



Nigeria's Electoral System: A Challenge To Sustainable Democracy In The Fourth Republic

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Abstract:

The study examines the challenges posed by the Nigeria's electoral system to sustainable democracy in the Fourth Republic. In this research paper, attempt was made to conceptualize some key terms such as election, electoral process, electoral system and sustainable democracy. We also made use of liberal theory of democracy as the tool of our analysis. The paper was based on systematic qualitative content analysis. A critical assessment of the Fourth Republic revealed that many years after democracy gained root in Nigeria, the hopes and aspirations of the citizenry could still not be met. This persistent phenomenon of ineffective governance was largely blamed on the type of electoral system adopted by the country. Therefore, this paper attempts to extrapolate the factors for the frequent breakdown of laws and order during electioneering process in Nigeria and this was traceable to the winner- take all syndrome (FPTP). To this end, sustainable democracy in Nigeria has become an illusion. It is therefore the contention of this paper that until we change from this FPTP or the winner- take- all principle to Proportional Representation (PR) where every party can be represented on the basis of votes won, sustainable democracy would be a mirage.

Keywords: Election, Electoral Process, Electoral System and Sustainable Democracy

1.Introduction

After several years of failure attempt by the past military juntas, democracy formally gained root in the country on May 29, 1999.

Against this background, many Nigerians began to entertain hopes and expectations that this development will usher in, many good things like improvement in standards of living. Also it was the hope and aspirations of Nigerians that there will be good governance. Besides, Nigerians looked forth to freeing of national resources from the iron fist and jaw of greedy officials to that of enterprising and efficient social services delivery in health, education, sports and prevention of modern day slavery such as human trafficking in all its ramifications, as well as rehabilitation of infrastructural facilities, poverty alleviation and reduction in unemployment, inequality and improvement in general socio-economic development.

Unfortunately, all these fell short of expectations and the tragedy of the Nigerian situation is that “social capital” is almost extinct, while the performance of government at all levels can be measured through high level corruption and incompetence (Jega, 2006:1).

A decade into the 4th republic reveals that corruption in most public offices is on the increase. In addition, there have been wide scale political violence and killings in many parts of the country. Also, there has been a general insecurity and high profile terrorism which have evolved from secondary contradictions in many places in Nigeria. This also has resulted in open robbery, kidnappings and bunkering of the petroleum pipe lines. Consequently, militia groups are emerging daily in many parts of the country there by making life uncomfortable for the citizenry. To buttress this fact, the Nation News paper (2009:15), observed with dismay that there has been poor economic management characterized by collapsing institutions, disoriented political elites and disenfranchised populace. This has led to governance that has failed to deliver the much promised and political dividends of democracy.

This paper is an attempt to explain and expose the tragedy that has befallen the Nigerian state in the Fourth Republic in the wake of democratic institution and to analyze the role of the Nigeria’s electoral system in subverting the sustainability of democracy. The central theme of the argument is that the failure of governance in most parts of the state of the federation to meet the yearnings and aspirations of people is due to the type of electoral system we operate in the country.

Also, most of the political killings and the subsequent violence that characterized the electoral process in Nigeria is equally traceable to the electoral system. Therefore, the Nigeria's electoral system has come to dominate the discourse of this paper.

1.1. Conceptual Clarification

The themes of this paper are: Election, electoral process, electoral system and sustainable democracy. Therefore, it is necessary to give these concepts operational clarification.

1.1.1. Election

Dunmoye (2010:3) maintains that election is the process of selection of one person or more for an office. He stressed further that election is also a government administered process by which people, whether opposed or unopposed, seek a political party's nomination for, or election to public office. In contemporary world, elections are the legitimate way by which governments can claim the right to power.

In the view of Akther (2001) as cited in Odojin (2005:96), elections are considered as one of the basic pillars of democracy and central to the process of democratic political participation.. Election serves as the basic mechanism for both the recruitment and circulation of ruling elites and for providing a regular and systematic succession in government. Similarly, Okolie (2005:436), defines election as, "the process of selecting the officer or representatives of an organisation or group by vote of its qualified members".

The above definition is also in line with the definition offered by the Encyclopedia Americana (volume 10, 1996), which sees election as "a procedure for choosing concerning policy by the vote of those formally qualified to participate". Therefore, election can be viewed as the formal way or procedure for selecting candidates from among competing political parties or associations to occupy a political office and carry out governmental functions in line with the constitution.

1.2. Electoral Process

The electoral process embraces within its ambit all the institutional procedures, arrangement and actions involved in elections (Nwabueze, 1993) cited in Patrick Chukwu (2007:77). According to him, it include the suffrage, the registration of voters, delimitations of constituencies, the right to contest elections, electoral competition between rival political parties, body charged with the conduct and supervision of

election, the method of selection of candidates within the political parties, nomination of candidate, method of voting, the actual conduct of elections, the determination of results, trials and determination of election disputes, electoral malpractices and their consequences. Furthermore, the electoral process includes election observation and verification activities carried out by local and international bodies or both. It also includes the establishment of institutions and structures that will mobilize the populace towards involvement in the electoral process and provides towards involvement in the electoral process, and provides the rules and regulations that govern the process (Nwabueze, 1993).

The electoral process can be divided into two parts, the constitutional and non-constitutional. The constitutional aspect has issues that are prescribed in the constitution such as the body responsible for the electoral process and the independence of such a body. The non constitutional aspect deals with issues such as voters' register, procedure at election, electoral offences, etc which are issues that are more appropriately covered by Acts of the National Assembly. That is the electoral law. The dynamics of the electoral process require such matters like registration of voters, method of voting whether by secrete or open ballot or by option A4, period and time table of elections, etc, to be non-constitutional in order to make allowance for easy and expeditious change in the system when necessary (Nwabueze, 1993). Therefore, the electoral process is a defining and regulating process in democratic contest.

1.3.Electoral System

The Microsoft Encarta Dictionary DVD (2009:1) defines electoral system as a scheme of idea or principles by which election is organised at which somebody is chosen by vote for something, especially a public office.

Jacob and Idris (2010:167) also maintain that at the centre of liberal democracy is the electoral system with rule of law as its cardinal principle. The nature of the system is determined by the character of the dominant faction of the ruling elites wielding state power, the struggle of democratic force, and the capacity to arrive at consensus. Philips Shively cited in Jacob and Idris (2010:167) also defines electoral system to mean set of rules and procedures designed to guide elections in the choice of leaders and policies through votes. This is to ensure that rule are not changed arbitrarily and implemented imperiously.

Electoral system is an architecture of rules and procedure explicitly defining how society are politically organised by drawing boundaries of interaction eligibility and freedom of participant and roles of state institutions in the electoral process. It is the reference mark against which popular will is expressed. It implies that the vote of the electorate must count. As a system of rules it gives command, protect rights, substantially requiring compliance in order to establish a firm foothold of democratic culture and governance. However, electoral system may be designed to promote political corruption as it is in the present time. Therefore, the 1999 constitution, the 2006 and the 2010 electoral acts constitute Nigerian's electoral system (Jacob and Idris, 2010: 168).

Yakubu (2007:14) equally contented that elections are never held in a vacuum, they are organised following a pattern (s). The pattern (s) is (are) systemic and is (are) usually classified into three broad categories, namely:

i. The Plurality-majority electoral system; ii. The Semi-Proportional representation electoral system, and iii. The Proportional representation electoral system. The broad category of the plurality majority electoral system comprises the sub-categories of the First Past- the Post (FPTP), the Alternative Vote (AV), the Block Vote (BV), and the Two-Round (TV) sub-systems.

For the semi-proportional Representation broad category, we have the following sub-divisions; the parallel (or Mixed) and the single Non-Transferable Vote (SNTV). For the Proportional Representation (PR) system, the sub-divisions include; the Mixed-Member Proportional (MMP): the List PR (LPR): and the single Transferable Vote (STV).

These various electoral systems are being used in different countries: but the two most popular systems used globally are the First Past the Post (FPTP) and proportional Representation (PR). FPTP sub-category (also known as plurality single member district system is the electoral system where the winner is the candidate with the most votes, but not necessarily an absolute majority of the votes. When this is used in multi-member districts it becomes the block vote (Yakubu, 2010: 35).

In a situation where the Proportional Representation is used" --- to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary seats: if a major party wins 40% of the votes, it should win approximately 40% of the parliamentary seats and when a minor party wins with 10% of the votes, it should also gain 10% of the parliamentary seats" (Yakubu, 2010:35).

The international IDEA (2002:7) observed that:

--- electoral system translate the votes cast in a general election into seats won by parties and the candidates. The key variables are the electoral formula used (i.e. whether the system is majoritarian or proportional, and what mathematical formula is used to calculate the seat allocation) and the district magnitude not how many voters live in a district, but how many members of parliaments that district elects) ---

- It stated further that:

Electoral system design also affects others area of electoral laws: the choice of electoral system has an influence on the way in which district boundaries are drawn, how voters are registered, the design of ballot papers, how votes are counted, along with numerous other aspects of the electoral process.

In addition, the type of electoral system a country adopts would ultimately depend on the depth of the divisions in the political community, the prevailing political culture as well as its political history. Nigeria, for example, uses the FPTP system most probably because it is the one being used in the United Kingdom (our colonial master).

1.4.Sustainable Democracy

Erunke (2012:68) conceptualized sustainable democracy to mean the practice which allows room or persistence of democratic projects over a long period of time without any external interference whatsoever. Jega (2006) cited in Erunke (2012:68) also observed that democratic consolidation is a term which describes the vital political goal for a transition democracy with intermittent flop by authoritarian rule. The terms, he stressed consists of overlapping behavioural, attitudinal and constitutional dimensions, through which democracy becomes routinised and deeply internalized in social, institutional, and even psychological life, as well as political calculations for achieving success.

Ademola (2011:308) maintains that originally, the concept of democratic consolidation or put differently democratic sustainability was to mean an identifiable phase in the process of transition from authoritarian to democratic system that are critical to the establishment of a stable, institutional and lasting democracy. Beetham (1994:157-172) noted too, that democratic consolidation means the challenge of making new democracies secure, and extending their life expectancy beyond the short-term, of making them immune against the threat of authoritarian repression and of building dams against eventual reverse waves.

This definition reveals that any discussion on democratic consolidation means that a democratic regime exists from the beginning to the end of the process. Once a transition from authoritarian rule in a given country has reached a point where free, fair and complete elections are held, democratic actors often cannot afford to lean back, relax, and enjoy what Schedler (1997) cited in Ademola (2011:309) called “bounded uncertainties”. More often than not regime threatening or these bounded uncertainties persist and the democrats’ fundamental anxieties do not recede but only shift from establishing democracy’s core institutions to securing what they have achieved. For these actors, considering democracy means reducing the probability of breaking (or what Beetham 1994 called ‘reverse waves’) to a point where they can feel reasonably confident that democracy will persist in the near future (Schedler, 1998:91-107).

Democratic consolidation implies series of continuous actions and changes geared towards the replacement of existing system of authoritarian and undemocratic rule (Yagboyaju, 2007:34). Also, Asiwaju (2000) referred democratic consolidation to mean “the internalization of democratic culture and the institutionalization of democratic test process” by a policy that has successfully embarked on a democratic transition.

Sustainable democracy therefore can be viewed as the complete acceptance of democratic value and ethics in a given society for a long period of time and the adherence to its rules without recourse to authoritarian rule.

1.5.Theoretical Frame Work

In this discourse, we embrace the liberal (western or Bourgeois) theory of democracy as the tool of our analysis. The liberal bourgeois theory of democracy according to Oddih (2007), Obasi (1988) and Satori (1968) is common among capitalist and peripheral capitalist nations. The notion of democracy emerged when capitalism became the dominant mode of production in Europe and North America. The main proponents of the theory are John Locke, J.J Rousseau, Adam Smith, John Stuart Mill, Montesquieu among others.

The main features of liberal theory of democracy are;

- Acceptance of capitalism
- Emphasis on civil liberties or individual rights such as freedom of speech, assembly, press and religion.
- Competitive party system as opposed to one party system.

- Free and periodic elections based on universal franchise.
- Existence of pressure groups
- Existence of rule of law
- Separation of powers, checks and balances
- Abhorrence of revolutionary approach to change of government.

The justification of the use of this theory was that there were evidences of multi-party competition in the fourth republic in which most parties struggled for various positions to enable it capture the power and the resources surrounding it. Therefore, rather than observing electoral rules, most politicians, employed every ungodly means to subvert the electoral process to their advantages and in the process manipulate one another especially as whoever wins controls not only the state but also the resources. Against this backdrop, the Peoples' Democratic Party (PDP), rigged most of the elections in the country to its advantage and the opposition parties in turn resorted to violence as a way of overcoming these challenges. According to the local services department of the INEC, one thousand two hundred and forty nine petitions were brought before electoral tribunals on the national assembly, governorship and house of assembly elections (Agbo, 2009:54).

As a result of the petitions, elections tribunals across the country annulled about eleven governorship elections. Although, some of these were reversed on appeal in controversial circumstance in what was described by some critics as miscarriage of justice. However, in landmark cases like Rivers, Edo and Ondo states, new governor were sworn in as courts ruled that those sworn in, initially ought not to have emerged to power. (Agbo, 2009:54).

Giving the above circumstance, the liberal bourgeoisie theory captures the discussion, under review, especially as the rules for democratic consolidation were vehemently broken by the Nigerian politicians.

1.6.Critique Of The Theory

“Liberal Democracy”, does not respect absolute majority rule (except when electing representatives).The liberty of majority rule is restricted by the constitution or precedent decided by previous generations. Also, the real power is actually held by a relatively small representative. The argument goes thus,“ Liberal Democracy” is a merely a decoration over an oligarchy. Some Marxists socialists and left –wing Anarchists, argue

that, liberal democracy is an integral part of the capitalist system. Therefore, it is a class-based and not democratic or participatory. Modern democracy has also been criticized by non-democratic socialists as a honest force used to keep the masses from realizing that their will is relevant in the political process. Also, liberal democracy can be very expensive under a representative democracies and the cost of political campaign only favours the rich in the society (Morton, 2004). Although, other theories such as Liberal Marxist theory of democracy, Classical theory of democracy, Plural theory of democracy, Elites theory of democracy and Group theory of democracy respectively, could have been used to analyze this studies, however, non was sufficient in extricating democracy more than the liberal theory used in this context.

1.7.The Challenges Of Nigeria's Electoral System To Sustainable Democracy In The Fourth Republic

For elections to tamper positively on the out put of governance the electoral system must be just, fair and provides a level playing ground ,for political actors (Inokoba and Kukumor, 2011:141). However, there is a problem with the Nigeria's electoral system. The FPTP electoral system which Nigeria is using, and has been using is also known as "winner-take all" system, where by candidate with the highest number of votes would take the available seat, even if the totality of the opponents votes may be higher than their own (Yakubu, 2007:17). The only exception is where there are only two candidates for the election; then the candidate with the highest votes would naturally win with simple majority. The samething could be said about the political parties except where there are a two-party system and a clear winner could emerge; a multi -party system shall only throw up a winning party that may have been voted in with minority votes as compared with those cast against it (yakubu, 2007).

Therefore, it is this situation of a "winner take all" that brought about ferocious and vicious electoral contest in the country. Yakubu (2007:17) also noted that because offices are often occupied not on the assumption to serve but to divert the resources and even beyond these, every contestant believed that if all manner of methods is not used to win there should be no other election to contest for thereafter. Giving this situation therefore, politicians, in Nigeria uses any un-godly means possible to win election. It does not matter if the lives of opponents' are taken. As such, preparation for elections is equated with preparation for war. The former president of Nigeria, Chief Olusegun Obasanjo, captured this disposition of the Nigeria politicians when he said: the 2007 general

election would be “a do-or-die affair” (Daily independent, 2007:1 and A2). In view of the above statement, Odofin and Omojuwa (2007:45) argued that the average Nigerian politician believes only in winning elections. Loss is never contemplated since it is equated with political death. . Free and fair election therefore has become a difficult task in Nigeria. The international institution for democracy and electoral assistance (IDEA) cited in Nwafure (2009) maintains that electoral process in the country faced many administrative, attitudinal and political problems that have consistently challenge meaningful, open and democratic elections in Nigeria. Also, arguing in line with the above, Inokoba and Kukumor (2011:143) observed that from previous experience, the elections in Nigeria are either undemocratically guided or organised to fail or the process and the project privatized by sections of the political elites. This is an indication that the Nigeria’s electoral system from the very beginning was designed to favour a particular interest.

In support of this assertion also, Adetula (2007:31) opined that the country’s experience over time (since 1959) has been that repeatedly, the electoral management body had to be redesigned and reconstituted during the numerous transitions to “democratic rule”. This also means that a lot of constitutional and legal engineering, which reflects the interests of various regimes are the order of the day.

A closer examination of the electoral history of Nigeria reveals that there have been a consensus opinion that the integrity of election have been eroded since 1959 and that the 2003, general election though, was said to have been characterized by irregularities, however, the 2007 general elections was widely adjudged in the anal of the political history of Nigeria to be the worst.

To this effect, the former governor of the old Anambra state quoted by adeyemo (2009:22) observed that:

--- democracy is associated with elections.

How have the elections gone since 1999 till date?

The 1999 elections were disputed but it was vastly better than the 2003 elections.

People shouted foul about the 2003 election but that was infinitely better than the non-election of 2007. Each election has been worse, more flawed than the one before it. We cannot be getting a democracy by reining farther away from it.

The United States based Human Rights Watch also agrees with the above by stating that the greatest form of human rights abuse going on in Nigeria is that Nigeria has been denied the right to choose their leaders through a free and fair election. Instead, most of the so-called political leaders are selected and imposed on the people; from the local government to the national level, by political god fathers with the consequence; that those in power are not considered true representatives of their people. (Agbo 2009:54). Ajayi (2007: 148) also 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 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, especially Alhaji Atiku Abubakar. Egwu (2007) argued in line with the above, that the involvement of INEC in the determination of the eligibility of candidates for elections, which was clearly outside of its constitutional legal mandate, raised serious doubt regarding its independence and the expectation that it would create a level playing field for all the parties and contestants.

Also, with regards to voters' registration, the exercise was marred by acute shortage of materials while those who succeeded in registering their names could not find same on election days. INEC and the security agents could not take action on allegation that certain numbers of direct Data Capture Machines were found in the Ibadan residence of late chief Alhaji Lamidi Adedibu.

To confirm the allegation of irregularities in the 2007 general election president Umaru Musa Yar'adua admitted in his inaugural speech that the elections were flawed (Inokoba and Kukumor 2011:144). It is against this backdrop that the 22-man Muhammadu Uwais led electoral reform committee report has not gone down well with holders of the state power. This led to the release of the white paper rejecting the grey areas because it touches on the power of the ruling elites similar to the National Council of States rejection, leading to the setting up of various committees (Jacob and Idris, 117).

Electoral system therefore is a strong component of liberal democracy and a social experiment of rules and procedure for the maximization of the approximation of perfection of choice of leaders and politics through votes.

In order to enhance and awaken citizens' interest and participation in the electoral process, we must struggle hard to change our electoral system to proportional

representation (PR) where by each political parties can be recognized and represented based on the number of votes and seats won. This will reduce or checkmate the winner-take-all principle that has characterized our electoral process since 1959.

1.8. Conclusion

From the recommendations above it is evident that most of the political problems we have had in Nigeria were due to the kind of electoral practice we have been observing in the country. Therefore, in this paper attempts were made to explain the crisis of electoral system which has become a problem to sustainable democracy in Nigeria. In this process it was discovered that until we change our electoral patterns and put in place an acceptable electoral system that is lawful, transparent and credible, rigging, violent and political killings will continue unabated in our electoral process with its concomitant effects.

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