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Electoral Commission And Democratic Consolidation In Nigeria In The Fourth Republic: A Critique

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Abstract

Since the return to civilian rule in 1999, Nigeria's Fourth Republic has witnessed recurring challenges in the conduct of credible elections, raising concerns about the role and effectiveness of the Electoral Commission in democratic consolidation. Hence, this study critically examines the performance of the Independent National Electoral Commission (INEC) as the central institution mandated to organize and manage elections in Nigeria. It interrogates the extent to which INEC has contributed to or hindered the process of democratic consolidation through its conduct, structure, legal framework, and operational independence. The paper explores key electoral cycles, highlighting systemic issues such as electoral fraud, political interference, logistical failures, and questions surrounding transparency and accountability. Relying on a qualitative approach, using data gathered from secondary sources, the critique identifies persistent institutional weaknesses that undermine public trust and democratic legitimacy. The study further evaluates reforms implemented to strengthen electoral integrity, including the use of technology and legal innovations, while noting the limitations of such efforts in the face of entrenched political interests and weak enforcement mechanisms. It argues that while INEC has made some progress, significant structural and political constraints continue to hamper its effectiveness. The paper concludes that democratic consolidation in Nigeria is contingent upon a truly autonomous, transparent, and adequately resourced electoral commission, as well as a broader commitment to institutional reforms and political accountability. Strengthening INEC is therefore both a technical and political imperative for deepening democracy in Nigeria's Fourth Republic.

Keywords: Democratic Consolidation, Electoral process, Electoral commission, Fourth Republic,

Election

Introduction

Electoral commissions play a pivotal role in shaping the viability and credibility of democratic governance particularly in diverse and complex societies like Nigeria. In Nigeria, a nation characterized by its multiethnic composition, diverse religious beliefs, and complex political history, the credibility of the electoral process is central to democratic consolidation, defined as the evolution of a young democracy into a stable and resilient system.

Questions concerning INEC's independence, effectiveness, and ability to guarantee a credible electoral process and elections continue to be at the core of Nigeria's democratic journey, despite the organization's crucial role in election administration. Instances of election-related violence, vote-buying, fraud, and disputes over the legality of results have prompted doubts about the commission's ability to deliver elections that contribute to the country's democratic consolidation. In light of the aforementioned, this work examines Nigeria's electoral commission's institutional structure, functions, interactions with important stakeholders, electoral offenses, electoral conflicts, and disputes. It also examined how these elements affect the consolidation of democracy, raising concerns about whether INEC has successfully carried out its mandate or whether its flaws jeopardize Nigeria's democratic advancement.

Research Methodology

This study adopted the historical narrative, analytical approach, as well as qualitative method. Both primary and secondary sources of data collection were used for the study. The primary sources consist of archival materials. The secondary sources comprise books, journals, articles, magazines, newspapers, government publications, theses, dissertations, and projects which were sourced from selected University Libraries in Enugu, Ibadan, Ile-Ife, Lagos, Benin, Kaduna; National Headquarters of INEC, Abuja, The Electoral Institute (TEI), Abuja, and research websites online like JSTOR and researchgate data collected were subjected to historical analysis.

Structure of INEC

Section 153 discusses INEC functions at the levels of the Federal, State, and Local Governments. To guarantee efficient and trouble-free administration of election activities, the electoral umpire is divided into multiple layers¹:

- National Headquarters: Plot 436 Zambezi Crescent, Maitama District, Federal Capital Territory, Abuja, Nigeria, is home to INEC's main administrative office. As required by law, the National Headquarters is in charge of establishing policies, supervising national election procedures, and directing the day-to-day operations of state and local government offices.
- **State Offices:** INEC has 37 state offices, one in each of Nigeria's 36 states and the Federal Capital Territory (FCT). These state offices coordinate election-related operations at the state and local government levels and carry out the directives and regulations issued by the national headquarters.
- Local Government Area (LGA) Offices: With 774 Local Government Areas (LGAs) spread throughout Nigeria, each state office oversees local government area offices. As suggested by the State's Resident Electoral Commission, INEC's national headquarters appoints an Electoral Officer (EO) to lead each local government office.

Composition of INEC

Section 153 of the Nigerian Constitution describes INEC's makeup, alongside the Electoral Act 2022 as amended². An Executive Chairman, Twelve National Commissioners, and 37 State Resident Electoral Commissioners oversee the commission. The composition consists of:

- Executive Chairman: The Executive Chairman serves as the commission's head and is in charge of its general administration and guidance. Subject to Senate confirmation, the President of the Federal Republic of Nigeria appoints the Chairman.
- National Commissioners: Nigeria's six geographical zones are represented by INEC's twelve National Commissioners, with two commissioners in each geopolitical zone. The Senate confirms their appointment, which is made by the President.
- Resident Electoral Commissioner (REC): A Resident Electoral Commissioner (REC) is appointed for each state to oversee its operations on a state-by-state basis. RECs are chosen by the President and confirmed by the Senate.

• Secretary: As INEC's chief administrative officer, the Secretary is in charge of the commission's daily administrative operations. The INEC management, led by the Executive Chairman, appoints the commission's secretary.

Powers and Functions of INEC

Section 153 (f) of the 1999 Nigerian Constitution (as amended) and section 148 of the Electoral Act 2022 (as amended) are the main sources of INEC's authority. The following are some of the commission's primary duties and authority as outlined in the Electoral Act³:

- Organizing and Supervising Elections: INEC is in charge of planning and carrying out elections for local, state, and federal offices, such as the FCT's Area Council, state assemblies, the National Assembly, the Governorship, and the presidency.
- **Political Party Registration:** INEC can register and oversee political parties. In addition to ensuring that parties adhere to the law, it has the authority to de-register parties that don't fulfill specific standards, like election performance. There are 18 legally recognized political parties in Nigeria as of January 31, 2025.
- Voter Registration: INEC guarantees that eligible voters are enrolled through continuous voter registration (CVR), which requires that they be Nigerian, be at least eighteen years old, and have never been convicted, among other requirements. Additionally, it is in charge of issuing Permanent Voter Cards (PVCs) through the Information, Communication, and Technology (ICT) department in each state and keeping the voter register up to date.
- Information and Education for Voters: INEC educates the public about their rights, obligations, and gender inclusion in elections. The VEP department is in charge of carrying out this task.
- Certificates of Return: INEC formally acknowledges elected candidates' victories through the Legal Department by issuing certificates of return to them following the conclusion of elections. Both the federal and state electoral commissions engage in this activity in conjunction with the legal department.

Electoral Commissions and the conduct of free, fair, and credible elections in Nigeria

To conduct free, fair, and credible elections, electoral commissions are essential. Their roles, organization, autonomy, and effectiveness have a big impact on the democratic process. The Electoral Commission must uphold several fundamental values and carry out crucial duties efficiently to guarantee free, fair, and legitimate elections. A thorough explanation of how INEC and other Electoral Commissions support free, fair, credible, and transparent elections are as follows⁴:

1. Independence and Impartiality

One of the most crucial elements in guaranteeing free, fair, credible, and transparent elections is the independence of an electoral commission. It must function free from political influence, prejudice, and meddling from the government, political parties, or other outside parties. In the interest of an open and equitable electoral process, an independent body ensures that decisions are made impartially.

2. Transparent Election Management

Voter registration, candidate nomination, campaigning, voting, sorting, counting, announcing the results, and awarding certificates of return to the winners are all handled by the Nigerian Electoral Commission, INEC. Each of these steps' transparency enhances democratic consolidations and fosters process trust.

3. Inclusivity and Equal Participation

In Nigeria, the Electoral Commissions play a key role in encouraging inclusive elections that allow all citizens to freely participate, irrespective of their social, economic, gender, or ethnic background. One of the main characteristics of democracy and legitimacy is inclusive elections.

As a result, the Electoral Commission makes it possible for men and women from all ethnic groups and faiths to vote and run for office. This entails removing certain obstacles that can keep women from casting ballots, pursuing political office, or taking part in election management. Additionally, particular efforts have been made to incorporate marginalized groups, including rural communities, the disabled, and ethnic minorities. Voter education initiatives, easily accessible voting places, and culturally relevant voter participation have all helped achieve this.

4. Voter Education

Campaigns for voter education and public awareness are crucial to an informed electorate. Nigerian electoral commissions inform voters on the voting procedure, the significance of elections, how to vote, and what to anticipate on election day. Campaigns for voter education also help to educate the public about any new laws or technological advancements, like the introduction of BVAS. When it comes to civic education, INEC works with civil society groups to advance more comprehensive civic education that emphasizes the rights and obligations of citizens under the democratic system. Additionally, INEC helps against election-related disinformation, especially in this digital era, where voting intimidation and disinformation that can cause unrest or lower voting turnout have been avoided with the use of timely, accurate information.

5. Monitoring and Observation

Independent local and foreign election observers are permitted and assisted by electoral commissions. Election process confidence is increased, and transparency is guaranteed through monitoring. All parts of the election process, including polling units and collation centers, are open to accredited domestic and foreign observers. For those who are interested in becoming an election observer and have met all the qualifications, the accreditation process is open, transparent, and free. Additionally, it is crucial to permit the media to openly cover the election process to foster openness and public trust. Therefore, to promote democratic consolidation in Nigeria, electoral commissions make it easier for the media to cover almost every election procedure.

Electoral Commissions, Stakeholders Relations, and Democratic Consolidation

In Nigeria, as well as other democratic systems across the world, electoral commissions, stakeholder engagement, and democratic consolidation are essential components. These elements work together in Nigeria to either reinforce or erode the nation's nascent and precarious democratic underpinnings, which in turn help to promote and fortify democratic consolidations. The success or failure of elections regarding Nigeria's democratic consolidation can be determined by the connection between these important stakeholders and the electoral

commission. The next paragraphs will look at each of these important stakeholders and how they relate to the election commission and democratic consolidation at large⁵:

1. Political Parties: The electoral process and the strengthening of democracy in Nigeria depend heavily on the country's political parties. Regarding INEC, its collaboration with Nigerian electoral commissions is essential to a seamless and successful election process. Getting the support of all Nigerian political parties is crucial. As a result, the Inter-Party Advisory Council (IPAC) was founded in 2006.

Every political party registered by INEC is an IPAC member. To maintain political stability, a seamless election process, and the operation of democratic ideals, INEC collaborates with the IPAC council. All parties' coalition voices are represented by IPAC. It should be mentioned that INEC has been able to carry out its operations within the political sphere more efficiently and effectively as a result of this collaboration and friendly connection.

Nevertheless, despite all these documented achievements, there have been cases where political parties have compromised the integrity and process of elections by engaging in actions like ballot box snatching, vote buying, voter intimidation, and election result manipulation.

2. Security Agencies: Security agencies are tasked with ensuring the safety of sensitive and non-sensitive election materials, election personnel, and the safety of voters. To achieve all of these, INEC, in its wisdom, established a committee known as the Inter-Agency Consultative Committee on Election Security (ICCES). ICCESS has the following members; INEC, National Security Adviser (NSA), Nigeria Police Force (NPF), Nigeria Correctional Service (NCS), Nigeria Army (NA), Nigeria Air Force (NAF), Nigeria Drug Law Enforcement Agency (NDLEA), Nigeria Security and Civil Defence Corps (NSCDC), Department of State Services (DSS), National Orientation Agency (NOA), Nigeria Immigration Services (NIA), Federal Fire Service (FFS) and National Youth Service Corps (NYSC). This committee is constituted at both the national level, headed by the Executive Chairman of INEC, at the state level, headed by the Resident Electoral Commissioner (REC), and at the Local Government level, headed by the Electoral Officer.

- 3. Election Observers: There are so many electoral observers both outside and within the country. INEC only engages with accredited election observers. All aspiring election observers apply to INEC through the Electoral Operations Department. However, INEC, at its discretion, verifies and accredits both international and domestic observers based on its antecedence, capacity, and adherence to the application rules and guidelines. Accredited election observers help INEC to follow and adhere to the rules of engagement by organizing free, fair, credible, and transparent elections. Post-election reports of accredited election observers help INEC to review and prepare for subsequent elections. INEC also engages accredited observers on the rules and regulations guiding them.
- **4. Media:** The role of the media cannot be overemphasized. The media is the link between INEC, the electorate and stakeholders. The media is a major key stakeholder in the electoral process; it sustains and enriches democratic consolidation in Nigeria. INEC relates to the media via the Department of Voter Education and Publicity(VEP).

The media help in disseminating vital information as well as educating the public about the core electoral process before, during, and after the election. Also, as a result of the increase in fake news across the country, INEC engages with the media to ensure accurate, unbiased, and timely reporting of news related to the electoral process. It is worth noting that with accurate and efficient dissemination of electoral information, the electoral process is well understood and there is large and significant adherence to the electoral rules and regulations, resulting in strengthening the democratic process vis-à-vis democratic consolidation⁶. Also, INEC holds quarterly consultative meetings with media Representatives known as "media parley".

5. International Partners and Donors: International Organizations play a major role in sustaining democratic consolidation in Nigeria. Some of these organizations include the United Nations, African Union, ECOWAS, International Foundation for Electoral Systems, UKAID, USAID, Consortium for Elections and Political Process Strengthening (CEPPS), United Nations Development Programme (UNDP), European Union (EU), etc.

These partners support the electoral process through funding, technical assistance, workshops, seminars, and capacity building.

6. Transportation Groups: A major proponent of a smooth, effective, and efficient electoral process is efficient, effective, and timely logistics and reverse logistics. One of the critical components of effective, efficient, and timely logistics and reverse logistics during electioneering is the swift and accurate movement of election personnel and materials, both sensitive and non-sensitive. To achieve this, the transportation groups are brought on board.

Hence, INEC signed a memorandum of understanding (MoU) with the National Union of Road Transport Workers (NURTW), Road Transport Employers Association of Nigeria (RTEAN), and National Association of Road Transport Owners to make their vehicles available for 3 days (1 day before the election, election day and 1 day after the election) across the country. As a result of this MOU signed in Abuja, these transportation groups release their vehicles to each of the 774 LGAs and FCTs across the country at discounted prices.

7. National Youth Service Corps (NYSC): A critical and vital stakeholder in the successful conduct of elections in Nigeria is the NYSC. As a result of the MoU signed by the Secretary of INEC (Mrs. Chinwe Augusta) on behalf of INEC and the Director-General of NYSC (Brig General Ochim Solomon) on the 24th of September 2013, INEC shall engage the services of serving corps members on an ad-hoc staff basis for its electoral duties, registration of voters, and election duties.⁷ INEC shall train the corps members involved for electoral duties before deployment and shall be paid an allowance as determined by INEC. It should be noted that this MoU has been renewed in 2017 and 2021 by both parties for a continuous and robust relationship.

From the foregoing, the interaction between stakeholders and electoral commissions is essential to the establishment of democracy in Nigeria. To solidify Nigeria's democracy, it is imperative to strengthen INEC, promote collaboration among interested parties, lessen election violence, and carry out extensive electoral reforms. Elections in Nigeria must be free, fair, and

accepted by all parties and legitimate as legitimate if the country is to fully consolidate its democracy.

Electoral Commissions and Electoral Disputes Resolutions

• Electoral Disputes

When voters, political parties, or candidates contest the legitimacy, integrity, or outcomes of an election, electoral disputes follow. These disagreements have the potential to erode the legitimacy of democratic processes and frequently result in conflict, instability, and even bloodshed, especially in weaker governments or newly developing democracies, where they may prevent the consolidation of democracy. Below is a thorough explanation of the various kinds of election disputes:⁸

1. Pre-Election Disputes

- **Problems with Voter Registration:** Violence frequently occurs when voters are registering. This could involve the registration of non-Nigerians or minor Nigerians. To avoid disenfranchisement or electoral fraud, voter registration procedures must be free, fair, and credible.
- **Disqualification of Candidates:** Political parties may contest their candidates' disqualification by the Electoral Commission (INEC) or in the courts. Typical problems include claims that disqualification is politically motivated or that candidates do not meet legal requirements (age, nationality, incorrect name, criminal record, etc.).
- Election Law Changes: Conflicts involving impromptu modifications to election laws or rules, like those governing campaign finance, candidate selection process, or voting procedures. Unexpected developments may be interpreted as attempts to support a single party and advance Nigeria's one-party system by the ruling party.
- Political Violence and Intimidation: Conflicts regarding the impartiality of the electoral process may arise from claims of political violence, intimidation, or harassment by competing political parties, militias, security forces, or sponsored thugs. This frequently includes making physical threats against voters, candidates, party members, or Electoral Commission ad hoc employees.

2. Election-Day Disputes

- Suppression of Voters: disputes arise when one party alleges that measures were employed to keep eligible voters from casting ballots. This can involve strategies like restricting polling units in areas where the opposition is strong, barring members of particular groups from voting (such as women, minorities, or those living in rural areas), and vote buying, as was the case in the most recent elections.
- Fraud and ballot stuffing: It's not uncommon to hear accusations of fraudulent voting practices like multiple voting, ballot stuffing, or destroying valid ballots. These disagreements can sabotage the electoral process and frequently center on whether the election was free from influence.
- Polling Unit Mismanagement: Disagreements may arise from anomalies at polling units, such as a late or delayed opening, a shortage of ballots or crucial voting materials, or biased election officials. Officials who are biased or lack proper training may occasionally purposefully or inadvertently interfere with the voting process.

3. Post-Election Disputes

- Vote Counting Irregularities: If one party alleges that the vote count was manipulated, either by prejudiced Ad-hoc officials, ballot box tampering, or inaccurate sorting and counting, disputes will usually surface during the counting process. Concerns regarding transparency in this procedure may be voiced by election observers and other election stakeholders.
- Delayed Announcement of Results Election results: delays in announcing election results may give rise to allegations of malfeasance and disagreements regarding whether the delay indicates vote or result tampering. Parties may occasionally contest the preliminary results before the certification of the final results.

Having outlined the nature of Electoral disputes, it is important to examine the underlying factors that contribute to these conflicts.

- Weak Electoral Institutions: INEC struggles to conduct fair and effective elections in some regions of Nigeria due to a lack of funding, inadequate training, difficult terrain, or political pressure.
- Lack of Trust in Electoral Processes: Conflicts are more likely to occur and ultimately result in electoral violence if voters lack confidence in the electoral process, including voter registration, voting procedures, sorting, or counting techniques.
- **Political Polarization:** In highly polarized political situations, conflict is frequently intensified when parties or candidates view elections as a zero-sum game, which is why some Nigerian politicians view elections as "do or die". Losing in these situations can result in a loss of finances, emotional safety, and even physical safety, as well as opening doors to depression, poverty, and intimidation.
- Ethnic, Religious, or Regional Divides: Because Nigerian politics are founded on ethnicity and religion, elections are more likely to be contested in communities where politics are sharply split along ethnic, religious, or regional lines. In these situations, disagreements have the potential to swiftly turn into more widespread social unrest and lead to nationwide electoral violence.

Electoral Dispute Resolution

To handle electoral issues, Nigeria has set certain legal structures. Therefore, Nigeria offers the following options for resolving electoral disputes:

- Election Petitions Tribunals: These specialist courts deal with cases that come up before, during, and following Nigeria's election process. They handle grievances regarding malpractices, election outcomes, and irregularities. Additionally, tribunals have the authority to consider petitions about the House of Assembly, National Assembly, gubernatorial, and presidential elections. According to their decisions, elections may be canceled, replays may be mandated, or a new candidate may be sworn in.
- INEC's Role in Conflict Mediation: INEC mediates conflicts during elections by collaborating with civil society groups and other parties, including the National Peace Committee (NPC), which is led by former Nigerian President General Abdusalam Abubakar. Talking with political parties and election observers, or monitoring organizations, is part of this.

Legal Framework for Electoral Disputes

Nigeria's electoral disputes are governed by the following legal framework:

- **Nigeria's 1999 Constitution:** It establishes the framework for election laws and describes the functions, composition, and authority of INEC and the election petition tribunals.
- The Electoral Act of 2022 as amended: This legislation lays out comprehensive rules for how elections should be conducted, including deadlines for petition filing, electoral offenses, and dispute resolution procedures. Additionally, it gives INEC the freedom to carry out its operations without worrying about repression or intimidation.

Major Challenges facing each Electoral Commission in the conduct of successful elections in Nigeria

Nigerian elections are conducted by the Electoral Commissions (INEC, NEC, NECON, and ECN). Even while they have made great strides, several obstacles still stand in the way of conducting elections successfully. Here are a few of the main obstacles or challenges:

Firstly, Ineffective logistical planning can result in inadequate staffing, delayed voter education, and delayed delivery of election materials and personnel to polling units. Disenfranchisement, vote delays, and a decline in public confidence in the process could arise from this. Additionally, Nigeria's enormous size, inadequate infrastructure, and tough terrain make it difficult to deliver voting materials accurately and on time to some polling units. For instance, security concerns and logistical challenges with material deployment caused INEC to postpone the 2015 General Elections. INEC again delayed the 2019 presidential election by one week, claiming that sensitive documents were not delivered to polling places nationwide promptly.¹⁰

Also, Elections may be challenging in some regions due to the existence of insurgent groups such as Boko Haram, banditry (in the northern portion of Nigeria), and intercommunal disputes. In areas that are prone to conflict, security issues may also result in lower voter turnout. Again, Elections in Nigeria are regularly marred by violence, particularly in conflict-prone areas or states with ethnic or religious sensitivities. Banditry, political thugs, and militant organizations are the main problems endangering the security of voters, election officials, and observers.

Examples include the 2011 post-election violence in which over 800 people were killed after the results of the presidential election were announced,¹¹ and the 2023 general elections, which were marred by violence in areas such as the Northeast caused by the Boko Haram insurgency.

Furthermore, while technology like BVAS and smart card readers has increased electoral transparency, there are limitations as well. Devise malfunction, poor internet connectivity, power outage, and inadequate ad hoc training can cause delay, errors and disputes. Voting in the 2015 presidential election was delayed, especially in rural places, due to the malfunction of numerous smart card readers. Additionally, the 2023 elections were tainted by several reports of Biometric Voter Accreditation System (BVAS) devices malfunctioning, particularly in remote polling units, and an instance of an INEC server failure that prevented the transmission of election results from polling units for a few hours. 13

More importantly, by applying pressure to electoral commissions, influencing elections with state resources, and controlling the security apparatus, political actors frequently tamper with the electoral process. 14 The Electoral Commission's credibility and independence are weakened by this. So endangers Nigeria's efforts to consolidate its democracy. There was mistrust in the process as a result of allegations that the government meddled in the appointment of INEC officials and manipulated the security apparatus to benefit the governing party in the run-up to the 2019 General Elections. Again, financial limitations frequently impede electoral commissions' capacity to perform election-related tasks efficiently. Election integrity is jeopardized due to logistical errors, inadequate training for electoral officials, inadequate voter education, inadequate funding, or delayed approval and payment of election funds. INEC frequently lacks sufficient resources, which has an impact on staff training, technology deployment, and the purchase of election materials. Despite the allocation of budgets, fund delivery delays are a frequent problem. Take the 2019 Elections, for example. Funds required for material purchase and election day logistics were not released on time, according to INEC's complaint.

Voter apathy is a result of many Nigerians losing faith in the voting process and being disillusioned with the political system.¹⁵ Additionally, issues with voter registration, limited access to voting places, and insufficient awareness efforts could disenfranchise millions of eligible voters. Due to persistent voting malpractices, many Nigerians believe their ballots are meaningless. Furthermore, 'he election process is weakened by corruption in political parties,

electoral bodies, or security forces. Public trust in the fairness of elections is weakened by opaqueness in the results' compilation and dissemination, as well as in the parties' and candidates' financial transactions. Lastly, Vote-buying, a common practice in Nigeria, where candidates and political parties try to influence voters by offering material or monetary incentives. It is important to remember that vote-buying started in the first republic, not the fourth. However, in the 2014 Ekiti State Governorship Election between PDP Governor Ayo Fayose and APC candidate Kayode Fayemi, vote-buying peaked under the fourth Republic. As a result, voters chose the candidate who could pay more (stomach infrastructure) rather than their conscience. 16

Conclusion

In conclusion, Nigerian electoral commissions have been crucial in forming the nation's democratic consolidation, but structural issues have limited their efficacy. Even though these commissions, in particular, the Independent National Electoral Commission (INEC), have improved the electoral process significantly, problems like corruption, political meddling, a lack of transparency, and logistical inefficiencies still damage their reputation.

Electoral commissions must be given more authority and funding to guarantee free, fair, and credible elections if Nigeria is to experience true democratic consolidation. The main goals of reforms should be to improve voter education, fortify institutional structures, increase the use of technology to reduce electoral fraud, and foster an accountable culture. To ensure that the electoral process represents the will of the people and promotes a more inclusive, participatory political system, electoral commissions in Nigeria can only make a significant contribution to the sustainability of democracy by tackling these issues.

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