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# Institutional Reform and Nigerian Economy: An Appraisal of the Independent National Electoral Commission (INEC)

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### Abstract

The deplorable socio-economic condition of Nigeria has attracted global attention. Most scholars allude the cause of the Nigerian socio-economic trajectory to institutional crisis and poor leadership recruitment process. The title of this research, therefore, is the Institutional Reform and Nigerian Economy: An appraisal of the Independent National Electoral Commission (INEC). The objective of this study is to examine the relationship between electoral institutional reform and economic development in Nigeria. The study relied on secondary sources of data such as the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Electoral Acts, textbooks, journals, conferences proceedings, workshops, newspapers and the internet. The various forms of electoral manipulation, violence and crisis that have characterized Nigerian elections are reviewed. The composition of the Electoral Management Bodies (EMB) of Nigeria is juxtaposed with the EMB of other thriving democracies and the state of their economies. Findings show that (a). The economy of any country is a dependent variable that has a direct correlation with the quality of its elections. That the process of appointing members of EMB does not guarantee institutional (b)autonomy, for example, the INEC. (c) Following the (b) above, the expected impartiality and credibility expected of electoral bodies fall below standards, etc. The study concludes that the Nigerian electoral system must be reformed to drive good governance and sustainable economic development. Recommendations include: (a) A credible electoral body that is drawn from the civil society. (b) The tenure of the members of the electoral body is not subject to the whims and caprices of the executive.(c) The funding of the electoral body should be charged to the Consolidated Revenue Fund, etc.

*Keywords*: Electoral act, Electoral management body, Institutional reform, Nigerian constitution, Nigerian economy.

### Introduction

The democratic institutions are the governmental systems entrusted with making and enforcing the rules of a society, as well as regulating relations with other societies. Democratic institutions are in essence, a set of arrangements for organizing political competition, legitimating and implementing rules (Kehinde, 2019). Institutions in a democratic government are necessarily the entities that fulfill the elements of democracy. Such elements of democracy include "participation of the people either directly or indirectly, independence of the judiciary, separation of powers, rule of law, entrenchment of fundamental human rights, free and fair elections, freedom of the press, accountability as well as transparency of government officials.

As Smith (2003) remarked, in the study of any political system, we must bear in mind that the nature or character of that system is defined by its capacity to inaugurate strong institutions

through which legitimate power could be exercised and enforced. In other words, the question of state capacity is fundamental to understanding the Nigeria's institutional challenges in relation to her numerous socio-economic problems. In drawing attention to the inherent weak institutions, especially in fragile and developing states like Nigeria, Clapham (2002), has identified the challenges of structural and contextual variables that enhance the vulnerability of most African states, Nigeria inclusive. Some other scholars such as Bayart (2009), have attributed institutional failures in Nigeria to our history of weak political leadership, corruption, conflicts, and political instability. There is no controversy about the series of symptoms of institutional failures and collapse in Nigeria; what is perhaps in contention is the extent of state's incapacity displayed by the Nigerian state.

It goes without saying that institutions affect the economy through the creation of an environment necessary for prosperity and development. All countries desirous of making progress would invariably require comprehensive reforms of its institutions. Acemoglu, Johnson & Robinson (2001), have noted that when a country fails to reform its institutions in response to emerging global realities, that country invariably stagnates; with consequential macro-economic consequences. Institutional reforms are, therefore, attempts by those in authority to change the rules in response to prevailing circumstances. For Acemoglu et.al, institutional reform is a structure of actions, ways of execution, crisis management and vital interaction principles with other entities.

Since independence, Nigeria has experienced parliamentary democracy, military dictatorship, diarchy and presidential democracy, but one factor that has remained contentious is the issue of succession and the institution concerned with managing power succession. In the Nigerian context, that institution is the Electoral Management Body (EMB)- in this instance, the Independent National Electoral Commission (INEC). Since 1999, when Nigeria returned to democratic rule, the conduct of elections has been most contentious with accusations and counter-accusations of electoral fraud.

There is no gainsaying the fact that elections provide the citizens with periodic opportunities to elect their leaders. Election offers them the latitude to choose from a vast array of contestants in the belief that those elected will pursue policies that will catalyze economic growth and consolidation of democracy. It follows, therefore, that when the electoral process is flawed, as often the case in Nigeria, it will throw up leaders that will achieve the opposite of what the people want. It is in this context that we argue that the electoral institution is an independent variable which has a direct bearing on dependent variables one of which is the economy. This paper holds the view that strengthening political institutions like Nigeria's EMB will have positive impact on micro and macro-economic stability of the country.

#### The Objective of the Study

The major objective of this study is to investigate the impact of institutional reforms in Nigeria's economy, with the Independent National Electoral Commission (INEC) as a reference point. The specific objective is to establish a correlation between the quality of Nigerian election and the character of its economy.



# **Theoretical Framework.**

The theory adapted for this research is the System Theory of political analysis as developed by David Easton. Easton explained that "the political system receives inputs from the environment in the form of demands and supports; and that it produces outputs in the form of policies and decisions" (Gauba, 2007:93). The major assumption of the systems theory is that every political system comprises a set of elements in characteristic structural relationships and that interactions among the elements produce authoritative and binding results (Varma, 1999:39). On the other hand, the output or authoritative result of a political system is a function of the character of the input mechanism. Agena (2003:117) posits that some early scholars made "an analogy between society and an organism such as the human body". Going further, Agena contends that every part of the body has a role to fulfill in the functional prerequisites of the entire body; in other words, "any part of the society requires an analysis of its relationship to other parts and most importantly, of its contribution to the maintenance of society"(/:118).

The applicability of systems theory to this research issues from the interrelatedness of all the elements in a political system and that the output of a system has a binding relationship with the quality and character of the input variables. In other words, the institutions of a political system has a role to play in the authoritative and binding allocations of the government.

# **Election and Nigerian Society**

We can best understand the challenges of Nigeria's electoral system when we situate it against the backdrop of the character of the Nigerian state and its political economy or rather the politics among the policy makers in the choice of economic options. The character of the Nigerian state is fundamentally extractive in nature and this bears directly on the role of the political elite in the system especially in the face of what Animashaun (2010) described as "the underdevelopment of private capitalist enterprise". Extractive political institutions, according to Acemoglu and Robinson (2013), in contrast to inclusive institutions, do not allow or encourage participation by the majority of the citizens in economic and political activities that emphasize unfettered externalization of talents and skills, which enable individuals to make choices. It is in this context that Acemoglu and Robinson argued that states respond differently to problems because of differences in their institutions; in the rules influencing how the political and economic system work and the incentives that motivate people.

Another major problem in Nigerian politics is identity crisis. Omotuyi (2016) argued that most scholars will, without iota of doubt, readily agree with John Locke that a state compels obedience when the citizens perceive it to be representing their interests and pushing their common good. Omotuyi stated that it is only when people are able to relate to the state as their own that they are most likely to obey it. In Nigerian context, however, the endemic legitimacy crisis rocking the 'democratic government' is ethnicity. Every Nigerian is emotionally attached to one of the over 300 ethnic groups in the country. Events show that a mass appeal to ethnicity defeats the fundamental purpose of election which aims at selecting the best out of many. On the other hand, we have been robbed of meritocracy, excellence and unity, we are still battling favoritism, federal character or quota, zoning, catchments areas, state of origin in a world that is consistently getting smaller through globalization and the need to fight a collective cause despite the hypocrisy and shared interests (Osimen, Balogun & Adenegan, 2013)

Another factor that deserves attention is the Nigerian prebendal politics. 'Prebendal behaviour', in the view of Richards, (1983: 32) 'inevitably contributes to a serious crisis in the legitimacy and effectiveness of governmental authorities in Nigeria. On the other hand, prebendalism, which is sustained by electoral malfeasance and benefits only the political elites at the expense of generality of the people is another source of legitimacy crises in Nigeria. "According to the theory of prebendalism, state offices are regarded as prebends that can be appropriated by officeholders, who use them to generate material benefits for themselves and their constituents and kin groups..." (Joseph, 1991).

Closely related to prebendalism are neo-patrimonialism and god-fatherism. In neopatrimonialism, as highlighted by Omotuyi (2016) the political offices only serve the overall interests of patron and the client--that is, the political officeholders and those who corruptly facilitated their electoral victory to the detriment of the masses. In other words, the Nigerian electoral democracy has further widened the scope and dimension of neo-patrimonialism. Like all developing nations, access to political power guarantees wealth and opulence in an environment of abject poverty. Consequently, from the beginning, elections are seen by power holders as too important to allow them to function correctly (Kew: 2010). In a neo-patrimonial system, Omotuyi asserts that political power is not held in trust on behalf of the people, but on behalf of the power merchants popularly known in local parlance as the 'god fathers'. The wealthy god-fathers, who invariably have fed fat from the state resources using what Homans & Curtis (1934) referred to as the residues of combination (cunning) and residues of persistent aggregates (force). Varma (1999:146) explains that residues, in Pareto paradigm, are "the qualities through which a person can rise in life". Omotuyi adds that the political god fathers are key assets and very crucial in mobilizing both financial resources and even thuggery on behalf of their clients during elections. In the course of time, the elected leadership will be rocked with legitimacy crisis and in their search for regime stability and political survival, often resort to the same god-fathers and the vicious circle continues.

The loose political economy of Nigeria creates a combination of prebendalism, neopatrimonialism, clientelism and god-fatherism. These were made manifest in the allocation of governorship of states and chairmanship of local governments to political power merchants within the localities. For instance, during the tenure of President Olusegun Obasanjo, Anambra state was said to have been allocated to Chief Chris Ubah while Oyo State was allocated to Alhaji Lamidi Adedibu. To this end, the election by INEC was therefore a predetermined outcome to ensure the victory of Dr. Chris Ngige for Anambra State and Alhaji Rashidi Ladoja for Oyo State. The bubble burst occurred when the elected governors refused to share the proceeds of the prebends with the god-fathers. Similarly, almost all the local governments in Nigeria are allocated to one god-father or the other and the State Independent Electoral Commissions of the states are used to implement the patron-client syndrome.

### **Brief Overview of Election Crisis in Nigeria**

The conduct of elections in Nigeria has always been traumatic and vicious. There is hardly any election in Nigeria that did not attract bitter disputes, violence and assassinations. According to Animashaun (2010), the history of Nigeria's democratic experiments demonstrates that elections and electoral politics have generated so much animosity, which has, in some cases, threatened the corporate existence of the country and in other cases instigated military incursion into political governance, most notably in 1966 and 1983. At the heart of electoral crisis in Nigeria is the lack of credibility and trust in the official results of elections leading to the rejection of such results by a sizeable portion of the Nigerian voting public.



There have been major general elections in Nigeria. We may start with the 1959 general election, conducted by the colonial Nigerian government. Others include, the 1964/65 elections; 1979, 1983, 1991/92/93; 1999, 2003, 2007, 2011, 2015 and 2019. The above elections have consistently been characterized by the contestation of results and organized violence. The1964/65 general election, the first to be conducted by the post-colonial Nigerian authorities, was characterized by massive irregularities, violence, arson and assassinations such that the military seized power from the civilians on January 15, 1966; the 1979 elections were conducted by the military; 1983 elections, upon which the military again seized power; the 1991-93 that led to the nullification of an election, clearly won by Chief Moshood Abiola.

Though Nigeria passed the "second election" test through the 2003 polls, it is a consensus among the stakeholders of the Nigerian democratic project that those thrown up by the elections could not be regarded as true bearers of people's mandate. For instance, Zainab Duke-Abiola, recounts that one of the armed robbers that nearly attacked her husband, Chief Moshood Abiola was later elected as a governor in one of the states in the South West of Nigeria while three of them later became members of the Legislature (Ademiluyi, 2021).

The 2007 elections, in a profound manner, deepened electoral crisis in Nigeria. Official results of the 2007 elections were contested at the three levels of governance: local, state and federal. Several results declared by Nigeria's election management body, Independent National Electoral Commission (INEC), were reversed by the election tribunals and the courts while the dispute that arose from the presidential election was only settled in December 2008, nineteen months after the formal conclusion of the election. The poor conduct of the 2007 polls and how this provided the context for renewed public pressures for electoral reforms in Nigeria compelled President Musa Yar'Adua to publicly acknowledge that the process that brought him to power was manifestly flawed and it was on the basis of this public acknowledgement that he empanelled the Electoral Reform Committee in August 2007 headed by Justice Lawal Uwais.

The subsequent elections, namely; 2011, 2015 and 2019 general elections bear similar character of electoral malpractices such as bare thuggery and violence, re-writing election results, under-aged voting and wanton destruction of properties including assassinations of all kinds.

### The Framework of Electoral Governance in Nigeria

The framework for electoral governance in Nigeria is anchored on two instruments: the 1999 Constitution and the 2010 Electoral Act both of which are undergoing series of amendments by the National Assembly. These two documents contain rules and regulations that drive electoral governance in Nigeria. These regulations are aimed at protecting the integrity of the electoral process. For instance:

Sections 81, 84, and 160 of the Constitution were amended to make the Independent National Electoral Commission, INEC, financially and administratively independent. With the amendment, Section 160 expressly states that in the case of INEC, its "powers to make its own rules or otherwise regulate its own procedure shall not be subject to the approval of the President". Section 156 of the Constitution was amended to remove membership of a political party as a qualification for appointment into INEC, thereby insulating members from partisan politics. This Section initially provided that *a person to be appointed into INEC should have* 

the same qualifications as a candidate for the House of Representatives. Although these regulations are ambitious, they failed to ensure credible elections in 2019.

The failure of these documents is attributed to two major reasons: the inherent weaknesses or inadequacies of some of the provisions of these documents; and weak enforcement institutions. These two factors have been brazenly exploited by the politicians in all the elections conducted in Nigeria from 2003 till date. Beyond the issues of inadequate provisions and weak enforcement institutions, the process of the emergence of the 1999 Constitution is a serious factor in explaining the failure of the document to address the contradictions of the Nigerian State.

### The Metamorphosis of Election Management Body (EMB) in Nigeria

Omotola (2009) informs that the Nigerian Election Management Body (EMB) has undergone several changes: Between 1959 and 1999, the EMB was renamed six times; Electoral Commission of Nigeria (ECN), 1959-1963; Federal Electoral Commission (FEC), 1963-1966; Federal Electoral Commission (FEDECO), 1976-1979. During the Babangida regime (1986-1993), it was renamed the National Electoral Commission (NEC). General Sanni Abacha (1993-1998) replaced the NEC with the National Electoral Commission of Nigeria (NECON), while General Abdusalami Abukakar, Abacha's successor (1998-1999) rechristened it the Independent National Electoral Commission (INEC). Jega (2005) reiterated that from 1950's to date, Nigeria has had five electoral bodies at the federal level, which have historically been saddled with the task of election administration. Agbaje & Adejumobi (2006: 31) stated that "the Nigerian EMB was restructured in 1958; twice in 1963, in 1964, 1977, 1981, 1987, 1989, 1993, 1994, 1998, 2000 and 2004. Browne (2004: 39) alluded the frequent changes to the inability of the EMB to administer elections effectively because of its lack of 'autonomy and capacity' over the years."

### **Justifications for Electoral Reform**

The main explanation for Nigeria's electoral crisis has been the institutional weaknesses of the EMB, most especially its lack of autonomy. There are three major reasons for the lack of autonomy. The first is the composition of the electoral body, INEC, which is the exclusive prerogative of the president. This makes the INEC easily susceptible to manipulation by the president and the federal authorities. Secondly, the oversight role expected of the legislature in the screening of presidential nominees for INEC positions is nullified by the fact that the president's party usually has a legislative majority to secure its wishes in the National Assembly.

The lack of autonomy in INEC was further adumbrated on June 9, 2021. Almost all the Nigerian Dailies reported that Lauretta Onochie, the Special Assistant on Social Media to President Muhammadu Buhari, has been nominated as a National Commissioner for the Independent National Electoral Commission, INEC. Other appointees by the President include Prof. Muhammad Sani Kallah from Katsina; Prof. Kunle Cornelius Ajayi, Ekiti State; Saidu Babura Ahmad, Jigawa; Prof. Sani Muhammad Adam, North Central and Dr. Baba Bila, North East (Iroanusi, 2021). The nomination of Onochie denotes a paradox of all that impugns the integrity of an electoral umpire. Apart from being a Special Assistant to the President, she was one of the most prominent members of the All Peoples Congress (APC) and an active Buharist. In other words, the appointment of a prominent compromised partisan connotes an unmitigated liability to an electoral body.



The third reason is the insecurity of tenure of the INEC Chairman and Commissioners. Security of tenure places the members of an electoral commission in a greater stake in securing the electoral process. Most often, if they fail to deliver the mandates of their principal, they stand the danger of losing their positions. Unlike in Ghana, where the chairman of the electoral commission and the two deputies not only have security of tenure on the same terms and conditions of service as judges of the Court of Appeal, which means they cannot be removed arbitrarily until they retire at age 70 (Omotola, 2009b; Agyeman-Duah, 2005). The case in point is the fate of two successive electoral commission Chairmen under President Ibrahim Babangida, namely Professors Eme Awa and Humphrey Nwosu. The former was removed because of his uncompromising stance on the management of the Electoral Commission and the latter following the military government's decision to annul the June 12, 1993 presidential elections against the wishes of the Electoral Commission (Nwosu, 2008). Therefore, the faulty Nigerian electoral system calls for reforms. Since 1999, a few electoral reforms have taken place; namely: the 2003 Electoral Act of the National Assembly; the 2006 Electoral Act of the National Assembly; the 2007 Electoral Act of the National Assembly and the 2010 Electoral Act of the National Assembly.

It is noted that some of the recommendations contained in the reports of the 2007 Muhammed Uwais's Electoral Reform Committee (ERC), which many believed to be the archetype of genuine electoral reform, were voted down by the presidency and/or the National Assembly during the Yar'Adua administration.

#### **Electoral Management Bodies and Sustainable Economic Growth**

The Cape Verde is often cited as one of the African countries with a steady economic growth trajectory. A look at the Electoral Management Body of the Cape Verde is encouraging. Fall (2016) captures the constitution of electoral body of the Cape Verde: The Cape Verde Electoral Commission, called National Election Commission (NEC) is made up of five (05) members. Its members are elected by members of parliament through secret ballot with two third (2/3) majority, however the chairmanship of the electoral body is reserved for the opposition party.

Omotola (2009) cites Ghana as an example of a country with a credible electoral body, "where the chairman of the electoral commission and the two deputies not only have security of tenure on the same terms and conditions of service as judges of the Court of Appeal, which means they cannot be removed arbitrarily until they retire at age 70". With such development, Ghana moved toward the final stages of HIPC debt cancellation, and both are eligible for assistance under the US Millennium Challenge Account (Lewis, 2005).

Canada, is a federation with very strong economy. The electoral governance in Canada is very transparent and efficient: The House of Commons of Canada appoints the Chief Electoral Officer of Canada to head the agency. The Chief Electoral Officer in turn appoints the Commissioner of Canada Elections, who ensures that the Canada Elections Act is enforced. (*Elections Canada – Wikipedia https://en.wikipedia.org. wiki*).

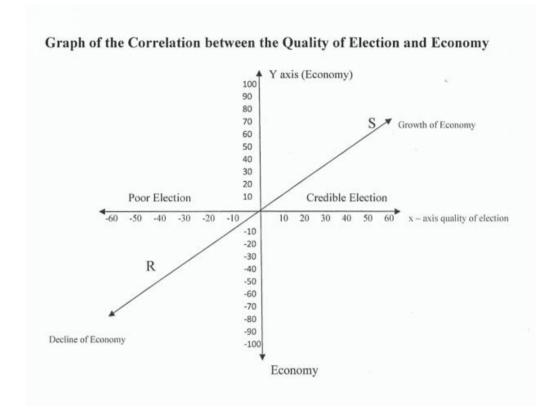
Botswana, is among the African countries with a steady economic growth trajectory. Botswana has regularly held general elections since 1965 and in October 2014 held her 11th general election. The regularity of elections in Botswana has persuaded some observers to present Botswana as an exemplar of democracy and good governance in Africa. The Botswana Electoral Commission is a 7 person Commission. It comprises a Chairperson, who is a judge

of the High Court, a Deputy Chairperson who is a legal practitioner and five members chosen from a list recommended by the All-Party Conference. The Commissioners are appointed by the Judicial Service Commission. The Secretary is appointed by the President (Constitution of Botswana 1966, Section 65 A (1)-(4), 66(2)) (Mogalakwe, 2012)

Mexico introduced a fully independent election commission and provided for increasingly fair and transparent elections for municipal, state, and legislative offices. In 2000, a candidate from an opposition party, Vicente Fox, won the presidency for the first time in several decades. Although, Fox's presidency did not resolve Mexico's national challenges, but his election was generally seen as a major transition in Mexican politics (Lewis, 2005).

Explaining the impact of liberal political ideology, the rule of law and credible electoral system on the economic growth of societies, Acemoglu & Robinson (2013: 72-82) cites the socioeconomic divergence between the North Korea and the South Korea. The scholars narrate that at the end of World War 11, the Japanese colony of Korea began to collapse. Korea was therefore divided at the 38th parallel into two spheres of influence; the North Korea was administered by the United Soviet Socialist Republic (USSR) while the South Korea was administered by the United States of America. Kim II-Sung, with the help of the Soviet Union, introduced a rigid form of centrally planned socialist economy as part of the so-called Juche system in the North Korea while the South Korea, with the help of the US, introduced a liberal democratic and strong political institution. According to Acemoglu & Robinson (2011: 73), "South Korea quickly became one of the East Asia's 'Miracle Economies', one of the most rapidly growing nations in the world". The two eminent scholars established that the difference between wealthy and poor nations is based on the character of government institutions; stating that the "politics of institution is central to understanding the reasons for the success and failure of nations. And that political and economic institutions, which are ultimately the choice of society, can be inclusive and encourage economic growth; or they can be extractive and become impediments to economic growth".





The above graph shows that the economy of a given country varies directly with the quality of its elections. Y axis represents the Economy, while X axis represents the Quality of Elections in a country. Section 'S' shows the direct positive response of economy to the quality of election while section 'R' shows the negative response of economy to the poor quality elections in the country. On the other hand, the economy declines irretrievably towards negative infinity R while a credible election produces positive economic growth R.

#### Recommendations

The major cause of difference between the rich and poor nations is leadership. While the advanced economies recruit their leaders through free, fair and credible elections, the backward poor societies celebrate electoral malpractices.

The researcher therefore recommends that the INEC and SIEC should be made truly independent, financially and administratively, as follow:

a. Section 154 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) that empowers the President to nominate the Chairman and Members of the INEC should be repealed.

b. There shall be inaugurated a body comprising the Chairmen/Presidents of the following bodies: Christian Association of Nigeria (CAN), Nigerian Supreme Council for Islamic Affairs (NSCIA), Nigerian Labour Congress (NLC), Trade Union Congress of Nigeria (TUC), Nigerian Union of Journalists (NUJ) and the Nigerian Barr Association (NBA). The Leaders of the above bodies in collaboration with the National Judicial Service Commission shall

select/elect credible members of their unions that will be inaugurated as the National Independent Electoral Management Body.

c. The EMB so inaugurated shall be funded directly from the Consolidated Revenue Fund.

d. The persons so inaugurated shall remain in office till the age of 70; except perhaps there is a case of infraction that smears the reputation of the electoral officer.

#### Conclusion

This work has established that the poverty in Nigeria is caused by the endemic electoral malpractices arising from weak electoral institution, INEC. The weakness of INEC emanates from its lack of autonomy. The strong independent electoral bodies of Ghana, Cape Verde, Canada, Botswana and Mexico were cited as the basis for the credible elections, thereby giving rise to sustainable economic growth in their respective countries. Above all, a "strong and independent electoral commission would engender the citizenry trust in the government and enthusiastically participate in the decision making process, at the pre-election, election and post-election stages of the political process" Obama (2005). The benefits of strong institution was made manifest in "the recently resolved President Donald Trump-induced post-election insurrection and the attempted coup against the State. This was "made possible by the abiding faith in the resilience of the country's democratic institutions and the respect for the rule of law" (Ezekhome, 2021). On the other hand, if the faulty election governance system of Nigeria is addressed, it will go a long way to exit Nigeria from its present socio-economic malaise. Nigeria is strategic to developments not only in West Africa but the entire Africa.

The researcher concludes with a postulation that the economy of a country varies in direct proportion to the quality of its electoral system. The above postulation is in line with the intellectual exposition by Persson and Tabellini (2004) in Brady, Blome and Kleider (2016) where they argued that the electoral systems influence the nature of political parties and the composition of governing coalitions, which then shape how much economic resources are redistributed from rich to poor.

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