

ELECTORAL REFORMS, GOOD GOVERNANCE AND SUSTAINABLE DEVELOPMENT IN NIGERIA

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Abstract: The paper investigated the relationship between electoral reform and good governance and how the two can enhance sustainable development in Nigeria. Electoral reform has become inevitable in Nigeria granted shenanigans that have come to pervade process of election in the country. Election frauds have constituted a threat to the corporate existence of Nigeria. Military incursions in 1966 and 1983 were attributed to election frauds that led to arson and wanton destruction of lives and property. Even recently, the Fourth Republic has witnessed unprecedented rate of election violence, politically motivated killings and excessive use of thugs. The common parlance in electoral arena in Nigeria is “do or die”. The essence and purpose of election have been defeated and discarded while monopoly of weapons, violence and money politics have displaced and replaced the electorate in determining who occupies what position. There has been promotion of personal aggrandisement in governance; electoral politics has promoted mediocrity while at the same time relegated merit and competence. Little wonder that sustainable development has become elusive and rule of man has overtaken rule of law. It is on this basis that this paper has decided to find out the factors that have made it impossible to have decent and credible election in Nigeria. It is also important to look at the past electoral reforms in Nigeria with a view to finding out while they were incapable of correcting the anomalies in the election. The paper employed content analysis as a method of data gathering and relied, to a large extent, on public

choice approach as a scientific tool of analysis that places premium on the political space and citizens’ participation in policy process including electoral reform. The paper was thematically divided into six sections comprising introduction; conceptual elucidation; theoretical discourse; relationship between electoral reforms, good governance and sustainable development; the need for reforms; conclusion and way forward to descriptively link the critical issues of reforms, which consists, *inter alia*, of composition of electoral body; campaign finance; independent candidacy; media access and party system in order to determine if the focus of reform is potent enough to be able to adequately address the challenges of electoral politics in Nigeria. The paper concluded that reform on its own can not lead to good governance and sustainable development; there must be, the paper insisted, commitment and political will on the part of the political elite to play the game according to the rules and that regulations must be able to impinge on individuals’ behaviour and punish offenders. It proffered viable suggestions to conclude the study.

Keywords: Development, Election, Governance, Politics, Violence

INTRODUCTION

The centrality of elections to democratic process and political stability can not be over-emphasised. This is because elections remain the bedrock for democratic consolidation in any country. Conduct of elections has become a major

criterion through which countries are rated and categorised. Free and fair elections go a long way in determining the continuous cohabiting of different ethnic groupings in any country with diverse culture. Also, elections that are characterised by massive and varying degree of frauds and malpractices have been discovered to be a threat to political stability and sustainable development. This standpoint perhaps accounts for the reasons why there are political instabilities and conspicuous absence of sustainable development in many African countries (Arowolo and Lawal, 2009).

Historically, elections in Africa, indeed in Nigeria, have always been a nightmare. It is not because elections are evil but because the political actors have decided to throw the rule of the game into oblivion while insisting on playing the game according to their own self-styled arrangements that are rather threatening. There has not been any election in Nigeria devoid of rigging and electoral frauds, except maximally the one of June 12, 1993, and more recently the Governorship elections conducted in Edo and Ondo States in 2012. The 1964 federal election, the 1965 Western Nigeria election, the General Elections of 1979, the General Elections of 1983, even the annulment of the general elections in 1993, etc remained the bases for violence in Nigeria and invitation to military rule (Inokoba and Kumokor, 2011; Dibia, 2003).

Even though the 1999, 2003 and 2007 general elections did not generate widespread violence and military incursion into politics but their conducts have been said to be very poor. International and local observers' reports described 2007 general elections as the worst in the nation's history- *they fell far short of basic international and regional standards for democratic elections*. Such practice is capable of building and accumulating latent anarchy that will soon erupt if urgent steps are not taken to correct this anomaly. It is on this basis that any intellectual discourse on electoral reform is aptly appropriate (TMG, 2007; EU-EOM, 2007).

The major challenge that faces Nigeria is inability to conduct free and fair election. So many lives have been lost and many properties destroyed as a result of electoral frauds. The evils of electoral fraud are many. They range from instabilities, destruction of lives and properties, official irresponsibility, leadership ineptitude to corruption, mismanagement, political assassination, apathy, loss of interest in governance and challenges of legitimacy crises (Arowolo and Lawal, 2009).

CONCEPTUAL ELUCIDATION

Electoral Reforms

Electoral reform is change in electoral systems to enhance effectiveness and efficiency in election administration (Butler, 2004). Electoral reform is a transformation of the whole gamut of election administration with a view to providing more space for participation in an environment that is open, competitive and equitable. Electoral reform may include the following: enhanced impartiality of electoral body and other institutions involved in the administration of election like police, court, e.t.c.; inclusiveness, independence and financial autonomy of the electoral body; transparency; broadened franchise and widened participation and integrity of the process.

There are three domains of electoral reform.

Political Domain

This includes the need to ensure that the political arena of election is conducive with open process that provides level playing field for all contenders, such that it will accommodate more citizens to participate without fear of intimidation.

Legal Domain

This may include tinkering with the electoral act, constitution and other laws governing the conduct of election. In Nigeria, such legal domain may include tinkering with the electoral act and the 1999 constitution to effect change in the INEC composition, to introduce diaspora franchise and to strengthen the punitive measure approach to be able to adequately tame the perpetual electoral offenders.

Administrative Domain

This includes determining the nature of conduct of election, such issues as funding; ballot production; election time-table; recruitment and training of INEC and other *ad hoc* staff; voter registration; technology-based voting; logistics e.t.c.

Electoral reform is a *sine qua non* to any virile democracy. Reforms either in election or any other sector for that matter is a matter of continuum because problems of democracy can only be solved with having more democracy, more democracy can only evolve if more and continuous reforms are pushed through.

Good Governance

Before defining good governance, it is appropriate to define governance. Keohane and Nye (1989) define governance as the "emergence and recognition of the principles, norms, rules and procedures that both provide standards of acceptable public behaviour, and

that are followed sufficiently to produce behavioural irregularities". Arowolo and Aluko (2010) define governance as "both processes and arrangements that ensure orderliness, acceptable standard of allocation of resources (both human and material) and a legal framework within which national behaviours are shaped and controlled".

Kaufmann, et al (1999) divides governance into three: voice and accountability; government effectiveness and the rule of law. On its own, good governance is much more encompassing, focussing on the capacity of the state and its institutions to engender necessary mechanisms to place considerable constraints on the behaviour of the policy makers and the individuals in order to ensure justice and guarantee individual rights through observance of the rule of law without discriminations, creating a space for participation and tolerating divergent views and the ability of the state to transform the will of the community into concrete development. Minogue (1997) defines good governance as "broad reform strategy and a particular set of initiatives to strengthen the institutions of civil society with the objective of making government more accountable, more open and transparent and more democratic". Good governance includes the capacity to formulate and implement sound policies, and the respect of citizens and the state for the institutions that govern economic and social interactions.

Sustainable Development

Recent literature on development has dwelt more on human aspect of development. For instance, Dudley Seers (1972) conceives development as a series of interconnecting movements leading from poverty and vulnerability to security and well-being. For Smith and Rees (1998), it is the creation of conditions for the realisation of human personality and this implies a reduction in poverty, unemployment and inequality. It is about change in social, political and economic structures in a given country.

Having conceptualised development, it is imperative to also conceptualise sustainable development. Sustainable development refers to a mode of human development in which resource use aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but also for generations to come. Sustainable development is the development that meets the needs of the present without compromising the ability of future generations to meet their own needs (UN, 1987; Smith and Rees, 1998). The concept of sustainable development has been conceived of within three domains: environmental sustainability, economic sustainability and sociopolitical sustainability. More recently, the domain has been

further extended to include culture granted the importance and role of culture in human development: economic, ecological, political and cultural sustainability (Smith and Rees, 1989). Sustainable development stresses the need for freedom of information and public participation in decision making and governance processes.

Sustainable development therefore is a process of implanting development agenda into governance structure such that individuals and groups become the fulcrum of development in a manner that entrenches freedom and discretion in a development plan by equitably and deliberately subjecting natural environment to the benefit of mankind in a way that will be enduring enough to meet basic future needs of mankind

Electoral Reforms, Good Governance and Sustainable Development: A Theoretical Discourse

Understanding the nature of electoral processes in Nigeria demands an employment of public choice approach. Public choice approach was developed by Geoffrey Brennan and James Buchanan (1985). Public choice approach tends to emphasise principle of inclusivity, popular participation and popular opinions in the electoral processes in a given political system. Scholars contend that political process and power relations are related primarily to government control and regulation of political activities (Brennan and Buchanan, 1985; Mbaku, 1994). Since those who occupy government offices are themselves members of political parties, it is only reasonable that the rules that are expected to guide and guard political actors should be a product of the public opinion. The rules that are ultimately aimed at regulating and conditioning the relationship between contestants and their supporters on the one hand and interaction between different political parties and Independent National Election Commission (INEC) on the other should be an outgrowth of the society (Mbaku, 1994). Once constitutional rules have been selected and adopted, political parties will try to use government to redistribute positions and wealth in their favour. Unless the adopted rules efficiently constrain the ability of government to adopt neutrality approach, political party in power may seek to silence the opposition and maintain its hold on power regardless of people's opinion and their yearning for change.

Thus, the rules established to regulate political and power relations in Nigeria were not the outcome of negotiations among representatives of relevant population groups in the country. Instead, these rules were a function of British experiment designed to satisfy their desired outcomes and the post-colonial rule making was constantly being engineered by the military, constitutional discourse (electoral law

inclusive) was still limited to the opinion of a few ruling cabal, a significant part of national political opinions were excluded from participation.

In a situation where the rules are a reflection of ruling elite, political party in power may be bent to manipulate the hitherto weak, parochial, inefficient and poorly designed constitutional rules to ensure their almost unlimited access to power and positions. In such polity, political violence is constantly pervasive as disadvantaged and aggrieved political parties seek to undermine such government and make it unsuccessful (Arowolo and Aluko, 2010).

Present democratisation process in Nigeria suffers from several problems. First, it is being carried out within inefficient and non-viable rules. Second, the process itself allows for manipulation of existing rules. Third, the counteracting agencies charged with policing and enforcement of the laws and those who work in those agencies are not properly constrained by the laws and INEC itself is not divested of this 'pathology' and as such can not be relied upon to play a role expected of an umpire since it is the party in power that appoints its officials and funds its operation.

Rules that regulate the activities of individuals within a society matter and are a major determinant of how individuals and groups behave. The behaviour of contestants, political parties and the INEC can be analyzed effectively only within the context of existing rules. Thus, without a closer understanding of a country's law and institutions, any effort to analyse or understand political behaviour within that society would be futile (Mbaku, 1994). Rules define how individuals can interact with each other, provide a means for the settlement of conflict, and generally place constraints on individual behaviour (Atkinson, Shughart and William, 1992). The readiness of the stakeholders to play according to the rules often depends on the ability of the state to ensure compliance without fear or favour (Lowenberg, 1992; Wagner and Gwartner, 1988).

As a matter of fact, Nigeria's democratisation is being manipulated by those in power. State machinery is being employed to manipulate the process in order to maintain their hold on power. Several attempts have been made in the past towards ensuring good governance and sustainable development through deepening democracy on a veritable platform of free, fair and credible elections. For instance, the Obasanjo's administration was noted for its selective judgement and flagrant disrespect and disobedience for the rule of law; this is also a function of ineffective rules. The administration hunted its opponents with the awe of the Economic and Financial Crimes Commission (EFCC). It is only natural and expected, therefore, that in a situation

where political opponents are clamped down upon, the political space becomes heated and tension-soaked as the opponents strive to 'balance the terror' (Arowolo and Lawal, 2009; Animasaun, 2010; Inokoba and Kumokor, 2011).

During the period under review (2003-2011), election into political offices was constantly secured by those who had the monopoly of weaponry and thuggery, as violence, rather than the electorate determined who occupied what position. The most important recommendation of Uwais Panel Report was jettisoned by the then President Ya'radua, the Nigerian President that set up the panel in the first instance. The rejected recommendation removed the power of appointment of INEC chairman from the president and placed such power in the Judiciary but the late President rejected the recommendation. He also discarded the recommendation that bothers on funding of INEC.

The electoral reform must evolve from the people in order to ensure compliance. The process of any reform should be a reflection of a public choice. This will ensure generally acceptable electoral reform that is holistic and adequate enough to comprehensively address the challenges of electoral shenanigans in Nigeria.

Electoral Reforms, Good Governance and Sustainable Development in Nigeria

Reforming electoral processes is not an end in itself; it is a means to an end. Reforms can not, on their own, translate to free, fair and credible elections, neither can free, fair and credible elections lead to good governance without appropriate, corresponding political will to implement reforms, punish offenders and ensure mechanisms that generally place constraints on the political actors to play according to the established electoral norms.

No doubt, there is a nexus between electoral reforms, good governance and sustainable development; such that electoral reforms remain the platform through which good governance is ensured and development is sustained. This is because citizens who vote during elections are psychologically fulfilled that the emerging political class in governance is theirs and not an imposition and this also guarantees full mobilisation of the citizenry towards the attainment of the desired national development; here, there is spirit of accountability and ownership that flows from the electorate to the political class in power. The most celebrated Uwais Report (2008), a report of the committee that was constituted by the then President, Umaru Ya'radua, to, *inter alia*, probe into the electoral shenanigans with a view to coming up with the solutions to electoral flaws in Nigeria, lucidly captures this when it insists that free, fair and

credible elections are therefore a crucial requirement for good governance in any democracy.

A plethora of factors have however been identified as hindering the conduct of free, fair and credible elections in Nigeria. One of these factors is the weak nature of the existing law to compel the political class to conduct themselves within the confines of legal framework and the collaborative attitude of government in power to ensure tenacity of office. Some of the inhibiting factors include: character of the Nigerian state; the existence of weak democratic institutions and processes; negative political culture; weak legal framework; lack of independence of election management bodies and weak capacity of electoral bodies (Uwais Report, 2008; Arowolo and Lawal, 2009).

The present electoral law in Nigeria is fraught with inadequacies and this has been identified as one of the fundamental challenges facing faithful implementation of the law and ensuring obedience of same. Ilo (2010) emphasises this fact when he insists that electoral laws in Nigeria are not comprehensive enough to address the fundamental problems due in part to the self-seeking tendencies of the spirit and the letter of the law and a seeming disconnect between the law and the prevailing realities.

Scholars have argued that the solutions to electoral problems and governance crisis in Nigeria is not multiplicity of reforms or amendment but to deeply investigate the reasons for failure of the existing laws with a view to evolving adequate understanding of the prevailing societal and attitudinal inadequacies that impaired the application of the law (Arowolo and Lawal, 2009; Animashaun, 2010; Ilo, 2010).

The Need for Electoral Reforms

Before dwelling on the need for electoral reforms in Nigeria, it is considered expedient to briefly dig into the critical areas pushed for reforms. Such critical areas include but are not limited to:

Independent Candidacy

Independent candidacy is not allowed in Nigeria. Worse still, the political parties, which remain the only platform through which individuals can run for and contest an election, lack internal democracy. Powerful and rich individuals in respective political parties privatise the machinery of such parties and determine who secure the tickets to contest general election. Section 221 of the 1999 constitution empowers the political parties as the only association through which candidates can contest election in Nigeria.

Composition of INEC

Presently, the President appoints INEC Chairman and other top officials. There is need to look into section 154(1) of 1999 constitution that empowers the President to appoint INEC officials. In the same manner, at the State Government level, section 198 of the constitution empowers the State Governors to appoint top electoral officers of the State Electoral Commission

Penalty for Electoral Offence

Section 98(2) of the 2006 Electoral Act made provision for a fine of fifty thousand naira (about \$320) for any electoral violence involving individuals or imprisonment for a term of six months. In the case of electoral violence involving political party two hundred and fifty thousand naira is the fine for the first offence and five hundred thousand naira for any subsequent violation. The paper argues that the punishment is mild, so mild such that it tends to encourage political actors to commit electoral offence.

Party System

Party system is another area that attracts attention for possible reform. Divergent opinions dominated the Uwais Panel on the number of political parties that Nigeria should have. While some believed that the present multi-party system encourages indolence of some parties, others are of the opinion that going back to two-party system remains the best for Nigeria. What is appalling is the poverty of ideology that has come to define political parties in Nigeria in the Fourth Republic. The parties in the First Republic were guided by ideology. The argument here is that there should be a reform that should eliminate parties that are redundant. Standards should be set for political parties below which they can not travel, this is because too many parties may not deepen Nigeria's democracy but encourage political gang-ups.

Media Access

Media should be given more opportunities to deeply engage in the coverage of election. 2006 electoral act provides equal media access to all media houses. So far in Nigeria, this has been well observed. Recently, there has been improvement in the coverage access rights granted the media. 2011 and the more recent Governorship elections in Edo and Ondo States were fully covered by both public-owned and private media houses. Media were given unrestrained access to recent elections.

Campaign Finance

Money is crucial to politics. It becomes dangerous when its use is not regulated in electoral process; especially in a political environment where the

majority of the electorate are either gullible or ignorant. Many of the electorate in Nigeria are illiterate and are very poor. They live in rural areas with little or no formal education. Political parties and political actors arbitrarily use money to corrupt electoral process. General elections of 2003, 2007 and 2011 were characterised by naked distribution of money. Money was freely distributed in the election venue. Some voters on queue changed their minds at the point of voting as a result of financial inducement. Some State Governors also use State resources to fund their respective political parties, making them god fathers of their parties. This is a dangerous trend in Nigerian electoral politics. If not curbed, it can undermine the integrity of electoral process and cripple democracy.

Diaspora Franchise

There has been intense debate on allowing Nigerians abroad to vote in elections in Nigeria. The argument centres on the disenfranchisement of the very citizens of Nigeria by virtue of their location. Section 77(2) of the 1999 constitution makes provision for Nigerian electorates in Nigeria to vote and be voted for. There is a misgiving about the feasibility of such request. This is because Nigeria still seems to lack the basic capacity to successfully conduct elections domestically.

Election Timeline

Section 134(2) of the Electoral Act 2010 sets 180 days within which all election petition cases to be heard and disposed of and 134(3) provides a period of 90 days for election petitions in appellate court to be heard and disposed of from the day of the first judgment of the court of the first instance (Oluyemi-Kusa, 2001).

Since elections remain the avenue through which citizens choose their leaders in a peaceful means, any other means of selection may propel violence. Therefore, free, fair and credible elections remain the veritable tool of peace. Reform is also important as it gives the citizens opportunity to contribute to issues that affect their lives through voting. Reforming electoral processes in Nigeria will accord the citizens sense of belonging and participation as their votes count and their leaders emanate directly from them. Electoral frauds have also been discovered to be the major impediments to development. It is the greatest threat to economic development and unity. In fact, other impediments gravitate around electoral frauds. It is therefore imperative to reform the process to enhance quality, free and fair elections. Reform is also needed to stabilise the polity. Electoral reforms will completely eliminate political violence, sit-tight syndrome, corruption and ineptitude. Reform is also capable of bringing about good governance, as

meritocracy rather than mediocrity determines who occupies what position. The inseparable synergy between politics and economy makes reform in electoral process a matter of necessity. Political stability creates economic stability. To evolve robust economy therefore, it is desirable to have electoral reforms geared towards political stability.

CONCLUSION

Reform is an indication that the old ways of doing things may no longer be workable given the realities of democratisation waves across the Third World Countries (TWCs). TWCs have begun to ensure that acceptable ways of doing things, especially ones that are conformed to international standards, are adopted. Nigeria have made several attempts towards reforming her electoral politics. The most recent are the Uwais Panel and the subsequent 2010 Electoral Act. This is imperative as Nigeria has experienced a lot of political uprisings in her bid to deepen democracy.

Military incursions of 1966 and 1983 into Nigerian politics were attributed to electoral frauds occasioned by high level of political immaturity and indiscipline displayed by the political class. The June 12, 1993 election that was annulled by the former military President, Ibrahim Babangida, and the nature of palace coup that preceded the annulment which ushered in Babangida's administration were altogether a threat to Nigeria's corporate existence (Inokoba and Kumokor, 2011). From 1964 general elections to 2011 and to the most recent Gubernatorial elections in Edo and Ondo States, there have been no elections that were not challenged in court. The process of election lacks integrity due to the fact that elections were not conducted according to the established rules. Expectedly therefore, elections results are largely rejected and contested in tribunal. Where the political opponents are not civil and have lost hope in the judiciary, such election results are contested through violence. Many of the election petitions also are ruled in favour of the ruling party, the People's Democratic Party (PDP).

Electoral violence has become a rule rather than an exception. Electoral politics in Nigeria has defied all reform attempts. It is either that the reforms were ill-conceived or unfaithfully implemented. Rules are very weak to impinge on the excesses of the political actors. Corruption is endemic and punitive measures are too mild, designed to encourage corrupt practices. Judiciary is also very weak and easily manipulative. Judgement by an Abuja High Court delivered on Monday, January 28, 2013, by Justice Abubakar Talba shocked many Nigerians to their marrows. It is a case of police pension fund scam involving Atiku Abubakar Kigo (Permanent Secretary), Ahmed Inuwa Wada (Director, John Yakubu Yusuf (Assistant

Director), Veronica Onyegbula (Cashier) and Sani Habila Zira (ICT Officer); they were arrested by the Economic and Financial Crimes Commission (EFCC) in March, 2011 and were charged with appropriating and misappropriating 32.8 billion naira (about \$200m) which was shared among themselves (Ahaoma, 2013). They were signatories to the police pension fund account. Mr Yusuf pleaded guilty to the 19th and 20th offences relating to betrayal of trust and the conversion of N2bn to private use. The court handed him a paltry two year jail term with a N750,000 fine as well as forfeiting property traced to him by the EFCC valued at N325m.

He proudly paid the fine and walked out of the court premises. It was a sad day for the civil society groups who could not believe the judgement. The money in question is meant to pay the retired police officers, many of whom have been starved to death while endlessly waiting for their pension. How can a single individual siphon money meant for those who have meritoriously served the nation? This type of judgement encourages corruption and throws up bad political leaders.

While it is always important to engage in the discussion of electoral reforms, the question most Nigerians ask is what happens to the past recommendations? So many reforms have been attempted in the past but the recommendations so far have not been implemented. As a panacea to the political brouhaha in the country, the following recommendations are proffered for the sake of consolidating democracy and ensuring sustainable development in Nigeria.

THE WAY FORWARD

Making INEC Truly Independent

The composition of INEC should be broad-based. This can be made possible through the following suggestions: (a) Membership of INEC should also comprise the representatives of the civil society organisations, labour union, Academic Staff Union of Universities (ASUU), Nigerian Bar Association (NBA), religious bodies, etc. (b) The nominees from these organisations should be sent to the National assembly for ratification. (c) The funding of INEC should come from consolidated revenue/federation account.

Sanction

Appropriate sanctions ranging from jail term without option of fines, permanent disqualification from contesting future election should be imposed on any erring politician or political party and INEC officials that are involved in or known to have aided any form of electoral malpractices;

Discouraging Rerun

Election re-run should be seriously discouraged in view of the heavy resources required for such exercise;

De-emphasise Money Politics

Serious enlightenment campaigns should be introduced on the evils of money politics, and political offices should be made less attractive. In addition, politicians who involve in money politics should be seriously sanctioned.

Campaign Fund Limit

Ceiling should be placed on campaign funds and source of such funds should be disclosed and to be subjected to public scrutiny;

True Federalism

There should be practice of true federalism to allow the component units to be more autonomous especially in the area of finance. This is to empower states while shifting emphasis and focus from the federal, as this will reduce politics of 'do or die' at the centre.

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