

DEMOCRACY, DEMOCRATIC INSTITUTIONS AND GOOD GOVERNANCE IN NIGERIA

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Abstract: Scholars such as Badru (2005), Im (2005), Babawale (2006), Mimiko (2007), and Oddih (2007) have argued that democracy is required in a society because it enhances good governance and development. With the analysis of secondary data, the paper examines democracy, democratic institutions and good governance in Nigeria. It identified the problems that have militated against Nigeria's democratic sustainability in the past to include lack of proper democratic institutions. The paper concludes that for democracy to achieve its goals there is the need for the government to put in place measures to strengthen the nation's democratic institutions and intensify political education amongst politicians and citizens as precursor to good governance and development in Nigeria.

Keywords: Democracy, democratic institutions, good governance, Nigeria

1. INTRODUCTION

In 1960, when Nigeria attained political independence from Britain under a democratic parliamentary system, there was high hope as to the nation's ability to lead other African countries in the area of proper democratic governance, considering its size, resources and population. Surprisingly, after 51 years of political independence, the country is yet to imbibe proper democratic ethos, which is the precursor to good governance and development in a society. One of the main reasons for this state of affair is that election outcomes that suppose to be a means of enthroning political leaders in a democracy have suffered from the problem of credibility on the part of the citizens (King 1988, 55–58; McCormick 2004, 403–406; Akinsanya 2005, 20–85).

And due to the nature of political contests in the country at gaining access to political power, which, to a greater extent, is based on malpractices at elections, the votes of the people no longer count in Nigeria (Asia 2000, 14–20; Ferreira 2009, 9–18). In fact, in some cases, the “outcomes of election results” are already known before elections are held. It was in this regard that the President of the Federal Republic of Nigeria, Dr. Goodluck Jonathan assured Nigerians just before the April 2011 General Elections that there was no going back in his

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administration's commitment to 'one man, one vote' in Nigeria (Feyisipo 2010, 43).

The perception and mindset of the people that votes at elections do not count in Nigeria's democratic process has resulted in a political apathy in terms of people's non-participation in the electoral process. One of the major reasons attributed to this development is the weakness of democratic institutions in the country represented in this article by the electoral organizing body in Nigeria—Independent Electoral Commission (INEC), Legislature, Executive, Judiciary and the Police (Justice Mahammadu Uwais' Report on Electoral Reforms 2008).¹ Democratic institutions are mechanisms for the facilitation of the democratic process for the election of public officeholders in any democratic society. And democratic societies thrive on citizens' participation at choosing their representatives at elections conducted at regular intervals as specified by the law. According to Obayori (2009, 17–25), "All democracies in modern time must be participatory." Therefore, democracy without popular participation of the people could not be referred to as democracy in the real sense of the concept.

The inability of the democratic institutions in the country to carry out their constitutionally-assigned roles in the political process in the past has resulted in frequent military takeover of political power from civilian and military administrations alike in Nigeria. For instance, seven military coups that took place in the country between 1966 and 1993 could be identified: first, the coup that took place on 15th January 1966, which removed from office the democratically elected government of Alhaji Tafawa Balewa (1960–66), was eventually headed by General Thomas Aguiyi-Ironsi (1966); second, the coup of 29th July 1967 that removed General Aguiyi-Ironsi from office was headed by General Yakubu Gowon (1966–75); third, the coup that took place on 29th July 1975 that removed General Gowon from office was headed by General Murtala Muhammed (1975–76) (Ikelegbe 1988, 317–336).

The fourth coup of 13th February 1976 failed in its operation; however, the then head of state, General Muhammed was killed and his second-in-command, General Olusegun Obasanjo eventually headed the new military government that emerged (1976–79). The fifth coup of 31st December 1983 that removed Alhaji Usman Shehu Shagari (1979–83), a democratically elected president from office was headed by General Muhammadu Buhari (1984–85); the sixth coup of 26th August 1985 that removed General Buhari from office was headed by General Ibrahim Badamosi Babangida (1985–93); and the seventh coup of 17th November 1993 that removed Chief Ernest Shonekan (1993), from office was headed by General Sani Abacha (1993–98), who died in office, and General Abdulsalami Abubakar (1998–99), became the new head of the military government. On the 29th May 1999, General Abubakar's government eventually handed over political power to a democratically elected government under the leadership of Chief Olusegun Obasanjo (1999–2007) (Ikelegbe 2005, 197–214).

The main argument in this paper therefore is that democracy is more likely to promote good governance and development in Nigeria only if democratic institutions such as INEC, Legislature, Executive, Judiciary and the Police are

strengthened to carry out their functions properly in the conduct of elections with a view to guaranteeing 'one man, one vote' in choosing capable public office holders; and also if politicians and the citizens are educated about the ethos of democracy for good governance and development.

2. METHODOLOGY

The paper adopted the historical research method to analyse the secondary data obtained from relevant books, journals, internet resources, seminar papers, magazines and newspapers on how democratic institutions such as INEC, Legislature, Executive, Judiciary and the Police have been able to contribute towards democratic sustainability for good governance and development in Nigeria. The historical research method involves investigating, recording, analyzing and interpreting events with a view to arriving at an acceptable research outcome (Osunde 1993, 33–43). The paper is structured into five sections. Section one serves as the introduction; section two examines the concept of democracy and good governance; section three looks at the nexus between good governance, democracy and development; section four discusses democracy, democratic institutions and good governance in Nigeria; and section five concludes the paper.

2. CONCEPT OF DEMOCRACY AND GOOD GOVERNANCE

The concepts of democracy and good governance mean different things to different people in the world over. However, there are now generally accepted essential conditions that must exist for any society to be regarded as democratic and to have experienced good governance. Dahl (1989, 221) identified existence of high level of civil liberties; political pluralism; and political participation that provides the choice for the electorate to select candidates in free and fair elections as a condition for a society to be regarded as democratic. Babawale (2006, 35) argues that "it is doubtful whether one can validly talk of democracy in the absence of participation, competition and the guarantee of civil liberties." According to Badru (2005, 77–101),

Democracy represents, first and foremost, an increase in citizens' political equality and equity in terms of their popular participation in the society. He argues that democracy is a system of government that enables both the leaders and the citizens to be conscious of what is required, and accomplish it for the betterment of that society in terms of political, social and economic development.

What this implies is that the citizens of a democratic society must therefore have the opportunity to participate in the electoral process of making deliberate choices as to who to vote into public offices without fear or favour; and anything short of that is to be regarded as undemocratic. One of the arguments in favour of democratic governance is that democratic system emphasizes majority rule as opposed to authoritarian rule by the few. However, Schumpeter (1942, 272) argues that "the will of the majority is the will of the majority and not the will of the people." This argument is valid in the context of the Nigerian political landscape to the extent that, in most cases, the votes that are attributed to the

majority are as a matter of fact manipulated votes to the detriment of the will of the people in their quest to elect their political leaders.

In this regard, Oddih (2007, 147–185) agrees with the idea that democracy as a system of government promotes societal development because of its ability to give people the opportunity to be part of decision making processes either directly or through their elected representatives. He, however, argues that democracy has brought anxious moment to Nigerians because “the struggle to win and control state power and use same for personal economic advantage of politicians lies at the root of all electoral frauds and malpractices in Nigeria.” This implies that while democracy is good, its actual practice so far has made some people to begin to question its usefulness as catalyst for good governance and development particularly in a country where majority of people are poor in the midst of abundance, and individual liberty and rights are considered as privilege from those in governments rather than as stipulated in the constitution of the Nigerian federation.

Kaldor and Vejvoda (2002, 1–24), see “democracy as a set of formal institutions, a way of redistributing power and a way of life.” On his part, Mimiko (2007, 303–316) argues that democracy is desirable because it promotes development; it facilitates governance, especially of plural societies; and it is consistent with human rights and fundamental freedom of citizens. The implication of the above conceptualization of democracy is that any society that deprives its citizens of actively participating in the democratic process of electing their political leaders in a free and fair manner may find it difficult to get the support of its citizens when it comes to the point of implementing its policies and programmes necessary for development to take place in that particular society.

According to Obayori (2009, 17–25), “democracy cannot be expected to promote the interest of the people adequately if the people are not fully involved in government as a result of their ignorance, lack of political education and disenfranchisement.” In this regard, Mokwugwo (2011, 55) points out that “one of the greatest problems facing Nigeria’s democracy and one of the root causes of leadership crisis in Nigeria is the palpable inability of the country to organize free, fair and credible elections.” The outcome is that capable leaders that could have enabled the citizens to enjoy the advantages derivable from the practice of democracy in a society like fundamental human rights, rule of law, political stability, citizens’ participation in government, proper management of public resources, and development have continued to elude the country.

Despite the problems facing democracy in Nigeria, people have come to realize that democracy is to be preferred over other systems of government in the country as basis for societal development. This is based on the argument that:

The capacity for democratic politics in Nigeria appears to be rooted in the subtle awareness of the danger represented by unchecked power, since that power – in common thinking – has to be used for someone’s benefit and to another’s disadvantage, and there is a reasonable and even probable chance that one will fall on the wrong side of that equation (cited in Joseph 1991, 32).

Also, the concept of governance like other concepts in the social sciences has generated exciting debates as to its true meaning. Kim *et al.* (2005, 646–654) see “governance as the process of policy making through active and cohesive discussion among policy makers who are interconnected through a broad range of networks.” Alkali (2004, 45–57), conceptualized governance as the exercise of political power to manage public affairs. He points out that governance borders on such issues as rule of law, accountability and transparency, development-oriented leadership, freedom of expression and association, responsiveness, responsibility, representativeness, efficiency and effectiveness. He argues that “accountability and transparency are the hallmark of governance.”

Therefore, the word ‘good’ in governance connotes the proper exercise of authority, management of resources and respect for the rule of law in accordance to laid-down principles for the benefit of all in a society. In this regard, Babawale (2007, 7–16) sees good governance as “the exercise of political power to promote the public good and the welfare of the people.” He argues that good governance is the absence of lack of accountability in government, corruption, and political repression, suffocation of civil society and denial of fundamental human rights. He points out the attribute of good governance in any society to include: accountability, transparency in government procedures, high expectation of rational decisions, predictability in government behaviour, openness in government transactions, free flow of information, respect for the rule of law and protection of civil liberties, and press freedom.

In the same vein, Ekpe (2008, 63–70) argues that the purpose of good governance is to create a conducive climate for political and socio-economic development and to increase the efficiency and effectiveness of development programmes in a society. He points out that the concept of good governance is used to characterize the interplay of the best practices in the administration of a state or nation for sustainable development. The implication of this assertion is that no nation is likely to experience enhanced development without the existence of good governance in place.

3. THE NEXUS BETWEEN GOOD GOVERNANCE, DEMOCRACY AND DEVELOPMENT

Studies have shown that there is a nexus between democracy, good governance and development in a country (Igbuzor 2005, 79; Kim *et al.* 2005, 646–654; Gberevbie 2009, 165–191). According to Im (2005), “the conditions for good governance depend on the presence and consolidation of democratic characteristics.” Igbuzor (2005, 79) sees good governance as entails the respect for and protection of human rights, abiding by the rule of law and running an open and transparent government.” Emphasizing the importance of good governance for development, Zouheir M’Dhaffar posits that “good governance, efficient and effective public administration are necessary conditions to achieve sustainable development” (cited in Kim *et al.* 2005, 646–654). On his part, Kofi Annan, observes that “good governance is vital for the protection of rights of citizens and

the advancement of economic and social development” (cited in Kim *et al.* 2005, 646–654).

Based on empirical evidence, sustainable development is yet to be achieved in Nigeria because of the challenges of good governance. The Federal Government of Nigeria observed recently in its transformation agenda that:

Nigeria’s inability to decisively tackle most development challenges such as poverty, unemployment, security and deplorable state of infrastructure has been largely attributed to bad governance in all its ramifications. These include political governance, economic governance, corporate governance and effectiveness of institutions (Federal Government of Nigeria Transformation Agenda (FGNTA) 2011–2015, 6–25).

The foregoing clearly shows that good governance and not just governance is a key to a nation’s quest for sustainable development. And this is more likely to be achieved through a democratic system where people have the opportunity to freely participate in the election of their political leaders without hindrance. According to Mimiko (2007, 303–316), “democracy provides a platform for good governance, and promotes systematic stability as long as there is an outlet to legitimately access power by the political contenders through the people’s vote at elections.” In this regard, Kim *et al.* (2005, 646–654) posit that “the institutionalization of participation by all people is a cornerstone of good governance.”

While some scholars believe that democracy is good because it has the ability to facilitate good governance for development, others went even further to argue that democracy is meaningless without economic and social rights (Abiola and Olaopa 2006, 25–34; Ojo 2006, 1–24). In this regard, the former Nigerian Federal Minister of Information, Professor Jerry Gana posits that:

You know the mentality of our people. If democracy does not produce clean water, if democracy does not produce good roads, transform agriculture, cultivate industrial development, sanitize society, give us power supply, democracy will lose credibility and they may say, ‘Na democracy we go chop’ (cited in Ojo 2006, 1–24).

The foregoing shows that even on the part of the people, there is a nexus between democracy, good governance and development. However, for democracy to successfully provide a platform for good governance and development, democratic institutions are put in place as mechanisms to legitimately enthrone political leaders through the conduct of elections in a democratic society. McGill (1995, 63–80), sees “institution as an instrument for action.” Styhre (2001, 1–12), argues that institutions are reflections of the socio-political values that surround them. In the same vein, Farmbry and Harper (2005, 678–686) see institutions “as action-driven entities that have a vital role in reflecting and responding to the environment in which they are situated.”

4. DEMOCRACY, DEMOCRATIC INSTITUTIONS AND GOOD GOVERNANCE IN NIGERIA

Democratic institutions such as INEC, Legislature, Executive, Judiciary and the Police are put in place by the Constitution of the Federal Republic of Nigeria to act as mechanisms for the smooth conduct and enthronement of political leaders through periodic elections. However, these institutions lacked the capacity to perform well due to the prevailing circumstances of the environment in which they are situated— weakened moral threshold and poor ethical values (Abubakar 2011, 1–2). Ingraham (2005, 390–395) see capacity as the “ability to marshal and use available resources — people, money, talent, and time— in the best possible way.” She argues that capacity is not just about structure and system alone; but it involves creative, committed and talented people who make the system work. The implication of the above conceptualization of capacity on the democratic process in Nigeria is that no institution can perform its functions properly without a good structure, system, and committed workforce with high integrity and sound ethical behaviour.

In Nigeria, one of the major problems responsible for the failure of democratic institutions is the lack of capacity on the part of the structure, system and operators of these institutions to achieve set goals. This development is not unconnected with the fact that many Nigerians, including politicians and citizens, lack proper democratic ethos to achieve sustainable democratic governance for development. In this regard, Omoruyi (2007, 317–341) argues that:

For those who want to promote democracy in a society like Nigeria, there should be an understanding that no one is born a democrat and that democratic life is an acquired or learned behaviour. This means that if we learn anti-democratic behaviour, we can also unlearn it.

To support Professor Omoruyi’s view about the need for Nigerians to learn democratic behaviour for good governance and development, Kofi Annan posits, “no one is born a democrat and no one is born a good citizen, it is only through hard work and education that we learn through the course of our lives to value democratic institutions because they ensure our freedom and safeguard our rights” (Annan 2011, 60). Dudley (1973) has advanced reasons for the failure of democratic institutions in Nigeria to successfully promote democratic norms to include the phenomenon called ‘tribalism’ as basis for the appointment of leaders into these democratic institutions. The implication is that people that lack the capacity to adequately manage these institutions for enhanced performance are appointed to the detriment of merit. These people so appointed on the basis of tribalism are seen to be loyal to their tribes rather than the nation as a whole in the implementation of policies and programmes for democratic sustainability. According to Dudley (1973, 41 and 51),

What has been called ‘tribalism’ is seen to be part of the mechanism through which the political elite maintain[s] itself in power and exercises its influence. It is therefore an attribute of elite behaviour ...the educated elite became the chief proponents and purveyors of parochialism and particularistic values.

Also, the failure of some democratic institutions in Nigeria could be explained within the context of the argument of Richard Joseph. According to Joseph (1991, 32) “Nigerians often seek to devise structures that will prevent the materialization of the state affairs they fear most, namely, that presumed opponents will take a decisive and perhaps ruinous advantage over them.” With this kind of mindset, democratic institutions are bound to fail both in structure, content and implementation of the policies and programmes for which they were established in the first instance. Little wonder therefore that democratic institutions in Nigeria find it difficult to accomplish their goals even from the very beginning.

Furthermore, Nnadozie (2007, 45–73) points out the challenges militating against the success of democratic institutions in Nigeria to include what he termed ‘ethnic stigma’, which, according to him, has become the hallmark of elections in the country. He argues that a situation whereby ethnic consideration plays prominent role in the appointments of people into the headship of these democratic institutions, “the future and survival of democracy and democratic institutions is anybody’s guess as they are permanently sitting on a keg of gunpowder” waiting to explode any time.

The foregoing therefore points to the fact that the successes of democratic institutions as mechanisms for the enthronement of political leaders through periodic elections are very vital for democracy, good governance and development in any society. Where a society lacks the existence of proper democratic institutions, there is bound to be undemocratic way of enthroning political leaders and the outcome is the lack of support on the part of the people for the government and its policies. This situation is more likely to hinder development in that society.

Studies have shown that the various democratic institutions in Nigeria such as INEC, the Legislature, Executive, Judiciary and the Police, by their actions at one time or the other since the nation’s independence, have denied Nigerians the unique opportunity to enjoy the benefits derivable from a democratic system based on popular participation of the citizens in the election of the political leaders of their choice arising from the challenges identified afore. These have resulted in political decay of military takeover of political power, undemocratic behaviour amongst politicians and citizens, underdevelopment and lack of proper democratic ethos in Nigeria (Ikelegbe 2005, 197–214; Oloruntimehin 2005, 237–252; Soley 2005, 11–12; Okoosi-Simbine 2007, 1–92). In what follows, state of affairs pertaining to the adequacy of the performance of Nigeria’s institutions in entrenching democracy and good governance is provided.

4.1. Independent Electoral Commission (INEC)

INEC is the institution set-up according to the provision in Section 153 (1) f(1) of the 1999 Constitution of the Federal Republic of Nigeria with the sole power to conduct all elections to public offices in the country. The structure of INEC is made-up of the Chairman, 12 Commissioners at the federal level and 36 Resident Commissioners with each one presiding over a state of the Nigerian Federation of 36 states. One of the major weaknesses of INEC, which has generated negative feeling about its activities amongst politicians and citizens, is its composition.

The 1999 Federal Republic of Nigeria Constitution (FGNC) gave the president of the federation the powers to appoint the chair person, 12 Commissioners at the federal level and the 36 Resident Commissioners at the state level, although such appointment must be rectified by the senate (FGNC 1999). The danger in this arrangement is that where a ruling political party secures majority of seats at the senate, the president's choice of nomination of candidates into INEC could easily be approved to support the course of the ruling party at subsequent elections. This in fact was the case with the ruling People's Democratic Party (PDP) during the approval of the appointment of Professor Morris Iwu as the Chairman of INEC (2005–2010) by the former President Olusegun Obasanjo. This scenario actually played out in the conduct of the 2007 General Elections that was widely acclaimed to have been rigged in favour of the ruling party and acknowledged by the then elected late President Musa Yar' Adua, and local and the international communities (Adegbamigbe 2007, 20–25; Aiyetan 2007, 22–27; Ploch 2008, CRS-7).

The conduct of the 2007 General Elections was adjudged to be very poor by all standards both from local and international observers including the team led by the former U.S. Secretary of State Madeline Albright who concluded that "in many places, and in a number of ways, the electoral process failed the Nigerian People. The cumulative effect...substantially compromised the integrity of the electoral process" (Ploch 2008, CRS-7). On their part, the Economic Community of West African States (ECOWAS) delegation also observed that "...irregularities and sporadic violence characterized and challenged the validity of the elections" (Justice Uwais' Report on Electoral Reforms 2008; Ploch 2008, CRS-7).

It was feared by the opposition parties that due to Prof. Iwu's biased nature as a former card carrying member of the PDP prior to his appointment and approval by the PDP dominated senate as the chairman of INEC that there was no way he can successfully supervise the conduct of credible elections in Nigeria (Adegbamigbe and Utomwen 2007, 21–29). This constitutional provision that gave the power to appointment INEC chair person to the President of the Federation has created serious doubt about INEC's credibility to conduct free and fair elections in Nigeria. Furthermore, Justice Uwais' Report on Electoral Reforms (2008) points out that the classification of INEC as a federal executive body in Section 153 of the 1999 Constitution of the Federal Republic of Nigeria brings it under the oversight of the executive arm of government, which makes it improper to conduct free and fair elections.

In addition, the Justice Uwais' report observed that the funding of INEC through the Executive arm of government renders it vulnerable to manipulation and undue influence by the Executive to the detriment of the 'opposition' during elections. According to Saliu and Lipede (2008, 120–151), for democracy to thrive in Nigeria, the independence of INEC is a desirable requirement. They argue that the agency must not only profess to be independent, its transparency must be very clear to all politicians and the citizens to avoid crisis of confidence in its actions before, during and after elections in the country.

Apart from the above constitutional shortcomings of INEC, there is also the problem of unethical behaviour by members of staff at the conduct of elections. For instance, it has been observed that INEC's staff frustrates the petition process by preventing petitioners' access to crucial documentary evidence or manipulating electoral documents while in their custody to frustrate efforts of petitioners from proving their case beyond all reasonable doubt before the courts (Justice Uwais' Report on Electoral Reforms 2008). Commenting on the function of INEC as a democratic institution for the facilitation of the smooth conduct of elections as basis for the legitimate enthronement of political leaders in Nigeria, its Chairman Professor Atahiru Jega in an address to INEC staff said, "Many of us have not discharged our responsibilities with integrity, honesty and efficiency as required of us" (Abubakar 2011, 1–2).

Also, an INEC National Commissioner and Chairman of INEC Electoral Institute, Professor Lai Olurode, said: "Nigeria's moral threshold has been weakened. Though Nigeria is rich in a material sense, it is poor in ethical sense. With such a profile, the prospect of free, fair and credible elections is ominous" (Abubakar 2011, 1–2). These quotes point to the fact that INEC as a body charged with the conduct of elections in Nigeria is yet to properly carry out its assignment, thereby contributing to the nation's inability to practice and benefit from the gains of democracy, which include good governance and development.

In an interview on the role of INEC and conduct of elections, the Resident Electoral Commissioner in charge of Cross-River's State of Nigeria, Barrister Mike Igini said:

...We know the importance of allowing the votes to count. If the votes continue to count, leaders would be more responsible and responsive to the people. They would have respect for the people, and respect for the people is the beginning of responsible leadership. But if and when votes don't count...there would be no respect for anybody... (Odey 2012, 47–48).

As a result of the inefficiencies of democratic institutions like INEC at conducting free and fair elections in the country, the number of election petitions in Nigeria filed by defeated candidates at elections has been rising over the years. For instance, the total number of election petitions filed was 574 in the 2003 General Elections and 1,475 in the 2007 General Elections, which is far higher a figure than the petitions filed in 2003 (Justice Uwais' Report on Electoral Reforms 2008). Most of these cases filed by aggrieved parties against the poor conduct of the elections turned out to be genuine because quite a number of the electoral victories as declared by INEC were overturned by the verdicts of the law court. For the first time in Nigeria's election history since independence in 1960, the 2007 General Elections witnessed the removal from office of four governorship candidates already declared winners by INEC and in fact sworn into office as democratically elected executive governors of their state. They were removed from office by the law court after assuming office for between 18 and 30 months due to electoral fraud cases established against them by their political opponents.

For instance, the governor of Ondo State, Dr. Olusegun Mimiko under the Labour Party (LP), got his mandate back after over 18 months of legal battle with the PDP incumbent governor Dr. Olusegun Agagun (Adekeye and Ogunjobi 2008, 47; Yusuf 2008, 36–37); the governor of Ekiti State, Dr. Kayode Fayemi under the Action Congress of Nigeria (ACN), got his mandate from another PDP incumbent governor, Engr Segun Oni after 25 months of legal battle (Kayode Feyemi 2010); the governor of Edo State, Adams Oshiomhole under the ACN, got his mandate to govern back from another PDP incumbent governor Professor O. Osunbor after about 19 months of legal battle at the law court (Ero 2008, 20–24; Majirioghene 2008, 26–28); and the governor of Osun State, Engr. Rauf Aregbesola under the ACN, also received his mandate back to govern from another PDP incumbent governor Chief Olagunsoye Oyinlola after over 30 months of legal battle at the law court (Kolawole 2010, 1 and 8). These instances go to prove the extent of the inability of INEC to conduct free and fair general elections in 2007.

The foregoing implies that a society with an electoral body that is properly constituted, organized and able to conduct elections in a free and fair manner is more likely to experience proper democratic norms required for good governance to thrive and bring about development than a society without it. This means that there is a relationship between the functions of INEC as a democratic institution, democratic practice, good governance and development in any society.

4.2. The Nigerian National Legislature

The 1999 Federal Republic of Nigeria Constitution vested the powers to make laws on the Legislature. The Legislature has the responsibility to enact laws both at the federal and state levels for the smooth conduct of elections in Nigeria. According to Okoosi-Simbine (2007, 1–92), “if Nigeria is to sustain democratic rule, one of the important institutions to pay attention to at all levels of government is the legislature, the organization through which citizen opinion acquires political significance in a democratic government.”

However, as important as the function of the Legislature in the realization of the democratic process of a nation, the Nigerian Legislature is yet to enhance democratic practice and hence promote good governance in the country. Instead, the Legislators in Nigeria have dissipated so much energy on securing better condition of service for their members in cash and kind to the detriment of the people who elected them into office. For instance, the cost of maintaining each Senator for four years is put at approximately NGN3 billion or USD19.35 million and each member of the Nigerian Federal House of Representatives receives NGN 128.4 million or USD828,387 million as annual salary. Their fringe benefits include: wardrobe allowance – 25 per cent of annual basic salary, recess allowance – 10 per cent; accommodation allowance – 200 per cent of basic salary; utilities allowance – 30 per cent; and domestic staff allowance – 75 per cent (Mokwugwo 2011, 55).

While justifying the military takeover of political power from the democratically elected government of Alhaji Shehu Shagari on 31st December 1983, General Muhammadu Buhari in his maiden address to the nation, among

others, said "...the situation could have been avoided if the legislators were alive to their responsibilities. Instead, they were preoccupied with determining their salary scales, fringe benefits and unnecessary foreign travels..." (cited in Soley 2005, 11–12). The statement of General Buhari above goes to support the argument that the Legislature as a democratic institution in Nigeria failed in its role as facilitator of democratic governance.

Furthermore, the Nigerian Legislature in carrying out their legislative duties, amended Section 285(6) and (17) of the 1999 Federal Constitution of Nigeria in 2010 without foreseeing the future consequence of that particular section. The amended portions have to do with timeframe for election petitions in the country to be disposed-off from indefinite to a maximum period of 180 days by the courts. Many people argued that election petition outcomes should be determined before people are sworn into public offices after elections, but the legislature turned it down, and supports the view that the 'winner' should take the oath of office while the case is handled by the judiciary for not more than 180 days (FGNC 1999). The implication of this development is that those declared 'winners' by INEC, fraudulently use state funds to prosecute their cases to the detriment of their accusers and the citizens as was the case in Edo, Ekiti, Ondo and Osun States of Nigeria (Adekeye and Ogunjobi 2008; Ero 2008; Majirioghene 2008; Yusuf 2008; Kolawole 2010).

4.3. The Nigerian Executive Arm of Government

The Nigerian Constitution vested the power to appoint INEC officials on the President of the Federal Republic of Nigeria, and also the power to release the fund required for INEC to operate. These provisions have created serious crisis of confidence between the government and the opposition, to the extent that any election won by the government party is considered collaboration between the ruling party in government and INEC. However, it has been observed that the executive arm of government had actually at one time or the other manipulated election outcomes in Nigeria by the deployment of state agencies like the police and the electoral body to its advantage during elections. Ikelegbe (2005, 197–214), while advancing reasons for the failure of the democratic governance in Nigeria, argues that the 1983 General Elections, like other elections in the country before it, were characterized by "incumbency manipulations of state agencies...announcement of fake results, repression of the opposition and imposition of the ruling party on the nation."

This note supports the view that the executive arm of the government failed in its role as facilitator of democratic governance in Nigeria. This implies that for democracy and democratic governance to thrive in a society, the executive as a democratic institution must play a role of an unbiased umpire because the executive arm of government is not a creation of a particular political party but of the constitution and hence should be supported by all, including those who may not be government - 'opposition' for the time being, if sustainable development is to take place in a country.

4.4. The Nigerian Judiciary

Section 6 of the Nigerian Federal Constitution of 1999 vested the judicial powers of the Nigerian Federation on the courts (FGNC 1999). However, the functions of the judiciary in the promotion of democratic governance in Nigeria have faced serious challenge of crisis of confidence resulting from some of its judgments and pronouncements. This is particularly so in situations whereby the petitions of aggrieved candidates at elections are dismissed against the 'opposition' based on mere technicality rather than on the substance of the case in question (Justice Uwais' Report on Electoral Reforms 2008). Addressing Judges during the swearing-in ceremony of judicial officials who are the current members of Election Petition Tribunals for the 36 states of the Nigerian Federation in March 2011, the President of the Nigerian Court of Appeal, Justice Katsina-Alu warned the judges that:

In Nigeria, allegations of corruption have in recent past, placed the role of Election Tribunals in jeopardy...bear in mind that in most cases in this country when Election Petition Tribunals fail in their duties, the consequences have been violence resulting in murder, arson and grievous bodily harm (Akpeji 2011, 1–2).

Commenting on the corrupt state of the judiciary on election cases in the country, the President of the Nigerian Bar Association, Joseph Daudu said:

We are no doubt aware that some of our colleagues, including very senior counsel and at times eminent retired judicial officers go about offering their services as consultants, particularly in election cases, for incredible sums of money, so as to act as conduit between their client and the election courts. The end result is to facilitate ready-made justice for persons they are acting for. We must strongly deprecate this practice...the existing rules of professional ethics can be amended to include such areas that will safeguard the dignity of the courts and integrity of the judicial process (Tsa 2012, 7).

To buttress the corrupt state of the Nigerian judiciary, its negative effects on the country and the way forward, the Chief Justice of the Nigerian Federation, Justice Dahiru Musdapher said:

Reducing corruption in the justice sector would make it more likely that corrupt individuals in the other sectors would be prosecuted and punished. This would raise the cost of corruption and discount the rewards derivable there from. Thus, taking steps against corruption in the justice system should be a first step in dealing with corruption in society as a whole...We have started implementing a number of reforms...review of methods of appointment and elevation of judicial officials, and removal of unproductive judges from the bench. The purpose of all these initiatives is to set out the judiciary on a path of renewal so as to restore the integrity and dignity of the judiciary to its pristine status (Mugdapher 2012, 14).

Furthermore, on 3rd March 2012, the Nigerian Supreme Court gave judgments in favour of the Imo State Governor Rochas Okorocha against his challenger Chief Ikedi Ohakim; and the Delta State Governor Emmanuel Uduaghan against his challenger Chief Great Ogboru. The Supreme Court ruled

that the two governors were to serve as duly elected. These judgments were given not based on the merit of the case, but based on the fact that 60 days as stipulated by the amended Section 285 (17) of the 1999 Federal Constitution of Nigeria on which an Appeal Court could adjudicate on an electoral petition had elapsed (Tsa 2012, 61; Ughegbe 2012, 8). In his reaction to the judgment, Chief Ohakim said that the verdict of the Supreme Court of Nigeria is “judgment without justice” (Tsa 2012, 61).

The amended Section 285 (6) of the Nigerian Constitution of 1999 that stipulates 180 days (120 days at the Tribunal level and 60 days at the Appeal Court level) for electoral petitions to be handled and disposed-off, made it mandatory that anything done outside this period is regarded as null and void. Regarding the amended Section 285 (6) and (17) of the Nigerian Constitution of 1999, The Guardian Editorial Opinion (2012, March 6) commented that:

Under normal circumstances, 180 days should be enough to fully adjudicate on an election petition. In this wise, the Supreme Court of Nigeria was correct to have frowned against attempts to stretch the period unduly...But the court could have provided an outlet for litigants whose cases are dragged out of their control only to be ordered for retrial. In the circumstance, such persons are being denied fair hearing... There is the need therefore for the judiciary to simplify [secure] public understanding of its working; and more particularly, strengthen the electoral process.

The implication of the Supreme Court ruling on election petitions in Nigeria is that people who perceived that they are not likely to get justice at the court arising from the 180 days time-frame set by the legislature are more likely to take the laws into their hands by instigating violence as a means of getting instant justice against their political opponents. When people start taking laws into their hands instead of going to the courts for settlement, democracy is truncated; good governance and development become a mirage in that society. Therefore, there is a relationship between laws passed, judicial pronouncements, democratic practice, good governance and development.

The foregoing discussion shows that the Nigerian judiciary as a democratic institution has failed to be a facilitator of proper democratic process leading to the enthronement of legitimate political leaders in the nation’s democratic system based on its inability to be an impartial umpire in some of its judgments and pronouncements. To prevent violence, murder, arson and derailment of democracy, the judiciary has a vital role to play. The inability of the courts to play the role of fair umpire in electoral petitions is capable of truncating the democratic system, preventing good governance and hindering development.

4.5. The Nigerian Police Force

The Nigerian Police Force is the institution vested with the power to enforce law and order during the period of elections in Nigeria. The major functions of the Police at elections include: guaranteeing safety and peace throughout the election process; safeguarding the security of personnel, materials and venues for voter registration; safeguarding the security of the life and property of citizens during

voters' registration, political campaign and voting; and ensuring the safety of electoral officers before, during and after elections (FGNC 1999).

However, in spite of these noble functions of the police in the electoral process, there have been several complaints by members of the public and politicians that the police force in the country does not maintain impartiality in dealing with all political parties. Oloruntimehin (2005, 237–252), argues that the role of the Nigerian Police Force in the 1983 General Elections in Nigeria contributed to the failure of democratic governance in the country. He stated that the Nigerian Police Force that ought to protect the sanctity of electoral process as a means of enthroning genuine political leaders became instrument of oppression against the opposition in favour of the government in power under the leadership of Alhaji Shehu Shagari (1979–1983).

Justice Uwais' Report on Electoral Reforms (2008) points out that in some instances, the leadership of the Nigerian Police Force often issue instructions against the opposition by not granting them permits to hold political rallies, encourage policemen on electoral duty to intimidate and harass people on the day of polling. All these have cast a shadow of doubt on the police in its ability to play the roles assigned to them in terms of safety and security of lives and properties before, during and after elections. Emphasizing the importance of security in the promotion of the democratic process for free and fair elections in any society, The INEC Chairman, Professor Atahiru Jega posits that:

While it is true, as some observers have argued that security around elections only reflect the general security situation in a country, we believe that insecurity heighten at times of major electoral events. Therefore, it becomes necessary to pay particular attention to security issues around the electoral process through concerted efforts of not only security agencies, but also the wider public (Akintola 2010, 42).

A situation whereby the police force as a democratic institution that ought to be a mechanism for the promotion of the democratic system turns out to be the very instrument of political oppression could lead to the decay of democracy in that society. Therefore, proper democratic ethos is more likely to be enhanced and the goals of good governance and development achieved where the law enforcement agents of a country see itself as a defender of the democratic rights of the people rather than that of the government in power.

5. CONCLUSION

The issue of democracy and democratic institutions as catalyst for good governance and development in any nation is so vital and makes for continuous reforms in the electoral process in Nigeria imperative. To overcome the challenges of the inability of democratic institutions in Nigeria like INEC, legislature, executive, judiciary and the police to enhance democratic sustainability, there is the need to make INEC a truly independent body both in name and practice through the amendment of the relevant sections as it affects the appointments of key officers such as the Chair person, National Commissioners and the Resident

Commissioners for the 36 States of the Federation. Rather than give the President of the Federation the powers to appoint INEC officials, the appointments could be carried out based on merit – proven capacity to perform from within the political parties by the National Judicial Council of Nigeria (NJCN), the same body that appoints, promotes and disciplines judges. The point is that once political parties are represented in INEC, the fear of domination would have been solved. Regarding funding, it could be charged to the consolidated account of the Federation so that the executive arm of government would not capitalize on funding to influence INEC to the detriment of other political parties.

Also, the legislature as a body has a role to play in the area of constitutional amendment by subjecting any amendment to the constitution to a referendum to give everyone in the country the opportunity to contribute to the final outcome of the amended portions. This development would prevent a political party in government from using its majority in the national assembly to amend any portion of the constitution to benefit its agenda rather than the general will of the people. In addition, the executive arm of government could help to entrench democratic norms in the country by desisting from the use of government agencies as instrument of oppression of the opposition.

Furthermore, as the last hope of the common man in a democracy, the judiciary could be monitored in its assignments, particularly as it relates to electoral matters. The Nigerian National Judicial Council as headed by the Chief Justice of the Nigerian Federation could, from time to time, organize training in ethics of the judicial profession to members of the judiciary for proper conduct and performance of their assignments, if democracy is to achieve its goals of good governance and development. Judges found guilty of misconduct could be severely punished to serve as deterrent to others.

In the same vein, the police could be given continuous adequate training to enable them realize that the institution they belong to is a defender of the peoples' right in a democracy, proper facilitator of the democratic process, and not necessarily of the government in power and avoidance of the temptation of being used as instrument of oppression against the people. All police officers found to have behaved unprofessionally in the process of carrying out their functions should be severely punished. In addition, there is the need to intensify political education amongst politicians and the citizens. This is because no one is born a democrat. People imbibe democratic norms through training and regular practice of democratic ideals. This could be achieved by setting up an Institute for Democratic Studies to train politicians nationwide about the ethos of democratic culture. On the other hand, existing agency of government known as the National Orientation Agency in collaboration with INEC could put measures in place to educate the citizens through the mass media — television, radio, newspapers and magazines about the appropriate culture of democratic norms required of them and the benefits derivable from democratic governance in a society as basis for democratic sustainability and societal development.

NOTE

- ¹. Justice Mahamadu L. Uwais' Committee on Electoral Reforms (2008) was set up by the late President Umar Musa Yar'Adua following the April 2007 General Elections that brought him and now President Goodluck Jonathan to power on 29th May 2007. Some of the members of the Committee were: former Chief Justice of the Federation, and Chairman of the National Judicial Council of Nigeria (1995–2006), Retired Justice Mahamadu Uwais; Professor Atahiru Jega, Political Scientist - former President of the Association of Nigerian Authors and Vice-Chancellor, Bayero University Kano; and Olisa Agbakoba, President, Nigerian Bar Association. The Committee was setup as a direct reaction of the people against the inability of INEC to conduct free and fair elections. The elections witnessed massive electoral fraud much more than that of the 2003 General Elections in Nigeria. This assertion is based on the fact that the 2007 General Elections witnessed 1,475 number of electoral petitions compared to the 574 in the 2003 general elections that proved to be genuine cases going by the court verdicts that overturned earlier declared winners by INEC in the 2007 General Elections.

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