

Nigeria's Fourth Republic: Electoral administration and the challenge of democratic consolidation

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Abstract

The place of election as a signpost of democracy is not in contention since democracy means first and foremost the process through which citizens freely choose their representatives. However, democratic practice in many developing countries are still regarded as electoral democracy because attentions are shifted away from the substance of democracy to focusing on conducting elections only as means of power transition and/or legitimation. The major challenge of democratic consolidation in developing democracies can therefore be linked to election administration which is a compass for any democratic process. Though, Nigeria has been able to maintain a viable set of periodic and regular elections since the return of party politics in 1999, the political values of that attainment is questionable. Against this backdrop, this paper examines the different contours Nigeria's electoral democracy has experienced since the enthronement of the present fourth republic and findings situate them within the contradictions of electoral administration. While studies on the challenges of electoral administration in Nigeria have focused on regime



analysis, this study attempts a holistic view of Nigeria's contemporary democratic practice since 1999. The methodology of research is both descriptive and analytical.

Keywords: Democratization, Democratic Consolidation, Election, Electoral Administration, Fourth Republic, Nigeria.

Introduction

In every democracy, election is the essential ingredient that allows transition from one regime to the other. It is the means and process by which the electorate decides who and which group administers the affairs of the country based upon their perceived conviction on the agenda and programme presented by the group (Aniekwe and Kushie, 2011). In today's world, election is serving great purpose both in war torn, authoritarian as well as democratic societies. It serves as a means of transition from bitter experiences of war to civility in former war torn states. It provides opportunity for freedom in previous authoritarian regimes and offer citizens the space for free expression. It offers a government a unique opportunity for legitimacy and is a recognized way of building trust in former authoritarian states and also a way to validate negotiated political pacts (Brown, 2003; Sisk, 2008).

Election also serves as a transitory process in stable democracies and a way of strengthening an already assumed perfect system (Majekodunmi and Adejuwon, 2012: 44). However, the history of elections in Nigeria has been characterized by threats to statehood based on the manipulation of ethnicity as divisive mechanism for the acquisition of political power by political actors; the fragile nature of political cum democratic institutions is acquainted with poor democratic culture among Nigerian citizens (Omodia, 2012; Ojukwu and Oni, 2016). Nnamani (Cited in Onu, 2005) and Suberu (2007) assert that the fact that elections in Nigeria since inception of the fourth republic



have continued to recycle in a ferocious violence and unthinkable manipulation especially from the political elites has attracted the attention of both local and international community. According to Yagboyaju (2011), Nigeria's present democratization, which culminated in the country's Fourth Republic on May 29, 1999, started amidst great hope and expectations. He observed that though the military regime that mid-wived the process could not significantly convince the generality of the citizens on its success, a huge section of the populace still believed it could herald the dawn of good governance in the country.

The 1999 Constitution of the Federal Republic of Nigeria confines election administration within the purview of an independent electoral body known as the Independent National Electoral Commission (INEC). Despite the fact that Nigeria has witnessed five general elections in this fourth republic from the Military conducted election of 1999 to the recently concluded 2015 general elections, the incumbency factor from the holders of power still remains a stumbling block to democratic consolidation (Nnamani, 2014). The alarming high handedness displayed by the ruling political party in manipulating the 1999, 2003 and 2007 electoral process, leading to political killings, religious bigotry, industrial actions, insecurity and other socio-economic malady (Ayoade, 2008) did not go unnoticed.

However, the 2011 elections were indications that democracy is a pre-condition for good governance. Experiences before and after the elections suggested that Nigeria's democracy moved to a greater height through the exercise, for instance, Nnamani (cited in Vanguard Newspaper 10 January, 2012) observed that the governorship and Senatorial elections that brought Governor Rochas Okorocha of Imo state and Senator Chris Ngige of Anambra Central senatorial district to power in 2011 were clear testimonies that peoples vote can count in Nigerian elections despite all odds. The ground breaking feat achieved by the electoral umpire under the headship of Professor Attahiru Jega towards reforming



and completely overhauling Nigeria's electoral body was another attempt at institutionalizing democratic consolidation. It was in this regard that the services of academic Professors were employed in all the polling centers nationwide as collation and returning officers. This was to sanitize the rot in the electoral body, thus, bringing the invaluable role of competent and unbiased umpire in election administration as a harbinger of democratic consolidation to the front burner. This essay therefore examines the interface of election administration and democratic consolidation in Nigeria's fourth republic with reference to aspects of the electoral process constituting threats to democratic sustenance in Nigeria's contemporary democratic practice.

Conceptual Discourse: Election, electoral administration, democratization and democratic consolidation

Election as an essential ingredient of a democratic process has received wide research coverage among scholars of different orientation (Herment, 1991; Schedler, 1998, 2002; Yagboyaju, 2011). Oni (2016) refers to election as a popular means of attaining governmental power in modern political systems by which people cast votes for their preferred candidates or parties in a competitive manner. By this process, he asserts that leaders are chosen to "represent the people in both the legislative and executive arms of government" (Oni, 2016: 229) at all levels of governance in the country. Election provides the platform for debate, persuasion and common rules for choosing representatives of the people who can serve in executive, legislative, and other institutions of government. Elections are in this sense a critical means of social conflict management through peaceful deliberations and decision-making processes in which parties abide by the pre-election promises and the loser given the opportunity to provide constructive criticism as the opposition or merely wait till the next election period.



Election remains crucial because it provides the platform that allows members of an organization or community to choose representatives who will hold positions of authority within it. In any democratic system, it is crucial that elections be free and fair. Mackenzie (1967) identified four conditions for the conduct of a free and fair election: (1) An independent judiciary to interpret the electoral laws. (2) An honest, competent non-partisan electoral body to manage the elections. (3) A developed system of political parties. (4) A general acceptance by the political community of the rules of the game. According to Arnold and Roy (1988) elections have been seen as central to competitive politics. Ideally, they guarantee political participation and competition, which in turn are fundamental to democratic transition and consolidation. Elections are also central to the institutionalization of orderly succession in a democratic setting, creating a legal-administrative framework for handling inter-elite rivalries. They also provide a modicum of popular backing for new rulers. Implicit in these assumptions is that elections are important for the institutionalization of popular participation, competition, and legitimacy which are three core foundations of democracy (Staffan, 2004: 61–105). Michael Bratton observes that ‘the consolidation of democracy involves the widespread acceptance of rules to guarantee political participation and political competition. Elections which empower ordinary citizens to choose among contestants for top political offices clearly promote these rules (Oromareghake, 2013)

It is, however, important to note that elections are not in themselves a guarantee for sustainable democratic transition and consolidation. Elections can also be used to disguise authoritarian rule, what Schedler called ‘electoral authoritarianism’ (Schedler, 2002: 46). Under such circumstances, elections are only held as a transitional ritual where the people have little or no choice, as has been the case in many African countries (Adejumobi, 2000:59-73). This compromises the democratization process by preventing elections from



playing their crucial role (Schedler, 2002: 103). It is, perhaps, with this in mind that Michael Bratton writes that while 'elections do not, in and of themselves, constitute a consolidated democracy', they remain fundamental, not only for installing democratic governments, but as a requisite for broader democratic consolidation.

The relationship between elections and democratic transition, in other words, is not a given, but is contingent upon a number of forces, central among which is the administration of the election. Thus, the regularity, openness and acceptability of elections signal whether basic constitutional, behavioural, and attitudinal foundations are being laid for sustainable democratic rule. While it is possible to have elections without democracy, it is quite impossible to have democracy without elections. If nothing else, the convening of scheduled multi-party elections serves the minimal function of making democracy survive. Lindberg (2006: 139) adds weight to this thinking, especially in the African context, when he speaks about the 'surprising significance' of African elections. He observes that 'the positive effects of holding repetitive elections are perhaps not restricted to free and fair elections, at least not in the early stages of democratization (Lindberg, 2006:6). He argues, for instance, that electoral problems such as 'inflated voters registries, political violence during the campaign and polling day, outright fraudulent voting and collation of votes, intimidation of voters and political opponents may stimulate activism in society even more than free elections'.

Lindberg's argument, however, underestimates the overall costs of poorly governed elections, including their impact on legitimacy. It is the contention of this article that the form and character of elections, either as a reinforcement of democratic consolidation or as regression, are largely contingent upon a series of factors. The most basic of these relates to the electoral monitoring body (EMB) and other institutional-political frameworks that surround it including political parties, mass media, the judiciary, and the



interaction among them, and their degree of institutionalization (Robert, 1999; Jorgen and Andrew 2002). These institutions are important for effective electoral administration because 'the indeterminacy of elections', that is, the possibility of elections leading to alternation of power 'is to a large extent a function of an impartial administration of elections (Shaheen and Andreas, 2002: 7).

Electoral administration is the organisation and conduct of elections to elective public (political) office by an electoral body. Electoral administration can be seen as the process of arriving at free and fair selection of candidates to fill public positions. Such activity necessarily involves well coordinated action by men and women aimed at achieving the goal of peaceful and orderly elections in a political system. The overall goal of electoral administration is to ensure that democracy upon which such elections are based is sustained as a mechanism for choosing the peoples' representatives at regular intervals (Ighodalo, 2008). Election administration is 'the mechanics of how elections are run, ranging from preparations for the election, to the methods by which people cast their ballots, to how winners are declared' (United States Election Assistance Commission, USEAC, 2008:1). This is usually overseen by an electoral body. According to the Election Administration Research Centre (EARC) at the University of California, Berkeley, USA, election administration involves the 'facilitation of voting and the management of elections at all levels' (EARC, 2005:1). It also includes the organization of election agencies, the behaviour and characteristics of election officials, the process of conducting elections, and the implementation of election policies (EARC, 2005:1). For Jinadu (1997: 2), election administration connotes 'the organization and conduct of elections to elective public (political) offices by an electoral body'.

In varying degrees, these conceptualizations suggest that election administration is not an exercise restricted to Election Day events. It is a process that spans the pre- and post-



election periods. For example, before the Election Day, adequate preparations must have been made in terms of voter registration, procurement of necessary equipments, including communication gadgets and vehicles, voter's education and sensitization, as well as the recruitment and training of poll workers. Also after the elections, there may be protests and contestations over results either in whole or in part that may lead to the search for electoral justice. The success or otherwise of litigation process also depends largely on the support of election administrators to supply necessary election documents for litigants to pursue their case(s). This attests to the fact that electoral administration is a crucial aspect of electoral governance and democratic consolidation. Democratization of the political and electoral processes is significant in enhancing democratic practice that will eventually culminate in consolidation. Substantive political changes either from an authoritarian regime to democratic government or from one democratic regime to another must move in a democratic direction in order to achieve a sustainable democratic order. Democratization thus speaks of transition to a more democratic regime. The outcome of such transition may be consolidation as typified by the United Kingdom or it may face frequent reversals as exemplified by democratization in Venezuela.

Ideally, democratization aims at ensuring that the people have the right to vote and have a voice in their political system. This ostensibly suggests that the political system must not be closed as currently observed in the United Nations which undeniably exacerbates calls for reforms and altered voting structure and voting systems to accommodate regional representation. Democratization has become more of a movement in various facets of the society including in corporations and in knowledge production, apart from its criticality in politics and governance. At the corporation level, there is a drive to alter the boss-knows-best practice and the concentration of organizational power structure in the top echelon of firms to favour a more decentralized process of consultation and empowerment of



lower levels in a way that decision making is diffused. This move is otherwise known as the workplace democracy. At the realm of knowledge, there is a growing spread of knowledge encapsulated in information and skills acquisition among common people as opposed to the elite controlled knowledge syndrome. Edet (2011) writes that for democratization to produce a meaningful outcome, the electoral body, security agents, the political class and political parties must demonstrate democratic values in their internal operations and in inter-agency collaborations. The inability of the stakeholders in the political system to abide by democratic principles especially in electoral governance gives room for democratic reversals. Huntington (1993) aptly captured this thought, arguing that the first and second waves of democratization in Europe, Northern America and the Middle-East suffered reversals because of unguarded and unsustainable democratic practices including lack of economic development, history and passive civil society. Since the emergence of the third wave of democratization in the 1970s especially in Latin America, Africa and the former Eastern Bloc, democratic consolidation has become the topical issue of concern to prevent democratic relapse.

Democratic consolidation is the identifiable phase in the transition from authoritarian rule to civil rule and by extension, democratic systems that are germane and fundamental to the establishment and enthronelement of a stable, institutional and enduring democracy (Schedler, 1998). Achieving democratic consolidation therefore calls for the enthronelement of democracy as a system of organizing both the society and government and thereafter creates concomitant institutions, culture, ethics, support system and the 'will' that are crucial in making it stable, efficient and responsive (Oni, 2014). It is important to mention that the process of democratic consolidation requires nurturing democratic values and ethos, principles and institutions in a sense that prevents a reversal to an authoritarian regime. Diamond (1994) noted that attaining democratic consolidation rests upon a strong



and dynamic civil society whose responsibility it is to check repeated abuses of power; hold public officials accountable for their actions and inactions in the management of public resources and also serves to mitigate political conflicts. However, civil society is not an end in itself but a means to an end, as Diamond (1994, 7) instructively noted that 'a vibrant civil society is probably more essential for consolidating and maintaining democracy than for initiating it'.

Democratic consolidation as a process begins with the enthronement of democracy after a free and fair election, and spans through the period when its probability of breakdown is very low or on the other way round, when its probability of survival is very high (Ojo, 2006). Relatedly, there must then be the optimism expressed by major political actors, all relevant observers and the entire citizenry that the democratic regime can last into a foreseeable future, thereby having the capacity to build dams against what Huntington (1991) would describe as a 'reverse wave'. How then do we identify a consolidated democracy? Different criteria are suggested in literature to identify a consolidated democratic system (Schedler, 1998) but two are of critical importance to the foregoing discussion. First is the 'two election test' which is also known as the 'transfer of power test'. This identifiable factor reckons with the 'behavioural' aspects of democratic consolidation as it questions the attitude of political actors when defeated in an electoral contest. This criterion argues that the probability of democratic survival is not high until and unless democratically elected regimes lose elections in subsequent contests and accept the verdict (Ojo, 2006). Democracy is therefore consolidated when a ruling political party or class hands over power to an opposition party after losing the electoral contest. This scenario has been experienced in Ghana several times since the country's return to party politics in 1992.



The second way of assessing democratic consolidation is the 'simple longevity or generation test'. The underlying assumption of this criterion is that twenty years of regular competitive elections should be sufficient basis for adjudging a democracy consolidated irrespective of the fact that power is not transferred to another political party or class. It is in this sense one can classify South African democracy as consolidated having conducted competitive elections regularly and creditably since the demolition of the apartheid regime and enthronement of democracy in 1994. The criterion argues that continuous and regular elections would have created in people a mind-set that develops apathy for any near alternative to democracy. It is therefore unthinkable for the electorates to explore another method of appointing their leaders (Ojo, 2006). However, the foregoing discussion has evidently demonstrated that no one criterion or condition is a 'pure type' on its own and that democratic sustainability is a product of a combination of factors or conditions operating together. Synergizing these facilitating conditions therefore offers the prospects of democratic survival and deepening to be enhanced.

Theoretical framework

The theoretical framework proposed in Besley and Persson (2011), identifying two symptoms of state fragility: state ineffectiveness and political violence, provided the theoretical context within which this work is situated. Besley and Persson (2011) elaborately differentiate between the causes, symptoms and consequences of state fragility. Among the features that have been associated with fragile states are: the threats they impose to regional and global security and stability (European Report on Development, 2009); and the fact that they are plagued by high levels of poverty, and have had a slower progress towards development when compared to other developed countries (OECD, 2012; OECD, 2014). It is instructive to note that some of the attendant



consequences of fragility of states are the lack of will or capacity of the state to perform its core functions, and frequency of political violence (Ferreira, 2015). Thus, fragile states impose great challenges for the effectiveness of developmental and democratization efforts.

The return of democracy in Nigeria in 1999 after sixteen years of uninterrupted military regime has recorded less than expected achievements in terms of popular participation, transparency and accountability in governance, rule of law as against rule of law and economic development. These values remain the basic tenets upon which democracy rests (Edet, 2011). The seeming disappointment of democratic practice in contemporary Nigeria has been adduced to state fragility (Albert, 2011) and this is often revealed most during elections. Corroborating Albert, Edet (2011, 63) asserted that:

Democratization in Nigeria is suppressed by the electoral fraud carried out by politicians in collaboration with electoral bodies and security agents, including the Nigeria police.

It is instructive to note that these critical stakeholders institutions in the electoral process and their managers have been captured by political and non-political elite to fester their political and economic interests and those of their cronies. This obviously speaks of the extent to which the state is fragile (World Bank, 2000; Yagboyaju, 2011).



Electoral administration in Nigeria: The fourth republic in perspective

After a long military intervention in the body politic of Nigeria starting with the military overthrow of democracy in 1983 and the many failures of military transition programmes since 1989, Nigeria finally returned to party politics in 1998 with the establishment of the Independent National Electoral Commission (INEC) by the Abubakar military regime which eventually culminated in the inauguration of the Obasanjo civilian administration on 29 May 1999. Since then, five general elections have been conducted in 1999, 2003, 2007, 2011 and 2015. In terms of administration, 1999, 2003 and 2007 elections have been described as shoddy, muddled and shabby (Agbaje and Adejumbi, 2006; Ojo, 2006; Suberu, 2007), all pointing toward democratic relapse in Nigeria. Only the 2011 and the 2015 elections have shown improvements in Nigeria's electoral process.

Threats to sustainable electoral administration in Nigeria's fourth republic

Studies have shown that the administration of election in Nigeria is characterized by daunting challenges that question the credibility and integrity of the process and its outcomes (Suberu, 2007; Omotola, 2010; Yagboyaju, 2011; Yagboyaju, 2015). Oni (2014) observed that Elections in Nigeria's Fourth Republic are not only precarious, but have succeeded in exacerbating electoral apathy as many Nigerians shun the polling booths on many electoral occasions. He argued that since the inception of the present democratic practice in Nigeria in 1999, most of the general elections held have been conducted under an unfertile atmosphere because of the absence of enabling conditions for democratic participation which of course is the greatest obstacle to democracy as Ake (1996:11)



noted. The Prebendal and predating nature of Nigerian politics (Joseph, 1991) has turned electoral competition into warfare among political elites which can no longer be regulated by the constitutive rules of the game. The soft and weak nature and character of the Nigerian state has also reduced electoral contests to the battle of the strongest and the potentialities of who holds the instruments of the state. The state thus became a tool in the hands of political elites to achieve sectional and particularistic interests. Politicians have tagged elections a 'do or die affair' going by the words of former President Olusegun Obasanjo of the Peoples Democratic Party (PDP) in 2007. All sorts of dastardly acts are perpetrated by Nigerian politicians in order to win elections at all cost. Ashiru (2009:101) aptly summarized the electoral process in Nigeria's Fourth Republic thus:

Apart from the violent nature of our electoral competition, the contestants for state power also try to undo or outdo one another using all shades of electoral malpractices such as recruiting juvenile to vote, detaching ballot booklets, duplicating ballot papers, vandalizing voter materials, stuffing of ballot boxes, and outright intimidation of opponents as well as falsification of electoral results.

Many of the crises confronting election administration in Nigeria stem from what could be described as the administrative failure of electoral body with attendant consequences for disputed election results and the use of extra-constitutional means to seek redress or demonstrate anger and frustration (Akhakpe, 2008; Omotola, 2010). The immediate and remote causes of these challenges are holistically examined below.



Legal framework of elections in Nigeria

Elections in Nigeria's contemporary democratic system are regulated by the 1999 Constitution and the Electoral Act designed for each general election, as well as regulations and guidelines issued by INEC. The 1999 Constitution provides that the Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice (FGN, 1999). Political rights such as the right to form and join political parties, to take part in political campaigns, to vote and be a candidate, amongst others, are granted. However, the 1999 Constitution does not specifically establish the fundamental principles and standards that apply to elections outlined in the Universal Declaration of Human Rights (UNDHR) as periodic, genuine, universal suffrage, equal suffrage, secret ballot, and the free will of the people.

A number of problems with the electoral framework were not addressed in the different adopted Electoral Acts since 1999 especially with regard to the independence of INEC. Most significantly, the President continues to be involved in the appointment of INEC Chair and its Commissioners. At the federal level, all Commissioners are still appointed by the President, after consultation with the Council of State and confirmation by the Senate, and at the state level, all 37 Resident Electoral Commissioners (RECs) are appointed directly by the President. Arguably, this practice portends the tendency for politically appointed electoral officials to be biased in favour of their pay masters thereby removing the independent mindedness of the electoral umpires. Other notable concerns that the law fails to address include, the absence of a requirement for results to be displayed at the polling station level and for a breakdown of polling station results to be displayed at all superior levels of the election administration, a lack of adequate procedures for the



handling of complaints and appeals before election day, and a lack of time limits for the publication of election results.

The adopted Electoral Acts are also silent on a number of other important issues. Significantly, there are no provisions to promote transparency in the appointment of polling station staff or access to INEC decisions. In addition, election petitions challenging irregularities in election conduct can only be filed by candidates and political parties. Concerned citizens and the civil society do not enjoy the privilege of approaching the courts to seek redress that can enhance the credibility of the electoral process. Also, successive Electoral Acts did not provide any special provision for voting in institutions and certain restricted areas (e.g. prisons, hospitals) therefore, there is no mechanism in place to enhance active and effective enfranchisement of such eligible voters. Further, the right of domestic observers to observe the whole election process is not guaranteed by the law. The Electoral Act also lacks a procedure for the approval or rejection of an application for accreditation of domestic observers. This loophole serves as a basis to deny certain organizations perceived as anti-government accreditation for election monitoring.

Election litigation process and politicized judiciary

The Judiciary played a generally positive and independent role in the election process (Okoye, 2013). However, the fact that electoral administration in Nigeria is yet to pass the minimum standards of credibility- freeness and fairness, inclusiveness and transparency has constantly increased the role of the judiciary in sustaining democracy (Taiwo and Ajiboye, 2013: 437). Again, the inadequacies of the electoral administration process have exacerbated post-election litigations in Nigeria. For instance, a total of 1,475 election complaints were received by the election petition tribunals across the country after the



conduct of the 2007 general elections, a figure that more than doubled the 570 received after the 2003 general elections (Ashiru 2009:105). Arguably, this challenge continues to constitute an albatross to democratic sustenance in contemporary Nigeria. The courts that are established to resolve disputes arising from the conduct of elections have also been captured and constantly subjected to manipulations and influence that have characterized the electoral process since Nigeria's return to party politics in 1999. Judicial manipulations of the post-election litigation process have generated two problems for the administration of justice in contemporary Nigeria. First is the conflagration of the election litigation process through undue stretch of the judicial process beyond the imaginable sometimes till the winner from the electoral ballot nearly ends his/her tenure of office before judgment is pronounced. Although, this infracture seems to have been resolved through the legal time limit of the judicial process to one hundred and eighty days (180 days), the emerging issue of technicality involved in dispensing justice in electoral disputes has added to the post-election litigation quagmire. Second is the prominence of conflicting judgments on election litigation cases with similar material facts and circumstances. A situation where an election petition tribunal that sat on a petition bothering on wrongful substitution of a candidate's name by his political party in Rivers State gave a verdict different from a tribunal that sat on an election petition bothering on same allegations in a similar circumstance in Ogun State raises questions over the credibility and integrity of the Judiciary in raising the bars of democratic elections in Nigeria.

Voter registration

Under the Electoral Act, any citizen above 18 years who resides, works or originates from the Local Government, Area Council or Ward covered by the registration centre is qualified to register in person. Voters' registration exercises in Nigeria have remained largely



challenging and cumbersome, having serious threatening and devastating effects on democratic consolidation in the country. The European Union election observation mission report on 2015 general elections in Nigeria reveals that lack of reliable identification documents, very limited population registration data, and an absence of systematized recording of births and deaths are among the numerous threats to reliable voters' registration exercises in Nigeria.

Voters' register remains an important indispensable instrument in the electoral process and its validity has a significant effect on the entire process of election while a defective register undermines electoral outcomes and sometimes contributes to post-election tensions. This is why voters' registration exercise remains a cardinal aspect of election administration as well as democratic consolidation. In Nigeria, however, excessive manipulation of the electoral process begins with voter registration before actual voting during elections. Voters' registration exercises are usually marred by acute shortage of materials while some of those who succeed in registering their names sometimes find some missing on the voters' register during elections (EU, 2015).

The European Union election observation mission report on 2015 general elections in Nigeria captures this predicament more succinctly: "...observed the process to be cumbersome, crowded, marred by technical and staffing issues, with very few registrants presenting any documentation proving identity and age." The report went further to assert: "while the introduction of PVCs and card readers has been effective in increasing the reliability of the voter register ... their impact has been limited by the seemingly weak quality of biometric data captured during registration in 2010 and 2014. This ... contributed to card readers being ... unable to authenticate registrants' fingerprints in Polling Units".



Other challenges of election administration relating to voters' registration include the fact that the PVCs of many registered voters were not available for collection from their registration points (Offiong et al, 2015); the exercise was skewed in favour of the strongholds of selected party(s) (Odebode et al, 2015); below expectation rate of PVCs collection amounting to about 70 per cent of the total number of registered voters' (Jega, 2015a,b) among others, thereby leading to fingers being pointed at the INEC and its role in election administration being queried.

Politicized security agencies

The centrality of electoral security to credible, free and fair election makes the roles of security agencies very vital in every democratic election. They are required to protect all eligible citizens participating in the electoral process. Their ability to play these roles without engaging in intimidation, coercion or violence against the citizens is crucial to the success of the elections. Of interest however is the role of security personnel in aiding and abetting election malpractices in the country. Assessment of electoral security in Nigeria's democracy particularly since the beginning of the Fourth Republic in 1999, indicate that the public is wary of the security personnel made up of the army officers, Nigeria Police, Civil Defence Corps and State Security Service who have turned into small gods aiding and abetting electoral irregularities in the country (Chukwuma, 2001; National Democratic Institute, 2012). Their authority, power, and access to firearms, have on many occasions been used to intimidate the population and in extreme situations, reacted violently to constitutionally protected rights and activities such as opposition campaigns or rallies. In the past electoral process in Nigeria's Fourth Republic, the 1999, 2003, 2007 and 2011 general elections, these security agencies have been very lethal and overly forceful in disbanding legally constituted gatherings and engaged in running battles with the civil



society and opposition curtailing them to exercise their constitutional right to demonstration, assembly and balloting (Animashaun, 2010, INEC, 2011, Jega, 2012).

Party politics and candidate selection

The Herald, a national daily, reveals that the 2007 elections recorded an alarming 6,180 court cases throughout the electoral process (Kayode Lawal, 2008: 1 and 23). For Oromareghake (2013), this may be correct given the high level of political gangsterism and the political culture of impunity that characterized the party politics prior to elections in Nigeria. Omotola (2010) asserts that the most relevant example relates to the manipulation of party primaries to pave the way for anointed candidates of the godfathers. Where this failed, the party hierarchy resorted to elimination by substituting the names of the preferred candidates in place of those who actually won the primaries. A typical case was in Imo State, where Senator Ifeanyi Ararume won the primaries but another candidate's name was put on the ballot nonetheless. Ararume challenged this and won in the Supreme Court, but the victory proved costly: the PDP in the state decided to expel him for anti-party activity, for it is an abomination to challenge an internal PDP decision in court. Whatever happens must be treated as a 'family affair'. The PDP also decided not to field a candidate for the governorship election in the state, and since the electoral laws do not recognize independent candidacy, Ararume was tactically pushed out of the race. A similar case was that of Rivers state gubernatorial election where the candidate that won the party ticket was also substituted before the election, unfortunately for the party this time around, the rule of law prevailed as the substituted candidate was reinstated by the Supreme Court after the election (Shola Omotola, 2009: 195–221).

Regretably, parties that should promote democracy are themselves the most undemocratic entities. The political parties of the Fourth Republic were bred to be agents



of democratic erosion and collapse, rather than strong ramparts for the construction and consolidation of democracy. Party politics in Nigeria's fourth republic has undoubtedly brought more pains than gains to the country's attempt at democratic consolidation. Political parties are a major building block of democracy. However, the inability of many political parties in Nigeria to operate in a democratic manner introduces tension and violence in the electoral process. In Nigeria, political godfathers control the parties at local and national levels (Human Rights Watch 2007; Omobowale and Olanrewaju 2007). These godfathers select the delegates who elect party leaders and candidates. Through their control of the delegates, the godfathers decide who gets the party's nomination and leadership positions. The activities of political godfathers create so much dissatisfaction in the political process because of their disregard of the formal procedures for party elections and nomination of candidates.

Ibrahim (2007:5) identifies five tactics used by Nigerian political godfathers to eliminate popular candidates from party primaries. These include: 1) declaration of one candidate as the 'consensus' candidate and the insistence by the godfathers that those entitled to vote must support the candidate and that other aspirants must withdraw, 2) use of zoning and other procedures to exclude unwanted candidates by moving the party zone for a particular seat or position to an area where the excluded candidate is not local, 3) use of violence by thugs or security personnel to harass and intimidate candidates (and the supporters of candidates) who oppose the godfathers' protégés, 4) use of money to bribe officials and induce voters to support particular candidates, and 5) application of what Nigerians call 'results by declaration': an aspirant wins a nomination or election, but polling officials disregard the results and declare the loser the winner. In some instances, results of primary elections are simply



overturned by the party godfathers. During the 2011 general elections, Olu Agunloye was replaced as candidate for one of the Ondo State senatorial seats by the party leadership. This forced him to defect from Labour Party to the Action Congress of Nigeria (ACN). In another case, Mohammed Abacha's victory in the CPC gubernatorial primary for Kano State was rejected by the party leadership. He was replaced by Lawal Ja'afaru Isa despite the case he filed in court (ICG 2011:14-15). Party members who dare to express their dissatisfaction with the mafia-style political process in the parties are normally charged with engaging in 'anti-party' activities and suspended or expelled from the party. Depending on the capacity of the disgruntled party members to fight back, serious intra-party crisis and violence often follow each episode of party convention in Nigeria.

The 2015 general election was not any better. The PDP's primary election for the presidential candidate was 'completely closed', given that no other aspirants were allowed access to the nomination form. Even candidates who paid for the form did not receive one from the party secretariat (Fabiya, 2014). The eventual convocation of the national convention was, therefore, nothing more than a political ritual to legitimise the candidacy of the incumbent. Party primaries appeared worse at state level, where processes were allegedly manipulated and hijacked by 'big boys and money bags' (Ejike, 2014). Evidence of actual or attempted electoral fraud manifested as factionalism within parties, often leading to splinter groups that eventually merge with other parties. Thus, the focus of parties on struggles to prevail over each other without reference to the common good in the name of party politics has had far-reaching devastating consequences on the political environment in Nigeria over the years.



Power of incumbency

In simple political parlance, incumbency refers to holders of political office who enjoy certain privileges (such as wider media coverage and security) which are not available to other contestants in the electoral contest. These privileges create some electoral margin for the incumbent running for re-election leading to an incumbency abuse factor. Incumbency as a singular most significant factor has always radiated in all elections in Nigeria since the advent of the fourth republic. In 2003 and 2007 elections, this factor reportedly promoted the appointment of corrupt and or compromised electoral officers, manipulation of the electoral law and the constitution, manipulation of the electoral tribunals to protect stolen mandates, use of state security forces and apparatus to intimidate opposition parties, denial of access to state owned media houses etc., to ensure ruling parties regain or elongate their tenure against popular will. Ajayi (2007: 148) noted that the pre-election exercises such as clearance of candidates and voters registration were manipulated by the PDP using its incumbency factor to give the party undue advantage. The screening of party candidates for elections by the independent National Electoral Commission, Economic and Financial crimes commission (EFCC) and the Independent Corrupt and other related Crime Commission (ICPC) were all part of the plot to hunt down and disqualify opposition contestants.

Omotola (2010) also noted that during the 2007 general elections, The PDP had a landslide victory in the National Assembly elections, winning 75 of the 109 senatorial seats, leaving the ANPP and AD with 28 and 6 seats respectively. For him, the PDP's massive victory was due largely to the power of incumbency, which enabled it to have substantial and unhindered access to state machineries, including the treasury, mass media, INEC, and the security forces. As the party in power, it also enjoyed good patronage from wealthy



individuals and corporate bodies in terms of financial donations in exchange for the protection of their business interests.

Furthermore, the involvement of INEC in the determination of the eligibility of candidates for elections, which was clearly outside of its constitutional legal mandate, has always raised serious doubt regarding its independence and the expectation that it would create a level playing field for all the parties and contestants.

Compromised electorate and inactive citizenry

Clearly, an active citizenry in a political system is crucial to the sustenance and deepening of a country's democratic experience. The active participation of citizens not only ensures sustained engagement and participation in the political and electoral processes, it could also be a bulwark against impunity in political culture. Among the most important principles of democratic governance is the principle of participation. While Muhammad (2014:38-9) suggests the concept of participation as collective engagement of human resources in the process of national development, he also noted that popular participation is the conscious and predetermined involvement of society in the process of governance and development. Electoral Management Bodies across the world, thus, need an active citizenry to compliment their efforts at ensuring that elections are free, fair and credible.

Our experience in Nigeria is that the citizenry has been largely apathetic towards the political process due to widespread poverty, lack of literacy and distrust of government. Without an active citizenry, efforts towards enhancing the credibility of elections by the Commission would have limited impact on the electoral process. Whenever electorates end up participating, they are often compromised during the electoral process through vote buying among other factors (Omotola 2006; Ojo 2006).



Obviously in Nigeria, Money Politics and Vote Buying have taken the centre stage in our political activities. This is because parties and candidates have shown by their conduct during political campaigns, that good party manifestoes and integrity of candidates jostling for public offices are no longer sufficient to guarantee electoral success; thus, the resort to vote-buying. On the other hand, the electorates too have obviously demonstrated cynical electoral behavior by the readiness to sell their votes to the highest bidder (Ojo, 2006). This uncharitable behavior or practice constitutes a blemish on public policy and on the electoral process. In fact, it portends dangers to the democratic process of electing officers and in turn prevents good Governance. The problem with this situation is that the electoral process is often compromised resulting in elections not being free and fair.

Vote-buying reached their pinnacles in the elections that ushered in the fourth republic in 1999 and the civilian-civilian transition elections of subsequent years such that it has successfully progressed steadily from open and shameless to outrageously indecent (Ojo, 2006). The fact is that the use of money or any other inducement for that matter, to influence the behaviour of the electorates creates problems for democratic consolidation in the country.

Corruption

Perhaps the culture of corruption is basically the greatest challenge Nigeria is facing, it is the shortcoming of Nigeria's polity (Olofin, 2001; Yusuf, 2001). Fundamentally, Nigeria's political culture is embellished in political corruption which manifests itself in the use of and negative influence of money in politics, election rigging and thuggery. The major form of corruption that has remained obstacle to Nigeria's national progress is the 'political corruption'. As Apam (2011:24) succinctly puts it, the way of doing politics in this context, is not to live for it but to live from it. Politicians assume the role of political entrepreneurs



who invest heavily in politics with the aim of claiming super profits and dividends in the ruthless appropriation of state resources. Obuah, (2010) found that 20 percent of Nigeria's Gross Domestic Product goes to corrupt practices.

Yusuf and Zaheruddin (2015) affirmed that the issue of corruption scandals in the executive arm of the government or in the Parliament to support or block a motion in its plenary sessions, irrespective of the importance of that motion to ordinary Nigerians has become part and parcel of governance in Nigeria. They cited Ogbonnaya, et al (2012:690) who rightly assessed that the legacy of erosion of the culture of rule of law and subsequent enthronement of the culture of arbitrariness and impunity which result to high level corruption has fundamentally impacted on power relations and democratic institutions such as the political parties, the Executive, Judiciary and Legislature as well as other agencies like Election commission. "The consequence of this has been the existence of subdued judiciary, weak oversight capacity of the legislature and dumbness of the electoral bodies both at the federal and state levels".

The events in Nigeria since 1999 have shown that the tidal waves of reversal have been contending with Nigeria's election administration. Consequently, elections and democracy remain grossly unstable and the future seems to be very bleak because of rampant bureaucratic and political corruption. Corruption has reached a high crescendo such that an average Nigerian now possibly associates election and democracy with it. The consequences of political corruption are potently manifest: cyclical crisis of legitimacy, fragile party structure, institutional decay of electoral system, chronic economic problem and unemployment, and above all general democratic volatility. Perhaps the greatest obstacle to the INEC's autonomy is the issue of corruption.



Fundings

Another factor that is considered important in election administration is the issue of funding. Funding is critical in executing different stages of electoral process from capacity building to procurement of election materials, payment of electoral officials, security and material storage. Interestingly and sadly too, the financial budget for electoral conduct in Nigeria has always been scaling downward rather than increase. Inadequate funding has the tendency of robbing the electoral process of the desired efficiency and effectiveness thereby opening up the process for manovring and manipulations. The general elections of 2011 that were globally adjudged as successful and nearly error free were well funded according to the Chairman of Nigeria's election management body (Jega, 2015a). Subsequent budgets have dramaticcally dropped from #85 Billion (then approximately \$515 Million) in 2011 to #35 Billion (\$225 Million) in 2012 and #32 Billion (\$200 Million) in 2013 respectively. Worst still, out of the #93 Billion (\$560 Million) estimated to be expended on the conduct of the 2015 general elections, only #45 Billion (\$272 Million) was released to the election management body. Inadequate funding has significant debelitating effect on the preparedness of the electoral management body in conducting credible, free and fair elections in Nigeria. These facts were alluded to by Attahiru Jega (2015b), former Chairman of INEC thus:

The major challenge was storage. For the last three years, every time we prepared our budget, we requested funding to create a facility in order to appropriately store this equipment. Regrettably, we never had this funding requirement met, and the way the equipment was stored really left much to be desired. This was one of the reasons why the commission



was not been able to produce a “clean” voter register six months before the elections.

Conclusion: Towards democratized electoral administration in Nigeria

This paper captured the essence of elections as very central to the principle and practice of democracy all over the world. It argues that the genuine path to good governance and development in Nigeria is not just premised on the conduct of elections, but also on the institution that manages the conduct of such elections. The institutional weakness of Nigeria’s electoral process and legal framework for the conduct of elections as it relates to the INEC constitutes grave threat to democratic consolidation. A clear and more explicit constitutional and legal framework designed to enhance the independence and efficiency of INEC is germane at this point in time in our political history. Indeed, such reforms should be geared towards securing social justice for the citizens, who view a credible electoral process managed by INEC as the most potent weapon for transfer of power under a democratic system of government in Nigeria.

Consolidating democracy and ensuring credible elections in Nigeria requires building the institutional capacity of the electoral commission, comprehensive and broad based electoral framework as well as controlling the level of violence through a framework that would give responsibility to all stakeholders with radical reprimand for failure. Admittedly, the political class and the civil society have crucial roles to play to sustain democracy in this regard. The politicians must as a matter of fact play electoral politics according to the rules of the game as a way of sustaining democratic culture. The civil society requires



strength of character and should remain a dynamic and vibrant watchdog over public institutions and their officials.

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