

POLITICS OF INCONCLUSIVE ELECTION IN NIGERIA:1999-2019

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Abstract

There has been an increase of inconclusive elections in Nigeria, though it is a phenomenon that occurs in election, it is becoming a trend in Nigeria and is posing a great threat for the current and future electoral process in Nigeria. This menace hinders smooth transition in the democratic process in Nigeria. This paper seeks to examine the patterns and dynamics of inconclusive election in Nigeria, the factors responsible for inconclusive elections and its attendant effects on the electoral process in Nigeria from the perspective of the conflict theorists. Using the qualitative method of data analysis, the paper argues that politicians and political parties promote irregularities such as violence, provision of inadequate electoral materials, disregard for electoral laws, in order to desperately hold on to power, of which the end results are declaration of inconclusive election. Data used for the paper were collected from secondary sources such as textbooks, newspapers, online materials and journals. The paper recommended by stating that incessant inconclusive election can be curbed and arrested, if the INEC (Independent National Electoral Commission) makes stringent rules to guide the conduct of election, civil societies and non-governmental organization, which are election inclined are incorporated into the electoral process in Nigeria. More attention should be paid to the areas of security, voters are sensitized and enlightened. These measures if taken will tackle the problems of inconclusive election to a great extent and our democratic process will not be altered.

Keywords: Inconclusive elections, Democratic process, Good governance, Violence and Electoral laws

Introduction

Election is considered to be one of the key drivers of democracy because it engenders smooth transition in government, sustenance of democracy, accountability and transparency in government. It involves a formal decision making process by which the people select candidates that will occupy elective posts (Ebele, 2015). Effective conduct of election provides legitimacy, accountability and good governance in democratic regimes, the outcome of well conducted election justifiably declares the winner amongst the candidates and also encourages consensus and the promotion of divergent political interest for effective policy making and good governance.

Election thus represents a direct expression of citizens participation in the democratic process, it is against this backdrop that the Independent National Electoral Commission (INEC) was established under section 153 of the 1999 constitution and section 1 of the Electoral Act, 2011 as an Independent body solely responsible for conducting and coordinating elections and other ancillary matters in Nigeria (Ebele, 2015).

Prior to the 2015 general election, the term inconclusive election was not popular in Nigeria. Though inconclusive elections is a phenomenon that occurs in both developed and under-developing democracies around the world, in Nigeria it raises questions about the incompatibility of the electoral process with the changing patterns and realities of the country politics and the human agency that shapes it especially since the return to civil rule in 1999 (Habu, 2018).

Nigeria has witnessed in quick succession, series of inconclusive election that have resulted in supplementary elections held in some of the affected areas. These elections were characterized by violence which led to loss of lives, destruction of properties, irregularities, poor turnout of voters, malfunctioning smart card readers, theft of ballot papers etc. (Ebele, 2015). All these happenings have greatly influenced voters, stakeholders negatively and have provided fertile grounds for needless post-election petitions. These altogether has become a menace which is slowly turning into a norm and has generated a lot of controversies regarding the ability of INEC to conduct credible and conclusive general elections till date.

Inconclusive election did not exactly begin to occur recently; in fact past records have shown that there have been several of them. In 2011, Dora Akunyili contested for Anambra Central Senatorial seat in 2011, on the platform of All Progressive Grand Alliance (APGA) was on the lead with 66, 273 votes, her rival Chris Ngige of Action Congress of Nigeria (ACN) was trailed with 65,576 votes when the election was declared inconclusive, this action was based on the backdrop of cancellation of voting in several wards of the Senatorial; district and the number of registered voters in those wards was higher than the 698 votes difference between Akunyili and Ngige.

Other elections which were rendered inconclusive were the Anambra governorship election in 2013 between Willie Obiano candidate of the All Progressive Grand Alliance (APGA) and Tony Nwoye of the PDP, Governorship election in Bayelsa 2015, between Seriake Dickson of PDP and Timipre Sylva of the APC, Kogi state governorship election in 2015 between Abubakar Audu of APC and Idris Wada, the incumbent Governor at the time of the PDP and the Imo state governorship election in 2015 between Rochas Okorocha of the APC and Emeka Ihedioha of the PDP (INEC Nigeria; 2018).

From the aforementioned it can be noticed that the spate of inconclusive election increased from the 2015 election. It was thus reported that at January 2016, INEC was faced with about 82 re-run elections for Senatorial, Federal House of Representatives and House of Assembly seats across the country (Emoog, 2016:2).

The declaration of elections as inconclusive has raised more question than answers in Nigeria especially during an era of democracy where Nigeria is expected to be consolidating democratically. These expectations are even higher as the current leadership of INEC is expected to work on institutional weakness and lack of autonomy prevalent in the institution. This paper will thus examine inconclusive election in Nigeria and the issues surrounding it and make recommendations on how the problems can be curbed. This paper is divided into several

parts and they are the introduction, conceptual framework, theoretical framework, the pattern of inconclusive elections in Nigeria, their effect on the country's electoral and democratization process and conclusion.

Conceptual framework

Election

Democracy can be seen as a way of government which is firmly rooted in the belief that people in any society should be free to determine their own political, economic, social and cultural systems (Makinda, 1996 in Berouk, 2008). It is a political system which is designed to allow the participation of citizens in their government. The founding pillars of any democratic political system, whether fragile or established, remain undoubtedly election. Elections are therefore taken as the most critical and visible means through which all citizens can peacefully choose or remove their leaders (Anglin 1998 in Berouk 2008). Invariably, elections are the main catalyst that compel policy makers to pay attention to citizens (Powell 2000, in Berouk, 2008).

In general, elections in democracies serve former principal functions.

- ✓ Legitimization, the legitimacy of ruling elites in democracy is ideally conferred through free and fair or clear electoral processes that are free of corruption, intimidation or restricted choice.
- ✓ Exercising accountability: it is through electoral processes that leaders are held accountable by the people for providing security and fostering development or providing critical goods and services such as a stable environment for economic development.
- ✓ Choosing representation: representation is done through the nomination of candidates and list of political parties in relation to what they seek to represent.
- ✓ Exercising voice and aggregating preference: it gives meaning to the principles of political equality and popular control in democracy. In ideal conclusion, they also help to educate the voter by setting common agendas, defining the issue, articulating alternatives and option and engaging in competition with others on the best way forward (International IDEA, 2017).

They types of election in Nigeria include:

The primary election: it is organized by individual political parties, present in a country to select each party's nominee/representative for the general election. During the primary elections, voters are meant to choose between two or three voters. If none receives majority votes then a second primary election or a run-off will be conducted.

General election comes second on the list of election in Nigeria. It is held to determine and decide which political party or candidate will occupy the office opened for elections. In this case a voter must choose one candidate per office in general election.

Special elections are usually conducted when there is a necessity to fill a vacancy that occurs they include:

Bye election is an election to replace a member of any of the legislative houses or any elective position following a vacancy occasioned by death or when an incumbent becomes ineligible to continue in office.

Runoff election is an election conducted when the first election fails to produce a clear winner for the position of president or governor. This can happen when the candidate with the highest votes does not have the required votes spread in the affected states.

Re-run election is an election conducted when the first one is marred by malpractices or when electoral rules are flouted. A Re- run is also conducted when the number of votes cancelled exceeds the number of votes won by the contestants

Inconclusive Election

Election is said to be inconclusive when its outcome does not end with a winner that means it is unfinished, undecided and not finalized (Habu, 2018). An inconclusive election occurs when challenged ballots are not sufficient to affect the outcome of the election and one of the following occurs:

- The ballot provides for at least three choices, one of which is ‘no union’ or ‘neither’ and the votes are equally divided.
- The ballot provides for at least three choices, the choice receiving the highest number of votes does not receive a majority and at least two other choices receive the next highest and same member of votes.
- A runoff ballot provides for a choice between two labour organizations and result in the votes being equally divided.
- When the electoral body determines that there have been significant procedural irregularities (Cornell Law School).

Most often in the developed democracies, an election is declared inconclusive, rarely because of political violence but essentially due to the outcome of tally between two or more contestants or some breaches of enabling laws of the conduct of exercise.

It is pertinent to note that, with the experience of elections in other countries, re-run election are neither informed by electoral violence nor always the result of a legal tussle. It is because re-run elections are naturally built on their electoral process. Whilst in Nigeria the percentage of registered voters is used to calculate the expected turn out in election, this has had a debilitating effect on the electoral process in Nigeria as the use of registered voters may not provide the much needed percentage of the participation of the majority voters in re-run election.

An inconclusive election occurs in Nigeria when the electoral body using the powers conferred on it by the constitution, the Electoral Act and other related enabling laws, decide to cancel a first ballot or even a re-run election and fix a new date to conclude the poll in which a winner will be declared. The provision of section 53 of the Electoral Act 2010 (as amended) clearly makes a provision for the cancellation of polling units (PUs) with over voting and calls for the declaration of inconclusive election (Habu, 2018) section 53 (2) provides:

Where the voters cast at an election in any polling unit exceed the number of registered voters in that polling units, the result of the election for that polling unit shall be declared void by the commission and another election may be conducted at a date fixed by the commission where the result at that polling unit may affect the overall result in the constituency.

Inconclusive election can also be informed by other factors such as electoral violence, snatching of electoral materials and non-usage of the Smart Card Reader (SCR) in the conduct of elections, as seen in section 26 (1) of the Act which states that:

Where a date has been appointed for the holding of an election and there is a reason to believe that a serious breach of peace is likely to occur if the election proceeds with that date or its impossible to conduct the election as a result of natural disasters or other emergencies, the commission may postpone the election and shall in respect of the area or areas concerned, appoint another date for the holding of the postponed election. Provided that such reason for the postponement is verifiable.

Two types of inconclusive election prominently exist in Nigeria today and both are rooted in the conduct of election. They include: The INEC declared inconclusive election mainly arising from the conduct of first ballot election and is usually informal electoral violence, use of political thugs to distort election, snatching of ballot boxes and other materials, no use of SCR and so on.

Secondly is the inconclusive election declaration by the tribunal or courts. This occurs when the tribunal or court gives a judgment and declares an election inconclusive due to petition or complains from others or contestants. (Habu, 2018).

Theoretical framework

This research is anchored on the Conflict theory. The Conflict theory seeks to scientifically explain the general contours of conflict in the society, how conflict start and varies and the effect it brings.

The central concern of Conflict theory is the unequal distribution of scarce resources and power, a theory propounded by Karl Marx, suggests that society is in a state of perpetual conflict because of competition for limited resources. It holds that social order is maintained by domination and power, rather than consensus and conformity. Those with wealth and power try to hold on to it by all means possible, chiefly by suppressing the poor and the powerless. A basic premise of conflict theory is that individuals and groups within a society work to maximize their own benefits (Chappellow, 2019). Conflict theorists generally see power as the central feature of society, rather than thinking of society as held together by collective agreement concerning a cohesive set of cultural standards, as functionalist do. Where power is located and who uses it are fundamental to Conflict theory.

There are assumptions of the conflict theory and they are:

- Conflict theory focuses on competition between groups within society over limited resources.
- It views social and economic institutions as tools of struggle between groups or classes used to maintain inequality and the dominance of the ruling class.
- Marxist conflict theory sees society as divided along lines of economic class between the proletarian working class and the bourgeois ruling class.

Most of the conflicts that emanate in Nigeria electoral process of which inconclusive election is one, can be traced to competition between the powerful in the society. This political competition is targeted towards the control of the central government viz a viz the economy. Particular political party or group of persons has it within their interest take to monopoly over the government. The desperation to wrestle power in the home lands has reinforced the tendency of the political class to play politics vigorously to the extent of flouting political rules, electoral laws and other rules that guides the electioneering process in Nigeria.

Politicians bastardise enabling electoral laws in order to achieve or attain their political goals. One of the ways which politicians carryout this is by instigating and perpetuating mayhem, violence and other vices during on-going elections in order to distort such elections. Their action thus lead to the infringement of laid down rules for the conduct of free and fair and credible election, thereby resulting in cancellation of election results and the declaration of inconclusiveness of such election.

When this happens the electoral disputes which are meant to be settled at the election tribunal, fall right back into the hands of a judiciary which is controlled by the party in power. These courts or tribunal usually rule in favour of the party in power and they go ahead to nullify election and order INEC to organize a re-run election.

There are cases whereby a government of a political party in power refuses to release adequate electoral paraphernalia for election exercises. During the 2019 election, it was recorded that the Smart Card Readers were not sufficient for the elections, in fact areas which were fortunate enough to get the Smart card readers experienced malfunction of these machineries. Ballot papers and other equipments did not get to polling units on time, thereby distorting the elections in such areas which of course ended in inconclusive election.

Electoral management body, INEC has been weakened by the incumbent government as it restricts the powers of INEC thereby making it difficult for it to carry out its designated duties. Furthermore, INEC is usually infiltrated by officers whom are sponsored or bribed by high powered politicians to carry out or perpetuate their biddings.

Not to be left out are the re-run elections which are special in nature and their dynamics are also unique they are intricate and rather pose serious challenges that surpass those of the regular elections. They are usually very difficult to manage and execute given the heated contestation that characterized them (Habu 2318). Re-run elections are the veritable platforms on which politicians dramatize their hegemony and claim or reclaim power and influence (Agbaje & Adejurobi, 2006). The incessant political violence that characterizes inconclusive election during re-run election is highly informed by the inability of the politicians to reach a compromise, embrace political accommodation and agree to subordinate themselves to the enabling electoral laws. The political expediency of politicians normally determines the direction of political conducts to the extent that some elections have to go through two to three re-runs (Habu, 2018).

The patterns and dynamics of inconclusive elections in Nigeria

The declaration of inconclusive election did not begin with INEC as an electoral umpire; it began long before the 2015 general election. There were instances in the past, where elections were declared inconclusive such as the 1999 River State governorship election, 2011 Imo state governorship election and the 2014 Anambra state governorship election. Other cases of inconclusive election include governorship elections in Ekiti, Imo, Anambra, Taraba, Kogi and Bayelsa states in 2009, 2011, 2014 and 2015 respectively and also Anambra senatorial election in 2011 and Oguta constituency of Imo state in 2013.

The controversial nature of inconclusive elections in Nigeria began in Kogi state on 21st November, 2015, when the election, clearly won by the late Prince Abubakar Audu, but who died before the official announcement of his victory was declared inconclusive. The late Prince Audu of APC had won 240,807 votes while Idris Wada of the PDP scored 199,514 votes with a margin of 41,353 votes between them.

The Bayelsa's governorship election in 2018 was also declared inconclusive between Seriake Dickson of the PDP and Timipre Sylva of the APC platforms, with a margin of 33,154. Seriake Dickson of the PDP was leading the polls with 105,749. Dickson won the election in six unit of the seven local government areas in the state and Sylva had won just one LGA but the election was declared inconclusive following the cancellation of the entire votes in Southern Ijaw LGA as a result of massive electoral malpractice and violence.

The Imo state 2015 governorship election also followed the same trend and was declared inconclusive based on result cancellation resulting from electoral malpractices. At the time, Rochas Okorochoa of the APC candidate was leading with 385,671 votes as against Emeka Ihedioha of the PDP whom was trailing with 306,142 with a margin of 79,529 votes. The

election was declared inconclusive, basically as a result of the cancellation of 144,715 votes in several polling units (INEC, 2018).

On the Saturday, March 9th, 2019 Governorship and State Assembly Election conducted by the Independent National Electoral Commission (INEC) elections were declared inconclusive in six states, while the election process was completely discontinued in one state. The elections in Kano, Sokoto, Bauchi, Plateau, Adamawa and Benue state were declared inconclusive while INEC completely discontinued the entire process in River state due to violence and severe disruption. Several Senate and House of Representatives election from two weeks before the date of governorship elections where not concluded while many state Assembly polls were also disrupted (Daily Trust, 2019).

Several factors have been regarded as responsible for the increasing spate of inconclusive elections in Nigeria.

- Unnecessary rivalry between politicians, The Nigerian political class unashamedly promotes violence before, during and after elections through their utterances, actions and sponsorship of political thugs. The desperation of politicians to wrestle power by all means has informed their relentless efforts in hatching electoral violence which mars the peaceful conduct of election in disregard of the enabling laws.
- Shortcomings in INEC Technological voting materials have also dealt a major blow on the electoral process, there by leading to inconclusive elections. Staff recruited to carry out the electoral exercise are not adequately trained thus, they lack the technological knowhow as regards handling INEC paraphernalia. They were also breakdown of some of the equipment, especially the smart card readers which are needed to give accurate results from the process. This issue is a re-occurring one as it happens during every election period.
- Voter apathy: this factor has considered as one which has had great effect on election leading to inconclusive election. Voters in Nigeria are slowly losing faith in the electoral system of the country; this can be clearly seen from the number of people who register and also the number of people who come out to vote. According to facts garnered by the Election monitor 2016 team, in the area council (AMAC), the total number of accredited voters was 54,940 while the total number of registered voters in AMAC was 475,710 from these figures it is clear that the voter turnout was 11:55%. However, in the final result as declared on Sunday, April, 10 2016, the two leading candidates of APC and PDP had a difference of 5,372 votes. The total cancellation for this same election was 15,363 covering 6 registration areas and 14 polling units. Consequently, this election was declared inconclusive and was re-conducted in a later date (Ukwu, 2016).
- Another Argument points out that the weak organizational and administrative management of the electoral body, that is, election management body, INEC Nigeria is responsible for the rising trend of inconclusive election in Nigeria. These groups of people whom are mainly politicians consider the performance of INEC as dismal especially after the 2015 General Election. They regarded the leadership as technically and administratively unfit in handling competitive elections in the country hence, the body's indecision, arbitrariness and hasty declaration of inconclusive elections (Habu, 2018).
- Finally, there are a groups of people who argue that albeit the negative effect of frequent declaration of inconclusive election, the development is a sign of progress regarding the growth of politics which has been reinforced by increase in political activities and competition among political parties.

Attendant effects of inconclusive elections in Nigeria

Elections are supposed to impact positively on a nation, but they are slowly becoming a burden in Nigeria. Democracy can only flourish when the electoral process gives room for leadership legitimacy via free, fair and credible election. The uncertainties in the Nigerian electoral process, are slowly engulfing politics, the economy and the society at large. Inconclusive elections have therefore had a lot of consequences in Nigeria. The consequences of inconclusive elections include:

- Political apathy especially on the side of the electorates. Electorates are slowly losing hope in the electoral system and are shying away from participating in politics. Citizens who ordinarily should be participating in elections are no longer enthusiastic, voting is becoming more and more unpopular as electorates are no longer encouraged. Once voters fatigue creep in, either as a result of insecurity or nullification of election by a tribunal in a court of Appeal, they become reluctant to participate in the voting exercise.
- Inconclusive election also undermines the credibility and the capacity of the Nigerian electoral system this can therefore have a general impact on the participation of stakeholders in the elections in Nigeria. The reluctance on the part of the stakeholders will be based on the failure of subsequent election in Nigeria.
- Another looming consequence is that inconclusive elections allows for a wastage of finances and human efforts. Prior to elections, officials are rigorously trained to carry out the election exercise. In doing so a lot of time and finances are expended, all these come to a waste when such elections are declared inconclusive. Not to forget is the monies which are expended on election materials, which end up being wasted. Lots of money are usually appropriated to state for election exercise and these monies are hardly put to good use especially in cases of inconclusive election.
- Finally, democratic process of the nation is further endangered as politicians and political parties alike manipulate the process of elections.

Conclusion

In order to put an end to the decay to the electoral process in Nigeria, a lot of issues must be put into cognizance. Several recommendations are suggested in this work and they include:

- INEC, the electoral body in Nigeria must put in place stringent rules to guide the conduct of elections and stick by them. Though most institutions in Nigeria are controlled by the incumbent Political party, INEC as an Independent Electoral body must stamp its foot against some of the election irregularities like violence and general misconduct during elections. This can be done by deploying enough forces to polling units, wards to keep such units secure. In areas where the terrain is difficult like Kogi state, Borno State and others where polling units are far apart, more polling units should be created in order to reduce overcrowding.
- INEC as a body must allow for the support of other Civil society and non-governmental organization with special interest in election and the conducts of election. This will enable efficiency and effectiveness in the electoral process as most of these bodies cannot be manipulated by government.
- Voter's sensitization and enlightenment should be taken into cognizance. In this case, voters should be educated on how to go about casting votes, most importantly, they should be sensitized on how powerful their votes are, therefore they shouldn't at any time give up or sell their conscience to the corrupt politicians who are only interested in controlling power.
- Adequate and proper training in the areas of handling election equipments and also conducting of electorates should actually be given to electoral officials in order to ensure professionalism in the management of elections.

Finally, inconclusive elections are gradually taking its toll on the electoral process in Nigeria and there is a dire need to tackle this menace which is slowly eating into the fabric of our electoral system and the democratic process. The consistency of inconclusive elections in our present electoral system has brought more discredit in the process of democratization, in order for these to be tackled, the electoral body, civil societies, non-governmental organization politicians, political parties and other stake holders must play major roles in curbing and arresting this monster that is bound to destroy our democracy.

References

- Agbaje, A. & Adejumobi, S. (2006), "Do votes count? The travails of Electoral Politics in Nigeria" Republican Development. Vol. 31.No. 3, Special Issue.
- Berouk .M. (2008) Democracy, Elections and Political Policies: A Conceptual overview with special emphasis in Africa. A paper written for Institute for security studies paper 166. [https://www. Files.ethz.ch](https://www.Files.ethz.ch).
- Cornell Law School <http://www.law.cornell.edu/cfr>
- Daily Trust. (2019) Six inconclusive elections.www.dailytrust.com.ng. Retrieved on the 30/04/2019.
- Ebele,.O. (2019) Conduct of inconclusive Election in Nigeria: The ineptitude of INEC. [https://: www.inec Nigeria .org](https://www.inec Nigeria .org).Retrieved on the 26/04/2015.
- EMAOG. (2016) "Report of the Election Monitor Accredited Election Observer Group to the April 9th 2016 Federal Authority Area Councils Election in the Federal Republic of Nigeria."
- Habu,.M. (2018) Inconclusive Election and the Electoral process in Nigeria's post 2015 General Elections. *Nigerian Journal of political and Administrative Studies Department of political science. Vol4(1)*.
- INEC NIGERIA. (2018) A catalogue of INEC'S inconclusive Elections : 24/09/2018:/:34PM. www.pmnewsnigeria .com retrieved on 26/04/2019.
- International IDEA. (2017) Elections Electoral Systems: A Resource Guide in IDEA-9SOD-2017. <https://www/idea.int>. rerved on 26/04/2019.
- Nigeria Voice. (2016). Implication of inconclusive polls conducted by INEC for Nigeria's Democracy. m.thenigeriavoice.com/news. Retrieved on 07/05/2019.
- Punch. (2019) Inconclusive elections: Emerging threat to Nigeria's democracy? [http://:punch.ng.com](http://punch.ng.com). Retrieved on 03/05/2019.
- Ukwu, J. N. (2016). A critical analysis of INEC's series of inconclusive elections.www.legit.ng. Retrieved on the 02/05/2019