

Electoral Institutions/Processes and Democratic Transition in Nigeria under the Fourth Republic

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Abstract

This paper examines the place of elections, particularly the institutions and administration elections in the democratic transition process in Nigeria in the fourth republic. This is done in order to ascertain the extent to which elections have helped to strengthen or retard democratic consolidation in Nigeria especially in the fourth republic. In other words, the paper focuses primarily on electoral governance by the electoral management body (EMB), in this case the Independent National Electoral Commission (INEC), with partial reference to other core institutional actors in the democratization process. How these institutions are organized, managed, funded, and motivated is crucially important. Are they rooted in society, and are they independent, accountable, and democratic? What are their attitudes to democracy and the rule of law? What impact has the institutions of elections inferred on democratisation in the Nigerian fourth republic? The paper adopts the secondary source of data in addressing these questions and argues that the democratic qualities of Nigerian elections under the Fourth Republic (1999–2011) have been shallow because of ineffective governance. This is as a result of the weak institutionalization of core institutions in the governance of the electoral processes, particularly INEC and the political parties. Notable weaknesses include lack of independence and professionalism, political interference, undemocratic attitudes, and lack of respect for the rule of law. The form and character of the Nigerian state, giving rise especially to political instability and severe underdevelopment, are other sources of the deepening crisis of electoral governance in Nigeria. However, the recent trend towards challenging electoral fraud in the courts gives some hope that elections may still contribute towards the consolidation of Nigeria's democracy. To this end we recommend the strengthening of electoral institutions and administration in Nigeria in order to be independent and professionalized to institutionalized democracy in the nation.

Keywords: Democracy, Electoral, Government, INEC and Political Parties.

Introduction

Elections in post-colonial Nigeria and after independence have been vexed issues. This is because they have always been accompanied with acrimony, bitterness, killing, maiming, among others. The last elections held in Nigeria under British colonial rule were in December

1959. The elections ushered in Nigeria's independence on October 1, 1960, while the first post colonial general election took place in December 1964. As campaign for the election started, the United Progressive Grand Alliance (UPGA), one of the coalitions of parties that fought the elections, alleged intimidation and denial of freedom to operate by the Nigerian National Alliance (NNA), the opposing coalition, against its candidates. The situation degenerated that UPGA resolved to boycott the elections. There was tension in Nigeria, as a way out of the crisis, broad-based government was agreed upon. However, in less than one year, that is in November 1965 another election crisis engulfed Nigeria. This has to do with elections into the Western Nigeria House of Assembly. The ruling party in that region, the Nigerian National Democratic Party (NNDP) made sure that many candidates of the opposition parties were unable to get their nomination through and that ballot papers were made available to its supporters well in advance. In addition, regulations that dealt with the counting of votes and the announcing of results were not adhered to. Eventually, the NNDP was declared winner of the elections. Consequently, the announcement unleashed a reign of violence on the region. "Operation we tie" that is, spray fuel and set lives and property ablaze. As the violence continued, the Nigeria army on January 15, 1966 stepped in to stop further bloodshed and destruction. As part of efforts to disengage the junta from political scene and return to the barracks, the army organised elections in 1979. There were allegations of election rigging and other malpractices were also observed. As a result, the Unity Party of Nigeria (UPN), one of the parties that took part in the elections, went to court to challenge the result. We are aware of this term "stolen Presidency", which has since become part of Nigeria's political vocabulary. In the 1983 general elections, the ruling party, the National Party of Nigeria (NPN), was returned to power. The UPN complained bitterly over rigging of the election as was done in 1979. On the 31st of December 1983, the junta (boys in khaki) intervened once more and took over the government. It is also true to say that the presidential election of June 12, 1993 was also dogged by controversy. It was organised as the last phase of the timetable to end the junta's rule. The election believed to be the freest and fairest in Nigeria's post-independence history, was cancelled by the Army itself because a body, the Association for Better Nigeria (ABN) that alleged corruption in the nomination of Chief M.K.O. Abiola, had gone to court and obtained a ruling that the election be postponed and the electoral umpire, the National Electoral Commission (NEC) failed to abide by the ruling. The 1999 general election to finally disengage the military from politics were also rigged like previous elections in Nigeria. There were allegations on shortage of electoral materials at the polling centres, about thumb printing of ballot papers outside polling centres, about voting returns bearing little resemblance to the poor turnout of voters, etc. The All Peoples Party (APP)/ Action for Democracy (AD) alliance went to court to challenge the declaration of the Peoples Democracy Party (PDP) candidate as the winner. In the 2003 and 2007 elections, worse malpractices were even alleged to have taken place. It was alleged that ballot boxes were said to have been snatched from electoral officers and substituted with already stuffed ones by God or Allah knows whom. Double thumb printing and thereby voiding of votes cast for the opponent was alleged to have been carried out. In some centres, according to reports, electoral officials failed to turn up, and consequently there was no voting at such centres. In spite of this, results were later allegedly declared for them. In some others, results were allegedly "doctored and monitored" through corroboration between officials of the electoral body and party agents. It was further reported that a lot of eligible voters were disenfranchised.

Nigeria struggles for sustainable democracy, good governance, and development have been so daunting that all previous attempts at democratic transition have been futile. The collapse of the First (1960–6) and Second (1979–83) republics, and the abortion of the Third Republic through the annulment of the June 12 1993 presidential election, are clear indicators of the failure of previous attempts at democratization. After prolonged military rule characterized by the wanton violation and repression of the political, economic, and social rights of the people, the re-democratization process begun in 1999 elicited renewed expectations for the consolidation of democracy in the country (Eghosa Osaghae, 1999: 4–25). At the heart of

these expectations lies the pertinent issue of elections. Elections are meaningfully democratic if they are free, fair, participatory, competitive, and legitimate. This is possible when they are administered by a neutral authority; when the electoral administration is sufficiently competent and resourceful to take specific precautions against fraud; when the police, military and courts treat competing candidates and parties impartially; when contenders all have access to the public media; when electoral districts and rules do not grossly handicap the opposition; . . . when the secret of the ballot is protected; when virtually all adults can vote; when procedures for organizing and counting the votes are widely known; and when there are transparent and impartial procedures for resolving election complaints and disputes (Larry Diamond, 2008: 25).

The aftermath of voting or rigging desperate political office contenders to office manifest in bad governance; and extension of poverty. Often time, social and economic infrastructures development are neglected, there are lapses on security of lives and properties. The pseudo-capitalist hegemony continues to raise its hydra head to sustain masses economic deprivation and inure a bleak political future. After fifty years of developmental retardation orchestrated by political servitude, Nigerians through April 2011 elections resolved to rescue the dying giant from its comatose. They voted for a change. A change from unimpressive past and status-quo; to a new order that is expected to initiate a new dawn in the history of Nigeria and national development. The people who have for so long been eluded with good governance and its associated benefits; stood to the rescue of the nation that suffers from the plaque of its leaders. In unity of action, the people turned out massively and voted for candidates of their choice amidst political harassment and intimidation. They decided to salvage Nigeria's deeming political relevance among the committee of nations. They sacked all the non performing political parasites and elected new leaders whom they authorized to exercise political power on their behalf for the next four years.

Arguably, democratic culture or development is not sustainable on the conduct of good elections alone. Other democratic virtues must be put in place and its efficiency must be ensured. Check and balances between the three arms of government, independent and incorruptible judiciary; viable fourth estate among others, are democracy sustaining tenets that should not be compromised. In a situation where the trust of the people is deflated by those entrusted to defend its sanctity, the masses should be irrepressible in their collective action to deal decisively with such betrayer of public confidence. Government whose actions and policies are inimical, and runs contrary to the expectations and total development of Nigerians should be legally run down. Civil disobedience, walk to rule, peaceful and coordinated mass protest by a legitimate trade union or organized labor are few examples of how an anti-people's government could be legally run down in order to sustain our fragile democracy and hold the political leaders accountable.

Conceptualization

Election

Election according to the Wikipedia, the free encyclopedia is a formal decision-making process by which a population chooses an individual to hold public office. (Encyclopedia Britannica). Elections have been the usual mechanism by which modern representative democracy operates since the 17th century Elections may fill offices in the legislature, sometimes in the executive and judiciary, and for regional and local government. This process is also used in many other private and business organisations, from clubs to voluntary associations and corporations. The universal use of elections as a tool for selecting representatives in modern democracies is in contrast with the practice in the democratic archetype, ancient Athens. Elections were considered an oligarchic institution and most political offices were filled using sortition, also known as allotment, by which officeholders

were chosen by lot. To *elect* means "to choose or make a decision" and so sometimes other forms of ballot such as referendums are referred to as elections, especially in the United States. Elections were used as early in history as ancient Greece and ancient Rome, and throughout the Medieval period to select rulers such as the Holy Roman Emperor and the Pope. (Encyclopedia Britannica). Electoral systems are the detailed constitutional arrangements and voting systems that convert the vote into political decision. The first step is to tally the votes, for which various different vote counting systems and ballot types are used. Voting systems then determine the result on the basis of the tally. Most systems can be categorized as either proportional or majority. Among the former are party-list proportional representation and additional member system. Among the latter are First Past the Post (relative majority) and absolute majority. Many countries have growing electoral reform movements, which advocate systems such as approval voting, single transferable vote, instant runoff voting or a Condorcet method; these methods are also gaining popularity for lesser elections in some countries where more important elections still use more traditional counting methods. Elections have been seen as central to competitive politics. Ideally, they guarantee political participation and competition, which in turn are pivotal 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 (Arnold Hughes, and Roy May, 1988: 20). Implicit in these assumptions is that elections are important for the institutionalization of popular participation, competition, and legitimacy, three core foundations of democracy (Staffan Lindberg, 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 rules (Michael Bratton, 1998: 51.

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 Andreas 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 (Bratton, Ibid: 52). The relationship between elections and democratic transition, in other words, is not a given, but is contingent upon a number of forces, chief among which is the administration of the election. Thus: The regularity, openness and acceptability of elections signal whether basic constitutional, behavioral, and attitudinal foundations are being laid for sustainable democratic rule . . . while you can have elections without democracy, you cannot have democracy without elections. If nothing else, the convening of scheduled multi-party elections serves the minimal function of marking democracy's survival. Lindberg (2006: 139–51) 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, and the judiciary – the interaction among them, and their degree of institutionalization (Robert A Pastor, Winter 1999: 1–27; Jorgen Elklit and Andrew Reynolds (2002 : 81–118).. These institutions are important for effective electoral administration because ‘the indeterminacy of elections’ – the possibility of elections leading to alternation of power – ‘is to a large extent a function of an impartial administration of elections (Shaheen Mozaffar and Andreas Schedler (2002: 7).

The Electoral Institutions/Processes and Democratic Transition in the Fourth-Republic

In Nigeria, the primary responsibility of electoral administration rests with an Electoral Management Body (EMB) that has undergone several changes in nomenclature under different regimes, but not as much change in its structure. To be sure, between 1959 and 1999 the EMB was renamed six times. Before the civil war it was the Electoral Commission of Nigeria (ECN, 1959–63); then the Federal Electoral Commission (FEC, 1963–6). In the latter part of the 1970s it was the Federal Electoral Commission (FEDECO, 1976–9). During the Babangida regime (1986–93), it was renamed the National Electoral Commission (NEC). General Sani Abacha (1993–8) replaced the NEC with the National Electoral Commission of Nigeria (NECON), while General Abdusallami Abukakar, Abacha’s successor (1998–9), rechristened it the Independent National Electoral Commission (INEC) (Agbaje and Adejumbi, *Ibid*, 31). It has also been reconstituted Browne Onuoha, in Lai Olurode and Remi Anifowose, 2004: 39), endlessly; in 1958, twice in 1963, 1964, 1977, 1981, 1987, 1989, 1993, 1994, 1998, 2000, and 2004. Despite (or perhaps because of) these changes, the EMB has not been able to administer elections effectively, and its ‘autonomy and capacity’ over the years have been suspect (Agbaje and Adejumbi, *Ibid* 31)

Three major indicators of lack of autonomy are identifiable. The first is its composition, which is the prerogative of the President. Since 1999, INEC has been composed of a chairman, twelve national commissioners, and 37 resident electoral commissioners, one each for the 36 states of the federation and the Federal Capital Territory, all of whom are appointed by the federal government. This makes INEC easily susceptible to manipulation by the President and the federal authorities. The oversight role expected of the legislature in the screening of presidential nominees for INEC positions is rendered impotent by the fact that the President’s party, the People’s Democratic Party (PDP), has a legislative majority sufficient to secure its wishes in Parliament.

The second indicator relates to the insecure tenure of the INEC chairman and commissioners. Job security generally increases the stakes officials have in the electoral process: if they mess up the process, they may lose their positions. Unlike in Ghana, where the chair of the Electoral Commission and the two deputies have security of tenure (they enjoy the same terms and conditions of service as Justices of the Court of Appeal and cannot be removed arbitrarily until retirement at age 70 (Agyeman-Duah, 2005: 3 and Shola Omotola, 2008: 42–64), Nigerian electoral officers statutorily occupy office for five years, renewable for another term. They can, however, be removed by the President on flimsy grounds. This was the fate of two successive electoral commission chairmen under Babangida, namely Professors Eme Awa and Humphrey Nwosu, who were removed from office in 1989 and 1993 respectively in questionable circumstances. The former was removed for his uncompromising stance in the management of the Electoral Commission, and the latter following the military government’s decision to annul the 12 June 1993 presidential elections contrary to the position of the Commission (Humphrey Nwosu, 2008).

The third issue relates to the funding of the electoral body. Ordinarily, an independent EMB would require a consolidated account, where a specified proportion of federal revenue is

allocated and under the direct control of INEC. In this way, the EMB can enjoy independent funding, thereby limiting the financial control the executive can exert. In Nigeria, however, this is not yet the case. Under the current regime, INEC does not have an independent budget or sources of funding, but instead depends almost entirely on the presidency. This significant financial control contributes to the inability of INEC to make adequate, timely planning and preparations for successful elections.

INEC's capability has been severely constrained in other ways. Two primary indicators are the appointment of people without sufficient professional and intellectual competence to lead the body. For instance, Professor Maurice Iwu, the recently removed national chairman, had no professional experience in electoral management and a health sciences background. The second is INEC's reliance on the use of *ad hoc* staff, who is usually hastily briefed for a day about their duties. After every flawed election, the tendency has been for INEC to lay the blame on the doorstep of its temporary staff, rather than accept responsibility at the leadership level (Maurice Iwu, 2008). Worse still, INEC reflects the centrist proclivities of the federal democracy. The most visible evidence of this over-centralization of power is that INEC has responsibility for the administration of all federal and state elections. As well as presidential and National Assembly contests, it supervises gubernatorial and House of Assembly elections across 36 states. The only responsibility assigned to the State Independent Electoral Commission (SIEC) is the administration of local government elections.

The problems of democratic transition in Nigeria, as in several other African countries, are deep-rooted and well-known. (Samuel Decalo, (1992), 7-35). Elections represent a core component of these problems. Already in the colonial era, Nigeria proved unable to organize credible elections acceptable to all democratic players, particularly the opposition parties. But under the fledgling Fourth Republic, Nigeria has for the first time in its post-independence experience been able to hold three consecutive elections at regular intervals (1999, 2003, 2007 and 2011). This section analyses the administration of these elections, underscoring their effects on the democratization process.

The first election under the fourth republic in Nigeria took place in 1999. Founding elections in Africa, usually the first in a democratic transition process, have been found to exhibit certain features that tend to inhibit the democratization process. These features include the landslide victory, rejection of results by losers, and poor administration of elections. (Bratton, Ibid: 55). The 1999 Nigerian elections shared all these negative features. Over the course of three months (December 1998–February 1999), Nigeria had four rounds of elections. These were the local government council elections of 5 December 1998, state House of Assembly and gubernatorial elections of 9 January 1999, National Assembly elections of 20 February 1999, and the presidential election of 27 February 1999. These elections were contested by the three registered political parties: the PDP; the All People's Party (APP) – later All Nigerian People's Party (ANPP); and the Alliance for Democracy (AD). Although these parties claimed to be national in outlook, each maintained dominance in specific geographical-ethnic domains. At the end of the presidential election, Obasanjo of PDP was declared the winner and the duly elected President of Nigeria. The PDP extended its dominance to all other elections at the national, state, and local levels, and in executive and legislative elections. The election results were challenged. There were pockets of protest regarding the credibility of the elections, the most notable being the litigation filed by the defeated candidate, who challenged the results of the election. The elections were not credible, as attested by reports of local and international observers including the Transition Monitoring Group (TMG), the Carter Center, National Democratic Institute (NDI), International Republican Institute (IRI), and the European Union. All reported widespread irregularities, including a 'miraculous' 100 percent turnout of voters in Rivers State during the presidential election. Yet, the attendant protests were moderate as major stakeholders in the elections – including political parties, candidates, and civil society – decided to sheath their swords, possibly appeased by the renewed promise of democracy (Darren Kew, 1999: 29–33).

Because the election was meant essentially to disengage the military from politics, not much attention was paid to its credibility.

Nevertheless, allegations of electoral corruption, with the active connivance of INEC and probably the transitional military regime, challenged the administration of the election and raise basic questions regarding INEC's independence, impartiality, and accountability. INEC allegedly rigged the 1999 elections in favour of Obasanjo in demonstration of military solidarity; Kew, aptly demonstrated the various forms of rigging perpetuated by INEC staff during the 1999 elections. He noted that, in one instance, 'the presiding officer and the two party agents – one from the APP – were busy thumb-printing as many PDP votes as they could stuff into the ballot box....' (*Ibid.* 31) but, more importantly, the elections were rigged in order to avoid a coalition government and the pitfalls of the First Republic, when no party had enough seats to form the government. As a source puts it, 'the reason for the major rigging was to ensure that the party had an absolute majority in order to avoid the coalition and subsequent weak take-off of a new government, which was part of the crises of the transition governments of 1959 and 1979' (Browne Onuoha, 2003: 54) The susceptibility of INEC to political manipulation was due to its lack of institutional and financial autonomy. All its principal officers, including its chairman, national electoral commissioners, and resident electoral commissioners, were, as constitutionally mandated, the political appointees of the President. Consequently, INEC had to rely on the executive arm, particularly the presidency, for its actions and inactions. The loyalty and accountability of INEC, therefore, was first and foremost to the executive to whom it had to go cap in hand begging for audience and funding. On the whole, the 1999 general elections reflected some conventional wisdom about Nigerian elections. One was the influence of forces of identity, particularly ethnicity and religion, though the emergence of the two presidential candidates from the same geographical axis – the south-west – moderated their impact. Yet, the parties were each dominant along ethno-regional and religious divides. There was also the gender dimension: women were extremely marginalized, accounting for less than 3 percent of elective offices at all levels, meaning that they have 'yet to "penetrate" the core circle of politics, where the "real" things happen' (Shola Omotola, 2007: 42). Moreover, there was an unprecedented monetization of politics as "moneybags" hijacked the electoral process and engaged seriously in vote buying (Emmanuel Ojo, 2006: 105–23). The situation was allowed to deteriorate to this degree because of INEC's inability to enforce political finance regulations. Nevertheless, the military eventually handed over power to President Obasanjo on 29 May 1999, marking Nigeria's return to civil rule.

The Second elections in 2003 have been regarded as a crucial step towards democratic consolidation. The democratization process is seen to be on course, especially when elections come at regular intervals. Consequently, more attention is usually paid to the preparation, conduct, and credibility of a second election, at all levels. The road to the 2003 elections was full of potholes, which 'were either left unfilled or filled haphazardly before the elections were held (Shola Omotola, 2004: 130). The registration of more political parties (increased from three to thirty) and a review of the voters' register were alarm signals amid palpable fears and tension across the country – everyone knew that the stakes were higher than in 1999. A lot of manipulation and maneuvering went into the build-up, and the hand of the state (in other words, the presidency) was clear. Most notably, President Obasanjo changed the order of the elections through the 2001 Electoral Bill. Whereas in 1999 elections proceeded from the lower to the higher levels – local, state, national assembly and presidential – the 2001 Bill specified that the presidential election would come first. This was interpreted by the opposition as a calculated step by the PDP to facilitate a bandwagon effect in subsequent elections should Obasanjo's PDP win the first elections. The governors in particular saw the reordering as an attempt to storm their state-based strongholds. The crisis generated considerable controversy, even among people in the highest echelons of power. Then President Obasanjo, Senate President Pius Anyim, and Speaker Ghali Umar Na'Abba all traded accusations and counter-accusations over the distortions. The ensuing struggle over the

legal framework of the election thus gave the impression that the playing field might not be level. In sum: 'The politics behind this was that both the President and the National Assembly wanted to secure their re-election before the turn of the governors; because the state governors have become very powerful and if elected first might use their local political machines to thwart the political ambitions of the National Assembly members and the President for re-election. (Agbaje and Adejumobi, *Ibid*: 33).

It was therefore not surprising that the 2003 elections generated massive interest domestically and internationally. Despite some protests about INEC's level of preparation, all the thirty political parties participated at one level of the elections or the other. A number of domestic and international observers also participated. The administration of the elections was generally poor. INEC's organizational weakness and lack of autonomy from political forces all hampered its effectiveness. For instance, the review of voters exercise it conducted was fraught with irregularities, particularly non-registration of eligible voters and withholding and sale of voters' cards (Omotola, *Ibid*: 131). The actual conduct of the elections left more to be desired. Some of the basic problems included the unnecessary militarization of the elections through the massive deployment of security forces. Admittedly, as mentioned above, there was tension across the country prior to the elections – particularly in states such as Kwara, Anambra, and Borno, where the battle lines had been drawn between acclaimed godfathers and their estranged sons (incumbent governors). That was not enough to justify the militarization of voting, which not only undermined voter turnout but also provided cover for the INEC to rig the elections in favour of the ruling party (Kunle Ajayi, 2006 : 57–66). The electoral results show that the PDP emerged as the winner at all levels with very wide margins. This shows the firm grip of the retired military officers on Nigerian politics. The PDP also 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. 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.

The most troubling dimension of the electoral trend, however, was the almost total eclipse of the AD in its traditional stronghold, the south-west. Historically, this region has been renowned for its oppositional politics. But in 2003 it was caught napping, as the PDP won the gubernatorial seats in five of the six states, as well as majorities in the state Houses of Assembly and National Assembly elections in the zone. Again this was due to the PDP's power of incumbency, but also to the attempt by the House of Representatives to impeach Obasanjo in August 2002, shortly before the elections. This attempt was interpreted by the south-west as a northern ethnic agenda to recapture power at all costs. Moreover, Obasanjo had accorded the south-west some reasonably high levels of patronage between 1999 and 2003. This was despite his rejection at the poll by the region in the 1999 presidential election. The belated electoral alliance between the PDP and AD – where the latter fielded no presidential candidate of its own, but directed its supporters to vote for Obasanjo – also contributed to the problem (Omotola, 2004: 111–35). It was a practical demonstration of the south-western agenda to frustrate the perceived northern anti-Obasanjo agenda. No doubt all these factors contributed – but, more importantly, INEC as an agent of the presidency continued its tradition of manipulating and rigging the elections in favour of the ruling party. The result was the sharp decline and decay of opposition politics, not only in the south-west, but across the country. The defeat of the AD in the south-west almost entirely denied the party its base, turning it into a weakling in terms of providing a credible oppositional platform to the PDP. Thus the PDP became 'the only party in town', making and unmaking public policies solely at its own discretion. This dominance was so emphatic that the PDP started behaving like a mini-army under a garrison commander, driving the country towards a one-party state (Fatai Aremu and Shola Omotola, 2007: 53–78); (Epele Alafuro, 2005: 121–40).

The high-handedness of the PDP was partly a reflection of its dictatorial leadership and centrist organizational structure, where dissenting voices are seldom allowed a hearing. The problem may not really be PDP's landslide *per se*, as much as the way it acquired it. If the PDP had attained such a pedigree by open, transparent and credible means, concern about the outcome would probably have been less acute. But that was not the case. The 2003 elections, according to reports of local and international observers, were fraught with contradictions, including vote buying, ballot stuffing, rigging, and violence (Shola Omotola, 2006: 157–67). These shortcomings were largely a result of inadequate preparation by INEC, resulting in logistical problems and inefficient officials. Pre-election activities, such as voters' registration and education, were rushed through. In particular, the display of the voters' register for verification was not carried out effectively, as a result of which voters' registration exercises created room for electoral fraud.

This situation could not have been avoided, since INEC was neither legally nor practically insulated from politics. The 2002 Electoral Law that governed the elections stipulates that those to be appointed as electoral commissioners must be qualified to be members of the House of Representatives. This can be interpreted to mean 'that those appointed as members of the electoral commission should be party members, as membership is a major criterion to be elected into the House of Representatives. Nigeria does not allow independent candidacy in elections (Said Adejomobi, 2007: 14–5). This, in itself, engenders declining public confidence in INEC and partly explains why the election results were vigorously contested to the extent that the coalition of opposition parties unanimously announced their rejection of the results. Again, this raises the question of the independence and impartiality of INEC, and of its ability to create a level playing field for all electoral players.

The 2007 general elections were the third in the series that maps Nigeria's democratization since 1999. It was another opportunity for change and power turnover in the country, given the seeming popular disenchantment with the ruling PDP (Mike Unger, 2007: 1). These expectations, judging by the overall quality and outcomes of the elections, were effectively squandered. Prior to the elections, the political atmosphere was again very tense. Among other mind-boggling incidents, President Obasanjo condescendingly declared that, for him and the PDP, the 2007 election was 'a do or die affair' (Ibid). INEC too, rather than focusing on adequate preparations for the elections, was widely engaged in unnecessary distractions, most notably litigation against opposition candidates in its attempts to screen and disqualify candidates. Its insistence on preventing Atiku Abubakar – then Vice-President and presidential candidate of a leading opposition party, the Action Congress (AC) – from contesting, although the electoral law made it clear that INEC does not have such powers, snowballed the tension. Despite INEC's jaunty expressions about its state of preparedness and ability to conduct free, fair, and credible elections, events before and during the elections proved otherwise. The political atmosphere was permeated with jaundiced views of INEC's capability, independence and impartiality.

Despite these reservations, Nigerians enthusiastically went to the polls for the gubernatorial and state Houses of Assembly elections on 14 April, and the presidential and National Assembly elections on 21 April. In the results of the elections, INEC awarded the PDP an unimaginable landslide victory at all levels – unimaginable because the last eight years of PDP leadership had not improved the living conditions of average Nigerians in any fundamental sense. Unemployment, inflation, poverty, insecurity, and violence were on the rise. The much-orchestrated reform agenda was predicated on neo-liberal ideologies of the free market, where the rich profit at the expense of the poor masses. Under such circumstances, a massive victory for the ruling party is likely to be questioned. The manner by which the PDP garnered the votes was puzzling. Across the country, there was unprecedented rigging, ballot stuffing, falsification of results, intimidation of voters, and direct assault on the people. In some extreme instances, voting did not take place (Adebayo and Shola J. Omotola, 2007: 201–16). This was most prominent in the south-east, south-south

and south-western geo-political zones of the country, where opposition parties were believed to be most formidable. In Enugu State, for example, Ken Nnamani, then Senate president, like many others, could not vote in the presidential election because voting materials were not made available. There were instances where INEC decided to disqualify candidates on the eve of the elections, contrary to court orders. This was the case with opposition gubernatorial candidates in Kogi, Adamawa and Anambra states, where opposition candidates (ANPP and AC) were excluded. Substitutions of candidates who won party primaries was another major issue in the 2007 election, the most celebrated case involving the gubernatorial candidate in Rivers State. Indeed, local and international observers were unanimous in their outright condemnation of the elections. That massive irregularities marred the elections is supported by some verifiable indices. First, the results of the elections were bitterly disputed and protested in an unprecedented manner, though largely non-violently. From the conduct of the elections alone, 1,250 election petitions arose. The presidential election had eight, the gubernatorial 105, the Senate 150, the House of Representatives 331, and the state Houses of Assembly 656 (Remi Aiyede, 2007: 50). With a few exceptions, especially the gubernatorial elections in Osun and Ekiti states, most of these cases have been decided in the final appellate court. For example, the two leading opposition candidates in the presidential election pursued their cases to the Supreme Court, where the case was decided in favour of President Yar'Adua of the PDP. However, results were annulled in several states and at different levels, including the gubernatorial elections in Kogi, Edo, Kebbi, Sokoto, Adamawa, Ekiti and Ondo states. In most of these cases, a re-run was mandated, which the PDP won. In Ondo and Edo states, however, declaratory judgments were given, leading to the restoration of the electoral victory of the Labour Party and AC in the respective states. The substituted candidate in Rivers State was also reinstated by the Supreme Court (Shola Omotola, 2009: 195–221).

The 1,250 election tribunal and court cases recorded are just the tip of the iceberg. This is so when elections are considered to be a combination of pre-election, election and post-election events. In an astonishing revelation, *The Herald*, a national daily, reveals that the 2007 elections recorded an alarming 6,180 cases throughout the electoral process (Kayode Lawal, 2008: 1 and 23). This may be correct given the high level of political gangsterism and the political culture of impunity that characterized the political scene. The most relevant example relates to the manipulation of party primaries to pave the way for anointed candidates of the godfathers, especially within the ruling PDP (Shola Omotola, 2007: 147–8). Where this failed, the party hierarchy, at the instance of the presidency, resorted to elimination by substituting the names of the preferred candidates for 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. Be that as it may, the resort to the courts to seek electoral justice signals the gradual acceptance of the rule of law as the most viable option for those seeking redress. Gradually, Nigerians are beginning to regain their confidence in the judiciary. This is partly a result of certain landmark judgments delivered by the judiciary in recent times, especially as the race to the 2007 elections intensified. One notable example was the Supreme Court judgments that stopped INEC from disqualifying Atiku barely a few days before the election. These are signs of political institutionalization, where political actors exploit legal avenues, as opposed to unconventional channels, to seek redress. If sustained, it is a sign of democratic deepening. That is not to say that all protests about the elections were peaceful. In some south-western states, particularly Osun, Oyo, Ekiti and Ondo, there were violent protests against the massive rigging and overturning of the people's will. Killing, arson, looting, and other forms of violence were pervasive in these states, leading to deplorable security situations. These

shortcomings cast ominous shadows on the elections and the prospects of democratic consolidation.

Nevertheless, the 2007 elections are reputable for at least four important reasons. First, that the election took place at the expected interval is reassuring. It was the first time in the history of the country that a democratically elected civilian government completed two terms of eight years, conducted elections, and successfully handed over to another elected government. As remarkable as this seems, it should not be interpreted to mean that any sort of elections would do in the third election test – indeed the declining quality of Nigerian elections is increasingly being considered as a source of democratic deconsolidation. (IFES, 2007). Second, the resort to the courts to seek electoral justice is a clear deviation from the use of self-help strategies to settle electoral scores in the past. This shows that the political class is gaining increasing confidence in the judiciary as an important democratic institution. Third, the new government's publicly avowed commitment to the rule of law, keeping faith in the courts, and executing all courts, judgments on the elections, even when against the PDP, point toward the gradual emergence of democratic political culture. This was unthinkable under ex-President Obasanjo, who unilaterally selected which courts, decision to execute. Finally, the maladministration of the election has intensified civil activism for electoral reform and pressured the government to grant some limited concessions, including the ongoing electoral reform process. These developments are important for building a democratic political culture rooted in the rule of law. Though these gains do not constitute consolidated democracy, they may help reclaim public confidence in the democratization process.

The April 2011 general election, in spite of the hiccups, is acclaimed as a step forward in the nation's march towards roundly free and fair elections. The Nigeria Labour Congress described it as arguably about the best the nation has had since independence. The US, which also applauded it as being better than that of the 2007, however expressed serious concern about reports of alleged ballot box snatching and stuffing and called on INEC to "transparently review and take appropriate action on all allegations of 'under-age' voters, violence and intimidation, ballot stuffing, and inordinately high turnout in some areas of the country." There were also allegations of manipulation in collation of results. Given the unenviable history of electoral misconduct, spanning over the last 50 years, INEC under Prof Attahiru Jega's leadership can be said to have come out well in spite of the odds and the brief period of public skepticism occasioned by the Commission's initial tottering steps and seeming self doubt. Relative to the 2003 and 2007 elections, the 2011 election was more transparent as it generally reflected the votes openly cast, counted and recorded in the various polling booths. Many of the complaints centered around what transpired at the collation canters, where the voters appeared to have been shut out from "defending" their votes as much as they did at the polling booths. However, the nation fared better than in previous elections as the generally acceptable outcome rekindled new hopes for the democratic future of Nigeria. The overall verdict remains, however, that in the 2011 elections have moved positively forward in quest for electoral excellence, although there is need to refine the methods to make it transparent. The nation has moved from the opaque manner in which pre-2011 elections (with the possible exception of Prof. Humphrey Nwosu's Option A4 electoral experiment) to what we can call "transparent-opaque" dimension of the 2011 elections. There is needed to make the collation centres reflect the transparency perceive at the polling booths. It is INEC's duty to find out how to make this happen in an unquestionably open way.

Money factor in the electoral campaigns looms disturbingly large with no apparent solution in sight. All legal limitations seem to have been observed in breach, especially in the 2011 elections. Unfortunately, our teeming electorates remain hopelessly vulnerable to material inducements. The pressure they mount on candidates is one of the reasons contesting elections in Nigeria has become an extra-ordinarily capital intensive venture and why losing elections seems like a bitter personal tragedy. Something has to be done about this and I think it has to go beyond making more laws in this regard. Whatever can be done to lessen the grip of state

governors over electoral choices will help in strengthening democracy in the country. At present, they still seem to adversely stand between the electorates and popular democracy in the various states. There are various reasons for the stranglehold of the governors but the most apparent is the uncontrolled power they wield over the financial resources of their states, against the dictates of due checks and balances. This has to stop in the interest of political and economic development of this country.

Conclusion

The foregoing analysis suggests that the prospect of consolidating democracy in Nigeria through elections remains a tall order, though not impossible to deliver. Consolidating democracy through elections depends largely on the institutional foundations of the electoral processes, particularly the EMB – in this case, the INEC. A professional, capable, and independent INEC, free from partisan influence and government control, would provide better prospects of effective electoral administration. Only such an electoral body could conduct credible elections, whose outcomes will be acceptable to the majority of people, including opposition parties. From the preceding analysis, it is clear that this is not yet the case in Nigeria. In its present form and character, INEC enjoys limited legitimacy and respect among Nigerians. There are many reasons for this. Not only is INEC grossly deficient in autonomy and professionalism, but it is also inefficient. The presidency wields overbearing influence on INEC, making it impossible for it to exercise independence and provide a level playing field to all political actors. More importantly, INEC is saddled with the task of governing the entire electoral cycle – pre-election, election, and post-election at federal and state levels. These tasks are obviously ‘beyond the scope of a single body. The logistics of conducting countrywide elections mean that INEC is overwhelmed during voting and counting. The electoral laws which can be manipulated to secure the services of politicians within the electoral body another dimension of the problem, thus, INEC has been hamstrung in the effective governance of elections.

Despite all the daunting difficulties, there are reasons for optimism. Civil society organizations, pro-democracy forces and opposition parties are fighting relentlessly for a comprehensive reform of the electoral process. The Electoral Reform Network (ERN) and the Centre for Democracy and Development are leading examples; both submitted memoranda to the Uwais Electoral Reform Committee and are still following up this initiative in the National Assembly. The recent rise of the Save Nigeria Group (SNG) – a coalition of several civil society organizations, along with pro-democracy and human rights activists, to champion the cause of sustainable electoral reform and good governance – has added weight to the pressure for reform. The reforms being championed are targeted mainly at securing the institutional autonomy, administrative efficiency, and professionalism of INEC. Recent changes in the leadership of INEC, including the removal of the controversial and discredited Maurice Iwu and his replacement with Professor Attahiru Jega – a leading political scientist who is also a labour and democracy activist – are some of the gains of the ongoing reform process. Moreover, the judiciary is becoming increasingly courageous and assertive in the delivery of electoral justice. These advances, in addition to international support such as election monitoring, are essential for the institutionalization of effective electoral administration for democratic consolidation. The emerging scenarios suggest that, despite its troubled electoral history, Nigeria’s fiftieth independence anniversary offers hope of an alternative future built on institutional engineering and reinforced by behavioural and attitudinal change. It is perhaps not a mere coincidence that Nigeria’s first democratic decade coincides with this anniversary. It may be an indicator of better things to come.

Recommendations

There is an urgent need to make adequate efforts to reform electoral institutions. INEC represents the most important of all the institutional foundations of elections in Nigeria. It ought to be independent, impartial, and courageous in discharging its responsibilities. The starting point would be to detach it completely from the presidency and make it an entirely autonomous body. The appointment of its political head and commissioners should be insulated from politics, while its funding should be charged to the consolidated account. Like any other federal parastatal, INEC should receive its statutory allocation in the annual budget, thus reducing its financial dependence on the presidency. Yet, for institutional reform to work well, it must be pursued along with attitudinal and behavioural reform. From historical insight, the institutional foundations of elections in Nigeria fail not because they are inherently corruptible or incapable of doing the right thing, but because main political actors design them to fail so that they can advance their self-interests. What is therefore important is a continuous process of social mobilization and political re-engineering that emphasizes value reorientation at all levels. While the political class should be the major targets, the campaign should be comprehensive and holistic, leaving out no one, at all levels of socio-political organization. In this Herculean task, the civil society and mass media are crucial. Their roles should be popular sensitization, education, conscientization, and mobilization against the anti-democratic dispositions of some political actors at all levels.

The electoral management body should be re-strategize to make elections closer to the hitch-free elections which obtain in more stable democracies. The obvious defects of the 2011 elections must be practically addressed, and on time too. In future elections, a more relaxed and sanitised atmosphere is required. Security was too heavy, and this somewhat worked against free choice. The campaigns were weighed heavily against the opposition, as they were virtually shut out of public-owned media. The impact of the National Broadcasting Commission, which ought to have stepped in to ensure equal media access for all political parties and contestants, was virtually nil. As for the privately-owned media, we know the one who spends the most in advertising money gets the most slots; but then, reportorial balance dictates, in spite of each medium's editorial disposition, that every party or candidate should be fairly represented in independently generated news and feature programmes.

The way forward in elections is that there should be endeavour as much as practicable to make elections less acrimonious and crisis prone. Furthermore, it is appropriate that there should be redoubled effort on the part of the three tiers of government and the masses to make electoral process a success. It is absolutely necessary for the government on its part to ensure good political environment that is free of intimidation, which provide for all contestants a fair and level playing ground to file their nomination papers, move around to campaign and use the media (both publicly and privately owned). Also, incumbent candidates must not misuse public resources for campaigns. In addition, security agents must remain neutral and sufficient in order to maintain law and order and prevent ballot-box snatching. There is need also for adequate and timely funding of the electoral body. This must be seen as a compulsory task that needs to be achieved with speed and all seriousness.

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