

## Choosing Without Voting: Exploring the Roots of Political Instability in Nigeria, 2011 – 2019

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**Abstract:** Voting during elections is a fundamental right of citizens with universal adult suffrage through which political office holders are selected and judged. It has always being sabotaged or enhanced by political elites in their struggle for power acquisition as an instrument for demonstrating people's choice – an act that breeds violence and instability. This paper explores the manifestation and patterns of this sabotage in the Nigerian political system, and its impact on political stability from 2011 – 2019. Archival method of data collection and trend analysis were adopted for the inquiry. The results of analyses reveal among others that between 2011 and 2019, systemic/institutional non-violent voters' disenfranchisement, which encumbers voters from expressing their political choices, prevailed; and this has continued to enhance and network forces of political instability in spite of monumental reforms. The paper, therefore, recommends among others the de-politicisation of the Independent National Electoral Commission (INEC) through the granting of its full autonomy under National Assembly supervision instead of the executive.

**Keywords:** Political system, Voting, Disenfranchisement, Instability, INEC

### 1. INTRODUCTION

Voters' participation in the electoral process and the conditions that sustain such participation remains the bulwarks of democracy. The transparency, free and fair platform, and accountability of both the electoral institution and processes, which guarantee such participation bestow credibility on the elections and their outcome, and lead to the emergence of popular candidates as winners (Osaghae, 1994). This helps to build government, make it both responsible and responsive to the needs of the people for fear of being voted out of power during elections. Through voting power, the public enforces accountability on political office holders, facilitates political recruitment, and confers moral authority on political leaders (Schlozman and Verba, 1987; Diamond et al., 1989).

Thus, voting during elections becomes the only instrument used by the masses to demonstrate and execute their political judgement and political choices. It is the mechanism through which the citizens are able to exercise their interests and participate in the political process. Voting is vital to expression of choice in any election and therefore a fundamental human and civic right that is granted through the principle of Universal Adult Suffrage (Keithly, 2012). The Constitution of the Federal Republic of Nigeria in sections and subsections 77 (2); 117 (2), 132 (5) and 178 (5) set eighteen (18) years as the Universal Adult Suffrage. This is also enshrined in the 1948 United Nations' Universal Declaration of Human Rights (University of Minnesota Human Rights centre, 2003), the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights, the Charter of the Organization of American states, the African (Banjul) Charter on Human and Peoples' Rights and several other international human rights documents.

The right to vote is therefore a globalised phenomenon. In Nigeria, Ayoade (1980) observed that voting rights evolved historically through the period of vested privilege (1922-1950) – a period when the voting franchise was restricted both spatially to Lagos and Calabar and numerically to male citizens aged 21 and above by the principles of citizenship, annual income of not less than 100 pounds, and residency requirements; universally applicable voting franchise that factored in regional diversities (1950-1958); and the period of universal franchise with the establishment of federal elections administrator without

regional flair (1958- till date). The right to vote guarantees the entitlement of all qualified individuals to cast their votes without reference to their abilities or qualifications to express their choices.

Thus, through voting, people with adult suffrage demonstrate their choice of political leadership, policy orientation, development programmes, and preferred foreign policy orientations through voting in periodically organised genuine elections with equivalent free voting procedures. Voting becomes a weapon for changing socio-political order; a fundamental means or instrument with which people influence governmental decision-making and policies or programmes (Huntington, 1991). Consequently, disenfranchising targeted voters became a strategy in the contest for power acquisition and consolidation in Nigeria (Agbaje & Adejumo, 2006; Carson, 2011). Although poverty, disability and illiteracy naturally disenfranchise many, the political class deliberately employs interferences in the voting process using such tactics like intimidation, the theft of ballot boxes and burning of electoral materials, unfair and tedious electoral processes, bribery and corruption, manipulation/alteration of results by election management body, thuggery and violence, (Agbaje & Adejumo, 2006). It was a matter of survival if the fittest with each party and candidate exerting high level belligerency to ensure victory. Electioneering was characteristically violent and arson prone such as the 1964 and 1983 general elections crisis in the Western region, the June 12, 1993 presidential election crisis (Diamond, Kirk-Greene, & Oyediran, 1997). Simply put, voters' disenfranchisement breeds or leads to crises and sways electoral victory against popular choice (see Orji, 2013; Odibachi, 2010).

These crises and subsequent military coups that were attributed to infringements on voters' rights prior to 1999 led to various political reforms that were initiated after Nigeria's return to democracy in 1999. As a result of these reforms, violence and arson together with political assassination began to decrease as strategies for disenfranchising voters. Allegations of and contestations against perceived use of electoral officers to determine who wins election regardless of popular votes introduced a systemic/institutional non-violent or non-belligerent method of voters disenfranchisement in Nigeria. This paper seeks to explore the prevalence and patterns of this systemic/institutional non-violent voters' disenfranchisement, and their impact on political stability between 2011 and 2019.

Thus, this research seeks answers to the following questions:

1. Has systemic/institutional non-violent voters' disenfranchisement prevailed in the Nigerian electoral system and in what patterns between 2011 and 2019?
2. Is there any relationship between systemic/institutional non-violent voters' disenfranchisement and the spate of political instability in Nigeria's democratic process between 2011 and 2019?

## **2. MATERIALS AND METHODS**

This paper adopted qualitative research wherein review of extant literature forms the primary method or process of data gathering. The choice of this method is informed by the wealth of debates and criticism available in the literature on voter's right, voting, disenfranchisement, and political stability across the world generally and Nigeria in particular. This method uses library documents (both private and public) wherein published materials such as books, journals, conference papers, and government and civil liberty publications are preserved. In addition, available and relevant materials found online in the internet were explored and reviewed.

Trend analysis was adopted as our method of interrogating the data generated for purposes of inference. The method here was to determine the applicable variables and their indices, and thereafter examine their relationships and causative interactions. Through this process, the researcher drew conclusions or inferences that bother on the research questions. Thus, the analysis is focused on identifying voter's rights and allegations of infringements on those rights i.e. disenfranchisement, the relationship that exist between the infringements and political legitimacy, and its impact of political stability in particular.

## **3. REVIEW OF EXTANT LITERATURE**

### **3.1. Voting Right and Disfranchisement**

The right to vote in any democracy is universally recognized as a fundamental and civic right. This is because, "Voting is the legal, political and social mechanism through which the citizens are able to express their participation [or choices] in elections, exercise their interests and needs to their leaders. It is the only singular act through which people would ever participate in the political process." (Ejue and

Ekanem, 2011, p. 287) This right to vote during elections is driven by individual interests in self-protection and self-government. Individual interest in self-protection addresses the importance of people's ability to peacefully remove none performing leaders; while interests in self-government looks at people's interests in developing and exercising their capacities for collective choice and responsibility (Ejue and Ekanem, 2011).

Voting enables people to express their political opinions, to demonstrate one's political dissatisfaction, and express their preferred choices, which are always in harmony with their political beliefs, interests and loyalties (Weale, 1999). It is a demonstration of people's power and good judgement of their own interests, respect for freedom of choice, liberties and opportunities. However, it must be observed that this freedom, goal and right are limited to choosing among candidates presented to them by electoral administrators, which may not symbolise or carry their interests. Without regards to their choices and interests, they will only choose from among approved and fielded political candidates. In most case, literature indicates that conscious voters whose choices are driven by ideological and development orthodoxies decide not to vote if their interests or preferences are not reflected in the electoral process and available candidates (Cohen, 2003). In some other situations where all the candidates and their parties' ideologies are compatible with voters' interests, it is still not in their interests to vote.

Voting during an election or referendum is a formal expression of one's preference or choice of a party, candidate, or policy interest over others - an act that helps to resolve contentious issue within a given system or country (Iyayi, 2005). It therefore holds that voting as a matter of necessity is needed to secure the victory of the best candidate or to prevent the election of worst candidate. This makes voting a civic duty during elections and makes people's voices essential part of the collectively binding decision that is associated with electoral results (Lyons, 1984). Elections therefore provide opportunities for political choice and responsibility; secure equality of status; and ensures collective deliberation and decision on the nature of leadership and development agenda.

To achieve this, elections require standards (such as one person, one vote); free, equal and fair playing ground; transparent, neutral and accountable leadership (Clayton and Williams, 2002). On these lies the credibility and legitimacy of elections and political leadership (Anderson et al., 2007). However, it is in the establishment and implementation of these essential components of democracy and elections that most voters are deliberately prevented or schemed out of the process or disenfranchised in pursuit of a preferred outcome i.e. the victory of a particular candidate and/or political party. This is simply because such voting possesses serious threats to the interests of those that are scheming voters out of the electoral process. Thus, Azinge (1994, p. 173) argued that voting 'might be a mere political right, privilege or civil right to be given or withheld at the exercise of the law-making powers of the sovereign' and that 'in the absence of an express constitutional grant, [it] is not a vested, absolute or natural right of which a citizen cannot be deprived and it is not vested absolutely in any citizen'. Therefore, the sovereign do employ the tactics of this deliberate exclusion to eliminate the prevailing threat.

Such exclusion or disenfranchisement of voters takes place in different forms and are consciously planned and implemented by the ruling party and/or the election manager/administrator. Agbo and Okoli (2016) noted that INEC, playing a subservient role, is in the habit of disenfranchising eligible voters technically through poor distribution of Permanent Voter's Card (PVCs) and late and none arrival of sensitive materials during elections. In addition, some countries use constitutional provisions to deprive a section of the population their right to vote as in the case of there are four different categories of constitutions in terms of Australia, the Bahamas, India, Indonesia, the United States and the United Kingdom (Kirshner, 2012; Kadambi, 2009); the establish universal suffrage for elections also exclude a section of the population as can be found in virtually all the countries practicing democracy (Kirshner, 2012); and government through the implementation of its constitutional obligations device means of excluding voters from voting (Azinge, 1994). While all the countries seem to adopt the first and second, most them adopt the last option as strategy for edging-out opposition in the contest for power acquisition.

For instance, Udu (2015, p. 96) made the following observation with regards to Nigeria's Independent National Electoral Commission (INEC), "In reality, there are empirical evidences over the years, that the INEC has not been fully autonomous and non-partisan; neither does it appear to be sufficiently empowered to carry out its assigned duties and responsibilities impartially." In some case, voters'

preferred or choice candidate and/or his party will be excluded from the ballot paper. This incapacitates voters and leaves them with the option of voting for ‘none of the above’ if there is such provision or not voting at all if there is no such provision (Klusmeyer, 1996; Lever, 2006; 2007).

In some other situations, the exclusion is planned and perfected through absurdity and irregularities in the delivery and distribution of voter’s card across the country, especially in the Southern Nigeria. Limited time was set for the collection of the voter’s card while in most cases the voter’s card are expressly unavailable for voters to collect (Zaggi 2015; Aribisala, 2015; Daily Trust, 2015). Udu (2015, p. 101) noted that, “[e]vidently, successive electoral commissions in the country have been either pro-ruling party or engaged in the manipulation of election results in favour of the highest bidding contestant”. Purposely, they refused to distribute the voter’s card or made it extremely difficult for voters to collect it in areas where strong opposition exist (Vanguard 2015; Daily Trust 2015). Registered voters reported early at for voter’s card collection at the various collection centres but were told their cards cannot be located or have not arrived (Aribisala 2015; Zaggi 2015; Udu 2015), and such cards never arrived till after the elections. The distribution rate in the North was put at an average of 86.4% across the 19 states of the region including Abuja while states in the Southern region recorded an average of 75.6%.

Hassan Zaggi (2015, p. 18) captured other forms or strategies adopted to prevent voters from voting as, “late arrival of electoral materials; malfunctioning of Card Readers; insufficient and, in some cases, none availability of electoral materials; overcrowding in polling units, and voting throughout the night which exposed the voters to high risks. Those many faults according to findings have ended up disenfranchising many voters in many parts of the country.” The then INEC chairman Attahiru Jega planned and executed the fall President Jonathan – a Christian and Southerner - through INEC’s deliberate disenfranchisement of voters in the South-East and South-South manipulating the voters’ register to remove millions of registered voters, awkward PVC distribution, and failure of Card Readers (Aribisala, 2015; Udu, 2015).

Another disenfranchisement strategy has been the exclusion of voters through none accreditation on Election Day. In 2015 for instance, there was an outright disenfranchisement of the populace because more than half of registered voters were not accredited by INEC to vote. Out of a total of 67, 422, 005 registered voters, only 31, 746, 490 were accredited for voting (see the data set hosted in: <http://www.inecnigeria.org/wp-content/uploads/2015/04/summary-of-results.pdf>). Just as the then President Goodluck Jonathan could not be accredited due to Card Reader rejection in Otuoke Bayelsa state, thousands of other voters suffered the same faith (Igbokwe-Ibeto et al. 2016). This exclusion through different strategies interferes with people’s right to act on their respective choices, duties and rights in an electoral process (Waldron, 1993).

The foundation of voting right abuse in Nigeria is located in political party primaries. In spite of all Constitutional provisions and institutional designs, political parties has the penchant for candidate nomination and imposition instead of conducting free and fair party primaries (Omoweh, 2012).

### **3.2. Political Instability**

Political instability is a broad latent construct, whose conceptualisation focuses mainly on the change in and/or challenge or resistance exerted on the political system. Thus, Sanders (1981, p. 21) defined it as “the extent to which the occurrence or non-occurrence of change in and challenge to the government, regime or community deviates from previous system specific to ‘normal pattern.’” In similar direction, Morrison and Stevenson (1971) and Siermann (1998) conceptualised it as breakdown of the prevailing pattern of political authority; while Alesina, Ozler, Roubini, and Swagel (1996) defined it as the propensity of an imminent government change. Thus, political instability could be seen as uncertain political environment where changes in the executive and its organs may have being the norm or are imminent due to irresistible pressure, attack or threats from powerful socio-economic, ethnic, religious, and cultural forces struggling for interests actualisation, political participation and/or inclusion. These inadvertently lead to breakdown and changes in political authority and its systems.

The breakdown in patterns of political authority or change in and challenge or resistance to the government, which scholars conceptualise as political instability is symbolised or measured by the existence of political revolution, coup d’états, politically motivated assassination (Barro, 1991; Roubini and Swagel, 1996), political violence and arson (Wansbeek and Meijer, 2000; Perotti, 1996), regime



transition and durability, crisis in government, cabinet changes or shake-ups (Veiga, 2005; Alesina et al, 1996), terrorism, insecurity, organised agitations or social unrest, and public demonstrations of any type (Siqueira and Sandler, 2007; Rodriguez, 2000; Blanco and Grier, 2009), and electoral changes and crisis.

Scholars attributed such breakdown to the deterioration of the political system in pluralistic societies due to over centralization of authority, poor approach to national integration, social mobilization (Lewis, 2011; Ikepeze, Soludo and Elekwa, 2004), lack congruence between mass demand for participation in the political system and elite response to such demands, disenfranchisement of voters, and poor economic development and social welfare (Reno, 2000; Bevan, Collier and Gunning, 1999; Laghari, 1991). These, which lead to absence of balance between demands and concessions, supports and restraints, expectations and satisfactions, generate political instability.

Other factors that lead to political instability are when the rights and freedoms of the people are violated with impunity, prevalence of corruption and mismanagement of the economy (Miljkovic and Rimal, 2008; Alesina et al, 1996), when elections are not free and fair; mass unemployment and poverty, suppression of opposition parties, absence of freedom of speech, intolerance for other people's views and opinions, high level of prejudice, and aspiration and pursuit of life presidency.

### **3.3. Voting and Political Instability in Nigeria**

Infringement on the voting rights of the populace in Nigeria has always resulted in more pains than gains to the country's democratic process (Yusuf, 2015; Omolusi, 2010). During the colonial era, the exclusion of the population led to the struggles against colonial domination and subsequent movement for political independence (Sklar, 2015; Omodia, 2010). In the later part of the colonial era and during the independence era, such exclusion particularly during party primaries has generated internal crisis, tales of conflicts and litigations (Elischer, 2008; Kura, 2011). It has led to major internal party crisis, violence, arson and civil disorder (Dudley, 1973; Mbah, 2011; Uche, 1989). This has always led to massive defections, factionalizations and splits, and even formation of new political parties (Ilufeye, 2011). For instance, during the 2006 party primaries, Obasanjo's imposition of Yar'Adua and GoodLuck Jonathan as People's Democratic Party (PDP) presidential flag bearer against Atiku Abubakar's candidacy (Irem, 2006) due to Atiku's successful resistance of Obasanjo's Third term agenda caused a crisis that orchestrated Atiku's defection to the Action Congress (AC) with his followers (Alumona, 2014).

Between 2011 and 2015, crisis associated with disenfranchisement of voters and/or imposition of candidates particularly during party primaries led to led to the factionalization of PDP and later defection of five state governors to another party. In some cases such impunities do lead to vacuum or absence of party candidates such as the case of Rivers and Imo State during the 2019 general elections (Kura, 2011).

### **3.4. Theoretical Perspective**

This paper adopts realistic group conflict theory, which is an economic theory used to explain inter-relationships among members of a group, as its framework of analysis. The fundamental propositions of the theory are that humans are naturally selfish and desire their interests' domination of all other interests; the incompatibility of his interests with others leads to conflicts and/or competitions (Colella, 2013) within and among members of the group; and that such conflict is zero sum type where the victor takes all (Levine and Campbell, 1972). This leads to politics of exclusion, disenfranchisement, suppression, prebendalism and corruption/mismanagement of the economy, autocracy, and subsequent reactions of the defeated, which may include but not restricted to coup d'état, terrorism, civil unrest/public demonstration, secessionist/separatist agenda, clamour for reforms, litigations etc (Alexander et al, 2009).

The relevance of this theory to the present study is that its provisions enable the paper to identify the factors that generate conflict among members of a group and the consequences of such, which is simply instability. Thus, it enables the paper to identify interference in the voting rights of the populace as enough provocation that leads to breakdown of governing authority and its instruments. With this, the paper shall be able to analysis the interference in people's voting rights in Nigeria, the relationship that exist between such interference and the preponderance of factors considered as political instability. It is therefore a relevant theory for this study.

#### 4. METHODOLOGY

Considering the wealth of literature and criticism available and accessible on voting rights, elections and their administration in Nigeria, this paper adopts logical inquiry, survey of literature and ex post facto methods of data gathering. Central to these methods, extensive literature review was primarily adopted as data gathering processes. The method used library documents (both private and public) wherein published materials such as books, journals, workshop and lecture papers, and government publications are preserved. It equally explored available, accessible and relevant works and documents found in the internet.

The data generated through the adopted methods was analysed using trend analysis for purposes of inference. The method here is to outline the variables and their empirical indices, which include voting rights, forms of interference or disenfranchisement, and political instability. Thereafter, their relationships and causative interactions were examined and determined, and on the basis of the findings made thereof, the researcher draws inferences.

#### 5. RESULTS/FINDINGS

Research Questions 1: Has systemic/institutional non-violent voters' disenfranchisement prevailed in the Nigerian electoral system and in what patterns between 2011 and 2019?

The literature reveals that voters' disenfranchisement during general elections is glaring during 1964, 1965, 1979, 1983, 1999, 2003 and 2007 general elections (Umaru, 2003; Oyediran, 1997) and manifests in the forms of "creating artificial scarcity of ballot paper in 'safe' polling booths of the opponents, (massive thumb printing of voting coupons in favour of a preferred candidate/party) diversion or snatching of ballot boxes between polling booths and counting centres and abduction of returning officers." (Steve, Nwocha, & Igwe, 2019, p. 79) Anifowoshe (1982), Ibrahim and Aturu (2009), Omotola (2010) and Onapajo (2014) identified others as kidnapping, arson, looting, ballot-stealing and armed attacks on voting and collation centres, massive rigging, intimidation, thuggery, stuffing of ballot boxes with thumb-printed ballot papers, vandalism, denial, manipulation of figures, ethnic jingoism and outright killing of political opponents. These were prevalent during 1983 general elections predominantly in Anambra, Oyo, Kaduna, Gongola and Borno States between NPN, UPN, and NPP. There was a significant shift from traditional forms of manipulating ballot papers and boxes to manipulation of figures collated from the polling units and completed forms with the additions of figures totally unrelated to any results genuine generated from the polling units and illegally protected with incumbent state power (Smah, 2008)

The above development prevailed during the 2003 and 2007 general elections. According to Alfa & Otaida (2012), Abatudu and Obakhedo (2009) and Ndigwe (2009), the elections were largely characterized by multiple registration and multiple voting as a background to add figures before declaration of results, wide spread violence and snatching of ballot boxes, preferential allocation of ballot papers, prior distribution of thumb printed ballot papers to voters, stuffing of ballot boxes, and allocation/addition of figures alter the genuine polling units results. At Akoko-Edo, Igarra, Etsako central and Uhunmwodo local government areas of Edo State, the contestations between PDP and Action Congress led to burning of houses, INEC offices, destruction of properties, and loss of lives. With specific reference to the 2007 general elections, the European Union Election Observer Mission summarised voter disenfranchisement in its report in the following words, "marred by very poor organization, lack of essential transparency, widespread procedural inequalities, substantial evidence of fraud, widespread voter disenfranchisement at different stages of the process, lack of equal conditions for political parties and candidates and numerous incidents of violence" (EUEOM, 2007, p. 4).

Details of what happened during governorship elections in Ekiti state in 2009, which are summarised in table 1 attests to the above observations.

**Table 1.** *Parties and Incidents of Violence During the 2009 Rerun Elections in Ekiti State, Nigeria*

No.	Place	Description	Parties Associated
1.	Ijan Ekiti	Voters sent away and forbidden from voting in Ward 4	Unspecified
2	Igede	Observer beaten by thugs	Unspecified
3.	Oye	PDP members chased observers away, PDP chieftain (Senator) Arise forcefully took people to his house to be beaten, Election postponed because of violence	PDP

4.	Igbemo	Election observers beaten Unspecified	Unspecified
5.	Omuo	Observer beaten by former Speaker of House of Assembly Hon. Bamisile of PDP, Observers harassed by former Deputy Governor Abiodun Olujimi (PDP member)	PDP
6.	Gbonyin	Voters chased away and disallowed from voting by PDP agents	PDP
7.	Ijero	In Ward 2, PDP leader chased observers away and physically assaulted observer In Ward B, six ballot boxes stolen	PDP
8.	Ido-Osi	In Ward 8, thugs came to destroy ballot papers, At Orin, election cancelled because thugs vandalised ballot boxes, At Aye, PDP chieftain came with police who started shooting indiscriminately	PDP
9.	Iworoko	Former state executive in connivance with the police threw grenades to disperse voters in many voting centres	PDP
10.	Are	AC member arrested in Ward 2 for violence	AC
11.	Ara	Clash with PDP thugs by community members, PDP and AC members prevented observation work	AC/PDP
12.	Odo-Ayedun	The police, led by Hon. Aribisala of PDP, dispersed voters and party agents with teargas in order to facilitate thumb-printing of ballot papers	PDP
13.	Ipole-Iloro	PDP chairman of LGA invaded polling booth with gun in order to steal ballot box	PDP
14.	Ifaki	Observation prevented by thugs, and Observers attacked by PDP thugs	PDP

Source: CSMG (2009) cited in Onapajo (2014)

Incidents like the ones exhibited in table were rampant across Nigeria and among different parties during the 2003 and 2007 elections (see ICG, 2007; TMG, 2007). They were all meant to send voters and observers away to enable them stuff the ballot boxes with ballot papers that bear their party candidates and to manipulate the results at the polling unit level. These activities led to the emergence of unprecedented political assassinations in Nigeria's political history as a means of either contesting electoral malpractices or consolidating controversial victories between 2003 and 2011. In October 20, 1999 Air Commodore Anthony Ikhazoboh (rtd) and former Minister of sport was assassinated in Victoria Island - Lagos. In December 2000, Lai Balogun, a frontline politician was assassinated at his Lagos residence. The same month, Hon. Monday Taurbari Ndor, a member of the Rivers State House of Assembly was killed by unknown assailants. Other assassinations were that of Dele Arojo - a PDP governorship candidate in Ogun State - on November 2002, Alhaji Isyaku Mohammed (Kano state), Chief Bola Ige - the Minister for Justice and Attorney General of the Federation on December 23 2002, Chief Ogbonnaya Uche Ogbonnaya - Orlu Senatorial candidate of ANPP - on February 8 2003, Chief Marshall Sokari Harry - the SouthSouth Vice Chairman of ANPP, was on March 5 2003, and Anthony Nwodo - ANPP Secretary in Ezza North Local Government Area of Ebonyi – on March 21 2003. Others include Mrs. Joyce Maimuna Katai - Commissioner for Women Affairs and Special Development in Nassarawa State, Prof Chimere Ikoku - a PDP chieftain, Chief Amanasoari Dikibo - the PDP National vice Chairman (South-South) etc.

These led to a fundamental political reform agenda that was initiated by President Yar'Adua and completed by President Goodluck Jonathan in preparation for the 2011 general elections. The reforms were expected to eliminate or substantially reduce voter disenfranchisement during the three general elections that post-dated the reforms i.e. 2011, 2015, and 2019 have been conducted. However anecdotal evidences during the 2011, 2015, and 2019 reveal that with the exception of 2011 that was generally acclaimed to be free and fair, others were on the contrary, however with different election rigging or voters' disenfranchisement format. In the various elections, disenfranchisement of voters became an INEC and Judiciary project instead of parties and their loyalists. Election processes were made to be dysfunctional, illegalities were officially perpetrated, millions of voters stayed away on the elections day while the judiciary even produced and announced their own results as the case of Imo state gubernatorial elections demonstrates. This marked a major shift in the pattern of voters' disenfranchisement as Courts supplement INEC in declaring the winners of elections instead of affirming the legality and genuineness of electoral results declared by the INEC.

Confirming the dysfunctional nature of the electoral process as perpetuated during the 2019 general elections, the European Union Election Observation Mission (EUEOM) - a neutral umpire observed

that poor logistics and insufficient adherence to procedures for distribution of voter cards marred the exercise. According to their report, “much of the PVCs were delivered to incorrect offices while many voters did not find theirs”. Inadvertently, many voters were disenfranchised and frustrated. In 2019, INEC registered about 84 million voters, issued PVCs to 72.8 million wherein 11.2 million were not issued theirs representing 13.3% due to the artificial loopholes created to disenfranchise some sections of the society. The 13.3% disenfranchised voters were mainly in the Southern Nigeria (particularly Southeast and South-South) where the opposition People’s Democratic Party (PDP) enjoys strong support. According to INEC records, Northern states where the ruling APC enjoys full support recorded 94% or even more PVCs collection. For instance and in spite of the on-going Boko Haram insurgency particularly in the Northeast that led to migration, fear and thousands of deaths, six states recorded the following percentage rate of PVCs collection: Katsina (98.7%), Taraba (97.3%), Gombe (95.7%), Kebbi (95.1%), Bauchi (94.8%) and Zamfara (94.7%). The experience was similar to what happened in 2015 as demonstrated by table 2 below.

**Table 2.** *Distribution of Voter Card for 2015 general elections*

DISTRIBUTION OF PERMANENT VOTERS CARDS AS AT MARCH 3, 2015				
S/N	STATES	NO.OF REGISTERED VOTERS	NUMBER OF CARDS Collected by voters	REMARKS %
(a)	(b)	(c)	(d)	(e)
1	ABIA	1,396,162	1,137,272	81.46
2	ADAMAWA	1,559,012	1,372,853	88.06
3	AKWA-IBOM	1,680,759	1,587,566	94.46
4	ANAMBRA	1,963,173	1,658,967	84.50
5	BAUCHI	2,054,125	1,938,192	94.36
6	BAYELSA	610,373	460,999	75.53
7	BENUE	2,015,452	1,566,186	77.71
8	BORNO	1,934,079	1,320,667	68.28
9	CROSS RIVER	1,175,623	941,920	80.12
10	DELTA	2,275,264	1,829,542	80.41
11	EBONYI	1,074,273	848,392	78.97
12	EDO	1,779,738	1,197,829	67.30
13	EKITI	732,021	506,535	69.20
14	ENUGU	1,429,221	1,169,408	81.82
15	FCT	881,472	552,381	62.67
16	GOMBE	1,120,023	1,006,243	95.20
17	IMO	1,803,030	1,707,449	94.70
18	JIGAWA	1,831,276	1,756,320	95.91
19	KADUNA	3,407,222	3,159,011	92.72
20	KANO	4,975,701	4,112,039	82.64
21	KATSINA	2,827,943	2,620,096	92.65
22	KEBBI	1,470,648	1,369,155	93.10
23	KOGI	1,350,883	926,013	68.55
24	KWARA	1,142,267	862,511	75.51
25	LAGOS	5,822,207	3,714,400	63.80
26	NASARAWA	1,242,667	1,026,657	82.62
27	NIGER	2,014,317	1,642,144	81.52
28	OGUN	1,829,534	864,292	47.24
29	ONDO	1,524,655	1,083,398	71.06
30	OSUN	1,407,107	1,024,070	72.78
31	OYO	2,415,566	1,603,168	66.37
32	PLATEAU	2,001,825	1,508,585	75.36
33	RIVERS	2,537,590	2,091,132	82.41
34	SOKOTO	1,611,929	1,527,004	94.73
35	TARABA	1,340,652	1,252,491	93.42
36	YOBE	1,099,970	824,401	74.95
37	ZAMFARA	1,495,717	1,404,586	93.84
	<b>Total</b>	<b>68,833,476</b>	<b>55,232,874</b>	<b>80.24</b>

Source: Adapted from INEC website



In addition to manipulating the voter's card i.e. PVC distribution to ensure that millions of people did not vote, in 28% of polling units, smart card readers failed to read voters' fingerprint and such people were not allowed to vote. Only in four cases, which took place in the Northern dominated APC regions, did voting took place without the use of smart card readers contrary to electoral law.

It was manifest during political parties' congresses and conventions that the exercises lack transparency while candidates were imposed thereby nullifying the actual conduct of party elections (Omilusi, 2013; Omoweh, 2012; Mbah, 2011). In some cases where primaries were conducted, the times and locations of such primaries were not sufficiently publicised or adhered to, with last minute postponements and changes of location. Ikelegbe (2013) noted that non-inclusive systems of participation and decision making, lack of opportunities for broad input, absence of well-defined structures, rules and processes, denial of individual and group rights, and weak mechanisms for redressing grievances have dominated internal political party activities in Nigeria. These equally dislocated and disenfranchised legal party delegates to such congresses and conventions, yet INEC allowed such congresses and their results to stand.

During the general election proper, its Social Media coverage reveals that INEC officers apparently collated election results under duress and threats leading to results' falsifications and declaration of strange results that were not generated from the polling units but handed over to them by the incumbents. It was no longer the case of mutilating results, snatching ballot boxes or stuffing same with ballot papers but the case of declaring contrived results writing without the consideration of who voted and their numbers. This reduced thuggery and arson but enthroned elections without regards for voting. INEC officials were held hostage in two states, some other officials were abducted in another six states. For instance, in Imo West senatorial district, the Returning Officer publicly claimed that the election results were declared at gun point or under duress. Yet, INEC and the judiciary remained indifferent thereby rendering the voices and/or choices of all that voted in such senatorial districts irrelevant. Their votes did not count.

To consolidate the prevailing form of disenfranchisement, there were thefts or destruction of sensitive electoral material while INEC offices were attacked in 13 different cases. Three INEC premises were destroyed by fire. Such incidents destroyed thousands of PVCs, electoral materials for over 100 polling units and over 4,600 smart card readers in Isiala Ngwa South LGAs in Abia state, Qu'an Pan LGA in Plateau state and the Anambra state office at Awka. The scenario resulted to no and/or pseudo elections in the areas covered by such offices yet full results were announced as if nothing happened without any alternative approach to voting invented by INEC. Similar fire incident in Ebonyi state – an opposition stronghold destroyed sensitive electoral materials thereby preventing 36,392 citizens in 75 polling units from voting.

Adjunct to the above mechanisms adopted to deprive the formalisation of people's choices through vote, the ruling APC used the military to invade elections collection centres and polling units to chase away voters, seize sensitive and results declaration forms, and even arrested INEC officials in the bid to stop voters in the opposition strongholds in states like Rivers and Plateau states from voting. Similarly actions took place in Kano where armed forces intimidated and interfered in the electoral process to enable the incumbent bring in already written results that do not reflect in any form the nature of vote casting at the polling unit. In all these, INEC manifested conspiratory silence, which caused the departure of many people without voting due to uncertainties. EU Observer Mission stated in their report that in seven of 29 polling units observed at the time of closing voting i.e. 2.00 pm, voters who were in the queue were not allowed to vote, contrary to INEC procedures and electoral laws.

Further, even in areas where the voters were allowed to vote, cancellation of results and/or declaration ballot papers used for voting as invalid ones was another strategy used to disenfranchise voters during the 2015 and 2019 general elections. An average of 1.3 million i.e. 4.5% of the total votes were declared invalid. The greater number of these invalid votes was declared in state considered as PDP strongholds thereby raising a viable question on whether the invalidation was not declared for political advantage. This is because EU observers noted that a reasonable number of these rejected votes were used later to correct inconsistencies in many other results forms. Nevertheless, what concerns this paper is that such un-necessitated invalidation disenfranchises voters.

In the Imo state 2019 governorship elections, the Independent National Electoral Commission (INEC) cancelled election results from 252 polling units because of violence, excluded results from another 388

units and declared Emeka Ihedioha of the People's Democratic Party (PDP) winner based on the collation of results from 2,883 polling units. He pulled 273,404 votes; followed by Uche Nwosu of the Action Alliance (AA) with 190,364; followed by Ifeanyi Araraume of the All Progressives Grand Alliance (APGA) with 114,676, while Senator Hope Uzodinma of the APC came fourth with 96,458. According to INEC, 823,743 voters were accredited, 739,485 actually voted, votes from 388 polling units were excluded due to high records of violence, ballot box snatching, abduction of INEC officers with sensitive results materials etc. while 25,130 votes were cancelled. The cancellation or exclusion of results from the 388 units was in compliance with the provisions of both the Constitution and Electoral Act as demonstrated above, and therefore valid.

Senator Hope Uzodinma and his party, APC, instituted a petition at election tribunal and the Court of Appeal on the grounds of the exclusion of the 388 polling units by INEC where they are claiming a total of 127,209 votes. The conclusion of the matter is that the petition failed at the Tribunal and Court of Appeal. However, at the Supreme Court, electoral process, INEC, and relevant Laws were murdered by the apex court judgement. In addition to multiple other flaws and illegalities enshrined in the judgement, the apex court simply added an additional 127,209 figure claimed by APC/Uzodinma from the 388 polling units - without the required and compulsory tendering of voters register and Forms EC8As, EC8Bs, EC8C and all other relevant forms - to the INEC declared 96,458 and gave Uzodinma/APC a total vote of 223,667. By this Supreme Court allocation of votes, the total votes cast in the elections came up to 950,952 – a figure that is not only higher than INEC's declared total valid votes cast of 714,355 but also higher than the total number of accredited voters of 823,743 for the election (Odinkalu, 2020). This amounts to 127, 209 votes in excess of Total Accredited Voters and exposes the fraud, manipulation, and illegality inherent in the Supreme Court judgement, which inadvertently rendered people's choice in the election irrelevant. Further, even the APC/Uzodinma new total vote of 223,667 is less than PDP/Ihedioha's votes of 276,404 and therefore does not constitute a majority as demanded by the Constitution and Electoral Act, yet the court declared APC/Uzodinma winner.

It is therefore clear that in spite of the progress made in 2011 democratisation processes that allowed for popular participation, millions of voters were systematically and consciously edged out of the voting process during 2015 and 2019 general elections through INEC and Judiciary activities, and not through usual inter and intra parties contestations. Therefore, systemic/institutional non-violent voters' disenfranchisement prevailed in the Nigerian electoral system and in different patterns between 2011 and 2019.

Research Questions 2: Is there any relationship between voters' disenfranchisement and the spate of political instability in Nigeria's democratic process between 2011 and 2019?

A long stride into the history of Nigeria's political system tends to show that it has been characterised by instability associated to electioneering. Mbah, Nwangwu and Ugwu (2019) observed that Nigeria has witnessed a rising tide of litigations, protests, bloodshed, destruction, and legitimacy crises as a result of faulty and failed elections; and overlapping jurisdictions of courts, which results in conflicting rulings or legal opinions (Egwu, 2015). The scenario of overlapping court rulings/orders undermines the opportunity for addressing discontentment, conflict and therefore creates uncertainty over which candidates and victories are legitimate, and entrenches instability in the electoral process. These undermine the capacity for stable governance.

Equally, there have been trenchant contestation of elections results; thuggery, election rigging and officially perpetuated electoral frauds (Anifowose, 2004), interference and illegal change in electoral process and timetable such as the annulment of June 12, 1993 presidential election by then President Ibrahim Babangida; post-election crisis that normally manifest in the forms of violent demonstration, assassinations, killings, and arson (Fawole, 2005) such as the 1964 Western region and 1979 Anambra state electoral crises; inter and intra party crisis; a barrage of litigations that tend to up-turn declared victories and change the unified elections programme across ranks; and even military coup d'état like that of 1966, 1983 and 1993. Virtually all elections held in Nigeria since 1959 pro-independence elections are violent-ridden (Ojo, 2014; Idowu, 1998).

In some cases, some of these were caused by political intrigues, politicians struggle for power acquisition, poor electoral management system, and limitations prevailing in the electoral system (Okpi, 2011; Adekunle, 2007). However, majority of them arose as reactions against conscious and planned exclusion of political parties and candidates supporters from electoral process and voting, which is a

strategy adopted mostly by incumbents to edge out opposition from electoral victory (Simbine, 2007). It evolves from different party primaries and develops in scope during general elections. During the primaries, absence of internal party democracy, which disenfranchises voters, has always led to frequent conflicts, crisis, litigations and decamping of aggrieved politicians to other political parties (Ikelegbe, 2013; Simbine, 2013; Ukaeje, 2011). It has caused political vagrancy, institutionalized bitterness and violence in the attempt to gain and retain political power at all cost (Simbine, 2007). These are necessitated by citizens' increasing awareness of their voting power and right, and their positive involvement in civic and political matters. It therefore holds that the level and pattern of citizens' participation in the electoral process determine to a great extent the stability of the political system.

It is historical that the contestation of election results or post-elections litigation seems to characterise Nigeria's political system. A summary of 2003, 2007 and 2011 post-election litigation reveals a total of 2,596 cases. This is statistically broken down as follows: 2003: 574 cases from 1,497 electoral wards; 2007: 1291 cases from 1,496 electoral wards; and 2011: 731 cases from 1,487 electoral wards (Electoral Reform Committee report, 2008, p. 123; INEC Committee on the Review of Judgments on Election cases (COREC), 2013, p. 93). In spite of different reforms and consequent improvement in the exercise of voting rights in 2011 as reflected in the litigation gap above, higher level of election contestation resurged from 2015 (Egwu, 2015). During the 2015 general elections, over 600 post-election petitions were filed and adjudicated upon. Constitutionally, the petitioners have 21 days from the day of result declaration; the tribunals have 180 days within which to deliver judgments while appeals against their rulings are disposed of within 60 days. 474 of these petitions were defeated i.e. 84.6% while only 126 petitions succeeded i.e. 15.4%. Similarly, the political system witnessed gamut of post-election petitions wherein 766 cases were recorded of which four are petitions on the presidential race. This led to the establishment of 77 tribunals to handle them.

During the 2019 general elections, there were over 644 pre-election petitions or litigation cases orchestrated by manipulation of electoral process, rigging, and disenfranchisement of delegates and candidates during party primaries, particularly in the APC. Court rulings on most of such litigations reached the Supreme Court and even led to the exclusion of political parties from governorship, national and state assembly elections in states like Rivers and Zamfara. Some of the rulings were delivered few days to the elections like the litigation against governorship candidacy of APC in Taraba, PDP in Kano, APC in Enugu and APC in Zamfara.

As a result of the panel/court rulings, INEC was forced to print new ballot paper either to remove or add the logo of such candidates and parties. This inflated the appropriated amount for the elections that negatively affected governance finance. In addition, the late court verdicts incapacitated some of the candidates and parties from participating in the elections or limited their chances of vigorous campaign and victory as was the case in Ekiti and Osun governorship elections, while the party logo of disqualified candidates and parties were still found in the ballot paper in elections that they were not contesting.

The outcomes of such litigations, sometimes, lead to the removal of already sworn-in Governors, Senators, members of federal House of Representatives and state assembly members; the conduct of new round of elections, and the altercation of existing national unified election timetables. For instance, it has led to staggered governorship elections in Anambra, Kogi, Ekiti, Osun, Edo, and Bayelsa states while elections are conducted uniformly in the remaining 30 states and Abuja. This has serious implications for incumbent president and his party bid to control all the states in Nigeria. It has led to discrete manipulation of electoral process, voting, and the imposition of their candidate such as the Ekiti and Osun experience. This is another potential source of political instability.

The entire legal system was ridden with controversial and illegal suspension and later retirement of the Chief Justice of Nigeria - Justice Walter Onnoghen - three weeks before the 2019 scheduled election-day for the presidential race. The Code of Conduct Tribunal lacks the legal and/or Constitution power to order the executive branch of government to suspend a public officer who is undergoing trial at the tribunal is demonstrated in Justice Onnoghen's case. The suspension violated Section 292 of the Nigerian Constitution, was lacking in merit though sustained by judicial partisanship and mediocrity, divisive in nature as it generated public phobic pressure between the North and South, and retarded the national integration efforts. The presidential action undermines the security of judicial tenure, damaged judicial independence and seriously compromised the division of powers inherent in both presidential and democratic system of governance.

The Chief Justice of Nigeria is responsible for constituting presidential election panel at the Supreme Court and doubles as its chairperson. Prior to this, some Honourable Justices of the Supreme Court were harassed, arrested with attempts to remove them from office using the Economic and Financial Crimes Commission (EFCC) and the Department for State Security (DSS). All these were allegedly prompted by the incumbent's preparation for legal victory due to the planned disenfranchisement and manipulation of electoral results in favour of his party - APC.

This assumption is not out of place considering that the suspension occurred prior to two sensitive pre-electoral Supreme Court cases on APC internal conflicts that threaten its participation in the general elections in the traditional PDP strongholds of Rivers and Zamfara states. This assumption, however, played out in the worst, longest and notorious Court of Appeal ruling on elections petition Nigeria ever had, and its handling at the Supreme Court of Nigeria. The rest is story but there is uneasy calm across the country. During the proceedings, the chairperson of the presidential panel behaved inappropriately, refused to give sufficient time to the plaintiffs and defence team, and even threatened to jail journalists who are covering the proceedings on 21 March 2019. The object of the panel's rulings as delivered by the chair contradicted all known rules guiding evidences during civil proceeding, and the Constitutional requirements for running for the seat of the president. The Supreme Court, which would have given informed legal interpretations to all the controversies in the ruling, simply struck out the appeal without hearing – an abuse of legal process and the rule of law. This was to shield itself from the unavoidable and objective legal argument that may be presented by the appellant, which ought to reverse both the presidential panel ruling and INEC declared elections.

Consequent upon the above exposition of experiences that destabilised the political system particularly between 2011 and 2019, it is, therefore, innocuous to infer that infringement on people's voting rights or disenfranchisement of voters leads to instability in the political system.

## **6. SUMMARY/RECOMMENDATIONS**

Voters' disenfranchisement in the Nigeria's electoral process dates back to the beginning of electoral system itself. However, its form and perpetrators have continued to change overtime. Prior to the 20<sup>th</sup> century, political party leaders and followers embark on different kind of rigging, illegalities and belligerent actions aimed at scaring voters away, manipulating the electoral process to their advantage. However, where resistance ensues, violence, killings, arson and corruption take over with a view to either alter the popular mandate of the people or prevent them from voting during the process in favour of an anointed party and candidate. In many occasions, those that were deprived of victory equally employ the instrumentalities of destruction, killings etc. and at extreme, military coup d'état becomes the most viable option.

With the advent of civilian administration or current democratic dispensation, political reforms were introduced to curtail and/or eliminate such experiences. Nevertheless, the reforms ushered in another dimension of voters' disenfranchisement since 2011. In the new era, the electoral management body i.e. INEC and the judiciary instead of the political parties and their followers are now the perpetrators of electoral fraud, rigging and disenfranchisement of voters under the cover or shield of incumbent political office holders. The apogee of this abuse has been manifesting in Supreme Court judgements as reflected in the 2019 presidential elections and Imo gubernatorial elections litigations. The unmitigated consequence of the above development has been political instability and high level political apathy in Nigeria.

These have serious implications for national integration, rule of law and democratisation in the country. Many aggrieved groups or nationalities have launched their campaign for self-governance or autonomous existence such as Boko Haram in the North East, Indigenous People of Biafra (IPOB) in the South East, the El-zazarky Islamic Shiite movement in the North Central, and renewed militancy in the Niger Delta etc. The formation and legalisation of Amotekun in the South West validates this assertion. To arrest the above situation, this paper recommends:

1. The de-politicisation of the INEC and the granting of its full independence.
2. Instead of the executive, whose authority pyramid enthrones one person, that is the president as lord of the manor, the national assembly should supervise the activities of INEC. This is expected to generate balanced control as the national assembly is made up of many lawmakers from different political parties.



3. Constitutionalism should be re-introduced as instrument to deal with election irregularities, corruption, mismanagement, and wilful disenfranchisement of voters by INEC. This will restore credibility and legitimacy to the electoral system, election results, and the regime that it produces.
4. INEC to embark on regular voter registration and review, distribution of voter card or the PVCs without waiting for the election year and time before.

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