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POLITICS OF INCONCLUSIVE ELECTION IN NIGERIA'S FOURTH REPUBLIC AND THE ROLE OF INEC IN 2019 GUBERNATORIAL ELECTIONS IN NORTHERN NIGERIA

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Abstract

Election is one of the vital processes that allow citizens to select their representatives who will take charge of their decision-making process for a specific period stipulated under the Constitution. The conduct of elections throughout the world has not been conducted without some degree of malpractice which led to the cancelation of the election result and was declared inconclusive, the Nigerian Fourth Republic particularly the 2019 gubernatorial election witnessed massive sparked of an inconclusive election. The aim of this paper is to examine the role of INEC in curbing phenomenon of inconclusive election during the 2019 gubernatorial election in Northern Nigeria. The paper used a qualitative research approach to get the relevant data from the selected informants from Bauchi, Plateau, and Kano, in which 9 informants were selected and interviewed comprised INEC, Political Parties, security agencies, and judiciary staff were selected as informants in which 12 informants were interviewed. The paper found that the introduction of higher technological devices in the election process has indicated that INEC has taken a vital step toward reducing the tendencies of inconclusive elections using PVC and a card reader machine to checkmate the total accredited voter-card in that polling unit, introduced inter-agencies advisory and voter education at all levels, and organizing workshops and seminar training for its members regularly to acquaint new knowledge of using machines and other created electronic devices during the election process. The study recommends the government and the election commission should stick to the laws and electoral acts in the conduct of the election process.

Keywords: Election, Inconclusive Election, INEC, Fourth Republic, 2019 Gubernatorial Elections

1. Introduction

The decolonization process in Africa which began in the late 1950s resulted in the shifting of different political structures, from military authoritarian rule to one-party dominating regimes and various degrees of civilian dictatorships. But in the 1990s, 40 nations were included in the third wave of democratization, which gained impetus when the Cold War ended. Constitutional rule, which is characterized by enhanced application of the law, more rights and liberties, and recurring multi-party elections, eventually superseded arbitrary rule. There had been nearly 400 competitive national elections held by 46 countries by 2015, up from just nine during 1985–1989. While democracy was far from stable, elections were now commonplace

and seen as a crucial tool for establishing political authority (Campion & Jega, 2023). These changes show that democracy has become the foremost form of government around the world (Diamond, 2005). These changes have successfully led to the moving away from a single-party to a multi-party democratic political system since the 1990s, ending single-party political systems and military dictatorships in some countries like Ethiopia and Eritrea in 1991 and even Mobutu appealed to stepping towards democratization process in 1992, ending Apartheid in 1994, Liberal democratic constitutions of Benin (1990), Mali (1992), South Africa (1994), Ghana (1993), Malawi (1994), Nigeria 3rd and 4th republics (1993 and 1999 respectively), Ethiopia (1995) and Eritrea (1997) has begun to reshape

the democratic face of the African countries, (Gebrewold, 2009; Ronke & Devid 2012).

This development of establishing democracy came with the idea of election which is one of the recent practices of democracy and the implementation of elections is fundamentally the people's power to select their leaders. Democracy and elections are two sides of the coin that are meticulously related, the operation of elections which is the people's desire, characterizes the perpetuation of a democratic system in a country.

However, these changes come with enormous challenges in the countries' electoral process. The electoral process in these countries can be regarded as the entire election cycle starting from the demarcation of electoral boundaries, registration of voters, candidate nomination, and election campaigns others include setting election time and announcement of election results along with the setting tribunal for resolution of electoral conflicts between associations and other groups (Elekwa & Okechukwu, 2014). This process has been always challenging of been associated with the massive irregularities that led to the cancelation of the election result by the election commission and court of law.

2. Literature Review

2.1 Conceptual Issues

This section discusses the conceptual framework of the variables that constitute the subject matter which aims to establish a linkage between concepts and advance a theoretical understanding of the subject matter.

Concept of Election

Election is the process of selecting who will guide and direct the affairs of government and for this to happen, the voters have the right to choose between candidates who will control the machinery of leadership locally, state, and at the central government (Moten & Islam, 2011; Mohammed, 2019). Elections provide people the opportunity to have an impact on how policies are developed and this will equally inflate the popularity of the current leadership and encourage public involvement in development (Igwebuike, Amechi, &

Ogbe, 2019). A similar study conducted by Zaiyan, (2017) believes that credible elections measure the success of democratic regimes and afford the citizens the latitude to periodically hold their representatives accountable. However, the conduct of Nigerian elections throughout the political history of the country replicates the wider range of malpractices in such a way that every election conducted in the country since the return of civilian rule in 1999 political ruling party has been characterized by disputes and accusations of widespread corruption, thief, violence intimidation of electorate to allocate votes and victories to its candidates without regards to their preference (Bala, Sani & Abubakar 2017). This situation has led to the cancelation of many elections that opened room for inconclusive elections in the country as witnessed a massive rerun in the gubernatorial election in northern Nigerian states in 2019.

Inconclusive Election

Inconclusive election is said to be when the outcome of the election does not produce a winner (Mohammed, 2019). This indicates that when no candidate meets legal requirements, scores the majority of eligible votes, and conditions for the declaration as winner of the election after polls that election is said to be inconclusive (Godwin, 2019). Announcing an election inconclusive is due to some factors such as electoral violence, snatching of electoral materials, and nonusage of the Smart Card Reader (SCR) in the conduct of elections (Mohammed, 2018). Based on the electoral law, Section 26 (1) stipulated that: "Where a date has been appointed for the holding of an election, and there is reason to believe that a serious breach of the peace is likely to occur if the election proceeded with on that date or it is impossible to conduct the elections 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 cogent and verifiable".

Concept of INEC

An electoral management body (EMB) is a body or bodies that oversee the conduct of elections. They are typically expected to be independent and unaffected by outside forces. The degree of power concentration or devolution that an EMB exercises depends heavily on the nation's political structure (Ezugworie, Ihekoromadu, Uchenna, and Quentin, 2020). Since the introduction of the election management body to manage the elections in new established democratic countries the quality of the election has been jeopardized, which calls into question the vital role of the election management body (EMB), civil society organizations (CSOs), and other electorate stakeholders. These have a very detrimental impact on how well elections are conducted. This detrimental effect is exemplified, among other things, by postelection violence, voter intimidation and suppression, and frequently contentious and contested elections (Adewale, 2022). These challenges were not been addressed until when the late President Yar'Adua won the election in 2017 during his inaugural speech to form an Electoral Reform Committee to review and overhaul the electoral process to prevent the system from collapsing due to widespread electoral malpractices carried out by the Independent National Electoral Commission in 2007 (Bukola, 2019).

It was discovered that, in contrast to earlier elections, the selection of Professor Mohammed Attahiru Jega signaled a fresh start for the planning of free and legitimate elections. Additionally, it was thought that using Direct Data Capture Machines (DDCM) and other technology tools to aid in the voting process was a positive move. These inventions and technological methods were introduced to lessen or eliminate rigging and manipulation (Ezugworie, et al, 2020).

Fourth Republic

The demise of General Sani Abacha on June 8, 1998, signified the end of the military junta's dictatorial government. The took over of General Abubakar's military dictatorship, made good on its promise by organizing and carrying out a brief transition period that ended in May 1999 and the first task on the schedule was drafting a new constitution to usher in the eagerly awaited Fourth Republic (Ebenezer, 2014). This development gave rise to Chief Olusegun Obasanjo's

election as the country's civilian president in May 1999, which was characterized as a contentious election stemming from faulty political procedures, intimidation, and blatant bribery, all of which served to diminish the importance of democracy. Despite several efforts to improve the election process, government's legitimacy has not improved because of the faulty elections which the international community generally decided to accept the 1999 election results for the sake of democracy (Wasiu and Mbah, 2019; Muhammed and Danladi, 2022). These challenges continue to affect the conduct of the Nigerian elections as witnessed by the massive electoral violence in 2011 inconclusive elections in the 2019 gubernatorial elections and other fundamental challenges of logistics and technological problems associated with the elections.

2019 Gubernatorial Elections

The Governorship election took place in Nigeria in 29 out of the 36 states of the Federation. The remaining 7 states have a different schedule for their election due to different circumstances, litigations, and other factors that altered their dates from the General Election. The States like Edo, Ekiti, Ondo, and Osun held their governorship election hold in 2017 and 2018 respectively with Bayelsa, Kogi, and Anambra to take place later in 2019 and beyond, and the results of the governorship election showing that the seats were shared nearly equally between the ruling APC and the main opposition PDP while no other party has secured any seat apart from them as indicated in the following (Sule, Adamu, and Sambo, 2020).

2.2 Theoretical Framework

This paper utilized the system theory prefunded by Von Bertalaffy (1956) to guide the study. The reason for choosing the system to guide the paper is since the theory is concerned with a complex of interacting elements. The center in relationships leads to the stand that the behavior of a single autonomous element is different from its behavior when the element interacts with other elements (Cristina, Jacqueline, & Francesco, 2010). The central relationship between different units

which leads to the sustainability of autonomous election has explained the key fundamental value of the election process in Nigeria. The theory is also relevant to the study because an inconclusive election was the product of the inability of one stakeholder to discharge its constitution and guideline principle assigned to it which affected the credibility of the election outcomes, hence election is the task of various units and failure or malfunction of a single unit will affect the entire election process which led to the cancelation of the election result and declared inconclusive election.

3. Methodology

This study utilized a qualitative method of data collection to obtain the relevant information from the selected informants. The primary source of the data for the paper was interviews in which 9 selected informants were interviewed from four categories of some selected stakeholders including INEC staff, political party officials, security agency, and judiciary staff where the inconclusive elections were held in their respective areas. The E-Election as the major theme was designed and the three sub-themes were equally profound to guide the paper. The study also supplanted with the

relevant documents from published materials which include journal articles, books, and government documents to support the research.

4. Results and Discussions

E-Election (Technology)

This section explains the data collected and analyses the findings of the data collected in which the study came up with one major theme and three sub-themes as indicated below. The section will also equally discuss the role of INEC in enhancing the conduct of the election, particularly the 2019 gubernatorial election in Northern Nigeria. As an empire of the election process the INEC by law is established under Section 153 of the Constitution, and its functions and powers are detailed in the third schedule, Part 1 Item F, paragraphs 14 and 15. Being the first to organize and supervise the election in Nigeria INEC was chosen to be the first category in the informant that will be given much in-depth understanding of the role first stakeholder in the election process (PLAC, 2019). Based on this, the following themes and sub-themes were presented in the table to identify the role of INEC in improving the election process.

Theme-1:

Sub-Theme I: Card Reader (E-Election)

Sub-Theme II: Training and Building Capacity

Sub-Theme III: Sensitization and Voter Awareness (Voter Education)

Sub-Theme 1: Card Reader and E-Registration

Concerned about major electoral fraud in previous general elections in Nigeria, the government through the Independent National Electoral Commission (INEC) took a bold step to introduce the use of innovative anti-rigging biometric devices involving automated fingerprints for identification in 2011 and Smart Card Reader for the confirmation or the validation of biometric permanent voters' cards which was partly to guarantee free, fair, and credible elections

(Ayobami, 2023). Nonetheless, the use of smart card readers sparked discussion among election stakeholders before, during, and after the 2015 general election (Eme-Uche, et al, 2018). Moreover, the challenges have not invalidated the effectiveness of the new technology induced by the INEC as witnessed in the study by Ayobami, (2023) on the Ekiti election 2022 in which no was no case of failed fingerprints and facial authentication during the conduct of the governorship election.

In the course of this paper, interviews were conducted with the different stakeholders on the role of INEC in strengthening and improving the election

In an interview with the INEC official (Key informant I) says:

"The introduction of higher technological devices in the election process has indicated that INEC has taken a vital step toward reducing the tendencies of the inconclusive election. The introduction of EVR and DDCMs will shape the election process to limit the irregularities in the conduct of elections in Nigeria"

Another INEC official (Key informant II) added that:

"The reform in the electoral process has opened the way to reduce inconclusive elections using PVC collected in each polling unit and a card reader machine which will checkmate the total accredited voter card in that polling unit and can easily assess the total number of registered votes given to each polling unit so that the tendency of over voting and snatching of ballot box will not help the perpetrators of irregularities during the election"

Another PPT official (key informant III) added that:

"INEC has done wonderful in the Nigerian electoral system by creating different technological equipment and processes for accessing credible elections but one of the central lapses of the commission is that in many instances, INEC gives much emphasis to the incumbent political party's chance against the other and this created a situation of uncertainty in election time and thereby creating tendencies of an inconclusive election"

Another JDCRY Official (Key informant IX) says:

"The introduction of the electronic voting system into the election process has improved the INEC readiness in reducing the level of electoral malpractices which led to the inconclusive election in Nigeria although there are many logistic and device failures in many places across the country which led to the cancelation of the election result from the commission"

JDCRY (Key informant V) added:

"INEC with the support of the government and other agencies has done well and transformed the electoral system in Nigeria because all elections that have been conducted in the country have in one way or another witnessed some level of new changes and improvements in the election process despite the challenges in some places by the commission in preparation and logistic problems"

Another informant Security Agency (Key informant VI) also affirmed that:

"INEC did little to overcome the problems of inconclusive elections in Nigeria because, the commission has transformed the electoral activities to the extent that new technology has been used to shape the election process and yet, the commission has been used by politicians to manipulate this process to win the election by all means"

The responses of the informants indicated that there are two levels of response the former acknowledged that the commission has made wonderful efforts to reduce the incidences of inconclusive elections in Nigeria by introducing the technological and electronic voting pattern through the use of PVCs and card-readers during all the elections.

On the other hand, the introduction of electronic devices in the election process according to Ayobami, (2023) lamented that the adoption of Smart Card Readers and other electronic devices dramatically improved the transparency and legitimacy of the 2015 elections. Both domestic and foreign observers recognized the efficacy of these technology facilitated electoral reforms. They minimized election fraud in terms of votes cast and accredited voters. These also lowered the inducement for ballot stealing. It significantly improved the transparency of the country's electoral process, as evidenced in the 2015 general elections.

On the other hand, the creation of the electronic device for the election didn't satisfy the equipment of qualitative and election free from irregularities and manipulations by stakeholders as witnessed in many states where the card-readers have not been used. In this regard, Abiagu and Abada, (2023) lamented the use of smart card readers for the 2015 elections even though the legality of these biometric devices is highly debatable and the challenges that heralded the use of these devices in the 2015 elections forced INEC to jettison its biometric guidelines and adopted the use of fraud-promoting Incidence Forms. This has indicated that the adoption of card-readers has been associated with some challenges which make many people question the integrity of the commission toward the credible election in the country.

Sub-Theme II: Sensitization and Voter Education

Voter sensitization and awareness is one of the fundamental principles used by the electoral commission to keep the voters aware of the preparation of the conduct of the election at all levels of the election process in Nigeria.

During an interview session with the INEC staff (I and II) confirmed that:

"INEC put efforts to reduce the inconclusive by introducing inter-agencies advisory and voter education and publicity committees at both state and local government areas to sensitize the electorate to maintain the process and election guidelines to have free election outcome"

Another PPT official (Key informant III) added that:

"As per as am concern INEC has been using different media and conferences to educate other stakeholders to understand and comprehend the provision of the law when it comes to the elections and even organizes workshops for all the political parties to know the procedure of the election process whenever the election is approaching"

The response of the informant is in line with the study conducted by Simon and Ayuba (2022) that the National Electoral Commission (INEC) uses several media channels such as mainstream media, social media, and town hall meetings, workshops, etc, in educating voters during the 2019 election in Nigeria which cost the commission budgeted 5.3 billion naira.

This has indicated that the Electoral Commission has done a lot to improve the quality of the Nigerian electoral process and conduct of the election toward securing quality and election free from irregularities.

It is confidentially admitted that the political parties acknowledged the government's through the election management has put effort toward strengthening the electoral empire has a great influence in improving the electoral body and new technological advancement for proper management of elections in Nigeria

Sub-Theme III: Training and Building Capacity

Considering the challenges faced by the election management has pushed the commission to introduce different levels of training among its staff as well as the ad-hoc staff recruited to hold the election exercise at different elections.

In an interview with the INEC officials (Key informants I and II), all assert that:

The reforms of INEC by the government have shown clear evidence of the commission's readiness to improve the election process and the commission has been organizing workshops and seminar training for its members regularly to acquaint new knowledge of using machines and other created electronic devices during the election process

The response of the informant is in line with the study conducted by the former commission chairman Iwu (2021) that the commission keyed into INEC sustainable capacity building SBC programs, the objective of the program is to analyze the number and quality of the staff nationwide, and to determine the knowledge gap existed among staff and improve the capacity of staff to deliver election. The above assertion by the informants is in line with the study conducted by (Omotola, 2011) understanding the challenges and unprecedented malpractices during elections in Nigeria, has necessitated urgent electoral reform by the Nigerian government. This has indicated the important trend that has shaped Nigerian elections in the Fourth Republic has been the evolution of Nigeria's electoral administration body, the

Independent National Electoral Commission (INEC). In this regard, since the rebirth of the democratic dispensation and the first three presidential elections of the Fourth Republic (1999, 2003, and 2007) came to be renowned for various forms of fraud and electoral manipulation, including violence, political assassinations, and outright ballot snatchings (Husaini, 2023).

This phenomenon of election malpractices has further indicated the Fourth Republic has been subjected to petitions for the integrity of the election conducted at the court of laws and tribunal which resulted in the overturning of the electoral outcome by these legal institutions. This has fueled the case for e-voting, which is seen as having the potential to reduce human manipulation and increase trust in the electoral system (Folarin, Ayo, Oni, and Gberevbie, 2014).

It was also acknowledged that the bad impression of INEC made the then president Yar'adua challenge the election that brought him to power as being the worst election and quickly set up the committee to review the 2007 general election. The committee was headed by Justice Mohammed Uwais to investigate the 2007 elections and propose reform measures to improve the electoral process in the country. It found that the factors responsible for electoral irregularities, malpractice, disruptions, and violence 'include, among others, the character of the Nigerian state as the arena of electoral contests, the existence of weak democratic institutions and processes, negative political culture, weak legal/institutional framework, and lack of independence and capacity of electoral management bodies' (Remi, 2012).

Immediately after the recommendation, the INEC's modernization plan was the introduction of the Electronic Voter's Register (EVR) which was adopted in 2007 for the registration of prospective voters and involved the use of Direct Data Capture Machines (DDCMs) to capture the records of voters electronically to eliminate most of the problems associated with previous elections and ensure free and fair elections in Nigeria (Omolayo. Toba, Omodunbi, Okomba, and Odiase, 2022).

At the state level, the elections since 2019 have equally featured both uncertain logistical failures and legal disagreements. The introduction of a new Bimodal Voter Accreditation System (BVAS) that features a fingerprint scan and facial recognition technology election results have continued contentious at the state level with various governorship polls having been overturned by courts.

5. Conclusion and Recommendations

Inconclusive elections in Nigeria have been considered one of the most worrisome phenomena in the history of the country's political development particularly in the Fourth Republic. The scenario of the inconclusive election has become a regular future of all elections conducted by the Independence National Electoral Commission (INEC). The rise and spark of the incidences of inconclusive elections have been a source of concern among different political actors and analysts Government has different steps to improve the electoral process in Nigeria and of the most profound was the Uwas committee formed by the former president Yar'adua that the election brought to him was full of fraudulence and irregularities associated with its conduct, the committee recommended the forming and reorganization of the commission to meet the new technological system in the conduct of the election. Since then all the previous governments have done well in putting more effort into strengthening the commission and it is still making the elections end up in questions rather than answers, the inconclusive election that has occurred and reoccurring in every election conducted has been the challenge facing the commission. As such many scholars and analysts have been coming up with reasons for the higher rate of inconclusive in the country

Several reasons have been speculated by the scholars on the why inconclusive election occurs, In a study conducted by Mohammed (2019) in his book The Dilemmas of democracy civil society and Development in Nigeria's Fourth Republic, it is believed that the inconclusive election was the product of the desperation of politicians to manipulate the election process in their favor; weak organizational and administrative management of elections by the electoral body and inadequacies with the legal framework of the election. It is against this assertion that many politicians in every bid of the election process use all avenues at their disposal to manipulate the election process in their favor by twisting the election guidelines and regulations.

Although stakeholders have divergence opinions regarding the inconclusive election concerned that INEC, Security agencies, and the Judiciary believe that the inconclusive election was the product of a violation of electoral rules and regulations during the election days by mostly disparate politicians who wanted to win the election at all cost have pushed the election into the situation of cancelation stages to take advantage from the results election using either the political thugs or other part of the stakeholder to weaken the process.

It was gathered that inconclusive elections in the study areas were due to many factors, including tearing of elections results in different poling units and electoral violence in many parts of the cities on election day. In Tafawa Balewa the result was squeezed and even torn by the thugs and in many local governments a lot of poling units were attached and catted away the election materials which led to the cancelation of the election results that made way for the inconclusive election and the margin between two candidates was also contributed toward leading to the inconclusive election in the first round of the elections. In this regard, the Electoral Act stipulated that.

 Governments and other stakeholders should engage in promoting public understanding about the implications attached to the violation of election guidelines and rules through mass media and other channels of communication in the country.

- ii. The INEC should also enhance transparency and accountability in the electoral process by providing regular updates and detailed information on the use of technology, election procedures, and results.
- iii. The INEC and government should stands on improving communication with stakeholders can help enhance the credibility of INEC and foster trust among the electorate.
- iv. Government and election body should introduced programs and civic education initiatives to educate the public about the electoral process, the role of technology, and the factors contributing to inconclusive election outcomes.
- Empowering voters with knowledge can lead to greater participation and confidence in the electoral system.
- vi. Government through its regulatory agencies should make it a policy that the lawbreakers should be punished according to the provision of the laws.
- vii. All the stakeholders should as a matter of urgent sensitize their workers to adhere to the rules and regulations.

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