be in the form of corroborative and peripheral evidence which would assist in creating or supporting the suspect's personality, frame of mind or state of paraphernalia. However, in ordinate security or secrecy paraphernalia, suspicious absence of things one would expect to find look for what is there and what is not there. When investigating a crime committed via network and telecommunication devices, the investigator should have in mind that criminals may launch an attack for various reasons such as trading and sharing information e.g. documents, photographs, movies, sound files, texts and graphic files, and software programmes. Furthermore, cybercrime perpetrators may conceal their identity, assume another's identity, identify and gather information about the victims, distribute information, coordinate meetings with the members in anticipation to launch attacks on victims. Sources of information needed in the investigation of a case may be located anywhere in the world and may not be readily available to the investigators. Such evidence include: the computers of both the victims and suspects data and records on the work stations/servers/routers of the third parties such as businesses, government entities and educational institutions and internet service providers.

Moreover, investigations vary in scope and complexity, evidence of cybercrime may be found in the electronic devices in numerous jurisdictions and may encompass multiple suspects and victims. Complex evidentiary issues are frequently encountered on the internet and networks investigations. Therefore, investigators must be very cautious when searching for cyber-crime evidence (McEwan, 2017).

### **Crime Scene in Cybercrime Investigation**

During cybercrime investigation, the investigator should not be in haste rather, should ensure that the investigative procedures are complied with. Investigators should be aware that the internet enabled device or a computer may hold untold amount of related information (Kopelev, 2017).



In any cybercrime scene, if the investigator or detectives are not computer compliant, an Information Technology (IT) specialist who is willing to help, might be contacted for his or her expertise to help extract evidence. Casey (2016) argues that obtaining evidence in respect of cyber related crimes, interviewing and interrogation techniques are basically the same as for other crimes. The major difference is in the types of evidence involved. Casey (2016) warns that “the biggest difference between traditional evidence is its tangible evidence. Cybercrime evidence itself is fragile, electronic evidence can be altered, damaged or destroyed simply by turning the computer on or off at the wrong time.” The researcher opines that investigators should be cautious when handling fragile evidence to prevent evidence loss and contamination.

### **Research Methodology/Justification of Participants and methods of data interpretation**

This paper adopted qualitative method using interview techniques as method of data collection. About twelve carefully-select officials of the Nigerian Police were interviewed. They include three high ranking officials from forensic unit; three officials from the detective unit; three officials from crime prevention unit; and three officials from crime investigating unit. The above participants were selected because of their vast knowledge in the research topic. After data collection, the responses of the participants were recorded on the tape recorder and translated verbatim.

### **Findings and Discussions**

#### **Role Players in Addressing Cybercrime**

According to Van Heerden (2017), the cybercrime investigator is required to safe keep and identifies the physical evidence (e.g. computer, cyber system) which was used in committing the crime. If the investigator fails to safe keep the computer used in committing the crime, the evidence

would be tampered with and may not be admissible in court. Continuity of possession begins as soon as physical evidence has been found at the scene of the crime and persists until the article is produced as evidence or proof in the court, and the handling, and handing over of samples and their return after scientific analysis.

All the respondents agreed that the Nigerian Police Act provides that the investigator(s) gathers evidence during investigation, collects necessary and available information regarding the crime. An investigator's duties include: communicating with witnesses and prosecutors processing the crime scene and assisting in preparing cases for court proceedings, identifying and tracing witnesses, identifying and tracing suspects, individualization of crime, taking statements to prove the case, preparing dockets for court, arresting and charging suspects and assisting in the prosecution

Three respondents (R 4,7, 9) from the forensic unit of Nigeria Police stated that the objectives of an investigation are: identification of the crime and perpetrators, collecting and preserving evidence in a systematic and legal manner, individualization of crime, arresting criminals, recovering stolen properties, involvement in the prosecution process by preparing witnesses for trial and assisting the prosecutor, solving crime by establishing who, what, when, why, where and how the crime was committed, and also ensuring that all statements are obtained and all exhibits are properly secured.

*The New Shorter Oxford English Dictionary defines cyber/computer forensic:*

as the application of forensic science techniques to computer based materials. In other words, forensic computing is the method of identifying, preserving, analyzing and presenting digital evidence in a way that is up to standard for legal proceedings. The use of the science is, in the opinion of many, one of the best ways in which cyber-crime and computer enabled abuse can be combated (Oxford Dictionary, p. 342).

Van Rooyen (2018), points out the procedures that should be followed by computer forensics in the recovery, collection, examination and analysis phases. The three “absolutes” for forensic investigators handling computer evidence include certainty, no changes should be made to the information, take precautions while gathering evidence, the original evidence (is actually seized) should never be examined before a bit-level image has been made. Computer forensic experts should be able to testify technically to the integrity of the evidence. In support of the above view point, a respondent ( R3), asserts :

the attribute of digital computer evidence; (digital evidence) can play a direct role in identifying and apprehending offenders, thus helping investigators establish linkages between people and their online activities. These attributes when combined with traditional investigative techniques can be helpful in providing necessary clues to tracking down offenders.

A respondent argues that attributing cyber activities to a particular individual can be challenging. For example, logs showing that a particular internet account was used to commit a crime do not prove that the owner of that account was responsible for the commission of the crime as someone else may hack into his account and use it for criminal activities. The responder suggested that when dealing with specific suspicious activities emanating from the computer or cyber systems, it is necessary that forensic experts use forensic investigative steps/ tools to place the person at the keyboard and confirm that the activities on the computer were those of the suspect. Respondent (R12), states :

The National Prosecuting Authority Act provides that during the process of prosecution and adjudication cybercrime, the decision to prosecute depends on whether there is sufficient and admissible evidence in providing the reasonable prospect of a successful prosecution and establishing a prima facie case. If evidence to prosecute

is insufficient, the prosecutor would request for further investigation from the police. If there is adequate or sufficient evidence the prosecutor may decide to institute criminal proceeding, decide on the charge, decide whether or not to oppose bail, decide to withdraw the charges/stop the prosecution if evidence is not reliable.

Digital evidence can help answer questions in an investigation ranging from the whereabouts of a victim at a given time to the state of mind of the offender. It is necessary that evidence on computers and networks be included (whenever feasible) in crime reconstructions. Investigators must be careful when interpreting the abstracted behavioral evidence that is stored in computers (Van Heerden, 2017). Respondent (R9), states :

“when dealing with cyber-related issues, it is necessary to seek corroborating evidence from multiple independent sources. The risk of missing or misinterpreting important details highlights the importance of utilizing the scientific method to reach objectives.”

### **Challenges to Criminal Justice System /Law Enforcement**

The government's non provision of basic amenities such as jobs; health, transportations, safety and security for her citizens have indirectly led to a high rate in cybercrime. There is still need for the nation to come up with adequate laws to tackle this issue. These laws should be formulated by the government and should be strictly adhered to (Deloitte Cyber Security, 2019). Furthermore, respondent (R11), states:

“cybercrime can only be reduced, cannot be easily and completely wiped out, However, collaborative efforts of individuals alongside with government intervention could go a long way to minimize it to a reasonable level”

Majority of the interviewees agreed that some of the problems confronting the law enforcement and criminal justice in addressing cybercrime is jurisdictional challenges; they pointed out that internet is a borderless space and cybercrime can be committed from any cyber system place in the world. Another difficulty they pointed out is the simplicity of the network because the internet is easily accessible. Respondent (R2) from the crime investigation unit asserted that:

“The problem confronting criminal justice officials in addressing cybercrime is the anonymousness of the users of the World Wide Web, criminals on the internet are difficult to trace in view of the fact that the users of internet are anonymous.”

Most of the respondents were of the opinion that the challenges come from money laundering and tax evasion. Electronic banking and commerce afford ample opportunities for criminals to launder funds derived from fraudulent activities and evade payment of taxes on taxable goods bought or sold, because records are not kept for tax regulators to verify. Respondent (R4) asserts:

“The criminal justice is faced with the challenges of encryption; encrypted information prevents third parties from getting access to information that is not meant for them, criminals use the same means to conceal evidence, the law enforcement agents have to decrypt such evidences before making use of such evidences for investigations and prosecutions.”

The researcher argues that cybercrime is a new wave of illegality confronting the law enforcement agencies of the world and the modus operandi of cyber criminals are different from that of conventional thieves and fraudster. It is also a new area of crime that many law enforcement agencies are ill-equipped to deal with. The rapidity of innovations in the computer industry makes it more difficult for investigators to catch up with criminals who exploit the net for their nefarious ends.

## **Incidences and Seriousness of Cybercrime in Nigeria**

Majority of the interviewees stated that cybercrime incidences have risen in Nigeria due to the fact that most people engage in online activities for different purposes. They also stated that a large number of them are internet addicts who cannot control themselves because of their social relations and interactions between them and their groups. They also pointed out that there is an increase in reports of intimidation, harassment, intrusion, fear, and violence experienced through information technologies, hacking, spamming, identity theft, child pornography, cyber bullying, and cyber stalking.

Respondent (R5) pointed out that cyber criminals have targeted select individuals, organizations and the government. Cybercriminals execute fraudulent activities with the ultimate goal of accessing a user's bank account to either steal or/and transfer funds to another bank account without rightful authorization. The intention of cyber criminals is to cause damage to the reputation of the bank by denying service to users, sabotaging data in computer networks of organizations.

Most of the respondents agreed that there have been increase in scams relating to bank verification number (BVN). Biometric identification system was introduced to link various accounts to the owner thereby ensuring that fraudulent activities are minimized. It was detected that fake and unauthorized text messages and phone calls have been sent to various users demanding personal information such as their account details, phishing sites were also created to acquire such information for fraudulent activities on the bank account. Respondent (R8) who is a senior investigator in the forensic unit of NPF pointed out that:

“Implementation of BVN in Nigeria has afforded the fraudsters, opportunities to extort money and to carry out other fraudulent activities.”

All the respondents agreed that phishing scams have become one of the fastest growing cybercrimes in Nigeria. Fraudsters have devised means

to mimic authorized organizations and retrieve confidential information from clients. In Phishing email messages, the fraudsters find a way to convince and gain the trust of users. They believe that another wave of cybercrime threatening Nigeria's economy is that fraudsters make use of hidden cameras to record ATM card pins and numbers in distinct places such as an eatery payment using POS, or at the ATM.

Respondent (R9), a high ranking Nigerian Police officer, report:

“A method known as ATM skimming can be used and it involves placing an electronic device on an ATM that scoops information from a bank card magnetic strip whenever a customer uses the machine.”

Most of the interviewees pointed out that internet order frauds involve fraudster, inputting stolen cards numbers on the online commercial sites to order goods. They pointed out that credit card numbers or ATM numbers can be stolen by hackers when users type the credit card number into the Internet page of the seller for online transaction. Hacking is predominant in Nigeria, hackers target the vulnerabilities in the security of various bank systems and transfer money from innumerable accounts to theirs.

All interviewees agreed that E-commerce is greatly threatened by the rapid increase of e-crimes. They were of the view that there is an increase in software piracy (Intellectual Property Theft), Cybercriminals make money from illegal sales of pirated copies of software and even go as far as providing cracks for pirated software. The internet has created a platform for almost anonymous, free and illegal distribution of pirated materials in Nigeria. Some of the respondents agreed that there is increase in Data and Airtime Time (DAT) theft from service providers and it is a very rampant scam among the youths of today. They were of the view that the educational sector in Nigeria suffers greatly from electronic crimes which are perpetuated mostly by students in tertiary institutions. They

pointed out that cyber plagiarism is prevalent which is an act of alteration of peoples idea without citing the author, copying and pasting online sources into word processing documents without reference to the original writer /owner. Respondent (R4) from the detective unit of NPF, pointed out;

“Cyber-pornography is predominant in Nigeria. It is the act of using cyberspace to create, display, distribute, import, or publish pornography or obscene materials, especially materials depicting children engaged in sexual acts with adults.”

All the interviewees converged that most of the social networking sites such as Facebook, Twitter, LinkedIn, WhatsApp and Instagram serve as fertile grounds for cybercriminals who use the platform to launch new attacks. They reported that fraudulent people host fake social network pages for charity soliciting for money and are involved in cyber-stalking, harassment and blackmailing as well as scam. Threatening and blackmailing are also carried out on the internet by fraudsters against targeted victims. According to one respondent from the crime prevention unit of NPF:

“Social hijacking is a major crime all over the world, many social networking pages have been hi-jacked by hackers who demand money in turn for releasing the personal social page. These fraudsters go as far as sending messages from the authorized page to friends and family requesting for money or any other kind of assistance.”

### **Law/legislation use in addressing cybercrime in Nigeria**

Nigeria Cybercrime Bill, 2013, provides measures towards safeguarding the nation’s presence in cyberspace while ensuring protection of critical national infrastructure. Furthermore, the bill provides for the prohibition, prevention, detection, response, investigation and prosecution of cyber-crimes and other related matters (Vanguard News, 2014).



All the interviewees converged that the Constitution of Federal Republic of Nigeria 1999, provides that the objectives of the police services are to prevent, combat and investigate crime and to maintain public order, protect and secure the inhabitants of the republic and their property; and to uphold and enforce the law. Moreover, a respondent noted that public laws govern relationships between states and examples of such laws include the law of peace and war, international treaties and international organization such as the United Nations. This means that public law has to do with the relationship between the state and the subject, as well as with the relationship among citizens. Criminal law forms part of public law, i.e. those norms which have a bearing on the relationship between government (state) and subject.

Majority of the interviewees agreed that imprisonment should be imposed on cybercrime offenders, and the punishment should be proportionate to the offence committed; punishment should be specific; and the same goes for fines. They pointed out that if a penalty clause provides for a fine or imprisonment, the court has discretion to impose either a fine or imprisonment.

According to Ewepu (2016), a bill was passed in 2015 which provides for the protection and punishment of offenses committed on the electronic system, including fraud and other cyber related crimes. The full implementation of the bill brings a strategic approach to addressing cybercrime. The highlights of the bill includes a seven-year jail term for offenders of different types of computer related fraud, computer related forgery, cyber pornography, cyber-stalking and cyber-squatting. The Bill defines the liability of service providers and ensures that the use of electronic communications does not compromise national interest. The bill also provides for a legal framework to punish cyber criminals thereby protecting and improving electronic communication. The bill specifies all cyber related criminal acts and provides guidelines for the investigation of such offences. The bill, if effectively enforced, will deter and penalize all cybercrime perpetrators, thereby helping in reducing incidences of cyber-crimes, and restore customer's confidence while transacting business

online, just as it will also correct the negative impression about Nigeria and the citizens.

### **Recommendations/ Conclusions**

There is need for the Criminal Justice cluster to adopt proactive measures in addressing cybercrimes in Nigeria. There is need to establish a regime of constant training and retraining for the Law Enforcement/Criminal Justice Operatives. Law Enforcement/ Criminal Justice must be equipped with knowledge for tracking cybercrime perpetrators. More globally coordinated action is needed by local and international Law Enforcement/ Criminal Justice to tackle cybercrime related issues. There is need to encourage multinational initiatives in addressing cybercrime. Training courses should be organized for computer crime investigators and training materials provided for ordinary police officers as well as for computer crime specialists. International conferences need to be organized so that best practices can be shared. Preventive measures should be put in place to control the possibility of victimization and cyber abuse. Proactive and intelligence based policing should be adopted for combating cybercrime. It is necessary that the criminal justice system beef up the training of officials who can combat cybercrimes. Nigeria should develop and enhance cyber-intelligence and cyber security measures in order to predict cyber-related threats and deter criminals. The public should be enlightened. It is important that public awareness be raised about information security by encouraging family members to use multiple accounts per person while using non- administrative accounts for day to day activities. When using wireless connections it is advised to make use of robust passwords, use strong security supported wireless devices and not wireless devices that are vulnerable to attacks.

The installation of anti-spyware programme is necessary, and so, universities and tertiary institutions should play a vital role in educating learners. The ministry of education should consider integrating cybercrime awareness into the school curriculum and initiate weekly cybercrime/

social media network campaign in schools around Nigeria. The legislature should enact strict legislation and initiate international cooperation to enhance effective tackling of cybercrimes. The media should follow a concise approach in their report rather than exploiting the fear of ordinary public. Training should be initiated at local police stations to ensure that police officials from early entry constable acquire basic cyber-related crime prevention and investigative skills as well as how to identify, classify and open dockets for computer related crimes. The Government should consider funding of cybercrime researches. Individuals, on their part, should ensure proper security controls and make sure they install the latest security up-dates on their computer systems.

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Article

8

**Vote Buying and Credible Elections  
in Nigeria: An Opinion Survey  
of Voters on the 2019 General  
Election in the Federal Capital  
Territory (FCT), Abuja**

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Philip T. Vande, PhD<sup>1</sup>

## Abstract

*Monetary inducements has been part of the electoral process in Nigeria in recent years but the incidence of vote buying became so glaring and discredited the democratic process in the 2019 General Election. This study interrogates the phenomenon of vote buying as it affects the prospects of credible elections in Nigeria. It relied on primary and secondary data to investigate the causes, incidences and impact of vote buying on the democratization process in Nigeria. The study also adopted and applied the General Incentive Model as its framework for analysis. It was discovered that the quest to institutionalise the best practices of democracy as well as ensuring the sanctity and integrity of the process in Nigeria has always encountered threats in every election cycle. The paper recommends the reduction of poverty in Nigeria as well as the amendment of the Electoral Act 2010 to incorporate electronic voting, among others, as a measure to curb vote buying in Nigeria.*

Keywords: Democracy, Elections, Financial Inducements, Voters and Vote Buying

## Introduction

One of the prominent pillars, supporting and determining the quality of democracy is the electoral process. It is no surprise that modern States regard periodic and regular elections as a core attribute of democracy. As submitted by Baidoo, Dankwa & Eshun (2018), elections seem to have become a major factor in the stabilisation and democratisation of emerging democracies. They also maintain that election forms an important pillar that places the power to govern with the people and is a litmus test for democratic institutions. It is apparent, therefore, that electoral processes held under conditions that meet global and regional standards of credibility

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give meaning to democracy's core values of political equality, legitimacy and the accountability of those who govern.

The sanctity of choice embedded in the modern democratic idea presupposes that the electorate has the latitude to choose those who would govern them in a regular, free, fair and credible electoral process. For a legitimate government to rule, the people must have the luxury of choosing their leaders through the processes that meet international good practices. This implies that fraudulent elections fall below the accepted democratic norms, anywhere in the world. Thus, democratic self-government is incompatible with electoral farces (Ojo, 2008). Put differently, regular, free, fair and credible election is a *conditio sine qua non* for a political system to be termed democratic, stable and secure.

In spite of the fact that regular, free, fair and credible elections are important to routinise democratic ethos, the conduct of elections in Nigeria has been deficient (Ojo, 2014). Since Nigeria returned to the democratisation process in 1999, the conduct of elections has left much to be desired, because the election process has been characterised by electoral fraud, including vote buying, electoral violence among other violations, undermining its legitimacy and of government. Though monetary and other material inducements have been part of the electoral process in Nigeria, the incidence of vote buying and financial inducements became so glaring in the 2019 General Election (Adigun, 2019 and Dauda, et al, 2019).

Suffice to add that the 2019 General Election was a highly competitive and fierce contest between the incumbent, President Muhammadu Buhari of the All Progressives Congress (APC) and Atiku Abubakar of the People's Democratic (PDP). Moreover, the election was contested by 91 registered political parties, with an unprecedented 73 presidential candidates on the ballot paper. The Independent National Electoral Commission (INEC) reported a total voting population of 84, 004, 084, an increase of 18 percent from the 2015 election (Nwachukwu, 2019). Consequently, vote buying escalated as contestants and political parties struggled to outdo their rivals, in order to influence the electoral outcomes. What then is the impact



of vote buying on the electoral and democratic process in Nigeria? This study interrogates the phenomenon of vote buying and how it affects the prospects of credible elections and democratic stability in Nigeria.

## **Conceptual Clarification**

### **i. Election**

The importance and centrality of election as one of the cardinal features and a fundamental aspect of representative democratic politics has elicited various attempts at conceptualising the term. Egwemi (2014, p.98), conceptualised election as a process under democracy through which people or the electorate exercise their freedom and inalienable right to organize their life and to choose those whom they delegate their rights as representatives. Similarly, Animashaun (2010), opined that election is a democratic process that provides citizens with the freedom to choose their rulers and to decide on public policy. Under any democratic system, citizens who are legally qualified to exercise franchise are provided with the opportunity to choose political alternatives and to make decisions that express their preferences.

Election can be defined as a formal act of collective decision that occurs in a stream of connected antecedent and subsequent behaviour, involving the participation of the people in the act of electing or choosing their leaders and participation in governance. This key import of election is that elective principle is indispensable in a modern democratic setup. On the contrary, fraudulent elections are incapable of producing acceptable and legitimate leaders.

### **ii. Vote Buying**

As an emerging phenomenon in political and electoral lexicon, the concept of “vote buying” has attracted vigorous clarification from various scholars. A commonly cited definition is by Etzioni-Halevy (1989, p. 287), who defined vote buying as “the exchange of private material benefits

for political support.” This definition emphasises the gaining of private material benefits by voters in return for offering political support. It also entails giving voters some benefits such as gifts or incentives so that they can reciprocate by voting for the giver(s) or the candidate(s). Therefore, this view sees vote buying as an exchange in the sense that materials gifts are given to the electorates in anticipation of votes for the givers.

Similarly, Baidoo, Dankwa & Eshun (2018, p.7), capture the concept as “the use of money and direct benefits to influence voters.” It is noteworthy that while the first definition did not actually focus on the use of money, Bryan specifically includes money in his definition. It is clear that his definition does not restrict vote buying to only money but includes other material items like food, clothes, and motor bikes and so on. In this instance, electorates are given money and other direct benefits to influence their decisions or choices at the polls. In addition, voters are also given these direct benefits and may be expected to abstain from voting or to vote in a particular manner or not to vote.

It therefore, means that any reward given to a person for voting in a particular way or for not voting can be called vote buying. Essentially, vote buying can be defined as any form of financial, material or promissory inducement or reward by a candidate, political party, agent or supporter to influence a voter to cast his or her vote or even abstain from doing so in order to enhance the chances of a particular contestant to win an election. Suffice it to add that vote buying is a fraudulent electoral practice in most democracies, including Nigeria.

### **Theoretical Framework**

The theoretical framework adopted for this study is the General Incentive Model, developed by Clark and Wilson (1961). They posit that if we know the kinds of incentives that an organisation may give to induce members’ greater cooperation, then something can be learnt about the incentive system a political party uses to sustain members’ participation in its

activities. Clark and Wilson (1961, p. 130) pointed out that the internal and external events of organisations may be explained by understanding their incentive systems. They stated that all organisations in good standing must provide “tangible or intangible incentives” to their members to induce optimal contribution.

In the use of incentives to buy votes from the electorates, politicians often use monetary and non-monetary incentives to influence the behaviour of voters. These incentives are usually targeted at the poor or less educated class of opposition backers, not to turn out and vote which is referred to as “negative vote buying, swing voters and a party’s main supporters to turn out and vote which are also referred to in this model as ‘turnout buying’” (Cox & McCubbins, 1986). While negative vote buying reduces votes for the opposition party, turnout buying increases votes for the party buying votes.

Vote buying incentives provide goods which are short-term, private, and have a high degree of certainty (Desposato, 2007). In view of this, poor voters assign higher values to vote buying where uncertainty of the compensation for their vote is low (Desposato, 2007). Two main purposes are intended to be achieved during the distribution of these vote buying incentives: One, to ensure positive or participatory vote buying and two, to achieve negative turnout. The poor and less educated among the electorates is often the target during the distribution of vote buying incentives. This is attributed to the fact that gifts have more force among the poor. Hence, parties will buy the votes of the poor before trying to buy those of the wealthy (Stokes, 2005). The poor who finds a naira note on the street, for example, will be made happier by finding it than will, a wealthy person. This is due to diminishing marginal utility of income. Bratton (2008), for instance, reports that during Nigeria’s 2007 elections the most common amount of money offered to voters was the United States’ dollar. These economic mechanisms are likely to make poor voters the prime targets of vote buying by political parties who want to maximize their (re)election chances. It follows that the same outlay of resources by the party will buy more votes among poor than among wealthy voters.

In a nutshell, vote-buying can be a greater motivation to the poor to vote than the enticement of public goods, as the poor are oftentimes relegated in the distribution of public goods. Desposato (2007, p. 104) says “poor voters, on average, should have higher utility for immediate private goods than for delayed public goods.” Moreover, unless a voter has an alternative source of income and simply did not need the incentive, it is unlikely that poor voters will therefore be able to resist vote-buying incentives.

The assumptions/propositions of the theory were not clearly stated to justify the adoption of the theory as the framework of analysis.

## **Methodology**

The study employed the mixed method approach which is a combination of both qualitative and quantitative research methodological approaches in collecting data. The mixed methods combine both quantitative and qualitative approaches into the research methodology of a single study. The combination of the two research approaches offers a good benefit on the study of which either could have on the work. Thus, a sequential mixed-method design was employed for the study. Data from questionnaire was triangulated with interviews. The target population for this study consisted of potential voters in the FCT, Abuja, who were 18 years and above. The six (6) Area Councils of the FCT - Abaji, Abuja Municipal Area Council (AMAC), Bwari, Gwagwalada, Kuje and Kwali - were selected for the study. A sample size of four hundred (400) was determined through the Taro Yamene's formula. These were chosen for the quantitative (questionnaire administered) aspect of the research while 12 others were purposively selected for the qualitative (interviews conducted) aspect of the study. For the purpose of the oral interview, two respondents were selected from each of the Area Councils (totaling 12 respondents) and interviewed to support the data. Responses show that out of 400 copies of questionnaire distributed only 387 (96.8%) were retrieved. This was accepted and adjudged suitable, which formed the basis of the analysis of this research.

The quantitative tool of data analysis employed in this study was the frequency distribution table using simple percentages. The analysis of the data collected was tabulated with the aid of the frequency distribution using the Statistical Package for Social Sciences (SPSS) version 21.0.

### **An Overview of the phenomenon of Vote Buying**

As democratic elections have been spreading across the globe since the early 1970s, so has electoral fraud, including vote buying. Affirming this fact, Baidoo, Dankwa & Eshun (2018), submit that vote buying has been widespread in many countries that have continued along the path towards democracy. In corroboration, Vicente (2008), affirms that vote buying happens frequently in many parts of the world. He maintains that vote buying, the use of electoral incentives to buy votes, has been a frequent practice during electoral campaigns and elections in several developing and developed countries.

Numerous scholars have documented widespread usages of these campaign strategies in Britain and the United States (O'Leary, 1962), Nicaragua (Gonzalez-Ocantos, Jonge, Mel'endez, & Nickerson, 2012), Argentina (Stokes, 2005), Taiwan (Wang & Kurzman, 2007) and Lebanon (Corstange, 2010). In African countries like Sao Tome and Principe, Nigeria (Athanasius, 2019; Onuoha & Ojo, 2018); Bratton, 2008; Vicente, 2008), Kenya and Ghana (Kramon & Posner, 2013), vote buying has steadily grown in scale and brazenness. As further submitted by Baidoo, Dankwa & Eshun (2018), campaigns seek to ensure that voters clearly associate the gift with their candidate. The candidate's flyer, for example, may be stapled to packages of food handed out to voters or cash may be attached to flyers.

Vote buying appears in different forms in every society. It may take the form of direct payments to voters. To Schaffer & Schedler (2005), vote buying, in its literal sense, is a simple economic exchange. They aver that candidates "buy" and citizens "sell" votes, as they buy and sell apples, shoes or television sets. This shows that the act of vote buying is a contract,

or perhaps an auction, in which voters sell their votes to the highest bidder. Parties and candidates who offer material benefits to voters may generally aspire to purchase political support at the ballot box in accordance with the idea of market exchange.

Other forms may include offering of employment before elections, giving out of gifts, provision of social infrastructure to communities at the “last minute” and conditional promises to individuals upon the election of a candidate (Baidoo, Dankwa & Eshun (2018). Similarly, Kramon (2009) is of the view that political parties employ certain strategies to buy the votes of electorates. The strategies may focus on demobilising active opponents or on mobilising passive supporters. The former is often described as “negative” vote buying or “abstention buying”, while the latter may be considered as “participation buying.” These strategies may be intended to restrain electorates from casting their votes or ensuring a high turnout but how the parties choose amongst the strategies when offering electoral incentives or buying votes remain a great question.

Again, Baidoo, Dankwa & Eshun (2018) submit that during the distribution of these “goodies” or “freebies,” political parties and politicians target or consider two specific issues. According to them, one of the factors political parties consider in buying votes is the type of voter. In this vein, Cox and McCubbins (1986) identify three types of voters: core supporters, swing voters and opposition backers. Thus, in every electoral system, these three major groups of voters can be identified and they form the persons that are targeted during vote buying. Schaffer & Schedler (2005) identify the second factor as they assert that, vote trading propositions may target either electoral choices or electoral participation. They may be intended to persuade individuals to vote in certain ways, or to vote or not to vote in the first place.

Furthermore, extant literature and theoretical perspectives have identified three dominant arguments to explain the foundations of vote buying in elections. First, it is argued that socio-economic factors, especially poverty, unemployment and illiteracy play a major role in promoting the market

for votes in democracies. Second, it is argued that the voting methods in a particular electoral system may also guarantee the predominance of vote buying during elections. The third explanation is predicated upon the belief that vote buying is a product of the nature of partisanship and party organisation in a particular state (Onapajo, Francis & Okeke - Uzodike, 2015).

Vote buying is frowned upon in every democracy. It raises questions about the quality of democracy. In view of this, some arguments are usually made against the practice. First, they argue that because vote buying gives wealthier individuals an unfair advantage, it violates the principle of equality. Second, there is a concern that votes buying may promote inefficiency. This is because the interests of some voters are bought by parties before the election, and their needs or interests may therefore be ignored by political representatives after the election. Buying of votes is also frowned upon in most economies. This is because once a nation becomes user-friendly to vote buying and vote selling; it ceases to be in the best books of foreign multinational companies seeking to invest in developing countries (Baidoo, Dankwa & Eshun, 2018).

It is noteworthy that vote buying is prohibited in Nigeria. Article 130 of the Electoral Act 2010, as amended, states that:

A person who – (a) corruptly by himself or by any other person at any time after the date of an election has been announced, directly or indirectly gives or provides or pays money to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election; or (b) being a voter, corruptly accepts or takes money or any other inducement during any of the period stated in paragraph (a) of this section, commits an offence and is liable on conviction to a fine of N100,000 or 12 months imprisonment or both.

In consonance with the Electoral Act (2010), the 2018 Revised Code of Conduct for Political Parties in section VIII (e) provides that: "... all political

parties and their agents shall not engage in the following practice: buying of votes or offer any bribe, gift, reward, gratification or any other monetary or material considerations or allurement to voters and electoral officials.” In spite of these legal frameworks prohibiting it, vote buying continues to be a widespread practice in recent elections in Nigeria. In fact, the brazen nature of vote buying in Nigeria, led to the description of Nigeria’s electoral politics as “cash-and-carry democracy” (Onuoha & Ojo, 2018, p.1).

There is no doubt that the occurrence of vote-buying, understood as incentives or gifts given to voters before elections in exchange for their votes is a corrupt electoral practice. The phenomenon seems to obstruct democratic processes, yet remains pervasive in many developing democracies. Vote buying is a threat to the conduct of quality elections. According to Akwetey (2016), electoral fraud, corruption and unfair practices bring the reliability of the electoral process into question. It affects the legitimacy of the elected officials. He said that the practice often leads to mistrust, violence and conflicts, while robbing citizens of their need for expected peace and development.

There has been a widespread of this cankerworm in a sense that many African elections have not been centred on issues or policy or accountability. This has consequences for economic development since it is normally done through the giving out of electoral incentives. In a democracy, an election campaign is supposed to be a peaceful and open discourse of persuasion. Ideally, candidates compete for popular support by presenting reasoned arguments about why they are most qualified for election to office. They stake out rival positions about programmes of public goods, all the while being tugged towards the median voter at the centre of the political spectrum (Downs, 1957). Voters then choose the contender whose policy positions most closely resemble voters’ own set of preferences.

Nigeria returned to a democratic rule in 1999, and since then the country has organised and conducted six (6) general elections, comprising the Presidential, National Assembly, Governorship, State Assembly and Council elections. This is beside rerun and bye elections. All these



elections have been fraught with allegations of distribution of electoral incentives aimed at buying the votes of electorates. Vote buying seems to have become the norm of the day both at the national and internal party elections. The problem stems from the fact that there is high rate of poverty and ignorance among the voting populace. According to the Civil Society Situation Room (2019), it is a cynical tactic that seeks to take advantage of widespread poverty and want by getting people to sell their votes to the highest bidder. The Situation Room reports blatant incidents of vote buying across Nigeria, involving major political parties (wherein) Party agents stationed themselves at polling units paying voters sums ranging from N500 to N5,000 to get them to vote in favour of their candidates.

The implication of the manifestation of vote buying in Nigeria is that it will undermine political legitimacy and make a mockery of Nigeria's democracy. It will create a fundamental problem of unaccountability and irresponsibility as the voters will not have the moral ground to demand good governance from politicians and it will affect the credibility of the elections. Vote buying increases the outlays of elections for candidates and parties and may preclude dependable aspirants from contesting for political office (Matenga, 2016). It generates disparagement among voters, with a sense of alienation from a besmirched system that nosedives democratic principles.

## **Findings and Discussions**

This section contains the assessment of the responses of the respondents on the phenomenon of vote buying in the Nigeria, especially in the 2019 General Elections.

**Table 1: The reality of vote buying in Nigeria**

	Frequency	Percent	Cumulative Percent
Valid			
STRONGLY AGREE	221	57.2	57.2
AGREE	129	33.3	90.5
UNDECIDED	09	2.3	92.8
DISAGREE	16	4.1	96.9
STROGNLY DISAGREE	12	3.1	
<b>Total</b>	<b>387</b>	<b>100.0</b>	<b>100</b>

Source: Field Survey, 2019

In the survey, as presented in table 1, two hundred and twenty-one, representing 57.2% of the total sample strongly agreed that vote buying is real in Nigeria. This was corroborated by 129 respondents or 33.3% of the sample. The cumulative figure shows that over 90% of the total sample answered in the affirmative to the reality of vote buying in Nigeria. On the other hand, nine (9) respondents or 2.3% were undecided. Meanwhile, a total of twenty-eight (28) respondents representing 7.2 % either disagreed or strongly disagreed that vote buying is a reality in Nigeria. These results demonstrated clearly that the phenomenon of vote buying is real and alarming in Nigeria.

**Table 2: Money/Gift items were distributed by politicians during the 2019 General Elections**

	Frequency	Percent	Cumulative Percent
Valid			
STRONGLY AGREE	198	51.2	51.2
AGREE	145	37.5	88.7
UNDECIDED	0	0.0	88.7
DISAGREE	31	8.0	96.7
STROGNLY DISAGREE	13	3.3	100
<b>Total</b>	<b>387</b>	<b>100.0</b>	

Source: Field Survey, 2019

Vote buying characterised by money and gifts incentives were distributed during the 2019 General Elections. Majority of the respondents had either known some people and, or personally received a gift or an incentive from a political party. In table 2, the findings showed that 198 and 145 respondents, representing 51.2% and 37.5% strongly agreed and agreed, respectively that money and gifts items were used as incentives by politicians during the 2019 General Elections. The distribution of these incentives was for the purposes of influencing the voting behaviour of voters, which is tantamount to vote buying. On the other hand, 31 and 13 respondents, representing 8.0% and 3.3% disagreed and strongly disagreed, respectively that money and gift items were distributed by politicians during the 2019 General Elections.

The results indicate that more than a third of the total respondents had been exposed to vote buying incentives. Similarly, 10 out of the 12 interviewees affirmed that vote buying was a common phenomenon during the 2019 General Elections. In Bwari Area Council, for instance, it was reported that residences of party chieftains became a Mecca of sorts for the distribution of money and other gift items as encouragements for voters to vote in some particular way. This means that majority of the respondents were either beneficiaries or witnesses to vote buying.

On the issue of specifications of gift items received as an incentive for vote buying, the respondents gave a range of items received as incentives from political parties and politicians to include money, rice, beans, condiments, as well as branded party materials like 'T' shirts, wrappers, bangles and umbrellas. In some cases, motor bicycles were given to key party supporters and opinion moulders.

**Table 3: Communities benefitted from developmental projects prior to the 2019 General Elections in Nigeria**

	Frequency	Percent	Cumulative Percent
Valid			
STRONGLY AGREE	67	17.3	17.3
AGREE	99	25.6	42.9
UNDECIDED	17	4.4	47.3
DISAGREE	114	29.5	76.8
STROGNLY DISAGREE	90	23.2	100
<b>Total</b>	<b>387</b>	<b>100.0</b>	

Source: Field Survey, 2019

Furthermore, the study investigated if communities in the FCT benefitted from developmental projects prior or shortly before the 2019 General Elections. The aim was to establish if such efforts were meant to serve as incentives to sway the voting behaviour of voters, which is tantamount to vote buying. Table 3 shows that 67 (17.3%) strongly agreed and 99 (25.6%) agreed with the assertion that communities benefitted from developmental projects towards the general elections. It was observed that 17 (4.4%) were undecided. On the other hand, 114 (29.5%) and 90 (23.2%) disagreed and strongly disagreed, respectively with the assertion. This means that those who answered in the affirmative witnessed projects in their communities or were aware of same in other communities. Again, those who answered in the negative were neither aware nor witnessed any of such projects prior to the 2019 General Elections in Nigeria. In the interview sessions, participants named some of the developmental projects as building of community clinics, construction and tarring of roads, construction of boreholes, installation of transformers and provision of public power supply.

Corroborating the above submission, the Punch Newspaper (2019), in its editorial of September 27, 2018, avers that the Presidency, through the Office of the Vice-President of the Federal Republic of Nigeria began a process of giving out ₦10, 000 to ₦30, 000 traders in Osun State through

the Tradermoni initiative of the Federal Government. The question on the minds of most Nigerians is, “why ₦10,000 and why now?” Although the aides of the Vice-President refuted the claim, the practice was hiked and spread throughout the country in the run up to the 2019 General Elections. This was considered by many as a governmental inducement of voters. The Punch (2019) avers that given ₦30,000 to traders could appear small, but they actually have mothers, fathers, children and friends of voting age, who could simply be induced indirectly by such gesture of the All Progressives Congress (APC) controlled Federal Government to make election table unbalanced in the country.

**Table 4: Conditions Attached to Vote Buying Incentives by Politicians or their allies**

S/N	Item	SA %	A %	U %	D %	SD %	Total %
1.	I was told to snap my ballot paper as proof	43 (11.1)	56 (14.5)	12 (3.1)	178 (46.0)	98 (25.3)	387 (100)
2.	I was made to swear an oath to comply	34 (8.8)	61 (15.8)	09 (2.3)	190 (49.1)	93 (24.0)	387 (100)
3.	A spy was sent to watch me	169 (43.7)	98 (25.3)	23 (5.9)	58 (15.0)	39 (10.1)	387 (100)
4.	I was to call their party agent to thump print for me	195 (50.4)	67 (17.3)	05 (1.3)	86 (22.2)	34 (8.8)	387 (100)
5.	I was threatened with death if I failed to comply	32 (8.3)	43 (11.1)	14 (3.6)	167 (43.1)	131 (33.9)	387 (100)
6.	There was no condition attached to the incentive	65 (16.8)	73 (18.9)	07 (1.8)	172 (44.4)	70 (18.1)	387 (100)
7.	I rejected the incentive because of the conditions attached.	80 (20.7)	110 (28.4)	08 (2.1)	86 (22.2)	103 (26.6)	387 (100)
8.	I accepted the incentive but voted the way I wanted	167 (43.1)	67 (17.3)	05 (1.3)	86 (22.2)	62 (16.1)	387 (100)

Source: Field Survey, 2019

SA. - Strongly Agree, A. - Agree, U. - Undecided, D. - Disagree, SD. - Strongly Disagree. Fig-ures in bracket are percentages

This study also investigated the conditions that were attached to the incentives during vote buy-ing. It also solicited respondents’ views on the kind of conditions that were attached to their in-centives. Table 4 reveals clearly that various conditions were attached to the incentives given for

the purposes of vote buying. Many respondents that were interviewed accepted that conditions were attached to the incentives. However, a good number insisted that though the incentives were given to sway voters' behaviour, no condition was attached to their incentives. This confirms what a party stalwart in Gwagwalada Area Council said that they do not actually attach conditions to the incentives unless they have doubts about the party affiliation of the person or have the belief that a person just wants to collect the item and not vote for them. The survey also indicated that many electorates were prepared to accept incentives when offered by politicians, yet, vote according to their consciences. In other words, the electorates had the intention of accepting incentives even if conditions were attached by politicians.

### **Implications of Vote Buying on Elections and Democracy in Nigeria**

The consequences of vote buying are manifold, particularly for a developing democracy like Nigeria. It is paramount to note that vote buying unduly raises the cost of elections thereby shutting out contestants with little finances and promoting political corruption. When victory is purchased rather than won fairly, it obviously leads to State capture. What happens after State capture can best be imagined. This implies that vote buying can trigger corruption by politicians after they are voted into power. This is because they would want to recoup the money expended during electioneering process. This can lead to the abuse of state resources.

Again, vote buying equally compromises the credibility, legitimacy and integrity of elections. It undermines the integrity of elections as the winners are often the highest bidders and not necessarily the most popular or credible contestants (Adamu, Ocheni & Ibrahim, 2016). Vote buying definitely has major negative implications for the electoral and the political system as a whole. It therefore discourages conscientious people from participating in electoral politics and causes citizens to lose faith in State institutions, and leads to political and voter apathy.

Furthermore, vote trading equally has the tendency to perpetuate bad governance. It not only compromises the well-being of those who sold their vote for instant gratification, but also the future of those who did not sell their votes but are inevitably exposed to bad governance that results from such a fraudulent process. For every vote traded, there are many people who would suffer the unintended consequences when the traded votes make the difference between winning and losing in the election. Put differently, vote buying vitiates the commitment of the “elected” government to the ideal of good governance like accountability, inclusiveness and responsiveness. Vote buying compromises the credibility, legitimacy and integrity of elections.

More so, the usage of incentives to buy votes may have devastating repercussions on Nigeria’s elections. It can negatively impact the quality (freeness and fairness) of elections. Vote buying can contribute to the wrong political parties being elected to serve the State and leadership positions become a prize for the highest bidder. Once voters are paid to cast their votes in a certain way they become enslaved by their political paymasters as, by default, their rights to challenge their vote buying political paymasters have been emasculated. As vote buying is so widespread, it raises concerns about the quality of emerging democratic institutions and how potential elections conducted will help to deliver better and more accountable governments.

Again, it was established that vote buying constituted one of the biggest threats to the 2019 General Elections. In this way, a security threat assessment survey released on the 2019 General Elections in Nigeria revealed that vote buying was the foremost of the fourteen risk factors that could generate tension or electoral violence. As submitted by Elebeke & Ulebor (2019), the national average score for the risk factors emerged in this order: vote-buying (1.16), godfatherism (1.16), hard drugs (1.14), hate speech (1.14), history of electoral violence (1.11), cult activities (1.10), politicians (1.10), problematic party primaries (1.08), violent campaigns (1.07), farmer/herdsmen crisis (1.07), ethnicity/religious crisis (1.08), insurgency (1.04), agitation (1.04), and militancy (1.02). In the survey, the level of tension the

risk factors can generate was rated on a scale of 0.1 to 1.0 as Low, 1.1 to 2.0 as Medium, and 2.1 to 3.0 as High.

There is no doubt that vote buying in Nigeria has reached an alarming proportion and has got to the extent that politicians have spread their tentacles of inducements to election officials, security agencies, election observers and even the media. This ugly phenomenon has astronomically increased the cost of elections; created an uneven playing field for electoral contestants; and gives victory to the highest bidder. It has also heightened political corruption as those who invested mind-blowing amounts to procure election victory are not altruistic philanthropists but shrewd businessmen who hope to reap bountiful rewards through corrupt means. As the saying goes, “there is no free lunch in Freetown.” Thus, as recounted by Ojo (2018), the opportunity cost of vote-buying is the underdevelopment of the country.

In line with international standards, when it comes to democracy, everyone has equal rights. In a true democracy the world over, every citizen of a State for instance, is entitled to vote and be voted for, provided there are no reasonable or legal restrictions. However, where there is vote buying, that alone can make it impossible to meet this requirement because such practice is likely to penalise potential candidates from running for offices, especially, when these individuals are at an economic disadvantage, that is, persons, who do not have so much money to buy votes and win elections (Athanasius, 2019).

## **Conclusions and Recommendations**

Vote buying has gradually gained traction in Nigeria’s electoral system. It is apparent that the rate of poverty in Nigeria is alarmingly and scandalously high and consequently, the poor have often been targeted for vote buying by political parties. This has made vote buying more effective with the poor and powerless. Often, the effectiveness of vote buying with poor voters is interpreted as a reflection of the fact that small material goods



have a greater marginal utility to poor voters.

It was discovered that some of the major items used as incentives of vote buying range from money, branded and unbranded cloths, rice, cooking condiments, motor bikes and even developmental projects, executed during the electioneering season. In the survey, money was distributed during the week of the election and on Election Day, particularly at the polling units. In many cases, conditions were not attached to the incentives except where the person giving the incentive suspects that the receiver may deviate or renege on the contract between the seller and the buyer. Essentially, it was obvious that voters were not willing to reject the items (incentives) even if conditions were attached to them. Many voters believed that it is not wrong to accept money from politicians for votes because they felt it is an opportunity to get back some money, which had been stolen by these politicians. Whatever the case may be, vote buying effects have been discussed above.

It is therefore recommended that:

- i. Reduction of poverty can be an effective strategy to reducing vote buying. Since the findings concluded that there is a relationship between income (economic status) and voters' decisions, governments should make it a point of duty to reduce poverty by enhancing wealth creation and redistribution. This can be done by creating or providing sustainable jobs, especially for people in rural areas.
- ii. There is the need for more voter education, sensitisation campaigns and awareness creation for citizens about the malpractice of vote buying. Voters, civil society organisations (CSOs), the media and other non-state actors should engage the State and political parties to spearhead and strengthen democracy by mounting vigorous campaigns to educate the electorates not to accept financial or material inducements before they vote for a particular candidate or party as this amounts to selling their conscience and rights. In other words, there is need to intensify voter education and enlightenment campaigns on the negative implications of vote trading, particularly on how it raises

the costs of elections, promotes political corruption and undermines good governance.

- iii. The Electoral Act should be amended to empower citizens to effectively deploy social media tools in facilitating exposure of electoral fraud like vote buying, and prohibit the photographing of ballot papers by a voter or any person.
- iv. The Independent National Electoral Commission (INEC) and the Economic and Financial Crimes Commission (EFCC) should develop a strategic collaborative framework for effective monitoring of political parties' campaign funds in order to effectively curb electoral fraud, including vote buying.
- v. To enhance the secrecy of the ballot, the INEC should construct a collapsible voting cubicle that will make it difficult for party agents to see a voter thumbprint on the ballot paper. Actions that reveal the vote cast by voters should be criminalised.
- vi. Civil society groups should advocate and apply pressure for police and other law enforcement agencies to arrest, investigate and diligently prosecute those involved in the act of vote trading.

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**Policy Analysis**

# 9

**Conducting Scheduled  
Governorship Elections in Edo  
and Ondo States in the Face  
of COVID-19 National Health  
Emergency in Nigeria:  
Possibilities and Options**

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## Abstract

This policy paper examines the possibilities and options of conducting the scheduled governorship elections in Edo and Ondo States in the face of the COVID-19 pandemic. Using both primary and secondary sources of data, the paper argues that the spread of COVID-19 to Nigeria has significantly hampered social and political activities, including elections. This is because processes of democratic elections, which often involves the congregation of people during political rallies, campaigns and casting of ballot now contravenes health and public safety protocols and measures adopted by the Nigeria Centre for Disease Control (NCDC) to contain the coronavirus disease. By virtue of the 1999 Constitution (as amended), postponing a governorship elections, unlike legislative elections, beyond a certain timeframe, even in times of national emergency may present grave constitutional crisis. This leaves INEC with the difficult choice of proceeding with the elections despite public health safety concerns and possibilities of low voter turnout. The paper concludes that in order to maintain democratic inclusiveness in the forthcoming elections despite the prevalence of COVID-19 public health measures, the adoption of electronic and other impersonal voting methods provides a safer and sustainable option.

**Key words:** COVID-19, Edo, Ondo, Governorship, Election, Nigeria

## Introduction

Towards the end of 2019, the world awoke to the outbreak, in Wuhan China, of Corona virus (commonly referred to as COVID-19 by the World Health Organisation-[WHO]). COVID-19 is a highly infectious respiratory

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disease that spreads by contacting the droplets (produced through sneezing, coughing and talking) of infected persons. In Nigeria, the first officially reported case of COVID 19, according to media reports, occurred on February 20, 2020 through an Italian (name withheld) who arrived in Lagos, and visited Lafarge Africa Plc. a leading sub-Saharan African Building Materials Company.

In several countries threatened by the pandemic, governments responded by adopting measures such as banning of large gathering of people (Heather, 2020); maintaining social distancing (Praphul and Tanweer, 2020); encouraging regular washing of hands accompanied by the use of alcohol-based hand sanitisers to prevent communal transmission. From March 31 to June 3, 2020, the Nigerian Federal Government imposed a lockdown on Lagos, Ogun and Oyo States as well as Abuja, the Federal Capital Territory (FCT), to contain the spread of the virus (The Punch 2020). Other States of the Federation also placed serious restrictions on human and vehicular movements, especially states that had recorded cases of the virus.

Before the outbreak of the pandemic, the Independent National Electoral Commission (INEC), had fixed September 19, and October 10, 2020, for the Governorship Elections in Edo and Ondo States, respectively (Akinwunmi, 2020). The election timetable for party primaries and campaigns for votes in both States indicated that political activities were expected to commence by June, 2020. However, following the restrictions placed on movement and strict adherence to safety measures such as social distancing, the usual tradition of conducting political party rallies and campaigns were bound to face serious challenges.

Since the National Independent Electoral Commission had postponed bye-elections for senatorial districts in Bayelsa, Imo and Plateau States because of Coronavirus (Ukpong 2020), there were trepidations regarding the conduct of governorship elections in Edo and Ondo States. Another key consideration was how long would COVID 19 last? In other words, what was the likely span of the COVID-19 pandemic? Would INEC ignore the threat posed by COVID-19 and proceed with the scheduled elections without putting in place special arrangements just because there were no

significant outbreaks in these states? If the elections were not postponed, would they not be detracted by voter apathy in the face of the burgeoning threat posed by the virus?

A recent survey conducted by YIAGA Africa (2020) showed that 68% of respondents supported INEC's decision to go ahead with the off-circle governorship elections during the COVID-19 pandemic, while 42% of the respondents were concerned that voters and election officials could contract the virus on election-day. Similarly, a related survey conducted in Edo State by the Electoral Institute (2020) revealed that COVID-19 has implications for effective conduct of the election in terms of health risk for the poll workers, the electorate as well as for the turnout in the elections. Although 71.7% of respondents believed that the election could be safely conducted during the COVID-19, 55.5% of respondents felt that the electorate was at the risk of being infected by the virus during the election. A related survey conducted by Kimpact Development Initiative (2020, p.13) indicated that two-thirds of Edo and Ondo States indigenes expected that the governorship elections would be disrupted by COVID-19.

However, unlike senatorial elections, postponing governorship elections may present grave constitutional and technical challenges due to constitutional term limits and the vacuum that would be created when current tenures expire. It is against this background that this policy paper examines the impact of COVID-19 pandemic on the conduct of the scheduled governorship elections in Edo and Ondo States.

### **Constitutional/Legal Issues around Political Office Tenure**

**Legal Basis:** The 1999 Constitution and the Electoral Act, 2010 (as amended), provides the legal basis for the conduct of elections in Nigeria. First, the 1999 Constitution vests the power and authority to organize and conduct elections in INEC. INEC was established under *Section 153 of the Constitution*, while its functions and powers are outlined in *the third schedule, {part 1 Item F, paragraphs 14 and 15}* (CFRN 1999). In addition, the Electoral Act specifies the powers of INEC and describes how it will be

organised to carry out its executive, administrative, financial functions as well as how it administers elections.

***Political Office Tenure:*** The tenure of the Governors of Edo and Ondo States will end on the November 12, 2020 and February 24, 2021, respectively. Pursuant to the provisions of *Section 178(2) of the 1999 Constitution and Section 25(8) of the Electoral Act 2010*, elections cannot hold earlier than 150 days (Zebulon, 2020) and not later than 30 days (Sanni, 2020) before the expiration of the term of office of an incumbent Governor. The above sections indicate that the tenure of a Governor is a Constitutional matter; postponement of elections could be challenged in the court of law (Electoral Act 2010). The next segment of this paper examines the basis for postponement of elections.

## **I. Basis for Postponement of Elections**

The Electoral Act 2010 (as amended) provides that INEC may postpone elections in the following circumstances:

1. Where INEC has reasons to believe that a serious breach of peace is likely to occur if elections proceed as scheduled; or - Section 26(2)
2. Natural disasters or emergencies make the conduct of elections impossible - Section 26(2)
3. Where the above happens, there shall be no return for election made in the areas, until the holding of polling in the affected areas except INEC decides otherwise. In other words, INEC has discretion to either announce or not announce election results in affected area/areas - Section 26 (3), (4) & (5)
4. INEC's decision to postpone elections can be challenged in court - Section 26 (5)
5. Section 36 empowers INEC to postpone elections where a candidate dies after delivery of nomination paper and before start of polls.

Section 26(2) of the Electoral Act 2010, holds thus:

*Where a date has been appointed for the holding of an election, and there is reason to believe that a serious breach of the peace is likely to occur if the election is proceeded with on that date or it is impossible to conduct the elections as a result of natural disasters or other emergencies, the Commission may postpone the election and shall in respect of the area, or areas concerned, appoint another date for the holding of the postponed election, provided that such reason for the postponement is cogent and verifiable.*

COVID-19 could be cited as a global/national health emergency (as rightly envisaged by extant laws), on the basis of which INEC may consider postponing elections. However, to postpone the Edo and Ondo States governorship elections, especially outside the window of timeframe provided by the Constitution and beyond the time of the expiration of the term limit of the incumbent, may present constitutional and technical challenges.

Although, the 1999 Constitution (as amended), envisaged this kind of scenario when it provides in Section 191(2) that:

*Where any vacancy occurs in the circumstances mentioned in subsection (1) of this section during a period when the office of Deputy Governor of the State is also vacant, the Speaker of the House of Assembly of the State shall hold the office of Governor of the State for a period of not more than three months, during which there shall be an election of a new Governor of the State who shall hold office for the unexpired term of office of the last holder of the office.*

This provision makes it unequivocally clear that the Speaker shall not hold the office of the Governor beyond three months; and election of a new Governor of the state shall be conducted within the same period. However, where the pandemic endures longer, it will give rise to constitutional lacuna.

## II. Major Constitutional and Technical Implications of COVID-19 on Elections

The decision to postpone or proceed with scheduled elections can be challenging in times of emergencies, especially where term limits and clear timeframes within which to conduct elections are specified by the enabling constitution. The peculiar nature of COVID-19 pandemic whose transmission occurs through contact with droplets of infected persons will seem to make a compelling case for postponement of scheduled elections especially as party primaries; rallies, stakeholder’s meetings, accreditation and voting, and collation of votes involve large gatherings of people. Thus, it is imperative to consider some technical issues that may provide important guides in reaching a decision.

**Table 1:** Technical Considerations for Postponing or Conducting Elections during Public Health Emergency

S/N	Implication	Description of the Implication
	Concern whether postponing an election is constitutional?	<p>Many constitutions provide for the postponement of elections during emergencies. These constitutions envisage that holding an election during emergency conditions can be difficult because that might divert resources from more urgent life-saving work. Whereas, some constitutions also forbid the passage of constitutional amendments during emergencies. The rationale behind this is fourfold:</p> <p>(a) during an emergency, hasty decisions may be made that address current fears and concerns but neglect longer-term interests in ways that may be harmful to democracy;</p>

S/N	Implication	Description of the Implication
		<p>(b) the enhanced powers of the executive and the restrictions on rights during an emergency may make it easier for the government to unfairly influence the amendment process;</p> <p>(c) amendment processes sometimes require an intervening general election or referendum to allow the people to express their approval or disapproval of a constitutional</p>
2	Concern whether postponing or continuing to hold an election affect its legitimacy	<p>The type and constitutional significance of an election as well as the original date scheduled will be a factor in the decision to postpone or hold an election. The advantages and disadvantages of postponing elections also need to be compared to the advantages and disadvantages of continuing elections, as holding an election may also be tantamount to reduced legitimacy.</p>
3	Loss of voice	<p>Elections are the opportunities for citizens to remove and replace a representative or government. This opportunity is lost for a period of time if an election is postponed.</p>

S/N	Implication	Description of the Implication
4	Claims of political opportunism	<p>Postponement should ideally be agreed on through consensus between all political parties. The risk that incumbent governments may act unilaterally for political advantage, or at least perceived political advantage, should be considered, to avoid undermining confidence in the process and the legitimacy of the result.</p>
5	Effect on turnout	<p>Democratic elections, at their best, are characterized by high turnout and equal levels of participation across different groups in a society. Without this, the result of an election may be shaped by some groups more than others. Holding an election during a pandemic could undermine, or be perceived as undermining this aspect of democracy by reducing turnout. Citizens might be less likely to vote if they are concerned for their health and the health of their family members. The legitimacy of the contest may therefore be undermined by uneven participation. Those with underlying health conditions of COVID-19 might be especially less likely to vote. Continuing with elections could therefore make the electoral process less inclusive (James and Garnett, 2020).</p>



S/N	Implication	Description of the Implication
6	Effect on political debate	Democratic elections should feature a wide political campaign and broad public debate on public policy issues, which may be curtailed if citizens are restricted from moving freely. Moreover, election campaign may be dominated by the current pandemic, preventing a comprehensive discussion on wider public policy issues from taking place.
7	Decision to postpone or continue an election have implications	<p>Proceeding with an election or postponing an election entails risks for a government, INEC and health authorities. While postponing elections may be the most feasible and responsible option from the public health perspective, the decision can cause other risks to materialize such as:</p> <ul style="list-style-type: none"> <li>• reputational risks (for an organization that makes decisions, for trust in democratic processes and institutions, for international relations);</li> <li>• political risks (disturbing the level playing field and undermining the incumbent or opposition);</li> <li>• financial risks (budgetary implications, e.g. money invested that cannot be recovered);</li> <li>• operational risks (alternative dates</li> </ul>

S/N	Implication	Description of the Implication
		<p>may not be feasible because of other risks, e.g. Boko Haram attacks, flood, other crises); and</p> <ul style="list-style-type: none"> <li>• legal risks (the decision can be legally challenged).</li> </ul>
8	Lack of Access to Alternative mechanisms of campaigning	<p>Party primaries, campaign rallies and town hall meetings are an important part of a vibrant and inclusive democracy. Conducting such electoral activities during the COVID-19 pandemic is unrealistic. The alternative is to use impersonal medium such as social media and electronic platforms in order to observe safety measures of restriction in movement and maintain social distancing. Unfortunately, many Nigerians, especially those in rural areas do not have access to these platforms.</p>
9	No Alternative remote voting methods	<p>Special voting arrangements that allow citizens to cast their votes remotely (i.e. not in person at a polling station), either by post, or online through a computer or mobile phone application that could mitigate health or security hazards presented by voting in congregated spaces are not available. Moreover, financial costs and legal framework may be prohibitive; implementation timeframes may be insufficient for</p>

S/N	Implication	Description of the Implication
		adequate preparation, procurement and training, and putting the legal frameworks in place. Political distrust may also undermine confidence in any alternatives, while possible threats to the integrity of elections can undermine the feasibility of alternative voting options. Also, postal voting typically requires a large-scale logistical effort, from procuring reliable postal services to recruiting ballot-counting staff, and requiring numerous counting officers to cooperate under close supervision. Such an exercise would also be challenging to conduct safely during COVID-19.

Source: Compiled by Authors.

### III. Cross-Country Analysis

The International Foundation for Electoral Systems (IFES) revealed that as at October 7, 2020, sixty-six countries and eight territories had postponed a total of one hundred and thirteen elections due to the COVID-19 pandemic (IFES 2020a). In a bid to strike a balance between legitimate public health concerns and keeping to democratic tenets, some other countries have held elections notwithstanding the enduring global public health emergencies. As at August 28, 2020, twenty-seven countries have conducted elections with mitigating measures in place (IFES 2020b). In this section, elections held during the global COVID-19 pandemic in select countries are reviewed:

## **Germany**

The German state of Bavaria held an all-postal vote for the second round of local elections. Bavaria held the first round of local elections on March 16, 2020, offering in person voting at polling stations and postal voting. The second-round run-off, which was held on March 29, 2020, was an all-postal vote. That was decided in response to the COVID-19 pandemic which posed health risks to voters to physically congregate at polling centres due to its contagious nature. The decision and logistical arrangements were made after the first round was held (Süddeutsche, 2020).

## **Chile**

Chile postponed constitutional referendum for six months and had set a national plebiscite on whether or not to draft a new constitution for April 26, 2020. Following a broad political consensus among 15 political parties on March 19, 2020, the plebiscite was rescheduled for October 25, 2020. The decision came after Sebastián Piñera, Chile's President, declared a 90-day state of catastrophe in the country, with the objective of strengthening government's ability to contain the virus. This is an important decision, especially since the demand for a new constitution had been at the heart of the large-scale protests that engulfed the country since October 2019. In order to bring into effect this new date for the plebiscite, a constitutional reform bill was presented and required the approval of two thirds of parliamentarians (McGowan, 2020).

## **New Zealand**

New Zealand considered alternative voting methods ahead of its general elections and two national referendums. The New Zealand Electoral Commission is considering extending existing alternative voting arrangements, designed for voters unable to attend a polling station to vote in person, to all voters for its general elections scheduled for September 19, 2020. Alternative voting arrangements being considered include extending the online services for voting that is currently offered to overseas voters, who can download and upload their voting papers; extending the telephone

dictation voting services, available to people who are blind, partially blind or have a physical disability (although this method prevents voters from casting their voting paper without assistance); offering proxy voting and postal voting, neither of which is currently provided for in electoral legislation; and expanding the use of mobile ballot boxes (Vote NZ 2020).

### **Liberia**

Legislative elections were held during the Ebola epidemic in Liberia in 2014, with some urban areas exempted from participating.

### **Pakistan**

In 2018, Pakistan did not hold elections in certain regions because of insecurity caused by armed conflict.

### **France**

Local elections in France were held but with a much lower turnout than predicted for in previous elections while a referendum on constitutional reform in Italy was indefinitely postponed.

## **IV. Conclusion**

The global spread of COVID-19 pandemic has profoundly impacted on the delivery of public services and routine events that are integral to inclusive societies. Electoral processes are one of such events. The opportunity for a society to confirm officials in elected offices or remove them, within a constitutionally defined timeframe and framework, is a pillar of democratic values and standards. The process of doing this is a communal one, and communal events intrinsically bring people together but this is a process that is contrary to the informed advice for limiting the transmission of COVID-19, a deadly and contagious virus. To avoid a constitutional and a legal breach, we conclude that decisions must be made to ensure democratic institutions function as they ordinarily would do, during extraordinary times, such as the outbreak of a global health pandemic. This

paper, therefore, offers some recommendations for improving decision making process for electoral administrators, governments and civil society organizations on administering elections amid the continued spread of COVID-19 as distilled in the next segment.

## V. Recommendations

- In consideration of public health safety, constitutional and technical issues, INEC should postpone the Edo and Ondo States governorship elections by one or two months to enable the Commission monitor the progress on the containment of COVID-19 as well as put in place adequate logistics and safety arrangements for the conduct of the elections;
- If the pandemic persists, INEC should proceed with the elections but provide adequate public safety arrangements as well as safety guidelines and procedures for the conduct of the elections. This should be complemented with massive sensitization and public awareness campaign by all relevant agencies of government in the affected states. Personal protective equipment should be adequately supplied to all electoral officials, security personnel as well as voters. Nigeria can draw lessons on safety measures from the recently conducted parliamentary elections in South Korea on April 15, 2020, amidst the COVID-19 pandemic.
- Nigeria's National Assembly should expedite action on the passage of the 2020 Electoral Amendment Bill; and provide for Alternative Remote Voting Methods such as online/electronic voting and voting by post etc. Similarly, Early Voting, Diaspora Voting, and other such measures that will ease voting activities and decongest voting centres should be captured in the Bill.
- INEC, political parties should put out safety guidelines and procedures for the conduct of the elections on time as well as mechanisms for their dissemination. Political parties participating in the governorship

elections in the two states should explore the conventional and social media for their campaigns and other forms of enlightenment programmes aimed at mobilization of the electorates.

- INEC should regularly update the general public on the progress made in its plans for the conduct of the Edo and Ondo States governorship elections in the face of the COVID-19 pandemic particularly, on the safety measures as well as the logistics arrangements being put in place for the conduct of the elections.

## **VI. Suggested Guidelines for operating polling stations during the COVID-19 pandemic**

Actions for Electoral Officials before and during elections:

- Electoral officials should ensure that voters observe and maintain the recommended social distancing in all polling centres/units, collation centres during and throughout the period of the elections;
- INEC should ensure that personal protective equipment such as face masks, hand sanitisers, among others, are adequately supplied to all election workers as well as voters;
- Additional polling units/centres should be created by INEC before elections in order to decongest existing ones and avoid overcrowding;
- All voters must be screened on arrival at the polling centres/units with thermometer guns by accredited health practitioners before accreditation and voting; and
- Standby ambulances and other relevant health equipment should be provided by the Ministry of Health and stationed at strategic locations for emergency interventions where necessary.

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**Book Review**

# 10

**Review of Duncanson, C. (2016).  
Gender and Peace building.  
Cambridge: Polity Press. 157 pages  
and preliminaries**

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Lohna Bonkat-Jonathan, PhD<sup>1</sup>

## Introduction

The book is written to encourage the inclusion of gender in the peacebuilding process because of the peculiar experience of women in war. The book comprises five (5) chapters and its central argument is the understanding of the relationship between gender and peace building and the involvement of gender in the process because women and men experience war differently. Also, it aims to understand feminist position on Women, Peace and Security (WPS) and to set the agenda for involvement of gender in peace building because of the increasing nature of sexual violence against women in war. The writer pointed out that in peace building processes gender analyses is often neglected, as such there is the need to include gender analyses in peace building. The neglect of gendered analyses led to the adoption of resolution 1325 of the UN in 2000, as well as the introduction of UNSCR 1820 in 2008 aimed at ensuring the inclusion of women in peace building processes.

Engaging women in peace building process brings a balance to achieving peace and the return of peace to war torn societies. Duncanson provided the steps to be followed in order include gender in peace building as: gender equality as a goal; gender as an analytical tool for assessing peacebuilding; and gender as an approach to peacebuilding. The author stated “feminist scholarships in many decades have demonstrated war is gendered with its causes and consequences. This is seen in the language and policies of state leaders through their strategies and tactics in conflict zones” (Duncanson, 2016, p. 1). The author pointed out that feminist scholars have shown how conflict affects men and women differently and, as such, they should all be included in peace building processes. The efforts of inclusion of gender in peace building has been successful to a large extent even though, more work needs to be done. More women’s voices and views on peace and security matters, for example, is being heard worldwide (Anderlini,2007;

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Cock-burn 2007; Reilly 2007; Cohn, 2008; Bonkat & Buba, 2019) and more women have become empowered economically (Bonkat, 2015). This book is suitable for persons involved in peace processes, especially government officials, International Organizations, Non-Governmental Organizations, Military Organizations and Scholars, amongst others.

The book starts by looking at gender blindness and gender dilemmas in peace building. The author shows how peace operations did not consider gender since the post-cold war up to the 1990s, even when women were the most affected during war. The impacts of war on women, according to the author, were not taken seriously by the UN Security Council. Also, women, in spite of their work, were not recognized as potential peacemakers, as shown by the failure to include women in the processes of post conflict reconstruction and rebuilding. However, with the introduction of resolution 1325 in 2000 this problem changed and a new era of peace building was introduced by involving women in conflict resolution and peace building. "The resolution 1325 moved peace building from gender blindness to a set of implementation gaps" (Duncanson, 2016, p. 420), and gave rise to the creation of other gender policies. These policies are a Gender Resource Package for Peace-keeping Operations in 2004, a Global Action Plan in 2006, and in 2008, the United Nations Security Council Resolution was adopted because of some challenges faced in its total implementation, such as matters of sexual violence issues in conflict. UN resolutions were, however, criticized as imperialist because they served the interest of the west. This critique does not hold water because African societies before colonial rule and introduction of foreign religions recognized the role of women as peace agents, as such, resolutions seeking gender sensitivity in peace building processes cannot be said to be imperialistic.

The second chapter focuses on the historical development of the WPS architecture, the different perspectives and assessment of how feminists envision peace in relation to gender equality. It highlights gender as an analytical tool which brings to the fore, the experiences of men and women during conflict and peace. The author paid attention to how gender structures existed in war and peacebuilding. The idea of the author is not

about treating women equally but eradicating gendered hierarchies; by involving women on peace tables and increasing the role of the female gender in decision making at all levels. Duncanson also discussed how neoliberal policies tended not to make women integral in peace building rather; it sees women's activism in peace to lie in the social construction of gender. Their gender should not be an obstacle, instead, the feminist standpoint are of the opinion that women from all races, cultures, and locations should be involved in peace processes, because they are naturally peaceful (Duncanson, 2016).

The third chapter of the book examines neoliberal prescriptions for conflict reconstruction which goes hand in hand with peacebuilding. Gender was used as an analytical tool to understand the relationship of peace building and gender, and how conflict affects both men and women and how they are involved in the peacebuilding process. The author showed how neoliberal policies affects women and other marginalized groups negatively in post-conflict context. These policies are hostile to women who are desperate to cope and survive, because they offer incentives to mostly male agents. Strategies women used to cope in a conflict economy is not catered for by neoliberal policies, rather they further entrench gender inequality and women's hardship in the aftermath of war. Mozambique, Bosnia-Herzegovina, Afghanistan are among countries who in the aftermath of war, have implemented neoliberal policies by borrowing from IMF and World Bank, and have ended up depending on foreign aid and investment. In summary, the author argued that the liberalization process has benefitted elites, exacerbated corruption and has been harmful to majority of the citizens in conflict zones, which has been particularly damaging to women and other marginalized groups in the coping economy.

The second to the last chapter of the book focuses on efforts that have been put in place to overcome the problems; dilemmas; and obstacles of including gender in peace building. The author pointed out that involving women can be achieved by recognizing gender inequality and gender ideology in war. It involves transforming the unequal relations between men and women. It went ahead to discuss intersectionality as a situation

where unequal relations between different races, classes, and sex are transformed. Another focus of the chapter is on WPS architecture and how it has engendered peacebuilding using protection, participation and prevention as well as gendering security sector reforms (SSR) in the WPS agenda. Case studies of DRC, Syria and Burundi were used to understand the reduced gaps between men and women in peace building processes. This can be done by protecting women in war which most states and UN are not able to protect and prosecute those who sexually harassed them. The author further showed how sexual abuse/violence is neglected in peace negotiations and as such there is a need to develop guidelines to address this situation. Ensuring women's participation in peace processes through the UN WPS architecture are efforts to include women in the processes. "Peace processes are crucial for women as this is where agreements are forged which will shape the future of a country" (Duncanson, 2016, p. 105). The author pointed out that despite the adoption of UN resolution 1325, a survey by UN Women of 31 major peace processes around the world between 1992 and 2010 showed that, only 9% of women were included in the process and 4% were signatories. To overcome these challenges, it was concluded that to achieve these three pillars the issue of resources is central.

The last chapter of the book suggests gendering alternatives to Neoliberal peacebuilding. It focused on what is required to capitalize on the gains and to overcome obstacles in realizing peace and advocates for a new approach to peace building which places women's economic empowerment at its centre. The author demonstrated that peace means having economic security and opportunities, not just the absence of war. The UN is seen to have increasingly recognized the need to focus more on the economic empowerment of women as part of peacebuilding. Through the UNSCR 1889 adopted in 2009 and 2010, the body supports women's socio-economic rights in post-conflict settings, and PAP introduced in 2010 committed to including women in economic recovery. UNSCR 2122, also adopted in 2013, increased measures to protect and ensure more participation of women, gender equality and women's empowerment to be central to international

peace and security. As such the author calls for a new approach, called Social Services Justice (SSJ). This new approach serves as a bridge that recognizes both the immediate needs and long-term development, by dismantling hyper-masculinities and opening spaces for men and women in post-conflict environment. The economic empowerment of women and other marginalized groups as well as the focus of justice for women in post-conflict environments are important for development and security, particularly for women and gendered inequalities which could lead to transformation of the global economic system.

The book concludes that, after fifteen (15) years of adopting UNSCR 1325 there are positive signs that UN and feminist scholarships are gaining grounds on their focus on economic empowerment of women and other marginalized groups. Small gains have been experienced in the protection and participation for gender equality especially under neoliberal policies by challenging and exacerbating poverty, inequality and injustice. Finally, governments need to engage GBIs and GIAs to challenge the imposition of neoliberal policies in their countries. One of the key arguments of this book has been the need to “pay more attention to women’s economic and social rights as well as civil and political rights in post-conflict contexts” (Duncanson, 2016, p. 154). This simply means that when women are empowered economically more of them will get involved in processes of peace building and governance in post-conflict societies.

