Explaining the Quality of Elections: Electoral Dispute Resolution Matter

Abstract

Disputes over electoral outcome are a common feature of electoral politics. Yet, very little is known about how ‘people of the bench’ resolve these challenges and what effect, if any, this has on electoral process. In this paper, I examine these concerns using the perceptions of election observer missions and interview respondents in assessing the effectiveness of electoral courts and tribunals in resolving 2007 and 2011 electoral disputes in Nigeria. I establish that the gradual improvements recorded in Nigeria’s election cannot be disconnected from judicial assertiveness. The paper finds a reciprocal relationship between an independent and proactive electoral resolution and the people’s right to participate in governance, a view that is generally supported by existing research.

Keywords: elections, democratisation, electoral disputes resolution, judges.

Introduction

Elections in many African countries are not democratic. Electoral malpractice still provides a path to political power. In African emerging democracies, opposition parties and candidates continue to honour the judiciary as the legitimate route to redress. In Kenya, Raila Odinga, challenged the return of Uhuru Kenyatta as the duly elected president with 50.07% of the total votes in the March 4, 2013 presidential elections. The Ghanaian presidential candidate of the New Patriotic Party (NPP) did the same alleging irregularities in 10,119 polling stations during the 2012 presidential elections. The experience was not different in the 2013 general elections in Guinea and Nigeria. While democratisation literature highlights the significance of electoral courts in the defence of people’s right of participation and checking excessive abuses in transitional regimes, this is yet to be examined in-depth and what possible effects, if any, on election quality.

This paper bridges this gap, looking at how the ‘people of the bench’ resolve electoral disputes. Using Nigeria as case study, the paper examines the perceptions of election observers and interview respondents on the efficiency of the proceedings, impartiality and experience of the arbiter, and standard of evidence and burden of proof use in resolving electoral disputes in the country’s 2007 and 2011 elections. Because observers have usually
left before petitions are finalised which may lead to ingrained biases. I supplement this with media reports, court proceedings, and judgements.

The paper offers two contributions: It provides a succinct way of studying electoral dispute resolution in countries at the “gray zone” of democratisation and offers an empirical test of how electoral courts reinforce the credibility of elections. It shows that courts in Nigeria have ensured that unconstitutional exclusions in the 2007 polls were reversed and those subject to significant non-compliance with electoral laws in both the 2007 and 2011 elections were either nullified or ordered to be re-run. This confirms the reciprocal relationship between an independent and proactive judiciary and peoples’ right to participation. The reminder provides a concise method of studying electoral disputes resolution. Following is an analysis of the different views about electoral dispute resolution mechanisms in the 2007 and 2011 elections.

*Exploring Linkages to Effective Dispute Resolution*

Election is an act of political expression that requires adherence to some established standards - national or international. Growing attention over election quality is on the increase, however, measuring quality remains problematic. There is the inordinate complexity of elections and the difficulty attached to linking concepts with succinct ideas. Although, there are several attempts, few establish a clear connection between electoral dispute resolutions and elections quality. Moreover, judges presiding over electoral petitions are never free from political constraints. There is pressure from public opinion, personal political biases, and threat of reversal by a governing majority.

Emergent literature on democratisation highlights three important factors that connect to active judiciary: independence and impartiality, effectiveness and promptness and biasnesses or corruption. For example, in studying judicial autonomy scholarship points to the relevance
of the processes involve in the appointment, promotion, condition of service, and renumerations packages of judges.\textsuperscript{17} Democracy is inconceivable without independent judges whose appointment, promotion, and tenure are handled by a neutral body.\textsuperscript{18} Thus, determining the independence of judges serving as arbiters in electoral disputes requires looking at the manner of their appointment, tenure in office, and protection against outside pressures.\textsuperscript{19}

Electoral judges face other forms of challenges that are more severe compared to formal threat of losing job. Incumbent government could discredit an electoral court by preempting its verdict. For example, a few days to the judgement of the Birmingham Electoral Court on the 2004 local election petitions, the Labour Government insisted that “it had no plans to change the rules governing election procedures …, including postal voting. The systems already in place to deal with the allegations of electoral fraud were, it claimed, clearly working.”\textsuperscript{20} A position that seemed unreliable as the commissioner who presided over the case established that to assume that the system is perfectly working is an indication of a “state not simply of complacence, but of denial.”\textsuperscript{21}

Also, judges serving on electoral cases in transitional regimes do face other forms of physical threats. In Nigeria, there were instances where tribunal judges revealed that they were in receipt of death threats if they failed to rule in favour of a given candidate. The statement warned them that “the love a man has for his fowl does not stop him from killing it on the day of festivity.”\textsuperscript{22} In addition, a former President of the Court of Appeal of the country refused to make public the names of tribunal judges fearing that “politicians will be chasing them up and down,”\textsuperscript{23} offering life fortunes which are difficult to resist.\textsuperscript{24} This indicates the necessity of a multiple dimensional approach to understanding the impartiality of courts in treating electoral contenders.\textsuperscript{25}
Secondly, the performance of electoral courts is essential to fair litigation. A functional court is one that deliver justice when all or most incidences of noncompliance with establish laws are obtained and confirmed. While this classification is helpful, the comprehensive data required to establish such conclusion is rarely accessible to opposition parties. Moreover, the sensitivity of a case to political elites could exerts influence over information availability. When a sitting president hand-picks his successor, all tricks in the book may be deployed to ensure victory. In other words, electoral courts do not operate in a vacuum, each follows established procedures, the analysis of which could enhance valid judgements of performance.

Thirdly, speedy delivery of judgement indicates an effective and impartial court. Electoral mandate is time constrained and prolong delay could be misconstrued as a way of hanging on to power. For example, Peter Obi, the then governorship candidate for All Progressive Grand Alliance (APGA) in the 2003 general elections petitioned the declaration of Chris Ngige as the duly elected governor of Anambra State. Obi had to wait for more than two years (from 16 May 2003 to 12 August 2005) before the first tribunal could deliver it judgement and upon appeal, the appellate court delivered it verdict on the 15th day of March 2006. Meaning, the petitioner waited for 34 months before receiving justice in a four year mandate. This highlights the need to fine-tune the dimensions of effective court performance so as to capture issues like promptness of courts in delivering justice, including the provisions made for speedy trials.

Lastly, corruption among people of the bench represents a major threat to election quality, endangering human rights and rule of law. It turns the judiciary into an anti-democratic institution and breeds mistrust. A former permanent secretary in Nigeria indicated that corruption among judges on electoral trials has compromised the independence of the
judiciary. Indeed, in 2004, the Nigerian National Judicial Council (NJC), after an investigation, recommended for the compulsory retirement some judges on allegations of corruption. Thus, explaining the significance of fair renumeration package for judges serving on electoral petitions as politicians do put aside millions of money to bribe for electoral victories.

The 2007 electoral dispute resolution

In the run-up to 2007 elections in Nigeria, the electoral legal regime provided for the establishment of an Election Petition Tribunal (EPT) to hear and resolve all electoral disputes. These courts constituted by the President of the Court of Appeal (PCA) in all the 36 states of the federation, have the original jurisdiction to determine the election or otherwise of a person as a member of national or state legislative assembly and as a Governor or Deputy Governor of a state. Appeals arising from the decisions of EPT terminate at the Court of Appeal (CoA). There is also the Presidential Election Petition Tribunal (PEPT) appeals from which terminate at the Supreme Court. Also, a relevant provision of the Electoral Act empowered any High Court – state or federal – to resolve all pre-election complaints. The Act further stipulated that only a candidate in an election or a political party who participated in an election has the legal standing to challenge an election. The Act specified the necessary procedures involved in the filing all petitions. However, how effective the process managed these complaints depends on other factors such as promptness.

a) Timeliness of Proceedings

Before courts were seen by academics and practitioners as inactive in deciding people’s right to participate in governance either by systematic delay or complete dismissal of petitions as ‘miniature complaints.’ This perception changes as the adjudication in the build-up to 2007 elections demonstrates considerable improvement both in quantity and quality. For example,
Table 1 indicates that by late April 2008, the majority (93.08%) of the 1185 petitions filed across the country had been disposed of by the tribunals.

**Table 1 Speed of Election Petition Management as at April 2008**

<table>
<thead>
<tr>
<th></th>
<th>Disposed Petition</th>
<th>Pending Petition</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tribunal</td>
<td>1,185</td>
<td>88</td>
<td>1,273</td>
</tr>
<tr>
<td>CoA</td>
<td>-</td>
<td>277</td>
<td>-</td>
</tr>
</tbody>
</table>

*Source: Author’s Compilation*

Around the same time, several courts had finished their assignment in 29 states of the federation. The Table further shows that 277 which is equivalent to 23.37% of the disposed petitions were at the appeal stage. Indeed, the NDI reports on the conduct of the elections indicated that as at the end of April 2008 tribunals had diligently heard and annulled nine governorship and 21 legislative elections. This is a landmark development considering that before petitions do lapsed for over a decade before judgement.

Evidence indicates these developments to be associated with the reforms of the electoral resolution mechanism, requirement that petitions and appeals arising from electoral disputes must be given an accelerated hearing and the setting of timeframe for the management of complaints. In addition, there is the provision of a new guideline for courts and court users which recommends frontloading of petitions. This is a way of providing, in advance, a list of petitioners and respondents’ witnesses, their sworn depositions and copies of the reference documents. The process further introduced a pre-hearing at the interlocutory stage and counsels have to agree on the number of witnesses to use, exchange a brief of the arguments and later cross-examine witnesses orally. The effort was welcomed and described as laudable, which simplified the electoral litigations. Although, it has been questioned as it exposes witnesses to desperate politicians who might seek to compromise them. On these
grounds, the President of the CoA (PCA) reviewed the guidelines and names were later anonymised (i.e. using Mr ‘A’ to refer to a witness).

Qualitatively, the tribunals refused to entertain unnecessary delay in the discharge of their duties. On several occasions in different places, tribunals reminded counsels that they could no longer entertain distractions.\textsuperscript{52} Some responded with short notices to request for extensions by counsels. For example, the tribunal sitting in Lagos gave a one day extension in its response to the motion for an extension filed by INEC’s counsel.\textsuperscript{53} Another in Abia clarified that ‘… the days of long adjournments are over … [as] people anxiously want to know what happened to those they elected into office.’\textsuperscript{54} This indicates the commitment of tribunals to protecting peoples’ rights within the shortest possible time, reiterating that they are ‘… not prepared to sit until eternity’ before cases could be resolved.\textsuperscript{55}

While promptness is not the primary concern of electoral resolution, elections are time constrained. It might be safe to argue that unless a delay is necessary, judges are expected to speed up their duty so that people with questionable mandates do not remain in power. However, the efficiency of courts is not limited to time alone, other factors are also relevant. For example, judges presiding over electoral litigations face various types of threat including religion, family bonds, material fortunes, and intimidation.\textsuperscript{56} Therefore, while keeping to time is essential to justice, the independence and neutrality of the arbiter is equally important.

\textit{b) Impartial and Informed Arbiter}

The fairness of judges on electoral matters remains in question among Nigerians. Judges have been blamed of corruption when presiding over electoral petitions.\textsuperscript{57} It is reported that ‘… against the backdrop of the 2003 general elections, two justices of the Court of Appeal, were dismissed for receiving bribes of N15m and N12m respectively.\textsuperscript{58} However, from 2003 and beyond, some academicians argued that the reforms of the judiciary have recorded noticeable
improvements. For example, the appointment and conditions of service of the judiciary are now managed by the NJC and Federal Judicial Service Commission and this has removed the judiciary from executive influence. These changes enhance the independence of the judiciary.

On elections in particular, the appointment of judges to serve in the resolution of electoral disputes is independent of the executive. For instance, in the 2007 elections the PCA nominated from among the existing members of the CoA after consulting local branches of the Nigerian Bar Association (NBA) on the appropriateness of nominees. Therefore, it is argued that “… the Nigerian judiciary has got the independence required in a democracy … and there was no interference in the appointment of the judges and the discharge of their responsibilities”. This corroborates the view that in the 2007 election the integrity and independence of the judiciary in the country increased considerably.

In terms of experience, the judges who presided over the election petition are believed by domestic observers to be well-informed. Each has to attain the rank of magistrate or chief magistrate to qualify for appointment. Also, they were appointed well ahead of time and training workshops were organised for them before deployment. In one of the training sessions, the judges were reminded of their responsibilities and international best practices in handling electoral litigation. This has improved their performance capacity and quality of judgements. For example, when the CoA nullified the governorship election of Ekiti state, the governor instantly accepted the decision and said: “the verdict is not a setback. I do not see the re-run as a setback because, if we do it again, we will still win.” A commentator and media practitioner described the role played by the judges as the “… triumph of the majority over the oppression of the minority” (Guardian, 2009), indicating some level of impartiality in the management of electoral complaints. For some, the litigation is “one like never before
and almost all [the] verdicts [are] in line with what was spelt out in the constitution and not as proponents of arbitrariness had sought to foster on the people” (Thisday, 2007).

Figure 1 How much do you Trust Courts of Law?

![Bar chart showing trust levels in Nigerian courts.]

Source: Afrobarometer Round 4 (n = 2324 weighted results)

Perhaps the extent of acceptance of courts’ impartiality can be explained by the level of peoples’ trust and confidence in them. Figure 1 indicates that a significant proportion of Nigerians (40%) do have “somewhat” and “a lot” of trust in the Nigerian courts. It could also be argued that it is actually a majority (55% if we add “not at all” and “just a little” responses) who do not have trust in the courts. However, this skewed distribution might not be unconnected to the prolonged years of judicial ineptness which the country experienced throughout the 16 consecutive years of military rule.

Notwithstanding, there are challenges to the impartiality of the litigation, including allegations of corruption. For example, there were allegations against the judges to the extent that the NBA had to caution lawyers about defamatory allegations. The body argued that newspapers do not provide an apt forum for discussing judicial errors or a good place to eulogise or condemn judges (Vanguard, 2008). Also, a tribunal judge was found to have had 46 call contacts and exchanged several \textit{sms text} messages with the counsel to an incumbent governor (The News, 2008).

As to what motivates such a relationship, several factors could
be discerned. The most apparent, however, is that the judiciary is institutionally and financially constrained. It always “... has to go cap in hand for funds from the government.” The gap between the budgets for effective management of the tribunals and the actual money appropriated left much to be desired in 2007. In fact, of the 4 billion Naira (£15,384,615.38) budgeted for the CoA only 700 million Naira (£2,692,307.69) was provided (LDC 2009, 53).

Consequently, the operational and administrative efficiencies of the tribunals continue to suffer and the court operational plans fail a victim. For example, each of the 16 divisions of the court and the 36 tribunals established every other election cycle is an island on its own. There is an absence of cross information among the courts. This might explain the different and contradictory verdicts in cases of similar claims by the courts. Whether this small budget explains the allegations of corruption remain debatable, as each tribunal chair and member as at 2007 earned a monthly package of (sitting, feeding, fuel and telephone honorariums) ₦475,000 (£1,826.92) and ₦445,000 (£1,711.53). A Secretary earned ₦90,000 (£346.15) and an Assistant and Confidential Secretary earned ₦75,000 (£288.46). This package, expectedly, should reduce monetary temptations tribunal members are also entitled to their primary employer’s salary which is based on a national minimum salary of ₦17,000 (£65.38) per month.

The adjudication is confronted by the partisanship of other government institutions that are critical to the administration of electoral justice. The resolution of electoral disputes in Nigeria depends largely on the cooperation of some key institutions like INEC and the police. The partisanship of these institutions influences the extent to which justice is achieved. A judge revealed that on several instances the bailiff had been denied access to serve court process either by police or gate men. In other cases, INEC frustrated tribunals and courts by
not complying with orders. For example, the ETP sitting in Edo had to threaten INEC officials with jail terms for failure to produce the documents requested by the AC candidate and in Ekiti state PDP thugs connived with state government officials and security agents to interrupt a forensic examination of ballot papers ordered by the tribunal.\textsuperscript{71} In a sense, the above indicates that while the electoral adjudication in the 2007 elections appeared independent and has made giant strides towards protecting people political and civil rights, politicians seem to get away with other manipulative acts. This makes the examination of the standard of evidence required to prove an electoral allegation very significant.

c) Burden and Standard of Evidence

Electoral legislation in 2007 required an appellant to provide proof of his allegations. ‘He who asserts must prove,’\textsuperscript{72} perhaps explaining why courts ascribed evidence provided to the petitioner. A CoA said: ‘the defence has been based on the grounds that the issue of qualification is distinct from that of nomination. That is true for the Nigerian electoral legal regime\textsuperscript{73} and in view of the evidence of the appellants; the [first] respondent is not qualified to contest the election.’\textsuperscript{74} Of interest here is the court reference to ‘the evidence of the appellants’ which indicates that by default it is the petitioner who provides evidence.

This principle is based on the assumption that all electoral officials involved in an election acted in accordance with the set rules and regulations.\textsuperscript{75} Therefore, when an allegation is made against an electoral commission and the winning party or candidate, especially in a seemingly hybrid regime, ‘… the challenger may well lack the resources to properly maintain its rightful challenge while the challenged party would have the resources to produce evidence of a proper election.’\textsuperscript{76} However, and as I shall demonstrate below, this is an uncommon practice in both advanced and transitional democracies. It is among the
recommendations put forward by the electoral reform committee in Nigeria on the 12th December 2008 which was not implemented by the Nigerian government.

Table 2 Pattern of Administration of Evidence in the 2007 April Election

<table>
<thead>
<tr>
<th>Grounds of Appeal</th>
<th>Petition</th>
<th>Standard of Evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Substantial</td>
<td>Beyond Doubt</td>
</tr>
<tr>
<td>Qualification</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Non-compliance with law</td>
<td>31</td>
<td>18</td>
</tr>
<tr>
<td>Unlawful exclusion</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>41</td>
<td>25</td>
</tr>
</tbody>
</table>

Source: Author’s compilation

In terms of the standard of evidence, Table 2 indicates that the electoral arbitration admits and manages cases on substantial evidence and where necessary evidence beyond reasonable doubt. Substantial justice presupposes that a claimant has to provide tangible proofs that are convincing enough to establish his assertion. The Table shows that 25 of the 41 petitions examined were treated on the basis of substantial evidence, 7 on evidence beyond reasonable doubt, and 9 on technical grounds. Also, it shows that of the 10 cases filed on the grounds of qualification and unlawful exclusion, none were required to be proven beyond reasonable doubt as only allegations with criminal tendencies are required to be proven beyond reasonable doubt.77 This explains the treatment of 7 of these cases on the grounds of substantial evidence. Among these cases is the AC governorship petitions in Kogi and Adamawa states which were upheld by tribunals and cancelled at appeal as the tribunal said: ‘… the exclusion was unlawful … and there was no evidence to prove otherwise’ (Thisday, 2007).

Further the Table illustrates that 31 petitions were filed for electoral irregularities and more than half 18 equivalent (58%) were managed on the grounds of substantial evidence. For example, there is a joint petition filed by ANPP, AC, PPA and ARP in Cross River which the CoA nullified due to irregularities in the tabulation of scores and the alteration of result.
sheets (Vanguard, 2008). Looking at these developments, it could be argued that the resolution mechanism has worked towards ensuring that the interests of the majority (underprivileged) triumph over those of the minority (privileged). For example, the tribunal sitting in Edo state accepted that the admission of fictitious ballot papers and fake result sheets had defrauded the 2007 governorship election in the state. Thus, the tribunal declared AC candidate as the winner with 166,577 valid votes cast as PDP only had 129,017 of the total valid votes. The court arrived at these figures by subtracting the declared invalid vote scores for each candidate from the total declared valid votes for each party. This was a decision unanimously upheld by the appellate court.78

In addition, the Table indicates that there were instances when the courts sacrificed merit over technicalities. For example, of the 8 presidential petitions filed against the return of Yar’Adua, 2 were thrown away on technical grounds by the first tribunal which described APGA’s appeal as ‘…baseless having been raised for reasons of mischief.’79 Likewise, it rejected NAC’s petition as it failed to ‘… disclose any reasonable cause of action and did not plead the results of the election as required by law.’80 While such conclusions have some element of validity, the same could not be said of the petition filed by Buhari and his party. Both the first tribunal and the apex courts discredit the petition, arguing that the failure of INEC officials to take the oath of neutrality and impartiality could not have invalidated the elections and the sworn depositions of the petitioner’s 18 witnesses contradict evidence law.81 In fact, the led judgement declared the petition as null and void and argued that no convincing proof was adduced by the plaintiff to establish that the winner benefited from non-serialisation of the ballot papers.82

However, what constitutes substantial evidence in Nigerian electoral resolution remains unclear. In a democracy the credibility of an election cannot be sustained when ballot papers
are not secured. Thus, the dissenting judgement argued that ‘it is difficult to see how a decent election can be conducted without serial numbers’. This is true, as in electoral politics serial numbers are part of the features that safeguard the sanctity of the ballot. Therefore, when the courts upheld the 2007 presidential election, people questioned what constitutes substantiality. Many felt that genuine petitions are bundled out as they fail to comply with ‘technicalities’, prove allegations ‘beyond reasonable doubt’, or they are ‘miniature complaints’. A respondent argues that ‘[o]nly in Nigeria and only under a government like PDP’s would these criminalities pass the sanction of the judiciary’.

**The 2011 electoral dispute resolution**

In the 2011 elections, many of the electoral provisions remain unchanged, but some relevant amendments have contributed toward effective management of litigations. For instance, the number of days required to file a petition were reduced from 30 to 21 days after the declaration of the result. Also, a timeline for the determination of petitions was introduced for all courts and tribunals. Indeed, tribunals are to be constituted two weeks before the elections and each must open its registry for business a week before the elections. Also, complaints filed at EPTs shall be disposed within 180 days from the date of filing and 60 days when on appeal. Similarly, the PCA is empowered to provide practice direction for electoral adjudication. These changes were commended as they provided an equal opportunity and reduced the incumbent’s unfair advantages.

With these sizable provisions, it could be argued that adequate formal arrangements are being made for courts to adjudicate electoral conflicts as prompt as possible both in pre and post-election periods. For example, during the 2011 elections alone of the 375 pre-election petitions filed, the courts had, reportedly, resolved more than half (58%) of these complaints before the elections. Among the cases resolved there is the petition filed by five governors
challenging INEC’s power to conduct elections in their respective states. The governors hold that their tenure commenced the second time they took their Oath of Office when the court made invalid their elections of 2007. This legal battle made it difficult for elections to be held in these states. In its judgement, the Supreme Court holds that:

... a governor in a state in Nigeria is by law elected for a term of 4 years calculated from the date the governor took the Oath of Office, the intervening annulment of the election notwithstanding. Consequently, the tenure of the Governors began on the 29th day of May 2007 when they took the Oath of Office as elected Governors and the tenure terminated on the 28th day of May 2011.95

The strength of this judgement is in the fact that it was a position well canvassed for by many democratic and legal activists. For example, it was described as a correct decision, in tune ‘… with the letters and spirit of the Constitution, which provides for a 4-year term for a state governor.’ It is an attempt to stop those who want ‘…to turn law and logic upside down for selfish motivations.’ Some volunteered their expertise and paid their legal expenses in pursuance of the case.97 All these are, however, not pointers to de facto progress.

a) Timeliness of Proceedings

Looking at the above discussion, it is apparent that in the 2011 elections adequate provisions were made to ensure the prompt management of electoral petitions. The PCA issued out guidelines to regulate the conduct of courts established in each state of the federation. This is in addition to the reduction of the number of judges per court from five to three which eases in house tension. Perhaps, explaining the recorded improvement as by the end of February 2012 tribunals had overturned more than a dozen elections.98

While the volume of petitions filed by aggrieved parties fell drastically across the country,99 cases were decided as soon as practicable. Several courts have shown that justice delayed is justice denied. For example, the two petitions challenging the presidential return of Goodluck Jonathan by CPC and HDP100 were decided within months. The initial petition by the CPC
was filed on the 18th of May 2011 and the first tribunal and the final Supreme Court judgements were delivered on the 28th November 2011. The opposition party (CPC) questioned the elections of non-compliance with law and the candidate was not duly elected by the total valid votes cast in 24 states. The petitioner claimed that the winner did not fulfil the legal requirement to win an election in Nigeria, and therefore the result declared by INEC is wrong, invalid and unlawful as the elections did not produce a winner. The party put forward 151 witness depositions, to which the counsel to PDP replied, but in spite of these volumes the courts were able to reach a verdict before the expiration of the approved 180 days.

At state level, tribunals demonstrated similar commitment. For example, in Delta state the tribunal explained to counsels that it intended to round off business within the stipulated timeframe. It urged counsels to be diligent and meticulous while being conscious of time. This is to avoid unnecessary adjournments and delays (Vanguard, 2011). Another one in Oyo state notified counsels that it had only 180 days; therefore litigants are expected to cooperate and enable the tribunal to meet this deadline. In a practical demonstration of time consciousness, the tribunal ordered PDP’s counsel to serve the court proceedings to his client by posting the proceedings on the walls of the client’s last known address. The same tribunal refused to grant a motion filed by the counsel to the Action Alliance (AA) that complained about the non-inclusion of his client’s name on the ballot papers. In its response, the tribunal explained that the application lacked merit as it was withdrawn by the party long ago and because 115 days of the 180 days had elapsed, it was not possible for it to hear and address the motion within the remaining 2–3 months. In short, the tribunals and appeal courts finished their assignments before the legal 180 days. Such promptness is essential in election disputes as “... speed is of the essence and justice must not be sacrificed on the altar
of technicalities\textsuperscript{107} and the faster the resolution of complaints the earlier the restoration of popular support\textsuperscript{108} which is essential to electoral integrity.\textsuperscript{109}

\hspace{0.5cm} \textit{b) Impartial and Informed arbiter}

The independence of the judiciary, the electoral courts in particular, is indispensable to the quality of elections. Although the Nigeria judiciary is to a degree autonomous, some unfolding realities in the build up to 2011 suggest otherwise. While the judge’s appointment, promotion and conditions of service have been protected, internal dynamics\textsuperscript{110} within the judiciary before and after the 2011 election raised two important posers: Is this independence real and are the judges actually not corrupt? No doubt, an answer to these questions requires in depth analysis, but some inferential explanations are visible. Although, the National Judicial Council (NJC) ‘exonerated’ the then Chief Justice of Nigeria (CJN) and ‘indicted’ the President of the Court of Appeal (PCA), the perceptions of election observers, interview respondents and other stakeholders indicate the existence of some corrupt elements (\textit{privilege}) that are ready to tamper with justice and others who are active and committed to the protection of the ‘\textit{underprivileged’}.

The latter group are those who pursue the triumph of democracy over tyranny, while the former is a group of people who appear under the protection of the \textit{privileged} group. For instance, it is reported that the then PCA refused to accept the promotion offered to him, because he feared that would pave the way for an amenable president who would dance to the tune of politicians.\textsuperscript{111} This refusal sparked confrontational relations between the then CJN and the PCA. The latter claimed that the former asked him to compromise the governorship election petition verdict of the Sokoto Appeal Court. To investigate the matter, the NJC set up a first panel which reported that the CJN has no power to interfere with any proceedings of the CoA.\textsuperscript{112} Perhaps the NJC was not satisfied with the outcome, as it set up another panel
and extended its mandate to other petitions\textsuperscript{113} against the PCA. The panel in its report, while clearing both the CJN and PCA, demonstrated that there was no evidence to prove the claimed leakage of the Sokoto judgement, and the CJN did not interfere with the Sokoto proceedings or take over the running of the affairs of the CoA as he has no constitutional power to do so.\textsuperscript{114} For an undisclosed reason, the council further established another panel which cleared the CJN, the Justices that presided over the Sokoto, Osun and Ekiti CoA appeals, and indicted the PCA for misconduct and perjury.\textsuperscript{115}

This decision made people think that some corrupt elements within and outside the system are compromising the impartiality of the electoral resolution mechanism. For example, a lawyer said:

\begin{quote}
I know that there are powerful people who are not happy with [the president’s] principles especially his stand during the CoA ruling which removed some governors from office. All I know is that [the president] is a victim of very powerful anti-democratic forces who have survived electoral frauds in Nigeria (Vanguard, 2011).
\end{quote}

Reference to a powerful anti-democratic force and the benefactors of electoral frauds who have victimised the PCA indicates the presence of two forces at work. For the outside force, we could easily provide a name and identification tag – the politicians ready to do anything poor or foul to ensure they win. However, for those within, it is difficult to tell who they are. However, a renowned media practitioner and former Director General of the Nigeria Television Authority described them as judges that appeared to be “acting a script and … are materially compromised with ease.”\textsuperscript{116} They are people who helped the outside forces ‘... who write results and tell you to go to tribunals and then they bribe the judges or remove the judges that they do not like to ensure that results are upheld. This is the system they have internalised.’\textsuperscript{117}

It is on this basis that some judgements could be interpreted as for the \textit{privileged} or the \textit{underprivileged}. For the former, an example could be given of the appeal court which heard
and judged the Adamawa state governorship election petition filed by ACN. The court was said to have compromised itself as the appeal was filed some days after the first tribunal delivered its verdict. Since then, the appeal court did not act on the case despite petitioners’ alarm two weeks before the expiration of the deadline. In fact, the petitioners had to write a complaint letter to the NJC challenging the court’s inaction and the NJC ordered the court to do its job 72 hours before the deadline. Within 24 to 48 hours, the court ruled in a manner akin to how decisions were made in primordial communities.118 Such kinds of judgement are seen as judgements for the privileged group.119 For the latter, the verdict on the 20th of October 2012 Ondo state governorship election petition could be mentioned. The first tribunal ruled that an election could only be voided for non-compliance if the petitioner established that the irregularities claimed had affected the outcome of the election. The court dismissed the PDP allegation that the elections were disrupted by the distribution of food and other materials. It emphasises that witnesses put forward by the party could not establish any clear linkage between the act and the declared election results during oral cross-examination.

Commenting on the judgement, the counsel to the PDP said: “the judgement has been accepted in good faith.”120 Other judges made it clear to the counsels that each litigant will be given a fair hearing and justice dispensed without fear or favour (Vanguard, 2011).

In short, the judiciary, despite internal and external challenges, keeps struggling for the common man. This has been aptly captured by a respondent in an interview who said:

the judiciary has been very problematic in terms of electoral dispute resolution for a number of reasons. One [is] the capacity of the political class to corrupt the judiciary by really commercialising and offering massive bribes that some judges are not able to resist. Second, [is] some of the judges have been susceptible to political pressure. However, you cannot generalise on that, as many judges have been able to give judgements that are considered generally correct judgements that reflect what happened. [Lastly,] the conditions set out in the Electoral Acts for electoral tribunals are often difficult for litigants to prove successfully, i.e. that the elections have been rigged and lots of cases have failed because the level of proof required by our judiciary is impossible.121

The next part considers the last aspect of this statement.
c) **Burden and Standard of Evidence**

In the 2011 election the electoral dispute resolution mechanism maintains that a petitioner has to prove his assertions. There seems a unanimous acceptance among courts and court users that a person who asserts a particular state of affairs is duty bound to provide evidence of its existence. That is the electoral litigation mechanism worked on the principle that the onus is on the person making the allegation.\(^{122}\) This is what courts, tribunals and litigants seem to have internalised. For example, when the CPC requested an order from the court that INEC shall prove the validity of the elections,\(^{123}\) the CoA indicated that the onus of proof is with the party not the electoral body and when the party had failed to do so, the case was dismissed.\(^{124}\)

Similarly, in an appeal against this ruling, the party stressed that the Justices of the first tribunal “... erred in law when they held that the onus was on the appellant.”\(^{125}\) However, the Supreme Court maintained that onus is on the person who alleged the act – the election result declared.\(^{126}\) In fact, the lead judgement argued that the: “allegation of non-compliance did not shift the burden of proof to the electoral body or the respondents.”\(^{127}\)

Also, the electoral legislation maintains that a petitioner has to provide enough and convincing evidence to justify nullification. This is because an election can be voided for reasons of non-compliance when judges are satisfied that the violation has grossly altered the result.\(^{128}\)


<table>
<thead>
<tr>
<th>Grounds of Appeal</th>
<th>Petition</th>
<th>Principle of Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Substantial evidence</td>
</tr>
<tr>
<td>Qualification</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Non-compliance with law</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Not duly elected by valid vote</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>12</td>
<td>9</td>
</tr>
</tbody>
</table>

*Source: Author's compilation*
Table 3 indicates that most petitions filed during the period were treated by courts in this manner. In the majority (75%) of cases examined, the courts maintained that petitioners had failed to substantially prove their allegations. For example, in the presidential petition above, both the CoA and the Supreme Court made it clear that allegations that invalid votes were included in the total number of votes for PDP in Katsina were not substantiated with any verifiable evidence. Also, the witnesses called to testify for the plaintiff have indicated that they were not at the polling units where the alleged corrupt practices have taken place in the state. Some even contradicted one another during the cross-examination and criminal allegations need to be proved beyond reasonable doubt.\textsuperscript{129} So, it was concluded that the petitioner did not provide adequate evidence to prove his claims.\textsuperscript{130}

Despite this, the underprivileged still regard the judiciary as the last hope of the common man. Perhaps the reason why CPC lost the case had to do with the party’s failure to obtain relevant evidence required to establish its claims. Instead, the party continue to insist that the onus lies with the accused. The presidential aspirant, for example, stated that “… INEC refused to cooperate with us to conduct a forensic examination of finger printed ballot papers.”\textsuperscript{131} While this appeared reasonable, the party might be seen to assume that with the recommendation made by ERC that “… since the conduct of INEC as the umpire is the issue in many petitions, INEC should bear the burden of proving compliance with the Electoral Act.”\textsuperscript{132} Therefore, with Jega as the INEC Chair and a member of the committee that made the recommendation, INEC would agree to do this. However, to be fair to Jega and INEC, both are bound by the law that established INEC and the laws guiding the conduct of elections. Thus, INEC and Jega do not have the power to change the electoral litigation procedure. Also, the CPC in its first petition only requested the provision of election materials, but did not indicate clearly that they wanted the ‘original’ documents. On this ground, INEC issued to CPC a certified true copy of the election materials which is the main
tradition. Nevertheless, others insisted that the case was predetermined by the justice system which refuses to ensure that CPC can access and inspect all the relevant materials needed. Indeed, the Voter Awareness Initiative (VAI) and News Agency of Nigeria (NAN) groups felt that the petition was lost when the first tribunal refused to force INEC to provide materials for forensic examination.

Despite these reservations, the tribunals at the state level have significantly worked towards ensuring that the petitions were handled on merit. For example, on the petition filed by PDP challenging the return of the ACN candidate as the governor of Oyo state on the ground of dual citizenship, the court explained that dual citizenship only applies to citizens who are not Nigerians by birth (The Street Journal, 2011). Also, the House of Assembly Tribunal in the state nullified the election of the PDP member representing the Orelope State Constituency as the said winner did not get the majority of the valid votes cast. The tribunal arrived at this decision after considering the evidence tendered for the elections as conducted at ward 2 polling unit 2, ward 3 polling unit 3 and ward 10 in unit 1 which were fraught with irregularities and non-compliance and were therefore null and void. The court went further to explain that the petitioner has failed to establish similar case in the elections of ward 1 polling unit 4, and ward 10 polling units 9 and 12. Therefore, it subtracted 523 votes from the 6,484 total votes recorded for ACN and 284 votes from the 6,335 total votes recorded for PDP and declared the ACN candidate as the winner (Vanguard, 2011). This example suggests the judiciary struggles to remain a beacon of hope for the underprivileged and has handled disputes more on substance and merit than technicalities.

However, there were instances where tribunals and courts favoured technicalities over substantial evidence. For example, the tribunal that heard the petition filed by ACN against the return of the Akwa Ibom incumbent governor in the April 2011 elections dismissed the
petition because the “appellant could not pick or choose which provision of the law to follow and which not to follow” (Thisday, 2011). Such a technical judgement does not promote merit as the reason behind the judgement was that the counsel to the petitioner did not seek the leave of the tribunal before filing a motion ex-parte. Explaining this, the counsel to the governor indicates that in an election tribunal a petitioner shall seek the leave of an election tribunal before the commencement of a pre-hearing while applying by way of motion ex-parte (Thisday, 2011). Such a judgement prompted the then CJN to plead with the tribunals to uphold justice over technicalities. He said: ‘I’m begging in the name of justice, matters should be decided on their merit and not technicalities’ (Vanguard, 2011). In other words, the rules of procedure in law are instruments of justice, not the other way round.

In a sense, the above indicates that in 2011 the burden of proof was with the petitioner and all allegations, including criminal accusations had to be substantially established. In fact, criminal allegations usually require the claimant to provide evidence beyond reasonable doubt. This could be because that is what the law requires and criminal allegations can easily destroy a person’s political future. Thus, while this appears strict, it is better to consider the political terrain and the attitude of politicians in new democracies. This will protect and safeguard people’s lives and integrity. However, as indicated before, the limits of substantiality and reasonable doubt remain vague. In fact, what is substantial evidence or beyond reasonable doubt is at the discretion of the judges to determine, as the law does not provide clear cut rules on this. Neither does any international consensus provide a standard which an appellant has to meet in order to establish electoral fraud or misconduct. Consequently, electoral judgements could be on the basis that A’s evidence appears more convincing than not or election results no matter how bad have an inclusive validity and therefore stand.
Conclusion

This analysis suggests that the democratic quality of an election cannot be independent of external factors. In Nigeria the gradual improvements recorded during the 2011 elections are not unconnected to transformations within the justice system. What is unclear, however, is whether successful electoral resolution directly leads to electoral integrity. Perhaps the arrow of causation is better understood as double-headed. Certainly, where elections are well-organised the number of petitions drops and the management of the disputes becomes easier. The opposite is also true. However, causality is difficult to determine as the quality of an electoral contest may differ depending on the factors at play. Internal dynamics within an electoral system can pollute the process as do other outside considerations. In Nigeria, reference has long been made to how politicians, political parties, legal frameworks and citizens’ vulnerability contaminate the electoral process, indicating that the inability of Nigeria to build a robust democracy is connected to judicial inaptitude and dishonesty. These findings point to three possible areas of interception between electoral resolution and election credibility.

First, it was the courts that restored the legitimacy of the electoral process and sustained the country’s democratic project. The electoral resolution became active, checking and balancing the abusive tendencies that characterise Nigeria’s the winner takes all politics. This horizontal accountability\(^{137}\) helped in managing elite disputes during the 2007 elections as key oppositions disqualified to contest were ordered to be reinstated. In places where the elections were over and the party of the excluded winner came first, the contestants were ordered to be sworn in as the duly elected candidates. In instances where the excluded candidate’s party was second or third in the elections, the courts voided the elections and ordered a re-run.\(^{138}\) Similarly, in the 2011 elections the courts intervened and resolved serious conflicts, including the petition between INEC and the five governors who sought to extend their authority to rule
beyond the lawful four year tenure. Also, the courts settle various party intrigues which could have resulted to street violence.\textsuperscript{139} This idea that fair electoral resolution enhances the public perception of the legitimacy of the electoral regime has been supported in the existing literature.\textsuperscript{140} Also, practical experiences across Africa and elsewhere support this view.\textsuperscript{141} Therefore, the task of electoral dispute resolution is to certify or discredit an outcome, ameliorating electoral errs and building popular confidence.

Secondly, the improvement recorded in the management of electoral disputes strengthened political competition. Although, this is not direct, still as the judiciary became assertive, politicians, political parties and other governmental bodies like INEC began to observe the rules of the game. Indeed, there was no record of INEC disqualifying any political opponents in the build up to 2011. Instead, there is a report which indicates INEC advised aggrieved politicians to seek judicial redress. There is an element of interaction between the performance of electoral litigation and electoral quality. In fact, the decline of petitions filed from 1,270 to 500 in 2007 and 2011 respectively indicates an increase in the observance of the rule of law which is essential to democratic quality.\textsuperscript{142}

Finally, the resolution of electoral conflicts intersects with electoral quality as its central aim is the protection of citizens’ right to participation. This is important aspect as popular participation is essential to all democratic theories. This piece indicated that the resolution of electoral complaints is an institutional design against the tyranny of either the individual as incumbent or the government as an institution. The exclusion of ACN presidential and governorship candidates, who were all from Adamawa state, and two PDP governorship candidates who were substituted by their party and the electoral body in the 2007 elections cannot be seen as anything but an effort towards reinstating the candidates’ political rights. Thus, we can understand such efforts by the courts as democratic safety valve against
tyranny. Indeed, any attempt to discredit electoral fraud, institutional or otherwise, is a move towards the protection of the sanctity to vote. Therefore, in societies where procedural violations and outright electoral manipulations are commonplace, tribunal and other court judges are instruments for reinforcing voter or vertical accountability. Moreover, in societies where incumbent arbitrariness is everywhere, presence and effectiveness of political competition and participation require sound institutions that seek to protect the interests of the underprivileged. Thus, elucidating that settling electoral dispute is significant to electoral competition, participation, eroding ingrained mistrust and strengthening its legitimacy. This echoes the relevance of examining electoral dispute resolution which has the potential of opening up another virgin political terrain that could help explore the apparent democratic shortfalls of both new and established democracies. In these societies, especially the former, petitions, complaints and judgements, although they could have nuances, generate enough detailed information for the study of political democratisation.

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*Dalhatu v. Turaki*. 15 NWLR (pt.843), 310 (Supreme Court of Nigeria, 2003).


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—. “Katsina-Alu vs Salami: Salami Guilty NJC.” Vanguard. 11 August 2011.


Notes:

4 “Guinea's Supreme Court upholds election result.” BBC, November 16, 2013.
8 This is a category of countries are performing poorly in real citizens representation, low in levels of political participation beyond voting, and experience frequent abuse of state powers (Carothers, “The End of Transitional” and Diamond, Developing Democracy.
12 See Mozaffar & Schedler, Introduction.
15 Popova, “Watchdogs or Attackdogs” 395.
21 See note 18 above.
22 “Edo Tribunal Members allege Death Threats,” Vanguard, April 7, 2008.
23 LDC, “Democracy by Court Order,” 81.
24 Interview with a Tribunal Judge, 11th January 2013.
27 Gandhi and Lust-Okar, “Elections under Authoritarianism,” 413.
30 This judgment run into eight volumes, 8287 pages, and the real judgement beginning is on pp. 6568 – 7270 (Chris Ngige vs Peter Obi 2006).
33 Interview 1st November 2012.
35 Vickery, “International Standards Electoral Resolution,” supra note 122, 44. Central Council of the
International Association of Judges, Universal Charter of the Judge, Art 13 (Nov. 17, 1999).
37 The 1999 Constitution, Section 285 (1) (2).
38 This court is equivalent to the CoA by law.
39 Sections 233, 239 and 246 of the 1999 Constitution.
40 Section 32 (4) of the 2006 Electoral Act.
41 Sections 144 (1) and 145 (1) of the 2006 Electoral Act.
42 The 2006 Electoral Act.
43 “People and Politics.” The Nation, March 5, 2008.
44 8 of these petitions are against Presidential, 108 Governorship, 133 Senatorial, 301 members of House of
Representatives, and 722 state houses of assembly elections.
45 LDC, “Democracy by Court Order,” 65.
47 This is a landmark development, as before Nigeria had a petition that took 25 years to be heard and resolved
ERC, 2008, p.104.
48 A petition according the Electoral Act shall be filed within 30 days after result announcement (Act, 2006,
141).
49 LDC, “Democracy by Court Order,” 58.
“Democracy by Court Order.”
54 LDC, “Democracy by Court Order,” 78.
56 Interview with a Tribunal Judge, 11th January 2013.
57 Interview with a former National Secretary 1st November 2012 who referred me to several papers in his blog.
Similar allegation can be obtained in Unobe, “Partisan Judiciary and Political Stability in Nigeria.”
58 Justices Okwuchukwu Open and David Adedoyin Adeniji were dismissed by NJC for receiving bribe after
an appeal filed by Dr. Ugochukwu Uba against the Anambra South Senatorial Election Tribunal which
confirmed Prince Nicholas Ukachukwu as the winner of Anambra South Senatorial District election of 2003.
59 Okoye, “Restorative Justice and the Defence of People’s Mandate,” ??; Suberu, “The Supreme Court and
Federalism in Nigeria,” 484.
60 Interview with a Tribunal Judge, 11th January 2013.
61 See not 67 above.
64 Oni vs. Fayemi suit, 520.
66 What is more interesting is that these contacts happened at the peak of the cases (the 4 months between 1st
December 2007 and 14th April 2008).
67 Interview with a Tribunal Judge, 11th January 2013.
68 This is at the 260 naira per pound (₦ 260/£1) exchange rate.
69 LDC, “Democracy by Court Order,” 54.
70 Interview with a Tribunal Judge, 11th January 2013.
71 LDC, “Democracy by Court Order,” 82-83.
72 Interview with a Tribunal Judge, 11th January 2013.
73 See section 28 of the Electoral Act 2006 and section 187(1) of the 1999 Constitution.
74 Buhari vs. Yar’Adua & Ors (2008, February 26), CA/AAEP/2/07, CA/AAEP/3/07.
75 See (Vickery, 2011, p.60 cf. supra note 176).
77 Interview with a Tribunal Judge, 11th January 2013.
78 That is, the court subtracts the total of 200,723 invalid votes of PDP from its total valid votes of 339,740 and
the total declared invalid votes of 30,895 of AC from its total declared valid votes of 197,472 (Abutudu
and Obakhdedo, “Mandate Theft and Retrieval,” 235-264.)
LDC, “Democracy by Court Order,” 71; see also The Guardian of the 4th of September 2007.


Evidence Law Act section (83) and Notary Public Act section (19).

Buhari vs. INEC & Others, 2008.


LDC, 2009, supra note 259.

Vickery, 'GUARDE', 2011, supra note 183.


Interview with an opposition candidate, 26th July 2012.

Section 134 (1) of the 2010 Electoral Act (as amended).

Section 133 (3a and b) of the 2010 Act.

This is guideline provided by the president of the court of appeal to all electoral tribunals and courts of appeals.

Section 145 (1 and 2) of the 2010 Act (as amended).


CPC vs. INEC & 42 Ors, 2011 cf. NDI 2012, 58; EU EOM 2011, Appendix D, p.92.


Ibid.


See the Supreme Court of Ghana Manual, supra note 7.

The crisis between the CJN and the PCA could be said to begin when allegedly the CJN invited the PCA on the 8th of February 2010 and requested for his intervention with the Sokoto Governorship Elections petition of 2007. The president refused the request and on the 16th a petition was filed at the CJN’s office as the Chairman of NJC. The CJN invited the PCA for a second time and asked him to disband the panel before they delivered their judgement that was slated on the 24th of February 2010. The president said he would contact the panel and report back. Before the PCA report came back, the CJN on the 19th of February 2010 issued a letter of notice to stay action to the court pending determination of a petition against them (Vanguard, 2011; The Nation, 2011).


These are other petitions against the rulings in the governorship election of Ekiti and Osun states.

See note 126 above.


Interview with a civil activist and lawyer, 31st of August 2012.

See note 132 above.
The party and its candidates challenged the governor on the grounds of qualification as he submitted a forged certificate. The first tribunal dismissed the complaint as a pre-election matter, a condition that is contrary to the Supreme Court judgement (AC vs. INEC (2006), 6.n.w.l.r, (part 1029) 142 at 162). Upon appeal, the CoA set aside the tribunal judgement and ordered for a retrial. The governor went to the Supreme Court for interpretation and the apex court affirmed the position of the CoA. However, instead of going back to the tribunal court and asserting his case as the CoA had ordered, the counsel to the defendant filed a motion that the constitutional deadline of 180 days for the tribunal had lapsed and the petition should be dismissed (Benue Watch, 2012).


Interview with a CDD official, 13th November 2012.

The Evidence Act 2011 and Electoral Act 2010 (as amended).

CPC vs. INEC & 42 Ors, 2011.


Isah, “Supreme Court Affirms Victory of Jonathan, Sambo,” Leadership, Dec. 28, 2011. The National Radio Ibadan reported that the court unanimously agreed that the CPC failed to provide required evidence to prove its allegations and that the burden of proof did not shift to the electoral body or any of the respondents (Radio Nigeria Ibadan).

See note 137 above.

Section 139 (1), Electoral Act 2010 (as amended).

See note 138 above.

Interview with an opposition candidate, 26th July 2012.


Itse Sagay reported in Vanguard, 29th December 2011.

Bamidele Aturu, reported in Daily Trust, 29th December 2011.

See Vickery, 2011.

Horizontal accountability is referred to here as used by Diamond and Morlino (2005, pp.xxi-xxv).

This was how people like Ararume, Obi, Mimiko and Alao-Akala either became governors or were reinstated to finish their office tenures after the 2007 election.

Petition No. EPT/KG/NASEN/2/2011 cf. EU EOM, 2011, p.42, supra note 142. A few examples are the ordering for a fresh PDP primary election to determine the party’s senatorial flag bearer in Kogi state and the resolution of who the governorship candidate is for CPC in Kano, Katsina and Taraba states.

see for instance: Mozaffar & Schedler, 2002; Vickery, 2011; Eisenstadt, 2002.

See notes ……….


Katz, Democracy and Election, 47.

See note 151 above.

See for example Mozaffar & Schedler, 2002 and Eisenstadt, same issue.

Eisenstadt, 2002, 63.

Stewart, 2006, 667.