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DEMOCRATIC SUSTENANCE AND ELECTORAL PROCESS; A COMPARATIVE PERSPECTIVE OF NIGERIA AND KENYA

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Abstract

This paper examines the electoral process in Nigeria and Kenya and how the electioneering process of these two countries -Nigeria and Kenya has influenced their democratic consolidation with a focus on the challenges and opportunities that each country has faced. Both Nigeria and Kenya has displayed a different path of democratic development. By comparing the democratic trajectory of these two African nations, this research aims to uncover the factors that have shaped their political systems and to compare Nigeria and Kenya electoral process. Using a qualitative approach and institutional theory, the study seeks to contribute to a better understanding of the complex interplay of historical, institutional, and socio-economic factors that influence the development of democracy in emerging democracies through electoral process.

Key words; Democracy, Democratic consolidation, electoral process, election

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Introduction

Free and regular elections are part of the criteria for evaluating whether a nation is democratic or otherwise. Elections provide opportunities for political participation in any political system. Elections are avenues for concrete expression of the citizens' right to choose, participate and engender accountability. These are salient features of democratic government and processes. In the quest for democracy, developing countries faced unique challenges that require a comparative perspective to effectively address. It is with no doubt that democratization has taken place in different parts of African countries and each country has displayed a different democratic area of trajectories. One outstanding area of democracy is the emergency and the occurrences of different waves Huntington (1991) "the third wave of democratization .In his words J.S Omotola (2007), Democratization, good governance and development in Africa; the Nigeria experience. This development in the view of some scholars has brought an end to the struggle for supremacy as to which system of government is best due to the hegemonic emergence of liberal democracy as the final form of human government. Put differently, Democracy has become "the only game in town (Linz and Stepan 1996:15).

The principal objective of this paper is to comparatively examine the electoral

process of Nigeria and Kenya and how it has positively or negatively affected democratic consolidation in these two countries. To assess how the electioneering process has influenced their democratic consolidation and how each country has been able to build its democracy, the factors that has helped each countries to consolidates it democracy, the successes ,failure, differences ,similarities and the challenges faced in the process of strengthening their democratic principles. This introduction is followed by a review of literature on the key concepts; Democracy and electoral process with specific illustration from Nigeria and Kenya experience.

The concluding parts would focus on recommendations on how to improve democratic consolidation through electioneering process thereby, paving the way for a more inclusive and resilient democracy in developing countries most especially in Nigeria and Kenya.

Conceptual Clarification

Democracy: Although many definitions have been given but there is no agreement on definition. According to Schumpeter (1947), democracy means only that the people have the opportunity of accepting or refusing the men who are to govern them. By this, democracy implies conducting elections and choosing leaders that will represent the majority. Rousseau and Rivero (2003) see democracy as the

power of the people as it manifest in ways of thinking, behaving, and organizing that enhance participation in and influence over the decisions affecting their everyday lives. This kind of process can come through, public debate, election and representation-building of consensus and formidable decision-making.

Precisely, democracy is seen as a political system that is characterized of periodic and free elections in which politicians arranged into political parties that engage themselves in a competitive polls to ensure a standing government, where the political right will enable all adult citizens (18 years and above as it applied in Nigeria) to vote and be voted for. Furthermore, Huntington (1991) sees democracy as a political system which is considered democratic because the most popular candidates are chosen through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population are qualified to vote. This promotes political participation of all adult members. The full participation of the people during electioneering gives the new government a legitimate foundation to govern. Any government against this background will not enjoy legitimacy which gives every government a political support from the people because it is deemed rightful since the support emanates from the people. However, if democracy is all about to choose who should govern the people, then election is one paramount way to select.

Collier and Levitsky (1997) point out that the most widely employed definitions of democracy focus on the procedures of governance. For example, Robert Dahl's writings (1971,1989) provide a benchmark for defining the essential elements of democracy. In Polyarchy, Dahl (1971: 3) identified eight criteria in defining democracy: the right to vote; the right to be elected; the right of political leaders to compete for support and votes; elections that are free and fair; freedom of association; freedom of expression; alternative sources of information; and institutions that depend on votes and other expressions of preference. Like many other democratic theorists, Dahl is largely equating democracy with the institutions and processes of democratic government. If citizens can participate equally in free and fair elections, and if elections direct the actions of government, then this is the essence of democracy.

This institutional/procedural definition of electoral democracy is often accepted as a minimum measure of a democratic system. From Schumpeter (1943) to Przeworski et al. (2000), democracy is typically equated with the electoral process. Similarly, the democracy building activities of governments and the international NGO community often focus on the creation of electoral institutions as the defining element of democracy. From this perspective, we might expect that citizens identify democracy with the institutions and

processes of democratic governance. These individuals would cite “free and fair elections”, “responsive government”, “multiparty competition”, and “popular control” or “majority rule” as key elements in defining Democracy. Larry Diamond (1999) lists political liberties, participation rights of citizens, equal justice before the law, and equal rights for women as four of the core democratic values. In principle, other forms of government might seek to achieve these same goals; but in practice, it is contradictory for autocratic regimes to encourage and allow the liberties and freedom of the citizenry.

If people focus on the goals of democratic government, this would produce different definitions of democracy. Democracy might be defined in terms of the individual rights and liberties protected by a democratic form of government, such as freedom of speech, religion, and freedom of assembly. The protection of individual liberty and rights by the rule of law is essential to democracy. Even if individuals in developing nations might not understand the institutional procedures of democracy, the human desire for freedom and liberty may generate support for democracy as a means to these desired goals.

Przeworski et al (1996) argues that democracy is a system where political office is filled through regular, free and fair election between competing parties with the possibility of a winners freely

assuming office. Kolawole (2004) believes democracy is not the absence of military rule nor is it necessarily the presence of civilian administrators, but a situation where political actors and institution of the state are oiled in democratic values, norms and ethos.

Democratic Consolidation

This implies a democracy that can last for the test of time. This can be assured if those values that made democracy worthwhile are fully institutionalized. Kaur (2007) states that democracy become sustainable when there is credible opposition capable of replacing an incumbent government by offering an alternative outline of politics and strategies that is likely to appeal to the electorate. By the concept of democratic consolidation, it connotes a deliberate political process in a polity by which democracy is “so broadly and profoundly legitimized among its citizens that it is very unlikely to break down”

To consolidate democracy, it needs behavioral and institutional changes that normalize democratic politics and narrow its uncertainty. Democratic consolidation is an off-shoot of good governance which encompasses accountability, security of human rights and civil liberties, devolution of powers and respect for local autonomy, which all constitute a challenge to democratic regimes (Eyinla,2000:22). In fact, democratic consolidation can be measured by the percentage of voters in a

country who consider democracy as an indispensable way of life and are ready to go every length to protect it.

Election

This facilitates and shapes democracy. Democracy is regarded as the best form of government because its ideology promotes peoples' will. The people have political right to decide who should govern them in a free and fair conduct called 'election'.

In the form of interpretation of qualitative secondary data, numerous scholars contribute to the literature of elections, its process and malpractice (Ebirim, 2013; Ighodalo, 2012; Osinakachukwu and Jawan 2010; Idowu, 2010 and Herreros, 2006). Ighodalo, (2012) said "Elections are means of selecting representative of the people indifferent public positions within the polity". He noted that Elections are critical aspects for democratic governance of modern political societies. They are considered as apparatus for political choice, mobilization and accountability. In the liberal democratic paradigm that has become the most popular form of democracy in today's globalization era, elections are expected to cushion transition from one civilian regime to another and ease in legitimizing sitting governments. Odusote (2014:31) has rightly posited that electoral process is a pillar of democracy because it gives effect to the right to govern by consent. Herreros (2006) sees election as a way of selecting 'good types' of

politicians who would pursue the common good instead of their factional interests. Dickerson (et al, 1990) defines election as a post mortem of the record of those in office, whose performance may have little to do with promises made when they were last elected."

Electoral process

According to Idowu (2010) stated that election is often confused as electoral process. Thus he refers to electoral process as all the pre and post-election activities without which an election is either impossible or meaningless. The process therefore involves registration of political parties, voter's registration, resolution of election disputes, swearing of election winners' etcetera. Meanwhile, electoral process is certainly about rules and procedures of conducting an election. Election therefore facilitates and shapes democracy. While democracy is considered as the best form of government due to its ideology of promoting peoples' will. It is the people's mandate to choose who should govern them in a free and fair 'electioneering'. Therefore, election process constitutes an essential principle in liberal democracy. Election is highly significant in a democracy because it is a medium through which the people express their legitimacy and leadership succession. As Jibrin (2009) writes "elections have meaning for most people only in a democratic context because they lead to the choice of decision makers by the majority of the citizens. Elections and democracy

are therefore inextricably linked”. Osinakachukwu and Jawan (2010:130) said it is a process of checkmating a ruler that is popularly accepted and ejecting an unpopular leader, mainly through voting. “This method shuns mutiny and chaos in a system hence it reflects peaceful hand-over from one administration to the other so long as the process is devoid of election rigging”. It has been noted that for elections to thrive there should be the establishment of a well-defined, competent, relatively independent and non-partisan electoral body that will be responsible for the conduct of elections. There is need for the existence of impartial judiciary that will interpret electoral laws and as well as adjudicate on electoral matters. Mass media devoid of influence from the politicians should be instituted together with police force that will help supervise the conduct of an election. Indeed one of the major element of electoral process is to ensure an election is free and fair and the result of the election must reflect the wishes of the people. Therefore any activity that hampers the conduct of an election can be considered as ‘subversion of people’s sovereignty’. Using theoretical framework of cultural relativism Idike, (2014) critically examine the problems and prospects of e-voting on Democracy and electoral process in Nigeria. He refers to electoral process as a complex process that encompasses the good intentions and undesirable outcomes of election administration, particularly in emerging democracies where general elections are

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

Theoretical framework

The paper makes use of the institutional theory. Institutionalism is a theoretical framework that emphasizes the role of institutions in shaping political behavior, outcomes, and processes. When applied to the analysis of electoral processes, institutionalism provides valuable insights into how formal and informal rules, norms, and structures influence electoral dynamics, voter behavior, and the functioning of democracy. Different electoral systems can lead to varying political outcomes. For example, proportional representation may encourage multi-party systems and coalition governments, while the first-past-the-post system may lead to a two-party system. Institutionalism examines how these

systems shape party behavior, voter alignment, and representation.

Methodology

This paper makes use of qualitative approach, using data gathered from secondary sources. It will be analyzed via content and historical analysis.

Electoral process; Nigeria experience

In Nigeria as elsewhere in Africa, one of the objectives of the transition to democracy has been a free and fair electoral system, the hallmark of liberal democracy. According to the International Institute of Democratic and

Electoral Assistance (IDEA, 2001) by definition, liberal democracy is a procedural system involving open Political competition, with multi party, civil and political rights guaranteed by law and accountability operating through an electoral relationship between citizens and their representatives. However, the citizens of Nigeria have clearly been denied a true experience of liberal democracy according to this definition.

According to IDEA (2001), important institutional factors that are major impediment to the electoral process in Nigeria include the limited autonomy of various electoral bodies (particularly their lack of financial empowerment) and their weak human resource base. Unreliable voters register combined with serious logistic and communication problems are characteristics of the flawed electoral

process. Psycho cultural factor primarily derived from the history of today's immense political corruption, factors that have undermined the social and economic basis for the emergence and sustenance of democratic political culture in Nigeria. These political factors are set against the background of a major structural factor institutionalized.

Among the most serious and blatant cases of electoral fraud are;

i. Rigging, overstuffing of ballot boxes, over bloating ballot register, special treatment of voters and election officials, disappearance or destruction of ballot box etc.

ii. Distortion or doctoring of results.

iii. Annulment and falsification of election result

Despite the serious nature of the above irregularities in the electoral process, the April 2003, "election forgery" and the 2007 "falsification of election results" as well as 2011,2015,2019,and 2023 "electoral flaws" in the presidential, gubernatorial and the Assemblies elections have seriously undermined the country's democratization processes. These acts, a master stroke against democracy and the democratization process, have posed threats to the country's corporate existence. Other factors that are consistently cited as undermining competitive electoral politics in Nigeria include;

1. Excessive monetization of politics in general.
2. A “winner takes all” philosophy pervasive among the political elites;
3. The general level of poverty and illiteracy.
4. The absence of clear ideological underpinning of the parties.
5. Religious bigotry and to a limited extent ethnic chauvinism
6. Political corruption

Election rigging was perfected in the previous elections conducted in Nigeria, 1964, 1965, 1979, 1983, 1999, 2003, 2007, 2011, 2015, 2019 and 2023. Election rigging connotes any form of undue authority or power that influence and manipulate election result in a dubious way to protect a particular interest against the interest of the generality of the masses. When the interest of the people are articulated in a free and fair election, the government in power tend to enjoy the sovereign legitimacy of the people but election rigging can thwart the interest of the people hence the dubious imposition of an unpopular candidate. The sad end is governments’ lack of people’s support which is one of the basic principles of democracy. To further explain the electoral malpractice that characterized Nigeria electoral process. Ebirim (2013) sees electoral malpractice as a process by which the rule and regulations that govern the conduct of election are manipulated to

favour specific interests. It is achievable through numerous tactics and strategies including outright rigging and falsification of electoral result. However, electoral malpractice can take place before, after and during election. In the same vein, Bamisaye&Awofeso (2011) defines electoral malpractices as the reflect determination of politicians, political actors and political parties to capture power by all means and at all cost. For him, politicians involve all sorts of electoral malpractices such as rigging of elections and the intimidation of voters in order to subvert the electoral process. Election rigging according to Nwabueze (2005 cited in Ibrahim, 2009) refers to electoral manipulations which are palpable illegalities committed with a corrupt, fraudulent or sinister motive to influence an election in favour of a candidate (s) by way such as illegal voting, bribery, treating and undue influence, intimidation and other form of force exerted on the electorates, falsification of results, fraudulent announcement of a losing candidate as the winner (without altering the recorded results). Electoral malpractice has become an increasing problem in incipient democracies that emerged as a result of the so called “Third Wave” of democratization that swept across the developing world from the 1980s onwards (Menocal, 2003).

Electoral process in Kenya

Elections in Kenya take place within the framework of a multi-party democracy, in

all the elections held between 1992 and 2022 in Kenya money was an important factor in defining politics and the nature of democracy. It has therefore become a 'necessary evil', owing to its worth and growing use as a determining factor in the fate of the candidates. Bakari (2002, p 271) argues that Kenyan politics has been all about money for a long time and that those who had money controlled politics. Former leaders, for example, Daniel Arap Moi, the second president, who held office from 1978 to 2002, not only used money to manipulate government contracts and consolidate patronage by appointing cronies to high governmental positions, but also to enable him to give out public lands in attempts to win votes.

According to a report by the National Democratic Institute for International Affairs (NDI) (Bryan & Baer 2005), the availability or otherwise of money has enormous influence on the conduct and nature of general elections. Likewise, the high costs of elections have a direct bearing on two ingredients of electoral democracy, namely, popular participation and fair contestation. Money arguably determines the very basics of democracy (Mwangi 2008, p 268). If a political party does not have money its leaders and supporters may fail to achieve political participation through representation, which, in turn, often fosters the democratic protection of their interests. Therefore, the question of money in maintaining political parties and winning power through elections is very pertinent

to the conduct of elections and the building of democracy.

The historic 2010 constitution and the introduction of devolution in Kenya's democracy can be seen as the culmination of a much longer struggle to achieve a more equitable and more democratic institutional structure. On March 4, 2013 Kenyans voted in the first elections under the new constitution, introducing ambitious devolution reforms. Under these reforms significant political functions, fiscal resources and administrative responsibilities have been devolved to forty seven (47) country units at the sub-national levels. These constituted historic changes in the institutional structure of Kenyan States.

Under article 174 of the constitution, there are four main set of objectives for the devolution namely, to break up the centralization of power by decentralizing state organs and by enhancing the separation of powers; strengthen national unity by recognizing diversity; protecting minority and marginalized communities and sharing resources equitably, to enhance democracy by introducing self-governance and participation through improved delivery of services (constitution of Kenya (2010)). Despite two decades of democratization in Kenya - including the introduction of multiparty system, the promulgation of a progressive constitution and a number of institutional reforms one possible explanation is that the democratic transitions has not yielded

tangible economic benefit for the people. Though, there have been a significant improvements in elected government and absence of corruption.

Comparative Analysis of Nigeria and Kenya electoral process

1. The 1999 Constitution of the Federal Republic of Nigeria (as amended) mandated the Independent

National Electoral Commission (INEC) to conduct elections both National and for 36 states of the federation while in Kenya, the 2010 Constitution mandated Independent Electoral and Boundaries Commission (IEBC) to conduct elections in all the 290 constituencies of Kenya

2. Campaign financing has been a major concern in Kenyan and Nigeria. Unregulated campaign financing often create an uneven playground in election contest. It is obvious that large sum of money give certain political parties or candidates undue advantage over their opponents. Most often, candidate with must money always win elections or party nomination process. The 2013 election process in Kenya just like our closed country Nigeria in 2019 would be remembered as one of the most expensive election in the history of both countries. The money spent during election in both countries did not only stay at the top, but has also trickled down to the grass root who got the chance to sell their votes. The money is spent on travel operation,

events, media adverts and merchandise from helicopter to branded vehicles.

According to business dailyafrica.com (2013) it is estimated that the four main coalition – Amani, Cord, Eagle and jubilee – spent as much as shalom 1,115,000 million on hire helicopters for their campaign, according to figure obtained in the aviation industry in Kenya, Jubilee Alliance, led by Uhuru Kenyatta and his running mate William Ruto, has six helicopters and six wing aeroplanes on its campaign trail. The Ralia Odigaa led Cord Coalition had four helicopter and two fixed wing aeroplanes. Our worry here is that electoral laws governing how parties should secure and spend their funds are ineffective in these countries. Elective offices under this situation become mere commodities to be purchased by the highest bidder and the politics of business become merely to divert public attention against the pressing needs of the larger population.

3. Sources and legal framework for funding of political parties in Nigeria are supposed to come from the statutory allocation, fees and subscription and lawful donations from the public section 221 of the 1999 constitution prohibits any association other than political parties from making political donations. Section 76 provides for the oversight function of the electoral commission and section 226 of the constitution empowered the commission to prepare and submit a report on the financial account of the

political parties to the National Assembly. The NASS on the other hand, is empowered in section 228 of the 1999 constitution to make laws for the punishment of any individual or party who fails foul of the above provisions. In Kenya, article 19 have analysed the Kenya publication of electoral bill 2011 the analysis of the draft bill, emphasized that transparency in campaign financing is indispensable for embedding accountability and is integral to the promotion of good governance and democracy. Campaign expenditure by parties and candidates in the electoral process in Kenya remains electoral laws which have now received full implementation on this basis, we assert here that this is one of the major bottlenecks that lies in the path of the guest to consolidate democracy in Kenya and Nigeria.

4. Both Nigeria and Kenya are faced with the challenges of ethnicity and ethnic politics. Just as post-election violence characterized our democracy in Nigeria, Kenya is also confronted with this issue, serious violence occurred in the announcement of the election results in 2011, 2019 and 2023 respectively especially in Kano, Kaduna and Rivers State. There was violence in 2007 in Kenya. Unlike the situation which was curtailed within a short period of time. Both Nigeria and Kenya are faced with the challenges of ethnicity and ethnic politics Just as post-election violence characterized our democracy in Nigeria,

Kenya is also confronted with this issue serious violence occurred in the announcement of the election results in 2011 and 2019 respectively especially in Kano and Kaduna State. There was violence in 2007 in Kenya. Unlike the situation which was curtailed within a short period of time in Nigeria, in Kenya, the violence spread fast and split the country along two major ethno-regional blocs.

It is to be noted at this point that Kenya had a history of political transition from one –party rule since the early 1990s and a tradition of regular elections. The violence pushed the country towards the brink of civil war. On a general note, corruption breeds poverty and unemployment which are greatly affecting Nigeria and Kenya. The emphasis on corruption is made because corruption accounts for the root cause of the poor facilities we have and other anomalies. While discussing the consequences of corruption on the Nigerian Society, a closer look on the way and manner in which democratic principles are abused in these countries bringing to a situation where money budgeted for development purposes are embezzled by few individuals and majority of the citizens are short changed in terms of opportunities. High poverty and unemployment rates are inevitable.

It is obvious that power holders in these countries have created a class of domination which enables them to use

their offices to reap personal gains against the pressing needs of the larger population. Both Nigeria and Kenya shared things in common in terms of corrupt practices. The present insecurity we are experiencing could also be linked to corrupt practices by power holders. Ineffective institutions and weak democratic values are largely responsible for the pathetic state of development in Nigeria and Kenya.

Conclusion and Recommendations

Based on the comparative study conducted on the electoral process of Nigeria and Kenya, the paper discovered that, in both countries there is ethnicity or identity politics which usually play significant role in mobilization, contestation and the quest for governance. It equally resulted into electoral violence. The paper discovered that the tenants of democracy – transparency, accountability, adherences to the rule of law are not strictly adhered to. Political activities are carried out contrary to the provisions of the constitution. The study identifies ethnicity, faulty elective and its abuse of the rule of law as some of the obstacles to democracy and development in Nigeria and Kenya.

The study recommends that, in order to decisively address the persistent problem, confronting election and the electoral process in Nigeria and Kenya, major stakeholders must play positives roles

especially through participation to bring about credible electoral reforms which would provide great independent of the electoral bodies. There is the urgent need for civil awareness of the danger of monetizing politics. The electoral system should be revisited with a view to establishing a system that would promote inclusively, build stronger and institutionalized parties and aspect of the current system. There is the urgent need to strengthen institutions saddled with the responsibilities of curbing corruption.

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