

## **RETHINKING NIGERIAN ELECTORAL SYSTEM FOR DEMOCRATIC SUSTAINABILITY: CAN PROPORTIONAL REPRESENTATION LESSEN ELECTORAL TENSIONS?**

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### **ABSTRACT**

In recent years, there has been a spate of interest in how to lessen electoral tensions in the build-up, during and after elections in order to sustain Nigeria's democracy. Whichever way, the Independence National Electoral Commission (INEC) is always at the receiving end of any knock that resulted from the (in)actions of all stakeholders in the electioneering process. As it is, INEC is expected to perform multi-purpose functions which appear to always overburden the EMB in every electioneering period. However, little efforts have been made to consider the suitability of other options that could help lessen burden on INEC and electoral tensions in the country. It is against this backdrop that this paper attempts a rethink of the majoritarian electoral system in view of its virtue and shortcomings given the political desperations that stem out of the winner-take-all syndrome. The paper weighs the utility and suitability of proportional representation as an option to lessen electoral tension in future elections in Nigeria. The paper argued that absolute majority provokes electoral fraud and corruption, wastes huge number of votes, violates electoral liberty, restricts representation of minorities, renders the efforts of losing parties useless and above all, heightens tensions among others. The paper therefore recommended the adoption of open system-party list type of proportional representation to lessen electoral tensions in Nigeria thus leading to democratic sustainability.

**Keywords:** Electoral system, electoral fraud, minority, proportional representation, electoral tension, elections, winner-take-all.

## BACKGROUND TO THE STUDY

Effective and efficient electoral system is *sine qua non* to the operation of a democratic system. This is premised on the fact that election periods are the defining moments in any democracy. The significance of election cannot be over emphasized because it confer legitimacy upon those chosen to represent the electors and also hold representatives to account for their actions while in office (Pitkin, 1967:39). The validity of this assertion is seen in the comment of former Nigerian President, Goodluck Jonathan (2009) that “there is nothing that disturbs a politician than winning an election and having credibility problem. You can’t celebrate such election”. In view of these, the concept of electoral system has been a topical issue among scholars, politicians and all stakeholders in the operation of an ideal system of democratic government. For a free and fair election to be held, an electoral system must provide for an honest, competent, non-partisan administration to run the elections; provide a generally accepted rules which guide all electioneering activities and above all make provision for an independent judiciary to interpret the said electoral laws (FRN, 1987:132). Above all, the electoral system must provide environment and institutions capable of translating people’s wish to political recruitment.

Electoral system is a wide concept which embraces all institutional procedures, arrangements and actions involved in election. It includes both ‘pre-election’ and ‘post election’ activities which includes: the suffrage, the registration of voters, delimitation of constituencies, the right to contest elections, electoral competition between rival political parties, the body charged with the conduct and supervision of election, the method of electing candidates within political parties, nomination of candidates, method of voting, the actual conduct of elections, the determination of results, trial and determination of election disputes, electoral malpractices and their consequences (Nwabueze, 1993). One can assert that the central value which must be enshrined in any electoral system is the “doctrine of equality” as a natural phenomenon to democratic election. The electoral system ought to give equal opportunity to everybody irrespective of status and class. Also equality of opportunity to political parties and candidates must be maintained to enable them reach the electorate with their alternative programme and development aspirations. This is critical in three aspects of electioneering process. *First*: giving equal access to candidates to campaign in all places even under the incumbency control of opposition party. *Second*: equal access to electioneering campaign coverage in the media most especially the public owned media. *Third*: electoral system must ensure equal funding of political parties and candidate in order to avoid one party having edge over others.

In a bid to assure the doctrine of equality in Nigeria, the country adopts the majoritarian type of electoral system with first-past-the-post winning system. To implement this, Section 153(1) of the 1999 constitution of Nigeria (as amended) established the Independent National Electoral Commission (INEC) as the country’s Electoral Management Body (EMB) with the mandate to organize, undertake and supervise all elections (except to Local Government Councils other than those in the FCT). Other mandates of the INEC as stated in Third Schedule (Part 1) of the constitution ranges from registration and monitoring of political parties to registration of voters among others. The multi-purpose constitutional functions of the EMB appear to always overburden it in every electioneering period. This always put INEC at the receiving end of any knock that resulted from the (in)actions of all stakeholders in the electioneering process.

In addition, the first-past-the-post winner system which returns the candidate with a simple majority of votes seems problematic. This in the sense that it fails to reward other candidates regardless of the number of ballots cast in their favour.

This often leads to political desperations on the parts of all contesting candidates and political parties. They engage in different gimmicks and actions that will guarantee their victory at polls. This is why the country witnesses high rate of electoral violence during every election. The political desperation that stems out of the winner-take-all syndrome makes elections to become a do-or-die affair thereby heightens electoral tensions in the build-up, during and after elections in Nigeria which make average Nigerians to detest the period and democracy in general.

Over the years, there has been a spate of interest in how to lessen electoral tensions in the build-up, during and after elections in Nigeria. Several recommendations have been put forward by scholars, politicians, social commentators, election observers and international partners in this respect. However, little efforts have been made to consider the suitability of other options that could help lessen burden on INEC and electoral tensions in the country. The overburden of INEC has led to several challenges threatening democratic sustainability in the country. It is against this backdrop that this paper attempts a rethink of the majoritarian electoral system in view of its virtue and shortcomings given the political desperations that stem out of the winner-take-all syndrome. In doing this, the paper is divided into sections. The first section which raises the background issues to the study is succeeded with the review of the concept of electoral system, its forms and the reasons why countries practicing same democracy opted for different electoral systems. This is followed by the theoretical framework. The fourth section x-rays the Nigerian electoral system bringing out the issues and noting the challenges there-in. The fifth section discusses the implications of the electoral system on INEC and Nigerian democracy. The sixth section examines the option of Proportional Representation as a way out and what the country stands to benefit if adopted. A number of recommendations are proposed as the paper concludes in the seventh section.

## **THE CONCEPT OF ELECTORAL SYSTEM**

The concept of electoral system covers a wide area of socio-political and economic activities that relates with election and has since inception becomes a contested issue. Several definitions have been proffered. Notwithstanding the definitions, the point of convergent is that electoral system is concerned with the process and method through which representatives and other political office holders are chosen. This connotes the activities geared toward political recruitment by means of citizens democratically exercising their civic right of selecting or electing their political representatives. This is why O'Neal (1993) defined electoral system as the mechanisms by which the preferences of citizens are translated into seats in representative institutions. In the same vein, Okwodu (1979) conceptualized electoral system as "the process by which the citizens of a state vote to elect people to represent their interests and opinion in government". He stated further that "for this purpose (i.e. election), the territory of the state is normally divided into various electoral constituencies through which the inhabitants vote for one of the various candidates to become their representative".

However, it is pertinent to note that the concept of electoral system transcend voting in an election. This position is shared by Lawal (2003) who sees the concept as encapsulating the totality of the whole process of transitional elections starting with the establishment of institutional framework through to the final conclusion of elections and declaration of results. This had been previously enunciated by several scholars that electoral system encapsulates all activities that are related to election; ranging from registration of voters, delimitation of constituencies, constitutional provision and enforcement of the right to context elections, the actual electoral competition between rival political parties, the establishment and empowerment of a

neutral umpire charged with the conduct and supervision of election, internal party democracy (i.e. method of electing candidates within political parties), nomination of candidates, method of voting, the actual conduct of elections, the determination of result, trial and determination of election disputes, electoral malpractices and their consequences (Nwabueze, 1993; Blondel, 1997; O'Neal, 1993; Jackson and Jackson, 1990; Onu and Momoh, 2005; and Jinadu, 1997 among others).

In light of this, electoral system can be said to simply connote a set of rules and procedures that guide the selection of a country's leaders and other supportive practices that will help in ensuring the implementation of the rules and regulations toward achieving its full potentials. It also entails all activities that will make the administration of the rules easy, such as publicizing those rules and educating the electoral contestants, the political parties, the electors and the umpires on the rules and their expected behaviour. For these to yield the desired results, the rules must be fair and cover most of the foreseen and unforeseen circumstances that might lead to flaws. The rules have to be followed and they have to be objectively enforced; and there should be severe sanctions when those rules are breached. This signifies that a good electoral system must not only outline how election is conducted but also stipulates the penalties for electoral offenders.

No matter the focus or usage of the concept of electoral system, election is usually the center piece through which other explanations rallied round. As earlier stated, majority of people believe that election marks the only occasion of any form of political participations. Putting this into thought, one cannot deny the fact that political participation does reach its peak during election period. It had been argued that the governors (i.e. political executives) have the mandatory responsibility of ensuring conducive political atmosphere in the polity which will create avenues for the involvement of the governed in the policy-making process (Olaniyi, 1998: 82). However, observations have shown that the governed may become apolitical most especially in developing countries like Nigeria if they wish to. No matter the level of political apathy, it is usually a different ball game during electioneering period. Majority of the people participate in politics even if just to vote for their choice in forming government. Since election periods are the defining moment in any representative democracy, the concept of electoral system become inevitable given the fact that the latter will encapsulate the rules and regulation governing the electoral processes as a whole. Premise on the close relationship between the concept of election and electoral system, scholars and political analysts have often been using the two concepts inter-changeably and synonymously.

There are three forms of electoral system. They are majoritarian system, proportional representation and mixed system. A country can choose any form among them depending on the prevailing interest and factors. In light of this, the fundamental question is "*why do democratic countries have different electoral systems?*" Rokkan (1970), Boix (1999) and Cusack, Iversen and Soskice (2007) argued that the choice of a country's electoral system is premise on economic interests of the elites, (though on different perspective: see their works for detail). We agree with this thought but with a step further that socio-political interests are also forces to reckon with when analyzing the factors that predicated a choice of electoral system. To prove our position, we attempt to divide countries along the system adopted and subsequently analyze the economic, social and political reasons for adopting such electoral system (either majoritarian system, proportional representation or mixed system).

Some scholars argued that economic interest necessitated the adoption of proportional representation as a form of electoral system in some countries. However, they subsequently disagree over the exact intent of that economic interest. In an attempt to analyze and explain the driving factor which determine the choice of electoral institutions, Rokkan (1970) and Boix (1999) argued that proportional representation (PR) was adopted by countries where the right was divided by religions and other non-economic cleavages, and unable to co-ordinate in order to defend its class interests against a rising left to prevent electoral elimination. In a sharp contrast, Cusack, Iversen and Soskice (2007) argued that new evidence shows that proportional representation strengthens the left and re-distribution (see Iversen and Soskice 2006; Bawn and Rosenbluth 2006; Persson and Tabellini 2004; Crepaz 1998; Rogowoski and MacRae 2004; and Smith 2000), thereby providing the standard view of Rokkan and Boix to be wrong historically, analytically and empirically. They posited that the adoption of proportional representation was as a result of combination of two opposing concepts viz: *minimum winning coalitions and consensus*. They submitted that the right (capitalist) adopted proportional representation when their support for labour markets and skill formation where co-specific investments were important, outweighed their opposition to the redistribution consequences.

Economically speaking, most countries such as the United States, United Kingdom, Australia, New Zealand, Canada, Ireland, Papua New Guinea, Fiji, Venezuela, Netherlands, Belgium, Brazil and Nigeria which chose majoritarian system have quite different background. For most, the extinction of guilds (a medieval association of merchants or craftsmen with common aims and interest) signaled the emergence of industrialization. In this era, both the employers (capitalist) and workers (labour unions) engaged in severe conflict in the process of protecting their interest (Cusack, Iversen, and Soskice, 2007:381). This economic showdown made the elites to opt for majoritarian system in order to strike a balance and maintained peaceful coexistence and cordial relationship between the industrialist and labour unions.

Premise on this, Thelen (2004) pointed that the reasons that propelled this decision was as a result of a number of factors which include: the lack of coherent interest which led to the opposing interest of craft union to those of the employers, the inability of the craft union to co-operate among themselves thereby making them to be volatile in nature, the subsequent acephalous nature of autonomous communities which made it impossible for them to have stability; and finally, the lack of standing structure also led to limited coordination among employers in each of these economies thereby deterring them from forming a strong political group. The early occupation of Nigeria by the British colonialist best portrays this era. However, the United States constitute a special case as democracy and majoritarian political institutions arrived long before the industrial revolution in the United States and subsequently undermined the emergence of a truly coordinated capitalism (Martin, 2006). In another way, many American capitalists aimed at developing new technologies which will eliminate the need for skilled craftsmen. The eventual design of machinery, which require only semiskilled workers consequently led to *fordism* (a situation where unions were kept out of many plants). These were responsible for the effects of two-party competition that exist in the United States (Cusack, Iversen and Soskice, 2007: 381).

In its socio-political context, the fundamental prerequisite for accepting the existence of a polity is for such polity to have a sovereign structures or institutions that can command internal obedience from its citizens and prevent external aggression from neighbouring states. For this to be achieved, the elite decided to adopt majoritarian system which will be acceptable to

the warring masses to prevent been instigated into volatile act as well as ensure socio-political and economic domination by the elites. The peaceful co-existence will enable the polity to resist external aggression or internal insurrection.

For proportional representative adopters such as Germany, Denmark, Belgium, Malta, and Tasmania, Israel, Turkey, South Africa, Slovenia, Kiribati, among others adopted this system as a result of their strong common economic interest that lead them to prefer collaboration and mutual accommodation. (Katzenstein 1985; Lijphardt 1984; Powell 2000; and Rogowski 1987). However, according to Boix (1999) and Rokkan (1970), these countries adopted proportional representative due to issue of redistribution and the goal of centre and right (capitalist) parties to constitute a majority in parliament against the rising left (labour unions) parties. This standpoint was criticized by Iversen and Soskice (2007) who argued that rather than issues of redistribution, proportional representative was adopted as a result of the move of economic networks from local to the national level and the need this generated in some countries for a broad range of regulations of labour markets, of skill formation, managerial control, collective bargaining, elementary social security and so on. Be it as it may, the socio-political reason was to have a political system which will guarantee that agreement cannot be change by a change of government without the consent of the groups. This necessitated the adoption of proportional representative to enable the different groups to be represented through parties and allows for consensus decision making in the regulatory areas that concern them.

France and Denmark adopted both majoritarian and proportional representative system (i.e. Mixed System). France adopted proportional representative in 1918 but reverted to it two-round system (majoritarian system) in 1927. In 1946, the fourth republic again adopted proportional representative and De Gaulle moved the electoral system back again to two-round in the fifth republic in 1958. Denmark adopted majoritarian system but transited to proportional representative in 1920 (Cusack, Iversen, and Soskice, 2007:381-382). The uniform ideal behind these incessant shifts was as a result of the combination of the factors which caused the adoption of both majoritarian and proportional representative system as enunciated above.

On a conclusive note, one can infer from the foregoing analysis that it is not religion or other cross-cutting cleavages that caused democratic countries to adopt different electoral system; rather it is a matter of both economic and socio-political interests of the elites. In view of this, it may not be an overstatement to argue that Nigeria chose majoritarian electoral system due to its potentials for protecting the economic interest of the elites as well as suiting the social political nature of the countries. Be it as it may, the most important thing to note is that the choice of electoral system is central to the very notion and practice of democracy. It has been argued that where the choice of electoral system is flawed, and not quickly rectified, democracy itself will be imperiled (Atiku, 2008).

## **THEORETICAL FRAMEWORK**

The fact that electoral system will remain a world-wide topic of discussion (O'Neal, 1993:3) given its centrality to democracy necessitated the need to theorize it. This is because there is continuous increase of literature on the subject matter. Several theories are available in the literature that can be used in a study of this nature. These include: structural functionalism, economic theory of democracy, deductive model of political behaviour, causal symmetry, and public choice theory among others. However, this study adopts economic theory of democracy propounded by Anthony Downs (1957). The proponent of the theory attempts to establish a model with precise conditions under which economic theory could be applied

to non-market political decision-making. The theory abstains from making normative statements about public policy choices and instead focuses on what is rational, given the relevant incentives, for government to do (see Downs, 1957, Riker and Ordeshook, 1968).

The basic assumption of the theory that is relevant to this study is the one that holds that government takes decision based on rationality given the relevant incentives which the government and people stand to benefit. This will enable intrinsic identification and evaluation of the factors that necessitated the adoption of majoritarian electoral system in Nigeria. It is premised on this that other electoral system options will be analyzed to weigh their utility and suitability on a factual basis. Though, the theory may be criticized on the ground that it is more preoccupied with predictions and tilted towards economic aspect of democracy at the expense of societal dispositions. However, this is not sufficient to knock out the theory because Friedman (1953) had earlier opined that “theoretical models should be tested primarily by the accuracy of their predictions rather than by the reality of their assumptions”. In addition, the novelty of the theory to this study stems out of the fact that it abstains from making normative statements about public policy choices. This notion is central to the argument of this study in a bid to ensure the adoption of the better option of electoral system that will suit the socio-political and economic interest of the people and government in Nigeria.

### **The Nigerian Electoral System: Issues and Challenges**

The Nigerian electoral system is built on a Single Member Constituency Majoritarian System. It is premise on competitive multi-parties and the first-past-the-post winner system. By this, it returns the candidate who attracts a simple majority of votes while every other candidate loses regardless of the ballots cast in their favour. However, there is a fundamental difference in the executive and legislative method or requirement of winner’s declaration. For the legislative election, the winning candidate needs only a simple majority of the total vote cast; even if just a vote higher than the first runner-up; while an executive winning candidate needs an absolute majority of the total vote cast. The definition of ‘absolute majority’ in Nigerian context according to section 133, 134 and 179 of the 1999 constitution (as amended) means that the winning candidate must attract the highest number of votes cast at the election; and must have not less than One-quarter of the votes cast at the election in each of at least two-thirds of all the states in the federation and the Federal Capital Territory for presidential election - two-third of all local government areas in the state in the case of a Governorship election and two-third of all wards in the Area Council in the case of local government election-. In an event where this absolute majority is not attained, the constitution demands that a second election be held between the two candidates who scored the highest number of votes. Other candidates are technically eliminated from contesting in the second rerun. Section 70 of the Electoral Act 2010 (as amended) recognizes the possibilities of two or more candidates polling equal number of votes and subsequently makes provision that:

Where two or more candidates poll equal number, of votes being the highest in an election, the Returning officer shall not return any of the candidates and a fresh election shall be held for the candidates on a date to be appointed by the commission.

The method of voting as prescribed by section 52 of the Electoral Act 2010 (as amended) is Open Secret Ballot system (OSBS) in which the prospective voter goes through a process of accreditation, receives a ballot paper from the appropriate

poll official and thereafter makes the confidential thumb print in favour of the political party or candidate of choice in a secret voting compartment before dropping the ballot paper in the box positioned in the open, in the full glare of officials, security and parties' agents.

The electoral system also allow disputed election result to be challenged by way of election petitions, judicially heard and determined at tribunals or courts established for the purpose as the case may be. Part VIII of the Electoral Act 2010 (as amended) under the banner of "Determination of Election Petition Arising from Election" comprehensively states the procedure and method of challenging election result while chapter VII of the 1999 constitution (as amended) enunciates the courts and election tribunals with their corresponding jurisdiction as well as their composition in relation to various electoral litigations.

For the purpose of electoral administration, the country is divided into 120,000 polling centers (Umonbong, 2006) through which the electorate vote for their representatives. The polling centers are used for presidential election as a whole while it is divided into 36 for gubernatorial elections, 3 senatorial districts for each state and 360 federal constituencies for the House of Representatives election. The presidential, Gubernatorial, Senate, House of Representatives, State Assemblies and the Federal Capital Territory Area Councils elections are to be handled by the national electoral management body; currently known under the Constitution as the Independent National Electoral Commission (INEC) while the conduct of Local Government elections is rested in the hands of the States Independent Electoral Commission (SIECs) with primary electoral guide stated in the Electoral Act 2010.

Generally speaking, Nigerian electoral system is anchored on the provision of the 1999 constitution and the Electoral Act in use at a point in time. While the former is somehow rigid, the latter is flexible in order to make way for constant review of the rules governing the electoral process. This is because it has been discovered that the 'past failure of the legal system to protect individual and political right to prosecute those behind the many cases of electoral violence and fraud, and curb the excesses of political incumbents in the country are responsible for the ill-fate of Nigerian elections' (Albert, 2007:1). This makes the constitution to empower the National Assembly to constantly review electoral rules to deal with new and emerging problem militating against the conduct of credible election.

However, one of the consequent of the frequent amendment is the provision of laws that suit an election and become obsolete or archaic immediately after the election. This is mostly as a result of the exposure of the inherent irregularities or loopholes in the course of judicial examination of the rules in relation to electoral dispute. Premise on this, the National Assembly tend to review the electoral laws in order to amend the loopholes whenever an election is on the way. This accounted for the series of electoral acts used in Nigerian elections which are always framed a year before the general election. For example, Electoral act 2002 (used for the 2003 election); Electoral Act 2006 (used for the 2007 election); Electoral Act 2010 (used for the 2011 election); Electoral Act 2010 (as amended- used for the 2015 election); and legislative effort is currently on, reviewing the 2010 amended electoral laws with the intention of coming out with another electoral law to be used for the 2019 general election.

From the foregoing, it is noted that the first challenges with the Nigerian electoral system is the fact that it overburdened INEC. Aside the electoral duties, the Act also mandate the INEC to perform other functions. For instance, Section 2 of the Electoral Act 2010 (as amended) states that:

In addition to the functions conferred on it by the Constitution, the Commission shall have power to (a) conduct voter and civic education; (b) promote knowledge of sound democratic election; and (c) conduct any referendum required to be conducted pursuant to the provision of the 1999 Constitution or any other law or Act of the National Assembly.

Another challenge of the electoral system is that it provokes electoral fraud and corruption which have become trending in Nigerian elections. Several factors that account for this trajectory as witnessed in almost of previous elections in Nigeria range from the hiring of ad hoc staff who may not share the integrity notion of permanent staff, greediness and low welfare package for staff members, fear of assault for not doing the bidding of corrupt and desperate candidates and above all, the negative impact of the winner-take-all syndrome.

The Nigerian majoritarian electoral system is also known for its wastage of huge number of votes. For example, see table 1 below for the result of the 2015 presidential election:

**Table 1: Result of the 2015 presidential election**

<b>Candidate</b>	<b>Party</b>	<b>Votes</b>	<b>%</b>
Muhammadu Buhari	All Progressives Congress	15,424,921	53.96
Goodluck Jonathan	People's Democratic Party	12,853,162	44.96
Adebayo Ayeni	African People's Alliance	53,537	0.19
Ganiyu Galadima	Allied Congress Party of Nigeria	40,311	0.14
Sam Eke	Citizens Popular Party	36,300	0.13
Rufus Salau	Alliance for Democracy	30,673	0.11
Mani Ahmad	African Democratic Congress	29,665	0.1
Allagoa Chinedu	Peoples Party of Nigeria	24,475	0.09
Martin Onovo	National Conscience Party	24,455	0.09
Tunde Anifowose-Kelani	Accord Alliance	22,125	0.08
Chekwas Okorie	United Progressive Party	18,220	0.06
Comfort Sonaiya	KOWA Party	13,076	0.05
Godson Okoye	United Democratic Party	9,208	0.03
Ambrose Albert Owuru	Hope Party	7,435	0.03
<b>Invalid/blank votes</b>		844,519	
<b>Total Votes Cast</b>		<b>29,432,082</b>	

Source: INEC, 2015.

A close look at the result as stated above shows that Muhammadu Buhari won the election with 15,424,921 votes accounting for about 54%. By implication, other candidates lose the election despite the huge number of votes they garnered. This shows that a whopping 14,007,161 votes were wasted as a result of the provisions of the majoritarian electoral system. This trend is

also recorded in the legislative elections where the sum of the votes of the losing candidates is more than the votes of the winner.

Other challenges of the electoral system include the fact that it heightens tensions and provokes electoral violence as a result of political desperation which was brought about by the winner-take-all syndrome. It is also characterized with inadequate prosecuting mechanism for electoral offenders. This is because, the Constitution and Electoral Act saddled INEC with the responsibility of prosecuting electoral offenders with no provision of special court or tribunals for that purpose. The electoral system by virtue of the majoritarianism marginalizes minority ethnic groups and other disadvantaged groups. This is premised on the fact that the majority ethnic groups only need the power of their huge numbers to continuously dominate the political sphere thereby denying the minorities to have equal representation. Lastly, the system also suffers from the in-exhaustive electoral laws as seen in the case of Atiku/Boni case (Adamawa in 1999) and Adu/Faleke case (Kogi State in 2016) to mention but a few. This implies that the electoral laws did not capture all eventualities that may arise from the electoral processes.

### **Implications of the Majoritarian Electoral System on INEC and Democratic Sustainability in Nigeria**

The enormous functions ascribed to INEC by the Constitution and Electoral laws which over the years overburdened it, is responsible for its habitual late planning, shoddy preparation and poor implementation of electoral activities. Sequel to the conclusion of an election, INEC is always engrossed with post election issues such as prosecuting electoral offenders and self defense in electoral litigations by losing candidates. INEC is also preoccupied with intra-parties court cases mostly on wrongful substitution of candidates to who actually is the authentic flagbearer in factional parties. While INEC is grappling with these post election matters and the conduct of staggered elections, it fails to commence preparation for the next general election which mostly comes in a sudden. All these contribute to shoddy preparation and poor outing during election.

Overbearing influence of the incumbent executive on INEC is another negative implication which the electoral system has on the EMB. Aside the fact that the executive President appoints the INEC's Chairman, National Commissioners and the Resident Electoral Commissioners (RECs) which gives the President a sort of influence, the EMB also suffers underfunding during executive's rationing of fund. In most cases, the RECs upon resumption to their state of primary assignment depend on their host Governors for financial and material supports to enable them perform their statutory duties.

The desperation to win at all cost often promotes corruption among the staff members of INEC. Political parties and candidates lured INEC staff especially the ad hoc staff that has fewer stakes in the integrity of the electoral outcome to pervert the process. A case in point is the Rivers State re-run election where the panel set up by Ibrahim Idris (the Inspector-General of Police) to probe the December 10, 2016 re-run elections alleged and arrested twenty three (23) staff of INEC. They were arrested for receiving N360 million as bribe from the Nyesom Wike led state government to influence the outcome of the election (Vanguard, February 8, 2017). Aside the corruption in the rank and file, the institution also suffers from the challenges of recruiting, training and deployment of ad hoc staff and ensuring their safety in volatile elections. Most of the ad hoc staff who are members of the National Youth Service Corps (NYSC) sometimes refused to show up to conduct the election out of fear of being killed or attacked. A similar situation happened in Suleja, Niger State when the ad hoc staff did not turn up for duty for National Assembly election following a fatal explosion inside the INEC compound in Suleja that

killed thirteen Corps members and injured about forty others during preparation (thewillnigeria.com, April 17, 2011). These challenges of understaffing of INEC to man all the 120,000 polling units is contributing negatively to the effectiveness of INEC and this can be ascribed to the fall out consequences of the majoritarian electoral system.

On the other hand, the majoritarian electoral system also has a number of negative implications on Nigerian democracy. This include: increase in the rate of political apathy as a result of the notion that ‘vote don’t count’. Also the minority and disadvantaged groups prefer not to vote since they know that their votes will not secure representation for them as the majority groups will use their huge number to their self-advantage. To this end, the electoral system also raises questions government’s legitimacy. The multiple effects of the system lead to low voter turnout which technically shows that only few people install the government without the consent of majority. For example, out of the 67,422,005 registered voters, only 29,432,083 actually voted in the 2015 Presidential election, putting the voter turnout rate at 43.7% (INEC, 2015).

Other implications of the majoritarian electoral system on Nigerian democracy include: the exposure of the nascent democracy to possible truncation, weaken democratic sustainability, provocations of electoral violence and marginalization of minorities, women and other disadvantaged groups among others.

### **Proportional Representation: A Way Out?**

The Concept of Proportional Representation (often called PR) is a system where seats are allocated in proportion to votes, in the hope that government will reflect the preferences of the electorate. This type of electoral system attempts to reward political parties based on the corresponding degree of support they received from the people during election. It ensures ‘real’ absolute majority on the notion that ‘the will of the majority is the will of the people’. The system not only take care of the strong political parties but also compensate the weak parties by allocating seats to them in proportion to vote garnered (O’Neal, 1993).

Historically speaking, PR is a product of the quest to solve the challenges of majoritarian system by enabling more equitable representation of all ethnic groups (whether majority or minority) and other disadvantageous groups. Its emergence is dated to the mid 19<sup>th</sup> century and its adoption gained momentum with the writings of Thomas Hare and J. S. Mills. It has two principal criteria:

- i. Listing of candidates by parties and the establishment of quota of votes required to be declared elected
- ii. After each election, winner is determined through the ability to garnered the requisite number of votes (quota)

Most European countries adopted the PR around 1890 to 1920 in order to expand the franchise to include the working class, abolished plural voting for the wealthy, and reduced the power of the landed gentry in undemocratic upper legislative chambers. Other reasons for its adoption by vast majority of these countries is to replace the electoral systems that features a large number of small, winner-take-all districts with some version of proportional representation (Rodden, 2009).

There are two basic types of PR:

- i. Party list system: Open and Closed system

ii. Single transferable vote (STV)

The Party list system is a type where voters in an electoral constituency choose from among list of candidates put forward by various political parties in an election. Each party is entitled to a number of seats that correspond to its share of the popular votes. A threshold is set in which a party must obtained to qualify for a seat. There are two variants: Open and Closed system. In the former, votes are cast for individual candidates among the list put forward by political parties and candidate that reach the threshold is declared to have won a seat. However, the closed system provides that votes are cast for political party rather than candidates. The party list system is the most common method of electoral system in the world (Electoral Reform Society [ERS], 2009). Countries using Party list PR include: Turkey, Switzerland, Italy, Argentina, Burkina Faso, Burundi, South Africa etc.

On the other hand, the Single Transferable Vote tends to correct the shortcomings of the PR on the argument of favouring large or small parties. STV is a system designed to provide opportunity for voting individual candidate rather than political parties. Voters are entitled to vote once but are requested to rank their choices among the contending candidates. Ballots are counted firstly by sorting according to first choices. A candidate who achieves the set threshold is declared elected and votes received in excess are redistributed according to second choice as marked. The process continued till all seats are filled. In a situation where no candidate achieves the threshold after a round of counting, the votes of the least candidate will be redistributed to others and recounted to have a winner in each round (ERS, 2009). The STV is in use in Ireland, Malta, Northern Island, Australia Senate among others (O'Neal, 1993: 9).

Both types of PR are premised on threshold (also referred to as quota) required to be achieved before a candidate is declared elected using either of largest remainder or highest average system of seat allocation. There are several ways of determining the quota. These are: the Hare Quota (propounded by Thomas Hare in 1857), Droop quota (by Henry Droop), imperiali quota and the Hagenbach-Bischoff quota. Each country is at liberty to choose the variant that best suit its specificity.

The novelty of PR stems out of the fact that it corrects the shortcomings of the majoritarian system by discouraging electoral fraud and corruption, reduces waste votes, assure electoral liberty, open representation of minorities, rewards the efforts of weaker parties and above all, lessen electoral tensions by removing political desperation that often breed electoral violence. Though, PR is criticized on the grounds that: it may place too much power in the hands of political parties' chiefs, weaken the constituency-legislative relations and makes the process of vote counting and declaration of winner to be complicated to a layman. However, these shortcomings are less damaging to those of majoritarian electoral system that often lead to deaths and destructions of properties.

### **What Nigeria Stands to Benefits for Adopting PR**

The winner-take-all syndrome of the majoritarian electoral system has produced sets of Nigerian political actors and followers that seem not to value the sacredness of lives. According to the Electoral Reform Committee Report (2008), the politicians, in Nigeria, have over the years:

become more desperate and daring in taking and retaining power; more reckless and greedy in their use and abuse of power; and more intolerant of opposition, criticism and efforts at replacing them (Electoral Reform Committee Report, 2008, Vol. 1: 19).

In 2011, more than 800 people were killed after Goodluck Jonathan was elected president (HRW, 2011 and Winsor, 2015) and supporters of Muhammadu Buhari took to the street to unleash terror in discontentment of the electoral outcome. In 2015, it took the divine grace of God to convince the defeated Goodluck Jonathan to accept the outcome of the election and avert the hundreds of lives that could have been lost. In view of this, Nigeria will be safer if the desperate tendencies are removed from the political process and contest. In addition, Nigeria stands to benefit the following if PR is adopted

- i. It will assure power to real majority on the value of “the will of majority is the will of the people”
- ii. Allocation of seats in the legislature will be in proportion to votes garnered which will lead to an all-inclusive government
- iii. It will reduce wastages of votes and makes all votes to count; thereby increase voter turnout during elections and confers legitimacy to governments
- iv. It will significantly increase political participation as everybody has chances and stake in the electoral outcome
- v. It will give effective voice to the minorities and disadvantaged groups, thus enhance national integration
- vi. It will compensate both strong and weak parties thereby reducing democratic authoritarian tendencies
- vii. It will significantly reduce electoral tensions
- viii. It discourages selfish cross-carpeting in the legislature
- ix. It will lead to democratic sustainability as all stakeholders and political actors will be better off in terms of the win-win situation that will come with it.

## **CONCLUSION AND RECOMMENDATIONS**

Premised on the fact that the success or failure of any political party or candidate does not worth the blood of any Nigerian citizen, and the growing spate of interest in how to lessen electoral tensions in the country, the paper examined a rethink of the majoritarian electoral system in view of its of its virtue and shortcomings given the political desperations that stem out of the winner-take-all syndrome. It established that the majoritarian system is doing the country less good in terms of security and democratic sustainability. In response to this, the paper successfully weighs the utility and suitability of proportional representation as an option to lessen electoral tension in future elections in Nigeria. The paper noted that despite the identified shortcomings of the PR, that its benefits still outweighs its shortcomings. The paper argued that absolute majority provokes electoral fraud and corruption, wastes huge number of votes, violates electoral liberty, restricts representation of

minorities, render the efforts of losing parties useless and above all, heighten tensions among others. The paper therefore recommended the adoption of open system-party list type of proportional representation for legislative elections and retaining of the absolute majoritarian system for executive; to lessen electoral tensions in Nigeria by eradicating political desperation of the winner-take-all syndrome. The paper advocates and lends support for the report of the Uwais Committee on electoral reform which recommended the adoption of PR. The paper concludes that it is by so doing that the Nigerian electoral system will enhance national integration by giving effective voice to the minorities and increase political participation in the country.

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