

ELECTION PETITION TRIBUNALS AND CONSOLIDATION OF DEMOCRACY IN NIGERIA: INTERROGATING THE 2019 POST ELECTION LITIGATIONS IN IMO STATE

Tukura, Nashuka Tino

Department of Political Science
Federal University Wukari, Taraba State
Email: tukura.tino88@gmail.com

&

Tukura, Daudu Fwaje

Department of Political Science
Federal University Wukari, Taraba State
Email: fwajetukura@gmail.com

Abstract

In Nigeria, decisions on election petitions by Election Petition Tribunals and courts of competent jurisdiction have often imparted on the polity and sometimes influences political parties and voters' behaviour on the process of democratic consolidation. The judiciary is one of the important institutions of government that is expected to be neutral and independence of other arms of government to guarantee the principle of separation of powers and check and balances. Over time, the judiciary in Nigeria has made strides in its effort to ensure the deepening or consolidation of democracy especially in the Fourth Republic which started on 29th May, 1999. However, the 2019 governorship post-election litigations in Imo State by the Election Petition Tribunals and the Supreme Court generated a lot of arguments and counter-arguments from individuals, political analysts and lawyers alike as to the potency of the judgment. This paper therefore, takes a look at the critical issues from the 2019 governorship post-election litigations in Imo State and consolidation of democracy in Nigeria. The paper adopted the documentary method of data collection and utilizes secondary sources; and relays on content analysis as its method of data analysis. This paper observed that, the lack of judicial independent especially on the appointment of judges, impact negatively on post-election litigations in Nigeria which in turn undermine democratic consolidation. The paper recommends among others; that for the judiciary to be truly independent appointment of the CJN and other judicial officers should be done by NJC to avoid interference or influence from other arms on matters of judicial prerogative to reflect that the Judicial is actually the last hope of a common man.

Keywords: election tribunal, democratic consolidation, election, petition and litigations

Introduction

Since the return of Nigeria to the path of multi-party democracy in the Fourth Republic on 29th May, 1999, decisions on election petitions by Election Petition Tribunals and courts of competent jurisdiction have always imparted on the country's polity hence not only undermining the Nigerian jurisprudence but also influencing political parties and voters' behaviour which in turn undermine democratic consolidation. The recent Supreme Court judgment on the 2019 governorship election in Imo state has continued to generate mixed reactions, arguments and counter arguments as to judicial neutrality. However, a cursory look at the Nigeria's political history reveals a plethora of instances

of such earth-shaking judgments that had affected the course of democracy in Nigeria (Sobechi, 2020). For instance, the 2007 governorship election in Rivers which was a race between the People's Democratic Party (PDP) and the All Nigerian People's Party (ANPP) that provided a great consequence of judicial pronouncement is a typical example in this direction. Although the PDP defeated the ANPP amid allegations of rigging and ballot snatching, the legal tango that proceeded to the Supreme Court was intra-party conflict between Celestine Omehia and Chibuike Rotimi Amaechi over who was the validly nominated candidate of the PDP. The Supreme Court in its ruling on 25th October, 2007, read by justice Mohammed Muntaka-Coomasi sacked Omehia and declared Amaechi as the authentic candidate for the PDP arguing that the Abuja division of the Court of Appeal erred in law to have ruled in favour of Omehia, stressing that Omehia had no stake in the case he filed (Sobechi, 2020). Celestine Omehia rejected the decision of the Supreme Court and attempted to get the Court to review its judgment but to no avail. However, twelve (12) years after the contentious judgment, the Supreme Court on its judgment in the case of Abdulrauf Abdulkadir Modibbo versus Mustapha and two others, over who was the rightful APC candidate for the Yola North/South in the 2019 General Elections, declared that the controversial law relied on in the Amaechi versus Omehia case had lost the potency to serve as judicial precedent because section 141 of the 2010 Electoral Act as amended stipulates that 'before anybody is declared elected in any election, such a person must participate in all the stages of the election' (in Sobechi, 2020). Within this context therefore, it could be recalled that when Amaechi name was substituted for Omehia after the December 2006 primaries of the PDP, Amaechi left Nigeria for Ghana and did not participate in all the stages of the 2007 election. In the same vein, the governorship and legislative tribunals in Abia, Bayelsa, Enugu, Adamawa, Ondo, Ekiti, Kogi and Edo states nullified elections of state governors and some members of house of assembly in these states including elections of some members of House of Representatives and Senate. These nullifications were on the grounds of electoral malpractices; that a candidate did not score the majority of valid votes cast at the election, that the candidate was not qualified to contest election in the first place, that the election was invalid by reason of corrupt practices at the time of the election etc as contained in the Electoral Act, 2006 as amended (Iwejuo, 2011). In the case of Abia State, the lower tribunal nullified the governorship election on the grounds that the governor and his deputy were not qualified to stand for election, and that they did not resign their previous political appointments thirty days before election as stipulated by the Electoral Act, 2006. The Governor Theodore Orji challenged the verdict of the tribunal at the Appeal Court sitting in Port Harcourt, River State. The Appellant Court in its ruling crushed the decisions of the lower courts on February 11, 2009 (Iwejuo, 2011). According to Onoyume, et al (2009), the Chairman of the Appeal Court, Justice Saka Ibiyeye resolved the ten issues raised from the grounds of appeal in favour of the Governor of Abia State. In his words:

I resolve all the ten issues raised from the grounds of appeal in favour of the 1st and second appellants. The 1st and 2nd appellants are returned as governor and deputy governor of Abia State... relying on provisions of the constitution, the court held that Theodore Orji was not a public servant

at the time he contested for the governorship election (Vanguard, February 13, 2009, p.5).

The decision of this appeal court may have sent yet another wrong signal in the minds of well-meaning Abians (the electorates), who actually knew what transpired in their state before, during and after the 2007 election. Again, the judgment contradicted relevant section of the 1999 constitution. For instance, it violates section 12 (subsection I.g and h) of the 1999 constitution. In Bayelsa and Enugu states, the lower tribunal nullified the elections of Governors Timipre Sylva and Sullivan Chime. The decisions of the lower tribunal were based on the point that the elections of these governors contradicted relevant sections of the 2006 Electoral Act. Hence, the decisions of the lower tribunal were challenged by the governors in the Court of Appeal sitting in Port Harcourt and Enugu. The appeal Court crushed the decisions of the lower tribunal and ordered for re-run elections in Bayelsa and Enugu State (Iwejuo, 2011). In Adamawa, Sokoto and Kogi, the tribunals also called for re-run elections in view of glaring electoral irregularities and fraud perpetrated by the then ruling People's Democratic Party in these state (Iwejuo, 2011). In the past, various decisions of Electoral Petition Tribunals in Nigeria especially, the 2003, 2007 and 2011 post-election litigations had undermined democratic consolidation in the country due allegations of corruption and anomalies by members of those tribunals (Iwejuo, 2011). It is against this backdrop that the paper tends to interrogate the 2019 post-election litigations with focus on Imo State to determine whether the electoral tribunals and the courts have followed the laid down judicial procedures coupled with the doctrine of justice and fairness in the adjudication of electoral matters.

Conceptual Clarification Election Petition Tribunal

Election Petition Tribunal is a mechanism designed to address the seemingly alleged irregularities arising from electoral process and elections. It is premeditated in the pursuit to consolidating a country's democracy. Election Petition Tribunals are specialized courts established by the Constitution to hear and determine petitions or issues arising from the conduct of an election. Election Petition Tribunals are types of courts with the authority to deal with problems arising from the conduct of elections (Iwejuo, 2011). These Tribunals provide a platform where aggrieved political parties or their candidates can seek proper redress in various circumstances allowed under the law for the purpose of resolving disputes arising from the conduct of an election. These courts are generally ad-hoc in nature and are to be constituted not later than 14 days before the conduct of an election and upon being constituted, open their registries for business seven days before the election. An Election Tribunal has the duty to determine whether or not an election was conducted substantially in accordance with the Constitution and the Electoral Act 2010 (as amended). In so doing, the Tribunal looks at: (a) The circumstances of the case, including the state of pleadings; (b) The credibility of the Petitioner's position and the nature and substance of the complaints of the Petitioner. (c) The attitude of the functionaries charged with the conduct of the election; and (d) whether the omissions complained of by the Petitioner, even if proved, affected the conduct of the election. However, achieving this important objective has continued to attract interpretations and criticisms from political observers and analysts in Nigeria. Electoral tribunal is expected both in principle and in practice to be comprised of impeccable judges with the responsibility of investigating what actually

transpired during an election. Such a tribunal is typically comprises of five (5) members; however, the Justices Uwais-led Electoral Reform Committee reduced it to three (3) to enable the members take sound decisions in case of disagreement among them (Iwejuo, 2011). Section 140 (1) of the Nigerian Electoral Act, 2010 (as amended) stresses the imperative for electoral tribunals and the process for questioning the return of a candidate as duly elected after election. This section stated as follows:

No election and return at an election under this Act shall be questioned in any manner other than by a petition complaining of an undue election or undue return (in this Act referred to as an “election petition”) presented to the competent tribunal or court in accordance with the provisions of the constitution of this Act....

Democratic Consolidation

There are diverse understandings and explanations of democratic consolidation, mainly, when the process ends. There are four reference points: avoiding the breakdown of democracy, institutionalizing democracy, quality of democracy, and “two-turn-over test” of power (Omenma et al, 2017). Schedler (1997) and O’Donnell (1992) cited in Omenma, Ibeanu and Onyishi (2017), associated democratic consolidation with a democratic government that avoids all possible factors that lead to a breakdown or eliminating all risks that will likely result to democratic breakdown. By this definition, democratic consolidation advocates “survival,” “stability,” “sustainability,” or “tenacity” of democratic values. This view is also connected to “democratic survival” or avoiding degeneration to non-democracy. However, there is generally a measurement problem if we subscribe to this definition because it is difficult if not impossible to measure survival. Some Scholars emphasis on “institutions” building (Schmitter, 1988; Linz, 1990; Schedler, 1997; Przeworski, 1991 quoted in Omenma et al, 2017). Fundamentally, any democratic setting, where election has been accepted and appreciated as the only effective mechanism of changing government, democracy is likely to be ‘consolidated’. Linz (1990 in Omenma et al, 2017) on his part, describes democratic consolidation as a state of affairs when democracy must be perceived as the only game in town. Other scholars such as Schedler, (1996); Linz and Stepan, (1996); Diamond and Morlino, (2004); Roberts, (2009); and Munck, (2012) cited in Omenma, Ibeanu and Onyishi (2017), simply defined democratic consolidation as “deepening of democracy”, “high-quality democracy” or “quality of democracy”.

Huntington (cited in Omenma et al, 2017), argues that, democracy may be seen as consolidated if the party or group that takes power in the early election at the time of the transition, loses a later election, and turns over power to those election winners, and if those election winners then peacefully turn over power to winners of a subsequent election.

The 2019 Governorship in Imo State Election and Decisions of Election Petition Tribunals

In the Imo State governorship election of March 9, 2019, a former speaker of the House of Representatives and the PDP candidate for the election, Emeka Ihadioha was

declared winner haven polled 273,404 votes ahead of his closest rival and candidate of the Action Alliance (AA), Mr Uche Nwosu who scored a total of 190,364 votes; the candidate of the All Progressive Grand Alliance (APGA), Mr Ifeanti Ararume who polled a total of 114,676 votes came third ahead of Hope Uzodinma of the All Progressive Congress (APC) who polled 96,458 votes, while the candidate of the Accord Party (AP), Mr Ikedi Ohakim came distant fifth with a total of 6,846 votes (Alabi, 2019). Declaring the results, the returning officer of Imo State and Vice-Chancellor of the University of Agriculture, Umundike, Abia State, Professor Francis Atunta gave the total number of registered voters across the twenty-seven (27) local government areas of the State as 2,221,008, and the total accredited voters as 823,743; and further stated that a total of 25,130 votes were cancelled across the state with a total valid votes as 714, 355 while the total votes cast was 739,485 and a total of seventy (70) candidates representing numerous political parties participated in the election (Alabi, 2019).

However, three (3) of the contestants namely; Mr Uche Nwosu of Action Alliance (AA), Mr Ifeanyi Ararume of All Progressive Grand Alliance (APGA), and Mr Hope Uzodinma of the All Progressive Congress (APC), who were not satisfied with the outcome of the Imo state governorship election filled their various petitions at the Election Petition Tribunal challenging the victory of Mr Emeka Ihadioha on 2019 governorship election in Imo State. But on 21st September, 2019, the three-member panel of the tribunal led by Justice Malami Dongondaji dismissed the petitions of Uche Nwosu (AA), Ifeanyi Ararume (APGA), and Hope Uzodinma (APC) for lack of merit, and argued that the trio failed to prove the allegations made in their petitions because the evidences of the witnesses were based on hearsay (Alabi, 2019). Again, not satisfied with the decision of the Election Petition Tribunal, Uche Nwosu, Ifeanyi Ararume and Hope Uzodinma appealed the judgment of the lower court. In their various appeals, Uche Nwosu, Ifeanyi Ararume and Hope Uzodinma argued that Mr Emeka Ihadioha did not obtain the constitutionally required one-quarter of the votes cast in at least two-third (2/3) of the twenty-seven (27) local government areas of the state as provided under section 179 of the 1999 constitution of the Federal Republic of Nigeria as amended; and asked the appeal court to either set aside the decision of the Election Petition Tribunal and declare them the winner of the election or in the alternative order INEC to conduct a re-run into the office of governor of Imo state (Yahaya, 2020). Similarly, on 19th November, 2019, a five-member panel of the Court of Appeal presided over by Justice Oyebisi Omoyele on its ruling dismissed the appeals and affirmed the victory of Mr Emeka Ihadioha as the duly elected governor of Imo state (Yahaya, 2020). The court on its judgment held that the various appeals were lacking in merit as the appellants Mr Uche Nwosu, Ifeanyi Ararume and Hope Uzodinma could not prove their case beyond doubt. However, when the legal tango proceeded to the Supreme Court which is the apex court of Nigeria, the seven-man panel of the apex court led by the Chief Justice of Nigeria, Justice Mohammed Tanko, in the unanimous judgment read by Justice Kudirat Kekere-Ekun, on 14th January, 2020, voided the election of the respondent Mr Emeka Ihadioha arguing that results in 388 polling units were unlawfully excluded during the collation of the final governorship election result in Imo state and held that with the result from the 388 polling units added, Mr Uzodinma polled a majority of the lawful votes cast and ought to have been declared the winner of the Imo state governorship election by the INEC

(Yahaya, 2020). Thus, the details of the new votes scored by each of the candidates after the adding of the results from the 388 polling units were not provided. Consequently, the Apex Court nullified and set aside the declaration of Mr Emeka Ihadioha as the winner of the 2019 governorship election in Imo state, and ordered that the certificate of return wrongly and unlawfully issued to Mr Emeka Ihadioha be withdrawn by the INEC and a fresh one issued to Mr Uzodinma as the elected governor of Imo state because votes due to Hope Uzodinma and the APC were from the 388 polling units were wrongly and unlawfully excluded from scores ascribed to Uzodinma (Yahaya, 2020)

Table showing Courts Decisions on the 2019 Governorship Election in Imo State

Petitioner(s)	Party	Respondent	Party	Ground(s) for Petition	Electoral Tribunal Decision/Reason	Appeal Court Decision/Reason	Supreme Court Decision/Reason
Uche Nwosu	AA	Emeka Ihadioha	PDP	Respondent Emeka Ihadioha did not obtain the constitutionally required one quarter of the votes cast in 2/3 of the 27 LGA of the state	Petitions dismissed for lack of merit. The Tribunal held that the petitioners failed to prove Beyond doubt the allegation made as evidence of the witnesses were based on hearsay	Appeal dismissed for lack of merit on the ground that appellants failed to prove their case beyond reasonable doubt.	Appeal allowed; election of the respondent voided on the ground that results in 388 polling units were unlawful excluded during collation and that with the results from the 388 polling units totalling 213,295 added, one of the appellants Hope Uzodinma scored a majority of the lawful votes cast and was declared the winner by the court.

Source: Authors compilation with data generated from Yahaya (2020)

The table above shows various decisions of the Election Petition Tribunals on the 2019 governorship election in Imo State. The table also presents the grounds for the petitions, names of the petitioners, the respondent and parties represented.

Matters Arising from the Supreme Court Verdict on Imo State Governorship Tussle

The Supreme Court verdict of 14th January, 2020 that voided the election of Mr Emeka Ihadioha of the People’s Democratic Party (PDP), has generated mix reactions, arguments and counter-argument by politicians, political analysts and lawyers alike as to the potency of the judgment. Many political observers had argued that the Apex Court ruling was a miscarriage of justice and a travesty, others argued that the Apex Court on the facts, was right in declaring Uzodinma the winner of the Imo state governorship election in law because Emeka Ihedioha’s legal team failed to file a cross petition challenging the results from the 388 polling units and invalidate Uzodinma presumption. For instance, Osuji (2020) argues that the results from the 388 polling units were examined and found to be forged, concocted, photocopied and largely illegible at the tribunal and appeal court to the extent that not even the appellant, Hope Uzodinma could read the results when challenged to do so. Osuji (2020), further posited that apart from the fact that Uzodinma came last in the election with the least votes, the Apex Court in its earlier judgment had declared Uche Nwosu as the authentic candidate of the APC, therefore, it stands to reason by that ruling that Uzodinma candidacy had become nullity which begs the questions as to how a non-candidate be declared winner in an election and under which party did Uzodinma contest? Osuji (2020), also averred that given other extraneous considerations like zoning, rotation and eligibility of candidates in Imo state, Imo people would never had voted Hope Uzodinma to be their governor. While Ikonne (2020) on his part argues that Hope

Uzodinma may not have won the 2019 Imo state gubernatorial election, however, the Apex Court was right in law to rely on the presumption of the regularity and correctness enshrined by both the 2010 Electoral Act as amended and Evidence Act in favour of the results from the said 388 polling units and add them up to the final result since Ihedioha's legal team failed to effectively challenge and deny Uzodinma's presumption. Again, Ikonne (2020) submits that the Apex Court was legally correct in its ruling having found that INEC had no power in law to exclude polling units' results duly affirmed by the various polling units presiding officers. Omeihe (2020), observes that when the 213,295 votes from the 388 polling units admitted by the Apex Court are added to the total number of valid votes recorded by the INEC, it exceeded the total number of accredited voters by 104,907 which is a clear indication of an arithmetic error, and it is not possible to have more voters than the total number of accredited voters. Similarly, if this figure 104, 907 in excess of the accredited voters is subtracted from the 309,753 credited to Uzodinma by the Apex Court, Uzodinma's total score will still fall below 273, 404 votes scored by Ihedioha (Omeihe, 2020) which is the issue to review.

Furthermore, there are other irreconcilable issues arising from the results of the 388 polling units that formed the basis for the declaration of Uzodinma as the winner of the Imo state gubernatorial election; the first has to do with the exclusion of all the other political parties in the election as evident from the vague result sheets on which basis the Apex Court declared Uzodinma winner, secondly, what can be garnered from those illegible results sheets are results purportedly scored only by the APC and the PDP, and why was the contest just a matter between the two parties in an election that featured about 70 political parties was the reason the Apex Court needed a thorough review of the facts of the matter (Omeihe, 2020). Besides, an analysis of those results sheets further exposed over-voting in many of the units; where there was no over-voting, Uzodinma scored more than 80 per cent of the total number of the votes recorded with instances of votes scored higher than the total number of registered voters in some other units which are obvious instances of electoral infraction that the Nigerian electoral laws frown at, and the admissibility of such results is a serious issue to contend with (Omeihe, 2020). Even then, the court has to satisfy itself with the propriety of admitting results from the 388 polling units which INEC clearly disowned because elections were not conducted there for reasons ranging from violence to other infractions, and there is also the issue of how a candidate that came forth scoring only 96, 458 votes from 3,135 polling units was able to gather 213, 295 from just 388 polling units said to have been omitted by the INEC (Omeihe, 2020). In the same vein, the alarming discrepancy between the votes Uzodinma scored at the 388 contentious polling units and what he (Uzodinma) polled at the 3,135 polling units spread across Imo state is part of the discontent with the ruling of the Apex Court, and which fact becomes more obvious when it is compared with the standing of the parties in the Imo state House of Assembly election held simultaneously with the governorship election (Omeihe, 2020). In the Imo state legislative election, the PDP got 13 seats, AA 8 seats while APGA got 6 seats making up the 27 state constituencies of the Imo House of Assembly which clearly shows that the APC did not win a single seat including the local government of its APC candidate (Omeihe, 2020). Additionally, the Apex Court was inquisitively silent on the spread of votes scored by Uzodinma that qualify him (Uzodinma) to have satisfied the constitutional spread of gathering one quarter of the

votes in two-thirds of the 27 local governments of the state, and for a candidate that could not secure a single seat in the state assembly, the possibility of meeting that requirement seems a tall order (Omeihe, 2020). All of these would suggest that the Apex Court ruling amounted to a flagrant miscarriage of justice and indeed a travesty that is capable of truncating democratic consolidation in Nigeria. Consequently, there were different forms of agitation and discourse that created controversies among the political elites and legal experts arising from the Apex Court ruling; while at the political arena, it created protest from State to State, one embassy to another and turned the prayer grounds to centres of prayer protest. For instance, the National Chairman of PDP, Prince Uche Secondus, had on 20th January, 2020, led a street protest at Abuja, where he (Secondus) described the judgement that sacked Emeka from office as a miscarriage of justice while the Party State chapters also held different protests to show their displeasure with the Supreme Court verdict (Femi, 2020). To this end, Emeka Ihedioha approached the Apex Court to seek for a review of the judgment that sacked him arguing that the results presented by Hope Uzodinma was fake due to the inherent errors in the results and the manner at which it was presented because by the virtue of the constitution, INEC ought to be the custodian of election results and not a security agent.

However, the seven-man panel of the Apex Court presided over by the Chief Justice of Nigeria, Justice Tanko Muhammad, in a split ruling of six-to-one on 3rd February 2020, described the application filled by Emeka Ihedioha seeking the review of the Judgement that sacked him (Ihedioha) as the governor of Imo State on 14th January, as an invitation for the court of final arbiter to sit in an appeal over its judgment (Femi, 2020). Though, Justice Chima Nweze, a member of the panel held that the Apex Court had the power to overrule itself in a desirous situation like this where, Hope Uzodinma, seems to have misled the court in arriving at the judgment that removed Emeka Ihedioha from the office arguing that if not done, the judgment would continue to haunt the nation's electoral jurisprudence (Femi, 2020). But despite the controversies, demonstrations, and Justice Nweze's argument that the Apex Court has the power to overrule itself in a desirous situation, the court still maintain its stands on the removal of Emeka Ihedioha from the State House

Table showing Imo State 2019 House of Assembly Election Results

S/N	Name of Candidate	LG Constituency	Party	Votes Received	Remark
1	Chief Eddu Obinna	Aboh Mbaise	PDP	46,952	Declared Elected
2	Otuibe Samuel N.	Ahiazu Mbaise	PDP	16,905	Declare Elected
3	Duruji Lawrence I.	Ehime-Mbano	AA	10,498	Declared Elected
4	Ayadike Nwosu	Ezinihitte	PDP	22,520	Declared Elected
5	Egwim Innocent A.	Ideato North	AA	4,815	Elected
6	Iheonukara D. Johnson	Ideato South	AA	32,172	Elected
7	Njoku Onyemachi M.	Ihite Uboma	APGA	5,972	Elected
8	Uche Ogbuagu S.	Ikeduru	PDP	18,791	Elected
9	Collins Jimezie Chiji	Isiala Mbano	APGA	10,035	Elected
10	Modestus Abiazie O.	Isu	PDP	4,493	Elected
11	Onyekanma Chinedu	Mbaitoli	PDP	13,008	Elected
12	Okereke Tochi S.	Ngor Okpala	PDP	11,500	Elected
13	Onwudiwe Jovita O.	Njaba	AA	5,492	Elected

14	Obinna Okwara	Nkwerre	AA	7,373	Elected
15	Iwuanyanwu Chyna	Nwangele	APGA	7,762	Elected
16	Kennedy Ibe C.	Obowo	AA	10,396	Elected
17	Frank Ugbona O.	Oguta	PDP	7,904	Elected
18	Cyriacus Okoro	Ohaji-Egbema	AA	15,714	Elected
19	Ogbunika Samuel	Okigwe	APGA	7,756	Elected
20	Paul Emeziem	Onuimo	APGA	4,103	Elected
21	Pascal Okolie	Orlu	PDP	8,694	Elected
22	Ekene Fredoline N.	Orsu	APGA	6,285	Elected
23	Nwaneri Chigozie	Oru East	PDP	13,821	Elected
24	Dominic Ezerioha	Oru West	PDP	5,476	Elected
25	Anthony Chika	Owerri North	AA	3,767	Elected
26	Anukam Solomon	Owerri Municipal	PDP	8,053	Elected
27	Kanayo Onyemachi	Owerri West	PDP	10,298	Declared Elected

Source: Authors compilation with data from Owuamanam (2019)

The table above shows that of the twenty-seven (27) local government of Imo State House of Assembly elections in 2019, PDP won 13 seats, AA won 8 seats and APGA won six (6) seats.

Table representing 2019 House of Representatives Lawmakers-Elect from Imo State

S/N	Candidate	Federal Constituency	Party	Remark
1	Henry Nwawubu	Ikeduru/Mbaitoli	PDP	Elected
2	Bede Eke	Ngor Okpala/Aboh mbaise	PDP	Elected
3	Onyewuchi Ezenwa	Owerri municipal/owerri north/south	APGA	Elected
4	Emeka Chimezievas	Ezinihitte Mbaise/Ahiazu Mbaise	PDP	Elected
5	Goodluck Nanah Opiah	Ohaji-egbema/Oguta/Oru west	PDP	Elected
6	Chukwukere Austine	Ideato North/South	APC	Elected
7	Jones Onyereri	Nwangele/Nkwerre/Isu/Njaba	PDP	Elected
8	Alagboso Jerry	Orlu/Oru East/Orsu	PDP	Elected
9	Oninubuariri Obinna	Isiala Mbanu/Okigwe/Onuimo	PDP	Elected
10	Okafor John	Ehime Mbanu/Ihitte Uboma/Obowo	APC	Elected

Source: Authors compilation with data generated from Owuamanam (2019)

The results from the above table indicate that out of the Ten (10) House of Representatives members elected from Imo state, PDP won Seven (7) seats, APC won Two (2) seats while APGA won only One (1) seat to represent Imo federal constituency in the 9th Assembly. Similarly, the results from the above table show that the PDP actually won the governorship election in Imo State.

Conclusion

The Journey to the governor's office of Imo State began with the opening of the election space by Independent National Electoral Commission (INEC) in 2018, which led to the declaration of Emeka as the winner of the election in March, 2019, before he was sacked by the Apex court after adding the votes cast from the excluded 388 polling units by the returning officer to the votes scored by Senator Hope Uzodinma who came fourth based on INEC declaration in 2019. Prior to the Apex Court verdict, the Tribunal

and Appeal courts had dismissed the claims of Senator Hope Uzodinma on the disputed votes arguing that Uzodinma failed to substantiate his claims with concrete evidence. Ordinarily, the Emeka counsel failure to counter Uzodinma's presumption of exclusion of votes duly cast for him from 388 polling units at the lower courts led to Ihedioha's removal from the state house by the Apex Court on 14th January, 2020. Amidst various demonstrations, discontents, argument and counter-argument on the potency of the Apex Court ruling that removed Emeka Ihedioha from office, the PDP and Ihedioha went back to the court for review arguing that the results presented by Senator Hope Uzodinma from the 388 polling units were fake due to the inherent errors in the results and the manner at which it was presented because by the virtue of the constitution, INEC ought to be the custodian of election results and not a security agent. However, whether the results were presented by INEC or Security officer, the question begging for answer is: what might have made a returning officer whose job is to collate results and return an elected person to exclude 388 polling units after duly signed by the Presiding Officer? This is an issue for future debate. Perhaps, there was an invisible hands which might have either manifested in terms of threat or money. And if they were concocted results what makes Emeka Ihedioha's legal team not to substantively counter it before getting to the Apex Court? Supreme Court as the final arbiter in the land is to judge based on the evidence and counter claims presented before it by the parties and not on assumption. In a situation where a party or the parties failed to do the needful, the Apex Court will not because of their negligence negate the principles of adjudication or help a party or parties to say what it ought to say because there must be an end to litigations.

Recommendations

From the foregoing analysis, this paper recommended as follows:

- i. The Election Petition Tribunals should continue to act as unbiased umpire, standing on the 'electoral road' to ensure that the electoral body (INEC), political parties and their candidates, the security agents as well as the electorates carryout/participate in the elections according to the laid down rules and regulations as stipulated by the country's Constitution and Electoral Act.
- ii. That the judges that found themselves in the tribunals' 'pulpits' should be reputable judges of impeccable character. These are against the backdrop of various allegations of bribery levelled against the members of tribunal in numerous states across the country.
- iii. The judicial neutrality and independence must be guaranteed to maintaining the principles of separation of powers and checks and balances against the interferences of the executive and the legislature.
- iv. In a desirous situation, especially when there is outcry in any decision of the Apex Court on electoral matters, the Apex Court should act by reviewing itself to restore public confidence in the judicial institution as the last hope of the common man bearing in mind that the issue is about the future of democracy, the inalienable rights of a people to determine those to preside over their affairs, given that the choice of the people is an irreducible decimal in representative democracy.
- v. The Supreme Court must also as a matter necessity re-visit some of its judgments especially on matters of national importance because of the

fundamental implications they have for the impartiality and independence of the judiciary.

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