

Electoral Institution and the Management of the Democratization Process: The Nigeria Experience

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ABSTRACT That election is at the heart of democracy and democratization process has become widely acknowledged. Election performs indispensable roles and thereby remains central to the whole essence of democratic process. However, experience has shown that democratic process in Africa and the developing states in general collapse on the altar of bungled elections and electoral processes. Such failure can be easily traced to the doorstep of the institution saddled with the responsibility of managing the electoral process. This is because of the direct linkages that exist between electoral process and the managing institution. Indeed, it has been widely asserted that more than anything the quality and credibility of elections depend greatly on the extent of competency and viability of the electoral institutions. No state shows better the strong relationship between elections and managing agency than Nigeria. Looking back at the Nation's history it is glaring that past efforts at democratization collapsed due to the failure of electoral commissions to conduct credible elections. It is however, saddening that election managers in Nigeria have failed to learn from history. The problem faced by past commissions, continues to beset present electoral institution, while past shortcomings continue to manifest. That past history is being re-enacted, was vividly shown by the way the Independent National Electoral Commission fumbled in the 2003 general elections. This paper argues that rather than learn from past mistakes, INEC is preparing to fail again in the coming 2007 elections. The writing on the wall are numerous, but paramount among these is INEC inability to prepare a comprehensive, up to date and credible voters' register list. Though the commission argued that it is frantically doing all that is necessary for a peaceful elections come 2007, the position of this paper will be that INEC efforts as at now are grossly inadequate if the commission intends to conduct a competitive, free and fair elections by April, 2007.

INTRODUCTION

The history of elections in Nigeria's efforts at democratization has been a chequered one. Since independence electoral conduct in the nation's democratization efforts has been an exercise in futility. This is due to the fact that electoral conduct in the nation's political history has been marred by fraudulent practices, corruption and violence. It is therefore of little surprise that past efforts at democratization have collapsed at the altar of perverted elections and electoral process. So bad was the situation that elections period has come to be associated with violence and politically motivated crises. That politics has been turned to a money making venture, has reinforced the notion of election as a contest that is meant to be won at whatever cost possible. This has turned electoral conducts in Nigeria to a war-like process.

While a great deal of the problems confronting elections and electoral process in the nation's democratic history can be linked to behavioural and attitudinal dispositions of the political elite, a substantial portion of the blame must also be placed on the door-step of institutions that have

being saddled with the responsibility for the conducts of the elections. Experiences have shown that rather than being independent of the executive and non-partisan, past electoral commissions in Nigeria's political history are indeed tied to the apron string of the incumbent executive. Rather than being independent of the executive arm of government, transparent in its dealing, impartial in the discharge of its functions, accountable and responsive to the stakeholders involved in the process, electoral commissions in Nigeria have exhibited the opposite of all these virtues.

From the Electoral Commission of Nigeria [ECN] of the first Republic to the Independent National Electoral Commission [INEC], of this present republic, electoral commissions in Nigeria have shown nothing but impartiality and gross incompetence in the discharge of those functions for which they were established. Their inability to effectively manage the conduct and administration of elections and electoral process has had deleterious effects on the nation's efforts at instituting credible and virile democratic system. The most glaring of such negative effects was the truncation of the democratization process,

through military intervention in the nation's politics. Though the military coup makers have their own agenda, however, it must be noted that the political elite and electoral commissions ease their task by the way and manner they conducted elections and the contested nature of the outcomes of these elections.

While the Independent National Electoral Commission was commended for the way and manner it conducted the first elections of 1999, the same cannot be said of its conduct and administration of the 2003 general elections. Observers, foreign and local were of the view that the administration of the 2003 general elections by INEC was not free nor fair (Omotola 2004: 131). Though the results were partially accepted by most stakeholders, yet the management of the electoral process leaves much to be desired. Given such verdict, expectations were that INEC would take a clue from past lapses and improve on its conduct of subsequent elections. However, indications emerging from the commission's preparations for the coming 2007 general elections are showing that the commission has not learned from its past mistakes. This paper therefore intends to look at how well prepared is INEC for the coming elections. Given the extent of the commission preparation, can it conduct a free, fair and credible election come April 2007, this is the central issue that informed this work.

On the Centrality of Elections and Electoral Institution

Liberal democracy has undoubtedly become the most acceptable form of political system the world all over. Central to the whole idea of democracy and democratization is the issue of elections. As Diamond (2002: 353) asserted, elections are the litmus test of a democratic political system. Elections are crucial instrument of recruiting leaders by the electorate in a democratic system. Krouse (1982: 529), has argued that voting remains the principal form of political activity in representative democracy. By implication elections can thus be seen as the most important mechanism by which elected officials are held accountable to the electorate (Obi and Abutudu 1999: 285; Momoh and Adejumbi 1999: 143).

While election does not automatically guarantee the consolidation and sustenance of the democratic process, yet it remains central

element in the process of democratization. Though elections and democracy are not synonymous, elections however, remains a fundamental pillar not only for installing democratic government, but also as a necessary requisite for broader democratic consolidation. The regularity, openness and acceptability of elections, according to Bratton (1998: 52), signal whether basic constitutional, behavioural and attitudinal foundations necessary for democratic sustainability are being laid or not. Nothing emphasizes the centrality of elections to democratization than the fact that there can be elections without democracy, whereas there can never be democracy without elections.

While it has been noted (Yaqub, 2006: 9), that the importance of elections differs across States of the world and indeed from one election to another, yet elections are always held under known stipulated regulations. Such regulations guiding the conduct of elections most often clarify issues of eligibility, legal inhibition and the condition that must be put in place for an election to be adjudged free and fair. Of all institutional conditionality necessary for a credible electoral process three appear more prominent. These according to Edigheji (2006: 103) are: an independent judiciary, an independent, competent, credible and non-partisan electoral body and a developed system of political parties.

While a developed system of political parties are necessary instrument for competitive elections and an independent judiciary essential for the resolution of electoral disputes, an independent, competent and non-partisan electoral commission, being the body that is constitutionally charged with the duties of conducting credible elections is of greater importance to the whole electoral process. This is due to the fact that the quality and credibility of elections are directly related to the competency of the organizing institution. Electoral body must not only be independent, transparent in the conduct of its activities and impartial, but must also be seen and trusted to be so by all actors involved in the electoral process (SSAN 2003: 1). Aside these it must be competent enough as to discharge its constitutionally assigned duties with minimal or no institutional, structural and financial hindrances. Without a vibrant, competent and strong electoral institution, the conduct of elections would be seriously flawed and the whole democratization process thrown into disrepute.

Electoral Commissions in Nigeria: A Glimpse to the Past

The history of electoral institutions in Nigeria dates back to the colonial era. The first electoral institution established to manage the administration and conduct of elections in Nigeria was the Electoral Commission of Nigeria (NERDC 2005: 12). The ECN administered and managed the conducts of the 1959 pre-independence general elections that heralded Nigeria's first republic. After independence ECN witnessed change as it was renamed the Federal Electoral Commission [FEC] by the administration of late Sir Tafawa Balewa. The Federal Electoral Commission conducted the controversial and bungled general elections of 1964 and the Western Region election of 1965. The ineptitude shown by FEC in the conduct of these elections partly accounted for the collapse of the first republic (Olaniyi 2005: 136).

The will to return the nation to participatory governance by the military regime of General Olusegun Obasanjo, necessitated the establishment of a new electoral institution. The new commission established in 1978 to conduct the transitional elections was named the Federal Electoral Commission of Nigeria [FEDECO]. The commission, which conducted and managed the elections and electoral process of 1979 and 1983 was dissolved by the military authority that came to power as a result of the military coup of December 31, 1983. After FEDECO comes the National Electoral Commission [NEC] established in 1987 by the military regime of General Ibrahim Babangida. The commission was charged with the responsibility of managing the electoral process during General Babangida flamboyant transition process. Though NEC managed to conduct local, state and national assembly elections, the annulment of the presidential election in June 1993 rendered utterly useless NEC efforts at conducting a free, fair and competitive election in the aborted third republic (Akinboye 2005: 297; Olaniyi 2005: 137).

The regime of General Sani Abacha, which succeeded the Interim National Government led by Chief Ernest Shonekan, established the National Electoral Commission of Nigeria [NECON]. The erratic nature of the regime transition process meant that the commission was rendered powerless and therefore ineffective as an independent electoral body. After the demise

of General Sani Abacha, his successor General Abdulsalam Abubakar over-hauls the electoral commission and renamed it the Independent National Electoral Commission [INEC]. The commission came into being via the enactment of Decree No. 17 of 1998 (now act of parliament). INEC responsibility as contained in the Third Schedule of the 1999 Federal Constitution of Nigeria is to manage in its entirety the electoral process in this republic. INEC successfully conducted the series of elections, which ushered in the nation's Fourth Republic in 1999 (INEC 2006: 40-41; NERDC 2005: 12-14). The commission also managed the conduct of the republic second general elections of 2003 it has embarked on processes that are expected to lead to the successful conduct of the coming general elections in 2007.

Electoral Commissions and the Management of the Democratization Process in Nigeria

Free, fair and credible elections it must be noted are not just about events that take place on election day alone. They relate to the totality of the electoral cycle and consist of important issues as the provision of credible and updated voters' register, a functioning party system, nomination of candidates, conduct of a violent free party campaigns, adequate provision of voting materials, the actual conduct of the voting, speedy counting and declaration of results and post-elections activities including elections petitions and the fair and speedy resolution of all litigations emerging from the conduct of the election (INEC 2006: 49). These important issues that makes up the electoral cycle are expected to be overseen by an independent electoral institution. This requirement place the electoral institution at a strategic position in a nation's democratization process, as it remains the principal body constitutionally charged with the responsibility of managing the electoral process. In view of this the success of any elections and electoral process is directly link to the competency of the electoral institution.

The history of democratization process in Nigeria has indeed shown the strong relationship that exists between electoral process and the managing institution. That history has shown that a non-competent, partisan, bias and resource starved institution cannot midwife successfully an important, highly delicate and complex issue like elections and electoral process. The nation's

history abound with instances where efforts at democratization have been bungled on the alter of badly managed electoral process. It is on record that the incompetency and partisanship that characterized the management of the 1964 general elections and the 1965 Western Region election by the then Federal Electoral Commission, contributed greatly to the ensuing crisis that enveloped the republic, which later led to its collapse (Osaghae 1998). Showing the lack of independence of FEC from the party in power, Diamond (2002, 358) noted, that the administration of the election was in the hands of officials responsive to direction and pressure from the ruling party. Using plethora of official obstruction, brutal violence and total manipulation of the process of compilation of the national voters' register, the ruling coalition was able to manipulate the electoral process in accord with officials of FEC and therefore emerged victorious.

Though the 1979 elections conducted by the Federal Electoral Commission [FEDECO] under the watchful guidance of the departing military regime was somewhat credible if compared with the 1964 and 1965 elections, however same cannot be said of the 1983 general elections. Of all the crisis that characterized the conduct of the election by FEDECO, the most serious was the jumbled manner by which the voters' register was compiled. The exercise was described in retrospect as, "a film negative of what the actual elections would look like" (Diamond 2002: 374). Most stakeholders in the electoral process demanded for an extension of the exercise while some called for the cancellation of the entire registration exercise and resignation of the commission chairman Justice Ovie-Whiskey. Perhaps recalling the fiasco that surrounded the 1964 electoral registration exercise, whose distortion later emerged as part of the grand strategy of the ruling coalition then, opposition leaders in the second republic alleged a deliberate sabotage of the voters' list by FEDECO as part of National Party of Nigeria [NPN] strategy to rig the 1983 elections (Diamond 1982: 654).

It must be noted that suspicion over the 1982 electoral register never abated, but was for a time overtaken by other issues in campaign and preparation for the election. The controversy trailing the electoral register was to later surface with renewed strength when the final list was released by FEDECO. At that stage the furor surrounding the voters' register list is no longer about the tardiness of the process but about the

sheer size of the number of voters purported to have registered by FEDECO. The list released by FEDECO less than 15 days to the elections contained voters totaled 65, 304, 818 registered voters, greater than the country population as at 1963, and with an increase of eighteen million from the 1979 register list. According to Diamond (2002: 376), it requires no statistical or mathematical skill to suspect serious inflation of the electoral register.

Subsequent electoral events were decided in manner that greatly favour or were in tandem with the position of the ruling party. Prominent among such events was the sequencing of the election in which FEDECO placed first the presidential election and stick to this arrangement regardless of strong criticism of the arrangement from opposition parties and civil society groups. From all indications it was also clear that the managing institution [FEDECO] was not independent of the ruling party and shown gross incompetence in the management of the 1983 general elections. To a great extent the conduct and administration of the 1983 elections and electoral process called into question FEDECO competence and integrity (Diamond 2002: 391).

The aborted nature of the third republic meant that the shortcomings of the then electoral body the National Electoral Commission [NEC] were not revealed. The commission it must, however, be noted conducted elections into elective positions at the local state and national level. Indeed by virtue of its conduct of the 1993 presidential election was adjudged the most free and fair in the annals of the nation's electoral history. However, the annulment of the presidential election by then military president General Ibrahim Babangida brought the longest transition in Nigeria history to a convulsive end. From NEC of the third republic came the National Electoral Commission of Nigeria [NECON], which was established to manage the transition programme embarked upon by the administration of Late General Sani Abacha. Both NEC and NECON did not see to a conclusive end the transition processes they were established to manage.

The present Independent National Electoral Commission was inaugurated on August 11, 1998 by then Head of State General Abdulsalam Abubakar to manage the transition process expected to lead the nation to its fourth republic. INEC derives its legal existence courtesy of Section 153 (F) of the 1999 constitution. Also the constitution under Section 14 of the Third

Schedule provides for the composition of the commission, while Part 1 of the Third Schedule of the constitution stipulates the functions of the commission. INEC has garnered experience in conducting elections into elective positions in Nigeria. The commission has organized and administered the transitional elections that heralded this republic in 1999 and conducted the 2003 civilian-to-civilian general elections. It indeed remains the most visible and germane institution of electoral management for the 2007 general elections. By virtue of its centrality to the whole electoral process, its capacity, sensitivity, independency and competency are highly crucial to the successful conduct of the coming 2007 general elections (Aiyede 2006: 46). However, it is on record that INEC performance of its constitutionally assigned duties particularly in the 2003 general elections leaves much to be desired.

To most observers and stakeholders INEC handling of the 1999 transitional elections were highly commendable given the short duration under which it conducted the elections. However, with respect to the 2003 general elections the story was markedly different. INEC was confronted with a mirage of logistic problems that seriously marred its successful conduct and administration of the 2003 elections (Akinboye 2005: 299). While the commission strived to cope with some of the challenges confronting it, the commission's institutional weakness was more glaring. The most critical was the voters register review exercise, which was characterized by many irregularities, as was the case with past exercises in the nation's political history (Omotola 2004: 131). The problems that bedeviled the review exercise were later extended to the actual conduct of and release of the election results.

In the worst case reported candidates to the national assembly positions who never contested for election were announced as winners in elections, while the controversy that surrounded Chief Chris Ngige the erstwhile governor of Anambra was the executive version of declaring loser as winner in the elections by INEC (Akinboye 2005: 306; Aiyede 2006: 46; Ogunsanwo 2003). All these issues brought to question the independence, competency and integrity of the commission. Compared to the conduct and administration of the 1999 transitional elections, INEC performance in the 2003 elections was nothing but abysmal.

The woeful performance of INEC in 2003 from all indications is about to be re-enacted in April 2007. Nothing better give credence to this position than the tardiness that has so far characterized the voters' registration exercise. Less than 90 days to the general elections, INEC has not brought to a successful end its electronic registration of voters register, the compilation of the list and its public presentation for verification and claims. If the past can be used as a guide INEC is preparing to fail in the 2007 elections whether deliberately or not. The prediction that the elections will be bungled by INEC given its inability to manage successfully the voters' registration exercise was predicated on the centrality of an up-to-date voters' register to the successful conduct of free, fair and credible elections. It must be noted that registration of voters forms the bedrock of any credible election. Without an acceptable, credible and updated voters roll, there can never be fair or credible elections (INEC 2006 i).

Given the fact that the foundation for a successful election is a credible voters' register, INEC decided to embark on a comprehensive computer-based voters registration. The decision to opt for the computerized registration process was to reduce to the barest minimum possible the fraudulency and anomaly that most often characterized the manual registration process (Adeshina 2006: 1). The computerization of the process is expected to bring some sanity into the electoral process and INEC hope it will be the first step in electoral process mechanization. INEC weighed various options available and later settled for the Direct Data Capture Technology [DDC]. The commission is using the DDC technology to capture directly voters' registration data and fingerprint information at various registration locations throughout the nation. Through this process, INEC collect information from voters' on its computers at designated registration points, store them and issue temporary voters' card. The information collected at registration points will be sorted, scanned and compiled into state voters' register list, which will be transferred to INEC headquarter for collation of national registers list (Adeshina 2006: 2-3).

The registration exercise was kicked off nationwide on Wednesday, October 25 2006. Despite its novelty the exercise is not without hitch as INEC has experienced and is still experiencing difficulties that called into question INEC readiness to use the computerized system

of voters' registration in a polity that is largely computer illiterate. Important on the list of problems confronting the registration exercise is the inability of the commission to deploy fully to the field the numbers of computers needed to ensure the success of the exercise. The commission place this problem on the doorstep of vendors contracted to supply the machines (Adeshina 2006: 3). Though INEC has tried to rectify this problem by contracting locally based Zinox Computer Company to supply Laptop computers fully configured for the exercise in place of the defaulting vendors and this has been done, yet the inadequacy of machines at the earlier stage of the exercise has dampened the populace enthusiasm about the registration process. As at February 2 that the exercise is suppose to have close officially, many eligible voters have not been registered in states across the federation.

Aside the problem of inadequate machines for the registration, the exercise is also trailed by accusations of partiality from opposition parties. For instance the Conference of Nigerian Political Parties [CNPP] accused INEC of recruiting members of the ruling Peoples Democratic Party as ad-hoc staff for the registration exercise (Saturday Punch 2006: 9). According to the spokesperson for the coalition such action violate Section 12 [1] of the 2006 Electoral Act. The coalition challenge the commission to publish the names of ad-hoc staff recruited for the exercise to prove its impartiality. Though INEC strongly denied this charge it failed to publish the names of the affected ad-hoc staff as requested by the CNPP.

Aside this allegations, more serious was the reported case of voter registration machines found in the private residence of the strong man of Ibadan politics Alhaji Lamidi Adedibu and the State Deputy Governor and PDP Governorship flag bearer Otunba Adebayo Alao Akala. Reports have it that two machines were found at the Ogbomoso private residence of Chief Akala while barely a week after this revelation six other machines were reported to have been found at the molete residence of Alhaji Adedibu (Saturday Punch 2007: 9). These are asides other machines that might have been hijacked by other loyalists of Alhaji Adedibu throughout the state. Linked to the hijacking of the machines were State officials of the commission, who are presently in the custody of the Police. Such brazen case of disregard for rules and ethic of electoral laws are

serious indications that some politicians are ready to use all it take to ensure victory at the poll without recourse for constitutionality. Complicity by the commission officials is a serious indictment of the commission position as an unbiased umpire in the electoral process. Rather than being hailed for its novelty the computerized registration exercise has been trailed by mirage of criticism since it began.

Also drawing criticism from the opposition parties, civil society groups and the judiciary was the verification and screening/clearance exercise of aspirants by the commission. Capturing the positions of the opposition groups better is Nwanbueze (2006: B8) assertion that the screening exercise by the commission is illegal and an usurpation of the powers of the courts and other tribunals. To many the exercise is a part of the ploy of the ruling PDP to frustrate the political ambition of opposition politicians. Seen to be the main target of the commission screening is Vice-President Atiku Abubakar the presidential flag bearer of the Action Congress. By meddling into the issue of which candidate can run for which elective post, without being constitutionally empowered to do so many see the commission as acting out the script of President Obasanjo and the ruling PDP.

Compounding the woes of INEC is its lack of financial autonomy as the commission had to go through difficulties before money voted for it, to run its activities are release. It is on record that the money needed by the commission is not release as at when due and when the commission needs it. Apart from this the appointment of key personnel of the commission is also by the president on the advice of the Council of State and subject to the approval of the Senate. This arrangement runs contrary to the need for autonomy and independence by the commission. By and large the commission had shown so far by its actions and deeds that it is susceptible to manipulation and control by the president and the ruling party. To many in the opposition camp the commission is playing out the scripts and working in a way as to ensure the electoral victory of the ruling PDP in the coming April, 2007 general elections.

CONCLUSION

Though INEC the constitutionally constituted electoral management institution in this republic

is deploying all necessary resource at its disposal towards the conduct of the coming 2007 general elections, the way it is going about the discharge of its responsibility leaves much to be desired. The commission it is on record conducted a well-managed elections in 1999, its conduct and administration of the 2003 general elections to most observers of the political process in Nigeria was nothing to write home about. As its commission fumbled with the conduct of the 2003 elections all indications are pointing to the fact that the commission is preparing to fail again come 2007. The writings on the wall portend dangers for the sustenance of the democratic experiment, particularly if one tries to look at the present with a lens borrowed from the past. As it has been argued in this work the inability of past commissions to conduct and manage properly the electoral process all resulted in the collapsed of past republics, if INEC is not mindful of the way it conducts the coming 2007 general elections it may once again prove to be the abattoir of this republic as was the case in the past.

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