

Disputed Elections and the Role of the Court in Emerging Democracies in Africa: The Nigerian Example

J. Tochukwu Omenma¹

*Postdoctoral Fellow,
Department of Politics and International Relations,
University of Johannesburg
and
Institute of African Studies,
University of Nigeria, Nsukka
tochukwu.omenma@unn.edu.ng*

Okechukwu O. Ibeanu²

*Institute of Developmental Studies,
University of Nigeria,
Enugu Campus*

Ike E. Onyishi³

*Department of Psychology,
University of Nigeria, Nsukka*

Abstract: *The paper deals with a set of substantively important questions for Africa's ongoing democratization. In a narrow sense, what role are courts playing in the process of intervening in electoral dispute, as it is related to fraud, official misconducts, and violence? More broadly, how is the involvement of courts in those disputes influencing the broader democratization process? After examining relevant data from Nigeria's elections since 1999, data indicate that out of hundreds of disputed gubernatorial election results, only 6.3% success were recorded in court. The paper arrived at two conclusions: first, courts in Nigeria are failing to adequately address electoral disputes because the legal burden of proof required of petitioners is too demanding to be effective. Second, the inaction of courts enable incumbents to consistently retain power, thereby negating the principle of consolidation of democracy. Thus, the court is failing to play a role in promoting democratic consolidation. Reasonably valid quantitative measures exist for each of the factors. Data sources consisted of governmental documents, data from international election observers and other research.*

Keywords: Election quality, election petitions, courts intervention, alternation of executive power.

¹Dr. Omenma is a Postdoctoral Research Fellow, Department of Politics, University of Johannesburg and Research Fellow, Institute African Studies, University of Nigeria, Nsukka.

²Professor O. Ibeanu is a Professor of Political Science and Research Professor, Institute of Development Studies, University of Nigeria, Enugu Campus

³Dr. Ike E. Onyishi, is a Senior Lecturer Department of Psychology, University of Nigeria, Nsukka.

Introduction

In recent years, the courts have been increasingly involved in resolving electoral disputes in many countries across the globe. This is part of the direct involvement of the courts in electoral process and shaping political contests. The facts are, “the members of the court are integral elements of the larger political setting” (Hirschl, 2006, p. 721); the competitive nature of presidential elections (Brooks 2014, p. 3) or the development of politics of rights and; the continuing spread of democratization across the world (But, n.d). Despite court visibility, the failure rate of election dispute remains high and its effect on body polity is contested.

Extant literature has offered several explanations. First is the constitutional power of the court, which places on the courts all the powers and sanctions of a court of law and makes the courts arbiter in all disputes (Hirschl, 2006; Bork, 2002). Ely (1980) refers to court’s power of arbiter as a means to ensure that elected representatives are not “choking off the channels of political change to ensure that they will stay in and the out will stay out” (Ely, 1980 cited in Gloppen, 2004, p. 4). Second, court involvement is an essential element of the entire electoral cycle. The courts “ensure that each action, procedure and decision related to the electoral process is in line with the law” (International IDEA, 2010, p. 1). Von Doepp (2009) supports this by stating that vibrant and autonomous judiciaries are central means to democracy, and “represent key ingredients for democratic consolidation (p. 1).” Third, is the competitive nature of most presidential elections. In a presidential democracy, the president wields substantial powers, and the influence that comes with the office makes it very attractive. The consequence is that election rigging becomes commonplace in most presidential democracies. Under this condition, candidates or parties disadvantaged by the process usually approach courts for electoral justice.

The puzzle is to understand how the courts have performed along these three explanatory variables. Given that, post-electoral challenges are almost never successful in changing election results (Hernández-Huerta, 2015). More importantly, when most involvements of the courts in the electoral process lead to unprecedented constitutional crisis, such as in America (Hirschl, 2006) or “further undermine democracy as is the case in Nigeria” (Omenma, 2015, p. 12). Despite these reservations, there are strong belief that the judiciary “cannot be a passive on-looker” in the democratic process (Muhammad, 2012, p. 41); that courts’ “interventions in the electoral processes...have gone a long way to deepen our democratic system...” (Azinge, 2012, p. vi); and the courts have been “...the great guarantor of our new democracy” (*This Day*, 30 October 2007). These two dimensions of thought call for further scrutiny, because the intervention of the courts in the electoral process appears to have produced mixed results.

This study is guided by two research questions: (1) does the quality of elections account for the increased court intervention in disputed elections? and (2) has the increased interventions of the courts in disputed elections impacted on regular alternation of executive power? The objectives are to determine the extent to which election quality accounts for increased court interventions in disputed elections; and to assess the effect of increased court interventions in disputed elections on alternation of executive power. The paper begins by conceptualizing the various theoretical arguments and debates surrounding courts interventions, election quality, and democratic consolidation. Subsequent sections formed our methodological approach, data presentation, analysis, and result of our findings.

Review of Related Literature

Judicial Interventionism

Judicial intervention in the management of election petitions and other related political matters has greatly expanded in the last one decade (Rares, 2011; Gloppen, 2004; Ugochukwu, 2009). In fact, courts have been involved in wide range of issues that boarder on national and international political importance. Rares (2011, p. 1) notes that the “Judicial system is a public resource that must be managed so as to ensure that the right of the public to have access to a court to resolve their disputes is not *empty rhetoric*.” Ellett (2008) argues that in Africa “the new leaders of the continent ... are systematically obstructing the liberalization of the political system in an effort to remain in power as long as possible...” thereby “choking off the channels of political change...” which is necessary for development (Ely, 1980 cited in Gloppen, 2004, p. 4). The consideration, therefore, is not only on the constitutional role of the courts to resolve electoral disputes, but how the court confines itself to “the application of legal principles” (Okoye, 2009, p. 128) without empty rhetoric.

Interest-group theorists claim that the court is there to enforce the “deals” of the dominant interest group of the government (Posner, 1975), thereby legitimizing government policy rather than challenging it (Dahl, 1957; Shapiro, 1999; Gillman, 2002). Ginsburg (2003) affirms that the court is an “insurance policy” inserted by the makers of the constitution to protect the dominant elites of the society. Stephenson (2003) observes that “When one party or ruling clique dominates the political system, we expect either a judiciary with preferences almost identical to the ruling party or no real independent judiciary at all (p. 59).

Unlike the interest-group scholars, Mahoney (1990), and Canon (1982) turned to Schlesinger’s original use of “Judicial activism” to explain judicial interventionism. Judicial activism, Smith (2002) argues, “serves principally as the utmost judicial put-down, a polemical, way of expressing strong opposition to a judicial decision or approach to judging” (p. 1057). Mahoney (1990) states that “Judicial activism exists where the judges modified the law from what was previously stated to be the existing law which often leads to substituting their own decisions from that of the elected representatives of the people” (Mahoney, 1990 cited in Imam, et al., 2011 p. 52). Judicial activism comes in three dimensions. First, the willingness of the judges to depart from the previous decisions; second, departure from the original or ordinary meaning of the constitutional context; and third, the numbers of judicial decisions that struck down legislations (Tushnet, 2007).

It is in this sense that we conceptualize judicial interventionism as the significant involvement of the courts in interpreting electoral matters/petitions outside its reference, such that it usurps the rights of the electorate. It is also, along this line that Rares’ (2011) phrase of “empty rhetoric” is important, which agrees with Hernández-Huerta (2015) that “post-election challenges are never successful in changing election results” (p. 4). Why has this been so, given the fundamental role of the judiciary in the electoral process?

Election Quality and Election Fraud

The concept of election quality has been approached from several dimensions. First are scholars that use positive expressions to define election quality, such as free and fair elections (Elklit & Svensson, 1997; Anglin, 1998; Lindberg, 2006a), clean elections (Munck, 2009), and democratic elections (O'Donnell, 2001; Munck, 2009) or election quality (Elklit & Reynolds 2005a; Hartlyn et al., 2008; Kelley & Kiril, 2010). Negative expression describes it as “any purposeful action taken to tamper with electoral activities and election-related materials in order to affect the results of an election, which may interfere with or thwart the will of the voters (Lopez-Pintor, 2010, p. 9). This expression denotes flawed elections (Pastor, 1999), electoral malpractice or misconduct (Birch, 2008; Donno, 2010), electoral manipulation (Scheduler, 2002a), or electoral fraud, electoral corruption, or election rigging (Lehoucq, 2003; Lopez-Pintor, 2010; Simpser 2005; Calingaert, 2006). The problem with these word expressions is that what constitutes election quality is generated by participants with different interests, expectations, and standards across elections (Kelley, 2012). There is certainly a measurement problem of election quality from phraseological perspective.

Second, is the quality-based approach, which defines quality of elections from a universal standard, often based on democratic theory and/or international law and norms (van Ham, 2012; Elklit & Reynold, 2005b). The international election observation mission evaluates elections in many countries, based on the international standards, identifying elections that conform to or contradict international standards. Some scholars question the standards used by election observers to evaluate elections (Geisler, 1993; Anglin; 1998; Carothers, 1997), because how the citizens/stakeholders perceive quality election in a country may be different from the international standard of democratic elections.

Third, is the process-based approach of election quality (van Ham, 2012). This involves examination of overall judgments of election quality based on more specific indicators of irregularities before, during, and after election-day. Process-based approach highlights on the pros and cons of pre-election, election-day, and post-election activities. Process-based is not a one-off event, but rather a comprehensive evaluation of all the stages of election.

Finally, Lindberg (2006) and Dahl (1971) provide a broader concept of quality of elections based on participation, competition and legitimacy. These interrelated variables measure the degree of citizenship participation, level of competitiveness, and degree in which elections confer legitimacy on the leaders. From the relevant literature reviewed, there is the need to examine courts role in the whole debate of election quality.

Democratic Consolidation

There are different views and interpretations of democratic consolidation, particularly, when the process ends. There are four reference points—avoiding the breakdown of democracy, institutionalizing democracy, quality of democracy, and “two-turn-over test” of power.

Scheduler (1997) and O'Donnell (1992) associate democratic consolidation with a democratic government that avoids all possible factors that lead to a breakdown or eliminating all risks that will likely result to democratic breakdown. By this definition, democratic consolidation suggests “survival,” “stability,” “sustainability,” or “persistence” of democratic principles. This notion is also linked to

“democratic survival” or avoiding relapse to non-democracy. How do we measure survival? There is usually a measurement problem if we subscribe to this definition.

Another group of scholars focus on “institutions” building (Schmitter, 1988; Linz, 1990; Schedler, 1997; Przeworski, 1991). In essence, any democratic set-up, where election has been accepted and seen as the only means of changing government, democracy is likely to be “consolidated.” Linz (1990) describes it as a state of affairs when “democracy must be seen as the only game in town” (p. 156). The key phrase is when election is the only game in town. Even though election is an important variable in defining democracy, holding regular elections is not enough; the content of such elections is very important. Conceptualizing democratic consolidation from the prism of the only game in town is a reductionist approach, because there is no reference to quality of election, key to democratic consolidation.

There are scholars who approximate democratic consolidation to “deepening of democracy”, “high-quality democracy” or “quality of democracy” (Schedler, 1996; Linz & Stepan, 1996; Diamond & Morlino, 2004; Roberts, 2009; Munck, 2012). The idea of “high-quality democracy” or “quality of democracy” is borrowed from the minimalist concept of democracy. This is the most attractive concept of democratic consolidation, according to Dahl (1989), who states that elections devoid of fraud and violence increases political legitimacy. The analytical problem is that the quality of democracy is actually the very concept of liberal democracy, thereby assuming that the image of democratic consolidation is only that of advanced democracies (Schedler, 1997).

Finally, is Huntington’s (1991) alternation of executive power through constitutional means. By this, democracy encourages regular change in the partisan character of the executive branch of government. Huntington states that,

Democracy may be viewed as consolidated if the party or group that takes power in the initial election at the time of the transition, loses a subsequent election, and turns over power to those election winners, and if those election winners then peacefully turn over power to winners of a later election (pp. 266-67).

Przeworski (1991) sustains this notion by affirming that a system in which parties lose elections is an important indicator of consolidation. Along the same vein, Freedom House (2010) defines consolidation in terms of “regular elections conducted in conditions of ballot secrecy and reasonable ballot security, and in the absence of massive voter fraud that subverts the public will... A country cannot be listed as an electoral democracy if a single party or movement enjoys consistent and overwhelming dominance over national elections (p. 4).

Emphases are on regular elections, free and fair elections, two-turn-over test of power, loss of elections” or the failure of “a single party” to consistently win elections. Alternations in power provide invaluable criteria for measuring consolidation. The statistical weight for regular alternation is a useful indicator of democratic consolidation, particularly in emerging democratic nations. Most African nations regularly hold periodic elections, but the character of such elections is in doubt. Democracy does not consolidate when regular elections take place or when democratically elected authorities assume

power. It is a condition that permits regular change of government. Perhaps, the challenge to democratic consolidation is to identify those conditions or platforms that produce regular alternation of executive power.

Theoretical Framework and Research Design

Theoretical Framework

This study interrogates two conceptual questions. First, why is court intervention in disputed elections increasing? Secondly, does increased court intervention in disputed election lead to consolidation of democracy? In answering these questions, our conceptual framework is informed by the Marxian theory of the capitalist state, particularly its distinction between the forms of state in the center and in the periphery of the global capitalist system (Poulantzas, 1973, 1980; Ake, 1981; Nnoli, 1986; Ibeanu, 2009).

In capitalist societies, people are, first and foremost commodity bearers, approximated in their labor power. As commodity bearers, members of a capitalist society exist as separate, self-interested, formally free, and aggressively competitive individuals. Market forces regulate this competition and everybody is equally subject to these seemingly neutral forces of demand and supply (Ake, 1981). Market forces activate both the market economy and market democracy, namely, thoroughgoing commoditization arising from the separation of the producer from the means of production and the separation of the individual from the primordial community (Ake, 1981). Ibeanu (2009) argues that elections and rule of law constitute the market democracy as against economic forces of demand and supply. Ibeanu (2009) states that, while the market finds political expression in elections, market forces are incarnated politically in the rule of law. This explains why the laws of these market societies generally provide for the freedom of individuals to vote and be voted for, the equality of votes and freedom to choose between political platforms.

Market-type settings permeate the whole capitalist society, not only at the economic level of structures, but also at the political and ideological. In the same way, money is the standard of exchange in the market, so also is the ballot (votes) with respect to the political/electoral market. In a nutshell, the economic role of money in the market place (market economy) is replicated in the ballot system at the political level (market democracy). In the same way that money is an indirect value, so also is the ballot an indirect value. Like economic value (profit) which is realized indirectly by appropriating surpluses expressed in money, political value is also realized by indirectly appropriating political offices through the impersonality, choice, formal equality, and self-interestedness expressed in the ballot.

The forms of capitalist state in the center are represented by the respect for the rules guiding elections, particularly as contained in the constitution and electoral law, expresses the collective subjugation of all—candidates, electors and regulatory bodies—to the rule of law. Consequently, the regulatory regime, like the forces of demand and supply, are seemingly disassociated from the interest of one political party/candidate or another and all are equally liable to the rules of the game. This is necessary to maintain public confidence in elections through a high valorisation of votes (ballots). Thus, a ballot is much more than a mere piece of paper; it embodies complex social relations.

By contrast, capitalist societies in the periphery, such as in Africa, show notable differences from the acceptable situation in developed capitalist countries. In the periphery, social existence is still ruled by pre-capitalist norms such as communalism, particularism, affectivity, ascription, and patriarchy (Ake, 1981). In the face of these norms, the requisite regime for proper regulation of market life remains immature and the forces of demand and supply are not robust; indeed, they barely operate. Consequently, peripheral capitalism is prone to primitive accumulation. This refers to the preponderance of force/violence over market ideology in regulating relations and behaviour, and the automaticity of market relations is still far-fetched.

Concomitantly, at the political level, especially regarding elections, peripheral capitalist countries show all the features consistent with their economic base. This is principally noticeable in the style in which elections are rigged, which is known as the Primitive Accumulation of Votes (PAV). That is to say that politicians acquire votes through the use of both objective and structural violence, and disregard of the rule of law. For those who engage in primitive accumulation of votes, it is justified in the name of communal interests such as clans and ethnic groups, though in fact it is self-seeking (Ibeanu, 2009). Furthermore, electoral regulatory regimes—the Constitution, electoral law, electoral commission, and the judiciary—remain weak, captured by sectional and special interests. All of these sustain the belief that a legitimate way of securing political office is to steal the people's mandate.

Drawing from the foregoing general theory, our more specific conceptual scheme shows that there are two dependent variables linking the electoral interventionism of the judiciary in Africa, namely, quality of elections and turnover of executive power. These explanatory variables reinforce each other. Our first proposition is that increasing election fraud is consistent with declining quality of election, which in turn is an indicator of high rate of disputed elections in courts.

Second, given the context where money politics is dominant, courts are likely to be targets of “political investors response” to the market forces. This means that electoral justice becomes subject to being auctioned. The import of this is that outcomes of election adjudicatory processes are largely produced in response to very narrow but powerful interests. That is, results which are in contradistinction with the votes cast. In the process, the judiciary becomes politicized and used to reinforce electoral fraud or often act to protect specific sectional/party interests, thereby limiting the opportunity of electoral justice.

In summary, our central empirical inferences, which we shall elaborate and test through our hypotheses, is that despite the frequent interventions of the judiciary in electoral matters, there are no significant improvements in quality of election and democratic consolidation. In addition, it has in many cases undermined the EMB and the quality of elections and has not significantly led to two-turn transitions of executive power from one political party to another.

Hypotheses

Based on the foregoing theoretical insights, we hypothesize as follows: (1) if election fraud becomes widespread, it tends to reduce the quality of elections, thereby increasing the likelihood of election disputes in courts; and (2) increasing court interventions in disputed elections tends to lower the prospects of alternation of executive power among parties.

Research Design

This paper focuses on examining the influence of the courts on politics—elections and democratic consolidation. The study adopted the survey design. Data on the conduct of elections were sourced from reports of international election observers, legal charges and court rulings, while data on courts adjudicatory processes were collected from law reports, court proceedings, and academic journals. We developed a single independent variable—court interventions in the disputed elections and two dependent variables, namely, (1) quality of elections, and (2) alternation of executive power.

Data sources consisted of governmental documents, data from non-governmental organizations such as European Election, Observation Mission (EU EOM), and other research. For the quality of elections, we relied on EU EOM data, which provided us with election-day incidence in Nigeria for 2003, 2007 and 2011. We categorized election-day incidence into four datasets:

1. INEC ad hoc staff violations/errors;
2. State/party official interference;
3. Election violence; and
4. Multiple/underage voting.

Each of the categories has specific and verifiable indicators (examples) used as a measurement of quality of election. The data sourced were for the gubernatorial and presidential elections in Nigeria. For the alternation of power, data of election results were obtained from the database of Independent National Electoral Commission (INEC) of Nigeria. Data were analyzed using simple descriptive statistics of percentage and graphs. One-way ANOVA was used to determine the scale of election fraud, whether the percentage is the same across the fraud types from 2003 to 2011 and to determine the fraud type with the highest percentage of occurrence since 2003. To test our second hypothesis, which is lowering prospects of alternation of executive power, we constructed a component bar chart. Each bar indicates numbers of alternation of power in the 36 states of the federations in Nigeria, 1999–2011. For the qualitative data, logical arguments, inferences, and content analysis were used to process such data.

Data Presentation

H₁: If election fraud becomes widespread, it tends to reduce the quality of elections, thereby increasing the likelihood of election disputes in courts.

Election Fraud and Disputed Elections in Court

There are four basic types of election frauds identified, namely, INEC ad hoc staff violations/errors; state/party official interference; election violence; and multiple/underage voting. Election fraud comes in varying degrees to include vote-buying, violence, falsification/inflation of results, ballot stuffing, and other rigging methods that thwart the intentions of the electorates (Bratton, 2008; Brusco, Nazareno, & Stokes 2004; Calingaert, 2006; Fischer, 2002). Fraud becomes widespread when there are significant violations of election process that shape election results (Lehoucq, 2003) and substantially violate relevant sections of electoral law (International IDEA; EU EOM 2003).

Using the dataset of European Union Election Observation Mission for the three consecutive election years, 2003, 2007 and 2011, we compute and measure the presence and the degree of election frauds in Nigeria. The dataset were the EU EOM reports of the presidential and gubernatorial elections incidence as represented in Tables 1, 2 and 3. There are 36 states including the Federal Capital Territory (FCT) Abuja that make-up the Federal Republic of Nigeria, which was used to measure the degree and widespread of election fraud.

Table 1: 2003 Election—Incidence and Types of Election-day Frauds/Irregularities		
Types of Fraud	Number of States	Examples
INEC ad hoc staff violations/errors	12	<ul style="list-style-type: none"> • Improper ink finger checks • Marking of the fingers not properly done • No name ticked on voter list while voting had started • Cases of violation of secrecy • Early closure of voting • Absence of EC.8.A forms in most PUs • Changes in election results
State/party official interference	12	<ul style="list-style-type: none"> • Ballot stuffing by party agents • Party agents aiding falsification of figures • Inducement of voters by money • Use of state security agencies to guide stolen ballot boxes • Collation done in undesignated areas
Election violence	15	<ul style="list-style-type: none"> • Ballot snatching by party thugs • Crowding of PUs and collation centers by agents of incumbent party • Stealing/disappearance of sensitive election materials • Shooting of guns/fighting to scare away voters • Road blocks by party supporters
Multiple/underage voting	14	<ul style="list-style-type: none"> • All presidential ballots cast, while gubernatorial ballots were in distribution • Similar thumbprints on the ballot papers • Election results showed 95% to 100% voter turnouts • Large difference between the votes cast for the presidential and gubernatorial races • Stuffing of ballot box with ballot papers • Some election results in excess of registered voters
Total		➤ 23 cases of electoral violations

Source: EU EOM 2003, pp.32-37. Note: INEC ad hoc staff per polling unit ranged in size between 2 and 4, and they were usually recruited by state governors, Local Government Chairmen or party executives at the wards (see Donald Duke Guardian newspaper interview, July 18, 2010, pp. 72-73).

On average, Table 1 shows that election frauds occurred in one third of the 36 states of the federation. Fraud indicators numbered 23, ranging from major incidence (voting without reference to the register, early closure of voting hours, absence of EC. 8. A. forms, changing election results and ballot stuffing) to minor incidence (improper ink finger check and collation of result in undesignated areas). Among the four fraud types, the INEC violation has the highest frequency of incidence of fraud. INEC violations and State/Party officials' interference were identified as major factors in election frauds incidence at 2003 election.

On the widespread nature of the fraud, INEC violations were reported in 12 states (33.33%); state/party official interference occurred in 12 States (33.33%); election violence was experienced in 15 states (41.66%); while multiple/underage voting were identified in 14 states (38.88%). On the whole, these fraud incidences show significant election fraud in the majority of the 36 states of the Federation. This supports the description of European Union Election observers' report that the entire election of 2003 was "a sham and marred by serious irregularities and frauds" (EU EOM, 2003). The incidences of fraud do not add-up to the principles of fair, free, and inclusive elections as enunciated by scholars (Dahl, 1971; Alemika & Omotosho, 2008).

Types of Fraud	Number of States	Examples
INEC ad hoc staff violations/errors	23 + FCT	<ul style="list-style-type: none"> • Materials arrived very late • Bunches of ballot stamped before • No voting took place yet result recorded in many PUs • Lack of proper voters register • No reference to voters register while accreditation of voters • Cases of violation of secrecy • Abandonment of proper procedures • Ward results arriving very late • Ballot box disappearance and figures used • Incorrect collation process and declaring of such results • Cases of missing of result sheets in many PUs • Party agents were denied copies of the PU results • Collation without reference to PU result sheets
State/party official interference	25	<ul style="list-style-type: none"> • Party agent helping voters to cast their votes • Party agents aiding falsification of figures • Inducement of voters/INEC ad hoc staff with money • Use of state security agencies to guide stolen ballot boxes • Collation done in undesignated areas (LG HQs) • Party agents and police taking part in counting • Buying of voter's card

		<ul style="list-style-type: none"> • Government officials thumb printing of ballot papers
Election violence	24	<ul style="list-style-type: none"> • Chaos at PUs • Thugs checking voters ID instead of PU staff • Hijacking of ballot boxes by party thugs • Shooting in the PU, voters scared away • Stealing/disappearance of sensitive election materials; • Police shooting of guns to chase thugs away • Invasion of PU by thugs • Harassments/abduction of INEC ad hoc staff by party agents/thugs • Burning bombing of INEC offices
Multiple/underage voting	22 + FCT	<ul style="list-style-type: none"> • Massive and widespread ballot stuffing • Unauthorized changing of results • Voting without accreditation • Similar thumbprints on the ballot papers • Election results show 95% to 100% voter turnouts • Large difference between the votes cast for the winners and the losers • Stuffing of ballot box with ballot papers • Some election results in excess of registered voters
Total		➤ 38 cases of electoral violations

Source: EU EOM, 2007, pp. 49-103.

There are two distinct readings of Table 2. First is that incidence of election frauds (major and minor) increased substantially from the previous 2003 election; second, is that fraud increased across the states. On the average, 23.2 states were reported to have recorded a significant increase in the four types of fraud. On the widespread nature of the fraud, INEC violations were reported in 24 states (66.67%); state/party official interference occurred in 25 states (69.44%); incidents of election violence were experienced in 24 states (66.67%); while instances of multiple/underage voting were identified in 23 states (63.89%). The highest re-occurring incidence of violation (13) was caused by the INEC ad hoc staff. This includes arrival of election materials very late; pre-stamping of bunches of ballot paper before arrival at polling units; lack of proper voters register; no reference to voters register while accreditation of voters; incorrect collation process; and declaring of wrong results, among others.

Table 3: 2011 Election—Incidence and Types of Election-day Fraud/Irregularities		
Types of Fraud	Number of States	Examples
INEC ad hoc staff violations/errors	24	<ul style="list-style-type: none"> • In 47% of PUs the secrecy of vote was not respected • Missing of PU staff and materials, such as result sheets and ballot papers • Omitted or incorrect application of ink

		<ul style="list-style-type: none"> • Used ballots did not equal the number of valid, spoilt and rejected ballots in many PUs • Voting without voters registering or holding voters' cards in many PUs • Accreditation of underage voters • Accreditation and voting at the same time in many PUs • Important safeguard against multiple voting were not followed consistently • 70% arithmetic errors in ward collation centers • 87% in LGA collation centres and 70% at the state collation centers • Voting without accreditation
State/party official interference	20	<ul style="list-style-type: none"> • Interference of party agents with the accreditation /voting process • Party agents interfering in voting procedures in many PUs • Inducement of voters with money • Use of state security agencies to guide stolen ballot boxes
Election violence	15	<ul style="list-style-type: none"> • Disorder in about 18% of the ward collation centers • Crowding of PUs and collation centers by agents of incumbent party • Stealing/disappearance of sensitive election materials • A few cases of ballot snatching
Multiple/underage voting	14	<ul style="list-style-type: none"> • Voting without accreditation • About 12% of underage voting • Stuffing of ballot box with ballot papers
Total		➤ 21 cases of electoral violations

Source: EU EOM, 2011, pp. 47-48.

Table 3 shows 21 instances of fraud and irregularities. Violations/errors arising from the INEC's ad hoc staff retained the highest number (10) of fraud/irregularities among other fraud types. The table equally shows an increase in interference on election-day activities in 20 states by the incumbent party. This accounts for 76.92% state/party official interference across the 26 States. Cases of political violence were reported in 15 states (57.69%) of the Federation. Gubernatorial election was organized in 26 states instead of 36 states of the Federation due to the staggering of elections. The percentage representation indicates that fraud remains widespread and sustained.

The data on Tables 1, 2, and 3 are summarized in Table 4. Table 4 indicates the percentage of fraud per election year and the trend of fraud, whether it is increasing or decreasing.

Fraud Type	2003		2007		2011	
	No. of States	Percentage of Fraud in 36 States	No. of States	Percentage of fraud in 36 states	No. of States	Percentage of Fraud in 26 States
INEC ad hoc staff violations/errors	12	33.33%	24	66.67	24	92.31
State/party official interference	12	33.33%	25	69.44	20	76.92
Election violence	15	41.67	24	66.67	15	57.69
Multiple/underage voting	14	38.89	23	63.89	14	53.85

Table 4 indicates that one-third of the 36 states significantly involved in election frauds for the 2003 elections. As expected, the percentage of fraud across the four fraud types was high in 2003, where election violence was highest (41.6%) and INEC ad hoc staff violations/errors and state/party official interference was 33.33% each. In the 2007 elections, the percentage of fraud increased in the 36 states across the fraud types. It was a double digit increase in the 2007 election. State/party official interference has the highest at 69.44%, indicating strong influences of the incumbent party in the conduct of elections. The subsequent election of 2011 shows an equally substantive increase in all the fraud types in 26 states where elections were organized. INEC ad hoc staff violations/errors were 92.31% and State/party official interference were 76.92%. They occurred in 24 states and 20 states, respectively, indicating that these fraud types were widespread in Nigeria.

Using one-way ANOVA test statistics at 0.05% alpha level of significance in SPSS version 16, we conducted descriptive statistics test to know the percentage of each fraud type across the fraud types and the growth trends. The mean values for the four types of fraud show INEC ad hoc staff at 64.10; state/party official interference at 59.89; election violence at 55.34; and multiple/underage voting at 52.14 (see Table 5, Appendix I). The mean and standard deviation value of INEC violations are 64.10 and 29.57, respectively, showing that, although there are significant differences over the election years, the mean value of INEC violation is very high.

Figure 1 shows the trend of election fraud for the three election periods. The overall results of the mean values appear very robust, as all variables remain significantly high and sustainable. The whole test is summarized in a bar chart as shown in Figure 1.

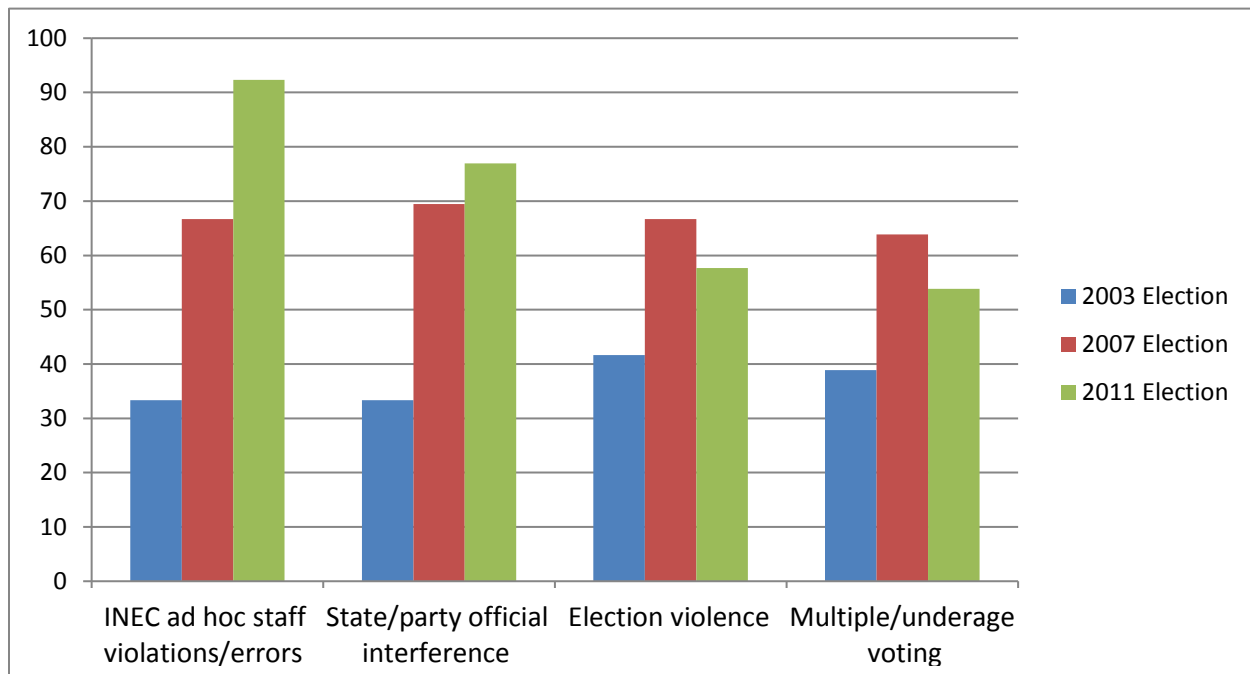


Figure 1: Trend Growth of Election Fraud, 2003-2011

Figure 1 shows a steady increase in all the four types of fraud over each election year. The results clearly speak in favor of increase rather than gradual decrease. INEC violations of electoral law were 33.33% in 2003 election, increasing to 66.67% in 2007, and finally to 92.31% in the 2011 election. The same increase is reflected in other fraud types such as state/party official interference, election violence, and multiple/underage voting. This also refutes Lindberg's (2006) finding that election quality tends to increase after three or more rounds of election, but rather supports Bratton's (2004) assertion that election quality tends to decline after the first round of election in Africa. The consistency in fraud data, over a period of four rounds of elections, is supportive of the part of our hypothesis that fraud is common and sustainable in most presidential elections in Africa. What the analysis indicates is that whether collectively or independently, the fraud types are substantial violations of laws and regulations of elections and on the account of each fraud, party or candidate can petition the court for election justice.

H₂: Increasing court interventions in disputed elections tends to lower the prospects of alternation of executive power among parties.

Disputed Elections and Nature of Alternation of Executive Power

There are several conditions that may lead to disputed elections in the courts. First is where the electoral management body is manifestly weak, lacks operational autonomy and easily compromised in the process of discharging its responsibility (Kawanaka & Asaba, 2011; López-Pintor, 2000; van Aaken, 2009). Second, is when election outcome is marred by widespread and systematic irregularities, frauds,

and manipulations. Losing parties or candidates may resort to legal actions or mobilize against stolen mandate in order to publicize fraud (Hernandez-Huerta, 2015).

Election data in Nigeria show that election violations recorded against INEC has the highest mean score of 64.10 while the second highest mean score of 59.89 is the fraud type of state/party official interference. Table 4 shows that the percentage of election fraud in Nigeria from 2003 to 2011 is different, but each fraud type is substantial, with a rate above 52% on average. This agrees with the literature that weak EMB may likely lead to widespread of election fraud in presidential democracies, which in turn may results to legal actions (Hernandez-Huerta, 2015).

Table 6 is a computation of disputed elections for four election cycles in Nigeria. There is a total of 1,497 election constituencies (COREC, 2013) and for the three election years, 2003, 2007 and 2011, a total of 2,596 post-election cases were contested in various Election Petition Tribunals across the Federation, including the FCT. There were no available statistics on the number of post-election petitions after the 1999 general elections.

Table 6		
Summary of Post-Elections Litigations filed in 2003, 2007 and 2011		
Years	No. of Constituencies	No. of Litigations
1999	1,497	N/A*
2003	1,497	574
2007	1,496**	1291
2011	1,487***	731
Total		2596

Sources: Electoral Reform Committee, 2008, p. 123; INEC Report on the 2011 General Elections, p. 38; INEC Committee on the Review of Judgments on Election cases (COREC), 2013, p. 93.

* Not Available (N/A); ** Governorship election was not conducted in Anambra State at the 14 April 2007;

*** Governorship elections were not conducted in 10 states at the April 26, 2011.

Figure 2 equally demonstrates successive increments in the numbers of disputed elections in each election year. In the 2003 general elections, 574 petitions were filed at the various election tribunals in the Federation including the Federal Capital Territory (FCT). It increased to 1,291 in 2007 and reduced 731 in 2011. Although the number of the petitions reduced after 2011, against 1,291 of the 2007 elections, the disputed election petitions for the 2011 election was substantially higher than the 574 cases recorded in 2003 general elections. Statistically, disputed election petitions increase at each successive election cycle. The drop for the 2011 elections was not below the 574 received after the 2003 elections.

Utilizing data on the number of petitions received at the Election Tribunal we measure the success rate at which disputed presidential and gubernatorial elections were reversed by the courts.

Table 7 presents the number of election petitions received and decided by the Gubernatorial and Legislative Election Tribunal in the 36 states of the Federation for the election cycles of 2007 and 2011. The table equally indicates the success rate of the petitioners to their claim of massive election irregularities for the election years of 2003, 2007, and 2011.

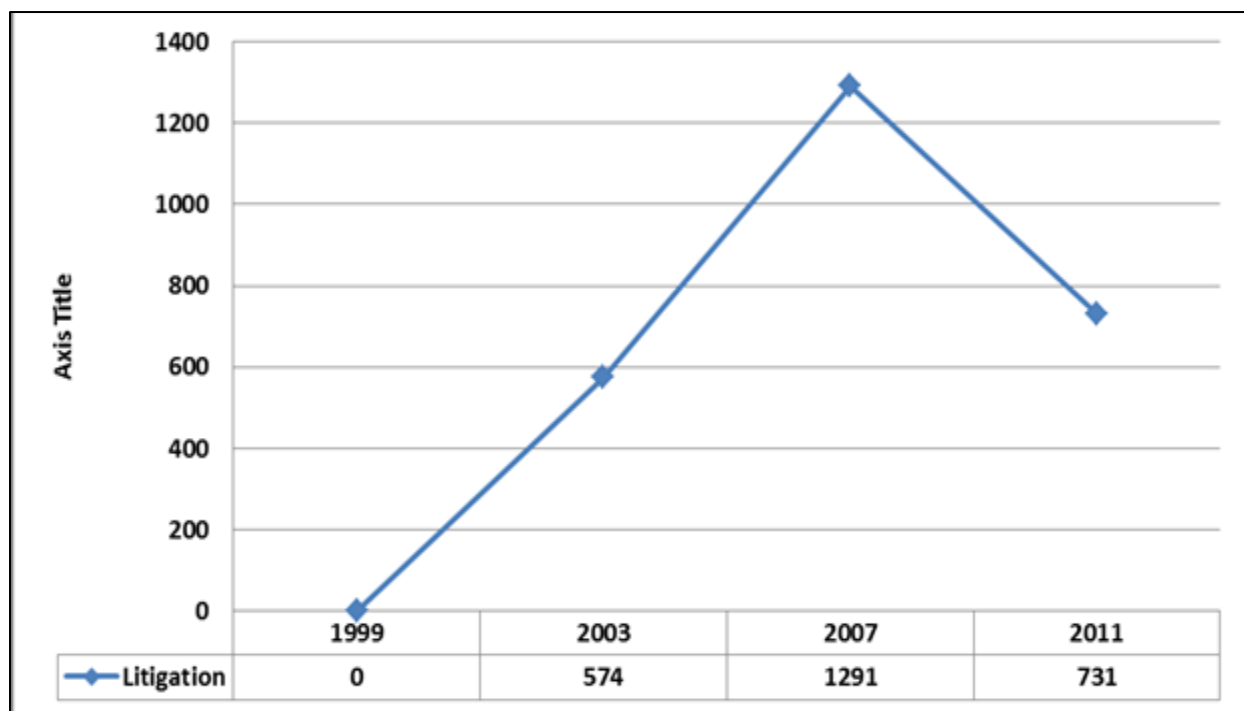


Figure 2: Litigation Trend Since 1999

Years	No. of states	No. of Litigations	Success rate	Percent
1999	36	NA	0.0	0.0
2003	36	N/A	1	
2007	35*	107	9	8.4
2011	26**	53	0.0	0.0
Total	133	160	10	6.3

Source: INEC Committee on the Review of Judgements on Election cases, 2013, p. 93-94.

* There was no governorship election in Anambra State based on the Supreme Court ruling that the tenure of Governor Peter Obi will end in March 2010, and not April 2007.

** Elections were not held in 10 states- Adamawa, Anambra, Bayelsa, C/River, Edo, Ekiti, Kogi, Ondo, Osun, Sokoto.

For the 1999 elections, no record indicates the number of petitions received by the Tribunals for the 36 states, and the success rate for the election year was nil. For the 2003 gubernatorial elections, only one state gubernatorial election petition succeeded. This was in Anambra State where the Court of Appeal nullified Dr. Chris Ngige's election under the People's Democratic Party. In 2007, a total of 107 petitions challenged the gubernatorial election results in 35 States. Out of the 107 petitions, nine petitions were successful at the courts.

For the 2011 elections, a total of 53 elections petitions were filed at the various Election Petition Tribunals in 26 States where gubernatorial elections were conducted. In contrast, the success rate at Gubernatorial Elections Tribunals was nil (Table 7). Failure for the tribunal to reverse gubernatorial elections after the 2011 elections was not based on improvement on the quality of elections (see Table 3), but due to Section 134(2) of the Electoral Act of Nigeria, 2010 (as amended) which provides that, "An election tribunal shall deliver its judgment in writing within 180 days from the date of the filing of the petition." Most petitions that challenged gubernatorial elections in the 2011 were struck out due to time limitations of election tribunals placed by the 1999 Constitution of Federal Republic of Nigeria (as amended).

The success rate of post-election petitions for the gubernatorial election is 10 out of the 160 petitions entertained by the courts. This represents a 6.3% success rate at Gubernatorial and Legislative Election Tribunals for the 36 States and for the four cycles of elections. On the contrary, the mortality rate (failure) of petitions over the periods of study shows 93.7%.

The impact of court interventions in disputed gubernatorial elections is also presented in the component chart Figure 3. The pattern of alternation of executive power is broken into three categories—non-alternation, partial alternation, and wholesale alternation. Alternation is a shift from one regime to another, particularly a shift of executive power of the state, from one political party to another, either at a regular or irregular interval. Of the 36 states that participated in the gubernatorial elections in 1999, 2003, 2007 and 2011 elections, 18 states have not experienced alternation of executive power. This means that the political parties that won the transitional elections of 1999 in each of the 18 states, have not lost the gubernatorial elections for the four cycles of election. Indeed, the same party continues to win the gubernatorial elections since 1999, with sufficient margin to form one-party cabinets. This points to the dominant character of incumbent political party in the democratic process in Nigeria, thereby rendering opposition parties relatively insignificant in these states.

As depicted in Figure 3, the States described as partial alternation have not completed the three components of the bar chart with a single-color shade. Data indicate that partial alternation of executive power had occurred in 17 states. On this point, the partial alternation begins the sequence of democratic consolidation as described by Huntington (1991). However, the party that took over executive power from the transitional party has perpetuated the party in government. Complete alternation of power has been achieved only in one state, Ekiti State. Ekiti State demonstrates more open structures of political competition. The state has the most open election competition, with regular alternation of executive power, since 1999. Following Huntington's (1991) notion of consolidation of democracy, Ekiti State has the greater prospects of consolidating democracy in Nigeria. This signifies that elections have been relatively free, fair, and credible; that incumbent factors and state interference

in election-day activities are minimal; and that there are increasing popular participation of the electorates and less disenfranchisement of the electorate.

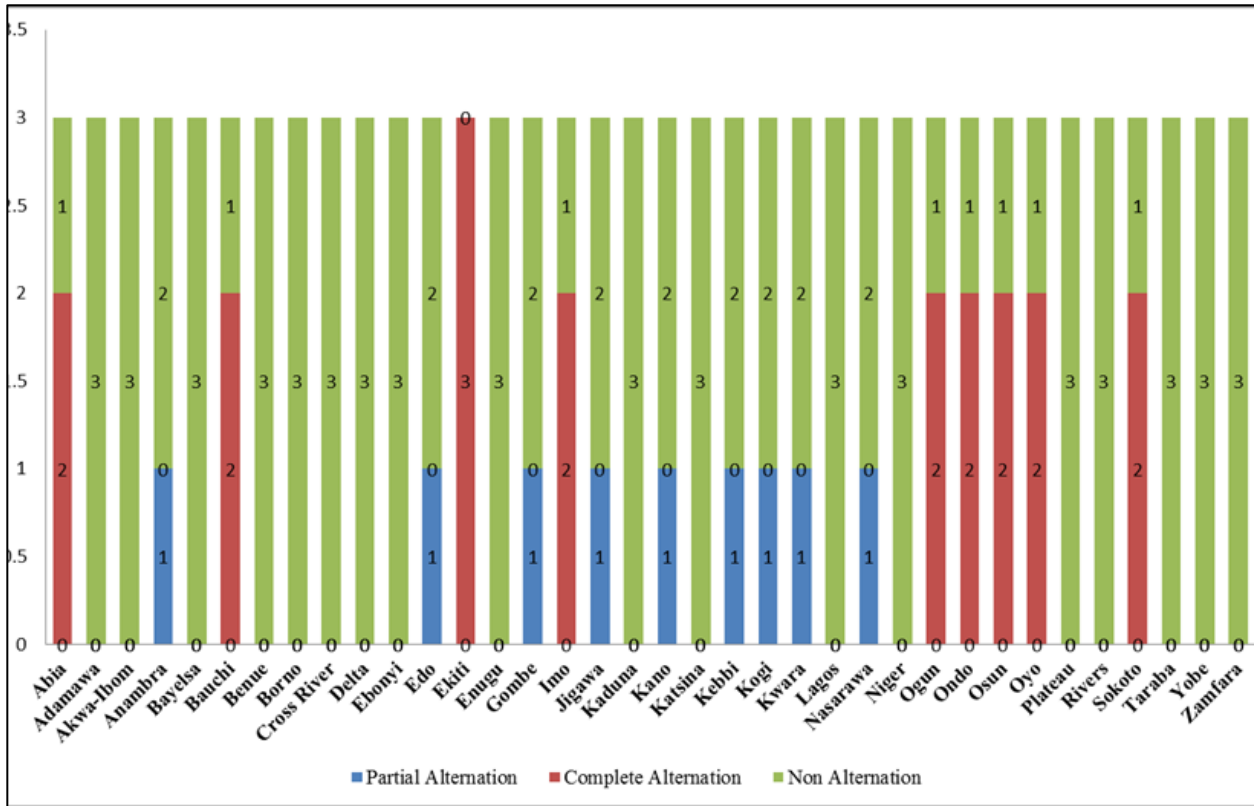


Figure 3: Pattern of Alternation of Executive of Power at 36 States Government, 1999-2011

Table 7 shows that courts interventions in disputed elections have resulted to 10 gubernatorial elections reversal after four cycles of elections in Nigeria. Among these states, alternation could not occur in five states because the incumbent party won the re-run elections and retained power in the states. Alternation only occurred in five states as a result of court nullification of the election results. The Presidential elections for the four cycles of elections have witnessed neither partial nor complete alternation of the government in Nigeria. The party that won the first transitional elections in 1999 still dominates for the last fourteen years of democracy in Nigeria. Even though each presidential election results have been disputed in court, none has been reversed.

Discussion

Why Courts Fail in Changing Election Results

The question is why has the court consistently failed to successfully change executive (presidential and gubernatorial) election results, even where there is sufficient evidence showing massive election fraud and even when there are increasing numbers of disputed elections. Since the end of the World War II, courts have determined the outcome of about 50 countries' presidential

elections, yet none has been reversed (Hirschl, 2008; Whittington, Kelemen, & Caldeira, 2008). Not even in Mexico, the Philippines, or Nigeria with the highest frequency of disputed elections, had presidential election results been annulled by the judiciary. It is only in Panama, that court successfully annulled the presidential election in 1989 (Hernández-Huerta, 2015).

There are four interrelated explanations why the courts consistently fail to overturn presidential elections in Africa. First, is the legal burden of proof of evidence placed substantially on the petitioner(s). The burden of proof of evidence simply requires the petitioner to provide concrete materials of evidence to show cases of multiple/underage voting, falsification of results, ballot stuffing, and non-accreditation of voters, among others. The material evidence required include essential election data like voters registered, used and unused ballot papers, result sheets, and other materials which are at the custody of EMB. Data on election fraud (Table 5) shows that the mean and standard deviation value of INEC violations/errors of elections are 64.1 and 29.57 respectively, in Nigeria. The mean value of INEC violations/errors is very high, suggesting substantial non-compliance to election standards and law. Given this distortions by EMBs, the Commissions in African countries are consistently unwilling to release election materials for forensic studies and court use. When access to election materials is denied, the standard of proof would be incredibly difficult to be discharged by the petitioners. All these sustain the belief that a legitimate way of securing political office is to steal people's mandate, while the Courts validate the fraud. This is consistent with our theoretical expression that EMBs are weak and lack independence which leads to deep-seated suspicion of EMB competency and professionalism in the conduct of election, especially in the context of incessant court injunctions. This also agrees with the report of Election Reform Committee (ERC, 2008), Nigeria, which reproached the Electoral Commission for frustrating "several election petitions due to failure to provide evidence, thereby jeopardizing the petitions of litigants" (p. 148).

Second, is the legal clause of "non-compliance with the provisions of law" and that "did not affect substantially the result of the election" which has been incorporated in most electoral laws in African like Nigeria, Kenya, Uganda, Ghana among others countries. Section 139 (1) of the Electoral Act, 2010 (as amended) in Nigeria provides that an election shall not be liable to be invalidated by reason of non-compliance with the provisions of this Act if it appears to the Election Tribunal or Court that the election was conducted substantially in accordance with the principles of this Act and that the non-compliance did not affect substantially the result of the election.

This section is subject to prevarications, misinterpretations, and, often at times, misuse. Before an election is invalidated, both conditions of "non-compliance with the provisions of law" and "affect substantially the result of the election" must exist together. It is not enough to establish evidence of fraud, but such evidence must "affect substantially the result of the election" to warrant invalidation or annulment by the court. What constitutes "non-compliance" that "did not affect substantially the result of the election" remains the prerogative of the judge. How the court interprets and applies this section in election matters has been appalling, particularly when the judiciary is known to be very weak and overtly dependent on the executive arm of government, as it exists in many African countries.

The cases of *Awolowo v. Shagari* (1979) and *Buhari v. Obasanjo* (2003) elucidate how the courts interpret the clause in Nigeria and elsewhere in Africa. Section 34(1) (c) (ii) of the 1979 Constitution of Nigeria required the winner of a presidential election to score at least one quarter of the votes cast in

two-thirds of the 19 states of Nigeria. Alhaji Shehu Shagari, a presidential candidate met this constitutional requirement in 12 states instead of a minimum of 13 states. The Supreme Court admitted that “the evidence established this non-compliance in only one state,” but ruled that the shortfall of one state has “not affected substantially the result of the election.” Also, the Supreme Court in *Buhari v. Obasanjo* (2003) admitted evidence of election frauds to include “massive fraud,” “violence,” “inflation of election results,” INEC’s refusal to tender before the tribunal the certified true copies of the Presidential polls, among others. Despite this, the court ruled that the extent of these frauds was not sufficient to cancel the entire poll.

This clause of “non-compliance with the provisions of law” and that “did not affect substantially the result of the election” is a giant jurisprudential step backwards. Even more puzzling, is whether the standard actually used by the Supreme Court to decide the cases relied on that Section, or were there other informal rules unknown to the public, which are frequently used by the court to decide post-election petitions. Politicians regularly cash in on these legal gaps to perpetuate electoral frauds because what the winner needs to do is to produce evidence that the election was held in accordance with the law. The simple way to do so is to produce the result of the election. The mere fact of providing “the result of the election,” even if it is from the moon, makes the election result valid which does not approximate to free and fair principles of elections. The court will simply rule that, even though there were cases of election fraud, but such fraud does not substantially affect the result of the election. The clause simply supports the literature that the court is an insurance policy to protect the dominant class in the society (Ginsburg, 2003; Shapiro, 1999; Gillman, 2002).

Third, is the syndrome of “Big Man politics,” “money politics,” or “politicization of the Judiciary” in Africa (Joseph, 1991, Lewis, 2008; Kramer, 2004; Kew & Lewis, 2010). This syndrome appears to be the main determinant of electoral justice system in Africa. Our data (Table 5) on election fraud in Nigeria identified four fraud types--(1) INEC ad hoc staff violations/errors; (2) state/party official interference; (3) election violence; and (4) multiple/underage voting. Statistical analysis of the incidence of fraud types in elections in Nigeria shows on average 57.87 mean values. What the average mean values indicates is that whether collectively or on a single basis, the fraud types are substantial violation of election standards, laws and regulations, and on the account of each mean value of the fraud types, unbiased courts should nullify election results.

Given the context where money politics is dominant, there is always a wide gap between the evidence of election frauds and court verdicts. The gap is not necessarily due to incompetence of petitioners’ legal teams, but the courts have become targets of “political investors” while electoral justice becomes auctionable. The human factor is involved, which borders on corruption. In Nigeria, four out of five members of Akwa Ibom State Governorship and Legislative Houses Election Tribunal were found guilty of financial inducement from State Governor, Victor Attah and subsequently upheld the Governor’s 2003 election (Ugochukwu, 2004; 2011; *The Guardian*, August 22, 2004, p. 19; Fawehinmi, 2007). Also in 2003, Justice Okwuchukwu Opene and Justice David Adeniji of the Appeal Court received bribes of 15 million naira (US \$100,000) and 12 million naira (US \$80,000), respectively, and delivered controversial judgments on disputed election petitions (Ugochukwu, 2011; Fawehinmi, 2007).

The outcomes of election adjudicatory processes are largely produced in response to very narrow but powerful interests. Legal technicalities such as refusal of the Judge to admit some sensitive exhibit thereby excluding substantial evidence or even when a sensitive exhibit is admitted, such evidence is ignored in the course of judgment. Other examples include situations when Judges or court staff manipulate court dates to favor one particular party; judges grant long adjournments, or frivolous ex parte orders or injunctions for a price in order to buy time. Still other technicalities include delays in constitution of or total refusal to constitute election tribunals, or disbandment of election tribunal due to deliver judgment, that is, results which are in contradistinction with the votes cast. This supports Puddington's (2010) description of judiciary in Africa as "...weak, unable to act independently or apply the law equally to all members of society" (p. 3). Also, Olujimi (2013), a former Attorney General of the Federation in Nigeria, affirms that "The ruling party believes that once a matter is before the court, it must go their way and once you have a judge who is not working in their favor, they descend on him with fury."

Judges in Nigeria have earned promotion after delivering "political" rulings. Chief Awolowo criticized the appointment of Justice Atanda Williams as the Chief Justice of Nigeria before his appeal to the Supreme Court was heard (Ebenezer, 2014). Justice George Oguntade was elevated to the Supreme Court after delivering the "required judgment" on the 2003 presidential election, while Justice James Ogebe, the Chairman of the tribunal that determined the 2007 presidential election petition, was appointed to the Supreme Court in 2007 by the President, just days before the judgment of the tribunal he chaired was due to deliver its judgment (Ugochukwu, 2011). Uncompromising judges are either suspended to pave way for the required ruling or their promotion stagnated for refusing to deliver a political judgment. Justice Isa Ayo Salami, President of Court of Appeal of Nigeria, was suspended because he refused to do the bidding of the executive.

Fourth, direct influence of politics on the outcome of disputed election is supported by comparing the margin of victory of vote in the few states where courts upturned election results and those states' courts upheld election results. Findings of regression analysis based on victory margin of votes between the winner and the first runner-up reveal that the value of the victory margin, 0.305079, is not statistically significantly different from zero at 5% level of significance. This, by implication, means that there is no significant difference between the states in Nigeria where there were successful judiciary adjudications and those states where we had no successful judiciary adjudication (Omenma 2015). To buttress the above finding, another ANOVA regression analysis was conducted to see the impact of the judiciary intervention in the 2007-2011 gubernatorial elections in the various states of the Federation. The result of the analysis shows that the resulting t-statistic value of 1.253 is not statistically significantly different from zero at 5% level of significant, confirming that judiciary intervention has no impact on the quality of elections in Nigeria. Simply put, evidence of election fraud, upon which various courts relied to nullify gubernatorial elections in ten states, also existed in other states where courts did not nullify the elections in Nigeria.

The nullification of Dr. Chris Ngige, a gubernatorial candidate of Anambra State in 2003, and Professor Osereheimen Osunbor a gubernatorial candidate of Edo State in 2007 were due to the influence of political godfathers who want to teach them lessons by using the judiciary to oust them from office (*The Guardian*, March 2008, p. 8; *Vanguard*, June 08, 2015, p. 1). This does not suggest that the elections which produced Governor Ngige and Governor Osunbor were free and fair, but that intra-

party conflicts between the patron-client interests resulted in the use of the incumbency power at the central government by the patron to remove the governors.

Although there have been regular elections in Africa since the 1990s, most elections were not free and fair, and the electoral justice system has had limited impact or effect on the quality of election. Huntington (1991) argues that in any democratic country, where there are “sustained failure of the major opposition political party to win office necessarily raises questions concerning the degree of competition permitted by the system (p. 8).” Democratic consolidation is not only a function of having frequent or regular conduct of elections, but also of the credibility of elections. A credible election is that which must have been conducted substantially in accordance with the principles of the electoral act and do not contradict the freely expressed will of the electorates. The essence of the court’s intervention has always been to promote democratic culture, strengthen the confidence of the people in the democratic process, and promote constitutionalism and due process in the political system. But data on elections have not shown significant improvement on the conduct of free and fair elections, neither do the countries experience regular alternation of executive powers notwithstanding over two thousand election petitions in three election years.

Available statistics of the outcome of disputed elections in Nigeria, just like in most African countries, show that courts have not significantly addressed the issue of electoral fraud. The number of elections invalidated by courts is quite insignificant while presidential elections have not been invalidated by courts in spite of admission of election frauds and irregularities. This increases the propensity for sustained electoral fraud, reinforcing the theoretical approach that the courts enforce the electoral deal of the dominant interest groups (Ake, 198; Ramseyer, 1994; Ibeanu, 2009) . It strongly indicates that partisan politics plays an important role in electoral justice system in Africa, both in the process of admitting of valuable evidence and evaluating complaints.

Conclusion

Judicial interventionism means courts operating outside its references. In election matters, it means deliberate exclusion or ignoring strong evidence in the course of admitting evidence and judgments in disputed elections. The electoral justice is regularly produced in response to very narrow but powerful interest. It thereby sustains the belief that election fraud is the only legitimate means to gain power. Given this, the court cannot be the natural actor driving democratic consolidation processes. The study reveals that the high mortality rate in disputed elections in Africa is primarily due to several factors. First is the weak autonomy of EMBs that make up the Commission’s agent of election frauds. Second is the legal burden of proof of evidence placed disproportionately on the petitioner and the twin clause of “non-compliance” that did not “affect substantially the result of the election.” Third is the dominance of incumbency factor. Finally, is the declining quality of elections thereby limiting the prospects of alternation executive of power.

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Appendix I:

Table 5								
Descriptive Statistics Summary for the Test								
Type of Fraud	N	Mean	Std. Deviation	Std. Error	95% Confidence Interval for Mean		Minimum	Maximum
					Lower Bound	Upper Bound		
INEC ad hoc staff violations/errors	3	64.1033	29.57365	17.07436	-9.3617	137.5684	33.33	92.31
Interference	3	59.8967	23.30941	13.45769	1.9929	117.8004	33.33	76.92
Election violence	3	55.3433	12.66413	7.31164	23.8839	86.8028	41.67	66.67
Multiple/underage voting	3	52.1433	12.48778	7.20982	21.1220	83.1647	38.89	63.69
Total	12	57.8717	18.37718	5.30504	46.1954	69.5480	33.33	92.31