

## **A PROGNOSTIC ANALYSIS OF IMPLICATIONS OF INCONCLUSIVE ELECTIONS ON DEMOCRACY IN NIGERIA, 2019 AND BEYOND**

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### **Abstract**

*Democracy is adjudged the best form of government across the globe. Nigeria returned to democratic governance in May 1999 after many years of military rule. Since the reemergence of democracy in Nigeria, specifically from 2015 when Mohammed Yakubu became the chairman of Independent National Electoral Commission, the issue of inconclusive election has become more pronounced and worrisome. This study examined the implications of the trending issue of inconclusive election on the nascent democracy in Nigeria with specific focus on the national electoral body (INEC) and the conduct of 2019 general election. The study interrogated the following research question: is the spate of inconclusive re-run elections recorded by the national electoral body a threat to democracy in Nigeria? The broad objective of the study is to examine the implication of inconclusive election syndrome for Nigeria's democracy heading towards 2019. Documentary method of data collection which comprised content analysis of books, journal articles, and official documents was adopted. The paper used the theory of the post-colonial state of Nigeria to explain and predict the dilemma of the national body in the conduct of 2019 general elections. The study established that despite the good intentions of the electoral body to conduct the best election in 2019, the reality on ground portends a threat to democracy in Nigeria. The paper recommended among others the re-constitution of the entire electoral body with personalities versed with election management skills.*

**Keywords:** Electoral body, election management, inconclusive election, nascent democracy, governance.

### **Introduction**

The Independent National Electoral Commission is a body that has not fully gained the confidence of Nigerians. The low confidence rating of INEC has further been compounded by the spate of inconclusive elections recorded by the commission in recent elections. Since October 21, 2016 when Professor Mohammed Yahaya was appointed the new INEC boss, the electoral body has conducted three state elections – in Kogi, Bayelsa and Rivers states. Each of them was declared inconclusive. The spate of inconclusive elections in Nigeria has increased concerns about the electoral commission's capacity and readiness to handle elections in Nigeria. There are concerns that the scenario portends a bleak future for Nigeria's nascent democracy,

and that it suggests a high degree of fraud and suspicion both among the electorates, the electoral umpire, security agents and politicians.

Since the assumption of office of the current electoral umpire headed by Professor Mohammed Yahaya, inconclusive elections appear to be the order of the day. The scenario has cast doubt on the capacity of INEC to conduct free, fair and conclusive general elections in 2019. The River State polls were marred by varied degree of irregularities, necessitating the cancellation of elections in eight local government areas. The commission alleged that the election was characterized by high level of threats, violence and intimidation of election officials and voters by well-armed thugs and miscreants acting on behalf of some politicians. The Rivers State experience came on the heels of previous inconclusive elections conducted by the commission in Kogi and Bayelsa States which ended inconclusively. The supplementary and by-elections in states like Akwa Ibom, Abia, Kogi, Imo etc. proved difficult for the commission to handle. The Edo State governorship election was cancelled and rescheduled few days to the due date because of unsubstantiated security concerns. The irony of the spate of inconclusive election in Nigeria is the limited scope of these uncompleted elections. The pertinent question which agitates the mind is, if INEC is unable to cope with rerun elections involving only one state at a time, how would it, in one day, manage the general elections in 2019, involving the 36 states and the Federal Capital Territory (FCT)? The focus of this study is to examine the implications of inconclusive elections on nascent democracy in Nigeria.

## **Conceptual Clarifications**

### **The Concept of Election**

Election is seen as the process of choice agreed upon by a group of people, which enables them to select one or a few people out of many to occupy authority position(s). This process of choice usually involves rules and regulations designed to ensure a certain degree of fairness, objectivity and justice to all concerned. In the context of this study, election is the modern form of political recruitment by a larger number of people for the selection of a fewer number who assume legislative and executive powers of the state. It is indeed, the life wire of modern democracy. Election into state power positions is usually performed under the umbrellas of political parties. According to Nnoli (2003), "because elections involve competition among individuals and groups, it requires an umpire or referee that ensures that the rules and regulations of the competition are complied with irrespective of who is involved in the contest". The ultimate goal is to ensure that elections are objectively conducted with free, fair and creditable outcome.

The process of election administration in many emerging democracies has generated a great deal of controversy; especially with regards to the level of independence of the Election Management Bodies (EMBs), their professionalism and the acceptability of the elections they conduct. In Nigeria, the election administration process since independence in 1960, has often resulted in controversy and crisis; arising in part, from the perceived collaboration of EMBs with the successive

governments of the country's post-independence regimes Ekundayo (2015). The implication is that the history of election administration in Nigeria has been shrouded in controversy engendered by electoral irregularities.

Indeed, scholars see Nigeria's electoral bodies from different prisms. To some, headship of the body is exclusively for people who are malleable and ductile, which enables the power that be, to swing them like a pendulum to achieve their personal ends. Yet others see it as a body that leaves an indelible sear on its headship. This school of thought believes that no matter how morally upright a man could be, once he is appointed to head the electoral body, he would throw morality to the wind and dance to the whims and caprices of the masters by mortgaging the collective will of the people for that of the selected few who dictate what happens at the corridors of power. This school of thought seems to be holding sway because apart from the 2015 general election, appraisals of the past umpires show that nobody has headed the agency and come out unscathed. They had always been embroiled in one controversy or the other. The caliber of the past leaders of electoral bodies in Nigeria and how they ended their stewardship shall be discussed later in this paper.

### **The Concept of Inconclusive Elections**

Inconclusive election is a scenario where the electoral umpire fails to announce the result of an election due to some irregularities arising from cancellations in some electoral units which sufficiently negates the electoral laws, rules and regulations backing such election. Inconclusive elections arise due to some of the following conditions that undermine the credibility of the polls: lack of election in some electoral units; cancellation of election results from some polling or electoral units due to irregularities; serious security breach in significant areas of the electoral districts etc. The enabling legislation for elections in Nigeria stipulate that whenever the number of voters who were disenfranchised as a result of the negative incidents appear higher than the number or the difference between the presumed winner and runner-up of the election, such election should be declared inconclusive because those voters, if given a conducive environment to exercise their franchise, could change the entire result.

### **Theoretical Framework**

This study adopts the Marxist theory of the post-colonial state. The theory arose in reaction to the western liberal theory of the state, which contends that the state is an independent force and a neutral observer that caters for the interest of every member of the society. According to the Marxist theory, the state is the product and a manifestation of the irreconcilability of class antagonisms (Lenin, 1984:10-11). As Engels (1942:155) succinctly puts it:

The state is a product of society at a certain stage of development; it is entangled in an insoluble contradiction with itself that it has split into irreconcilable antagonisms which it is powerless to dispel. But in order that these antagonisms might not

consume themselves and society in fruitless struggle, it becomes necessary to have a power, seemingly standing above society, that would alleviate the conflict and keep it within the bounds of “order”; and this power, arisen out from it, is the state.

The state, which arose from conflict between classes, is as a rule, the state of the most powerful, economically dominant class, which by this means also becomes the politically dominant class and thus acquires new means of holding down and exploiting the oppressed (Jekubowski, 1973:1). Thus, according to Marx (1971, p.38) “the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisies”. The state autonomy in this class society is therefore more apparent than real for the state remains the instrument of the dominant classes for exploiting and suppressing the subordinate classes.

It is within the context of the specific character or nature of the neo-colonial state of Nigeria that one can explain and understand why the ruling class uses the electoral management body as a state agent to manipulate elections to its advantage. This also explains why elections over the years were marred by irregularities such as election violence, rigging, etc. to ensure victory for the incumbents. In Nigeria, for instance, the control of state power means access to wealth and influence and the consequences of its loss can be far-reaching. As a result, the political class in power strives to retain it by all means. The state in Nigeria is not differentiated from class struggle and economic competition. This clearly explains why apparatuses of the state, including electoral management bodies, are used to pervert the rule of electoral process to the advantages of the incumbent government.

### **Application of the Theory**

In applying this theory to the study, it can be deduced that the class character of the post-colonial Nigerian state is dominated by the current political party in government. Also, the current chairman of Nigeria's electoral umpire is the appointee of political party in power. The tendency of the electoral body to operate within the dictates of its appointee is conceivable. The incessant inconclusive elections so far recorded by the current election regime, is a threat to the fledgling democracy in Nigeria. Indeed, the trending inconclusive elections in Nigeria portend gloomy future elections in Nigeria, specifically the 2019 general elections.

### **Literature Review**

Extant literature exists on elections and electoral management bodies in Nigeria. Ogudiya (2000:25) asserts that “in political history of Nigeria, elections have failed to produce a procedurally legitimate government as election results are juggled, inflated or annulled”. In essence, the bedrock of democratic failures and political instability of the country lies in the absence of legitimate government. Momoh and Adejumobi (2000,P.10) emphasized the centrality of elections in a democratic polity. The scholars underscored this quite poignantly thus:

Elections occupy a central place in the democratic process through the animating force they provide for representative government. On the one hand, they serve as an instrument of legitimization for the state and those who managed the rein of state power, while on the other, they ensure political accountability to the people.

In similar vein, Obi and Abutu (1998) posit that elections offer the electorate the freedom of choice, the power to hold elected leaders accountable and provide against perpetuation of arbitrary rule. Bratton (1999) perceptively submits that in spite of the clear distribution between elections and democracy, elections remain fundamental, not only for installing democratic government but also as a necessary requisite for broader democratic consolidation. Similarly, although elections are insufficient to guarantee democracies, their symbolism is quite powerful and they are important in measuring public support (Breytendah (1997:57). Jinadu (2003:23) insists that the future of democratic politics is inextricably tied to the conduct of free and fair elections and a responsible party system.

Kurfi (1998:34) argues that “to Nigerian political practitioners, an election is only free and fair only when one’s party or candidate wins it. It becomes rigged, not free and unfair if the election is lost”. Thus in Nigeria, the fairness or unfairness of election is dependent on the fortunes at the election of the candidate or party making the allegation. Ayeni and Soremekun (1988:76) conclude that assessing the conduct of elections in Nigeria tends to be difficult, because rigging has become an instinctive reflex action among defeated parties and candidates; it is difficult to sort out the conflicting charges and claims. Dudley (1974:39), Nwachukwu (2003:4) emphasized the power of incumbency in Nigeria elections. Nwachukwu for instance, states that when politicians in both ruling and non-ruling classes regard politics as a zero-sum affair, the electoral process becomes bastardized and the political system put in jeopardy. He stresses that the desire to manipulate power of incumbency in order to remain in power, the desire to expand the power and influence imposed on the electoral body, were the major factors which affected past elections in Nigeria. Similarly to rig election by the ruling party is an easy operation technically since the government’s party commands the loyalty of the officials responsible for electoral administration. Faniran (2003:19) documents that “although the electoral rules were clear, both officials and politicians were bent on playing the games according to the rules which could favour the ruling party. Hence the behavior of the officials as well as politicians was incongruent with the competitive model of elections”.

Ake (1981:86) contends that “the high incidence of fraud in the electoral processes in the post-colonial state is a consequence of the contradiction between the overdeveloped state and the narrow resource base of the indigenous bourgeoisies”. Thecontending classes now desirous to build up their narrow resource base perceive the state as a veritable instrument for this purpose. Under the circumstances, the state gets immersed in class struggle instead of rising above it. This is why the post-colonial state is incapable of mediating the class struggle hence the incessant violence

in Africa. It is pertinent to note that despite impressive documentation on election and election administration in Nigeria, scholars have not actually mirrored their intellectual lenses on the consequences of inconclusive elections for the future of election in Nigeria, thereby creating a gap in literature. We shall try to fill this gap.

### **Institutional Requirements for Credible Election**

The prominent institutional requirements for a free, fair, credible and conclusive elections or electoral processes include independent judiciary, a well-developed system of political parties, security agencies, civil society organizations and a non-partisan electoral body, whose cooperation through the provision of logistical support is vital to the operation of the electoral body. While a well-developed system of political parties is a necessary instrument for competitive elections and an independent judiciary is essential for the resolution of electoral disputes, an independent and non-partisan electoral institution is of the greatest importance to the whole electoral process, this being the body that is conducting the elections. This is due to the fact that the quality and credibility of elections are directly related to the competency of the organizing institution (Edigheji, 2006; Yaqub, 2006).

### **Composition and Functions of EMBs:**

The Election Management Body must be truly independent, transparent and impartial in the performance of its functions as stipulated by law. It must also be perceived in reality by all actors in the electoral process to be neutral, objective, and creditable. Apart from the above, it must be competent in the discharge of its constitutionally assigned duties with minimal or no institutional, structural or financial hindrances. It must be truly independent in every sense of the word. It will be stressed here that without a vibrant, competent and strong electoral body, the conduct of elections would be seriously flawed and the whole democratization process thrown into disrepute or grounded to a halt (Luqman, 2009; SSAN, 2003).

The duties of an Electoral Management Body include:

- management of all elections as may be provided for by the constitution or laws of the country;
- registration of political parties in accordance with the provisions of the constitution or laws of the country;
- monitoring and supervision of the activities of political parties including their finances;
- arrangement of annual examination and auditing of funds and accounts of political parties and publishing of a report on such examination and audit for public information;
- preparation, maintenance and revision of voters register for the purpose of any election under the constitution or laws of the country;
- monitoring of political campaigns and provision of rules and regulations which shall govern the political parties;

- ensuring that all its agents which include permanent and ad hoc staff subscribe to the oath of office prescribed by law;
- delegation of its powers to any of its agents, representatives, or officers;
- execution of such other functions as may be conferred upon it by the constitution or laws of the country Musa (2001:9) and Okoh (2008:12).

To be able to carry out the above listed functions and ensure a viable and hitch-free electoral system, the electoral management body must be made up of men and women of proven integrity and honesty. This is a very vital factor which any electoral system must have, it is not negotiable. The electoral body must demonstrate a good knowledge of the electoral laws and operate within the framework of these laws in concert and in synergy with political parties, security agencies, media houses, civil society groups and other relevant stakeholders or actors in the electoral process. This is the surest way by which an electoral body can conduct a free, fair and credible election and maintain a viable and hitch free electoral system and electoral management. Electoral management therefore can be seen as the process of arriving at free and fair selection of candidates to fill public positions. Such activity necessarily should involve well-coordinated actions by men and women aimed at achieving the goal of peaceful and orderly elections in a political system. Consequently, the overall goal of setting up an electoral body is to ensure a viable electoral system and a hitch-free electoral management (Ighodalo, 2008). In summary, election management involves the management of the following:

- participation of the people in the act of electing their leaders and their own participation in governance;
- activities before, during and after elections;
- legal and constitutional framework of elections;
- the registration of political parties, regulation of political parties and financing of political campaigns;
- the authenticity and genuineness of voters register;
- the liberalism or otherwise of the political process in the country;
- the activities of electronic and print media in terms of access;
- the activities of security agencies and the government in power;
- the independence of adjudicating bodies of elections; and above all;
- the independence or lack of it of the electoral agency, organ or body.

### **Evaluation of Electoral Commissions since Independence**

As earlier pointed out and as it can be easily discerned from the historical analysis on electoral commissions in Nigeria, the history of electoral Management body is a history of dissolutions, constitution and reconstitution. Under these historical circumstances, it is therefore difficult for the Electoral Commission to develop, take root and build a culture of professionalism and expertise necessary for the conduct of credible and conclusive elections (Omoveh 2015). In such a situation whereby military interventions and transitional governments are very frequent and

rampant, the law and the constitution cannot work. The Commission is denied autonomy and independence as the power of incumbency by those in power or government is being used, misused and abused. The security agencies are deployed and used against opposition parties or alliances in order to keep those in government in power. This is why it becomes imperative to have election observation and monitoring in place (Okoye, 2007; Wordu, 2011).

The present electoral body (INEC), as currently constituted has structural and credibility problems which include allegations of bias, partiality and corruption leveled against it by the opposition parties. It is believed that INEC cannot be completely transparent, honest and unbiased in the conduct of elections because he who pays the piper dictates the tune. This belief is based on the modalities of appointment and funding. Both the appointment of key officers of INEC and funding of its operational activities are carried out by politicians in power (the President and National Assembly – Senate and House of Representatives). The issues of appointment and funding are good weapons that can be used to tame, cage or cow the electoral body by the government in power. Recently, electoral body in Nigeria, represented by the Independent National Electoral Commission (INEC) was nicknamed “Inconclusive National Electoral Commission” because of the allegation that any re-run election result that appeared not to be in favour of the ruling party was declared “inconclusive” by the commission. If INEC must perform transparently, honestly and honourably, these situations must be altered and the constitutional issues of appointment and funding must be given constitutional amendment in order to effect a change (Okoh, 2005). Another important issue that could make or mar an Electoral Commission is the Electoral Act or Law which contains elaborate provisions relating to the powers of the Commission; the National Register of Voters and Voters Registration; Procedure at Elections; Registration and Regulation of Political Parties; Procedure for Election to Local Government; Electoral Offences and Determination of Election Petitions. The due observation and adherence to constitutional and electoral stipulations and timeliness is fundamental to the credibility of elections (Ekundayo, 2015). This has been a fundamental problem confronting Electoral Commissions since independence. The processes and procedures enumerated in the constitution and the relevant electoral laws or acts are processes, steps and stages that must be complied with before the process of voting, collation and announcement of results is completed. If the constitutional, legal or electoral framework of an electoral process is faulty, skewed or manipulated, it may be difficult for such a result to be acceptable to the electorate (Okoye, 2007).

### **Implications of inconclusive elections in Nigeria**

In recent times, Nigeria has witnessed in quick succession, series of inconclusive elections that has resulted in conduct of supplementary in the affected areas. The states include: Kogi, Bayelsa, Rivers, Osun, Imo and Nasarawa, Edo states and the Federal Capital Territory. These elections were marred with violence which led to the death of people, destruction of properties, irregularities, poor turn-out of voters, malfunctioning smart card readers, theft of ballot papers, Ogwuda



(2017:1). These electoral irregularities resulted in the declaration of the elections inconclusive by the electoral body.

'Inconclusive' election threatens the credibility of Nigeria's electoral process. The vexing 'inconclusive' outcome of elections Nigeria has added impetus to convoking formal meetings and round table expert group discussions to understand the issues and challenges of inconclusive elections in Nigeria with a view to articulating what should be as against existing realities. This formed the theme of an expert conversation group on inconclusive elections in Nigeria held at the Sandralia Hotels, Abuja on June 16 2016. The group observed that the negative consequences of inconclusive elections in Nigeria can be far-reaching. It noted that inconclusive elections exacerbate voter apathy and challenges the credibility of Nigeria's electoral umpire, to manage the effective conduct of elections in the country. It is evident that each recorded inconclusive election incurs extra budgetary cost on government. Indeed, every declared inconclusive election, takes a chunk of taxpayers' money for fresh election; also it imposes great financial burden on electoral candidates and their political parties, thus heightening the stakes for corruption when such individuals get into public office. Moreover, each inconclusive election heightens further tension and sends the contenders "back to the trenches" and more lives and property likely to get lost.

The paper concludes that the bane of inconclusive elections in Nigeria is due largely to the intensified antagonistic measures deployed by politicians to control political power. Unrestrained by permissive society with compromising citizens and public sector agents, as well as weak institutional and legal framework to checkmate the decadence, the political class undermines the electoral process by sustaining conditions that according to law, renders inconclusive outcomes of elections inevitable. It recommends among others, immediate and strategic efforts to educate the voting public, and impose viable reforms that would empower institutions particularly INEC and security agencies, to act decisively and independently against electoral offenders.

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