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# The impact of manipulated re-elections on accountability and legitimacy of democratic regimes in Africa: observations from Nigeria, Zambia and Kenya

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**This study analyzes causes and impact of pharisaic free and fair elections on African democracies. It is absurd when democratic governments in Africa perform poorly in office, yet they continue to renew their mandates in supposedly free and fair elections. This problem derives from regarding political offices by incumbent elites as sources of private wealth accumulation without suffering negative consequences. This engenders poor government performances, inveterate corruption and vitiated accountability. As political elites depend extensively on mobilization of ethnic solidarity and electoral frauds to retain power, the problem continues to recycle, with deleterious consequences for democracy in Africa.**

**Key words:** Accountability, consolidation, corruption, democracy, election, legitimacy, re-election, responsiveness.

## INTRODUCTION

The future of democracy in Africa seems to be in serious jeopardy as governments characterized as democratic perform abysmally to the dissatisfaction of the people, yet the same dissatisfied people renew their mandates in supposedly free and fair elections. This absurdity indeed becomes more perplexing when international election observers and international community in general, like in the 2001 Zambian election, validate elections they openly admitted to have been rigged by the government. For instance, in the Kenyan election of 1992, these observers commented that Moi's party/government had influenced the conduct of election to its advantage, yet that election was accepted and aid to that country, which was suspended, resumed. This acceptance gives the impression that the elections were good, thereby weakening legitimate resistance and protests by opposition parties. This paper therefore examines the problems that flawed elections which are accepted as genuine, and based on this, fraudulent governments build their legitimacy, pose to democracy in Africa.

The oddity of this problem is plainly illuminated by several old and contemporary theories and studied. The rational choice theorists, for instance, argue that during elections, voters compare benefits they receive from incumbent governments with what they hope to get from the opposition if voted to power and then vote for the

party giving or promising greater benefits (Downs, 1957; Riker and Ordeshook, 1968; Silberman and Durden, 1975). Naturally, voters are expected to reward governments at the polls if they performed well and punish them in the same arena if their policies are not beneficial to them (Tillman, 2007; Nooruddin and Chhibber, 2007). Thus, from this perspective, it becomes abnormal when democratic governments in Africa perform unsatisfactorily, yet they continually renew their mandates.

Some scholars have located this problem in competitions for political offices as avenues for accumulating private wealth, which is the reason elections are ferociously contested, rigged and manipulated, particularly, by incumbent governments (Ake, 1985; Diamond, 1988; Joseph, 1987). Studies also show that political elites combine rigging with patronage and ethnic solidarity to generate fraudulent and irrational electoral support for poorly performing governments (Barkan and Ng'ethe, 1998; Chazan, Lewis, Mortimer, Rothchild, and Stedman, 1999; Cowen and Kanyinga, 2002; Edie, 2003; Schraeder, 2000; Tordoff, 1997). The stakes are even higher in second elections and re-elections, which is the reason for extensive rigging to return incumbent rulers to power (Bratton, 1998; Mbaku, 2003; Tordoff and Young, 2005). The successes of these incumbents in retaining power even when they perform poorly in office, necessi-

tates the use of authoritarian strategies and manipulation of the constitution, like the situations in Cote d' Ivoire and Zambia. This is what Peter Schraeder (2001) describes as "authoritarian-democratic paradox". As Adam Przeworski (1991:26) would have liked to put it, democracy is not yet "the only game in town" as even the political leaders defrauded democratic institutions.

In Sub-saharan African countries like Nigeria, Zambia, Kenya, Senegal and many others, incumbents prodigiously manipulate elections to remain in office despite serious charges of corruption, inefficient governance, poor economic and infrastructural development and low standard of living of the people. The political leaders understand fully the implications of losing such elections. First, it is an indication that the people have lost confidence in them, hence, an erosion of legitimacy. This perception deepens the problem further because instead of countering this declining legitimacy with improved performances to attract support of voters, political elites resort to rigging to make the electorate inconsequential to their stay in power. The depreciated value of voters in the calculations of political elite further vitiates accountability and intensifies the problem of legitimacy. Secondly, losing re-election bids by incumbents, most importantly, means losing the main source of private wealth accumulation, which is the primary reason for seeking political offices (Ake, 1985). The problem now turns into a vicious cycle: the politicians' objective for seeking political power, which is private wealth accumulation, engenders corruption and inefficient performance of the government, which smothers and obfuscates accountability and in turn, generates enervated legitimacy for the government. This outcome, again, necessitates the rigging of elections by political elite to win power, rather than depend on good performances for the support of the electorate, and the cycle continues.

These patterns of behavior and practices seem to run through the entire Sub-saharan Africa. But this paper will focus on this problem in three countries, Nigeria in West Africa, Kenya in East Africa and Zambia in Southern Africa, to understand its motivations, modus operandi, strength and implications for African democracies. Hence, the principal variables in this study are free and fair election/election rigging; freedom/suppression of opposition parties; civil rights and liberties and ethnic solidarity.

Since Nigeria has a longer history of experimentation with multi-party democracy, it would be profitable to examine the behaviors and practices generating the problem in the various elections, to ascertain their stability, accentuation, or decline over time. When electoral processes and procedures are constantly restructured to tackle election rigging (as in Nigeria), yet, each time, the problem keeps increasing instead of reducing, it therefore means that the problem is located outside the electoral system; in the socio-political and economic systems. If Kenya and Zambia, with more recent histories of multi-

party elections share the same behaviors with Nigeria, it means that these are the dominant political traits in Sub-saharan Africa. In which case, a large part of the solutions to the problem reside not so much in the electoral system but in restructuring the socio-political system, which encourages election rigging and other such abnormal behaviors in African democracies. Furthermore, it would be necessary to strengthen the thesis further with brief references to similar behaviors in some other African countries, particularly, the French speaking countries since the three countries of this study are English speaking. In addition, explanations are necessary for those countries, such as Benin, that seem to have broken this vicious circle.

### **Conceptual issues: the relationship between democracy, election, accountability and legitimacy**

Democracy is the system of rule, which allows the people constitutionally to participate in government directly or indirectly through representatives elected by them. The notion that democracy is the government of the people gives every regime that claims to be democratic the feeling that it derives its legitimacy to govern from the people. For this outstanding reason, every government, no matter how authoritarian, claims the democratic label for itself.

This is the origin of the "democratic confusion"; a situation in which numerous states, and sometimes with conflicting ideologies, all claim to be democratic. It is this conceptual multiformity which makes identification of democracy in empirical studies problematic. Nevertheless, democratic theorists of all shades accept that the definition offered by Joseph Schumpeter is the most empirically functional conceptualization of democracy.

According to him, democracy is that institutional arrangement in which individuals acquire political power by means of a competitive struggle for the peoples' votes (Schumpeter, 1952:269). In other words, a democratic state is one in which citizens that are qualified to vote at regular intervals to choose, among alternative candidates, those who would be in charge of setting the state's policies (Shively, 2003:169). This perception of democracy tends to be elitist and its protagonists argue that ordinary citizens lack what it takes to participate beyond voting in elections (Bottomore, 1964; Lively, 1975; Portis, 1987:231; Schmitter and Karl, 1991:75 - 88).

However, Robert Dahl, another influential elitist theorist, argues that mass control is built into the electoral process in which leaders compete for the peoples' votes (Dahl, 1963:133). Other conditions usually associated with democracy, such as the numerous rights, liberties and freedoms, are not inherent democratic characteristics per se, but, essentially, they promote the value of the vote qualitatively by providing luxuriant environments for maximum derivation of the benefits of election and voting (Dahl, 1982:11). In effect, the only empirical condition dis-

tinguishing democracy from other political systems is competitive elections for citizens to elect their rulers.

When genuinely conducted, electoral competition engenders and sustains important components of democracy such as participation, representation, responsiveness and accountability. Citizens' participation in democracies is, principally, through voting (Flanigan and Zingale, 1998:15-17; Verba, Schlozman and Brady, 1995:9-12). Since direct democracy is impracticable in modern states, representative democracy, which citizens vote for those to represent them in the relevant governmental institutions, is the model widely used in contemporary democracies.

Electoral competitions make leaders responsive and accountable because voters could switch their support from one leader/party to another if any is unsatisfactory (Dahl, 1963:133). Invariably, in a democracy, responsiveness of government to the preferences of citizens must be continuous (Dahl, 1971:1). This is the essence of accountability which, according to Robert Dahl, cannot exist in a polity without a modicum of participation, competition and contestation (Dahl, 1971:3-4).

Accountability is a precondition for democracy of any label and many theorists define democracy from this perspective. That is, democracy as a system of rule, in which the people hold the rulers accountable for their actions in the public realm (Schmitter and Karl, 1991:76; Sklar, 1986:21).

However, it is difficult to define accountability specifically for two reasons. First, political accountability, like democracy, is a concept with multifarious meanings arising from its desirable qualities, which makes it a universal aspiration for all political systems. Second, accountability is difficult to conceptualize in isolation because it carries with it always the notion of responsibility. Accountability, therefore, measures responsibility because rulers claim to be responsible to their people, while the people try to hold them to account (Lansdale, 1986:127).

In democracies with free and fair election, the fear that that the electorate could switch their support over to the opponents keeps elected leaders responsive and accountable to those who voted them into power and who can vote them out. This is a critical issue in African democracy because, in the absence of free and fair elections, most leaders do not depend on the votes of the electorate to win elections; hence accountability of the rulers to the ruled is irrelevant.

Elections indicate approval of voters for candidates, parties and their programs, while re-elections express satisfaction with the level of accountability, responsiveness and performances of governments generally. Approving a government through election to commence ruling legitimizes that government, while a government re-elected in a free and fair election is an indication of satisfaction with programs and conduct of the government and invariably, its continued popularity and re-legiti-

mization. Indeed, good performances, accountability and responsiveness combine to sustain the popularity and legitimacy of a government earned by election.

Legitimacy is the belief in the rightness and appropriateness of the ruling regime and the government and their policies by the populace (Dahrendorf, 1996). Governments and regimes cannot acquire legitimacy through the use of coercion; it is the prerogative of the people to grant or withdraw legitimacy from governments (Nwosu, 1976:6) and this varies frequently, depending on the citizens' satisfaction with their performances (Dare, 1975). That is, some governments may commence their rule with very high levels of public acceptance, but due to policies failure they lose this popularity, which ultimately leads to de-legitimization.

Similarly, some governments are very unpopular at the beginning of their rule, but become accepted later because of policies and programs successes recorded by such governments. For instance, Hitler and his party began to rule Germany with very shaky legitimacy, but due to the successes of his policies in industrialization, food production, agriculture and foreign policy and despite his rule of terror, many Germans supported his dream of the Third Reich. Indeed, legitimacy by performance is even more critical in Africa because of the tepid and superficial existence of democracy as a political good and an ideology of development. In view of mass illiteracy, poverty and infrastructural underdevelopment, democratic regimes in Africa have no other sources of sustained legitimacy than good performances, accountability and responsiveness. Of course, this is in addition to the universal conditions of free, fair and competitive elections.

Once a 'democratic government' of any qualification is established, its legitimacy, ultimately, comes to depend upon benefits and dividends the population expects from it; this is responsiveness. Where there are exiguous resources and inefficiency, which circumscribes the capacity of the government to perform, the crisis of legitimation, is likely to occur (Habermas, 1996:328). In this situation, competing parties raise the expectations of the electorate and create huge demands for rewards that the system has no capability to satisfy. The sustained campaigns for multi-party democracy as the magic wand of development and the portraying of authoritarian regimes as obstacles to development generated high expectations for improved economy, standard of living and general welfare of the people in previously authoritarian states in Africa.

However, the performances of most of these new governments were abysmally poor due to excessive corruption. The result was widespread disillusionment of the people, compounded further by their inability to vote out the incompetent governments, as were the cases in Nigeria, Zambia, Kenya and many other African countries. The observation in established democracies that voters reward governments for good performance and

punished them when things go bad (Tillman, 2007) does not hold much in Africa. This illuminates the dimension of the problem further: corruption and poor performances of the governments indicate lack of accountability, low responsiveness, and unpopularity and weak legitimacy of government and despite these egregious failings, the electorate could not vote out these governments in supposedly free and fair elections.

### Re-election process in Africa

The central issue here is that political leaders perform poorly in office and yet their citizens are unable to vote them out of office; almost all of them get re-elected, sometimes with very large majorities. Some scholars have argued that in Africa there is the tendency for people to vote for incumbent parties or governments because the legitimacy of opposition has not been fully accepted (Abbink and Hesselong, 2000).

This explanation does seem to capture the essence of the problem. While it is true that incumbent governments control the states' machineries of coercion; they have ample resources for more effective campaigns and can offer bigger pay-offs than the other parties, nevertheless, if their performances are not satisfactory to the people, their legitimacy or mandates become questionable. Hence, the desire to team up with the opposition to vote the incumbents out will be strong. Whereas, if the performances of incumbents are satisfactory to the majority of the electorate, their legitimacy would increase and incumbents could easily be re-elected without having to rely on manipulations and rigging. African cases seem to demonstrate the two positions, but the first clearly dominates.

### Nigeria

Of the three countries, Nigeria has the longest history of multiparty politics/elections; as such, she has more cases of re-election under a multiparty arrangement. The 1959/60 election installed an indigenous government that took Nigeria into independence. Re-election was due in 1964 for the Federal Parliament, while the regional parliaments were due in 1965. There was so much corruption, nepotism, wastages, official high-handedness and lawlessness. However, important as these were in judging the performance of government, they were, most of the time, overshadowed by ethnic and regional considerations. The three major political parties in the three regions mobilized ethnic support and manipulated elections vigorously to retain control of their regions, while they attempted to make incursions into other regions.

The situation in the Western region was typical. It was the only region with a government party, the Nigerian National Democratic Party (NNDP) and a viable opposition, the Action Group (AG). The NNDP was a faction of the AG, which used federal government's support to gain

control of political power in the Western region after the intra-party crisis of 1962. Meanwhile, the leader of AG, Chief Obafemi Awolowo, was imprisoned for treasonable felony.

The NNDP, led by Samuel Akintola, formed an alliance with the Northern Peoples Congress (NPC), the party in control of the federal government, known as the Nigerian National Alliance (NNA), to prosecute the elections. The main wing of the AG also went into alliance with the National Council of Nigerian Citizens (NCNC), forming the United Progressive Grand Alliance (UPGA). Thus, the 1964/65 federal elections were fought under these alliances' banners.

For both groups, as observed by Ikpe (2000), the 1964 election was very crucial. Akintola was conscious of his ephemeral legitimacy and his party's tenuous hold on political power in the region. As such, he needed these elections to rationalize his popularity and legitimacy. Action Group on the other hand, was so convinced that the elections would throw out Akintola and the NNDP from office, especially as the Yorubas saw Akintola as a traitor who betrayed Chief Awolowo, his boss.

However, as it turned out, the two elections were not free and fair. Akintola and his party, with the federal government's support, deployed a stupendously horrific rigging machinery, thuggery, obstruction and punitive control to give NNDP an overwhelming victory (Dudley, 1981: 72; Post and Vickers, 1973; Anifowose, 1982). The frustration of AG supporters being unable to vote out Akintola and the NNDP from office led to widespread violence in many parts of the region and the country, which culminated in the military take-over of January 1966, which also ended the first democratic experiment in Nigeria.

After 13 years of military rule, democratic rule returned with the Second Republic in October 1979. The National Party of Nigeria (NPN) won the 1979 election and its candidate, Shehu Shagari became the President. However, the government's performances in the social, economic and political arenas were poor. There was gross administrative inefficiency, massive corruption and galloping rate of inflation, while food and other essential commodities became very scarce (Diamond, 1988; Falola and Ihonvbere, 1985:207).

Meanwhile, state officers were busy accumulating private wealth from state resources, which made Richard Joseph (1987) to describe the regime as "prebendal democracy". The widespread dissatisfaction of the people made a change of government imminent, if the 1983 election would be free and fair (Falola and Ihonvbere, 1985: 207). The NPN government resorted to tremendous rigging and violence to win that election and like the First Republic elections, its aftermath generated so much violence in the various states to rationalize the military coup of December 1983 and consequently, the demise of the Second Republic.

The military era ended in 1999 and the transitional election put Olusegun Obasanjo to power on the platform

of the Peoples Democratic Party (PDP). Nigerians were full of expectations in the new democratic regime for improvements in socio-economic conditions. The general consideration was that since Obasanjo was coming for the second time and having had an unjust prison experience, he would correct all the mistakes he and others had made in the past. However, Obasanjo's first term, 1999 - 2003, was tepid and unexceptional. The opposition cashed in on this, especially on the failure of his economic and energy policies and wanton corruption. The PDP understood it well enough that if the elections went on freely and fairly, they would lose power. Hence, they decided to rig the 2003 elections colossally.

The PDP utilized all rigging strategies used in the past, while also developing its own peculiar strategy known as "carry go". This strategy had two applications. First, the PDP hierarchy decided that all their elected officers in 1999 should return in 2003 unchallenged in the primaries. This was to prevent defections of strong supporters due to dissatisfactions with the outcomes of the primaries would have generated and to enable these people use their existing machineries of election rigging to ensure victories in the main elections.

Secondly, it involved thugs seizing election materials and escaping to hideouts to thumbprint the ballots, fill the records, and return them to the collation centers with the connivance of electoral and security officers. In addition, soldiers and police officers intimidated supporters of other parties, while the Independent Electoral Commission (INEC) awarded some fake scores in favour of PDP candidates in many constituencies. With these, the PDP did not only win the election, but extended its control from 21 states in 1999 to 28 states in 2003 (Tell of May 5, 2003).

The 2007 election was important in the history of Nigeria. This was the first time an elected president served out his term and handed over to another democratically elected president. Nevertheless, this election still constituted a re-election because the party that won the 1999 and 2003 elections was still contesting for the presidency in the 2007 election. Besides, the out-going president, Olusegun Obasanjo, after failing to secure an unconstitutional third-term, virtually hand-picked his successor, Yar' Adua and campaigned vigorously for his success. Hence, the performance of the incumbent government would (or ought to) influence the party's electoral fortunes.

Unfortunately, the performance of Obasanjo's government in the second term was even more disappointing. His anti-corruption crusade did not touch his supporters as sanctions by the Economic and Financial Crimes Commission (EFCC) applied selectively, particularly against state governors and other politicians that opposed the third-term. The economy was still very dependent, with no significant improvement in the level of domestic productions. The power sector fared worse than when Obasanjo came into office. All these combined to

make the Obasanjo and PDP government very unpopular with depreciated legitimacy. The party hierarchy knew quite well that the only way to win the 2007 election was to rig, which President Obasanjo himself described, and eventually executed, as "a do or die affair" (Tell, 30 April, 2007; The News, 30 April, 2007; Insider Weekly, 16 July, 2007:22-25).

## Zambia

Frederick Chiluba of the Movement for Multi-party Democracy (MMD) won the first multi-party election in Zambia, held in 1991, after 17 years interlude of one-party dictatorship. The rather resounding victory highlighted three factors upon which electoral successes of opposition parties in Africa have come to depend. First, the people were tired of Kaunda's long and corrupt leadership of the United National Independent Party (UNIP) that ruled the country since independence. Second, Zambians were full of expectations that Chiluba's government will strengthen the economy and solve other problems of the society, particularly corruption, following his campaign speeches "delivered with oratorical panache" (BBC Focus on Africa, January - March, 1992).

Indeed, popular expectations, according to Peter Schraeder (2000:285) were so high that "a significant portion of the Zambian people believed a multiparty system would serve as a panacea for the country's economic problems". Thirdly, winning of power from Kenneth Kaunda's UNIP by Chiluba-led MMD was possible because the election was free and fair.

On coming to power, Chiluba's government had to face the "crisis of legitimation" because its economic performance was poor. Charges of corruption and other administrative improprieties were common against the government, leading to mass disillusionment and disenchantment. Chiluba resorted to dictatorial strategies to suppress those who opposed his government (Fraser, 2003). Using emergency rule, the government arrested and detained several members of official opposition, the UNIP, without charges.

Consequently, Chiluba's popularity decline rapidly and this meant a weak legitimacy for his government, which would come under test in his 1996 re-election bid. His major opponent was the former president, Kenneth Kaunda, which he maneuvered out of the race through a new constitutional provision he masterminded. It was now required that parents of any presidential candidate must be Zambians by birth and Kaunda's parents came from Malawi. Chiluba actually threatened to deport Kaunda, which made him (Kaunda) to withdraw from the race (Schraeder, 2000: 286). With the major challenge removed and with other manipulations put in place, Chiluba's re-election was a foregone conclusion.

Although the main opposition parties boycotted the election, nevertheless, it was still a re-election won fraudulently and upon which the government's claim to legi-

timacy depended. This position is consistent with the thesis that unpopularity and poor performances of incumbents are not enough for oppositions to win elections. Unpopularity of government and disillusionment of the people must combine with free and fair election before incumbents can lose elections. Indeed, if the Zambian elections of 1996 were free, fair and devoid of government manipulations, Chiluba would have lost.

In the 2001 election, although the incumbent president, Chiluba, did not contest, nevertheless, it still represented a re-election for the ruling party and evaluation of performance of the incumbent government, like that of Obasanjo in 2007 in Nigeria, would be significant in determining voters' choices. Besides, the MMD's candidate, Levy Mwanawasa, was Chiluba's choice. Mwanawasa, undoubtedly, possessed a good electoral appeal as an anti-corruption crusader, who resigned as the country's Vice-President in 1994 when charges of corruption against the government became widespread (EISA, 2002).

However, this was not enough to erase the notoriety of corruption and inefficiency of the MMD government, upon which platform he stood to contest. To win this election, the MMD and the government resorted to massive rigging. According to European Union's Chief Observer for that election, Michael Meadowcroft (2002), ballot boxes were delivered late to oppositions' strongholds after many of their supporters were tired of waiting and had gone back home. Furthermore, there were brazen breaches of the electoral commission's code of conduct by the ruling party such as the use of government vehicles for campaigning; denying rally permits to opposition parties; biased state media coverage towards the ruling party and the use of District Administrators, who were civil servants, as MMD party agents. "In a country with few resources available to the political parties, these abuses were of significant help to the ruling party" (Meadowcroft, 2002).

Besides, the Electoral Commission of Zambia (ECZ) clearly identified itself as a government agency instead of an independent electoral body. The Commission's Chairman, Justice B. M. Bwalya, attempted severally to obstruct international observers; he warned the election monitors "the Government will not be happy with observers who do more than observe" (Meadowcroft, 2002).

In that election, Levy Mwanawasa of MMD polled 506,694 votes (29.15%), while his closest rival, Anderson Mazoka of UPND polled 472,697 (27.20%). This result suggests that but for intensive rigging by the government party and unhealthy fragmentation of opposition (10 of them); the MMD would have lost the election with a very wide margin (EISA, 2002). However, the 2006 election was different.

The MMD government headed by Mwanawasa fought corruption vigorously and recovered stolen money from former state officers, including the former president, Chiluba, who was arrested and tried (Fraser, 2003). His

economic policies also yielded some dividends as the Zambian economy had grown considerably. A large segment of the electorate was satisfied with the performance of the government, at least Mwanawasa's rating was higher than Chiluba's. Therefore, unlike Chiluba, Mwanawasa was not facing a dwindling legitimacy and so had no need to rely on rigging and manipulations to succeed.

The 2006 election was relatively free and fair; the incumbent president won with a wider margin than in 2001, even when opposition parties/coalitions had reduced to four (EISA, 2006; African Election Database, 2006) and the closest rival, Michael Sata of Patriotic Front, conceded defeat (Robertson, 2006). Thus, governments that perform well are not likely to face severe crisis of legitimacy and hence, could win elections without depending on electoral fraud. However, this is not to push the argument that African governments that perform well do not manipulate elections to be perfectly sure of winning or retaining power. If this should happen, it could be rationalized by good performances; it is bad performances that have no justification.

## Kenya

The first multi-party election in Kenya after 26 years of authoritarian rule held in December 1992. Kenyans had agitated for democratic government based on multi-party politics and like the Nigerians and Zambians, they were optimistic that such reform would engender responsible government and economic progress in contrast to "kleptocratic dictatorship and declining income", which they endured over the years (Barkan and Ng'ethe, 1998).

President Moi resisted all pressures for reform from internal democratic forces, arguing that multiparty democracy would lead to tribal conflict, as opposition parties would only foster tribal interests. However, things changed in December 1991, when international donors suspended US\$350 million aid to Kenya. This forced Moi to accept, disingenuously, multiparty elections. According to Barkan and Ng'ethe (1998:33), Moi's acceptance of reform was purely tactical: his strategy was to have many parties, but continuously harass or bribe the leaders of the new parties to cause splits or even defection of key members to the ruling party, Kenya African National Union (KANU).

In effect, "Moi would go on ruling much as before, but at the head of an emerging one-party dominant system with enough democratic trappings to satisfy the donors". Another constitutional amendment designed to strengthen Moi and his party was the requirement that to win the presidency, the candidate must win not only a majority of the popular vote, but also at least 25 percent in not less than five of Kenya's eight provinces. This provision ruined the presidential prospects of popular opposition candidates such as Mwai Kibaki, Kenneth Matiba, and Oginga Odinga, whose bulk of supporters

came from their respective ethnic groups without much of national spread (Barkan and Ng'ethe, 1998).

Besides, the members of the Electoral Commission were Moi's loyalists, specifically handpicked by him. This severely compromised the independence and neutrality of the Commission. In addition, there was extensive manipulation of ethnicity, which led to numerous cases of ethnic violence, some of which the state sponsored to justify the fears of tribal conflict earlier expressed by Moi. Finally, as engineered by Moi, a largely divided opposition became even more fractious, while several of their prominent members decamped to KANU shortly before the election (Barkan and Ng'ethe, 1998: 33).

From this background, it is obvious that the December 1992 election could not have been free and fair. The rigging was massive with opposition brazenly sabotaged and refused the use of public media for campaign (Holmquist, Weaver, and Ford, 1994:222). Moi's party, KANU, won 36% of the popular vote, which gave it a majority in the parliament and its leader the right to assume office as the president (Edie, 2003:98). Thus, the Kenyan election of 1992, although a transitional election, was a re-election for Moi and KANU, and it demonstrates, again, that with manipulated and rigged elections, a government, no matter how bad, can retain power irrespective to the wishes of the people.

Nothing exposed Moi's hypocrisy more than his reversion to semi-authoritarianism after the election, especially after the resumption of loan disbursement to Kenya by donor agencies. Indeed, both Moi and his party KANU, paid little attention to the opposition regarding their involvement in political and governmental matters; it was much like the old one-party system.

Furthermore, Moi continued to entice opposition to decamp and 12 of the 88 opposition members in the 200 member Parliament, had defected to KANU between 1993 and 1996, leaving them with only 76 members. Moi demoted or dropped moderate cabinet ministers who supported increased democratic reform, while rewarding the hardliners that opposed further democratization (Barkan and Ng'ethe, 1998: 34). This was the shape of the political terrain as the country prepared for another election in 1997.

As in 1992, Moi personally handpicked the eleven-member Electoral Commission for the 1997 election, retaining seven of the old members. This was a signal to the opposition and the international community that the election would not be free and fair. The Commission confirmed this fear with its first assignment, which was the creation of 22 new constituencies. Most of these constituencies were in KANU's strongholds, while Nairobi, the capital city, with the largest population growth in the country, had none because KANU had won only one of its eight seats in 1992 (Throup and Hornsby, 1998: 178; Barkan and Ng'ethe, 1998).

Moi's repression of opposition increased as elections got closer; their leaders were harassed, their parliamen-

tary candidates denied rally permits and sometimes, brutally assaulted by the police (Barkan and Ng'ethe, 1998: 35). As political leaders in both KANU and the opposition parties operated from ethnic support bases, widespread violence, most of which took the form of ethnic clashes, claimed lives and Kenya's economy was also hurt in the process, particularly, the viable tourism sector.

Violence and refusal of the regime to undertake political reform then prompted international donors to suspend aid to Kenya. It was in attempt to resolve the crisis that moderate KANU MPs joined with some opposition MPs, to form a body known as Inter-Parties Parliamentary Groups (IPPG). This group pressed for a minimal programme of reform to change the constitution and electoral procedures as well as the general policy and administration of political practice (Barkan and Ng'ethe, 1998: 38; Cowen and Kanyinga, 2002: 29).

Even though the agreement reached did not change the constitutional landscape of Kenya significantly, nevertheless, it provided a more levelled playing ground for the opposition, widened the democratic space, and provided a firmer springboard of free and fair elections, than was the case in 1992. Moi and KANU hardliners grudgingly accepted this reform, which the parliament enacted between September and November 1997.

In the election that followed, ethnicity was the major factor that determined candidates' electoral support. The frontline contenders such as Moi of the ruling party, KANU, Mwai Kibaki of Democratic Party, Ralia Odinga of the National Development Party, Kijana Wamalawa of Forum for the Restoration of Democracy-Kenya and Charity Ngilu of the Social Democratic Party; all played the ethnic/regional cards (Cowen and Kanyinga, 2002). With the exception of Moi, due to long-standing patronage in Coast, Northeastern, and Rift Valley provinces and in addition to over-registration/over-representation in KANU strongholds, no other candidate won substantially outside their respective ethnic/home provinces (Throup and Hornsby, 1998).

There were, naturally, charges of rigging and logistic problems in some provinces, which affected both the ruling party and opposition equally, but overall, the election was freer and fairer than that of 1992 and was highly commended by local and international observers. Because of the wider democratic space, the opposition's electoral fortunes improved beyond their 1992 performance, despite their continued fragmentation. For instance, the strength of opposition against KANU in the Parliament was 88:188 in 1992, while it was 109:103 in 1997.

Indeed, Barkan and Ng'ethe (1998: 44) have rightly argued that if the parliamentary districts were proportional to the number of registered voters, the opposition would have defeated KANU by approximately 123 to 87. Their calculations show that the average number of voters in constituencies won by KANU was 36,350, while the average for constituencies won by the opposition was 53,

387. This, however, still amounts to 'institutionalized rigging', which if it had been checked, the ruling party would have lost power in the parliament.

In the 2002 election, the opposition, from the beginning, was operating in a freer environment secured by the 1997 reform agreement, hence, it was better prepared and organised for this election than in 1992 and 1997. The incumbent president, Moi, was constitutionally ineligible to run and his chosen successor was Uhuru Kenyatta, son of the first president of Kenya, who ran under KANU.

Apart from excessive appeals to ethnic solidarity, the major factors in election issues were massive corruption and increasing poverty in Kenya, for which the KANU government was culpable (Talbot, 2003). Thus, the campaign message of the opposition was eradication of corruption, which threatened general development as well as the flow of foreign aid in Kenya. A coalition of 10 opposition parties, the National Rainbow Coalition (NARC) led by Mwai Kibaki won the presidential election with 63 percent of the vote, while Uhuru Kenyatta of KANU scored 31%.

In the parliamentary election also, NARC won 122 seats in the 210-seat parliament. Invariably, where poor performance of government, like the KANU-led government in Kenya, results in dissatisfaction and disillusionment of the populace, it generates widespread desires for change of government. If the opposition is relatively strong and organized, like NARC was in Kenya and if the operating democratic environment guarantees freedoms and liberties, including free and fair elections, then the governing party is bound to lose power.

Thus, the wider the democratic space, the faster the rate of decline of the legitimacy of an unaccountable and unresponsive government, expressed in increased electoral support for the opposition. The 1992 elections opened the democratic space and the opposition gained legitimate existence; the 1997 elections widened that space and the opposition consolidated and with the growth and stabilization of that democratic space in the 2002 election, the opposition took over power.

Unfortunately the democratic space was shrunk again by the government of Mwai Kibaki in the December 2007 election through malpractice and violence. If the election was free and fair and in the face of a more united opposition, Kibaki would have lost his re-election bid because he reneged on his promise to fight corruption and tackle widespread poverty (Phombeah, 2007; Mynott, 2007). His rival, Odinga, had overtaken him in opinion poll two months to the election (BBC World News, October 1, 2007).

The findings in Nigeria, Zambia and Kenya seem to be consistent with elections and reelections in other African countries. In Senegal, for instance, the constitutional reforms in 1976 and 1981 had allowed opposition parties to contest elections against the ruling party, Parti Socialiste (PS), which had controlled power since independence under the leadership of Leopold Senghor.

In 1980, Senghor stepped down and Abdou Diouf succeeded him and won the 1983 election. However, with poor performance of the PS government and loss of popularity, the government had to indulge in brazen malpractice in order to win the controversial 1988 election. The people were so disillusioned with Diouf's victory in the presidential election such that the turnout for other elections dropped drastically (Tordoff, 1997:138).

In the election of March 2000, the opposition was able to form a coalition, like NARC in Kenya in 2002 and acted vigilantly to ensure a free and fair election. President Abdou Diouf was defeated in that election by Abdoulaye Wade, who captured more than 60 percent of the vote as the head of coalition of opposition parties (Edie, 2003: 41).

In the Gambia, Alliance for Patriotic Reorientation and Construction (APRC) led by the incumbent president, Yahaya Jammeh, won the 1996 election. Although Jammeh came in as a former military ruler, the election presented an opportunity for legitimizing his rule and policies. Many Gambians did not consider this election fair and free and the electoral process lacked credibility (Wiseman, 1998). Jammeh had even threatened that many of his opponents will not live to see the election (Mukwuzi, 2005:9).

While most of the cases considered so far support the thesis reversely, the Benin case demonstrates a direct positive correlation between electorate's dissatisfaction with government's performance, loss of legitimacy by the government, free and fair election and electoral victory for opposition.

Mathieu Kerekou's government ran into serious economic crisis which led to government's inability to pay the workers and general hardship. Donor agencies attached all forms of aid to economic and political reforms, which led to the national conference of 1989 and ultimately, the multiparty elections of 1991. Mathieu Kerekou ran to retain power as president but was defeated by Nicéphore Soglo. As noted by Edie (2000:127), an electoral victory for the opposition confirmed mass disenchantment with Kerekou's regime and led to the emergence of new political leadership.

Much as people's disenchantment was important, the opposition succeeded because the incumbent, like Zambia under Kaunda in 1991, did not manipulate the election or repress members of the opposition parties. The 1996 election was also relatively free and fair without the government obstructing the opposition. When Soglo's popularity had also waned due to economic problems, he equally lost his reelection bid to Kerekou in 2001 (Tordoff, 1997:240). It would appear as if the culture of free and fair election is institutionalizing in Benin because the guaranteed democratic space had also enabled Yayi Boni, a political neophyte, to win the 2006 presidential election (BBC News Africa, March 26, 2006).

What is evident in African cases studied here is that where incumbents allow free and fair elections, results

reflect the preferences of the people, based principally on their evaluations of the performances of the governments or on expectations from the opposition. Governments that are less corrupt tend to perform more efficiently and are more likely to accept free and fair elections, whereas, overtly corrupt governments tend to perform poorly and are more likely to rely on rigging.

There is, however, the external pressure dimension to this position. The Benin and even Kenyan and Zambian cases tend to demonstrate that the severer the economic crisis, the more dependent the country is on aid and the greater the tendency for it to comply with donor agencies' electoral prescriptions. For instance, of all these countries, Benin has complied more with the rules of free and fair elections and its economic crisis and vulnerability were greater. In future elections, it will be interesting to observe the dominant position: whether it is stabilization of the liberal democratic culture or adherence to directives of donor agencies to solve crucial economic crisis.

### **Expected consequences and required actions**

The problem of re-election of poorly performing governments has some critical consequences that arise from the persistent symbiotic relationship between corruption and election rigging, which, naturally, weakens efficiency and accountability. The central issue is that in Africa, ruling parties and their leaders do not want to lose political power irrespective of their unpopularity and non-performance in office.

Claude Ake (1981; 1985) had argued that political power and occupation of state office is the principal channel for private accumulation of wealth. The lives of African leaders such as Mobutu, Arap Moi, Frederick Chiluba, Olusegun Obasanjo and even Mathieu Kerekou attest to this. All these rulers and many others have built huge financial and commercial empires for themselves (Tordoff, 1987). For instance, Frederick Chiluba of Zambia was found guilty of stealing US\$46 million (£23m) of public money by a UK court (BBC News, 4 May 2007). Christian Fraser (2003), also in BBC News, gave a run down of Chiluba's loot: "Zambia's matrix of plunder."

Hanging tenaciously to political power because of the juiciness of the office leads to winning elections at all cost. Where rulers are not successful in manipulating the constitution to extend their tenures, they handpick and impose their successors, expecting protection from probes after leaving office, like in Nigeria (2007) and Zambia (2001). Hence, the ease with which politicians in power steal from the state (corruption), which increases the stakes for public offices such that state officers indulge in brazen electoral frauds (rigging) to win elections to occupy these offices, which further enhances their chances of private accumulation (corruption) and the cycle continues.

Reforming electoral systems alone in African democracies will not eradicate this problem until the political

economies of African states are restructured to disallow corrupt use of political offices by incumbents and heavy penalties imposed upon culprits. Heavy penalties should also be imposed on persons found guilty of election malpractices. For instance, no person has ever been found guilty and punished in Nigeria for election malpractices.

The culture of politics as the primary source of private wealth acquisition must be sternly discouraged because this is the root of electoral frauds and corruption. Agencies fighting corruption, like the Economic and Financial Crimes Commission (EFCC) in Nigeria, need unfettered power, within the ambient of the law, to prosecute political office-holders charged of corruption. In most countries, these officers hide under immunity clauses in the constitution to perpetrate corruption unabated. Immunity of state officers to prosecution should be limited to civil matters, not serious crime such as corruption.

The second consequence of the problem is that the relevance of the people (voters) in constituting democratic governments and ensuring accountability and responsiveness from such governments would reduce drastically. For now, political elites in Africa are not responsive to the electorate but to ethnic and sectional patrons and godfathers, who used their political machineries and clientelist networks to garner support and rig elections for them, like in Nigeria, Kenya, Ivory Coast, Senegal and Cameroon (Chazan et al., 1999: 109-130).

Only free and fair elections maximize the power and relevance of the voters in democracies. Hence, there should be intensive efforts to institutionalize free and fair elections, since its absence is the hub of the problem.

The first thing is to ensure the financial and administrative autonomy of the electoral commission from government and hence, the ruling party's controls. Where the government appoints the members and also can manipulate the electoral commission through non release or untimely release of funds is dangerous.

The South African model, in which members of the electoral commission are composed of representatives of the various political parties, is ideal. This composition should extend to the commission's branches at the regional/state and local levels because election rigging is severer in these places. There should be an administrative secretary, while the chair of the commission should rotate periodically between the members. This would make it difficult for the government to influence the commission.

Thirdly, where ruling parties could win elections without the people voting for them, governments are not obliged to be accountable and responsive and they could easily regress into authoritarian modes of control, like Obasanjo's Nigeria and Chiluba's Zambia. Equally, those countries that were under pressure by international donor agencies to initiate multi-party democracies could regenerate into some form of semi-authoritarianism if the pressure eases, like in Moi's Kenya. Consequently, donor

agencies should sustain the pressure in and off election periods to keep governments in check.

Accordingly, attention of civil society organizations and donor agencies should focus not only on election monitoring, but also on building democratic citizens' capacity. Sustained democratic citizenship orientations will increase citizens' capacity for independent judgments of government's performances. In addition, in view of the tremendous influence of donor agencies on democratization in Africa, they should go beyond mere indictment of governments charged of electoral frauds to imposing sanctions on them. Undoubtedly, the cost of a fresh election may discourage recommendations for cancellation of flawed elections, but some form of sanction that would hurt the government is necessary, like withdrawal, suspension or reduction of aid.

## Conclusion

### What does this mean?

Any serious attempt to address the problem of non-performing leaders renewing their mandates in manipulated elections must begin with behaviors engendering election rigging and malpractice, which are located outside the electoral system. This explains why reforms in the electoral systems do not solve the problem. The politicians seek political offices as means of private wealth accumulation. This engenders corruption and poor performances of governments, which presupposes lack of accountability, irrelevance of responsiveness and weakness of legitimacy.

On the one hand, if the performances of the incumbents in government were not satisfactory to the electorate, their legitimacy or mandates would become questionable, and the tendency to team up with opposition to vote out the governments would be strong. The incumbents could only rig and manipulate to win such elections. On the other hand, satisfactory performances of incumbents to the majority of the electorate increase the popularity and legitimacy of governments, which could be re-elected without having to rely on manipulations and rigging.

However, unpopularity and poor performances of incumbents are not enough for opposition parties to win elections; a government, no matter how bad, could rig election to retain power, irrespective to the wishes of the people. Hence, elections must be free and fair. Where incumbents allow free and fair elections, results reflect the preferences of the people, based principally on their satisfaction with the performances of the governments and expectations from the opposition. The Nigerian, Zambian, Kenyan, and even the Benin elections correlate with these propositions.

There are specific and general implications of this problem to for democracy in Africa. First, it means that a government that is facing a re-election has more at stake,

than the one facing a fresh election. For such a government, its performance in office is under evaluation by voters and a pass mark is re-election, while failure is losing the election. Losing election is not only an indication of unsatisfactory performance and loss of legitimacy by the government, but most importantly, a loss of means of private wealth accumulation to the political leaders.

Incumbent governments in Africa neither want to be rated as failures nor to be made to lose power, irrespective of their levels of performance and popularity. They would always resort to power of incumbency, in addition to state machinery of coercion, to manipulate themselves to retain power. It means that a government can win power in a democracy even when the people considered its performance unsatisfactory and would not vote for it. It means that the value of the people in the estimation of such a government would be low.

Moreover, since the government does not depend on the people's support to gain power, then it need not be accountable and responsive to them, except the political elite, particularly, the patrons. The inability of the people to hold the government accountable to its actions means that the government can overstep its bounds into authoritarian arenas in its actions without suffering negative electoral consequences.

Without people's participation and government's accountability and responsiveness, the so-called democratic government in power lacks legitimacy. The four factors all hang tenaciously on free and fair elections. With free and fair election, the democratic value of ordinary citizens appreciates tremendously. On the contrary, where political leaders, as in Africa do not regard the people as a relevant political force and to whom they should be accountable, democracy becomes a farce and it is therefore fallacious for these rulers to claim to derive their legitimacy to govern from the people. Lack of responsiveness and accountability leads to estrangement of the rulers from the people they rule, which is an absurdity in democracies.

Until African governments are capable of ensuring accountability (political, economic, financial and administrative) and discourage the use of political offices as sources of private wealth accumulation, politicians in supposedly democratic governments will continue to rig elections to remain in power. Thus, for now, it means that the electorates in many African democracies cannot reject bad governments through democratic elections. To worsen the matter still, this contradiction is continuously recycled in the political system. In general terms, it means that it is not yet uhuru for democracy in Africa.

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