

Election Observation in Nigeria's 2015 and 2019 General Elections

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Certification

This is to certify that **Temitope Nofisat Banire** with matriculation number LCU/PG/001325 carried out this research work titled “**Election Observation in Nigeria’s 2015 and 2019 General Elections**” in the Department of Politics and International Relations, Faculty of Management and Social Sciences, Lead City University Ibadan, Oyo state, for the award of Master’s Degree in International Politics and Diplomacy and that this has not been previously submitted.

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Dedication

This research work is dedicated to Almighty God who gives understanding, wisdom and knowledge.

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Acknowledgement

I appreciate Lead City University for making their library open whenever I want to conduct my research. Also, I appreciate my Supervisor, Dr. O. Akande, and thank you for your time and the thorough work you did by bringing out the best in me. In spite of your busy schedule and work, you still created time for me and at difficult period of my research. I also want to say a big thank you to my lecturers, Dr. A. Amodu, Dr. Akande, Prof. R. Badru, Dr. M. Albert, Mr. C. Akuche. I am grateful to you all for your impact in my academic journey. Also, I appreciate my colleagues for their support and assistance in making my research a success.

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“Even though the above-mentioned institution and persons have assisted in the process of this research work, I alone stand responsible for the errors, if any, found in the work”.

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Abstract

Electoral observation is considered to be an important tool in the promotion of democracy. The presence of credible and impartial observers is taken as creating confidence about the legitimacy and quality of an electoral process. This study examines election observation in the Nigeria 2015 and 2019 general elections. The study made use of an interview guide as a research instrument. This is to help the researcher explore research subjects' opinions, behavior, experiences, and phenomenon during election. Also, random sampling technique was employed to select 8 respondents for the interview. The result of the findings showed that some of the roles the interviewees claimed are to serve as the eyes of the people, to provide an independent oversight of the electoral process by observing the process to documenting and what happened in the electoral process and share their findings with citizens and stakeholders. In addition, they detect fraud in the process if any they give information on places where there were violence, manipulation of the process, where there were non-appearance. Further findings showed that some of the challenges observers encounter were the issue of process of accreditation as it was stressful and cumbersome, insecurity of election observers across some states in Nigeria as some of the election observers were harassed and threatened by political thugs, security officers barred some of the election observers from playing their role in the coverage and monitoring of elections. Also, findings showed that the presence of election observers influence the credibility of the 2015 and 2019 general election. It was recommended that government should put in place adequate security for members of election observers during election and they should also put in place better ways of screening election observers so as to avoid unnecessary stress and ensure prompt screening of election observer teams.

Keywords: Monitoring, Observation, Electoral Commission, General Elections

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Chapter One

Introduction

1.1 Background to the Study

Elections are held at all levels of political organization, from local to national, in most places around the world. The reputations of colonial dominance have molded how African countries fight to maintain their sovereignty by safeguarding political processes and elections. In light of this, numerous countries have urged the United Nations not to interfere in other nations' electoral processes so to maintain their sovereignty. While such concerns must be addressed, it is evident that foreign support plays a critical role in ensuring the success of electoral processes¹.

This support can come from a variety of sources (for example, international, regional, and sub-regional institutions, as well as non-governmental organizations), and it can be both political and analytical in nature. Observers must not oversee or direct; instead, they must determine whether or not the electoral procedure is done in a climate of freedom and equity at all stages. As a result, the overarching obligation of the observers is to ensure that all competing political parties, individual people, and groups have absolute freedom of organization, movement, assembly, and assertion, free of hindrance or intimidation, violence or threat of force, or any other acts able to undermine the will of the people.

As a result, an election observer is an individual (local or foreign) who participates in a particular country's electoral process as an evaluator of the procedures, rather than as a voter, and is certified to do so by the appropriate authorities of that nation. Elections have been critical to developing-country democratic transitions. Despite considerable advancement, such elections are frequently marred by anomalies like electoral fraud. Simultaneously, electoral observers have played an active role in promoting democracy and validating electoral processes. Electoral observation is recognized as an essential tool for promoting democracy. Election observation is

an activity that seeks, among other things, to critically appraise a country's electoral process to legitimize or condemn it as deemed necessary². The presence of credible and impartial observers is taken as creating confidence about the legitimacy and quality of an electoral process.

Election observation has been recognized as a component that fosters domestic trust in a nation's electoral procedure and contributes to reduction of the likelihood of electoral fraud³. International legitimacy became a condition for receiving international aid and maintaining regional relations because of the strengthening of democracy and human rights from the end of the Cold War.

The monitoring and observation of an election is a procedure in which the election is evaluated and examined in order to determine its impartiality in concept of organization and administration. It entails the 'stationing of independent missions, representatives, or persons chosen to represent international or local institutions for a particular timeframe in a nation that is in the process of conducting a national election with a mission to closely observe and proclaim on the complete process and outcome⁴. Although the terms "observation" and "monitoring" are frequently used synonymously, they do not refer to the same thing. Election observation can be defined as:

The purposeful gathering of information regarding an electoral process and the making of informed judgments on the conduct of such a process on the basis of the information collected by persons who are not inherently authorized to intervene in the process, and whose involvement in mediation or technical assistance activities should not be such as to jeopardize their main observation responsibilities⁴.

On the other hand, election monitoring can be referred to as:

a little more involved than mere observing. It involves the careful scrutiny and assessment of an election for the purpose of determining its impartiality, in terms of organization and administration. It also includes an assessment of the process and actual formulation of the electoral law and the role of the security forces⁴.

Furthermore, as indicated by the African Union (AU) Election Observation and Monitoring Guidelines, observers must not oversee or direct; instead, they must verify whether or not the electoral process is performed in a climate of freedom and equality at all levels. As a result, the overarching obligation of the observers is to ensure that all rival political parties, persons, and groups have complete freedom of organization, mobility, assembly, and appearance, free of hindrance or intimidation, crime or threat of force, or any other acts able to undermine the will of the people⁵.

Election monitors, on the other hand, exercise some level of lawful authority over the conduct of elections as well as over the officials involved with the elections. They may also issue instructions to the officials when necessary. Electoral observation and monitoring are 'designed to boost confidence in the fairness of the electoral process, to help deter fraud in the balloting and counting procedures, and to report to the country's citizens and the international community on the overall integrity of the elections⁶. In addition, observers can mediate disputes between competing political groups if requested and if appropriate, in an effort to reduce tensions before, during and after elections'.

Observation of elections by non-partisan groups has gained acceptance in many parts of the world. The reason for this is the recognition that observation safeguards the integrity of elections. It is also recognised that it helps to ensure that elections are free and fair. If elections are well conducted, this confers legitimacy on the government to be established. Election observation can be legitimate only when the locals recognize the professionalism in detecting electoral fraud and presenting an impartial report concerning the outcome of an electoral process⁷. Essentially, the primary purpose of observation of

elections is to ensure the integrity of the electoral process. It focuses on whether the elections are carried out substantially in accordance with the rules and regulations that are prescribed by law in the country in which they take place⁷. However, election observation is not limited to this role, it also seeks to compare these national laws with international standards, to ensure that they conform to the basic thresholds of democratic elections accepted by the international community. Such observation will also take into account the performance of the election managers, the level of independence given to them by law and the attitude of the government in enforcing the election laws and maintaining law and order. It is not surprising that Musa Abutudu notes that election observations not only have continued to be perceived with mixed feelings but also that the verdict of election observers concerning many elections in Africa has been played down⁸.

The general rationale behind electoral observation can be well described as follows: “States, IGOs, NGOs, and scholars who support electoral observation argue that it increases voter and political party confidence in the electoral process, deters fraud when it exists, and generates a third-party evaluation of election quality for international and domestic audiences, thus making negative consequences for a leader who holds fraudulent elections more likely”⁹.

One of the primary aims of election observers in the world, whether domestic or international, is to strengthen and expand democratic values worldwide. They also provide practical assistances, to political leaders, institutions, internal democracy and nations in advancing in their democratic values and cultures. They help either in commending elections or exposing election flaw(s). They advocate for free and fair elections in line with global norms. They also advice for electoral body, security,

judicial, and media neutralities in an electoral process. These observers safeguard elections by encouraging openness, periodic elections, citizen participation, and accountability. They condemn imposition of candidates, insecurity, political thuggery, and lack of internal democracy among others.

The way elections are managed has been considered by practitioners and scholars as a key process that contributes to the credibility of an election¹⁰. It is argued that when elections are developed according to international standards, acceptance will follow. However, sometimes even elections classified as free and fair are challenged and protested, while not so technically perfect elections, have been widely accepted.

Citizens have a right to genuine elections, and they have a right to know whether elections are genuine. The mere avowal by those in power that an election has been truly and fairly conducted and its votes properly counted requires blind-faith acceptance, and that is not a basis for democratic citizenship or genuine elections. In order to be confident of an election's authenticity, citizens must be able to see into the various processes that compose it. As a practical matter, multitudes of citizens cannot be expected to inspect personally each aspect of an election's many complex and large scale processes. These include the registration of voters and parties and the drawing of electoral-district boundaries as well as the final tabulation and publication of results, not to mention the adjudication of disputes and the regulations governing campaigning and its financing, the use of media and public resources, and so on¹¹. Instead, the "eyes" of the citizenry when it comes to elections are those who make this their mission: national and international journalists, citizen monitors, international observers, scholars who study electoral integrity, and the agents of electoral contestants. It is they who, to

change the metaphor, shine a light into elections and their workings. All these light-shiners must in turn establish their credibility with the citizens, but that task can have meaning only when transparency is present. Fact-based analyses and relevant findings depend on the ability to witness processes and to access electoral data in a timely fashion. Electoral transparency, in other words, is not a nicety. It is absolutely and inescapably fundamental to genuine elections. Just as citizens need enough accurate information to make an informed choice in voting, so do they require accurate information about the character of electoral processes in order to vest authority in governments that result from elections¹¹. Put another way, public confidence in elections is essential to public trust in government.

Moreover, that trust is important for the governmental stability that elections are supposed to buttress. The international community has a stake in electoral integrity for reasons of peace and security. Elections are meant to resolve peacefully the contest for state power, and dubious elections all too often become flashpoints for strife¹². The charters of the UN and other regional organizations, along with other treaties and agreements, provide a foundation for election monitoring and describe a legitimate international interest in whether a country is meeting its obligations to respect and promote fundamental rights in this area.

Incumbent governments, with few exceptions, are duty-bound by their constitutions and solemn international commitments to deliver genuine elections to their citizens. Governments also have an obligation to protect and foster the right to seek, receive, and impart information (the elements of freedom of expression), which reinforces the requirement of electoral transparency. This obligation holds whether those

seeking to acquire and transmit information are journalists, citizen election monitors, agents of electoral contestants, scholars, or international election observers. Another fundamental aspect of genuine elections that supports monitoring is the precept that every citizen has the right to take part in public affairs without discrimination or unreasonable restrictions. This broad democratic principle reinforces the essential role of citizens in monitoring elections, whether as journalists, scholars, members of civic groups, or agents of electoral contestants. To close electoral processes and information to witnesses is to block participation.

Election monitoring and electoral credibility thus depend on “open government” and “open government data” policies⁵. Governments that want to count as democratically legitimate must provide the transparency needed to verify electoral integrity and bolster public trust. Some governments and ruling parties, however, may become bent on extending their power irrespective of the people’s will. They will seek to manipulate electoral processes even as they deny transparency in order to avoid the stigma of illegitimacy. Blocking transparency is akin to a criminal cover-up. Witnesses must be avoided, prevented from testifying, or discredited. Distractions must be created and smokescreens generated to conceal the facts in efforts to spread public confusion and make accountability less likely. It should be expected that authoritarians to be inventive when creating tactics for negating genuine elections while hiding what is really taking place. Their goal, after all, is not only to manipulate the electoral process, but to be able to claim legitimacy while doing so.

Election in Nigeria has witnessed a lot of challenges in the past. Since Nigeria’s independence in 1960, free and fair elections have remained a big challenge for

Nigeria's democratic process. The problem is a two-sided one: how to design and ensure an efficient, effective, and politically non-partisan election management body; and how to reorient the country's political culture so that the political elite and the general public will show a commitment to the rules and regulations of electoral governance, in order to ensure credible and competitive elections.

In the international election observer process, the degree to which invasive observation rules of engagement are negotiated depends on the extent of the dependence on the donor community, the willingness of the donors to exploit this dependency relationship, the power of local opposition forces to assure that the incumbent government supports the presence of an international observer, or the honest commitment to "free and fair" elections by the incumbent government⁵. Their conceptualizations of national sovereignty are fundamental to understanding the success of international observer.

1.2 Statement of the Problem

Because of the need to ensure that elections are free and free, election observers and monitoring teams had been introduced. International election observers have been in existence since the middle of the nineteenth century. However, the practice became truly widespread much more recently, as the "third wave" of democratic transitions took firm root in the mid-1970s. The collapse of the Iron Curtain and the fall of brutal one-party, military, or personal dictatorships across substantial swaths of the globe gave birth to new democracies across the world. While most transitions produced a desire for genuine elections, in some countries ruling factions do not really want to abide by the people's will.

Legitimately-approved and reputable elections are viewed as a critical factor for increasing a government's legitimacy and bolstering the social contract between people and their governments.

Elections can result in violence and reveal the weakness of the state and its vulnerable institutions in the absence of other functional, organisational, and prescriptive democratic situations to dissipate and fix tensions that may arise during and after the electoral process. Elections, due to their competitive nature, can exacerbate ethno-religious differences in some situations, enabling actors to galvanize them for partisan reasons and violence.

National governments and international organizations like the United Nations have emphasized the significance of peaceful and credible elections in nurturing democracy, especially in developing countries like Nigeria. A broad consensus is emerging around the idea that, in order to prevent violence, elections should be viewed as a process rather than an event. In other words, an election cannot be viewed as an end in itself, but must be part of a larger and longer-term process of democratization. The effectiveness of election observation missions relies on complex power relations between "sovereign" countries in the North and the developing countries of the South. Democratic elections are participatory, competitive and perceived as the legitimate route to power, however experience indicates that not all elections are free and fair. For example the presidential elections of 2007 and 2011 in Nigeria were characterized with various irregularities compromising the credibility of the process.

There are few studies that have examined election monitoring and observation in Nigeria. Most of the studies focused only on 2015 general elections and the smart card readers used for accreditation of voters. However, this study will fill gap by focusing on both 2015 and 2019 general elections and the impact of election observer's team on the outcome of the elections..

1.3 Aim and Objectives of the Study

This study is aimed at investigating election observation in Nigeria's 2015 and 2019 general elections. It is focused on assessing the acceptability, voters confidence, transparency of the elections through the efforts of Domestic election observers so as to promote democratic process, freedom, fairness, and stability of electoral process in line with global standard and electoral norms in Nigeria. The objectives of this study are to;

- i. examine the need for election observation
- ii. examine the challenges that election observers and monitoring team encountered during the 2015 and 2019 general elections in Nigeria.
- iii. determine which of the two general elections was credible based on the assessment of election observers.
- iv. ascertain if the presence of election observers and monitoring team influenced the credibility of general elections in Nigeria or not.

1.4 Research Question

The research questions of this study are as follows:

- i. What made election monitoring and observation essential and necessary?
- ii. What were the challenges that election observers monitoring team encountered during the 2015 and 2019 general elections in Nigeria?
- iii. Based on the assessment of election observers monitoring team, which of the two general elections was credible?
- iv. Did the presence of election observers monitoring team influence the credibility of general elections in Nigeria or not?

1.5 Significance of the Study

The finding from the study will be of immense benefits to citizens of Nigeria, election monitoring bodies and observers, policy makers, government and educational researchers. The study will be significant because it will provide an informed and detailed analysis on how both international and local election observers can help ensure election integrity. Citizens will be informed on how important election monitoring and observation is. Election monitoring team and observers will be informed on the need to be transparent and ensure that election is properly monitored without any form of bias. Policy makers will understand that there is need to formulate policies that will enable transparency and the need to conduct free and fair elections in Nigeria. This study will enable government to understand the need not to interfere with electoral bodies, the need to understand that such bodies are independent and government should allow them to carry out their duties without any interference. Also, it will inform the government on the need to create an enabling environment for free and fair elections. This study will contribute to knowledge and aid further research work on election monitoring and observation in Nigeria.

1.6 Scope of the Study

This study is focused on election monitoring and observation in Africa: using Nigeria as a case study. Specifically, the 2015 and 2019 elections will be the main focus of this study. The study will concentrate on election observers and election monitoring as well as the electorates. The year of concentration is 2015 and 2019.

1.7 Limitation of the Study

There is hardly any research work without some limitations affecting it in one way or the other. The limitations encountered in the course of this study are listed below:

Time Constraint: This study encounter some constraints in the form of time. The time scheduled for this study is short as there are deadline to be met in the submission of this research work.

Collection of Data: since the research work rely on primary and secondary data, it was a bit difficult to collate enough data from election observers. During the cause of interviewing the observers, majority of them were busy with the Anambra state gubernatorial election and were not available in time for the interview.

Financial Constraint: Another constraint is in the form of finance because research work of this nature require some financial expenditure. for instance, the researcher is expected to get enough information from online libraries for up to date secondary materials but the high cost of internet connectivity for the researcher makes it difficult at times until she is able to source for funds in other to be able to carry out the research work so as to meet up with the deadline.

1.8 Operational Definition of Terms

Election: This refers to a formal and organized choice by vote of a person for a political office or other position.

Election Monitoring: This involves the observation of an election by one or more independent parties, typically from another country or from a non-governmental organization.

Electorates: This refers to all the people in a country or area who are entitled to vote in an election.

Electoral Processes: This includes the selection of candidates, the registration of voters and the voting procedures,

Election Petition: This refers to the procedure for challenging the result of an election.

Voting: This is an action or process of indicating choice, opinion or choice made by an individual or body of individuals especially in an election.

Forth Republic: This refers to the fourth period of republican government. The fourth republic is the current republican government of Nigeria since 1999.

Democratic Consolidation: This is the process by which a new democracy matures, in a way that it becomes unlikely to revert to authoritarianism.

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Chapter Two

Literature Review

2.1 Conceptual Study

2.1.1 Democracy

Democracy is a concept that receives tremendous attention from political scientists and other scholars¹. Numerous attempts have been made to define the concept, with a resulting plethora of definitions of democracy. What is evident in most of the definitions is an apparent shift away from the classic popularised definition of the concept by Abraham Lincoln (16th American President, 1861–1865), who stated that democracy is ‘government of the people, by the people, for the people’. More modern definitions conceive of democracy being based on specific variables or factors.

Some scholars view democracy as political competition through periodic elections, others see it as citizen participation, and still others link democracy to civil and political liberties⁷. Democracy is viewed as “government by the people with full and direct participation of the people”². However the type of democracy practiced in Athens was not inclusive in complete sense as it excluded women and slaves who were integral part of Greek city states. On the foregoing note, the quintessence of equality and social justice is the heartbeat of democracy³.

The concept of democracy lacks a precise single definition rather; it is usually a matter of intellectual belief. There are different meanings, opinions, perceptions and definitions

of the term by scholars and philosophers like Rousseau, Locke, Jefferson, Lincoln and Mills. The idea of democracy is strange to Africa and needs to be domesticated to Nigeria local conditions and targeted to her distinctive problems. A political system is democratic; if it's most powerful collective decision makers are chosen through fair, honest and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote⁴. It also implies the existence of all those civil and political freedoms to speak, publish, assemble and organize that are necessary for political debate and the conduct of electoral campaign. Democracy is a system of community government in which by and large the members of the community participate or may participate directly or indirectly in making decisions, which affect them⁴. This implies that democracy could be seen as any system of government that is rooted in the notion that ultimate authority in the governance of the people rightly belongs to the people and everybody is entitled to an equitable participation and share in the equal rights where equitable social and economic justice are the inalienable rights of individual citizens in the society.

Democracy means the involvement of the people in the running of the political, socio-economic and cultural affairs of their organization. Democracy as a system through which decision-making is transferred to people that have gained power in a competitive struggle for the votes of citizens⁴. It is a situation in which people have the opportunity of accepting or rejecting the men who are to rule them. Democracy is a political system characterized by regular and free elections in which politicians organized into political parties; compete for power by right of the virtue of all adults to vote and by the guarantee of a range of political and civil rights. Democracy is a government of

the people by the people and for the people⁵. Some scholars contend that Nigeria had never experienced democracy, that neither during colonial rule nor since independence has Nigeria been a democratic country, rather that Nigeria strove to be a democracy but was never one. Hence, they argue that the problem is and has always been the colonial legacy of false-hood democracy deprived of social justice⁵.

2.1.2 Democratic Consolidation

Democratic consolidation is construed as a stage in a country's democratic process where democracy acquires some characteristics of stability. Consolidation cannot take place unless certain political features are present in a country operating a democratic regime⁶. Some of these features have been identified as 'routinized, recurrent and predictable patterns of political behaviour: defining clear workable rules of the game, establishing more authoritative, proficient, and dependable structures for mediating political conflicts. In addition, for a democracy to consolidate, the predisposition to authoritarian reversal should be remote.

The military as an alternate domain of the exercise of political power should exhibit total loyalty to democratic institutions, thus forestalling the possibility or threat of overthrowing an elected government. Most importantly, democratic consolidation becomes overt in a society when the rights of citizens are guaranteed, and the ruling elite is accountable and responsive to the populace. A further hallmark of democratic consolidation is that the masses are well acquainted with political procedures and norms that is, the masses 'routinize, internalize, habituate, and legitimate' these norms and procedures. The absence of horizontal accountability has hindered Nigeria from achieving democratic consolidation. Over time, the executive in Nigeria has displayed horizontal unaccountability through their highhandedness and disregard for legislative summons. A recent example of this contempt is the failure of President Buhari to honour the

summon of the House of Representatives to discuss the state of insecurity in Nigeria on December 10, 2020⁷.

Democratic consolidation thus incorporates vast criss-crossing or variegated governance issues that border on people-centred government, and responsive political leadership that is absolutely accountable to the electorate. It also implies permanence of the regime. This is not to say that consolidated democracies are immune against political squabbles⁸. Even in old and stable democracies, instability resulting from political upheavals which in turn result from dwindling economic fortunes – can culminate in social distortions. This pattern can be seen in recent anti-austerity demonstrations in Europe in 2011 and 2012 which were the result of the global economic recession that began in 2008.

Two impediments to democratic consolidation had been outlined⁹. These are the threat of ethnic conflicts in multi-ethnic states, and the disenchantment by citizenry which arises from the inability of democratic regimes to deliver democratic dividends to improve the living conditions of the masses⁹. This is precisely the case in the ‘third wave’ democracies, especially those that evolved in the 1990s in Africa – including Nigeria. In these countries, there has been growing disenchantment of the citizenry because of worsening social conditions of the people after more than a decade of the start of democracy. Democratic consolidation therefore means much more than mere existence of institutions and periodic elections.

2.2 Theoretical Review

2.2.1 Representative Theory

The principle of representation is very critical for modern democracy. This is because, contemporary states; “involve large demographic and population sizes, multiculturalism, multiplicity and complexity of interests, maturity and age-related conditions for active

participation”¹⁰. Hence, democracy in its classical sense the principle of popular participation sense has become practically impossible today because of the size of the contemporary polity. This is far higher than the Athenian city-state which is closer to the realization of the ideal of popular participation.

In order to overcome the challenges posed by the size, complexity and multicultural nature of the modern state, political theorists have come out with different philosophies, models and variant of democracy; all of which could not be discussed here. Democratic theory is in a state of flux¹¹. There are almost as many differences among thinkers within each of the major strands of political analysis, as there are, traditions themselves”.

Broadly however, democracy can be seen within the prism of participatory, liberal or representative, and social democracy. Participatory democracy strives to create opportunities. Participation of citizens is at the very heart of the idea of democracy especially citizens committed to democratic values. Mindful of their civic duties those who become involved in political activities are the lifeblood of any modern democratic system¹². Democracy experienced great transformation by the beginning of the nineteenth century, when it was beginning to be thought of as the right of citizens, to participate in the Representative Theory

2.2.3 Development Theory and Democracy Discourse

Development is a social transformation of society on a gradual process. Development is an advancement in the social way of living, including economic and political system¹². It centres on gradual change and response to internal and external factors that accelerate development. Democracy and democratic consolidation are catalysts for

national development in the contemporary world. Democracy is about improvement of the society; that a state or nation that wants to improve on its social-political existence need democratic system of governance¹².

Democracy and development goes together, society that want to overcome her political challenges cannot do without democracy, it is an ingredient for socio-economic development, peace and stability¹³. The previous political system of government like oligarchy, dictatorship and autocratic style of administration breed despotic leader which on the long run promote social discontent and political instability. There is no alternative to modernization of human society through gradual development based on democratic practice. Western Europe, United States and China are politically and economically stable today because of stable democracy and good leadership.

2.2.4 Governance Theory

Governance turned into a notable approach apparatus in the mid 1990s after the exit of the Cold War in 1989. Governance had been connenected to another method of overseeing by the key entertainers at International Community, because of their disappointment with the wastefulness and wrongness in asset assignment and usage by numerous sovereign countries the vast majority of whom are in the emerging democracies¹⁴. This may be connected to the absence of comprehensiveness of other basic partners in strategy plan and usage.

In like manner, just an all around educated and taught populace can be trusted to assume the dynamic job in administration true to form of them under the administration worldview¹⁵. Besides, in spite of the confinements of the Governance hypothesis, it despite everything stays a more considerate hypothesis contrasted with the Elites

hypothesis to the extent that it thinks about the necessities and desires for the majority in strategy detailing and execution, despite the fact that this is practiced through their chosen agents. The above along these lines surmises that there must be a solid cooperative energy between the political procedure and administration in Nigeria, with the end goal that if the Nigerian political procedure rejects the individuals by not taking into contemplations their necessities and desires and reflecting them in key arrangements and choices, it is destined for disappointment.

This is on the grounds that since the ability to practice political authority is gotten from the individuals through free and reasonable decisions held occasionally, any enemies of individual's strategies and projects would mean a definitive loss of the ability to speak to the individuals by the political class¹⁶. This infers great administration which depends on the advancement of the overall government assistance of the populace is the real stage for the proceeded with exercise of political expert in a majority rule government like Nigeria.

2.3 Review of Empirical Studies

The elections in Africa, using the 2015 elections in Nigeria to show the significance and effect of credible elections to democratic consolidation was examined in Nigeria¹⁷. Situating its argument within the context of Staffan Lindberg theoretical postulation. While it can be argued that elections are not enough for the consolidation of democracy, elections are fast emerging as a significant component of democratization. Not least, because their regularity has enhanced freedom and liberalization, but also because they have been the cause and/or effect of democratic consolidation.

As a key component of democracy, elections have become the barometer and template upon which other liberal democratic principles are institutionalised. The study adopts a qualitative analysis drawing data from PhD field work conducted in 2014. It also makes use of available texts from INEC document, elections observers' reports, data from Freedom House and Polity scores and other documentary evidences to analyze the election. The study argues that, regularities of elections have potential for democratic improvement and that the 2015 elections have restored Nigeria back on the path of democratic consolidation through elite acceptance of electoral outcome, electoral turnover, elite pact and consensus, coordinated opposition and effective electoral management. It further suggests that more democratic reforms are required to ensure strengthening of the electoral process and institutions in the interest of democratic consolidation in Nigeria.

A study on Electoral Process and its Workability through adult Education Programmes was examined in Nigeria¹⁸. The study has carefully perused the title, Nigerian electoral process and it's Workability through adult education. In the process it conceptualized election, electoral process, education, and Adult Education as a major approach of achieving a workable Nigerian electoral process through the realistic adult education programmes which are capable of re-orientating the eligible votes. The paper also mirrored briefly the historical background of the Independent National Electoral Commission in Nigeria. It also considered three adult education programmes through which the Nigerian electoral process can become viable and finally, suggestions were made. They include: adopting A-Two party system as against multi-party system; ensuring realistic campaign process by political parties among others.

The dynamic nature of election observation in democratizing states was explored in Africa¹⁹. The study examines the relationship between the political incentives of

international organizations and the actions of their election observer missions. Specifically, it focuses on the politics that surround the election observation missions deployed by the African Union and the Southern African Development Community and compares them to their Western counterparts, the European Union and the Commonwealth of Nations. By comparing and contrasting the political agendas and biases of these organizations, this work establishes that all organizations have political incentives when it comes to election observation.

While these biases may vary depending on the organization, whether they are independent actors or extensions of powerful states, they provide an understanding of the complexities involved in election observation and offer insights into international organization behavior. This work finds that African international organizations are taking a more prominent place in the political affairs of their member states and influencing the nature of election observation. As election observation continues to be a growing industry that increasingly includes regional actors, this dissertation examines the implications of this shifting political environment. The findings of this work emphasize the importance of paying closer attention to regional actors in election observation.

A study on the effects of Electoral Malpractice on the Path to Democratic Consolidation was carried out in Nigeria²⁰. The conduct of free and fair elections provides a yardstick to measure the quality of democracy in a country. Credible elections are the platform on which the populace partakes in democracy by electing representatives of their choice as public office holders. This process enhances the confidence of voters in democratisation, and rekindles the prospect of consolidating democratic institutions,

particularly in democratising states. The conduct of elections in Nigeria since 1999 has been inundated with spiralling malpractices in the electioneering process.

The trend has worsened with each round of elections, as typified by the 1999, 2003 and 2007 polls. During these three elections, rigging, violence and intimidation flourished. How do such malpractices affect the quality of Nigeria's democracy? How do electoral malpractices affect the outcome of elections in Nigeria? Can democracy be consolidated in Nigeria in the face of elections that do not reflect the will of the voters? How can Nigeria chart a credible path towards stabilizing the country's democracy? This study made use of qualitative data. It argued that it is not the regularity of elections that can strengthen democratic heritage in Nigeria, but how transparent the country's electoral process is.

A study on elections and democratic consolidation with reference to the 2019 General elections was carried out in Nigeria²¹. Elections are central to the existence, stability and development of democracies; and political parties play significant role in such democracies. The viability and preference of democracy as a form of government above others is predicated on the unique prominence, relevance and opportunity it affords for popular participation. It is against this backdrop that this work examines the successes and challenges recorded in the 2019 General elections in Nigeria with a view to providing a better alternative for an improved election in the future.

This study adopted the Elite theory by Gaetano Mosca, Vilfredo Pareto and Robert Michels as its framework of analysis. The data used for this study were collected through the secondary sources which were obtained from the review of related literature. Despite the appreciation that only credible election can consolidate and sustain Nigeria's

nascent democracy, election often result to confrontations that continue to threaten the political stability, peace and the very existence of the nation. The major findings of the research are: that the 2019 general elections were to a large extent fraudulent as they did not largely reflected voters choice due to inflation of election result figures, multiple voting, falsification of election results, delay in commencement of voting, result manipulation and wholesale subversion of the will of people which were largely perpetrated by the incumbents. The study also found out that the 2019 general elections have lower democratic quality and higher credibility deficit as compared to 2015 general elections. Most voters were induced with money by politicians both those in power and those seeking to be in power to influence voter's choice of candidate or political party in order to retain or capture political power. The research recommends that the areas that recorded significant improvement should be maintained while in the areas where there were of challenges should be looked into against future elections.

A study on the trends in electoral violence was conducted in Nigeria²². Since the Independence era, elections in Nigeria have been characterized by high scale of electoral malpractices, money politics, electoral violence and the use of ethno-religious divide in order to influence the voting patterns of the electorates. Electoral violence is one of the strategies employed by Nigerian politicians during electioneering period. Desperate and power drunk politicians often sponsor unemployed youths and stark illiterates to carry out assault on their perceived political opponents with a view to manipulating election results to their own advantage.

A study on ethnicity and religion: key indicators in electoral system was carried out in Nigeria²³. Since the amalgamation of Southern and Northern protectorates by the

Governor- General, Sir Fredrick Lord Lugard in 1914, Nigeria has passed through different phases of political development. Prior to Nigeria's political independence from Great Britain, there were three dominant political parties that enjoyed large followership based on ethno-religious lines. The Action Group (AG) was led by Obafemi Awolowo, Samuel Akintola and Anthony Enahoro. AG was a political party that held sway in the Western region dominated by the Yoruba and Edo ethnic groups. The Northern Peoples Congress (NPC) was formed by leading politicians such as Sir Ahmadu Bello and Tafawa Balewa. NPC was the predominant party of the Muslim dominated Hausa/Fulani tribes of Northern Nigeria. National Council of Nigeria and the Cameroons (NCNC) led by Dr. Nnamdi Azikiwe protected the interests of the Ibo speaking people of Eastern region who are mainly Christians. Intra-party conflicts within AG, election rigging and tribal politics in the early 1960s' prompted the military to stage a coup d'etat on January 15, 1966.

Between 1966 and 1979, Nigeria was under different military regimes. The political parties that emerged shortly before 1979 General Elections also followed the patterns of Nigeria's First Republic. The National Party of Nigeria was the successor party to the defunct NPC. The Unity Party of Nigeria rode on the success of AG in Western Nigeria, while the Nigerian People's Party (NPP) took the baton of Eastern region politics from NCNC. Results of the Presidential Elections of 1979 and 1983 respectively showed that Nigerians voted along ethno-religious configurations. The 2011 Election epitomized ethno-religious divide in Nigeria. The emergence of President Goodluck Jonathan from the Christian South- South minority ethnic group sparked large scale violence in the Muslim dominated Northern states of Nigeria. Several Christians

and Southerners were unjustly killed after the announcement of the results²³. Already, top politicians are beginning to use religion and ethnicity as propaganda in order to appeal to the consciousness of Nigerians. By February 2015, another Presidential Election was held in Nigeria. It is against this background that this study examines to what extent will ethnicity and religion influence voting patterns in Nigeria's upcoming elections. The research advocates for a massive re-orientation of both the political class and the electorates in order to put Nigeria on the right track for all round development. A study on voting without choosing: Ethnic Voting Behaviour and Voting Patterns in 2015 Presidential Election and Implications for Institutionalisation of Social Conflicts was carried out in Nigeria²⁴. Nigeria's 2015 Presidential Election was widely seen as competitive, fair and less violent than other elections since the transition to democracy in 1999. This study does not argue otherwise. Rather, it problematizes ethnic voting behaviour and voting patterns observed in the election and raises questions about their implications for institutionalisation of democracy and social conflicts in Nigeria. It argues that while scholarly examinations portray the presidential election results as 'victory for democracy', not least because an incumbent president was defeated for the first time in Nigeria, analysis of the spatial structure of votes cast reveals a predominant pattern of voting along ethnic, religious and geospatial lines.

It further contends that this identity-based voting not only translates into a phenomenon of 'voting without choosing,' but is also problematic for social cohesion, interethnic harmony and peacebuilding in Nigeria. The relaxation of agitations for resource control in the Niger Delta throughout President Jonathan's tenure and its revival in post-Jonathan regime is illustrative of the dilemmas and contradictions of ethnic voting and

voting without choosing in Nigeria. This observation draws policy attention to addressing structural underpinnings of the relationship between ethnicity, geography and voting behaviour in Nigerian politics so as to consolidate democratic gains and enhance democratic peace in Nigeria.

A study on the Geographical Pattern and Structure of the 2011 and 2015 Presidential Election was conducted in Nigeria²⁵. Election results in Nigeria were examined for pattern, structure, and association with socioeconomic variables. There was a clear indication that the dominant political parties have appeal along regional lines, this changed slightly for APC in 2015 but remained the same for PDP. Polarization was found at the national level. Correlation analysis shows there is significant association between voting rate for parties and the average household size, prevalence of malnutrition among 5 year olds, tribalism index and indices of ease of doing business.

The study highlights the spatial structure of the votes casted by the electorate and how action of individuals create a pattern which has serious implications for the direction taken by politicians. As such there is need for electoral agencies to intensify effort on voters' education, discourage use of ethnic and religious sentiments during electoral campaigns and ensure increased voters participation. A study on Political Stakes and The Changing Patterns of Elections: A Comparative Assessment of the 2015 and 2019 Presidential Elections was carried out in Nigeria²⁶. The study offers a contextual discourse on the nature of political stakes and the changing dynamics of elections in Nigeria by comparing the 2015 and 2019 Presidential elections as its main focus of analysis. Using qualitative technique which involves the use of secondary sources and personal interviews with certain key actors and experts in the political narrative of

Nigeria, the article is able to predict that elections and voting patterns are driven by certain agendas and discourses that are not only used by the political actors but by the media and all its communication tools to further project, set and define the key topical issues in the electoral process.

These discourses and agenda-setting ultimately influence the pattern and further raise the stakes in the elections given that voters are already stuck with these issues, which ultimately informed their choice of candidate. Thus, within the Nigerian context, these discourses are used to heavily influence voters' choices and to define the direction of the voting, as evidenced in both the 2015 and 2019 Presidential elections in the country.

A study on Contentious Elections, Political Exclusion, and Challenges of National Integration was examined in Nigeria²⁶. The roles of hate speech, ethnicity and region were very central to the 2015 general elections in Nigeria.

Essentially, the elections created “mobilisational gaps”, built around religion and ethnicity. These factors shaped the pre- and post-election periods and divisions between ethnic groups associated with the incumbent regime (in-group) and other ethnic groups (out-group). This triggered widespread inter-group mistrust and insecurity which have conducted into post-election appointments along primordial lines like religion, region and ethnicity. Consequently, political inclusion and national integration have become elusive. Despite the emphasis of Goal #10.2 of the 2030 Agenda for Sustainable Development on political inclusion of everyone irrespective of race and ethnicity, post-election appointments have been divisive.

Using qualitative research approach, this study investigates the link between the outcome of the 2015 presidential election, political exclusion and national integration in Nigeria. It posits that democratisation of politics is the panacea for political tension in Nigeria. A study on elections and democratic consolidation with reference to the 2019 General elections was carried out in Nigeria²⁷. Elections are central to the existence, stability and development of democracies; and political parties play significant role in such democracies. The viability and preference of democracy as a form of government above others is predicated on the unique prominence, relevance and opportunity it affords for popular participation. It is against this backdrop that this work examines the successes and challenges recorded in the 2019 General elections in Nigeria with a view to providing a better alternative for an improved election in the future.

The study adopted the Elite theory by Gaetano Mosca, Vilfredo Pareto and Robert Michels as its framework of analysis. The data used for this study were collected through the secondary sources which were obtained from the review of related literature. Despite the appreciation that only credible election can consolidate and sustain Nigeria's nascent democracy, election often result to confrontations that continue to threaten the political stability, peace and the very existence of the nation. The major findings of the research are: that the 2019 general elections were to a large extent fraudulent as they did not largely reflected voters choice due to inflation of election result figures, multiple voting, falsification of election results, delay in commencement of voting, result manipulation and wholesale subversion of the will of people which were largely perpetrated by the incumbents.

The study also found out that the 2019 general elections have lower democratic quality and higher credibility deficit as compared to 2015 general elections. Most voters were induced with

money by politicians both those in power and those seeking to be in power to influence voter's choice of candidate or political party in order to retain or capture political power. The research recommends that the areas that recorded significant improvement should be maintained while in the areas where there were of challenges should be looked into against future elections.

2.4 Conceptual Review

2.4.1 Concept of Election

An election is a formal group decision-making process by which a population chooses an individual or multiple individuals to hold public office. Elections in Nigeria are forms of choosing representatives to the Federal Government of Nigeria and the various states and local government councils in Nigeria²⁸. Elections have been the usual mechanism by which modern representative democracy has operated since the 17th century. In many places, an election to the government is usually a competition among people who have already won a primary election within a political party²⁹. Elections may fill offices in the legislature, sometimes in the executive and judiciary, and for regional and local government³⁰.

The universal use of elections as a tool for selecting representatives in modern representative democracies is in contrast with the practice in the democratic archetype, ancient Athens, where the Elections were not used were considered an oligarchic institution and most political offices were filled using allotment, by which officeholders were chosen by lot. Electoral reform describes the process of introducing fair electoral systems where they are not in place, or improving the fairness or effectiveness of existing systems.

Electoral systems are the detailed constitutional arrangements and voting systems that convert the vote into a political decision. The first step is to tally the votes, for which various 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 majoritarian. Among the former are party-list proportional representation and additional member system. Among the latter are First Past the Post electoral system (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. While openness and accountability are usually considered cornerstones of a democratic system, the act of casting a vote and the content of a voter's ballot are usually an important exception.

The secret ballot is a relatively modern development, but it is now considered crucial in most free and fair elections, as it limits the effectiveness of intimidation. Elections could be seen as institutionalized procedures for the choosing of office holders by some or all the recognized members of a society. So an electoral system exists to provide the electorate with opportunity and the right to choose their representatives and maintain contact with them. Hence, for an electoral system to be democratic, it must provide for equal electorate and the freedom of the electorates to make a real and meaningful choice devoid of coercion or intimidation.

In effect, 'election would be deemed to be democratic-and hence good if it is free and fair and not based on patronage of any kind'. Therefore, elections in Nigeria though seen as a means of controlling the government; within context of electorate's participation reveal a rather disturbing 'state' that has called for serious concern. Since the transition to democracy in May 1999, the country has conducted six general elections, each marred by various irregularities and controversies, thus raising emerging and competing issues³¹. The Nigerian electoral process since independence has gained an unenviable reputation for fraudulent practices.

“Elections are means of selecting representative of the people in different public positions within the polity”. It was stressed that Elections are critical aspects for democratic governance of modern political societies. They are considered as apparatus for political choice, mobilization and accountability. In the liberal democratic paradigm that has become the most popular form of democracy in today’s globalization era, elections are expected to cushion transition from one civilian regime to another and ease in legitimizing sitting governments⁵. Electoral process is a pillar of democracy because it gives effect to the right to govern by consent. Election as a way of selecting ‘good types’ of politicians who would pursue the common good instead of their factional interests⁶. Election is known as a post mortem of the record of those in office, whose performance may have little to do with promises made when they were last elected”⁶.

Electoral System

Electoral system is a process by which citizens of a given democratic entity elect representative to handle their machinery of government. This is done through vote casting. Electoral system is only one factor in the evolution of a party system, but the effects of different electoral system can be found in the structure, ideology, the pattern of the party interaction and the members of the parties that compete in the political system¹⁵. An electoral system consists of more than the method of counting votes cast by the voters.

A full description of an electoral system would include such factors as the extent of franchise that is, who is entitled to vote? It would include the rules relating to the candidates and parties, and those regulating the administration of election, especially the provision against corruption. Electoral system is the institutionalized arrangements by means of which an election is conducted and the purpose of the election fulfilled³².

Concept of Election Observation

Election observation is an important tool towards promoting democracy and good governance in the society. The presence of impartial and credible observers creates a kind of legitimacy and confidence in the electoral process of the host country³³. Due to this important role played by the election monitoring team, the system accommodates set of categories who will involve in the monitoring of election to ensure smooth and free exercise in the process of transferring power from one civil administration to another. These include: the States, Intergovernmental Organizations (IGOs) and Non-Intergovernmental Organizations (NGOs).

The States – The invitation of States to monitor election has to do with relationship of the host country with other countries. The bilateral or multilateral relations of a country can influence the host country to call on friendly countries within and beyond its region to witness and monitor the conduct of election in its country³³. For instance, Nigeria's cordial relationship with Ghana, South Africa, Algeria, and Morocco among others, can influence the host country's decision to call on these mentioned countries for election monitoring.

Intergovernmental Organization – The IGOs is international organizations. This organization is another monitoring team that see to the smooth conduct of election in a particular country. The IGOs includes, the Commonwealth, the European Union, United Nations, African Union, Economic Community of West African States, the South African Development Community among others³⁴.

Non-Governmental Organization – the NGOs are mostly independent and non-profit oriented international organizations. They are also charged with the responsibility of

ensuring free, fair and credible election as part of the process of transferring power from one administration to another³⁵. These organizations include National Democratic Institute (NDI), Carter Centre, International Republican Institute (IRI), Election Institute for Sustainable Democracy in Africa (EISA) among others³⁶. It is important to note at this juncture that, the arrival of the election observers, most especially the international election monitoring team to a country is usually on the invitation of the host country³². Therefore, every country will like to showcase to the world, how transparent their democratic process is. In other word, the involvement of the international election monitoring assist in bringing sanity to the electoral process.

Election Observers

The election monitoring teams are of two types. The Domestic/Local Observers and the International/foreign observers. The domestic or local election observers are the voluntary group or team and non-profit organization who are charged with the responsibility of ensuring smooth and peaceful conduct of election. This monitoring category are within the country serving as a watchdog to the government of the day in order to ensure that the wishes and aspirations of the masses are fulfilled. Similarly, the international or foreign observers could be described as the official delegations who are in the country on the invitation by the host country to observe and make comment on the process of transferring power from one administration to another. This category are deployed and mostly sponsored by the international organization (i.e. the intergovernmental organizations) ³⁷.

Hence, both the domestic and international election observers have a common mission of ensuring transparent and smooth conduct of election in a country. However, scholars

have observed that in African election, mostly the domestic observers are more active than the international observers, due to the fact that the former have mastered the election terrain and the constituencies where election fraudulent often taken place²⁰. At the same time, the domestic observers mostly stationed themselves at one polling unit during the election which prevented any forms of rigging or election fraudulent to take place in that unit. While the international observers are mobile observers who moves from one polling unit to another during an election.

Today, the international monitoring of elections has become so common that refusing to invite foreign observers is seen as a signal that a regime has something to hide²¹. Among the media and in policy circles, the importance of election monitoring is almost universally accepted. As noted in the Declaration of Principles for International Election Observation, international election observation is a widely accepted means of providing accurate and impartial assessments about the nature of electoral processes³⁸. Accurate and impartial international election observation calls for credible and reliable methodologies and cooperation with national authorities, the national political competitors (political parties, candidates and supporters of positions on referenda), domestic election monitoring organizations and other credible international election observer organizations. Observing the electoral process is an important integrity-safeguard mechanism³⁹.

It is one of the checks-and-balances that protect the viability and honesty of election administration, as well as the participation of political parties, candidates and interest groups. In addition, observation promotes compliance with the legal framework and deters questionable activities and potential

conflict. Public reporting by observers increases transparency and helps ensure election officers' accountability. An observer has an obligation to know exactly what to observe. Election observation is not about seeking for fault but an objective assessment of the election process. At the minimum, it requires adequate appreciation of the electoral laws, rules, procedures and processes of the electoral system that is to be observed³⁹. It is important for a prospective Observer to study the field manuals for election officials and also have an idea of the enabling laws and a baseline understanding of the political system that is being observed³⁹. Observers can verify that governments are indeed playing by the rules, which can be important in quelling "sore loser" protests, increasing voter confidence, assisting the international community in assessing the legitimacy of the elections, and in theory, promoting democratization. And when governments do not play by the rules, observers can reduce fraud that would otherwise occur and condemn governments for election manipulation, sometimes validating domestic protest, as happened in Georgia in 2003 and Ukraine in 2004³⁹.

In a simplified manner, election observation includes observation of processes and activities organized before, during and after elections; Collation of facts and observations that have been noted; interpretation of the facts gathered against the background of the laws governing elections; and detailing the findings so collated and the interpretations arising from the reports. In this regard, election is an election when the votes of the peoples count; the general acceptability of any election largely relies on the legal framework and mode of conducting it i.e. whether it is "free and fair"⁴⁰. The functionality of international election observers

therefore becomes necessary in determining electoral integrity of any country of the world. They provide general baseline to measure its credibility, fairness and transparency. Thus, acknowledging its indispensable role in ensuring sustainable democracy across the world.

2.4.2 Contribution of Election Observers to African Democracies

The presence of election monitoring team in an election is not only aim to detect and deter fraud but also to increase the credibility of election⁴⁰. Therefore, the introduction of election monitoring group into African election has assisted and strengthened more the democratic consolidation in the continent. These are some of the merit of involving election monitoring group into African electoral process:

Credibility – the presence of international observers in the African election has arguably demonstrated to the entire world that the continent is mature enough to nurture its democracy without any violence. The transparency displayed in the process of the African electoral process for the continent to have invited the international observers to grace the process of transferring power from one administration to another, itself is a credit to the African countries⁴⁰. Mostly, after the election, the observers will submit the reports of the conduct of election to the organizations whom they represent which will be made public to the entire world. Positive comments or a report of an election given by the election monitoring group promotes the practice of democracy in Africa and vice versa.

Popular Participation – the presence of international election observers in a country to witness the conduct of election will boost the morale and participation of the masses in the electoral process. For instance, the 2015 general election in Nigeria where people

were of the view that the poll would be characterized with violence and to the extent that people were envisaging another civil war in the country⁴¹. However, the presence of international observers in the country then, gave assurance to the masses that they can go out to cast their votes to the best candidates without any intimidation or maim⁴¹. For that reason, the international election observers serve as the motivating factor to the electorates which made them to come-out en masse to perform their civic rights and obligations.

Free and Fair – one of the basic tenants of the democracy is for an election to be free, fair and transparency. The involvement of international election observers assisted an election to be free and fair. This is because both the incumbent and opponent will want the election process to be transparent and flawless, particularly since such involve the international observers. Arguably, such will influence the observers to comport themselves towards ensuring free, fair and transparent process of changing power from one administration to another⁴¹.

Democratic Quality – the presence of international observers enforced the doctrine and principle of democracy on the countries in Africa⁴¹. The struggle for political seat or power among the politicians and their political parties is cautioned by the presence of the international observers. This makes the political system and the system of democracy to be played according to the rules. Since no nation or country will like to be projected negatively by the international community, thus the presence of the international election monitoring team encourages them to shun all forms of violence during the conduct of election⁴².

Having mentioned some the benefits attributed to the involvement of the international election observers in African election, many scholars have pointed to some of the abnormalities and atrocities committed by the international observers during the conduct of monitoring the election in the region.

Arguably, some of these errors perpetrated by the international observers are capable of truncating or jeopardizing the African democratic consolidation if adequate measure is not put in place. Hence, the following are some of the atrocities involved in by some international election observers:

Bias and Double Standard – the election observers have been accused of taken side in an election which made them to be either bias or playing double standard in an election⁴³. The observers are expected to be neither favoring any political party or candidates nor partisan in the election, rather than to ensure the smooth conduct of the polls during the election. But, the international observers have been accused of being bias and playing double standard in an election⁴². For instance, the report of the international election observers over Kenya's Presidential election was positive where observers claimed that the election in the country was free and fair.

However, it was surprised when the Kenya's Supreme Court nullified the election and described such as neither sufficiently transparent nor verifiable. Similarly, since 2004 in Mozambique both the international and domestic observers have been faulted of non-transparent⁴³. In addition to the flaws committed by the election observers, the role played by the international observers during the 2009 Mozambique general election was described as been bias which had made the opposition parties and other concern groups to have filed complaints about fraud committed during the election which the election

observers overlooked⁴⁴. This act is dangerous to African democratic consolidation and at the same time, it is capable of making the African continent not having trust and interest in the report of election observers.

Influence by the Ruling Party –most African countries are facing with the challenges of sit-tight syndrome where African leader will like to be in power or government permanently⁴⁵. As a result of this, the sitting/incumbent administration can maneuver its way to ensure that the invited election observers are bribed in order to influence their reports on its election irrespective of the level of election's fraudulent, violence or intimidation of opponent by its party⁴⁵. This act has been put unchecked which can arguably affect African democratic consolidation.

2.4.3 The Role of International Observers in Nigeria's Fourth Republic

The role of observers is to offer an independent assessment of the electoral process within a broader program of democracy promotion. Professionalized observer groups themselves are interested in providing accurate election reports, as their reputations dictate future invitations to elections as well as their own credibility⁴⁶. Election observation and monitoring has become a common trend among development agencies and donor countries. These groups send contingents of individuals to monitor elections in the developing world to ensure that electoral process has succeeded accordingly to a standard of "free and fair election"⁴⁶. The wholesome of the general appraisal of election necessitates pre-election environment, the conduct of an election and the post-election activities. The international election

observers assess the pre-election environment on the basis of legal framework, preparedness, logistic, materials put in place and the political atmosphere of the state, while the election activities provide the general insight into the level of freeness and fairness of an election, while the post-election itself combine the overall computation of an election which may incorporates justifiability of the election results with the total number of people registered vis-à-vis the number of electorates voted during an election as well as the acceptability of the election results by the electorates, civil societies and the contending political parties⁴⁷. Evidently, having considered the pre-election, election and post-election atmospheric platforms in 1999, 2003 and 2007 by international election observers, it could be concluded that the elections were poorly organized, coordinated and conducted as it was apparent in snatching of ballot boxes, violence, monetization, falsification of election results, intimidation by political thugs and all sort of electoral insolence. Conversely, the 2011 elections were appraised as free and fair based on the reports of various international electoral observers in Nigeria⁴⁸. In this regards, the role of international election observers cannot be quantified in sustaining ideal democratic order across the globe. The case of Nigerian fourth republic reflects how these various international election monitoring bodies ensured that the electoral pursuits were coordinated according to democratic guidelines, validated through their various assessments and recommendations in the previous elections that were marred with riggings and other unconventional electoralpractices in the country⁴⁸. The 2011 election was globally appraised as conducted according to democratic standard in Nigeria. Noticeably, the

previous reports by international election observers in Nigeria provide a congenial ground for remodeling of the sordid areas in Nigerian electoral processes.

2.4.4 Legal Framework for Conduct of Elections in Nigeria

Elections are an important aspect of liberal democracy. The integrity and credibility of elections are strong measures of a deepened democracy in a country. In every country where democracy thrives, stringent laws exist to guide the conduct of polls. However, because it is through elections that people decide who occupies particular elective public offices, politicians and groups sometimes resort to the use of vile unscrupulous methods to win elections⁴⁹. Therefore, it behooves any political entity to put in place rules and regulations that all stakeholders in the electoral process must obey. These regulations also spell out the punishment to be meted out to any ailing individual and group that engages in electoral malpractice⁴⁹. In Nigeria, the legal framework that defines how elections in the country are conducted, what constitutes electoral offences, and how offenders are punished is found in the Constitution of the Federal Republic of Nigeria 1999 and the Electoral Act 2010, as amended.

The 1999 Constitution deals mainly with the structures necessary for the conduct of elections for the various political offices in Nigeria and the constitution of the electoral body, the Independent National Electoral Commission (INEC) as well as Election Tribunals. By contrast, the Electoral Act 2010 contains detailed definitions of electoral malpractices and the punishment accrued to them³³. For example, the 1999 Constitution in sections 76, 77 and 78 provides the modalities for electing members of the National Assembly and the qualifications of Nigerians who can vote during National Assembly

elections³³. Similarly, sections 116, 117 and 118 of the Constitution contain information on how and when elections for State Houses of Assembly are to be conducted⁵⁰. Furthermore, as it affects the office of the President of the Federal Republic of Nigeria, sections 131, 132, 133 and 134 of the 1999 Constitution specify the qualities of any Nigerian who wishes to contest in a presidential election, and how he or she will emerge as a president-elect in a national poll. Specifications are also stipulated for candidates seeking elections to office as State Governor in sections 177, 178 and 179. In order to resolve disputes arising from elections for the above offices, section 285 of the 1999 Constitution makes provision for the establishment of Election Tribunals at the state and federal levels to handle such disputes. In the Third Schedule, Part I, sections 14 and 15 of the Constitution provide for the establishment of INEC, the qualities of its chairman, and its functions and powers.

Challenging election results can lead to post-election protests. These protests can be peaceful and lead to election reform and to broader changes to the political and economic system of the country. At the same time, however, such protests can become violent and can have important consequences for the political stability and for the advancement and consolidation of democracy in the country. How prevalent are challenged elections around the world? And how often do they lead to protests?

Beyond Election Day, reports on gerrymandering, illegal campaign finance, unfair news coverage and government manipulation of results are just some of the many issues that elections face across the world⁵¹. It is safe to say that all elections –regardless of where they are held- experience problems. On the one hand, these problems have to do with governments, political parties, candidates and other actors actively trying to

manipulate the electoral process and its outcome for their own or their parties' interest. This has been labelled as "electoral malpractice" and takes three main forms: the manipulation of the legislative framework of elections, the manipulation of the choices of individual voters or the manipulation of the administrative process of voting⁵¹. These malpractices include gerrymandering, disenfranchisement, the improper use of state resources in campaigning, violating caps on campaign spending, bias in media coverage, vote buying and voter intimidation and coercion, amongst others. Manipulation can go beyond these three main areas and can occur both before the start of the electoral process and after its conclusion⁵². The manipulation of the timing of elections and the illegal financing of party war chests fall in this category. On the other hand, not all problems in an election are about wrongdoing. In these cases, irregularities are unintended and have to do more with human or technical errors and mistakes or a lack of resources. Ballot miscounts by tired or poorly trained election officials (or working at night with poor lighting conditions), bad quality in voting ink, flawed logistics for distributing election materials or an out of date electoral roll are just some examples of this. This is in line with a second classification stating that problems regarding the integrity of the election can be of first and second order. First order problems are commonly related to major violations of human rights and large scale fraud, illustrated by actions such as the imprisonment of opposition leaders and voter coercion by security forces, while second order problems are about "more mundane issues of maladministration, lack of technical capacity or human error"⁵¹.

Regardless if they are intended or unintended, first or second order, all these types of malpractices can have important consequences. In fact, "electoral malpractices are

intrinsically important as the lynchpin of liberal democracy⁵². First, they can modify the outcome of the election (this of course, depends on the closeness of the race and the extent of the malpractice). Second, they can affect the quality of future elections. For example, if not addressed, gerrymandering and mal-apportionment will remain a problem for the future. Third, they can affect the credibility and legitimacy of the regime and its institutions and shape how people see democracy³⁵. Finally, malpractice usually leads to challenged election results. Irregularities and flaws in elections can translate into frustration and anger and lead to unrest and violence.

2.4.5 Strengthening Elections

Living in a democracy increases the chances that elections will not be challenged. In democracies with free and fair elections losers are more likely to comply with the results as they believe they will have a sufficient chance to win in the future³⁶. Democracies are self-reinforcing. However, this is not enough. Democratic countries also experience episodes of protests and violence. Therefore, the focus must be on strengthening the integrity of electoral processes. This has been highlighted as important for the acceptance of an election by scholars and practitioners⁵³. Electoral integrity is an overarching concept which encompasses many different aspects that occur before, during and after Election Day.

2.4.6 Election Administration

Scholars and practitioners agree that the quality of an election is key for its success and credibility. Election administration is “the missing variable” for explaining the causes and consequences of democratic transitions⁵⁴. In his view electoral procedures are “no simple matter” and have a political side to it, which is very delicate. Technical

problems or even rumours of irregularities can easily lead to boycotts, protests and violence, especially in emerging democracies. After this first work, a number of studies have shown that the quality of an election has a positive impact on its acceptance and on the support and legitimacy of democracy and that of the political system⁵⁴. In short, “the way elections are managed can either make or break a democracy” . For practitioners there is also a rare unity when it comes to highlighting the importance of this aspect. Good examples of this are election observation reports. Usually statements and reports from intergovernmental institutions such as the European Union, the Organization of American States or the African Union or from non-governmental organizations such as the Carter Centre link the success and acceptance of an election to meeting international standards of electoral integrity, to being “free and fair” or to having technical accuracy in the conduction of the electoral process. For instance, the 2010 mission of the Centre for Electoral Advice and Promotion (CAPEL) to the 2010 presidential elections in Colombia indicated that “the election was developed according to international standards which resulted in a decrease in violent acts” (CAPEL, 2010)⁵⁴. Then, on the 2012 report on the Ghanaian elections, the Commonwealth secretariat mentioned that “the elections were found to have been conducted in an open, transparent and inclusive manner, and were therefore considered credible.” Similarly, elections which are not clean and where there is significant fraud fall in the category of flawed or failed elections and are linked to contestants rejecting election results and even to violence and instability. However, election administration is not the only factor behind the acceptance and credibility of an election. Sometimes, elections classified as “free and fair” have been followed by protests and even riots, while

elections with technical flaws have been widely accepted. An example of this is the 1994 elections in South Africa. In January that year, the recently created Independent Electoral Commission (IEC) had less than 4 months to hold the country's first ever democratic election. For the first time ever, the election would include all South Africans over 18 years of age, a six fold expansion of the electorate from the apartheid years⁵⁵.

The task was daunting. In addition, there were many other technical challenges. There was no voters roll, no voter cards and as most of the country had never experienced an election before, there was no record of suitable places to set up polling stations⁵⁵. It was a completely new experience, an experiment almost. On top of that, white extremists opposed the electoral process and conducted acts of violence. On Election Day, there was a shortage of ballots in many polling stations, which also experienced long queues, leading to discontent and fatigue from both voters and poll workers. Complicating matters further, it was discovered that a computer hacker had accessed the counting and tallying system⁵⁵. Nonetheless, in spite of these "technical flaws results were generally accepted by all—voters, parties, and international observers"⁵⁶.

These technical and administrative shortcomings were overcome and results were accepted because of three main factors. First, these elections had Nelson Mandela, a very credible figure and a key symbol of struggle against apartheid. Second, the IEC had a good relationship with political parties and was trusted by them. The IEC set up national, provincial and local inter party liaison committees, where all political parties were represented and were able to discuss matters pertaining to the election and voice their concerns⁵⁶.

2.4.7 History of Election Observation and Monitoring in Nigeria

The history of election observation dates back to the first election held in Nigeria in 1959. The federal elections were structured on the basis of a parliamentary system. It was marred by violence and allegations of electoral malpractices by all parties involved. Nigeria's last Governor-General, Sir James Robertson, invited the Northern Peoples' Congress (NPC) led by Sir Abubakar Tafawa Balewa to form the federal government that would lead Nigeria to independence in 1960. Some saw the invitation as overhasty, given that the two other main parties – the Action Group (AG), under Obafemi Awolowo, and the National Council of Nigeria and the Cameroon's (NCNC, later to become the National Council of Nigerian Citizens), under Nnamdi Azikiwe – had also been negotiating the possible formation of a coalition government⁴⁰. The NPC was seen as being more amenable to the interests of the departing British.

The 1964 federal elections were preceded by outbreaks of large-scale violence and a major party political realignment, which grew out of a crisis within the Action Group, the ruling party in the Western Region, where two main factions fought each other⁵⁷. They had a major policy disagreement within the NPC/NCNC federal coalition government principally over allegations that the 1962/1963 census results had been manipulated to favor the Northern Region. The elections were boycotted in the Eastern Region, in some constituencies in the Western Region, and in four of the five constituencies in Lagos, where no voting took place.

The country had a temporary reprieve from the crisis as a result of an agreement brokered by the Chief Justice of the Federation and the Chief Justice of Eastern Nigeria. Elections were subsequently held in March 1965 in constituencies in the

Eastern Region, Western Region and Lagos where the 1964 federal elections were boycotted. Thereafter a broad based federal government was formed out of all the major parties except the Action Group. Given Nigeria's strategic position in West Africa and in the African continent as a whole, world bodies, especially the UN, felt the need to support Nigeria in conducting peaceful, free and credible elections⁵⁸.

It would appear that Nigeria did not learn from its political past. In 1993, President Babangida's administration annulled the presidential elections won by Chief Moshood Abiola of the Social Democratic Party (SDP). This election was adjudged as the most credible elections ever conducted in the country⁵⁹. The annulment precipitated yet another constitutional and political crisis, which General Babangida attempted to resolve by 'stepping aside' in favor of an Interim National Government (ING).

In response to a challenge by Chief Abiola, the Lagos High Court ruled that the ING was 'illegal' since it was created after General Babangida, who signed the decree creating it into law, had already stepped aside and had no authority to sign. The court also ruled that the annulled presidential election be restored and effect given to the 1989 Constitution. The ING appealed the ruling. But before the appeal could be heard and determined, the ING was overthrown in yet another coup in November 1993 – which, however, has remained the last coup to date – that installed General Abacha, who was virtually the effective head of state under the ING, as military ruler.

Though there were hopes that the Abacha administration would return Chief Abiola's electoral mandate to him, these hopes never materialized. Following his death in 1998, General AbdulsalamAbubakar succeeded him as military ruler⁵⁸. The Abdulsalam administration's transition programme adopted the 1999 Constitution, which is still in

force (though amended in 2010), and ended in May, 1999 with competitive party elections, among newly registered political parties, at the local government level, gubernatorial and legislative elections at the state level, and presidential and legislative elections at the federal level.

However, local government elections conducted by State Independent Electoral Commissions were not held regularly as required after the ones conducted in 1999 under the military administration; in fact in a number of states, governors appointed local government caretaker committees after 2003, in contravention of the constitutional provision under Section 7(1) of the 1999 Constitution that ‘the system of local government by democratically elected local government councils is under this constitution guaranteed. Controversy trailed the conduct of the 2003 state and federal elections, with national and international observer and monitoring teams drawing attention to their substantially flawed nature. Moreover, a concerted move was made in 2006–2007 to change the constitutional provision for a limit of two terms for the president and governors to allow incumbents to complete their constitutionally entrenched two consecutive terms of four years each in office, to run for an extra, ‘elongated’ term⁶⁰. The 2007 state and federal elections declined even more precipitously in their credibility and general acceptability than the previous elections since independence. Election Tribunals nullified not only some state and federal legislative seats, but also the election of six governors (in Adamawa, Bayelsa, Cross River, Ekiti, Kogi, and Sokoto States). The presidential election was also (unsuccessfully) challenged in the Presidential Election Tribunal⁶⁰.

In 2003, the Transition Monitoring Group (TMG), a coalition of over 90 civil society groups, passed a vote of no confidence on the election, and described the events leading to its outcome as fraudulent. The election of 2007 was qualified⁶⁰. The outcome of the 2011 election, touted as a marked improvement on the previous polls was followed by large-scale violence and claims of electoral fraud in favor of the incumbent president. In 2015, the election was remarkably different from the ‘highest bidder wins it’ syndrome characteristic of Nigeria’s previous elections. Its highpoint was the defeat of the erstwhile ruling party, the People’s Democratic Party (PDP), by the All Progressives Congress (APC), a party put together, 2 years before the 2015 election⁴⁸. This development arguably represents a defining moment for Nigeria, given its history of electoral heist and violence. Drawing references from Nigeria’s previous elections, this article contributes to the electoral studies and democratization literature by analyzing the processes and events which shaped Nigeria’s 2019 general elections, the credibility question surrounding the exercise, reactions from the international community and observers, and its implications for Nigeria’s attempt towards democratic consolidation⁵⁸.

2.4.8 Electoral Commissions and Elections in Nigeria

Most Nigerians believe that electoral commissions are central to the problems associated with the conduct of elections in Nigeria⁶¹. The Electoral Commission of Nigeria (ECN) conducted the 1959 elections that led to the first neo-colonial civilian government in Nigeria. The outcome of the election was controversial and it led to the controversial 1964 regional elections in the Western Region⁶¹. The controversies surrounding the 1964

elections were the basis for which the military decided to overthrow the civilian government in 1966⁶¹.

In 1979, FEDECO conducted elections that gave rise to the famous two-thirds of nineteen states' crisis. This controversy escalated because the military were alleged to be in favour of a particular group of people that they wanted to hand over power to. In 1983, FEDECO was seen as instrumental to the return of NPN, the ruling party, into power by announcing that the number of registered voters had increased from 48, 499,07 in 1971 to 65, 304,818, in spite of the fact that the 1979 figure was considered to be highly inflated⁶¹. Similarly, the results of the 1999 elections were seen to have been prearranged with INEC so as to make the electoral process and results legitimate⁶¹. Again INEC was seen as part and parcel of the enormous fraud that characterized the 2003 and 2004 elections. According to the Transition Monitoring Group (TMG), INEC contributed its own fair share of electoral problems in the 2003 elections. The lack of clearly designated compartments for thumb-printing undermined the secrecy of the vote and exposed the voters to machinations of those that would have preferred 'community voting'. INEC also did not make adequate arrangements for the transportation of sensitive election materials to the polling stations and collation centres. Result sheets disappeared and re-appeared in different forms at collation centres whilst corrupt party agents simply sold unused ballot papers to the highest bidder.

Following the reversal of the process for the order of the elections by INEC, voters deserted the state House of Assembly elections. Thus no voting took place in these elections, although winners emerged from the process.

The 2007 elections fell short of national, regional and international standards for democratic elections. They were marred by very poor organization, lack of essential transparency, widespread procedural irregularities and substantial evidence of fraud.

The voter registration exercise conducted by INEC was marred by delays due to lack of available Direct Data Capturing Machines, technical breakdowns and establishment of illegal voter registration centers. The quality of the final voter register was poor and included under age voters, double entries, missing and blurred pictures of voters. The voter register was not displayed at the local level as required by law and was partly posted prior to Election Day for orientation purposes only. Permanent voter registration cards were not issued due to late publication of the final register⁶².

The above observation suggests that electoral commissions in Nigeria have so far tended to serve the interests of the ruling party in power and have thus contributed to election problems in Nigeria. But these observations do not necessarily explain why these commissions do so. There have been instances when the election tribunals set up to adjudicate on the conduct of some elections had established that INEC was partisan, but the full weight of the law was never brought on those INEC officials. Lack of punishment, of course, results in impunity. Elections are conducted with billions of naira, and with frequent nullifications and high turnover of results, billions of naira go down the drain as yet another huge amount of money is budgeted for yet another re-run.

2.4.9 Guiding Principles of INEC

The principles that guide INEC in the fulfilment of its mission and vision are:

- i. Transparency: INEC will be open and transparent in all its activities and its relations with political stakeholders, media organizations, INEC service providers and the people of Nigeria.

- ii. INEC will strive to be truthful and honest in all its dealings with people, its political stakeholders and each other.
- iii. Credibility: INEC will strive to ensure that the people of Nigeria and in particular the political stakeholders will readily accept all its actions.
- iv. Impartiality: INEC will endeavour to create a level playing field for all political actors.
- v. Dedication: INEC will be committed to providing the highest quality election services to the people of Nigeria and will also work to ensure that merit will continue to be the basis for compensation, promotion and recruitment of staff.

The Commission consists of a Chairman who is the Chief National Electoral Commissioner, and twelve other members, known as National Electoral Commissioners. The Chairman and members of the Commission are appointed by the Head of State, Commander-in-Chief of the Armed Forces. In each state of the Federation and the Federal Capital Territory Abuja, there is an office of the Commission and a Residential Electoral Commissioner, who is appointed by the Head of State. The Commission also has a Secretary who is the Administrative Officer of the Commission. Nigeria has a Federal system of government, with different tiers of jurisdiction, involving several levels of elections.

- i. Presidential Elections.
- ii. Elections at the Federal Level, for the Senate and the House of Representatives.
- iii. Elections at the State level, the elections of Governors and State legislators
- iv. Elections at the local government level.

2.4.10 What Constitute Free, Fair and Credible Election

Election Management Bodies, political parties and contestants, the judiciary, the media, the security agencies, the accredited observers, the legislative assemblies, and the electorates⁶². Each of these players has its own role to play towards having free, fair and credible election. For instance, the EMBs, are at the top ladder that is charged with the responsibility of organizing, supervising and conducting the electoral process. Similarly, the political parties produce the candidates that contest as flag bearers. The parties also responsible for the sponsoring or financing the candidate put forward. The media are to sensitize and educate the public or masses on the activities of other actors in the process⁶².

Furthermore, the legislative assemblies are in charge of formulating the legal guide or framework that would serve as a procedure for the conduct of the election. While the judiciary is the arbiter who adjudicates over the election disputes. The security agencies which comprise of police and other civil security agencies are to ensure the election environment is secure and violence free for the stakeholders that would participate in the process. The accredited observers ensure that all the contestants and the electoral bodies are conducting themselves in accordance with the rules and procedures governing the process. In addition, the electorate as one of the players in the electoral process could be described as the main actor that influence actions which serves as the result of election. These are categories of people who are eligible to vote in an election. Without the involvement of the electorate, there will be no voting, sorting, counting, collation, announcement of results and the declaration of winners⁶². For instance in Nigeria, the Section 12 (1) of the country's Electoral Act 2010 stipulated that, "A person shall be qualified to be registered as a voter if such person:

- i. Is a citizen of Nigeria,
- ii. Has attained the age of 18 years
- iii. Is ordinarily resident, works in, originates from the Local Government Area Council, or Ward, covered by the registration centre
- iv. Presents himself to the Registration Officer of the Commission for registration as avoter, and
- v. Is not subject to any legal incapacity to vote under any law, rule or regulation in force in Nigeria .

The above reason is one of the factors that disqualified some people from voting in an election in Nigeria. Similarly, this applicable to other countries as what constitutes the eligible voters and candidate or parties in an election. There should be certain processes, procedures and actions that must have been done in order for an election to be free and fair⁶². And these processes are tabulated and categorized as: before polling day, on polling day and after polling day.

2.4.11 Political Participation of Voters In Electoral System: The Role of the Actors

The involvement of masses in political activities such as election and its sorts, varies from one country to another. This is as a result of many reasons such as economic, religious, societal and environmental factors, personal reasons among others. These create avenue for political participation to be classified into groups namely: political gladiators (these are the contestants), political spectators (these comprised of voters and observers)

and the Apathy (this category does not bother, care or motivate by the political activities in their societies).

Therefore, for popular participation of masses in the political activities in Africa, all hands must be on deck. Meaning that, all the stakeholders involved in the electoral process have significant roles to play towards mass mobilization and awareness on the need for the public to partake in the selection or process of appointing leaders who will represent their interest during the decision making. The following are the roles expected to perform by the stakeholders of an electoral process so as to encourage people participation in the political activities:

- i. Mass Media – “a free press is inevitable for democratic consolidation and citizen participation both during and after election”. Media is avenue for public expression and it also a medium through which the political parties reached out to their supporters. For that reason, media need to create awareness and orientation on the positive effect of public participation in the political activities.
- ii. Political Parties – it becomes part of the role of political parties to canvass and educate masses on the benefit of their participation in politics. Voting during an election is part of discharging one’s civic responsibility. Thus, all eligible voters are to be educated on the need to contribute to the process.
- iii. Civil Society Organisations – these groups are spread all over the world, in order to educate and awaken peoples’ orientation and awareness for them to actively participate in promoting democratic value in Africa.

- iv. Electoral Managements Bodies (EMBs) – the bodies have major role to play toward improving the voting behaviour of the masses. Thus, the following roles are expected functions or roles to be performed by the EMBs:
- a. The staff and other ad-hoc staff of the electoral bodies must be properly disciplined, trained and cultured on the conduct of their role and functions towards discharging their duties.
 - b. There is need for strong voters' registration system or platform in all the constituency. This will allow eligible citizens who attain the voting age to register their name and prepare for the exercise.
 - c. The voting style should be adjusted in order not to make the system boring to the voters. For instance, verification and voting could be done at same time in order to avoid distraction or boring of the voting to the voters.
 - d. The election materials should arrive promptly at the voting venue in order to avoid delay or lateness.
 - e. The use of electronic verification should be encouraged and the Electoral bodies should ensure that all machines are working properly before the election day.
 - f. The electoral bodies, the political parties and the civil society should ensure that the electorates/voters are well updated, orientated and sensitized on the democratic needs in the society.
 - g. There is need for maximum security within and around the voting centres from the commencement of the exercise. It should be noted that, the presence of security agents at the polling units or voting centres should be in a form that

would not create fear or tension to the electorates rather than to ensure free and peaceful election.

- h. The electoral bodies should promptly announce the election results after the collation from all voting centres.
- i. While the winner is announced by the electoral bodies, the loser should be allowed to challenge the election results if needs be, at the court of law.

2.4.12 INEC and the Challenges of Free and Fair Elections in Nigeria

Generally, Free and fair elections, remains the foundation of current democratic government, which expect authorities to check and total polls precisely. The worldwide group burns through a huge number of dollars consistently endeavoring to guarantee reasonable electoral process in creating nations with across the board appointive extortion. The influence of international electoral observation has been sound amid Nigeria's elections, as well as the recent election which was held in 2015. The pioneer of (NDI) remarked on how participatory Nigerians were in emancipating their rights; specifically maintaining the precepts of democracy. It pinpointed a few troubles looked amid the elections as well as supported the basic bodies loaded with settling such difficulties to inspect the circumstance. One of such issues is the card reader machine, during the presidential election in 2015. There were complain and delays at election units because of the card reader inability to read a couple of individuals' cards and neglect to read that of others. This issue relatively raised the discontents caused by INEC in the movement of election materials to voting units in a few areas.

However, INEC faces a few difficulties in all its elections administration since its establishment in 1998. Another challenge of INEC is the validity issue; as most

residents lost confidence in its ability to perform free, authentic and translucent elections. From 1999-2015, all elections directed by INEC have been censured as loaded with different issues, bringing about sketchy results. Therefore, INEC capability is addressed in two ways; the first, primarily recognizes with the arrangement of individuals without vital expertise and scholarly ability to pilot the issues of the commission, and the second identifies with INEC's persistent utilization of impromptu staff, who are typically swiftly advised for about a day for their election day obligations. These brief staffs need imperative information and ability to control sound decisions utilizing set down appointive laws.

There is a need for the commission to advance its techniques towards conducting elections adequately without the influence of political influences, since it is an independent electoral management body which reserves the right to remain autonomous and neutral at the same during election administration to enhance the promotion of electoral integrity in the countries electoral process. Looking back at previous election management by the commission, it seems to have fair better compared to previous elections especially the 2007 presidential elections with the worst record of electoral misconduct.

2.4.13 Elections in Nigeria

The evolution of electoral process in Nigeria has been arduous and protracted. Since Nigeria's independence in 1960, the country has organized nine general elections and numerous regional/State/Local elections. Of these elections, the 1979, 1993, and the 1999 polls were conducted by military regimes to allow for transition to civil rule, while the

other elections were conducted by incumbent civilian regimes to consolidate democratic rule. Elections organized by incumbent civilian regimes have been the most problematic⁶³. With the exception of the 2011 and 2015 elections, these elections have been characterized by attempts by the ruling parties to contrive and monopolize the electoral space and deliberately steer the process in their favour. This pattern was reflected in the simulated landslide victories recorded by the ruling parties in the 1964, 1983, 2003 and 2007 elections⁶³. The 1964 Federal election was contested by the United Progressive Grand Alliance (UPGA), which was a coalition of predominately Southern parties, and the Nigerian National Alliance (NNA), whose base of support was in northern Nigeria. The Northern People's Congress (NPC) and its allies in the NNA took advantage of their control of the federal government to contrive victory. The 1983 general elections were also manipulated by the incumbent National Party of Nigeria (NPN), which won presidency and gubernatorial elections in seven out of the nineteen States, and thereafter attempted to extend its political power throughout the federation. The allegations of vote manipulation in 1983 elections triggered violent protests in some parts of Nigeria⁶⁴.

The 2003 and 2007 general elections were also allegedly manipulated⁶⁴. The 2007 election in particular, severely dented Nigeria's democratic credentials due to the national and international condemnation they elicited. However, on a rather positive note, the election led to a great deal of soul-searching among the Nigerian leadership. The President at the time, Umaru Musa Yar'adua, publicly acknowledged that the election that brought him to office was fundamentally flawed. He therefore set up the Electoral

Reform Committee (ERC) to suggest measures that could improve the conduct of elections; restore electoral integrity and strengthen democracy in Nigeria⁶⁴.

Some of the Electoral Reform Committee's recommendations were reviewed and adopted as amendments to the constitution and Electoral Act. The government also tried to restore the integrity of elections in the country by appointing credible leadership to the INEC. For its part, the INEC adopted series of internal measures aimed at restoring public confidence in the electoral process⁶⁵. The recently concluded 2019 elections only succeeded in repeating the fraud and manipulations witnessed in the 1998, 2003, 2007 and 2011 earlier elections under PDP administration to a farce level. Political succession remains contentious and highly challenging in many African countries. The privileges associated with power and the fear of being prosecuted by their successors causes some leaders to maintain control of the political process even through electoral manipulation and violence. For some years, the design of electoral systems to encourage cooperation, bargaining and interdependence between rival political leaders and the groups they represent has become increasingly crucial for the promotion of democracy in poor and divided societies. This seems to have made increasingly difficult to hold elections without violence or protest in such settings. As political elites see elections as a means to capture the state apparatus and the resources it commands, electoral processes have come under severe threat⁶⁵. When will Nigeria and for that matter Africa as a whole conducts elections that would be transparent, credible and generally acceptable to all. Nigeria does not seem to be making progress at establishing a credible democratic electoral practice. This is sad given the size and economic clout that country commands in Africa. General elections were particularly characterized by

violence, rigging and official manipulation in favour of the parties in power. The factors that undermine the conduct of free and fair elections in Nigeria are multifaceted and occur at various stages of the electoral process. The election-day malpractices and post-election manipulation of the electoral process, repeated during the 2003, 2007, 2011 and 2019 elections, even with the introduction of card readers, were no less significant than the experience of the past. This time around, the manipulation reached such a feverish stage that it became commonplace and was done with impunity and fun fare. More damaging reports were produced in respect of the 2019 elections⁶⁴. The 23rd February and 9th March, 2019 elections in Nigeria and their reportedly unpleasant outcomes thus seem to present an opportunity for us to take a good look at the elections to find out why free and fair elections have been unattainable for years⁶⁴.

2.4.14 Electoral Process

Elections across the globe perform the key function of choosing representatives or leaders based on the choice of the electorates and therefore an important element of democratic governance⁶⁶. The Electoral process is the method by which elections are conducted and persons are elected into public office⁶⁶. An enduring electoral system must be able to enlist the trust and confidence of the masses by ensuring that the number of votes cast in an election reflects the popularity and acceptance of the political parties and the candidates in such an election⁶⁷. The above therefore underscores the centrality of the electoral process in democratic governance. The electoral process is a full cycle that commences from educating the voters about an upcoming election until the elections take place with elected representatives assuming their respective offices till the expiration of the tenure⁶⁶. This implies that the electoral process includes all

associated activities involving both pre and post-election activities and not just the actual casting of ballots in an election. This process includes the formation and registration of political parties, reviewing of register of voters, delineation of constituencies independently or from existing ones, conduct of elections and resolving of disputes arising from declaration of results and the discrepancies at the election tribunals and the law courts, issuance of certificate of returns to the elected representatives and finally the taking of oath of service by elected representatives.

The system that guides the conduct of elections in every society is the foundation of sustainable democracy and shapes the civic culture in such a society. It has been observed that a credible electoral process must accord qualified citizens the right to vote and be voted for, unhindered access to register to vote in elections, the ability of the Election Management bodies to carve out electoral constituencies, internal party democracy leading to the choice of party candidates, free and fair electoral contest by the parties to win seats at elections, a display of impartiality before, during and after the elections by the election management body, a simplified but reliable balloting system that makes the final outcome of the electoral contest acceptable to all the stakeholders especially the political parties and the masses, the mode of determining of results, trial and resolution of election disputes and how the issues of electoral malpractices are handled with appropriate punishments to the electoral offenders.

Electoral process as all the pre and post-election activities without which an election is either impossible or meaningless⁶⁸. The process therefore involves registration of political parties, voter's registration, resolution of election disputes, swearing of election winners' etcetera. Meanwhile, electoral process is certainly about rules and procedures of

conducting an election. Election therefore facilitates and shapes democracy. While democracy is considered as the best form of government due to its ideology of promoting peoples' will. It is the people's mandate to choose who should govern them in a free and fair 'electioneering'. Therefore, election process constitute an essential principle in liberal democracy. Election is highly significant in a democracy because it is a medium through which the people express their legitimacy and leadership succession. Elections have meaning for most people only in a democratic context because they lead to the choice of decision makers by the majority of the citizens. Elections and democracy are therefore inextricably linked". It is a process of checkmating a ruler that is popularly accepted and ejecting an unpopular leader, mainly through voting⁶⁹. "This method shuns mutiny and chaos in a system hence it reflects peaceful hand-over from one administration to the other so long as the process is devoid of election rigging". It has been noted that for elections to thrive there should be the establishment of a well-defined, competent, relatively independent and non-partisan electoral body that will be responsible for the conduct of elections. There is need for the existence of impartial judiciary that will interpret electoral laws and as well as adjudicate on electoral matters. Mass media devoid of influence from the politicians should be instituted together with police force that will help supervise the conduct of an election. Indeed one of the major element of electoral process is to ensure an election is free and fair and the result of the election must reflect the wishes of the people.

Therefore any activity that hampers the conduct of an election can be considered as 'subversion of people's sovereignty'. Using theoretical framework of cultural relativism, the problems and prospects of e-voting on Democracy and electoral process was

critically examined in Nigeria⁷⁰. Electoral process is a complex process that encompasses the good intentions and undesirable outcomes of election administration, particularly in emerging democracies where general elections are often marred by culturally hued electoral malpractices. In the Nigerian case, the truth remains that the electoral process is immensely characterized by a culture of electoral malpractices. In a democratic system where elections are devoid of crisis, long term disputes or political violence, are amicably resolved. Such system enhances the prospect for political stability, peace, development and continuity in governance. However where elections are synonymous with violence, thuggery, intimidation, rigging, ballot box snatching and stuffing and other forms of electoral malpractices, they bring to question the very essence of democracy and compromise the nation's security.

INEC notes the different stages involves in the electoral process to include:

- (i) Delimitation of electoral constituencies
- (ii) Registration of voters
- (iii) Notice of elections
- (iv) Nomination of candidates
- (v) Election campaigns
- (vi) Elections, announcement of results and completing tribunal sittings
- (vii) Participation of other organizations
- (viii) Resolution of electoral conflicts from the participation and other organizations or groups.

The electoral process is therefore a complex process which involves a comprehensive outlay of plans and strategies of the Election Management Bodies in the conduct of

elections, the outcome of which is applauded by the winners and could at times be condemned and rejected by those who are on the losing side particularly in emerging democracies where general elections are often marred by culturally hued electoral malpractices. The electoral process therefore is central to democratic governance. This implies that when these processes are rebranded by making them more credible and less cumbersome to the masses and other stakeholders by the electoral management bodies, the negative perceptions of the masses about the methods or procedures adopted in conducting elections will reduce⁷⁰. Further, acceptance of the final outcome of elections which the masses had hitherto believed is not reflective of their mandate will be on the increase. The effect of this will be improved participation in the electoral process and the restoration of the confidence of the people in the sanctity and credibility of elections thereby reducing the incidences of vote buying and political apathy⁷¹.

2.4.15 The Nigerian Electoral Process: Post-Independence to the Fourth Republic

Nigeria has been searching effective electoral processes for long as a pathway of its transition to sustainable democracy⁷². However, due to several ugly experiences in the past especially since independence in 1960, many Nigerians have given up hope about the relevance of democracy to their material and national life⁷². In Nigeria since independence in 1960 the electoral process has been bedeviled by a culture of electoral malpractices and violence. The first electoral process in Nigeria was in 1923, and was in response to the Clifford's constitution of 1922. It adopted a direct mode of election, and the key qualification for voting in the election was evidence of British citizenship and residency in the cities of Lagos and Calabar or British protected persons who were

residing in these two cities with a minimum gross annual income of one hundred Pounds. The implication of this was the disenfranchisement of many Nigerians. In 1946 and 1951 elections were held through indirect system of election while by 1954 general elections, the Electoral Collegiate System was replaced by direct elections. The First Republic Nigeria's political independence general elections of 12 December 1959 held in 312 single member constituencies nationwide was by secret ballot and the secret ballot system has continued under the various Election management Bodies since Nigeria's independence to date⁷².

The Independent National Electoral Commission (INEC) has been the superintending EMB since Nigeria's Fourth Republic started in 1999. Within this period, INEC has conducted six elections viz 1999, 2003, 2007, 2011, 2015 and 2019 general elections⁶⁶. INEC is expected to maintain absolute independent and impartiality in its management of the electoral process by conducting free, fair and credible elections for the sustainability of democracy in Nigeria⁶⁶.

2.4.16 Electoral Process in Developed Democracies

Electoral processes in the developed democracies of the United States of America (USA) and in Europe are not issues that revolve just around providing polling unit and boxes where people can vote in an election⁷³. But it is a process that offers the majority of the electorates the platform to determine through a transparent electoral process who governs them. Branding and rebranding of the electoral process in these nations have been elevated to an art where even such issues like voter education, voter perception of the candidates at election, Logos of Political parties and those of candidates during elections and the power to recall elected officials are given the pride of place within

the electoral process⁷⁴. In the developed democracies, the electoral process often ensures that the best candidates emerge through a transparent process irrespective of state of origin, religion or gender. The political classes in these nations recognise that democracy accommodates divergent opinions and oppositions, freedom of speech, and dignity of human lives.

The electoral processes in many developed democracies have undergone various changes with the introduction of appropriate technologies to make voting an easy civic responsibility⁷⁵. Several countries like USA, UK, India, Brazil, Switzerland, and Estonia among others, have fully embraced voting system in the conduct of their elections⁷⁵. The introduction of technology in electoral management has been predicated on some key advantages, including accuracy of the voting process by increasing the reliability of ballots to ensure it reflects the actual votes cast during elections, as well as forestalling some of the most prevalent electoral frauds in the emerging democracies like ballot box stuffing and snatching.

In many of the advanced democracies, technology has helped to enhance speedy release of election results which invariably boosts the voters' confidence in the electoral process thereby reducing incidences of civil unrest and post-election violence. Electronic voting has also been known to reduce ballot spoilage, by alerting voters about invalid votes before they can complete their ballot casting, thereby ensuring that corrections are made to what would have been voided votes, thus reducing errors and making such votes to count. Such ballot spoilage averages between 3 to 7% worldwide⁷⁶. Susan Molinari, the Vice President of Public Policy and Government Relations in Google, noted how Google technology launched in partnership with The Pew Charitable Trusts' Election

Initiatives in the USA helped tens of millions of US voters find where to go and vote⁵⁹. She noted that in a world that is being driven by technology it is frustrating to expect that except a voter is within the precinct of the polling booth he or she cannot exercise the right to cast the vote, whereas such a person can use his or her ATM (Automated Teller Machine) card or smartphone for banking or financial transactions at the banks. Online registration has recently become very popular in both developed and developing democracies. For instance, in the United States, the growth rose from 2 states in 2008 to 29 states in 2016. Online registration has also grown considerably in Great Britain thereby resulting in the overall cost of EMBs per voter reducing drastically through the adoption of online registration. When this initiative was launched in March 2015, by the time the exercise ended on May 7, over 2 million Britons had registered within 5 weeks. The youthful age group between 25-34 years had the greatest number per age group of those who applied online to register thereby indicating that electoral participation by this chronically underrepresented demographic can be bolstered through the introduction of technology. Registering prospective voters through online platforms have enhanced the reliability and accuracy of data obtained by the EMBs in addition to reducing the cost of printing paper ballot forms that are a times inappropriately completed.

Many of the emerging democratic countries especially in South America, Asia, and Africa that had adopted e-voting did so in phases by engaging in pilot testing of the e-voting technology⁷⁷. Countries like Ecuador, Mexico, Nepal, Peru, United Arab Emirates and Zambia have been consistent in recent times in using e-voting in conducting pilot programmes. Namibia is the foremost African country to deploy e-

voting machines in 2014 for all her 1.2million voters half of which were youths aged under thirty five years⁷⁷. India and Brazil that are regional democratic powers have been in the forefront in mobilizing other emerging democracies within their regions in embracing electronic voting through shared experiences and provision of equipment to help pilot e-voting. For instance, 50% of the machines used by Bhutan which successfully conducted fully electronic national elections in July 2013 were supplied by India.

2.4.17 Challenges of Electoral Processes

Although existence of competitive and vibrant political parties in any polity is a sine a sine qua non for democratic governance in the fourth republic era; the role of People's Democratic Party (PDP) which has been the ruling party at Federal level since the beginning of the fourth republic until 2015 indicates direct relationship between personality and the conduct of the country's political party⁷⁸. The democratic experiment of the fourth republic in Nigeria has not scored high when placed in the same matrix with countries that are heading towards stable democracy⁷⁸.

Certainly the issue of corruption scandals in the executive arm of the government or in the Parliament to support or block a motion in its plenary sessions, irrespective of the importance of that motion to ordinary Nigerians have become part and parcel of governance in Nigeria. The legacy of erosion of the culture of rule of law and subsequent entronement of the culture of arbitrariness and impunity which result to high level corruption has fundamentally impacted on power relations and democratic institutions such as the political parties, the Executive, Judiciary and Legislature as well as other agencies like Election commission⁷⁹. "The consequence of this has been the

existence of subdued judiciary, weak oversight capacity of the legislature and dumbness of the electoral bodies both at the federal and state levels”.

Among the most important principles of democratic governance is the principle of participation, which is however missing in Nigerian context. The concept of participation as collective engagement of human resources in the process of national development, he also noted that popular participation is the conscious and predetermined involvement of society in the process of governance and development⁷⁹. Therefore the major goal of democratic government is the provision of maximum participation through responsive and responsible government in its liberal tradition of periodic election, active involvement of civil society in decision making, development of competitive political parties and the flourishing of the rule of law. However, in the Nigerian context issues of participation have not been given appropriate concern. For instance the electoral act or constitution of should consider the participation of prisoners that are awaiting trial as well as Nigerians residing outside the country to vote in an election at the embassy of Nigeria of where they are residing.

Another daunting challenge of electoral process in the fourth republic is the delay in electoral justice. For example it took two years to adjudicate election petition filed by General Muhammadu Buhari against Chief Olusegun Obasanjo's re-election in 2003. More so, there were alleged manipulation of court judgement in many of election Tribunals in Nigeria. Indeed, the view “that the history of election administration in Nigeria is the history of electoral fraud and violence” is widespread⁸⁰. In fact once a candidate has the money to give out to the handlers of relevant election, his name will be announce as the winner of that election. Meanwhile, this give out money usually

come out from the state treasury, because if any person that has been sworn into an office while the case of his election is still hanging in the court, he can hire the best lawyers to manipulate the process in order to delay the process, especially when it is clear the outcome will not be in his favour. For instance the case of Edo and Adamawa states in 2007 governorship elections⁸¹. Since the beginning of the fourth republic there has widespread allegation of rigging, violence and other election related offences either by politicians, thugs, security personnel and electoral officers without taking necessary action on them. Thus, this phenomenon of not prosecution of election related offences in this fourth republic has been undermining not only the electoral processes but also democratic governance in general⁸².

It is imperative to note since the beginning of the fourth republic from 1999 it was the 2015 general elections recognized as the least characterize with malpractice. The introduction of card reader has been associated with this success. However since the 2011 elections the chairman of the Independent Electoral Commission had demonstrate his impartiality, again by 2015 another record success was achieved due largely to his transparency as well as introduction of card reader in order to block traditional ways manipulating election result.

2.4.18 Electoral Malpractice

Electoral malpractice generally refers to an instance where acceptable norms and principles that confer credibility on elections are desecrated; and in their place duplicity, falsehood, manipulation and cheating by any means are deployed to sway the outcome of elections. Electoral malpractice as 'illegalities committed by government, officials responsible for the conduct of elections, political parties, groups or individuals with

sinister intention to influence an election in favour of a candidate(s)⁸². Electoral malpractices – which she calls ‘electoral corruption’ – into three categories⁸². They are malpractices that relate to the legal framework, malpractice related to preference formation, and malpractices centred on electoral administration. Electoral malpractice in any form is anathema to democracy because of its retrogressive effect on the quality of democracy in a country. As a corollary, electoral malpractices are not condoned anywhere in the world but rather censured. Abhorrence of electoral malpractice is necessary. If malpractices such as winning elections through rigging, massive use of money, use of violence against political adversaries and so on are unbridled, the tendency is for a negative culture of ‘political larceny’ to be inculcated by politicians. This ultimately dilutes the potency of elections as a means of peaceful transfer of political power and as a tool to legitimise political power.

Forms of Electoral Misbehaviours in Nigeria

Electoral frauds committed prior to the conduct of election include:

- i. Appointment of electoral officers who are loyal to the power that be;
- ii. Malpractices during registration of voters exercise in the form of falsifying registration documents and voters cards.
- iii. Inflating names of voters in areas thought to be one’s stronghold, while underregistering in opponents’ constituencies.
- iv. Multiple registration
- v. Disqualification of candidate in opposition
- vi. Denial of opponents the right to express their feelings through restructuring the usage of media houses

- vii. Denial of freedom of movement and threat to life of opponent and in some extremecases assassination or outright imprisonment.

Fraud Committed During Election

Cooperation between politicians and officers of the Electoral commission (presiding officers, supervisory presiding officers, ward returning officers and polling clerks) as these adhoc staff of the commission act under the influence of material inducements such as money, food and drinks and promise of appointment into positions of trust in government. They stock ballot boxes with illegal voters as they tick the names of voters and hired agents for thumb printing⁸³. In some cases, voting centres are shifted from original designated area to a private house or residence where people would locked themselves up thumb-printing ballot papers. Police abets fraud during elections as they give some candidates advantages over their opponents. Touts and “Area boys” are recruited to harass and intimidate electorates in opponent’s areas so as to influence the election in favour of their candidates⁶⁶.

Post-Election Fraud

Falsification of election results from various centres at the collection centres. Declaration of fake results by electoral officers. Politicians connived with some-judges to thwart any objection that will be in their riggers’ favour.

2.4.25 History of Electoral fraud in Nigeria

Electoral fraud in Nigeria has gone through sophisticated refinements since 1959. Such that a discussion on Nigeria’s electoral process without analysis of this phenomena (fraud) would be deemed as abstract and unrealistic. Population census has been the basis of election in Nigeria and the malpractices in the conduct of population count

have direct consequence in the electoral process. For example, the 1963 population which has been the basis of elections conducted in Nigeria was not devoid of controversy⁸⁴. It was alleged in the South that the Northern region counted cow heads to swell their population. It was this same population that was used for the 1964 general election⁸⁴. The effect of it was the seizure of power in 1966 by the military on account of election fraud and abuse of power.

The 1964 election was boycotted by the opposition party, United Progressive Grand Alliance (UPGA) in protest against gross abuses and lawlessness perpetrated in the political process by the incumbent Nigeria National Alliance (NNA). The elections that were later conducted in the boycotted areas were recorded with gross abuses and irregularities. After the 1964 elections, came the 1965 western region election. The electoral frauds that were committed remained indelible in the annals of Nigeria history. Corroborating this fact, Esua, E.E. (then the Head of Federal Electoral Commission (FEDECO) had it that some electoral officers were not only kidnapped, but equally prevented from discharging their duties. Electoral fraudsters were not contented with merely stuffing ballot boxes with ballotpapers. They also took over FEDECO offices and Radio station and announce fake results to the electorates⁸¹. It was the political turbulent born of massive electoral fraud as earlier mentioned that brought in the military in 1966. The second civilian journey in the politics of Nigeria also witnessed electoral rigging. Although electoral fraud was not reported on large scale, the 1979 election witnessed registration frauds and other irregularities and allegation of electoral frauds came from various quarters ranging from mischievous electoral officers who prevented people from voting; complaints of insufficient ballot papers in some quarters

and extra in other areas⁸⁰. Some of these allegations became subject of court litigations as was the case of presidential election tussle between ShehuShagari and late Obafemi Awolowo⁸⁰.

The 1983 August – September general elections were attended with electoral fraud on the bizarre scale with crude and modern sophisticated political techniques. It started with the appointment of FEDECO Chairman Justice Ovie-Whiskey. This appointment was seen to be based on party affiliation and sympathy. Secondly, there was outrageous quadruplication of figures of registered voters. For example, it was unthinkable to observe that the old Rivers State with a total population of between 1.5 and 2.5 million had over 3 million registered voters by 1983. Similar unacceptable figures were recorded for other states (The Daily Times, Saturday 5th November, 1983). Thirdly, the way FEDECO went about the actual conduct of the election left much to be desired. The Daily Times publication (1983) stated that the election witnessed massive electoral fraud. Prof. Ola Rotimi in Daily Times, decries on the electoral fraud said „the Federal Government had rather preferred the play host to electoral provision that had raised fraud, cheating and armed coercion to heigh of glory”.

The institution of the state such as the Police Force which was supposed to check the excesses of political parties and those of FEDECO officials did not help matters. It was also the case in the April, 2003 and 2007 general elections⁸⁵. The genesis of electoral fraud in recent times is rooted in the 1999 constitution which allows the incumbent to re-contest for political position without resignation. The ruling people Democratic Party (PDP) cash in on this unpopular clause which does not suit the political terrain of developing nations like ours and manipulated the electoral process.

The results is a brand of democracy nick-named “carry go”, “return”. The results of both elections generated a lot of controversy as figures of both elections did not reflect the true nature of the voting pattern. And not even one of the political parties can justify claim to have conducted itself without blemished. In the election there was sufficient evidence of brazen and Cynical fraud to suggest that they all approached the elections without much faith in themselves or in the electorates. The 2007 general elections were characterized by monumental fraud⁸⁵. Like previous elections in Nigeria, the 2007, 2011 and 2015 general elections in Nigeria were characterized by:

- Late arrival of electoral materials in the various polling units.
- Inadequate polling materials
- Voter’s registration problems
- No secrecy of the ballot
- Ballot paper problems
- Snatching of ballot boxes and destruction of ballot materials
- Violence
- Use of security agencies to intimidate the voters and rigged elections.
- No voting in some polling centres
- Use of government officials to commit electoral fraud
- Omissions of some parties’ logo and candidate names on the ballot paper to disenfranchise their opponents supporters.

2.4.26 Election Malpractice Causation

- i. Bribery and Conspiracy

Official security agencies, including the police, army and state security services, face a considerable challenge in maintaining law and order during the electoral process, particularly the campaign, voting, and counting periods which are often marred by bribery and conspiracy. The duo can be described as pervasive during the electoral process. Bribery and conspiracy remains one of the most obnoxious corrupt practices⁸⁶. Bribery, for the purpose of election can be committed by a person directly or indirectly by himself or by any other person on his behalf. It is interesting to note that the law in Nigeria provide for instances where a gift or offer is made even to a community as constituting bribery and can be committed even before an election. For bribery to be established in electoral process, it must be clear that the gift, loan, offer and promise must be made for purposes of inducing any voter to vote or refrain from voting at any election. And by virtue of section 124 of the Electoral Act 2010, it is clear that the offence of bribery can be committed even before an election⁸⁶. For bribery to be established in electoral process, it must be clear that the gift, loan, offer and promise must be made for purposes of inducing any voter to vote or refrain from voting at any election. This was the attitude of the Pakistani Judiciary in a host of other cases. It is not clear whether a promise by a candidate at such meetings can ever constitute the offence of bribery in Nigeria. It is interesting to note that an election has been declared invalid in Nigeria because the candidate committed an offence of bribery.

However, the Electoral Act provides that any person who does any of the following: directly or indirectly by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers any money or valuable consideration; or directly or indirectly, by himself or by any other person on his behalf, corruptly makes any

gift, loan, offer, promise, procurement or agreement to or for any person, in order to induce such person to procure or to endeavor to procure the return of any person as a member of a legislative house or to an elective office or the vote of any voter at any election; or upon or in consequence of any gift, loan, offer, promise, procurement or agreement corruptly procures, or engages or promises or endeavors to procure, the return of any person as a member of a legislative house or to an elective office or the vote of any voter at any election; or advances or pays or causes to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; or after any election directly, or indirectly, by himself, or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any person to vote or refrain from voting or having induced any candidate to refrain from canvassing for votes for himself at any such election, commits an offence and on conviction shall be liable to a maximum fine of N500,000 or 12 months imprisonment or both⁸⁷.

A voter commits the offences of bribery under the Electoral Act where before or during an election directly or indirectly himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself, or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election. Nothing in the Electoral Act shall extend or apply to money paid or agreed to be paid for or

on account of any lawful expenses bonfires incurred at or concerning any election. Also any person who commits the offence of bribery is liable on conviction to a maximum fine of N500,000 or imprisonment for 12 months or both⁸⁷. And any person who conspires, aids or abets any other person to commit any of the offence under the Electoral Act shall be guilty of the same offence and punishment thereto. For the purposes of the Electoral Act, a candidate shall be deemed to have committed an offence if it was committed with his knowledge and consent or the knowledge and consent of a person who is acting under the general or special authority of the candidate with reference to the election⁸⁷.

ii. Undue Influence

The import of this problem is evidenced in section 103, Electoral Act 2010 (as amended) providing that a person who corruptly by himself or by any other person at any time after the date of an election has been announced, directly or indirectly gives or provides or pays money to or any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election, or on account of such person or any other person having voted or refrained from voting at such election; or being a voter, corruptly accepts or takes money or any other inducement, commits an offence and is liable on conviction to a fine or imprisonment for a term of 12 months or both. This law also incorporates threat or violence as a fundamental element of electoral violence. The court attaches great importance to the actual words spoken in determining the seriousness of a threat. In the case of *JaganBrasad v. krishnadatt*, it was alleged that a ruling prince who commanded great influence, among the Jat tribe said in a public meeting that those who voted for

the appellant “would go to hell”. The court held that the words “go to hell” as used in the context amounted to a threat and as a result the exercise of undue influence on the voters. Proof of threat that will culminate to undue influence is conclusive once the method of inducement adopted conveys to the mind of the person addressed that no compliance with the wishes of the person offering the inducement may result in physical or spiritual harm to himself or to any other person in whom he is interested. Temporal undue influence can assume the shape of threat of dismissal from a lucrative employment or threat of eviction of a tenant. Under exercise of spiritual influence is statutorily prohibited. This is not restricted to priests but extends to Muslim religious leaders and traditional rulers capable of exercising spiritual influence over their subject. In the case of *Fagbe vs. Etchie*, corrupt practices were alleged on the part of Olu of Warri and not to vote for the petitioner who belonged to the opposing party. The petitioner alleged that in order to achieve the desired result, the Olu set out his chiefs with instructions to invoke the wrath of the Itsekiri tribal god on any Itsekiri, voting for the petitioner or failing to vote for the respondent. According to the petitioner, the chiefs carried out these instructions and the invocations operated in the minds of the illiterate villagers in such a way as to deprive them of any will to freely exercise their choice. Onyeama Ag. Judge (as he then was) dismissed the petition for want of proof of agency between the Olu of Warri and the respondent. The same decision was reached in the case of *Kubeinje vs. Edukugho* where again the Olu of Warri was alleged to have exercised undue influence. These cases, however, have proved sufficient authority to the fact that traditional rulers exercise some spiritual influence over their subjects. Further, the law considers as

undue influence an exercise of temporal or spiritual influence, which results in damage, harm or loss upon or against any person. By virtue of the Electoral law, a person is guilty of undue influence if the abduction, duress or any fraudulent device or contrivance, he impedes or prevents the free use of the vote. Abduction is not defined in the statute. The dictionary meaning of the word “abduct” is to kidnap or take away by illegal force or fraud. In the context of election, such abduction must be geared towards impeding the free exercise of franchise.

Fraudulent device and contrivance as constituents of undue influence are not popular means of challenging elections, hence, the paucity of case law. Therefore, in order to prove the offence of undue influence based on any such device or contrivance, fraudulent intent must of necessity be established. Undue influence obtains generally where a person directly or indirectly or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or who inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss on or against any person in order to induce or compel that person to vote or refrain from voting or on account of such person having voted or refrained from voting at an election. Furthermore, it may arise from someone who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free use of the vote by a voter or thereby compels, induces or prevails upon any votereither to give or refrain from giving his vote. It also includes all forms of physical, temporal or spiritual influence with a view to affecting the free exercise of the franchise directly or indirectly. However, it must be observed that the use of the adjective “undue” to qualify the word “influence” suggests that not all kinds

of influence are prohibited by law. In Nigeria, apart from religious leaders of different persuasions, there abound other persons capable of exerting undue influence. They include traditional rulers, employers of labour, landlords and functionaries of the government in power. Apart from actual use of force or evidence, a threat of force or violence is equally an offence under the electoral law. A threat of violence must be deliberately uttered with the intention of carrying it into effect and not in a moment of anger. In other words, the threat must be serious. It is immaterial whether the person using the threat had the power to carry it out or not. Besides the threat, use of force and violence must be directed at the person. The court attaches great importance to the actual words spoken in determining the seriousness of a threat. Furthermore, it may be said that abduction and duress can equally be classified as fraudulent devices or contrivance. It is important to note that the words “contrivance” and device are qualified by the word “fraudulent”. However, in parimaterial, the Electoral Act detailed the offence as any person who corruptly by himself or by any other person at any time after the date of an election has been announced, directly or indirectly gives or provides or pays money to or for any person for the purpose of corruptly influencing that person or any other person to vote or refrain from voting at such election, or on account of such person or any person having voted or refrained from voting at such election; or being a voter, corruptly accepts or takes money or any other inducement during any of the period stated in paragraph (a) of this section, commits an offence and is liable on conviction to a fine of N100,000 or 12 months imprisonment or both⁷⁰.

iii. Offences Bordering on Corruption

Simply put, corruption is the involvement in illegal, dishonest or wicked behavior which is destructive of the moral fabric of society and devastating to the economic well-being of a nation. Corruption is a catalyst to financial and economic crimes in contemporary Nigeria. It includes bribery, fraud and other related offences. One of the earliest enactments against corruption is in the area of electoral offence. Corrupt practices in the electoral process are indeed as old as the practice of democracy in the world. The offences are usually characterized and defined. Corrupt practices in the electoral process are prevalent during registration of voters exercise and in the course of campaigning⁸⁸. A register of electors is an official list of the persons who are entitled to vote in the election to which the list relates, and the process of compilation of registers known as the registration of electors or registration of voters. Corruption during registration of voters can occur either by willful refusal to register qualified electors in given locations with the sole intention of disenfranchising them (which is to the obvious advantage of the opponent) or by the deliberate inflation of the register in a given constituency. This occurs when money has been given to the registration officer by member of the opposing party or by prospective candidates⁸⁷. The law recognizes the possibility of criminal liabilities resulting from proven cases of corruption on the part of the registration officer. Given the enactment of the Corrupt Practices and other Related Offence Act 2001, the dragnet in Nigeria is now wide enough to check such corrupt practices both from the point of view of the receiver and the giver. Corrupt practices in the course of campaigning for an election is the most pronounced form of corruption in the electoral process. Corrupt practices during campaign are aimed at a definite result, and that is getting the voters to cast their vote for the candidate.

iv. Vote Buying and Treating

In Nigeria and several other African countries, elections are far from being free and fair, and one of the palpable factors is the menace of vote buying⁸⁷. The malady of vote buying is indeed pervasive in Nigeria as Davies observed that paradoxically, money itself has become a dominant and seems to have taken the centre stage in the political process in most countries and in Nigerian politics. Vote buying is a corrupt act which usually takes the form of a gift or gratuity bestowed for the purpose of influencing the action or conduct of the receiver, especially money or any valuable consideration given or promised for the betrayal of a trust or the corrupt performance of an allotted duty, as to a fiduciary agent, a judge, legislator or other public officer, a witness or a voter⁸⁷. As a corrupt act, vote buying can be defined as any form of persuasion in which financial gain is suggested by one person to another with the intention of influencing a person's vote. This includes not only the payment of a simple bribe, but also the payment of excessive traveling expenses and the payments of excessive election workers. Sections 24 and 23 of Electoral Acts 2006 and 2010 respectively defined vote buying as selling or attempting to sell any voter's card whether issued in the name of any voter or not; or buying or offering to buy any voters card whether on the buyer's behalf or on behalf of any other person. Similarly, under sections 131 and 124 of Electoral Acts 2006 and 2010 (as amended), titled Prohibition of Bribery and Conspiracy, the Act outlines the following actions as vote buying: direct or indirect offering or aiding in offering inducement in any form whether to a person or a political campaign for the purpose of corruptly influencing that person or any other person to support or refrain from supporting a political party or candidate; direct or

indirect giving offering to give any money or valuable consideration to any person during a political campaign in order to induce that person or any other person to support or refrain from supporting a political candidate and accepting any inducement, money or valuable consideration from any person, candidate or political party in order to compel that person or any other person to support or refrain from support a political party or candidate.

The actors who buy votes in Nigeria include patrons (godfathers) in the political system; political parties, which could be in the ruling or opposition parties and individual politicians at local government council, state and at national levels⁸⁸. Vote buying occurs when competition for power amongst contending political groups is stiff. This is when the balance of power within the constituency is nearly equal. One or both groups may be engaged in vote buying and buyer of voter are motivated by the factors of capturing state power, maintaining authoritarian control of political office and keeping the opposition out of power. In most African countries the incumbents certainly enjoyed an enormous advantage by virtue of their control of the financial purse strings⁸⁸. This enabled them to offer voters certain material inducements in return for their compliance on polling day. “Be that as it may, “vote buying was always a second-best strategy, the winning side engaging in straight forward vote buying”. Politics in Nigeria is seen by ruling elites as the only “viable industry” in the country. This is why Kyari contends that politics is a means for self-service in Nigeria today, it has also become the surest, quickest, easiest and most rewarding avenue for escaping the gnawing poverty to which most Nigerians are today condemned. First it requires no training, no capital to initiate a political career in Nigeria in the first instance.

There is need for a string jaw, a capable pair of legs, and a godfather. Strong atavistic instinct, cynical attitude to Nigeria's development and willingness to stand behind your godfather will not only complete the list of quantities you need, but would also accredit you to the winning party of the times. Politics is not a matter of issues or ideology, but simply of the stomach as its most successful practitioners would readily tell you. Thus, the sellers of votes are pushed into this act either because of poverty or as a method of getting part of the national cake⁸⁸. The concomitant effect of vote buying in electoral contests in the words of a politician is that "elections are not for the poor. It is extremely expensive enterprise, very expensive". Political bribery involves a situation where persuasion income is channeled and also the attitude of the voter to his vote preference is commercial. In this wise, voters are approached in public houses, and at home and would be offered financial rewards if they voted for the right candidate. Vote buying takes place during registration of voter where registration officers sold empty or completed voters cards to politicians of opposing camps. In 2002, the Transition Monitoring Group reported cases of vote buying nationwide during the 2002 voter registration. Vote buying is largely illegal, criminal and unconstitutional. It has tremendous impact on the process of transitioning to democracy and they are listed viz: it promotes the primacy of money in politics to the detriment of merit, ideology and free and fair competitive political competition⁸⁸. The character and quality of persons seeking mandates are not questioned. In addition, there has been a disappearance from political praxis, debates and ideas and issues affecting the populace. Old and unproductive politicians are recycled into political process to the extent that such individuals are only concern with personal projects and primitive accumulation of wealth.

Vote buying therefore obstructs the consolidation of democracy in Nigeria because of the ultra-privatization of transition project by money bags, political instability due to recurring electoral and political violence amongst political groups. Vote buying promotes elitist politics and weakens popular participation⁸⁹.

Only persons with resources get access to political offices in Nigeria. Communities with grassroots solidarities hardly have access to political power because of their inability to participate actively in monetized political system. The political parties that bought votes monopolize power to the exclusion of financially weak parties. They become new autocrats in the political process and consequently become disconnected from people⁹⁰. Again, political institutions (National Assembly, State Assemblies and Government Houses in Nigeria's for instance) are inhabited by some politicians with stolen mandates through vote buying. These affect the image and respects for such national institutions and ultimately have a devastating impact on the legitimacy of such institutions⁹⁰.

Finally, administrations that have forcefully come to power through vote buying spend considerable time recouping from its political investment, usually through the pilfering of state resources⁹⁰. Consequently, little resources are available for the fulfillment of campaign promises and peoples' livelihood expectation. Worse still, little attention is paid to the development of democracy.

v. Electoral Rigging

Election rigging is "electoral malpractices which are palpable illegalities committed with a corrupt, fraudulent or sinister intention to influence an election in favor of a candidate(s) by means such as illegal voting, bribery, treating and undue influence, intimidation and other acts of coercion exerted on voters, falsification of results,

fraudulent announcement of a losing candidates as winner (without altering the recorded results)⁹¹. Election rigging is another stooge; a criminal conduct of subverting an entire electoral process through a massive organized fraud with the active participation of officials of the electoral body. The objective of rigging or fraud is to frustrate the democratic aspirations of citizens who have voted, or would have voted into office someone other than the rigged in individual. There are three phases (forms) in election rigging; pre-election, Election Day and post election rigging⁹¹. Pre-election rigging involves the manipulation of the system elaborately. Many political forces in Nigeria do not get a chance to participate in elections because the conditions for party registration are such that groups could be denied the right to establish the party they desired to contest for power with.

During the run up to the Second Republic for example, 150 parties were established and the electoral umpire came up with stiff conditions for registration that stultified the ambitions, hence, they were forced to merge and at the end of the day, only 18 parties were able to meet the requirements and submit their application forms, out of which the State only registered five political parties. Furthermore, the constitution did not provide for independent candidates as they were banned from contesting elections⁹¹. The party system created conditions for rigging out strong individual candidates that could have got into power as independent candidates through the respect they invoke in their communities ⁹². It also rigged out ideologically committed people such as socialist who did not have the financial resource and network to establish mega parties but have a long term transformative vision. Furthermore, it rigged out the minority groups who

do not have numbers and networks of majority groups to impose their registration on the state.

Another form of pre-election rigging is the manipulation of the voters register. In Nigeria, we have a history of the illegal acquisition of voter's cards by some parties and its purpose is to create conditions for the over-registration of certain persons and groups and simultaneous under-registration of other persons and groups, while favored groups have their votes multiplied others are basically disenfranchised. This involves buying over electoral officials and getting party supporters appointed as electoral officers so that they would tamper with the electoral process to produce a desired outcome. Again, nomination during party primaries and gerrymandering are other forms. Interestingly, many candidates are denied the right of contesting elections because they are prevented from contesting for their party's nomination. Gerrymandering as a pre-election rigging tool involves manipulation while drawing the boundaries of electoral districts to favor some political parties and candidates while scheming out others. Election Day or Polling Day rigging on the other hand, entails the collaboration between polling officials and agents to subvert the electoral rules, stuffing of ballot boxes, under-aged voting, delay in opening polling centre located in opposition strongholds, late or non supply of election materials to opposition strongholds, multiple voting, inducement of voters with food and money and threatening voters with use of force⁹³.

Election rigging is a notorious fact both in its incidence and in the forms it takes as now to constitute the most serious problem confronting democracy in Nigeria⁹³. Its principal forms, perfected by successive elections since 1964, 1965, 1979, 1983, 1999

and 2003 are well known: dumping of ballot boxes stuffed with pre-thumb-printed ballot papers; falsification of results by increasing a candidate's votes and decreasing those of his opponents, fraudulent announcement of a losing candidate as winner⁹³. Continuing, he said, that the key agents in the dumping of ballot papers are the presiding officers and poll clerk at the polling stations. Their active cooperation is needed before thumb-marked ballot paper can be dumped into the ballot box in use at the polling station or before a ballot box stuffed with thumb marked ballot paper can be brought to the polling station and exchanged for the ones in use there. And the ballot papers to be used for the purpose would have to come from the presiding officer if their serial numbers are to agree with those issued to the polling station, though often ballot papers not in the series are used. In many cases, the presiding officers and poll clerks go beyond merely supplying ballot paper and allowing them to be dumped or allowing ballot boxes to be exchanged, and actually take part in the thumb-marking of ballot paper at a fixed rate for a given number of ballot papers so thumb-marked⁹⁴. In contrast, post election rigging are incidented by refusal to count ballot papers from opposition strongholds; changing the results between voting centers and collation centers; declaration of false results; annulment of elections in situations where incumbents believe the results, the people's choice are unacceptable to them and long delays or manipulation of election tribunals to protect stolen mandates. Generally, therefore, rigging could be by stuffing of the ballot box with fake ballot papers before the Election Day or on the Election Day; falsification of results and forgery of figures both at polling units and collation centers; or voting by unregistered person and publication of false statement of the withdrawal of a candidate. Constructive ways

of rigging elections include creating artificial scarcity of ballot paper in “safe” polling booths of the opponents, diversion or snatching of ballot boxes between polling booths and counting centers and abduction of returning officers⁹⁴. All these actions are usually perpetrated for gratification⁹⁵. Rigging an election remains the single most incendiary malpractice that can throw the entire election process into violent upheaval. In Nigeria’s experience, there were occasions when announcement revealed as winners, candidates completely outside the expectations of the majority of the electorate. On such occasion, immediate blow up and tumult can occur at the very point of collation and declaration of results. One interesting case was the case of Ondo State gubernatorial election in 1983 where the NPN candidates, Chief Akin Omoboriowo were declared elected by the Electoral Commission against Chief Michael Ajasin of UPN, who actually won the election. Chief Omoboriowo’s results were actually inflated while that of Chief Ajasin was decreased⁹⁴.

Electoral rigging has been perpetrated with such masterly deftness that they have become an art. The perpetrators have continued to out-manoeuvre opponents through their considerable skills in creating new forms in addition to the old forms. These new forms include declaration of results without holding election⁹³. In 2007, in the states of Bayelsa and Cross River, in many polling units, there were no balloting, yet election results were declared. The Court of Appeal found in both cases that forms EC8A were not available indicating that no elections were held across the two states. Also, non-serialization of ballot papers is new forms of electoral rigging. Section 45 Electoral Act 2006 provides that ballot papers shall be bound in booklets and numbered serially with differentiating colours for each office being contested. In 2007 presidential elections,

INEC conducted elections without complying with this mandatory statutory provision. According to INEC, this lapse was occasioned by the last minute ruling by the Supreme Court that INEC should add Alhaji Atiku Abubakar, the Action Congress presidential candidate on the ballot, close to the date fixed for election. The Court of Appeal in its judgment on the issue upon the petition of Alhaji Atiku Abubakar, agreed that the non-serialization was indeed an act of non-compliance with the provision of the Electoral Act, 2006 but that the non compliance was not substantial enough to warrant a nullification of the presidential election. Similar to this new art is the tendentious public holidays and banning of campaigns. Shortly, before the Supreme Court gave its decision on the challenge by Atiku Abubakar of his exclusion by INEC from the presidential election, the PDP controlled federal government gave unexpectedly a public holiday to coincide with the date scheduled for judgment by the apex court. The holding was aimed at frustrating the AC candidates and to confirm this fear, the Inspector General of Police at the time banned the candidates from further campaign shortly after the judgments, thus, ensuring that although Atiku Abubakar won the court case he was unable to campaign effectively or at all.

Finally, the deceptive arrangement of candidates' logos on ballot papers speaks volume of the umpires' compromise in election process. In a transparent process, the ballot papers to be used for any election ought to have been sighted by the candidates or their parties. This would enable the contestants to educate their illiterate voters on how to vote. This was not the case in the States of Adamawa and Lagos, for example, where in a re-run election in Adamawa State; the Action Congress candidate party logo was, inserted so close to that of another party that did not contest the election.

The end result was that voters were voting in the middle of the spaces for the two parties leading to a situation where there were more voided votes in that election. In a similar manner, Mr. Jimi Agbaje, a gubernatorial candidate of DPA complained that his party's logo was not included in the ballot paper for the 2007 governorship election. Complaints in this form do not only raise the question of fairness of the electoral umpire but also in the contrary point out the other forms of rigging in electoral process. Rigging deprives elections of their essential purpose as popular basis for government⁹⁴. A government which by electoral malpractice keeps itself in office against the votes of the majority of the electorate lacks the legitimacy of the moral authority that popular mandate bestows. Secondly, election rigging undermines another cardinal principle of democracy; the principle that the welfare of the people being the object of government, victory at an election must be related and linked to ability to secure and promote the people's welfare, and that a government which has not performed well in this forfeits all claims to have its mandate renewed.

This principle postulates elections as the people's ultimate and most effective weapon for enforcing a government's responsibility and accountability to it. Thirdly, from the stand point of the political parties and their candidates, rigging, deprives election of its character as a competition in which all the contestants can equally aspire to win. Where the capacity of the contestants to rig is vastly unequally because one of them is in a position of irresistible influence over the electoral body and has power of control and direction over the organized coercive force of the country represented by the police as well as vastly greater resource of money and patronage, then the other contestants have no real chances of winning. An election contest in which the result is not determined

by the votes lawfully cast for the contestants but by fraudulent manipulation is a mocking of the very idea of a competition.

The implications that follow from this factor are that a political party with no chance of ever winning will have lost the *raison d'être* for its existence. Sooner or later it will fade away through its members defecting to the ruling party as the hazards of opposition weigh more heavily upon them. Again, when because of rigging, elections become unavailing as a means of changing a government, violence, with a possible break down of law and order, might result. Wholesale and brazen election rigging seems to attract violent disturbances almost as an inevitable reaction. In underscoring the cardinal importance of mass action in a democracy said that “the working of democracy rests largely upon the understanding that a government which attempts to misuse its powers and to establish itself as a tyranny (or which tolerates the establishment of tyranny against anybody else) out laws itself, and the citizens have not only the right but also a duty to consider the action of such a government as a crime, and its members as a dangerous gang of criminals”⁹⁴.

vi. Electoral Violence

The Encarta Dictionary defined the word “electoral” as “relating to or involving elections, electors or voters”, while violence is the use of physical force to injure somebody or damage something” The laws bordering on Electoral offences and malpractices fall within sections 124-139 of the Electoral Act 2010 and similarly, in section 117-132, Electoral Act 2006. Electoral violence is any violence that is calculated and orchestrated to affect the outcome of elections. It may well include the use of thugs, ballot snatching or harassment of voters or opponents. In agreeing

with the elements of all the definitions, the Electoral Reform Committee Report states that electoral violence refers to the use or threat of force against an opponent within the context of electoral competition for state power. Electoral violence is inhibitive of democratic transition and consolidation. Violence has been a feature of the country's electoral process since the colonial era⁹⁷. During this period, violence was easily curtailed due to the nature and scope of participation, characteristics of politicians and electorates and the nature of colonial domination. After independence, up to the 3rd republic, electoral violence has remained an instrument for intense struggle for power among politicians with the Nigerian youths intensively involved in electoral violence manifesting in thuggery and hijacking of materials⁸⁰. Electoral violence manifests in three electoral stages, namely pre-election, during election and post-election. Electoral violence has three forms namely: violence unleashed by individuals or at instance of individuals to forcefully ensure that the electoral process is in their favor or in the favor of their parties, their godfathers or their cronies⁸¹. This may take a variety of forms, including assassination, use of thugs; ballot snatching etc.

There is also the structural dimension in which the state through its custodians applies violence to tilt the political balance in their favor or simply to overwhelm the electorate into accepting a predetermined outcome. The third form of violence is popular resistance to the manipulation of the electoral process or illegitimate protest of election rigging. Electoral violence in Nigeria is primarily due to the perception of politics and political office as investment and as avenue for the acquisition of extra ordinary wealth through corruption, which is otherwise not possible through any form of legitimate vocation and enterprise. As a result of this perception, and reality, Nigerian politicians

turn electioneering and elections into warfare in which violence and ethnic, religious and other forms of primordial sentiments and prejudices are employed⁸¹. Politics means money and money means politics... to be a member of government party means avenue to government patronage, contract deals and the like. Once the politicians recognize or know the profitability of having power, the party (and the individual members) naturally uses the same governmental machinery to stay in power. The leadership becomes self-recruiting oligarchy and no self-recruiting oligarchy has been known to tolerate opposition to itself. In the circumstance, violence becomes instrument for seeking, gaining and retaining political power.

Nigerian political parties and politicians employ fraudulent and violent means to win election. The Political Bureau in 1987 reported that Nigerian politicians and parties rigged elections “in most blatant fashion... violence, corruption, arson and brigandage were employed in the mad desire to win and retain power both in the region and at the centre”⁹². Similarly, the Constitution Drafting Committee observed that the country’s politics is primarily geared towards securing “opportunity to acquire wealth and prestige, to be able to distribute benefits in the form of jobs, contracts, scholarship, and gifts of money and so on to one’s relatives and political allies and cronies.

The violence in Edo, Bauchi, Katsina and Osun States in 2003 and 2007 general elections had been attributed to this factor. The ineffectiveness of security forces cum culture of impunity of the security apparatus helps to worsen the situation. During the pre-election stage of the 2003 elections, a number of politicians were murdered. The police have been unable to get to the root of these killings. The failures of police to unveil the killers have created a culture of impunity and motivation for recurrence of

the crime. In Nigeria, there are no specific legislations against certain electoral offences, beyond monetary fines, but only for associated acts like arson, assault and murder⁹⁴. The electoral laws have no provision for the snatching of electoral boxes from polling booths. Moreover, the penalties for acts associated with electoral violence, like arson and assault are generally weak, a few years of imprisonment at most.

The effects of electoral violence impinge on political instability, insecurity and cycle of violence⁹⁹. Political instability arises due to inability of opposition to resolve perceived or real grievances. Electoral violence breeds insecurity as it is characterized by loss of lives and properties, for instance, in November 2008, over 500 people were killed, thousands displaced and properties worth billions of Naira were burnt, looted and destroyed during the political violence in Jos. In addition to insecurity, there are attendant costs like increased security votes and the resources spent on repairs of damaged infrastructure¹⁰⁰.

2.4.27 The 2015 General Elections

In the 28 March 2015 elections, the PDP faced a major political challenge for the first time from a united opposition, the All Progressives Congress (APC). The APC was an alliance of three major opposition parties: the Congress for Progressive Change (CPC), Action Congress of Nigeria (ACN), All Nigeria People's Party (ANPP) and a faction of the All Progressives Grand Alliance (APGA). Ahead of the 2015 elections, members of both the PDP and the APC crossed the floor to the opposing party⁸².

In March 2014, a lawsuit was filed, challenging President Goodluck Jonathan's eligibility to run for office in 2015. As President Goodluck Jonathan had taken his first Oath of

Office in May 2010 following the death of President Umaru Yar'Adua and a second Oath of Office in May 2011 following his election, plaintiffs argued that it would be a breach of the constitutional two-term limits for presidents, if he ran again in 2015. However, the court ruled that President Jonathan had the right to contest the elections⁸². A similar suit had been filed in October 2013 and the Abuja High Court ruled similarly that the President could stand for the 2015 elections. The elections were postponed by six weeks for security reasons.

In the 2015 Presidential elections, General Muhammadu Buhari of the APC won with 53.9 per cent of the vote against Goodluck Jonathan's 29.4 per cent of the vote. The Commonwealth Observer Group led by the former President of Malawi, Dr Bakili Muluzi, concluded that: 'The 28 March 2015 elections mark an important step forward for democracy in Africa's most populous country and a key member of the Commonwealth. Notwithstanding the organisational and technical deficiencies, the conduct of the Presidential and National Assembly elections was generally peaceful and transparent'. Following the election, Goodluck Jonathan conceded defeat and there was a peaceful transfer of power to an opposition party for the first time in Nigeria's history. This and the conduct of the electoral process raised the bar for the 2019 elections.

In 2015 general election, the incumbent president Goodluck Jonathan conceded defeat after losing to opponent and past military leader, Mohammadu Buhari in an unprecedented show of democratic development in the nation. The electoral process was debatable like other presidential elections conducted after the military hand over of power. Though in the pre-election periods, political campaigns were frequently intense

and without issue. Nonetheless, in several states across the country, there were recorded varying degrees of election related violence. Undeniably, the 2015 presidential elections were hugely pronounced as another electoral landmark in Nigeria's most intensely contested election since its history. Also, the 2015 Presidential elections led by INEC was significant, because it offered the new electronic accreditation process regardless of the issues encountered, it amplified the credibility of Nigeria election administration process. Secondly, for the first time in Nigeria history, an incumbent President lost the elections and conceded to the opposition⁸⁴.

However, INEC faced severe condemnations on its decision to announce the use of an electronic accreditation process. Therefore, given the country's poor state of infrastructure mostly with respects to a deprived power supply which critics defined as too premature¹⁰¹. The 2015 presidential elections; took place in an era where democracy exists, and the international electoral observation mission was duly present during the elections to avoid electoral malpractices and electoral violence during and after the elections to enhance electoral integrity amid the electoral process.

2.4.28 The Monitoring of 2015 General Election

The European Union Election Observation Mission delivered a comprehensive 'Final Report on general elections in 2015'; EUEOM said, for the first time with the opposition winning since the transition from military regime in 1999, it was an historic election, and with the incumbent presidential candidate, Goodluck Jonathan, conceding defeat and thus paving the way for a peaceful handover of power¹⁰².

Methodical feebleness exposes electoral management to exploitation by political nominees, even after INEC's creditable efforts towards the solidification of the process.

Procedural shortcomings were evident, during collation and from analysis of polling unit results, however, no centralized systemic fraud was observed. A thrilling election problem can come from the huge populace, the security state, the problem of infrastructure, and the aggressive political rivalry¹⁰².

Following the National Security Advisor and all the Armed Services and Intelligence Chiefs stating that they could not guarantee security for the proposed election days as six weeks was needed to conclude military operations against Boko Haram. The Accord signed in Abuja by presidential applicants and their parties. The initiative of peaceful elections was established under the portent of Kofi Annan, the former UN Secretary General, however the 36 states of Nigeria implemented (Final Report General Elections 28 March 2015). During the elections 2015 in Nigeria, even in the face of condemnation which expanded after both election days, INEC seems to have done fairly in challenging this situation. In any case, the election organization stays defenseless against factional operations and additionally frail conveyance that dangers misuse by parties, given the inadequate prerequisites for straightforwardness and filled public responsibility and an absence of full institutional autonomy. The law excessively confines the powers of INEC's rendering it deficiently viable in challenging improper activities of political candidates⁸¹.

The INEC administrative guidelines incorporate polling protections, yet genuine procedural faults embrace especially with respect to clarity and grouping meticulousness. The Inadequacies were apparent, with arrangements enhancing after the six-week delay⁶⁴. Several citizens observers network led an observation which improved the transparency of the election and added to the electoral deliberation. However, amid the

28 March presidential election, there was similar outcomes confirmation through the Transition Monitoring Group's "quick count that established official outcomes" yet additionally revealed the results manipulation in four states in the South-South¹⁰³. Nevertheless, there was a limited observation of a certain significant aspect of the election procedure and citizen observation was essentially hooked on polling. Furthermore, CSOs command blended levels of assurance in their political impartiality, neutrality, and capability to ensure measured answer, with numerous groups being observed as aligned to one of the political parties and devoted to the election management.

The European Union Electoral Observation Mission on its report specified that the 2015 elections were peaceful, and the security staffs were at their best in ensuring it was peaceful. Yet, the former US Ambassador, John Campbell had an alternative interpretation about the 2015 elections credibility; he believed the polling at the 2015 elections was reliable. Though, counting of the cast votes was not credible. He further added that religious and party opinions made a greater influence in the 2015 election. In detail, several prominent organizations, such as the European Union, the African Union, the Commonwealth, the Organization of American expresses, Economic Community of West African States, as well as outstanding nations, for instance, United State of America, France, and Britain were all involved with this exercise; as well as diverse non-governmental organizations, quite among which are the Carter Center, National Democratic Institute for International Affairs, and the International Republican Institute. It is appropriate at this junction to observe, the display of election observation and remarks in Nigeria, with a valuation to lighting up the basis contrary to

which it occurred and as well the idea it was modified to achieve and explain election observation.

2.4.29 The 2019 General Election

The 2019 general election was the sixth general election in this Fourth Republic is the first to be conducted by the Professor Mahmood Yakubu led Independent National Electoral Commission. Although since coming into office in November 2015, his team has conducted 196 off-season governorship and other by-elections, the announcement of the date for this year's elections was made two years before, precisely on March 9, 2017. The elections were the most planned for¹⁰². Preparations started with the INEC Strategic Plan 2017 – 2021; thereafter, there were Election Management System, Election Project Plan and Elections Operations Support Centre. A factsheet on the 2019 General Election revealed that there were 84 million registered voters out of which 72 million voters collected their Permanent Voter Cards; 91 registered political parties; 119,973 Polling Units; 120 Accredited Domestic Observers and 36 Accredited Foreign Observers and 23,000 candidates competing for 1,558 positions. Seven elections were also conducted over two Saturdays. They were Presidential, Senate and House of Representatives elections on February 23 and Governorship, State Houses of Assembly, chairmanship and councillorship elections of the six Area Councils of the Federal Capital Territory held on March 9, 2019. This was unprecedented in Nigeria's electoral history. General elections were held in Nigeria on 23 February 2019 to elect the President, Vice President, House of Representatives and the Senate. The elections had initially been scheduled for 16 February, but the Election Commission postponed

the vote by a week at 03:00 on the original polling day, citing logistical challenges in getting electoral materials to polling stations on time.

In some places, the vote was delayed until 24 February due to electoral violence. Polling in some areas was subsequently delayed until 9 March, when voting was carried out alongside Gubernatorial and State Assembly elections. Besides, the elections are the costliest in Nigeria's history. Officially, the Federal Government funded the elections with a whopping N242bn, N189bn of which went to INEC while the remaining N53bn was shared by the security agencies for the purpose of election security. This is outside the millions of dollars spent on the commission by the various international donor partners. The President of Nigeria is elected using a modified two round system, to be elected in the first round; a candidate must receive a majority of the vote and over 25% of the vote in at least 24 of the 36 states. If no candidate passes this threshold, a second round is held. The results of the presidential election were announced in the early hours of 27 February 2019.

Incumbent President Muhammadu Buhari won his reelection bid, defeating his closest rival Atiku Abubakar by over 3 million votes. The President was issued a Certificate of Return, and will be sworn in on 12th June 2019¹⁰³. Being the most competed for; this year's elections have also attracted a lot of controversies. From October 7, 2018, when political parties finished conducting their primaries, there have been over 640 court cases from aggrieved aspirants¹⁰³. The electoral commission is joined as defendants in all these pre-election cases. In the lead-up to the elections, there was a constitution amendment that now pegged the time limit for pre-election matters to fourteen days. Hitherto, there used to be no such thing but on June 8, 2018, President Muhammadu

Buhari signed into law the Fourth Alteration No. 21 which now asks all aggrieved aspirants to file their matter within 14 days of the action while courts are to deliver judgments on such matters within 180 days while appeals from such judgments shall also be disposed off within 60 days¹⁰³.

Immediately following the elections, there were claims of widespread fraud by the opposition. The claims included accusations of ballot box snatching, vote-trading and impersonation. There were also claims that caches of explosives were found by police. While the African Union said the elections were “largely peaceful and conducive for the conducting of credible elections”¹⁰⁴. The electoral commission also described the elections as mostly peaceful. However, the 2019 election fell short of expectations. Informed commentators rightly identified the process smashing records. Standards dropped! We had to deal with having too many political parties on our ballot. The electoral manager INEC presented 91 parties to us. Some 73 presidential aspirants, an unprecedented figure in the history of our democracy, expressed interest in leading the country to greater heights. Some of them withdrew, thus could not complete the race. Validation of the elections now rests with the court. It was during the 2019 elections that a court of law denied a ruling party at the centre the opportunity to contest all elections in Rivers and Zamfara states. Due to the lingering dispute over the party congresses held in Rivers State in May 2018, the High Court, Court of Appeal and even the Supreme Court barred the APC from fielding candidates for all elective positions in the state. Two states, Zamfara and Rivers, were initially involved before the Zamfara High Court came to the rescue of the Zamfara APC by ordering INEC to enlist the party on the ballot paper¹⁰⁴.

Another thing that singled out the 2019 general election was the high number of cancelled votes due to violence, over-voting and non-adherence to the use of Smart Card Readers. The cancelled votes which are in millions brought about, five inconclusive governorship elections in Kano, Sokoto, Plateau, Adamawa and Benue State. INEC initially enlisted Bauchi among the states before reversing itself after a review of the investigative panel it set up on the governorship election. There were also seven inconclusive governorship elections, 24 inconclusive House of Representatives election and three inconclusive Area Council chairmanship polls in the FCT. Supplementary elections in the Polling Units where elections were cancelled in the affected states were to hold on Saturday, March 23, 2019. Something unprecedented in the annals of Nigeria's electoral democracy was INEC's review of the decisions of its Returning Officers in Imo West Senatorial Election and Bauchi State governorship election. In Imo State, the Returning Officer for the Imo West senatorial election, Prof Innocent Ibeawuchi, alleged that he was forced to declare Okorocha the winner of the poll by the supporters of the APC candidate. He was reportedly held hostage from 7pm on Sunday, February 24 till 11am on Monday, February 25¹⁰⁵. The don said because he feared for his life, he had to announce the result which he claimed was inconclusive, because of the alleged electoral fraud in eight LGAs. For allegedly making its Returning Officer to declare result under duress, INEC has withheld the Certificate of Return for Okorocha.

In Bauchi State, INEC similarly reviewed the declaration of his Returning Officer concerning the nullification of the result of Tafawa Balewa Local Government Area. According to the commission, its investigative panel found out that halfway into the LG

collation, armed gangs attacked the collation centre and destroyed the LG Result Sheet (EC8C) and some collated results from the Registration Areas¹⁰⁵. The results of seven out of the 11 Registration Areas for governorship and six out of the 11 for state Assembly elections were affected. The collation officer, under pressure from party agents who could not wait for the arrival of a replacement result sheet, decided to collate the result on an available RA result sheet instead of the replacement LGA result sheet. “The investigation committee also established that the number of cancelled votes for the four Polling Units in Ningi LGA which was recorded as 25,330 in Form EC40G (1) was incorrect. The actual figure is 2,533. The big question which has attracted litigation is whether INEC as a commission can overrule its appointed Returning Officer in the light of provision of Section 68 of the Electoral Act 2010, as amended which states that: “The decision of the Returning Officer on any question arising from or relating to:

- (a) Unmarked ballot paper,
- (b) Rejected ballot paper, and
- (c) Declaration of scores of candidates and the return of a candidate shall be final subject to review by a tribunal or court in an election petition proceedings under this Act.” This was why the governor of Bauchi State, Alhaji M A Abubakar, has dragged the commission to court urging it to halt the resumption of collation of results of the Tafawa Balewa LG. Of the 29 states where gubernatorial and state houses of assembly elections held on March 9, six of them – Adamawa, Bauchi, Benue, Kano, Plateau and Sokoto – had to go through supplementary elections. Now, we know that rerun are trajectories for intimidation, suppression, inducement and violence. Ballots were burnt

in Benue. Thugs attacked journalists and disenfranchised voters in Kano. Voters were induced in Bauchi.

The 109 members of the Senate were elected from 109 single-seat constituencies (three in each state and one for the Federal Capital Territory) by first-past-the-post voting. The 360 members of the House of Representatives were also elected by first-past-the-post voting in single-member constituencies¹⁰⁴.

The Governorship general election was conducted in 29 states with APC winning 15 States while PDP won 14 States. Election did not take place in 7 states in 2019. The results indicated that State Governorship election took place in 29 of the 36 states in the country as the calendar for election in other states differed. The ruling party APC won 15 out of 29 making a total of 51.7 % of the states while the opposition PDP won 14 or 48.27% of the seats. The governorship election did not hold in seven states of the federation and the Federal Capital Territory (FCT)¹⁰⁵. The affected states, Anambra, Bayelsa, Edo, Ekiti, Kogi, Ondo and Osun, did not participate because their governorship elections were held at different times. This was mainly due to court judgments that nullified the elections of their governors at different times in the past. However, the State Houses of Assembly elections were conducted in all the 36 states¹⁰⁶. The FCT did not witness both elections because it is run by a minister, who is appointed by the President, with laws made by the National Assembly but Councillorship elections took place. After dealing with arson and postponement, more challenges lurked around for INEC. Apathy came to devour our electoral process. Apathy ejected its host, INEC and ate to its fill. This affected votes recorded at the polls on February 23 and March 9, 2019. It appeared citizens had lost confidence

in the process initially scheduled for February 16 and March 2. Their minds were made up¹⁰⁷.

2.4.30 Challenges of 2019 General Elections in Nigeria

Nigeria's democracy landed on a good platform with the existence of democratic institutions, plural society, vibrant civil society organizations and critical mass media among others. These ingredients have the structure and capacity to make democracy thrive in Nigeria. But it is germane to note that, Democracy in Nigeria has remained grossly unstable since the return to this popular form of governance in 1999. The political terrain has been home with lots of challenges precipitating against the genuine realization of the system.

In fact, the impediments to the nations unending desire for a true democracy seem to assume a more perilous proportion by the day. Some of the major challenges faced in preparation and conduct of the 2019 general elections relate to the cynicism and skepticism of the Nigerian voters and citizens generally; the peculiar attitudes and mindset of the typical Nigerian politician; those associated with the use of technology in our infrastructure-challenged environment; the constraints imposed by the extant legal framework and those emanating from the prevalence of the phenomenon of weak institutions and other systematic peculiarities of the Nigerian polity. Each ethnic nationality in Nigeria has its own faith, interest, culture, language and level of aspiration and these forces seems to affect the economic fate of each group. In addition, they make the creation of a common identity problematic, thereby exacerbating the difficulty in attaining a true democracy in the society. Currently, Nigeria lacks the necessary democratic values (civil and human abuse is rampant, freedom of speech

and expression are hampered, lack of social security and distributive justice) hence the rampant social unrest in the polity¹⁰⁵. For one, the manipulation of ethnoregional identity reached new heights in the march towards the elections, making the election to appear like a form of warfare between the North and the South. In the build up to the election, there were campaigns by local PDP activists urging voters in the South East not to support the APC, describing the party as a reincarnation of the Northern-Yoruba alliance that defeated Biafra in the Civil War of 1967-1970¹⁰⁵. Following the APC victory, there was a growing perception that the APC government would alienate the South-East and South-South, in the same way the two regions were marginalized in the aftermath of the civil war. For another, the seemingly unprecedented level of elite fragmentation, also along ethno-regional and religious lines was another source of serious concern.

2.4.31 How credible were the 2019 elections?

The preponderance of opinion on Nigeria's 2019 elections points to the fact that the processes and events did not meet the expectation of most Nigerians and that issues of transparency and accountability were not properly addressed by the electoral monitoring board, the INEC. Although a total of 156 election (120 domestic and 36 foreign) observer groups were accredited for the 2019 elections by the Commission, however, this study will be focused specifically on the reports of six groups with proven track records of election monitoring and observation in Nigeria since its return to democracy in 1999¹⁰⁴.

These are:

- (1) Electoral Institute for Sustainable Democracy in Africa election observer mission (EISA EOM);
- (2) the African Union Election Observation Mission (AUEOM)
- (3) the Nigeria Civil Society Situation Room) – a platform of over 70 Nigerian Civil Society Organisations (CSOs) working in support of credible and transparent elections in Nigeria;
- (4) The Independent Republican Institute/the National Democratic Institute (IRI/NDI);
- (5) The European Union Observer Mission (EU EOM); and,
- (6) The Commonwealth Observer Mission.

In its preliminary report on the election, the Electoral Institute for Sustainable Democracy in Africa election observer mission (EISA EOM), led by former President of Zambia, Rupiah Banda, relying on reports submitted by its observers from the 54 polling stations spread across Nigeria, noted that ‘after six consecutive elections, electoral violence remains a feature of Nigeria’s electoral landscape’¹⁰⁵. The group noted that while Nigeria has made substantial progress in broadening its democratic space, as evidenced in the increase in the number of political parties, the progress has not translated to political party institutionalization¹⁰⁵. The non-recognition of electronic voting and independent candidates by Nigeria’s existing electoral frameworks, according to this group, meant that its electoral process can be easily manipulated, and the ‘right to stand and the right to vote’ of the citizenry not respected. The EISA EOM report fell short of calling the elections credible¹⁰⁶.

In its final report on the elections, the Nigeria Civil Society Situation Room, which deployed 24,000 of its observers to 8,809 electoral wards across Nigeria’s 36 States

and the Federal Capital Territory, Abuja, welcomed the liberalisation of Nigeria's political space, and commended the determination of the electorates to exercise their votes, including marginalised groups such as women, persons with disabilities (PWDs), young people, etc. These positives notwithstanding, the group submitted that the unexpected postponement of elections from the initial dates, the failure of the Nigerian president to assent the Electoral Act amendment, and the inability of the electoral umpire to resolve the several challenges associated with the polls meant that the election did not meet the threshold for a credible election. This, as the report concludes, poses serious questions about the future of elections and the quality of democracy in Nigeria.

For the IRI/NDI elections observer mission, issues such as: vote buying, intimidation of voters and election officials, and election-related violence severely impacted on the credibility of the exercise¹⁰⁵. The last-minute postponement of the presidential and National Assembly elections on the morning of Feb. 16, and delays in opening some polling units and other administrative challenges on 23 February undermined public confidence in INEC¹⁰⁶. The mission also took a swipe at what it calls the 'the paucity of women and youth nominated to run on the tickets of the two major parties, the APC and PDP, demonstrated Nigerian political elites' lack of commitment to opening space for new faces and new voices¹⁰⁶.

In conclusion, the group submitted that major stakeholders in the process, particularly political parties and their leaders did not uphold their commitment to peaceful and credible elections, and that they failed to restrain and hold accountable members and supporters who committed electoral offences. As such, the 2019 elections did not

meet the expectations of many Nigerians. In its commentary on the exercise, the European Union electoral observer mission (EU EOM) noted that the systemic failings evident in the 2019 presidential polls, and the low levels of voter participation evince the need for fundamental reforms in Nigeria's electoral process¹⁰⁶. Without this, the EUEOM cautioned that Nigeria stands the risk of further democratic deterioration and unaccountable leadership¹⁰⁶. Such reform, as the EU EOM submits, 'requires principled political leadership committed to the rights of Nigerian citizens and an inclusive process of national dialogue involving state institutions, parties, civil society, the media and other experts⁸⁹.

However, unlike the Nigeria Civil Society Situation Room, the IRI/NDI, and the EU EOM whose reports painted a picture of a less credible poll, the Commonwealth Observer Group to the 23 February general election noted that the election was transparent and the result credible¹⁰⁶. Led by a former President of Tanzania, Jakaya Kikwete, the group noted that:

While the environment was tense and there were instances of violence, overall, fundamental freedoms of association, expression, assembly and movement were generally respected. Our overall conclusion is that the voting, closing and counting processes at polling units were transparent, and offered Nigerians, for the most part, the opportunity to express their will and exercise their franchise⁸⁹.

According to the group, issues such as better youth participation, increase in the number of women presidential candidates, and introduction of relevant legislative provisions were implemented to enhance the participation of people with disabilities in the electoral process. Our collective, according to the group, is that 'there were considerable organisational, logistical and technical difficulties with these elections, which we trust

that the Independent National Electoral Commission (INEC) and other national stakeholders will wish to address'¹⁰⁶.

A similar stamp of credibility was also reflected in the report submitted by the African Union Election Observation Mission (AUEOM) delegation, led by former Prime Minister of Ethiopia, Hailemariam Desalegn¹⁰⁷. Although, Nigeria's 2019 elections, were marred by overcrowding and interference by voters and party agents during the counting process, logistical challenges, incidences of election-related violence, and intimidation, the overall political climate remained largely peaceful and conducive for the conduct of democratic elections'⁹⁰. These challenges notwithstanding, the AUEOM submitted that Election Day operations were administered in a manner that allowed the free expression of the will of the voters¹⁰⁷.

2.4.32 The Role of International Electoral Observation in Nigerian Elections

The deployment of election observers is a foremost response to enhance the integrity of elections in both developing and developed countries. Countries with delicate electoral institution, receives observation mission's assistance, which is a fundamental characteristic of the advancement of democracy by foreign and local players. Roughly 80 percent of elections that took place around the world in 2006 were monitored by observers¹⁰⁶. Furthermore, it is assumed that the reason for deploying of international observers to underdeveloped countries for election monitoring is to avoid electoral malpractices during elections. In addition, Elections establish a grave energy of democratic process. In any case, a democracy that is participatory winds up misleading when the voters lose confidence in the constituent structure. Be that as it

may, the customary part of election as featured above can be acknowledged in a fair election system, reasonable and gives an equal ground to other political players¹⁰⁷. Therefore, the impact of international electoral observation would aid in promoting electoral integrity in Nigeria political development, while at the same time reduce electoral violence and other electoral issues which undermines the growth of electoral integrity in Nigeria electoral atmosphere.

2.4.33 Roles and Actions of International Electoral Observers in Nigeria Elections in 2015

The impact of the International electoral observers in guaranteeing democratic solidification in Nigeria is essential to Nigeria and the African Union specifically in view of the main position which Nigeria possesses in the Continent. Nevertheless, the electoral observation squads have to turn out to be credible support for election administration worldwide as well as guaranteeing that states follow the general prescribed procedures. In addition, the universal electoral standards have turned into a valuable standard for performance decision. However, from the perspective of the 2015 presidential elections, it was noted that foreign observer teams played roles that were pertinent to the success of the elections, as follows:

- i. **Roles:** During the elections, INEC was short of staffs as they had recruited less staff for voter's administration. However, some members of the international observation teams had to assist where essential such as; assisting the federal government by providing financial and material supports, toward the elections conduct; preventing the voting materials from falling into

the wrong hand as the voting materials were given suitable security nationwide; they revealed that citizens were ready and willing to accomplish their civic responsibilities; as well as assist in the distributing of election materials; as the observation teams realized that election materials arrived later than supposed in some polling units, thus delaying early registering and peaceful conduct of the elections

- ii. **Action:** The International Observers supported the Federal Government of Nigeria in realizing her political aims as well as establish the step for the 2015 general elections preparations, subject to the Independent National Electoral Commission. The degree to which the arrangements affirmed to the worldwide values. In terms of the arrangement and supply of vote papers, the assemblage of voter's registers, the polls conducted, counting of votes, declaration of the outcome as well as the election procedure. They observed the election, collected their outcomes and finally made some announcement on the election conduct. The following is the synopsis of electoral observations
- iii. **The Methods used to Achieve a Free and Fair Election in 2015:** The 2015 general elections were widely praised by local and international observers as the most successful free and fair election in Nigeria. Most especially because of the methods used in achieving the 2015 election process successfully with a much less electoral violence throughout the country. During the elections, the Independent electoral commission (INEC) applied the below methods

to attain the level of credibility accomplished during the general election in 2015.

- iv. **Voters Registration:** During the 2015 elections, one of the significant problems and condemnation elevated contrary to the past elections which could have additionally influenced the integrity and validity of elections was voter's mobilization. As the voter registration preceding the general elections in 2011 was loaded with inconsistencies and disparities. On the other hand, INEC's registration with the use of the biometric was one of the significant accomplishments of the commission in 2006 by setting the commission above bars. While the activity was seen by numerous people as unwieldy as it turned out well at the close of the 2015 elections. Moreover, the presentation of technological motivated voter verification molded the elections and gave it open acknowledgment by the people. The utilization of technology in advancing the electoral integrity in Nigeria election process cannot be underemphasized. The registration technique and validation of enrolled voters on the day of election decides the achievement or dissatisfaction of at all election. However, elections in Nigeria have been loaded with voter's confirmation-based as well as registration scam. Nonetheless, these difficulties were overcome with the use of the card reader.
- v. **Election Materials:** One of the main causes of elections day and post-election clashes in Nigeria has been Election Material related. Reports surfaced that election officer conspired with politicians to duplicate election materials and late material delivery to several electoral zones with the aim to ensure

that some zone election material does not get delivered. So, therefore, the advancement embraced by INEC enhanced the electoral process and reinforced its integrity. In addition, INEC guaranteed that all the Electoral materials were coded in various forms from State to Local Government levels. In the long run, the material appears to be identical in different areas which made the stealing of ballot boxes relatively incomprehensible and advanced the security of the material as well as staffs

- vi. **Polling Center:** previously, polling centers could be aimlessly seen in the home of some prominent individuals, which in return is the route by electoral fraud was executed, in any case, there was a change from this activity amid the 2015 General Elections as there were harsh devotion, that polling units should be positioned in public places
- vii. **The Announcement of Results:** The quick counting and discharging of 2015 election outcome at each polling centers additionally contributed to credibility and reinforcing of the integrity of the elections
- viii. **Integrity:** the reforms were great. In any case, changes do not execute itself, subsequently, the character and stubbornness of drivers of change to a huge degree decide the result of such reform. The INEC leadership should be significantly recognized for showing excellent mettle, the quality of character, integrity, equality, and impartiality in the release of his obligations. These characteristics of the administration of INEC formed the 2015 elections and guaranteed the solidity as well as democratic solidification in Nigeria.

2.4.34 The Challenges of Democratization Process in Nigeria

INEC as the electoral umpire in the country suffers a number of challenges in all its electoral managements since its establishment in 1998. INEC suffers credibility problems, because most citizens lost confidence in its capacity to organize free, credible and transparent elections. From 1999-2015, all elections conducted by INEC have been criticized as riddled with various problems, resulting in questionable outcomes. INEC lacks financial, institutional and administrative independence, evidenced by its funding and composition by the presidency, as well as its lack of professional staff and security of tenure for its officials¹⁰⁸. INEC's capability has been severely questioned in two ways. The first relates to the appointment of people without necessary professional and intellectual competence to pilot the affairs of the commission. The second relates to INEC's continuous use of ad hoc staff, who are usually hurriedly briefed for about a day for their duties. These temporary staff lacks requisite knowledge and competence to administer credible elections using laid down electoral laws¹⁰⁷.

The over-centralization of power in INEC responsibility also calls for serious concern. INEC lacks the necessary competence and skilled staff to administer elections in all the states of the federation including Presidential and National Assembly elections. The true independence of INEC to conduct credible and transparent elections was queried¹⁰⁸. The monopoly of an incumbent President in appointing electoral officials has further raised doubts as to impartiality of INEC to conduct free and fair elections¹⁰⁸. The credibility problems faced by INEC strains electoral apathy and civic irresponsibility. For instance, the level of apathy during the 2011 general election was alarming as only 35 percent of about 70 million registered voters participated in the elections. In 2015,

the level of apathy still subsist with only 43 percent of the registered voters participating in the elections¹⁰⁹.

2.5 Summary of Literature Reviewed

In the study on the elections in Africa, using the 2015 elections in Nigeria to show the significance and effect of credible elections to democratic consolidation which was examined in Nigeria¹⁷. The study adopted a qualitative analysis drawing data from PhD field work conducted in 2014. It also makes use of available texts from INEC document, elections observers' reports, data from Freedom House and Polity scores and other documentary evidences to analyze the election. The study showed that regularities of elections have potential for democratic improvement and that the 2015 elections have restored Nigeria back on the path of democratic consolidation through elite acceptance of electoral outcome, electoral turnover, elite pact and consensus, coordinated opposition and effective electoral management.

In another study on Electoral Process and its Workability Through Adult Education Programmes was examined in Nigeria¹⁸. The study made use of a systematic review. The study also mirrored briefly the historical background of the Independent National Electoral Commission in Nigeria. It also considered three adult education programmes through which the Nigerian electoral process can become viable and finally, suggestions were made. They include: adopting A-Two party system as against multi-party system; ensuring realistic campaign process by political parties among others. Also, the dynamic nature of election observation in democratizing states was explored in Africa¹⁰⁰. The study examines the relationship between the political incentives of international organizations and the actions of their election observer missions. Specifically, it focuses on the politics that surround the election

observation missions deployed by the African Union and the Southern African Development Community and compares them to their Western counterparts, the European Union and the Commonwealth of Nations. The study made use of systematic literature review. The findings showed that African international organizations are taking a more prominent place in the political affairs of their member states and influencing the nature of election observation. As election observation continues to be a growing industry that increasingly includes regional actors, this dissertation examines the implications of this shifting political environment. The findings of this work emphasize the importance of paying closer attention to regional actors in election observation.

A study on the effects of Electoral Malpractice on the Path to Democratic Consolidation was carried out in Nigeria²⁰. The study was qualitative in nature. It showed that it is not the regularity of elections that can strengthen democratic heritage in Nigeria, but how transparent the country's electoral process is.

A study on elections and democratic consolidation with reference to the 2019 General elections was carried out in Nigeria²¹. The study adopted the Elite theory by Gaetano Mosca, Vilfredo Pareto and Robert Michels as its framework of analysis. The data used for this study were collected through the secondary sources which were obtained from the review of related literature. The major findings of the research are: that the 2019 general elections were to a large extent fraudulent as they did not largely reflected voters choice due to inflation of election result figures, multiple voting, falsification of election results, delay in commencement of voting, result manipulation and wholesale subversion of the will of people which were largely perpetrated by the incumbents. The study also found out that the 2019 general elections have lower

democratic quality and higher credibility deficit as compared to 2015 general elections. The research recommends that the areas that recorded significant improvement should be maintained while in the areas where there were of challenges should be looked into against future elections.

A study on the trends in electoral violence was conducted in Nigeria²². The study made use of an indepth analysis of electoral violence in Nigeria with particular focus on the fourth republic.

A study on ethnicity and religion: key indicators in electoral system was carried out in Nigeria²³. The study made use of a qualitative research design. The research advocates for a massive re-orientation of both the political class and the electorates in order to put Nigeria on the right track for all round development.

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Chapter Three

Methodology

This chapter focuses on the research methodology which consists of the Research design, population of study, Sample and sampling techniques, Description of research instrument, Validity of research instrument, Reliability of research instrument, Method of Data collection, Method of Data Analysis.

3.1 Research Design

A research design is a framework that has been created to find answers to research questions. It is the framework of research methods and techniques chosen by a researcher. The design allows researchers to hone in on research methods that are suitable for the subject matter and set up their studies up for success¹. A research can be in form of quantitative or qualitative but for this study, therefore, qualitative research will be used.

This study will adopt qualitative research design. Qualitative research involves collecting and analyzing non-numerical data (e.g., text, video, or audio) to understand concepts, opinions, or experiences. It can be used to gather in-depth insights into a problem or generate new ideas for research.

3.2 Population of the Study

A population is the entire group that you want to draw conclusion about. A sample is the specific group that you will collect data from. The population of this research work are the election monitoring and observation team used during election while the sample are the selected NGOs and other group of Domestic observers from different organizations used during the period of election in Nigeria.

3.3 Sources of Data

The sources of data for this study is secondary and primary sources. Secondary data refers to data that is collected by someone other than the primary user. Common sources of secondary data for social science include censuses, information collected by government departments, organizational records and data that was originally collected for other research purposes. Primary data, by contrast, are collected by the investigator conducting the research. This study sourced data from primary sources, that is, from those who observed in the 2015 and 2019 general elections in Nigeria, and from secondary sources such as documentaries from historical events and archives; text journals, library materials, internet materials, magazines, newspapers, International and Domestic observers reports, legal documents, government official documents and INEC documentation.

3.4 Description of the Research Instrument

The instrument used for this research work is a structured interview. A structured interview questions was designed by the researcher and was scrutinized and corrected by the supervisor to ensured it is in line and tally with the objectives and research questions of the research work.

3.5 Validity of the Instrument

Validity refers to the degree to which an instrument accurately measures what it intends to measure. The documents used in this study were scrutinized, corrected and approved by the researcher's supervisor to ensure content validity of the instrument and it will be reviewed based on the literature.

3.6 Reliability of Instrument

The reliability test of the research instrument was carried out using the inter-rater reliability. In order to find out whether the instrument used for the research is reliable, sensitive and meaningful, the research interview questions was subjected to inter-rater reliability testing.

3.7 Method of Data Collection

The data was collected using primary and secondary sources such as documentaries from historical events and archives; text journals, library materials, internet materials, magazines, newspapers, International observers reports, legal documents, government official documents and INEC documentation and interview from selected NGOs

3.8 Method of Data Analysis

In the analysis of this research work, the descriptive analysis method of research was adopted. The data collected from both primary and secondary sources was subjected to in-depth, logical and critical analysis so as to allow the researcher capture the issues and prospects of Election monitoring and observation in the last two general elections in Nigeria. Hence, this research is descriptive qualitative and historical in nature through the use of primary and secondary data sources for Analysis.

Endnotes

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Chapter Four

Results and Discussion of Findings

This chapter is on Data analysis, presentation of results and discussion of findings. This study is on election monitoring and observation in Africa: a study of Nigeria's 2015 and 2019 general elections.

4.1 Demographic Data Analysis

A total number of 8 people were interviewed from Four organizations. The organizations are YIAGA Africa Abuja, YIAGA Africa Anambra state, Governometrics Foundation and Center for Transparency Advocacy (CTA). Many of the respondents were within the age category of 35-45 years and had minimum of first degree.

4.2 Presentation of Data

4.2.1 Presentation of Research Questions

Question One:

All the 8 Respondents responded to the question and their responses are as follows:

What role did Election Observers and Monitoring team play during the 2015 and 2019 general Elections in Nigeria?

Respondent A1 has this to say:

Yes my organization did and the roles we played was to serve as election observers in the 2015 and 2019 general elections.

IDI I, Program Director, YIAGA

Respondents A2 has this to say:

Yes. I worked with Yiaga Africa, infact we are the one with the largest election observers during 2019 elections because we had recruit over

3,000 election observers and we have observers in the 774 local government in Nigeria. I worked as a program officer during the 2019 election covering the northern Nigeria. My own role is to recruit them, train them and make sure they are deployed to their assigned polling unit.

IDI II, Program Officer, YAGA AFRICA

Respondents A3 has this to say:

Yes. We acted as election observers for the 2019 gubernatorial election in Lagos state

IDI III, Program Coordination, Governometrics Foundation

Respondent A4 has this to say:

Yes. We were basically there in 2015 and 2019 for the general and governorship election. We were accredited by INEC as observers. What we do is to observe, we don't talk to anyone, we take note of what was done right and wrong and we report and send to INEC.

We are in different States but head office is in Abuja. I observed in Oyo State in 2019. In 2015, someone else was in charge but in 2019, I was in charge. So we deployed 29 different observers to various locations.

IDI IV, Program Coordination, Center for Transparency Advocacy (CTA)

Respondent A5 has this to say:

We are observers, we are accredited observers for the 2019 general election. For the 2015 general election, we worked with other organization.

IDI V, Program Coordination (II), Center for Transparency Advocacy (CTA)

Respondent A6 has this to say:

Yes. The mission of election observers are strictly speaking, mandated to collect verify information concerning the election process, to analyse the observations and then, after the elections, to publish their finding. They cannot interfere in the electoral process and have no authority to change, improve or correct any shortcomings, or to request changes during the election proce

IDI VI, Program Officer, CTA

Respondent A7 has this to say:

Yes. Election observers monitor the entire electoral process. Election experts and long-term observers begin their work weeks before the actual election day, looking at candidate registration, the legal framework, the media situation, the work of the election administration, and the campaign environment. On election day, short-term observers monitor the opening of polling stations, the vote cast, and the counting and tabulation of results. After election day, observers remain in the country for another few weeks to monitor how possible election-related shortcomings and complaints are dealt with by the election administration and the judiciary. The findings of the observers are made public in reports issued after election day.

IDI VII, Field Officer, CTA

Respondent A8 has this to say:

Yes. I played the role of field officer.

IDI, VIII, field officer, YIAGA Africa

Question Two:

What were the Challenges Election Observers and Monitoring Team encountered during the 2015 and 2019 general Elections in Nigeria?

All the 8 respondents answered this question.

Respondent A1 has this to say:

Every election provides its own political dynamics. The problem of each election differs from each other. Part of the challenges observers encounter is the issue of process of accreditation. An observer is required to be accredited by electoral commission to observe the process. To observe, you need to apply, when the commission grants the status of observer, you need to submit your passport photograph and information of all the observers and that could be quite cumbersome because you need to scan every passport photograph of all the observers and submit to the electoral commission because they will use it to provide ids for all the election observers. That is quite cumbersome because we have groups like Yale Africa deploy more than 4,000 observers for 2019 election.

Some of the observers were attacked by political thugs. One of our colleagues in Rivers state was attacked and her cartridge was seized. We had reports of some of the observers that were kidnapped and released after the election. Security threat is one of the major challenges.

IDI I, Program Director, YIAGA

Respondent 2 has this to say:

Election observation is not enshrined in the Nigerian constitution, you have to write, it falls under the International Human Right that means you have to apply to the electoral body in the country as an organization. Part of the problem were reaching out to the electoral bodies, logistics and sometimes some of our observers were subjected to security issues and were not allowed to carry out their duties.

IDI II, Program Officer, YAGA AFRICA

Respondent 3 has this to say:

There was voter's apathy in the local government I was deployed to. There was also logistic problems. On the day of election, many of the ad-hoc employees did not know the exact location to go and there were no provisions for them, no tables no benches. It was the members of the communities particularly the party agents that rally round to make the provisions.

There was no efficient and effective dissemination of information election observers. We actually missed the first meeting for election observers because of lapses in communication as that meeting was not communicated to us. The general election of 2015 witness large voters turnout and card readers were introduced which was an improvement on previous electoral process. The introduction of the card reader was the gateway to invite more and better

technology into the electoral process. In 2019, there were lot of intimidations. For example in some places in Lagos, some voters were beaten and molested.

IDI III, Program Coordination, Governometrics Foundation

Respondent A4 has this to say:

Smart card reader was introduced in 2015 but it was not used as it was in 2019. It was basically the salient challenge that was complained in various locations. Even in 2019, after it was upgraded, it still had challenges. In 2015, we had the problem of Police not cooperative. In 2019, there was a problem of vote buying as parties were no longer afraid and were doing without fear. When Edo State had their election, we had to travel but the problem was that our travelling fare were taken care by our organization. People had respect for us, because whatever we write was valid.

IDI IV, Program Coordination, Center for Transparency Advocacy (CTA)

Respondent A5 has this to say:

I think the challenges are the same with every other election. The election was postponed after we had mobilized our team and spending money and we had to re-arrange and re-organize our logistics. Also, the issue of insecurity did not allow our team to visit some areas that had security challenges.

There were issues with card readers and some of the adhoc staff did not know and understand how to operate the machines, some of them don't understand the electoral processes. There was a lot of improvement in 2019 compared to 2015 based voter's registers. I was in Delta State in 2015 and in FCT in 2019. There was issue of vote buying, where people were given a sachet of pure water and 3 pieces of biscuits. There was a lot of collision between political party agents and security agents, some of them were bribed and they didn't do their job.

IDI V, Program Coordination (II), Center for Transparency Advocacy (CTA)

Respondent A6 has this to say:

Some of the election observers were prevented from participating and observing the election. Security officers barred some of the election observers from playing their role in the coverage and monitoring of elections.

IDI VI, Program Officer, CTA

Respondent A7 has this to say:

One of the major challenges we encountered during the 2015 and 2019 election was insecurity of election observers across some states in Nigeria. Some of our members were harassed on the field by political thugs, they were threatened and not allowed to be involved in the process.

IDI VII, Field Officer, CTA

Respondent A8 has this to say:

There was problem of logistics due to postponement of the 2019 general election. This resulted into a big challenge for our organization as most of our team were already on the field before the postponement of the election was announced and we have to cut short our budget and re-strategized which was not easy. Also, on the field there were card reader problem as some of the card readers were not working which slowing down the accreditation process of voters.

IDI, VIII, field officer, YAGA Africa

Question Three:

How were you able to overcome the challenges?

All the 8 respondents responded to this question

Respondent A1 has this to say:

We do a lot of advocacies, media engagement, we create awareness to the general public as well as we register our presence with INEC. Through advocacy and media engagement, that's how we were able to overcome the challenges.

IDI I, Program Director, YIAGA

Respondent A3 has this to say

We overcame through advocacy and media investment; create awareness to the general public as well as register our presence to the police, DSS, and other security forces.

IDI III, Program Coordination, Governometrics Foundation

Respondent A4 has this to say:

In 2015, some of the observers didn't have their tags and they could be harassed by security agents but when you have your tag, you will be given access. Also, they believe that people could fake tags, so they asked for id cards and once your id card showed your identity, they would let you pass.

IDI IV, Program Coordination, Center for Transparency Advocacy (CTA)

Respondent A5 has this to say:

When the election was postponed, we had to go back to our organization and scale down the number of people that need to be mobilized and we asked some of the team members to stay back in the field. Some of the challenges were external, we didn't have power to change anything, we only reported and advocated.

IDI V, Program Coordination (II), Center for Transparency Advocacy (CTA)

Respondent A6 has this to say:

Of course there's no election that will not come with its challenges either in the area of logistics on the part of the observers of chaos arising during the election. So basically, what we do as observers is to go about with security operatives so as to safeguard data which we have already gathered.

IDI VI, Program Officer, CTA

Respondent A7 has this to say:

What we usually do is to train our observers before posting them to their various polling units and ensure that they are well trained and secured before posting them.

IDI VII, Field Officer, CTA

Respondent A8 has this to say:

We had to re-strategize and cut short our budget. Also, the number of people initially scheduled for the election was reduced as a result of the new budget. For the smart card reader problem, we didn't have power to change anything but INEC adhoc staff were able to resolve it though the process was slow.

IDI, VIII, field officer, YAGA Africa

Question Four: Did the presence of election observers and monitoring groups give credibility to the general election in Nigeria?

Respondent A1 has this to say:

I think it did but the question is, to what extent? But at the end, we are the independent actors, we are not the institution that has the power to make decision, what we do is observe and share our report. The presence of observers reduces the rate of manipulation. In some communities, when they see observers, they are more likely to act according to the guidelines because they do not know who is reporting to who? The other point is the role we play at the advocate for electoral

integrity because most of our reports are usually during the recommendation section. The other part is providing information to people to understand what happens across the board.

There is improvement on the part of electoral commission compared to 2011. In terms of technology, there had been improvement. Even though, INEC try to improve the process but the politicians are always looking for new ways to manipulate the process.

IDI I, Program Director, YIAGA

Respondents A2 has this to say:

The presence of observers in a polling unit alone will make INEC and other relevant bodies to do the right thing. Our own is to verify their results, as they are announcing the results, our observers are getting their results and sending to us direct. When INEC is announcing their results, we too we have our result and compare and if the results are different, then we know there is malpractices along the line.

IDI II, Program Officer, YAGA AFRICA

Respondent A3 has this to say:

Yes. Elections observers are independent and state things the way they are. A lot of times, we have video evidences. The fact that party agents know that there are observers around make them to be careful about what they do.

We had our tags on which clearly indicated us as election observers. As a result of electoral education, community members including party agents actually know

that election observers know that election observers are not meant to be partisan.

So, community members and party agents were a check on election observers.

IDI III, Program Coordination, Governometrics Foundation

Respondent A4 has this to say:

Yes. When we send in our report, both local and international observers send their report, if both are saying the same thing, there would be a problem. Once INEC get the results, they would declare the results and the people would go to court.

People feared the presence of election observers. You hear them saying an observer is coming. We don't say a word, all we do is to write.

In the Anambra election, Bi-modal Voters Accreditation System (BIVAS) was used, there was no more smart card reader, it was just BIVAS. Once you vote, it is transmitted immediately with the aid of BIVAS. This a new technology that was first used in Isoko as a pilot study and then used in Anambra election.

IDI IV, Program Coordination, Center for Transparency Advocacy (CTA)

Respondent A5 has this to say:

There are 2 categories, the monitors are staff of INEC, the observers are the organizations that have been accredited by INEC. Observers can only note what is happening and report but monitors are the ones that make interventions. Once you come into a polling unit and you are identified as an observer, people begin to behave themselves and say among themselves that an observer is here. The presence of observer and monitors helped to curtail certain issues.

IDI V, Program Coordination (II), Center for Transparency Advocacy (CTA)

Respondent A6 has this to say:

Yes. I think to some extent it does and one of the ways it gives credibility is that once their's the presence of observers in a polling unit, both party agents, INEC officials and voters tend to comport themselves and do away with any form of rigging at that particular point in time.

IDI VI, Program Officer, CTA

Respondent A7 has this to say:

Yes it does. The electorates are getting used to the fact that not everyone can be bribed, so when then sense the presence of an observer especially when we go with security agents we see that things are usually done how it ought to be.

IDI VII, Field Officer, CTA

Respondent A8 has this to say:

Yes. Party agents, electoral officers and voters are becoming aware of the presence of observers. When they discovered we were observers, many of them had to quickly stop some of the irregularities they were doing and quickly inform others that observers are present.

IDI, VIII, field officer, YAGA Africa

Question Five: How were the monitoring and observers group monitored to ensure that they did not engage in any form of partisanship or impartiality?

Respondent A1 has this to say:

For all observers deployed, we have specific system in place to check their excesses. Part of the rules is that they are not partisan but neutral and have not been involved in partisan politics in the past. All the observers send in their reports from the field into our database and we do logical checks. Some questions are introduced to check the credibility of the reports, the observers may not know about it but only the managers and technical teams. We have instances when we didn't trust the reports sent in by our observers in the field. Once they send their reports, the reports are flagged and quarantined. We also deploy two observers to each polling unit. Once their reports are different, we immediately call them back. Lastly we have mobile observers, we have mobile observers who move on election day across the local government areas to ensure that the observers are present at the polling units and sending in their reports. Mobile observers are usually supervisors or higher personnel within the projects. You can identify a fake observer if their tag is different from the tags of other observers because electoral commission gives us accredited tags. Also, if the conducts are strange and not in line with global standards.

IDI I, Program Director, YIAGA

Respondent A2 has this to say:

Like for us in YAGA Africa, we give our observers team an oath, when we finish screening our members, they will sign the oath. Then we make sure that our observers had never engage in any political party, we make sure that we get information from the community and various polling units.

We have what we call Critical Incidence. It is a situation whereby certain agents are collecting money for bribes etc, so what you do is that you fill it and send us through our database. So what we quickly do is that we alert INEC and report the issue about the particular polling unit then we leave INEC to act.

IDI II, Program Officer, YAGA AFRICA

Respondent A3 has this to say:

Before anyone can be an observer he or she must go through training and scrutinization by INEC. What we do also as an organization before submitting names to INEC is to ensure we also train them and then we have observers in our situation who oversees any activities in every polling units to ensure they do not go below the rules and regulation.

IDI III, Program Coordination, Governometrics Foundation

Respondent A4 has this to say:

In our organization, before people are engaged, we have our rules. You cannot engaged in partisanship. I moved around with rover to various local governments where our teams are stationed. Our team are stationed at the voting points but I moved around from one local government to other local governments. In Ibadan, we had like 5 Rovers, I took like 6 local governments while others took like 5 local governments. As long as a team is stationed there, it's my job to ensure that we go round to check and report what's going on.

IDI IV, Program Coordination, Center for Transparency Advocacy (CTA)

Respondent A5 has this to say:

We had other observers on the field monitoring the conduct of other observers. It is like a care support system. For the monitors, they can send in plain clothe officials to observe what observers and monitors are doing and do check and balances.

IDI V, Program Coordination (II), Center for Transparency Advocacy (CTA)

Respondent A6 has this to say:

We ensure that we have more than enough observers in a particular polling unit who then reports to the overall. If there is any discrepancies in the report with a very wide margin then we might declare such report Null and Void.

IDI VI, Program Officer, CTA

Respondent A7 has this to say:

There are codes and numbers which we use in identifying our observer team. If we come to a polling unit and you have a different tag from what we issued out then we might see you as a fake observer and report you to the necessary authority.

IDI VII, Field Officer, CTA

Respondent A8 has this to say:

Yes, we had someone like a supervisor monitoring all the observers on field. When he got our polling unit, he asked us some questions which we answered and he reported back to our organization.

IDI, VIII, field officer, YAGA Africa

Question Six:

What will you suggest to the government to ensure that electoral processes are carried out to meet the objectives of promoting transparency, accountability, credibility towards peaceful outcomes?

Respondent A1 has this to say:

The first part is for more observer groups to develop a comprehensive approach to election observation, meaning observing the pre-election stage and the second is to standardize processes to ensure that in every election, there is tendency for people to accept and receive reports when it is objective and data driven. To ensure there is improvement on observation methodology, deploying systematic observation of the process. It is also important to determine the type of report shared. If we are focusing only on the negative and not reporting the positive, it portrays that the system is not improving and this might affect the participation level of the electorates. This can create lack of trust in the process and this will create opportunity for political parties to manipulate the election because once there is low turn out, it will serve as an opportunity to manipulate the process. Also, there is need to engage the electorates especially the young people and women with adequate information

IDI I, Program Director, YIAGA

Respondent A2 has this to say:

Government need to be honest. They must ensure that the dividend of democracy reach every body. If polling units and ballot boxes can get across to people even in remote areas why not dividend of democracy reaching out to every body. If

citizens don't enjoy the dividends of election, it will be difficult for them to trust the process and may not fully participate.

IDI II, Program Officer, YAGA AFRICA

Respondent A3 has this to say:

It is just a case of making election as transparent as possible. A lot of people do not trust the electoral process but with the introduction of new electoral bill that had been recently passed by the National Assembly, we believe it will actually improve the transparency and legitimacy of electoral process in Nigeria. There has to be introduction of technology that limits human intervention and I believe that the new law introduced by the national assembly will limit human intervention to some extents giving the fact that electoral results can now be transmitted electronically and of course the introduction of electronic voting.

IDI III, Program Coordination, Governometrics Foundation

Respondent A4 has this to say:

Most of the adhoc staffs are not well trained on using some of this electoral gadgets. Voter's card should be given on time and they should make it possible for people with voters card to be transferred from one location to another. The media should be careful in their reporting and their report should be check mate.

IDI IV, Program Coordination, Center for Transparency Advocacy (CTA)

Respondent A5 has this to say:

To have the right laws, to have the pro-active members in the National Assembly and executives and the laws address the major issues. For example, we used the law used in 2015 to conduct the 2019 elections. There is need for a framework that will factored in the

law that elections need to be transparent. INEC should have the power to disqualify any candidate that goes against the law and electoral act, not that person going to court again.

IDI V, Program Coordination (II), Center for Transparency Advocacy (CTA)

Respondent A6 has this to say:

There are a lot of things not being done by INEC and some political parties. I think the electorates should be given enough power to understand the significance of their votes and voters cards. If the electorates understand that their votes count, then the government would be held accountable.

Respondent A7 has this to say:

Well, I think one of the ways the government can ensure transparency is to ensure that there are no interference with the collation of results especially by political agents. The government can also enlist the supports of civil organizations to ensure civic and participatory electoral processes.

IDI VII, Field Officer, CTA

Respondent A8 has this to say:

For subsequent elections, the electoral body should ensure that adhoc staff are well trained and given adequate knowledge of election gadgets and devices such as smart cards, voters registration sheets etc.

IDI, VIII, field officer, YAGA Africa

4.3 Discussion of Findings

This study is on election monitoring and observation in Africa: A study of Nigeria's 2015 and 2019 general elections. The study made use of interview guide as a research instrument and a

total number of 8 people were interviewed from four different organizations. The demographic characteristics of the interviewee showed that majority of the respondents were within the age category of 35-45 years and had minimum of first degree.

In answering the question on the roles of election observers, some of the roles the interviewees claimed are to serve as the eyes of the people, to provide that independent oversight of the electoral process by observing the process to document and what happened in the electoral process and share their findings with citizens and stakeholders. Also, they give information to the people on how elections are run and the other very important role is to serve as a mechanism to safeguard the right of the people to choose their leaders because election is a fundamental human right process. In addition, they detect fraud in the process, they give information on places where there were violence, manipulation of the process, where there were non-appearance. They also assess the conduct of an election process on the basis of national legislation and of international election standards. This finding agrees with a study that reported the international or foreign observers monitor and make comment on the process of transferring power from one administration to another ¹. This category are deployed and mostly sponsored by the international organization (i.e. the intergovernmental organizations).

Findings of the study also revealed that some of the challenges observers encounter was the issue of process of accreditation as it was stressful and cumbersome. Also, another interviewee noted that one of the major challenges they encountered during the 2015 and 2019 election was insecurity of election observers across some states in Nigeria as some of the election observers were harassed and threatened by political thugs. In addition, one of the interviewee noted that security officers barred some of the election observers from playing their role in the coverage and monitoring of elections. Similarly, one of the observers noted that they had shortage of

sophisticated gadgets and equipments required for monitoring election in this present age This is in line with a study which reported that the main problem is that since its inception during the 1980 independence elections in Zimbabwe to date, international election observation has not yet adapted to high-tech methodologies ². International election observers have not yet developed tools, instruments and methodologies for monitoring information and communications technologies, including social media and their impact on electoral integrity. For instance, observers were oblivious of the heavy involvement of Cambridge Analytical in both Nigeria and Kenya's 2015 and 2017 elections respectively.

Furthermore, findings showed that the presence of election observers influence the credibility of the 2015 and 2019 general elections. One of the interviewee noted that the presence of observers reduces the rate of manipulation. In some communities, when they see observers, they are more likely to act according to the guidelines.

Based on the question on how election observers promote transparency, the interviewees noted that there was need to develop a comprehensive approach to election observation, meaning observing the pre-election stage and the second is to standardize processes to ensure that in every election. It is also important to determine the type of report shared. If we are focusing only on the negative and not reporting the positive, it portrays that the system is not improving and this might affect the participation level of the electorates.

The major goal of democratic government is the provision of maximum participation through responsive and responsible government in its liberal tradition of periodic election, active involvement of civil society in decision making, development of competitive political parties and the flourishing of the rule of law. However, in the Nigerian context issues of participation have not been given appropriate concern.

Based on 2019 general elections, the African Union said the elections were “largely peaceful and conducive for the conducting of credible elections”. The electoral commission also described the elections as mostly peaceful. However, the 2019 election fell short of expectations. Informed commentators rightly identified the process smashing records. Standards dropped! We had to deal with having too many political parties on our ballot. Another thing that singled out the 2019 general election was the high number of cancelled votes due to violence, over-voting and non-adherence to the use of Smart Card Readers. The cancelled votes which are in millions brought about, five inconclusive governorship elections in Kano, Sokoto, Plateau, Adamawa and Benue State. INEC initially enlisted Bauchi among the states before reversing itself after a review of the investigative panel it set up on the governorship election. There were also seven inconclusive governorship elections, 24 inconclusive House of Representatives election and three inconclusive Area Council chairmanship polls in the FCT. Supplementary elections in the Polling Units where elections were cancelled in the affected states were to hold on Saturday, March 23, 2019.

Endnotes

1. A. Lührmann, *United Nations electoral assistance: More than a fig leaf?* **International Political Science Review**, 2018, pp 1-16.
2. S. Chan, Free and fair: *Observation of selected African elections*. **Journal of African Elections**, vol 18(1), 2019, pp 1–22.

Chapter Five

Conclusion

5.1 Summary of Findings

In this study, an interview guide was used and random sampling technique was employed to select eight respondents using an interview guide as instrument. A total number of 8 people from 4 organizations were interviewed. From the findings of the demographic characteristics of the interviewees, majority of the respondents were within the age category of 35-45 years and had minimum of first degree.

The result of the findings showed that some of the roles the interviewees claimed are to serve as the eyes of the people, to provide as independent oversight of the electoral process by observing the process to document and what happened in the electoral process and share their findings with citizens and stakeholders. Also, they give information to the people on how elections are run and

the other very important role is to serve as a mechanism to safeguard the right of the people to choose their leaders because election is a fundamental human right process. In addition, they detect fraud in the process, they give information on places where there were violence, manipulation of the process, where there were non-appearance. They also assess the conduct of an election process on the basis of national legislation and of international election standards.

In addition, some of the challenges observers encounter was the issue of process of accreditation as it was stressful and cumbersome, insecurity of election observers across some states in Nigeria as some of the election observers were harassed and threatened by political thugs, security officers barred some of the election observers from playing their role in the coverage and monitoring of elections and there was shortage of sophisticated gadgets and equipments required for monitoring election in this present age. Also, findings showed that the presence of election observers influence the credibility of the 2015 and 2019 general elections as one of the interviewee noted that the presence of observers reduces the rate of manipulation. In some communities, when they see observers, they are more likely to act according to the guidelines. Based on the question on how election observers promote transparency, the interviewees noted that there was need to develop a comprehensive approach to election observation, meaning observing the pre-election stage and the second is to standardize processes to ensure that in every election. It is equally important to determine the type of report shared. Also, it is good not to be focusing only on the negative and not reporting the positive, it portrays that the system is not improving and this might affect the participation level of the electorates.

5.2 Conclusion

The result of this study showed that some of the roles of election observers include providing independent oversight of the electoral process by observing the process to document and what

happened in the electoral process and sharing their findings with citizens and stakeholders, giving information to the people on how elections are run, they serve as a mechanism to safeguard the right of the people to choose their leaders because election is a fundamental human right process, they detect fraud in the process, they give information on places where there were violence, manipulation of the process and where there were non-appearance. They also assess the conduct of an election process on the basis of national legislation and of international election standards. Also, the challenge of insecurity of election observers is one of the major problems encountered during elections. Snatching of ballot boxes and destruction of electoral materials are well known atrocities committed during past elections in Nigeria. However, the dimension they assumed during the 2015 and 2019 general elections was so alarming. The social media were littered with videos of unimaginable act of hooliganism and vandalism perpetrated by well known political thugs, while the security agents meant to protect the voters and ballot boxes watched in disbelief, especially in Lagos and many other states. The role played by soldiers and armed gangs in Rivers State collation centers during the 2019 general elections were equally amazing to many political observers.

With the continued importance placed on successful elections, as one of several keys to encouraging the democratic process in countries where it is not as established, support to elections is often prioritized as central to development efforts. Increasingly, this support is provided through international election monitoring ¹. With this rise in the demand for election observers, the type of actors involved in observation efforts are changing. With increased calls for improved election monitoring procedures, given that “the protection of electoral democracy today and tomorrow requires tools that cannot simply be borrowed from yesterday” ². Moving forward, election observation, due to the nature of elections, will continue to be a source of

political contention. As stated by several political stakeholders, as long as elections continue to be manipulated by governments, there will always be need for election observers.

5.3 Recommendations

The recommendations for this study are as follows:

- i. Government should put in place adequate security for members of election observers during election.
- ii. Government and electoral commission are to put in place better ways of screening election observers so as to avoid unnecessary stress and ensure prompt screening of election observer teams.
- iii. Also, government and various political parties should endeavor not to interfere on the activities of election observers and ensure they perform their duties independently without any undue pressure and threats.
- iv. Electoral commission should improve on ways in identifying fake election observers so as to ensure that the process of election monitoring is carried out by qualified and professional organizations in the field.
- v. The national assembly needs to fortify the electoral commission by approving enabling bills that will make the organization truly independent and remove it from the control of the presidency.
- vi. To ensure credibility of national election in Nigeria, the Independent National Electoral Commission (INEC) needs to work with International Monitoring team and Implement their advices on genuine election in Nigeria.
- vii. There is need to employ more staff to cope with the General conduct of Election. The Electoral Commission should organize training for them at least six weeks before the

election date. This would enhance their competence and performance during the election.

5.4 Contribution to Knowledge.

Significant contributions have been made by academic researchers in the various literature examined in this study. In addition to this, this study provides an informed and detailed analysis on how domestic election observers can help ensure election integrity. Election monitoring team and observers are informed on the need to be transparent and ensure that election is properly monitored without any form of bias.

Policy makers will understand that there are needs to formulate policies that will enable transparency and the need to conduct free and fair elections in Nigeria.

This study will enable government to understand the need not to interfere with electoral bodies, the need to understand that such bodies are independent and government should allow them to carry out their duties without any interference. Also, it will inform the government on the need to create an enabling environment for free and fair elections.

5.5 Suggested Areas for Further Study

Future research studies will go a long way in finding durable solutions to political crisis associated with Election and democratic consolidation in African states and Nigeria in particular. It will ensure credible election and promote national development in the Nigerian context. Also, the areas that require astute attention of political scientists in future are:

- i. Technology as an instrument in election observation: pros and cons for a credible Election in Nigeria
- ii. The Electoral reform Acts to strengthen the independence of National Electoral Commission in Nigeria, and conduct of fraud free elections.

- iii. Role of Technology in election Administration in Africa: Implications for election observation group.

Interview Guide
Department of Politics And International Relations,
Faculty of Management And Social Sciences,
Lead City University, Ibadan, Nigeria

Interview on Election Observation in Nigeria's 2015 and 2019 General Elections

Dear Respondents,

The research is a Masters research of Lead City University, Ibadan carrying out a research topic on the “**Election Observation In Nigeria's 2015 And 2019 General Elections**”. The study is designed purely for academic purpose. Every information will be kept confidential

Thanks.

Interview Questions

1. Did your organization participate in the 2015 and 2019 general election and if they did, what role did you play?
2. What problem and challenges did you come across during the election?
3. How were you able to overcome such problems?
4. Did the presence of election observers and monitoring groups give credibility to the general election in Nigeria?
5. How were the monitoring and observation groups monitored to ensure they did not engage in any form of partisanship and in partiality during the election?
6. How do the observers relate with party observers? What do observers do when they notice malpractices?

7. What will you suggest to the government to ensure that electoral processes are carried out to meet the objectives of promoting transparency, accountability, credibility towards peaceful outcomes?
8. Do you foresee the use of technology towards the observation of elections rather than humans who are prone to corrupt practices?
9. In 2015 and 2019 general elections, which one was more credible?

Audio Transcription I

Cynthia Mbamalu

Did your organization participate in the 2015 and 2019 general election and if they did, what role did you play?

Response. I work with Yiaga Africa, infact we are the one with the largest election observers during 2019 elections because we had over 3,000 election observers. I worked as a program officer during the 2019 election. My own role is to recruit them, train them and make sure they are deployed to their assigned polling unit.

What problem and challenges did you come across during the election?

Response: Election observation is not inshrined in the Nigerian constitution, you have to write, it falls under the International Human Right that means you have to apply to the electoral body in the country as an organization. Part of the problem were reaching out to the electoral bodies, logistics and sometimes some of our observers were subjected to security issues and were not allowed to carry out their duties.

How were you able to overcome such problems?

Response: We do a lot of advocacies, media enagement, we create awareness to the general public as well as we register our presence with INEC. Through advocacy and media engagement, that's how we were able to overcome the challenges.

Did the presence of election observers and monitoring groups give credibility to the general election in Nigeria?

Response: No

How please?

Response: The presence of observers in a polling unit alone will make INEC and other relevant bodies to do the right thing. Our own is to verify their results, as they are announcing the results,

our observers are getting their results and sending to us direct. When INEC is announcing their results, we too we have our result and compare and if the results are different, then we know there is malpractices along the line.

Is there a specified number of observers that need to be assigned to polling unit? Also, there are some polling units especially in rural areas like river rine areas, how do you think that election observers will be able to visit remote areas, won't INEC officials just collate or falsify figures and send to INEC without any observer on ground?

Response: No

I told you our own is random complain. In 2019, we had this challenges in Rivers State, Bayelsa while in the North Central, we had issue of climbing bamboo trees.

Are you saying the result of observers must be the same with INEC?

Response: It must not be the same, we don't have right to announce the result. We allow INEC to announce the result and if their result is the same with ours, we know INEC has done a credible job but if it is different, we know there is malpractices and we inform the appropriate body about the malpractices.

How were the monitoring and observers group monitored to ensure that they did not engage in any form of partisanship or impartiality?

Response: Like for us in YIAGA Africa, we give our observers team an oath, when we finish screening our members, they will sign the oath. Then we make sure that our observers had never engage in any political party, we make sure that we get information from the community and various polling units.

How do the observers relate with party observers? What do observers do when they notice malpractices?

Response: We have what we call Critical Incidence. It is a situation whereby certain agents are collecting money for bribes etc, so what you do is that you fill it and send us through our database. So what we quickly do is that we alert INEC and report the issue about the particular polling unit then we leave INEC to act.

What will you suggest to the government to ensure that electoral processes are carried out to meet the objectives of promoting transparency, accountability, credibility towards peaceful outcomes?

Response: Government need to be honest. They must ensure that the dividend of democracy reach every body. If polling units and ballot boxes can get across to people even in remote areas why not dividend of democracy reaching out to every body. If citizens don't enjoy the dividends of election, it will be difficult for them to trust the process and may not fully participate.

Do you foresee the use of technology towards the observation of elections rather than humans who are prone to corrupt practices?

Response: Things are changing because in 2007 what we are used is different from now, right now we are using card readers which were not used before. In 2015 we used card reader, now we are using uber, so everything is possible in the nearest future where we can have human and robots monitoring elections.

In 2015 and 2019 general elections, which one was more credible?

Response: 2015

Why?

Response: Because this was the first time card reader was introduced and was successful.

Audio Transcription II

Did your organization participated in the 2015 and 2019 general election and what role did your organization played?

Response: No.

The last local government election, what role did your organization played and what's the name of your organization.

Response: Governometrics Foundation. We acted as election observers for the 2021 local government elections in Lagos State.

What were the challenges did you encounter?

Response: There was not sufficient enlightenment of Lagosians by Lagos Independent Election Commission. Many people did not know that local government election was going to take place on that Saturday, it was when there were restriction of movements that people started to know that election was on. There was also logistic problems. On the day of election, many of the adhoc employees did not know the exact location to go and there were no provisions for them, no tables no benches. It was the members of the communities particularly the party agents that rally round to make the provisions.

How were you able to overcome the challenges?

Response: There was no efficient and effective dissemination of information to election observers. We actually missed the first meeting for electoral observers because of lapses in communication as that meeting was not communicated to us. There was not much of mobilization for us in the sense that we were given information on pooling units.

LASEC reduced the number of voting points as stipulated by INEC because of cost on their own part. So, not every voting point on the INEC list was a voting point during the local government election and the information was not properly communicated to election observers and this caused problem for election observers as some of them went to wrong places. So, they had to move about from one voting point to another to figure out the actual voting points that were used.

Did the presence of election observers give credibility to the elections in Nigeria and how?

Response: Yes

Elections observers are independent and state things the way they are. A lot of times, we have video evidences. The fact that party agents know that there are observers around make them to be careful about what they do.

How were the monitoring and observation groups monitored to ensure they did not engage in any form of partisanship and in partiality during the election?

Response: We had our tags on which clearly indicated us as election observers. As a result of electoral education, community members including party agents actually know that election observers know that election observers are not meant to be partisan. So, community members and party agents were a check on election observers.

What will you suggest to the government to ensure electoral processes are carried out to meet the objectives of promoting transparency, accountability and credibility towards peaceful election outcomes?

Response: It is just a case of making election as transparent as possible. A lot of people do not trust the electoral process but with the introduction of new electoral bill that had been recently passed by the National Assembly, we believe it will actually improve the transparency and legitimacy of electoral process in Nigeria. There has to be introduction of technology that limits human intervention and I believe that the new law introduced by the national assembly will limit human intervention to some extents giving the fact that electoral results can now be transmitted electronically and of course the introduction of electronic voting.

In the nearest future, do you foresee the use of technology towards election observation rather than humans?

Response: Yes, you never can rule out the use of technology in observation of elections and there has always been improvement. In developed nations, it is still humans that observe elections, even in an election, there are also co-observers. Those using technology space can tell how technology can be infused into election observation. Human beings are sent to observe elections.

Do you think technology can be better than human?

Response: Technology can complement the human element. There are several observers observing and monitoring election, while my observation team leaves the voting point, some other observer team from a different organization can also visit the voting point and each observer are meant to write their report, so that itself can actually curtail any corrupt tendencies.

During the course of elections, INEC usually invite both domestic and international observers. Why are we still using international observers, can't we observe our community better than they are, some of them don't even know the terrain of the communities. So do you think it is not necessary to invite foreign observers, it is a waste of resources?

Response: Even in American elections, the EU observers were there to observe their elections. Election observation is a global phenomenon. It is a means of ensuring the legitimacy of the process. A lot of time, local observers partner with foreign observers and they do the work together.

Which of the 2015 and 2019 was more credible?

Response: 2015 witness large voters turnout and card readers were introduced which was an improvement on previous electoral process. The introduction of the card reader was the gateway to invite more and better technology into the electoral process. In 2019, there were lot of intimidations. For example in some places in Lagos, some voters were beaten and molested.

Audio Transcription III

Did your organization participated in the 2015 and 2019 general election and what role did your organization played?

Response: We were basically there in 2015 and 2019 for the general and governorship election. We were accredited by INEC. What we do is to observe, we don't talk to anyone, we take note of what was done right and wrong and we report and send to INEC.

What is the name of the Organization and where are you based?

Response: Center for Transparency Advocacy (CTA). We are in different States but head office is in Abuja. I observed in Oyo State in 2019. In 2015, someone else was in charge but in 2019, I was in charge. So we deployed 29 different observers to various locations.

What problems and challenges did you encounter?

Response: Smart card reader was introduced in 2015 but it was not used as it was in 2019. It was basically the salient challenge that was complained in various locations. Even in 2019, after it was upgraded, it still had challenges. In 2015, we had the problem of Police not cooperative. In 2019, there was a problem of vote buying as parties were no longer afraid and were doing without fear. When Edo State had their election, we had to travel but the problem was that our travelling fare were taken care by our organization. People had respect for us, because whatever we write was valid.

How were you able to overcome the challenges?

Response: In 2015, some of the observers didn't have their tags and they could be arrested but when you have your tag, you will be given access. Also, they believe that people could fake tags, so they asked for id cards and once your id card showed your identity, they would let you pass.

Did the presence of election observers give credibility to the elections in Nigeria and how?

Response: Yes

When we send in our report, both local and international observers send their report, if both are saying the same thing, there would be a problem. Once INEC get the results, they would declare

the results and the people would go to court. People feared the presence of election observers. You hear them saying an observer is coming. We don't say a word, all we do is to write.

In the Anambra election, Bi-modal Voters Accreditation System (BIVAS) was used, there was no more smart card reader, it was just BIVAS. Once you vote, it is transmitted immediately with the aid of BIVAS. This a new technology that was first used in Isoko as a pilot study and then used in Anambra election.

How were the monitoring and observation groups monitored to ensure they did not engage in any form of partisanship and in partiality during the election?

Response: In our organization, before people are engaged, we have our rules. You cannot engaged in partisanship. I moved around with rover to various local governments where our teams are stationed. Our team are stationed at the voting points but I moved around from one local government to other local governments. In Ibadan, we had like 5 Rovers, I took like 6 local governments while others took like 5 local governments. As long as a team is stationed there, it's my job to ensure that we go round to check and report what's going on.

What will you suggest to the government to ensure electoral processes are carried out to meet the objectives of promoting transparency, accountability and creibility towards peaceful election outcomes?

Response: Most of the adhoc staffs are not well trained on using some of this electoral gadgets. Voters card should be given on time and they should make it possible for people with voters card to be transferred from one location to another. The media should be careful in their reporting and their report should be check mate.

In the nearest future, do you forsee the use of technology towards election observation rather than humans?

Response: That would be an interesting thing if it is possible. I think adoption of technology would be great.

Audio Transcription IV

Did your organization participated in the 2015 and 2019 general election and what role did your organization played?

Response: We are observers, we are accredited observers for the 2019 general election. For the 2015 general election, we worked with other organization.

What is the name of your organization?

Response: Center for Transparency Advocacy (CTA).

What were the challenges that you encounter?

Response: The election was postponed after we had mobilized our team and spending money and we had to re-arrange and re-organize our logistics. Also, the issue of insecurity did not allow our team to visit some areas that had security challenges. There were issues with card readers and some of the adhoc staff did not know and understand how to operate the machines, some of them don't understand the electoral processes.

There was a lot of improvement in 2019 compared to 2015 based voters registers. I was in Delta State in 2015 and in FCT in 2019. There was issue of vote buying, where people were given a sachet of pure water and 3 pieces of biscuits. There was a lot of collision between political party agents and security agents, some of them were bribed and they didn't do their job.

How were you able to overcome the challenges?

Response: When the election was postponed, we had to go back to our organization and scale down the number of people that need to be mobilized and we asked some of the team members to stay back in the field. Some of the challenges were external, we didn't have power to change anything, we only reported and advocated.

Did the presence of election observers give credibility to the elections in Nigeria and how?

Response: There are 2 categories, the monitors are staff of INEC, the observers are the organizations that have been accredited by INEC. Observers can only note what is happened and report but monitors are the ones that make interventions.

Once you come into a polling unit and you are identified as an observer, people begin to behave themselves and say among themselves that an observer is here. The presence of observer and monitors helped to curtail certain issues.

How were the monitoring and observation groups monitored to ensure they did not engage in any form of partisanship and in partiality during the election?

Response: We have other observers on the field monitoring the conduct of other observers. It is like a care support system. For the monitors, they can send in plain clothe officials to observe what observers and monitors are doing and do check and balances.

What will you suggest to the government to ensure electoral processes are carried out to meet the objectives of promoting transparency, accountability and credibility towards peaceful election outcomes?

Response: To have the right laws, to have the pro-active members in the National Assembly and executives and the laws address the major issues. For example, we used the law used in 2015 to conduct the 2019 elections. There is need for a framework that will factored in the law that elections need to be transparent. INEC should have the power to disqualify any candidate that goes against the law and electoral act, not that person going to court again.

In the nearest future, do you foresee the use of technology towards election observation rather than humans?

Response: You cannot totally rule out humans. The world is going to advance technology, we are looking at artificial technology, gradually we are beginning to use technology, the use of robots, Google form and apps. However, there is also a downside of technology. Technology is good but it can be used to compliment human intervention not to totally rule out humans. So even with technology, it will still be controlled by humans, what you feed in is what you get as outcome.

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University Compliance Certification

This is to certify that this project by Temitope Nofisat Banire with Matric No. LCU/PG/001325 in the Department of Politics and International Relations, Faculty of Management and Social Sciences, Lead City University, Ibadan is in full compliance with the approved university.

Signature

Date

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