

# Managing Campaign Finance in Nigeria: Prospects and Constraints

**James Iorliam Apam**

Department of Political Science,  
Benue State University, Makurdi,

&

**Plangsat Dayil**

Department of Political Science,  
University of Jos, Jos.

## **Abstract**

As Walecki (2006) has noted, money matters for democracy because much of democratic political activity simply could not occur without it. However, if the political finance regime in any country is such that allows a few individuals who are wealthy or who have access to state resources to take an undue advantage in the use of money, the outcomes of such elections may not reflect the peoples' democratic will, thus the need for regulation. The regulation generally involves restrictions concerning limitations on the expenditure of political parties or individual candidates and the disclosure of their sources of funds. These restrictions are based on the assumption that unregulated political finance fails to guarantee a level playing field in the competition for power. The legal and institutional frameworks are contained in the 1999 Nigerian Constitution, the Electoral Act 2022 and the various regulations issued to political parties by the Independent National Electoral Commission (INEC) on campaign expenditures. The paper has discovered that these Legal and Institutional provisions have not deterred politicians from introducing the influence of money in Nigerian politics because of a number of encumbrances placed at the doorstep of the Electoral Commission and other authorities in calling the recalcitrant politicians to account for their actions. This is because of the political environment in which these regulating bodies have to operate.

**Keywords:** Campaign Finance, Political Finance Laws, Money Politics, Legal and Institutional Framework, Electoral Democracy

## **Introduction**

Scholars and analysts working on older and emerging democracies have generally identified money as one of the major determining

factors in the operations of political parties since money is a critical and indispensable factor in any political system (Omenka and Apam (2006). Huge sums of money are needed both during electioneering campaigns and for the day-to-day operations of the party's affairs. Ajene (2003:2) notes that, "the principal instrumentality of democracy and democratic governance is the political party". "It is the particular structure, organization and the roles performed by the parties that provide the defining quality of democratic governance" (Ajene, 2003:2). In turn, the success or failure of a political party in an election as well as the creditability of the entire electoral process is in most cases tied to how monies are raided and expended.

Aliyu (2018) has also noted that, in all countries of the world, money and other resources are required for political parties and candidates to reach out to the electorate and for the parties to run their day to day administrative and other programmes. He says strong parties are required to make democracy work and democracy can only flourish if parties have the means (finances) of reaching out to the people to sell their policies and programmes. However, as he also notes, the central challenge is the latitude, freedom or restrictions to be placed on the expenditures of political parties and their candidates for campaigns. Thus, most democratic states do provide for independent monitoring in respect of the funding of political parties and electoral campaigns (2018). The independent monitoring includes supervision over the accounts of political parties and the expenses involved in election campaigns as well as their presentation and publication. The subsisting laws in all cases also require full disclosures by political parties and their candidates. Campaign finance in this case is then understood as any expenditure incurred by a political party for electoral purposes; that is solely for the purpose of enhancing the standing of or promotion the electoral success of a party at an election. Goods or services for which payments are made prior to the campaign period for use during the campaign period are considered campaign

expenditure and therefore must fall within the campaign expenditure limit.(Aliyu,2018 ) Expenditures on the following items are considered to be campaign: political party broadcast, advertisements, distribution of unsolicited materials to the electorate, circulation of manifesto and other policy documents, market research and canvassing, media publicity, transportation and rallies as well as other events.

Nigeria is not an exception to the processes described above. There has however been a worrying trend of the influence of money on the country's politics especially from 1999 following a return to a Presidential- type democracy.

The discussion which follows is on the efficacy of the legal and institutional frameworks that have been put in place to check the undue influence of money in politics in Nigeria. The legal and institutional frameworks are contained in the 1999 Nigerian Constitution, the Electoral Act 2010 (As Amended) and the various documents issued to political parties by the Independent National Electoral Commission (INEC) on campaign expenditures. The Independent National Electoral Commission (INEC) is the body set by law and charged with the responsibility of conducting all Federal elections in Nigeria and to track all political expenditures. The paper highlights the prospects of enforcing the regulations on political finance over time and in holding persons and institutions to account for their infringements especially in the current political dispensation. Specifically, it discusses the constraints faced by the Electoral Commission in enforcing the existing laws and regulations.

While it is concerned with the inflow of money into the political parties generally, the emphasis is on the amount of money spent in electoral campaigns and the refusal by the political parties to make disclosures and to open their accounts for scrutiny.

## **The Use of Money in Nigerian Politics**

Money and politics and its associated paraphernalia deserve a critical attention because thinking about money in politics in Nigeria has become the beginning of political wisdom. The use of money to secure positions in government has become so pervasive that someone once remarked that efforts must be made to prevent Nigerian politics from being quoted on the stock exchange since it is becoming a multi-billion naira (Nigerian Currency) business.

The destructive power of money in politics has been given as one of the factors that have undermined democratic governance in the past up to the present day. The danger of money in Nigerian politics became pronounced with the return to democracy in 1999. Before then, citizens' voices and votes drowned money but today money drowns votes and voices.

Money in Nigerian politics is shrinking the political space. The entrance fee into politics has become so high that only the few and the daring entrepreneurs can participate. However, the hallmark of democracy is that it must be affordable. When it is not affordable it becomes the preserve of the rich and that time it slides into plutocracy.

It is out of this concern that the makers of 1999 Constitution and the accompanying Electoral Acts in their wisdom made provisions regulating election finance in the country.

Generally, as Murkiru (2022) has stated, the reference to corrupt political financing could be categorized into the following

- Political contributions that are inconsistent or contravene existing and extant laws on political financing. This may include illegal donations which are often considered scandalous even though there is no suggestion that donors would receive any inappropriate advantage in recompense for their donations
- The use of cash obtained by a political office holder from a corrupt transaction for campaign or party goals. Here instead of taking corrupt money for personal uses, the bribe taker gives part or all of the proceeds to his /her party for campaigns.

- Unauthorized use of state resources for partisan political purposes which is a very common feature in Nigeria
- Acceptance of money in return for an unauthorized favour or the promise of a favour in the event of election into an office.
- Contributions from disreputable sources to political parties during electioneering periods in exchange for a favour or promises of future favour.

All these features have been prevalent in Nigeria as this discussion will show.

### **Campaign Finance Regulation in Nigeria**

As Walecki (2006) has rightly noted, “democracies employ different strategies to control the flow of money into politics creating a framework within which political parties and individual candidates can operate” As he also notes more effective formulas for public control of political money seem to require the existence of a comprehensive system of political finance based on three necessary pillars namely: full disclosure; independent enforcement agency; and reasonable public funding (Walecki, 2006)

Disclosure, as he states requires systematic reporting, auditing, public access to records and publicity so as to make politicians’ accounts a subject of public knowledge and political debate while enforcement demands an independent agency endowed with the necessary legal powers to supervise, verify, investigate and if required institute legal proceedings. Transparent public funding, it is hoped would limit the opportunity for corporations and wealthy individuals to exercise external control capturing political parties and their policy making capacities as it also relieves parties to a large extent from pressure of constant fundraising and reduces the prospects for some types of political finance-related corruption such as from infamous sources and from the abuse of state resources. Though as Walecki (2006) further notes, in semi authoritarian regimes the lack of significant public funding serves the purpose of starving the opposition of resources. It is also

reasonable to state that even substantial public funding is not a sufficient condition to eliminate other types of political finance – related corruption such as personal enrichment, illegal expenditure or vote buying as rampantly occurs in Nigeria.

There exist legal frameworks on political finance in Nigeria. These provisions on funding, allowed expenses, disclosure reporting, enforcement and sanctions have been stated in clear and unambiguous language. What has been lacking in all these has been the political will to enforce these mechanisms and to ask the political actors to account for their actions and inactions. The applicable laws and regulations in Nigeria are discussed below.

### **The Applicable Laws/Regulations on Political Party Campaign Finance in Nigeria**

As already noted, funding of political activities is a critical aspect of the democratic process. The flow and distribution of political funds is essential in determining the level of equality, fairness and competition in the electoral process. A lopsided distribution of electoral funds confers an undue advantage to specific parties or candidates and erodes the uncertainty of electoral outcomes – a fundamental prerequisite of their legitimacy. When economic power is allowed to determine access to political power, the possibilities of all candidates and parties to present their message to the voters and to compete for votes are constrained. The need to promote competition and guarantee fairness in the electoral process has compelled many democratic states to introduce various forms of political finance regulations.

The attempts to regulate political finance began essentially in the Second Republic (1979-1983). The 1979 Constitution gave political parties the sole right to canvas for votes at any election and to contribute to the election expenses of any candidate at an election (Section 201). To accomplish the above responsibilities, the Constitution empowered the National Assembly to make laws “for an annual grant to the Federal Electoral Commission from

disbursement to political parties on a fair and equitable basis to assist them in the discharge of their functions “(Section 208c) The government rendered financial assistance to political parties by way of subventions. In addition to state funding, political parties were free to mobilize private funding, except from outside Nigeria.

Since the Second Republic, political finance regulation in Nigeria has been expanded considerably with the widening of the regulatory powers of the Independent National Electoral Commission (INEC). On its part, the Commission has adopted a number of responsibilities relating to political finance regulation. For instance, in 2015, the Commission embarked on monitoring and tracking of candidates’ election expenses for the first time in Nigeria’s history. While that effort produced considerable data, information gathering on the actual expenses incurred by candidates was limited.

Consequently, ahead of the 2019 General election, the Commission streamlined its election expenses monitoring and tracking programme to involve a more comprehensive data gathering on election expenses of political parties and candidates. In so doing, the Commission established a robust framework for inter-agency collaboration and support that includes several specialized agencies and institutions such as the Central Bank of Nigeria, the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and other Related Offences Commission (ICPC). The Media, Civil Society Organizations (CSOs) and International Development Agencies (IDAs), like the International Foundation for Electoral System (IFES), also supported the work of the Commission.

### **The Legal Framework for Political Finance in Nigeria**

The legal framework for the monitoring and tracking of election expenses of candidates and political parties in Nigeria is composed of the 1999 Constitution, subsidiary Legislations, and Guidelines and Regulations developed by the Independent National Electoral

Commission (INEC) to elaborate on the provisions of the Electoral Act.

It is important to mention at this stage that the Electoral Act under reference here is the Electoral Act 2010 (As amended) which was used to conduct the previous elections from 2015 – 2019. In March, 2022 the Nigerian National Assembly passed the Electoral Act, 2022. No elections have been conducted under this Act but it contains so much the same provisions on Political finance as the now defunct Electoral Act 2010 (As amended). Both are provided in Appendix 2 and 3.

The 1999 Constitution broadly provides for democratic elections and guarantees equality and fair competition, as well as access to remedy. The Constitution accords Political Parties the sole right to “canvass for votes for any candidate at any election or contribute to the funds of any political party or to the election expenses of any candidate at an election” (Sections 222-228, 1999 Constitution). Because of their central role in elections, the Constitution imposes strict restrictions on the formation, administration and financing of political parties. The constitution grants the Independent National Electoral Commission and the National Assembly extensive mandate to oversee and regulate political parties. It also empowers the Electoral commission to regulate the finances of political parties in ways relating to monitoring of the organization and operation of the political parties, including their finances; and arranging for the annual examination and auditing of the funds and accounts of political parties, and publishing a report on such examination and audit for public information.

Like the Constitution, the Electoral Act 2010 (as amended) regulated Political Party registration, political finance, primaries, candidate nomination, voter registration, and mandated Independent National Electoral Commission(INEC) to prosecute electoral offences. The Electoral Act spelt out the mandate of the commission regarding political parties’ finances and election



expenses in detail. Section 88 of the Electoral Act made it an offence for a political party to hold or possess any fund outside Nigeria, and to retain any fund or other asset remitted to it from outside Nigeria. It stipulated that a party shall forfeit the funds or assets purchased with such funds to the Commission and on conviction shall be liable to a fine of not less than five hundred thousand naira (₦500,000).

Furthermore, Section 89 of the Electoral Act made it mandatory for political parties to submit to the Commission a detailed annual statement of assets and liabilities and analysis of its sources of funds and other assets, together with statement of its expenditure in such a form as the commission may from time to time require. The Act also required political parties to grant to any officer authorized in writing by the Commission access to examine the records and audited accounts kept by the political party in accordance with the provisions of this Act and the political party shall give to the officer all such information as may be requested in relation to all contributions received by or on behalf of the party. The Commission has a responsibility to publish the report on such examinations and audit in three National Newspapers. Section 90 of the Act empowered the Commission to place limitation on the amount of money or other assets, which an individual or group of persons could contribute to a political party.

With regards to election expenses, the Electoral Act 2010 (As amended) made a distinction between the election expenses of candidates and those of political parties. The Act expressly placed a limitation on the election expenses of candidates. The Table below shows types of election and limits on the election expenses of candidates.

**Table 2.1:** Types of Election and Election Expenses Limit

S/no	Type of Election	Election Expenses Limit
1	Presidential election	One Billion Naira (₦1,000,000,000)
2	Governorship election	Two Hundred Million Naira (₦200,000,000)

3.	Senatorial election	Forty Million Naira ( <del>₦</del> 40,000,000)
4.	House of Representatives election	Twenty Million Naira ( <del>₦</del> 20,000,000)
5	State Assembly election	Ten Million Naira ( <del>₦</del> 10,000,000)
6	Area Council Chairmanship election	Ten Million Naira ( <del>₦</del> 10,000,000)
7	Area Council Councillorship election	One Million Naira ( <del>₦</del> 1,000,000)

**Source:** The 1999 Constitution and the Electoral Act 2010 (As Amended)

The Act stipulated that “in determining the total expenditure incurred in relation to the candidature of any person at any election no account shall be taken of:

- a. any deposit made by the candidate on his/her nomination in compliance with the law;
- b. any expenditure incurred before the notification of the date fixed for the election with respect to services rendered or material supplied such notification.
- c. political party expenses in respect of the candidate standing for a particular election”

The Act also stated that no individual or other entity shall donate more than one million naira (~~₦~~1,000,000) to any candidate. (Electoral 2010 (As amended))

While the Electoral Act imposed specific limits to the election expenses of Candidates, Section 92(2) placed on INEC the responsibility of determining the limits of election expenses by political parties. The Act advises that the Commission shall make such determination in consultation with the political parties. Section 92(3)(a) made it mandatory for political parties to submit a separate audited return of their election expenses to the omission

within six months after an election. Such a return, according to the Act, shall “show the amount of money expended by or on behalf of the party on election expenses, the items of expenditure and commercial value of goods and services received for election purpose” In addition to publishing the audited return in at least two National Newspapers, the Act required that the Commission “shall make available for public inspection during regular business hours at its Headquarters and state offices the audit returns of the political parties required by subsection (3) of this section which shall include the names, addresses, occupation, and amount contributed by each contributor to a party” Section 92(6) spelt out the penalty for violation of the election expenses regulation: Any political party that incurs election expenses beyond the limit stipulated in this Act is guilty of an offence and shall be liable on conviction to a maximum fine of one million naira (₦1,000,000) and forfeiture to the Commission, of the amount by which the expenses exceed the limit set by the commission

Although the Electoral Act did not place a specific limit on the election expenses of political parties, it contains disclosure clauses with regards to election expenses by them. While section 93(1) prohibited political parties from accepting or keeping in their possession “any anonymous monetary or other contributions, gifts properties, etc from any source whatsoever;” Section 93(2) mandated political parties to “Keep an account and asset book into which shall be recorded: a) all monetary and other forms of contribution received by the party; and b) the name and address of any person or entity that contributes any money or other things which exceeds one million naira (₦1,000,000)” Section 93(3) barred political parties from accepting any monetary or other contribution exceeding one hundred thousand naira (₦100,000) unless it can identify the source of the money or other contribution to the commission; whereas section 93(4) required political parties sponsoring the election of a candidates to, within three months after the announcement of the results of the election, file a report

of the contributions made by individuals and entities to the Commission.

While the Electoral Act regulates political party finance and election expenses, the Companies and Allied Matters Act (CAMA 2004) guides corporate bodies with regards to contributions to election expenses. Section 38(2) of CAMA prohibits corporate bodies from making contributions to political parties. According to the Act: “A company shall not have or exercise power either directly or indirectly to make a donation or gift of any of its property or funds to a political party or political Association, or for any political purpose; and if any company, in breach of this subsection makes any donation or gift of its property to a political party, or political association, or for any political purpose, the officers in default and any member who voted for the breach shall be jointly and severally liable to refund to the company the sum or value of the donation or gift and in addition, the company and every such officer or member shall be guilty of any offence and liable to a fine equal to the amount or value of the donation or gift”

As mentioned before, in addition to the Constitution, the Electoral Act and the Companies and Allied Matters Act, the Independent National Electoral Commission (INEC) has adopted some Regulations and Guidelines to control election expenses, in particular and on political finance, in general. These Regulations and Guidelines are binding so long as they are not contrary to the provisions of the Electoral Act. As part of measures taken to carry out its constitutional and statutory mandates relating to regulation of political parties, the Commission adopted a Code of Conduct for Political Parties. Paragraph 10 of the code of conduct deals with the issue of party finance and stipulates as follows.

- i. All political parties shall at all times maintain a record of their sources and application of funds for all their activities, including elections and campaigns.
- ii. All political parties shall endeavor to submit their audited account and reports to INEC as required by law.

- iii. All political parties and their candidates shall strive at all times to adhere strictly to election and campaign expenses limit as contained in the provisions of relevant laws.

All these provisions have only been observed by all the political parties in breach. After the 2019 General elections, the Independent national electoral Commission (INEC) prepared a report from its field staff which showed that in all elections (at all levels of Governance) all the political parties made expenses far in excess of allowed limits. This report has been relied upon and quoted extensively as evidence in this paper.

According to the Commission, the report presents the outcome of the election expenses monitoring and tracking exercise conducted by it during the 2019 General elections. Among other things, the election expenses monitoring and tracking exercise was designed to:

- i. Determine the extent to which candidates and political parties complied with election expenses regulations,
- ii. Evaluate the extent to which the election expense regulations in Nigeria are realistic, and
- iii. Generate the appropriate data required for evidence-based advocacy to improve the transparency of election expenses by candidates and political parties.

The report compiled and analyzed observations and findings made by the field staff during the election expenses monitoring and tracking exercise. Some of the evidence as contained in the report is presented and discussed below.

### **Non- compliance with Provisions of the Constitution and the Electoral Act on Election Expenses**

As contained in the Independent National Electoral Commission's report, these expenses were made by the two leading political parties in the 2019 General elections. It is important to consider these expenses alongside the Commission's inability to cover some areas as discussed below. The import of this statement is that is

very likely that much more would have been spent by the political parties and their candidates that was not captured by the tracking exercise. The All Progressives Congress (APC) is the party in control of the central Government. It is also in control of most states of the federation. The People's Democratic Party (PDP) is the biggest opposition party out of 18 political parties. It also in control of some states of the federation. The tracked expenses for the two leading parties was as shown below.

**A Expenses on Billboards for the office of President**

APC-N735,431,533.00

PDP-N551,830.200.00

**B Expenses on the Print Media for office of President**

APC-N255,713,155.00

PDP-N388,187,920.00

(These statistics were compiled on geo-political basis but did not include that of the North West geo-political zone)

**C Electronic media**

APC-N635,751,482.00

PDP-N184,011,432.00

**D Payment for Election Media coverage (other media)**

APC-N189,034,968.00

PDP-N90,181,425.00

**E Expenditures on Campaign rallies**

APC-N2,804,213,646.00

PDP-N2,067,995,665.00

All these expenses were above the allowed limits even as they represented only a fraction of the total expenditures.

Expenses by the two leading political parties on the Governorship Elections in the entire country by geo-political zones:

**1. All Progressives Congress (APC)**

North Central Zone-(6 states) N1,098,213,100.00

North Eastern Zone-( 6 states) N809,761.925.00

North Western zone-( 5 states) N1,146,561,620.00

South Eastern zone-(5 States)	N513, 271,025.00
South- South Zone-(5 States)	N575,315,694.00
South West Zone – (6States)	N913,066,599.00

## 2. Peoples Democratic Party (PDP)

North Central Zone-	N631,398,840.00
North Eastern Zone-	N637,55,711.00
North Western zone-	N792,786, 512.00
South Eastern zone-	N902,575,021.00
South- South Zone-	N1,679,155,783 .00
South West zone –	N411,916,640.00

**Source:** INEC2019 General Election Expenses Monitoring Report, INEC,2021

One of the major findings of the INEC report was that the Presidential Candidates of APC and PDP overshot the N1B ceiling stipulated in Section 91(2) of the electoral Act 2010 (As amended). The APC candidate spent about N4,620,144,784 while that of the PDP spent N3,282,206,642. No one has been prosecuted as yet in spite of the existence of relevant laws.

For the expenditures by the Political parties in the states, the total sum provided here was what was spent by all the candidates of the political parties in all the elections in the zones. The sum spent in each state can be ascertained by taking an average for the number of states in the region and another average of the number of candidates in all the elections in a given state. The average would show that in each state the limit was exceeded for all the candidates.

The Electoral Commission has admitted its own limitations in tracking all expenses in all places. What this means is that the political parties and their candidates would have spent much more.

The figures do not also represent the money spent by the politicians on delegates who nominated them to contest the elections as well as the money spent on vote buying on election day which is also a common feature in elections in Nigeria.

Recently, as much as the sum of \$25,000 (about N12m) was given to each delegate at the PDP and APC National Conventions by aspirants to the Office of President to secure their votes. Eye witness accounts have it that the Bureau de changes in the nation's capital moved their offices to the venues of the Convention where the local currency was exchanged to Dollars to be given to delegates.

Also, in the build up to the 2023 General elections, the political parties demanded for huge sums of money from those wishing to contest federally conducted elections into different offices. This in itself is an indication of the expenses above the limits allowed by law. These sums are unlikely to be disclosed by the parties. For example, the leading political parties demanded for these sums from those who wanted to contest various positions.

### **Presidential Election**

**APC**

N100m

**PDP**

N40m

### **Senatorial Election**

N20m

N3.5m

### **House of Representatives Election**

N10m

N2.5M

### **Governorship Election**

N50M

N21m

### **State Assembly Election**

N2m

N600,000

The All Progressives Congress (APC) is the party that controls the central Government and more state Governments. The stakes are therefore higher there thus more money was demanded. The assumption is always that those who win nominations under the incumbent party are more likely to win in the polls. A total of 24 persons purchased forms at N100m each to contest the presidential election thus making the total sum of N2.4B for the party from the



sale of the Presidential election form alone. An expenditure of that sum alone is above the allowed limits of expenditure for any one party in all the federally conducted elections put together. It is also unlikely that that sum will reflect in the party's account books and will be disclosed to the electoral Commission even though it is of public knowledge.

As stated in the report of the Electoral Commission, Sections 92(3) and 93 (4) of the Electoral Act 2010 mandates political parties to submit to the electoral commission contribution report and election expenses report three months and six months after an election respectively. These reports are to be accompanied by sworn affidavit. However, none of the major parties complied. Even the minor parties (34 of them) which submitted did not in some cases show their sources of income while others showed an expenditure that exceeded their income while others submitted without sworn affidavits. The reports also lumped together the contributions of the parties and their candidates and that made it difficult to identify candidates that exceeded the spending limits.

### **Constraints in enforcing the Political Finance Laws**

As Walecki (2003) has observed, regardless of complex regulations, analysis in many nations show a worrying gap between legal requirements and the political practice of funding political activities. In Nigeria, one implication of the ineffectiveness of control mechanisms within the political finance system has been the growing level of political corruption generally or should it be said the level of corruption in the nation generally. The major weakness that undermines the working of an effective political finance system is the lack of fully independent enforcement mechanisms.

The limits placed on donations and expenditures by political parties by the constitution, the electoral Act and other relevant laws are commendable but have been difficult to implement in Nigeria since the politicians who are the main participants in

elections also form the bulk of persons holding sensitive positions in Government. They tend to undermine the system and to manipulate it to their advantage. This is coupled with the fact that the enforcement bodies are not completely independent of the government and cannot develop a strong enough will to perform their duties.

Indeed, as Murkiru (2022) has noted, the main shortcoming in ensuring transparent political financing in Nigeria lies not so much in the legal frameworks but more in the implementation and strict enforcement of the existing laws.

The Independent National Electoral Commission (INEC) which is saddled with the responsibility under the relevant laws to tract political finance and to prosecute offenders has failed in the discharge of this responsibility despite the claims to the contrary. As many have observed this failure may be attributable to the way the Commission is funded and the manner in which its officials are appointed. The Commission is directly funded from the consolidated Fund of the Federation which is controlled by the Executive arm of Government following appropriations by the National Assembly. It can therefore not enforce its prosecutorial powers as enshrined in Section 92 of the 1999 Constitution and Section 91 of the electoral Act 2010 (as amended) and indeed as provided by other extant laws without some control from the Executive arm.

Besides being unable to bring those who infringe the relent laws on campaign funding to account, the Electoral Commission on its part has identified a number of constraints in even being able to effectively discover such infringements as contained in its report on the 2019 general election under reference.

The obstacles identified in tracking the financial expenditures of political parties during elections include among other things:

- Insufficient manpower- the electoral commission reported that it could not harness a sufficient number of staff to undertake the election expenses and tracking exercise in the face of other competing exercises during the general elections. Ad-hoc staff

could also not be engaged and trained because of the insufficiency of funds at its disposal.

- Non-cooperation by political parties in returning the reporting forms- the refusal by the main political parties to return the expenses reporting forms issued to them meant that their expenses could not be effectively monitored. This constrained the scope of the exercise by denying the Commission the opportunity to compare figures from the field monitors with the disclosures made by the political parties where they did.
- Non-disclosure of required information by media houses-many media houses were unwilling to disclose information regarding the political advertisements sponsored by political parties and their candidates
- Difficulty in determining who pays for what- the Commission's monitors found it difficult to differentiate who paid for what. This was particularly evident across several expenditure parameters like billboards, posters and campaign leaflets
- Non-disclosure of campaign itinerary- this also made it difficult for the monitors to effectively track the campaign expenditures of political parties. Political parties made it a habit to hide their campaign itinerary (if they had any at all) in spite of the legal requirement to make such itineraries available to the electoral commission. Closely related to this are the vast nature of the country and the lack of trained staff to cover every area.
- Difficult terrain and security challenges- the Nigerian geographical landscape is so vast and the terrain in some places is so difficult. This impeded the ability of monitors to effectively cover all parts of the country. Closely related is the security situation in which bandits, insurgents and kidnappers operated in some parts of the country. This was an impediment to the effective tracking of campaign finances as monitors could not visit those areas.

- Political tension and violence at campaign rallies – the monitors were not always successful in gathering data because of the volatility of the campaign rallies. In some cases, monitors had to leave such places without completing their assignments
- Destruction of billboards and posters by political thugs-hostility among political parties is a huge concern. Billboards and posters are sometimes pulled down or torn by rival political parties before monitors can get there. Thus significant data was lost in the process.
- Loopholes in the legal framework on election expenses tracking- the Commission reported that whereas Section 91 of the Electoral Act 2010 (as amended) provides a ceiling of N1m as the maximum amount an individual can contribute to a candidate, there is no such ceiling on what an individual can contribute to a political party. This situation is thus compounded by the phenomenon of third- party spending (this could be an individual, corporations or organizations that spend money on campaigning in favour of /or angst a party/candidate). Even though the Constitution forbids any form of campaign by associations for political parties, compliance to the provision has always been very low.

Interestingly, these were the observations made by the Electoral Commission in explaining its inability to effectively track the expenditures of political parties in the 2019 general elections. The implication of this is that much more could have been spent that was not tracked.

## **Conclusion**

The foregoing discussion shows that the major Nigerian political parties which have accessed power since the return to democracy in 1999 and the actors within these parties are all in contravention of the extant laws and regulations on political finance. As mentioned before, even what was discovered in respect of the expenditures of the major political parties in the 2019 elections was

far above the set limits in spite of the difficulties of tracking all their expenses. What this means is that much more would have been discovered if the Commission was able to overcome its limitations. Also as mentioned above, the Commission's report did not take into cognizance the monies spent on delegates and that which is used to buy votes on election day.

Every democratic system has to regulate the flow of money into its politics. Unregulated political financing presents certain problems for modern liberal democracy. It also fails to guarantee that candidates and political parties compete on equal terms. As Walecki (2006), states, "political competition under unregulated political financing is like inviting two people to participate in the race with one participant turning up with a bicycle and the other with a sports car." This certainly will not augur well for fair and equitable participation in politics just as the electoral outcomes will not represent the people's will. While agreeing with Walecki's statement, it must also be said that in Nigeria every political party has shown the willingness to infringe on the political laws given the opportunity to. Those that have been in political power at one time or the other and have had access to public funds have been the greater culprits.

Again we are inclined to agree with Walecki (2006,) that "corrupt political funding undermines the democratic system. Together with other forms of political corruption it leads to a compromising of democratic ideals, the growth of political apathy among voters and mistrust of the authorities as well as the consolidation of authoritarian tendencies in the state. The overbearing influence of money does indeed lead a seeming democracy like Nigeria's to a plutocracy.

It will be foolhardy to hinge recommendations on how to stem the tide of the influence of money in Nigerian politics on the political parties and their candidates. The electoral commission has to be in a position to play its role in stemming this tide by prosecuting erring persons and institutions.

There have been discussions on how the Independent National Electoral Commission (INEC) is constituted. For now, the President of the Federal Republic makes all the appointments of those who occupy the offices just as the Commission's finances come from the government purse. This severely limits the ability of the Electoral Commission to forcefully act on cases of infringements of the extant laws and regulations on political finance. There have been suggestions that the process of these appointments should be made more open and competitive and should be largely influenced by the Civil Society and the Judiciary.

Related to this is the financial independence of the Electoral Commission. It has been suggested that the Executive arm of Government should exert less influence on the finances of the Electoral Commission in order to ensure its independence and allow it the laxity to effectively act even against members of the government and their political parties.

In 2019, the Electoral Commission sent a bill to the National Assembly on the establishment of an Electoral Offences Commission and Electoral Offences Tribunal. This bill has not been passed since nor has there been any mention of it in the past three years. Details of the bill are not known but it is believed that when passed there would be a law that enables that body to investigate all cases related to Electoral Offences including infringements of provisions on finances and charge these to the Electoral Offences tribunal which would be made up of judges. It is understandable that this bill has not seen the light of the day since then.

The setting up of the Electoral Offences Tribunal is also linked to that of the creation and separation of the office of the Attorney General of the Federation from that of the Minister of Justice. In the current arrangement, the office of the Attorney General of the Federation is merged with that of the Minister of Justice at both the Federal and State levels and occupied by a politician appointed by the President and State governors respectively. Demands have

been made over time for these offices to be separated such that while the political office holder occupies the office of Minister at the Federal level and Commissioner at the State level respectively, the Attorney General would be a professional who has risen through the ranks in the judicial service and who would be apolitical, not encumbered by the trappings of any political office and independent of the political arrangement. This Attorney General would then be in a position to investigate and prosecute electoral offenders. This discussion has also not advanced because of the unwillingness of the politicians who sit in the National and State Assemblies to have such an arrangement. The country however needs such an independent office (if it can be established) to handle cases of infringement of the laws on political finance just as it will on cases of electoral malpractices even if a separate Tribunal cannot be established for the prosecution of such cases.

Finally, we are convinced that pressure from Non-governmental Organizations, International Organizations, scholars and the Mass media may also contribute to creating an atmosphere which promotes anti-corruption initiatives among the general public and this should in turn put some pressure on those who occupy public offices to work through the necessary reforms to clean the 'Augean stable' as relates to political finance. Indeed, there is no doubt that what happens in the political space is directly related to corruption in the entire society as these reinforce each other.

## References

- Ajene, O (2003) "The role of Political parties in Good Governance and Advancement in Benue state", Nigerian Journal of Political and Administrative Studies, 4, 2003 Published by the Department of Political Science, Makurdi, Nigeria
- Aliyu, I. G (2018) "Managing party Finances and Reporting Requirements", paper presented at a 2-day Awareness Training Workshop for Executives of newly Registered Political parties 22-23 May, 2018 at the NIPPS Kuru, Nigeria.

- Omenka, J & Apam, J (2006) *Regulating Party Financing under the 1999 Constitution and the Electoral Act 2002*, Money, politics and Corruption in Nigeria IFES, May 2006.
- Mirabure, K O (2022) *The Laws Governing Political Party Campaign Finance in Nigeria. Its Abuses and the need for strict Enforcement*, Article in *Journal of the Obafemi Awolowo University Medical Students Association (IFEMED)* January 2022. Sourced from ResearchGate on 10 May 2022.
- Federal Republic of Nigeria, the Electoral Act, 2010 (As amended).
- Federal Republic of Nigeria: *The Electoral Act, 2022*.
- The 1999 Constitution of the Federal Republic of Nigeria.
- The 1979 Constitution of the Federal Republic of Nigeria.
- 2019 General Election: *Election Expenses Monitoring Report*, published by the Independent National Electoral Commission (INEC) 2021.
- Walecki, M (2003) *Political Money and Political Corruption: Considerations for Nigeria*, paper for IFES presentation at INEC-Civil Society Forum Seminar on Agenda for Electoral Reform, 27-28 November, 2003 Abuja Nigeria.