

Review of Elections Security During the 2011 General Elections in Nigeria

Conference Proceedings



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The mission of CLEEN Foundation is to promote public safety, security and accessible justice through empirical research, legislative advocacy, demonstration programmes and publications, in partnership with government and civil society.

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We equally acknowledge and appreciate the many other participants who contributed to the robust discourse at the forum. These comprised of representatives of the Ministry of Police Affairs, senior police officers from various Police State Commands, and representatives of the Police Service Commission, other government agencies, civil society and election observer groups, donor agencies and members of the international community. We thank you for your inputs. We also thank the resource persons and the panelist for their insightful presentations and for guiding the richly varied contributions made at the forum.

Finally, we thank the staff of CLEEN Foundation for their usual dedication and devotion to duty. The Abuja office staff team, led by Kemi Okenyodo covered the fields to see this project to a successful completion. Thank you. We also acknowledge the keen leadership and timely directions provided by our Executive Director, Innocent Chukwuma throughout this project.

Preface

Nigerians went into the 2011 general elections with both high expectations and huge concerns. They were tired of elections that were marred with fraud, massive rigging, violence and insecurity. They expected an even playing ground for all political aspirants and banked on the credibility of the leadership of the Independent National Electoral Commission (INEC) to deliver free and fair elections in which the voice of the people would be heard through their votes. They wanted to vote, for their votes to be counted and for those votes to count. On the other hand, the various political tensions that were mounting in the country as parties struggled within and among themselves, the frequency of bomb scares and attacks, incidences of campaign violence, political kidnappings and other insecurities pervading the Nigerian space were reasons to be worried. Several people questioned the capacity and willingness of the political and police leadership to contain the tensions and ensure a peaceful atmosphere for the elections. A lot of these questions were unanswered by the time the April elections began.

In order to address some of the security challenges around the elections, the managers of the electoral process constituted an Interagency Consultative Committee on Elections Security. However subsequent controversies over a few issues raised further questions about the level of “coordination” within this Committee. For instance, the issue of whether it was lawful for voters to stay behind to ‘protect their mandate’ after voting and the use of cameras at voting centres provoked conflicting responses from the leadership of the police and INEC. This was however later resolved in favor of INEC who fortunately was on the side of allowing people stay peacefully and at a safe distance. Other issues, such as allowing security officers on electoral duty to bear arms, and allowing politicians to go to polling centres with armed escort were equally resolved before the elections and these all contributed to dousing existing fears. Other steps taken to ensure elections security was a massive deployment of its personnel by the police, and complementing deployment of the resources of other security and law enforcement agencies including the military, State Security Services, Prisons, Immigrations, Federal Road Safety Corps and Civil Defence Corps.

During the elections, various elections observer groups deployed personnel to observe the elections. However, very few groups focused on the elections security. Justice for All (J4A) programme of the UK Department for International Development, CLEEN Foundation, the National Human Rights Commission and the Police Service Commission were perhaps the only groups that set out to specifically observe the conduct of security personnel during the elections. Beyond these, Nigerians were also mobilized through various platforms and programmes to realize that elections security was a collective responsibility and that everyone had a significant part to play in ensuring the integrity of the elections, the peaceful atmosphere at the voting centres and the credibility of the outcome.

The level of preparedness of security agencies was tested in all three rounds of elections in April, and in the supplementary elections that held in Imo State in May 2011. The biggest challenge came after the announcement of the results of the presidential elections as pockets of violence broke out in Bauchi and a few other states in the North East and North Central. Despite this, they managed to hold the fort until all the rounds of elections were completed. Amidst, the mixed voices of blame and commendation for their performance during the elections, CLEEN Foundation organized the Fourth Policing Executive Forum as a platform for the “Review of Elections Security During the 2011 General elections”. The event held on Tuesday 28th June 2011 at Immaculate Hotel and Suites Abuja. CLEEN foundation hosted the forum (with support from MacArthur Foundation) in collaboration with the Justice for All (J4A) and the Nigeria Police Force. This publication compiles the presentations and proceedings of that event. It is divided into three parts.

The background for the forum and discussions that would ensue was laid by the opening remarks made by Dr Mohammed Auwal Umar, representing the national coordinator of Justice for All (J4A) and Innocent Chukwuma, Executive Director CLEEN Foundation. Their remarks are reproduced in part one of this publication. Part two is comprised of the three presentations made at the forum. The first paper titled ‘2011 General Elections Review: Experience Sharing, Lessons Learnt And The Way Forward – The Nigeria Police Perspective’ was by AIG Felix Ogbaudu (representing the IGP). He

was unavoidably absent but sent in the paper which reviewed the role of the police during the elections.

Mr Chinedu Nwagu in the second paper discussed ‘Civil Society Assessment of the Performance of Security Agencies during the 2011 General Elections’. He argued that the legal framework for the police and others security agencies to perform their electoral functions were adequate. He also submitted that although the logistics, training and other preparations for the election were inadequate, they however were about to post an above average result which was commendable and suggested what could be done to improve on this. The third and final paper contained Prof. Etannibi Alemika’s insightful analysis of the ‘Post-Election Violence In Nigeria: Emerging Trend And Lessons’. Part three contains the Communiqué and Conference report.

Chinedu Yves Nwagu
Manager, Accountability and Justice
CLEEN Foundation, Abuja

Part One

Opening Remarks

Welcome Remarks

By

*Innocent Chukwuma
Executive Director, CLEEN Foundation*

Introduction

On behalf of the CLEEN Foundation I warmly welcome you all to fourth edition of the Policing Executive Forum, being organized by the CLEEN Foundation in collaboration with the J4A Programme of DFID.

This edition of the Forum is focusing on review of police performance in the April general elections, with a view to identifying areas where the police did very well, areas where performance wasn't too good, challenges police encountered in discharging their functions and more importantly learn from them.

Background

As you very well know organizing credible and generally acceptable elections has been a great challenge to major role players in the Nigerian electoral process. Public dissatisfaction has focused on the role of the electoral administration, political parties and security agencies, especially the police.

However, analysis of public perception of performance of these role players in the April elections, indicate a satisfaction level that is higher than previous elections on a national average. For instance, in the post election survey carried out by Alliance for Credible Elections (ACE) Nigeria, which was released on Thursday, 23 June 2011, more than four out of every five respondents interviewed in the nationally representative survey were satisfied with the performance of security agencies, made up of 55% who were very satisfied and 32% who were satisfied. When asked to name the security agency they were most satisfied with, the police came first with 43% followed closely by the military, which scored 42%.

However, in the same survey, 44% of the respondents indicated that they were afraid of becoming a victim of violence and intimidation during the elections and 12% witnessed incidents of violence and intimidation. Among the people who witnessed violence and intimidation, 38% said they were major incidences. This was more the case in the Northwest 56%, Northeast 39% and South-south 35%. Majority of the incidents took place after the elections 44%.

What this data and more that would be shared with us in the course of today's deliberations show is that as much as we would want to congratulate ourselves for a job remarkably well done in spite of all odds, we still have a major challenge to deal with. A situation where nearly one out of every two voters in our country goes into elections fearful of violence and intimidation is a commentary on the quality of our elections and indeed democracy. It is also a major law enforcement challenge that has to be dealt with.

Why Policing Executive Forum

The idea behind convening the biannual Policing Executive Forum (PEF) is born out of the desire to provide a platform which would periodically bring together very senior police leaders, heads of police oversight agencies such as the Ministry of Police Affairs and the Police Service Commission, select academics/civil society leaders with interest on police transformation and donors' agencies supporting police reform initiatives, to discuss priority issues of concern in policing within a given period and agree on a set of intervention programmes to address them.

The objective is to contribute in ensuring that something is done whenever a priority problem or challenge is identified in policing as well as build stakeholders' confidence in one another and prevent a situation where leaders of policing agencies and other stakeholders work at cross-purposes.

Compliments

We thank the Justice for All (J4A) programme for partnering with us in convening this edition of the Forum and hope that together we can make this

platform a sustainable one for dealing with priority policing challenges in Nigeria with a wider stakeholder participation.

We thank MacArthur Foundation for their continuing support for the organization of this Forum.

Opening Remarks

By

Dr Bob Arnot

Justice For All (J4A) Programme

Introduction

The Justice for All (J4A) Programme is a DFID-funded programme that is assisting the Government of Nigeria (GoN) to reform the justice sector. The programme is supporting justice reform interventions at federal level and in five states (Enugu, Jigawa, Kaduna, Kano and Lagos). The J4A Programme comprises of four technical components focusing on safety and security; justice; anti-corruption and cross sector coordination. The overall impact that the programme is aiming to achieve is

“Improved personal security and access to justice for all Nigerians”

Component 1 referred to as the security and policing component is to deliver more effective and accountable policing and remand services working with the Nigeria Police Force (NPF), Police Service Commission (PSC), Ministry Of Police Affairs (MoPA) and Voluntary Policing Sector groups. Some of the interventions to be undertaken include setting up model police stations, working to support the NPF on accountability, oversight, improving service delivery, enhancing leadership and change management skills among police leadership. Others include strengthening core strategies, systems and business processes, strengthening the capacity of citizens to report crime and improving the capacity of the police to respond to complaints.

As part of its inception phase activities and its contribution to the efforts towards conducting free and fair elections the Justice for All Programme (J4A) supported the Nigeria Police (NPF) to train its officers for more effective policing of the April 2011 elections. J4A trained police trainers who were then instructed and supported by the NPF to train other police officers in Nigeria. Though the key interest of J4A is to have this training conducted in

its five focal states of Lagos, Enugu, Kaduna, Kano and Jigawa, it was significant that the NPF used the trained trainers in more states than the five mentioned above.

The training focused on officers being able to comply with the ethical and professional guidelines drawn up by the Police Service Commission (PSC) which are meant to steer officers away from violations of rights, interfering with the election process, conniving to rig or manipulate the electoral process, disenfranchise particular persons or pose some other form of threat to the successful conduct of the elections.

It is important to note that the NPF has further deployed its resources in other operational areas such as logistics, technical and field support to its officers, it has also collaborated with other agencies towards improved policing of the elections. Some of these agencies include the National Human Rights Commission, United Nations Development Programme (UNDP), INEC, New Partnership For Africa Development (NEPAD) and other development and donor groups among others.

In order to monitor the performance of police officers on election duty, J4A trained a number of Civil Society Organisations (CSO) from the five focal states who were supported to serve as election observers on election sessions in the five states. A total of 73 representatives were trained in Lagos (10 reps), Enugu (15 reps) and Kaduna (Kaduna –18, Kano –15 and Jigawa –15). They were provided a checklist containing a number of observations that will enable an assessment of the quality of the services provided by police officers during the elections. These CSOs filled out and submitted their evaluation on the prepared forms (checklist) to J4A which then conducted an analysis to establish a profile of policing elections in the focal states.

The information collected includes availability of security personnel at polling booths, their punctuality, sustained presence, number of officers, their compliance to instructions from electoral officers, compliance with electoral rules, interference with electoral process, quality of service provided in polling

booths and identification of Stirling officers for possible commendation. The details of the data are presented below.

The present meeting is meant to consider some of the issues raised regarding policing the April 2011 elections not just in the five J4A focal states (Lagos, Enugu, Kaduna, Kano and Jigawa) but in other states that were equally supported and covered by our partner the CLEEN Foundation and other stakeholders.

CSO Assessment Results (Lagos, Enugu, Kaduna, Kano and Jigawa)

Without prejudice to the conference and the information that will be shared by other stakeholders, we are of the view that it is important to note that quite a number of positive and impressive findings were communicated to us by the CSOs that served as observers during the elections. It should be noted that these CSOs were not in every polling station and could not have possible covered every polling booth, the information provided is still indicative of the improvement that has been recorded by the Nigeria Police Force (NPF) in the 2011 elections when compared to preceding elections. In all, 269 assessment forms were turned in the CSO groups with 42.2% on National Assembly elections, 31.3% on Presidential elections and 26.5% on Governorship and State Assembly elections.

Some of the most important information include the following:

S/N	CONSIDERATION	% ACHIEVED
1.	Punctuality of officers (arrived before 9am)	90.2%
2.	Officers were approachable	94.0%
3.	Officers were impartial	92.2%
4.	People felt safe at polling booths	86.5%
5.	Threat to security at polling booths	17.8%
6.	Threat was dealt with adequately by security	80.0%
7.	Police officers used force	7.1%

8.	Police rated 'very good'	32.2%
9.	Police rated 'good'	59.2%
10.	Police rated 'very poor'	0.4%
11.	Police rated 'poor'	0.4%
12.	Observed officers who deserve commendation	87.7%

This assessment as indicated earlier was drawn on the five J4A focal states of Lagos, Enugu, Kaduna, Kano and Jigawa and should only be seen in that light. We are all witnesses of some of the incidences of abuse of process that have been reported in some polling stations across the country and will not deny that things did not go as well in some other locations. However, there is a widespread agreement that policing elections has significantly improved in Nigeria with the April 2011 elections.

As we go through the day, it should be mentioned that the objective is to begin a process that will enable the police to be better prepared for future elections in Nigeria. The focus should be towards early start to planning and proactive thinking. INEC has already informed Nigeria that it has started planning for its plans for the next and future elections. And the Inspector General of Police (IGP) has also hinted at such plans within the NPF. We would like to appeal to the NPF to not just begin preparations but to begin the process of institutionalising best practice in policing elections such that future elections will continue to gain in fairness and democratic tenets. We wish you pleasant deliberations. Thank you.

Part Two

Paper Presentations

2011 General Election Review: Experience Sharing, Lessons Learnt And The Way Forward – The Nigeria Police Perspective

By
AIG Felix Ogbaudu*

Introduction

I like to congratulate the organizers of this forum, and also to thank them for inviting the Inspector General of Police (IGP) to be part of it. The elections have come and gone and in the history of elections in Nigeria, it was acclaimed worldwide as the freest, fairest and most transparent election. However, this is not to say we did not have a few hiccups/challenges here and there. The Nigeria Police as the foremost law enforcement agency and the arrowhead in the protection of lives and property amongst other constitutional responsibilities had its fair of both good and bad experiences during the election.

Defining Electoral Offences

Section 129 of the amended Electoral Act 2011 clearly outlines what constitutes an offence during an election and it provides as follows:-

- (1) No person shall on the date on which an election is held do any following acts or things in a polling unit or within a distance of 300 metres of the polling unit-
- a) Canvass for votes;
 - b) Solicit for the vote of any voter;
 - c) Persuade any voter not to vote for any particular candidate;
 - d) Persuade any voter not to vote at the election;
 - e) Shout slogans concerning the election;

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- f) Be in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voters;
 - g) Exhibit, wear or tender any notice, symbol, photograph or party card referring to the election;
 - h) Use any vehicle bearing the colour or symbol of a political party by any means whatsoever;
 - i) Loiter without lawful excuse after voting or after being refused to vote;
 - j) Snatch or destroy any election materials; and
 - k) Blare siren.
- (2) No person shall within the vicinity of a polling unit or collation centre on the day of which an election is held-
- a) Convene, hold or attend any public meeting during the hours of poll as may be prescribed by the commission;
 - b) Unless appointed under this Act to make official announcements, operate any megaphone, amplifier or public address apparatus;
 - c) Wear or carry any badge, poster, banner, flag or symbol relating to a political party or to the election.

The power of arrest under this section was exercised by the police alongside those provided under section 4 of the police Act.

During the elections, the police had to contend with a number of challenges ranging from inadequate logistic support and manpower amongst others. Some of these problem were created due to the non-compliance with section 129 (2) occasioned by the agitation by some politicians who insisted and urged their supporters to stay back after casting their votes to “defend their votes” whatever that meant, and now. The late arrival of election materials, total absence or hijacking of some heightened tension and created security challenges for the police. In some cases, the situation degenerated to outbreak of violence. Election materials were destroyed, Police Stations were destroyed, Independent National Electoral Commission (INEC) Staff especially youth Corpers and

policemen were killed because the policemen and the other security agencies that assisted during the election were not armed and were few. The miscreants had their way in a good number of the places. On a few occasions, INEC officials and unarmed security agents attached to them were waylaid. In Kaduna state, the houses of perceived opponents, party offices, campaign bill boards, police stations and places of worship were razed down, thousands were displaced from their homes. Bauchi State also had more than its fair share of the violence and killings. There were bomb blast incidents in Kaduna, Niger, Borno State where so many lives were lost. A number of arrests were made and the suspects will be arraigned shortly. Others at large are being hunted. See attached Appendices 'A' and 'B' for Kaduna and Niger State respectively.

At this point I would like to share an experience, one of the INEC Commissioners Mr. Philip Umeadi Jnr. had when he went to monitor elections in Ghana during the last election in that country. Election officials signed for collected election materials tied same on the carriers of their bicycles and rode distance to their polling centres, nobody attacked them and nobody broke into their homes to dispossess them of the materials. If I may ask, can we imagine this kind of scenario in Nigeria? Your guess is as good as mine.

Why Elections Violence in Nigeria

Our Country Nigeria is plagued by a number of bad cultures and added to this is a large army of uninformed, illiterate, gullible, unemployed, angry, hungry and ignorant youths who are willing tools in the hands of political mischief makers.

The bad cultures which have in no small measures fuelled violence are the culture of:-

- i. Impunity
- ii. Arrogance
- iii. Violence
- iv. Insincerity- not meaning what we say and saying what we don't mean
- v. Money politics
- vi. Selfish rather than selfless service
- vii. Gross indiscipline

- viii. Impatience gross indiscipline
- ix. Greed
- x. Culture of get rich quick
- xi. Primitive acquisition of wealth
- xii. The end justifies the means
- xiii. Cutting corners
- xiv. Inequality before the law
- xv. Disregard for our much cherished moral values. That is why people can go to attack an Emir's palace, people can go to block the highway and prevent an Emir from proceeding on his journey, people can show disrespect for the revered Sultan, children abuse or beat up their parents, they no longer have respect for their elders.
- xvi. Do or die politics. People make inciting statements e.g. "if our party does not win, the country will boil"
- xvii. What comes around must not go around.
- xviii. Corruption
- xix. Competitive life style
- xx. Worthless titles.

In the developed world, the spirit of sportsmanship is exhibited during elections. Whoever wins an election accepts his victory with humility and whoever loses accepts defeat in good faith and congratulates the winner in the hope that there is another day. But in Nigeria, when two or more persons contest an election, they all expect to win failing which hell will be let loose, people get killed, property gets destroyed and this brings to the fore, the culture of non-adherence to the rule of law and due process. The election tribunals and the courts are there to seek redress. A friend of mine once said getting justice in Nigeria is expensive, the process is slow and time consuming and that in any case, justice cannot be gotten. That the process is corrupted and compromised and he concluded by asking, if not so, how come it took the court/tribunals almost three and half whole years out of four year tenure to determine/decide that a state governor was not duly elected.

The police have been accused of not up to expectation in containing the massive and spontaneous riot in some of the states especially Kaduna blaming

it on intelligence failure, that they ought to have foreseen the crisis coming. The question one may want to ask are,- (i) Was the police expecting to open fire on the thousands that took to the streets, (ii) Even if they had to, did they have sufficient arms/ammunition to do so, (iii) Was that line of action desirable knowing fully well that at the end of the day, the police will be accused of being trigger happy and violating people's human right? (vi) Would that have engendered smooth conduct or continuation of the elections? Obviously no. unarguably, the overwhelming presence of the police and other security agencies would have stemmed the orgy of violence because the presence of security deter law breakers. Conversely their absence/inadequacy emboldens criminals who know that their chances of not being caught hundred percent.

We must note that it takes so little to destroy but so much to build. We must also learn to control our temper and never to allow our temper control us because if we do we will surely regret our actions and end up in places we never bargained for or will not like.

Let me share another experience with you of an incident that happened in Kaduna during the presidential election in one of the polling centres. The supporters of a presidential candidate in their hundreds assembled at the polling centre, and with their fists clenched and raised up, were screaming "XYZ" is the candidate that we want, "ABC" is the party that we want while the accreditation exercise was still going on without their making any effort to be accredited. Tension was high and those who queued patiently waiting to be accredited were getting worried and scared of what could happen. My officers called from Kaduna after all appeals for them to leave fell on deaf ears, I directed them to find out those who had been registered to vote and where they got registered. They found out that some of them were registered to vote in that polling centre, some others got registered in polling centres kilometers away, and some not registered at all to vote. Those registered in that polling centre were told to queue, those registered away were told to report to their polling centres where they got registered, and those that had no Voters Card were told to go home, this was after they had been back and shouting but by voting where they were registered if they truly love their candidates. Obviously this was a bunch of ignorant, uniformed illiterate street dwellers.

The Way Forward

- i. On the part of the police, we will need to be more proactive, sharpen our intelligence gathering network and deploy more men in subsequent elections. (The Etsako Central of Assembly seat election in Edo State- January, 2010). Motorized patrols should also be intensified and anti-riot squads places on standby. Training and retraining should be given serious attention.
- ii. On the part of INEC, Voter education should be taken more seriously in all the states at all levels and both the print and electronic media.
 - More polling centres may need to be established.
 - Election materials should arrive at all polling centres early enough so that voting can commence as scheduled and special attention should be given to areas with difficult terrain- not accessible by road/vehicles, riverine and mountainous areas etc.
 - Incidents of names missing from voters registers should be addressed
 - Omission of registered party logos from ballot papers should be avoided.
 - As much as possible, voting should commence in time and concluded on time so that it does not drag into the night. That way election result can also get to collation centres in good time.
 - A number of collation centres had no power supply and the generators that were promised them were not made available. The situation was so bad that in some places, vehicle headlight were used to collate results.
- iii. There might be need for the State or National assembly's to legislate against unlawful possession of prohibited firearms with penalty to stem the tide of armed violence.
- iv. The National Orientation Agency need to be directed by the Federal Government to draw up a re-orientation programme that should incorporated into the curricula at all levels of education to address the bad cultures plaguing us as a nation earlier highlighted e.g patience rather than impatience, humility rather than impunity and arrogance, peaceful resolution of conflict rather than violence, sincerity as opposed to in sincerity, security being a collective responsibility, excellence, competence, integrity, fear of God, respect for moral values and respect for our elders

amongst others. Emphasizing things that unite us and the security of Nigeria as a nation. That way Nigeria will slowly but surely get to the Promised Land.

On this note I want to thank you for your attention.

APPENDIX 'A'
SUMMARY OF LOSSES IN THE POST
ELECTION CRISIS IN KADUNA STATE

1.	NO. OF POLICE KILLED	6
2.	NO. OF POLICEMEN INJURED	6
3.	NO. OF CIVILIANS KILLED	512
4.	NO. OF CIVILIANS INJURED	71
5.	NO. OF NYSC MEMEBERS KILLED	NIL
6.	NO. OF CHURCHES BURNT	157
7.	NO. OF MOSQUES BURNT	46
8.	NO. OF HOUSES BURNT OR DESTROYED	1,435
9.	NO. OF MOTORCYCLES BURNT	219
10.	NO. OF VEHICLES BURNT OR DAMAGED	437
11.	GOVERNMENT PROPERTIES BURNT	16
12.	POLICE PROPERTIES BURNT	45
13.	INTERNALLY DISPLACED PERSONS (IDP)	22,141

APPENDIX 'B'
SUMMARY OF LOSSES IN THE POST
ELECTION CRISIS IN NIGER STATE

1.	NO. OF POLICE KILLED	NIL
2.	NO. OF NYSC MEMEBERS KILLED	NIL
3.	NO. OF CIVILIANS INJURED	2
4.	NO. OF POLICEMEN INJURED	4
5.	NO. OF CHURCHES BURNT	8
6.	NO. OF MOSQUES BURNT	7
7.	NO. OF VEHICLES BURNT OR DAMAGED	7
8.	NO. OF HOUSES BURNT OR DESTROYED	7

Civil Society Assessment of the Performance of Security Agencies during the 2011 General Elections

By
*Chinedu Yves Nwagu**

Introduction

Elections in any society are often characterized by a collision of several competing interests and variables that tacitly unveil the many fault lines along which any society is divided. In more established democracies, these interests and variables have, through several electoral cycles, been condensed to ideological positions promoted or parodied mainly through dialogue, campaign and debates. In these societies, security agencies play little or no special roles in policing elections. This is because the 'battle' for votes, mandates and constituencies are fought mostly along ideological lines that rarely culminate into violent conflicts. However, in developing countries and emerging democracies such as Nigeria, the narrative differs substantially.

The development of the electoral process in Nigeria has suffered a checkered history. Marred by irregularities, fraud, massive rigging and increasing spate of violence, the conduct of elections in Nigeria has continued to pose serious challenges for the managers and key players in the electoral process. The security agencies have not been left out in this arduous challenge. Since the 1999 elections, security agencies, particularly the police, have been accused of being involved in the various forms of election rigging in Nigeria. As stated in the Uwais Report¹ the police are often compromised and partisan in their electoral functions. They lack operational independence from the executive and are therefore vulnerable to executive interference. They are also often used by political actors to facilitate or perpetuate electoral fraud, coerce voters and intimidation opponents.

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¹ See page 140 of the December 2008 Report of the Electoral Reform Committee headed by former Chief Justice of Nigeria, Muhammadu Uwais. The report is popularly known as the Uwais Report.

As Nigerians prepared for the 2011 general elections, various scenarios on the national landscape raised pertinent questions about the preparedness, capacity and coordination of security agencies for the elections. These scenarios included the growing menace of bomb attacks, kidnappings and violent clashes between opposing political groups. Beyond preparations for and promises of free, fair and credible elections, Nigerians wanted to be assured of their security and safety throughout the electoral process. To this end, a number of activities and policy positions were taken by the government, its agencies including the Police and INEC, civil society groups, donor agencies and members of the international community towards ensuring the provision, coordination and accountability of policing services during the elections.

This presentation seeks to appraise the performance of the police and other security agencies in the discharge of their electoral functions. It also considers, though tangentially, the role of other players and how all these contributed to the success or otherwise of security provision during the elections. The presentation is divided into four sections, each dealing with a particular aspect of elections security. Section one examines the extant legal framework and guidelines regulating the conduct of police officials on election duty. Section two considers the preparation of security agents towards the elections. Section three assesses the conduct of security officials during the elections based on reports of observers deployed by the CLEEN Foundation, the National Human Rights Commission and other civil society groups. Section four sums up the assessment and offers some recommendations for securing future elections in Nigeria.

Legal Framework for Securing Elections

The extant legal framework regulating the conduct of security personnel, particularly the police, on electoral duty in Nigeria can be gleaned from and constructed by reading various provisions of a number of legislations relevant to those functions. These legislations include the 1999 Constitution, the Electoral Act 2010, the Police Act, the Criminal Code and Act, the Police Service Commission (Establishment) Act and lastly the Guidelines for the Conduct of Police Officers on Electoral Duty issued by the Police Service Commission in 2003.

The Nigeria Police Force is a creation of Section 214(1) of the 1999 Constitution which also prohibits the establishment of any other Police Force 'for the Federation or any part thereof'. Sections 214 (2) and (3) thereafter provide that the Nigeria Police Force shall be 'organized and administered in accordance with such provisions as may be prescribed by an Act of the National Assembly' and its members 'shall have such powers and duties and duties as may be conferred upon them by law'. It is thus in accordance with these Constitutional provisions that the roles of the Police are spelt out in other legislations, primarily the Police Act.

Section 4 of the Police Act clearly spells out the basic functions of the Nigeria Police Force. These are prevention and detection of crime, apprehension of offenders, preservation of law and order, protection of life and property, enforcement of all laws and regulations with which they are charged and lastly, military duties within or without Nigeria as may be required.² For purposes of their electoral duties, the first three functions are particularly relevant. Thus they have a responsibility to prevent and detect electoral crimes, apprehend offenders, and preserve law and order throughout the electoral process.

The specific details of activities that constitute electoral offences, of which police is expected to enforce, are enumerated in Part VII of the 2010 Electoral Act. These offences fall into two broad categories. The first category relates to pre-election offences which include obstruction of registration of voters,³ destruction or forging of nomination papers,⁴ disorderly behavior at political meetings,⁵ improper use of voters' cards,⁶ improper use of vehicles,⁷ dereliction of duty,⁸ bribery and corruption.⁹ The second category covers offences

² Similarly, Section 214 (2)(c) of the 1999 Constitution provides that subject to the provision of the Constitution, the National Assembly may make provisions for branches of the Nigeria Police Force forming parts of the Armed Forces of the Federation or for the protection of harbours, waterways, railways and airfields.

³ S. 117, Electoral Act, 2010.

⁴ S. 118

⁵ S. 119

⁶ S. 120

⁷ S. 121

⁸ S. 123

⁹ S. 124

committed during elections. These include impersonation and voting by unqualified persons,¹⁰ violating secrecy in voting,¹¹ wrongful voting and false statements,¹² voting by unregistered person,¹³ disorderly conduct at elections,¹⁴ corruption¹⁴ and threatening.¹⁵ Section 129 of the Act further prohibits certain activities within a distance of 300 meters to a polling station on the day an election is being held. These activities include:

- (a) Canvassing for votes;
 - (b) Soliciting for votes;
 - (c) Persuading any voter not to vote for any particular candidates;
 - (d) Persuading any voter not to vote at the elections;
 - (e) Shouting slogans concerning elections;
 - (f) Being in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voters;
-
- (a) Exhibiting, wearing or tendering any notice, symbol, photograph or party card referring to the election;
 - (b) Using of any vehicle bearing the color or symbol, photograph or party card referring to the election;
 - (c) Loitering without lawful excuse after voting or being refused to vote;
 - (d) Snatching or destroying any election materials;
 - (e) Blaring siren;
 - (f) Holding or attending public meetings during the hours of poll;
 - (g) Wearing or carrying any badge, poster, banner, flag or symbol relating to a political party or to the election;
 - (h) Inciting people to act in a disorderly manner during elections; and
 - (i) Possession of a ballot paper without authority when not voting.

¹⁰ S. 122

¹¹ S. 125

¹² S. 126

¹³ S. 127

¹⁴ S. 128

¹⁵ S. 130

¹⁶ S. 131

The electoral functions of the police, and other security agencies, as mentioned before extend merely beyond preventing and punishing commission of the electoral crimes listed above. They also perform sundry duties ancillary to these. In 2003, the Police Service Commission issued Guidelines for the Conduct of Police Officers on Electoral Duty in Nigeria to regulate the exercise of police powers while performing their duties during the elections. The Guidelines specify six functions and these are:

1. Safeguarding the security of lives and property of the citizens during campaign and voting, so that citizens will not feel unsafe on account of holding, associating with or expressing a political opinion;
2. Ensuring the safety of electoral officers before, during and after elections;
3. Providing security for candidates during campaigns and elections;
4. Ensuring and preserving a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates without discrimination;
5. Maintaining peaceful conditions, law and order around the polling and counting centres; and
6. Providing security for electoral officials at voting and counting centres and ensuring the security of election materials at voting and counting centres and during their transportation thereto. It is the duty of the police to ensure that election materials are not stolen, hijacked, destroyed or fraudulently altered by any group or person.

In discharging these functions and wielding the enormous powers attendant to it, the Guidelines also requires police and security officials to display certain qualities and abide by certain behavioural standards. Thus security personnel on elections duties must be alert, approachable, professional, impartial, fair, considerate and proportional in their use force. They must also wear bold and easily identifiable name tags and must also co-operate and collaborate with other role player in the electoral process.

A cursory review of the foregoing legal framework for securing the elections suggests that it is sufficient, clear and detailed enough to facilitate the police and other security agencies discharge their electoral functions satisfactorily.

However, some controversy arose over the provisions of Section 61 of the Electoral Act 2010 and a directive by INEC which seeming gives presiding officers control over conduct at polling units. It was argued that this requires police officers to do nothing unless they are directed by electoral officer to arrest electoral offenders.¹⁷ This argument does not hold water since the powers of the police to prevent, detect, and punish crimes is not limited to the Electoral Act or to elections. The Criminal laws of the land contain ample provisions which regulate criminal conduct, no matter where they are committed, and these are also applicable, punishable and enforceable by the Police even during elections.

Institutional Preparedness for Electoral Duties

In examining the institutional preparedness of the Nigeria Police Force for securing the 2011 elections, a number of issues require consideration. First is the provision of adequate training for police personnel involved in electoral duties. The Nigerian Police Force had announced that it would deploy 240,000 personnel for the elections but no formal training, beyond the usual briefings done before deployment, was also prepared or done for these officials to inform them of their specific roles, responsibilities and powers during the elections. And although some briefing meetings and training programmes were organized for the leadership and senior officials of the Police, this did not trickle down sufficiently to the many foot soldiers, rank and file and other junior officials who were more directly involved in policing the elections. There were also a few trainings organized for police officers particularly on the legal framework that empowers them to perform their electoral functions but these were done by organisations other than the Nigeria Police Force. For instance, the National Human Rights Commission and the Justice for All (J4A) programme of the Department for International Development (DfID) ran trainings for police personnel covering states like Kaduna, Lagos, Ogun, Enugu, Anambra, Kaduna, Kano, Katsina and Benue.

¹⁷ 'Providing Effective Policing During the 2011 General Elections' CLEEN Foundation Monograph Series 13 (2011) P. 71.

The other issue is the logistics preparation for the elections. Following the directives that at least two police personnel will be deployed per polling centre, and that these police persons on electoral duty would not be armed, except for those on patrol, it was imperative to make adequate provision for transportation, communication and other defence materials. The police leadership announced earlier in the year, with just a few months to the elections, that some monies had been released to the Nigeria Police to facilitate their preparations for the 2011 elections. However the time frame within which the money was released was too short and too close to the elections to enable them make adequate logistics arrangements, import the necessary equipment and train the officers that would be deployed. More so, observers in the field who interacted with some police personnel deployed on electoral duty noted their complaints that their transport logistics and allowances were not properly arranged for and promptly paid. Some of the police personnel were seen trekking to their assigned polling centres and were in some instances offered rides to these destinations by voters, INEC officials and, in some disconcerting instances, by politicians or their party agents.

These findings underscore the inadequacy of the institutional preparedness of the police for its functions in the 2011 elections. There was clearly no long term plan that had factored the many aspects of policing the elections and too much was attempted to do within very little time.

Performance of Security Agencies during the Elections

To examine the performance of security agencies during the elections, we would rely on data analyzed from findings from the observation of the various round of elections. The CLEEN Foundation and the National Human Rights Commission deployed 370 observers each. For the National Assembly elections, data from 393 polling units were collated and analyzed. 3,992 polling units were observed across the country during the Presidential elections and data from 964 samples were analyzed. Also 3,619 polling units were observed during the gubernatorial and State Houses of Assembly elections and 1004 of them were analyzed for data. This information does not purport to cover the almost 120,000 polling units used by INEC for the elections.

For ease of analysis, this would be broken into two broad categories. The first would consider security presence at the polling centres, their punctuality and the effectiveness of the deployment strategy adopted. It must be cautioned here that the consideration encompasses the police and other security agencies, including immigrations, prisons, civil defence corps and federal road safety corps, who were also deployed to secure the elections. The second category would be the conduct of these security officials at the polling and collation centres. Each category would look at all three round of elections, that is, National Assembly, Presidential and Gubernatorial/State Houses of Assembly elections. The findings of other civil society groups, particularly Alliance for Credible Elections and the Civil Society Elections Situation Room, are also reflected and considered.

1. Security Presence at Polling Centres

During the National Assembly Elections 55% of the security personnel arrived before 8am. The punctuality rate was highest in the North central with 70% arriving before 8am but was lowest in the South East with only 31%. This however means that they arrived before and not with the electoral officers as regulation stipulates. In the course of the elections, 78% of the polling centres were manned by security personnel at all times. On a national average, 27% of the security officials left the polling units during the voting exercise (but the South South was quite high at 42%) mostly for refreshments or to answer the call of nature. Also 48% of the polling units had 3 or more security persons deployed there. The ratio was highest in the South South with 67% and lowest in the South East with 38%. About 28% of the polling units observed had at least 2 security officials. Also on a national cumulative average, 73% of the people felt that security presence was adequate throughout the voting exercise. And in 85% of polling units security personnel wore easily identifiable tags.

The presence and punctuality of security personnel improved slightly during the Presidential Elections with 65% arriving by 8am. In the South South and South East, 26% arrived between 8am and 9am. Also only in 17% of polling units did the security officials leave during the exercise. Thus 79% of polling units were manned by security officials throughout the polls. Also there were

3 or more security personnel in 35% of the polling centres, with the highest figures of 62% in the South South and the lowest at 25% in the South East. 36% of polling units also had at least 2 security officials throughout the exercise. In all, a cumulative 77% of the people felt that there was adequate security during the presidential elections. This percentage is independent of the violence that broke out in some parts of the North East following the announcement of the presidential elections result.

Perhaps as a result of the post presidential elections violence, 82% of the polling centres were manned by security personnel throughout the duration of the gubernatorial election. Though 58% arrived before 8am and only in 16% of polling units did security officials leave at any time. The provision of snacks and refreshments by people at the polling centres was particularly helpful so that security officials didn't have to leave in search of same. Also while 38% of the polling centres had 3 or more security personnel (with 53% in North central and 45% in the South South), 37% had at least 2 Security personnel. Cumulatively, 82% of the people felt that security was adequate during the gubernatorial elections. Also 82% of the security personnel wore easily identifiable tags but 19% had no tags in the North West, 14% in the South East and 11% in the South South.

2. Conduct of Security personnel at the Polling and Collation centres

A high level of public satisfaction was recorded during the national assembly elections and the available statistics attest to this. In 89% of polling centres, security officials were reportedly approachable and this was consistent across the geopolitical zones. They were also considered impartial in 81% of polling centres (though 21% considered them partial in the South West and 19% in the North central). The security agents also maintained good relations with INEC officials and were reported to have followed the instructions of Presiding official in 78% of the polling centres. They were also recommended for commendation in 70% of the polling centres observed. 84% of polling centres were considered safe and secure cumulatively. Only 1% felt unsafe or not secure at all. There were also no security threats in 79% of polling centres but even in 13% where there were threats, security officials handled them well and 80% of observers felt the use of force was necessary and proportionate.

Also, although security officials accompanied polling officials to collation centres in 66% of observed places, 13% had no security at all for the transportation of ballot boxes after elections.

There were also slight improvements during the presidential elections as 92% of observers noted that security officials were very approachable. Cumulatively, 92% thought the security agencies were impartial/very impartial (results from some states however showed partiality, for example, Benue 50%, Ogun 40%, Akwa Ibom 23%, Cross Rivers 23%, Anambra 20% and Kebbi 18%). Security officials relationship with INEC officials were also good though slightly lower than in the National Assembly elections as 72% followed the instruction of presiding officers (cases of non compliance were recorded in North Central 15%, and South South 11%). Also, the number of recommendations for commendation was lower at 50%. Generally, 86% of polling units were considered safe and secure (with only 1% not safe at all). Threats to security were also in 10% of the polling units of which force was used in 6%. But in these cases, most people were of the opinion that the force used was necessary and proportional. However, there were reports of kidnap/arrest of observers by security officials and party thugs particularly in Imo, and Delta. Security at collation centres was also poor as security officials accompanied polling officials in only 54% of the observed locations. This stood out as the weakest link in the elections security management process.

The general good performance of the security agencies continued during the gubernatorial elections as they were still considered approachable in 92% of the polling centres. Also, security officials were considered mostly impartial with 96%. Compliance and co-operation with presiding officials remain high at 72% generally. In terms of how they conducted themselves, security personnel were scored fair, good and very good in 93% cumulatively. Most polling centres were also considered safe (95%) and only in the South East was up to 3% considered unsafe. They were also orderly (87%) and only 9% witnessed incidents considered threat to security. These threats were well handled in 78% of the polling units but 11% in the South East and 8% in the South South were least satisfied with the manner threats were handled. Security

at collation centres and transportation of election materials remained the weakest link as on 54% had security accompanying them.

Findings from other Civil Society Groups

Alliance for Credible Elections (ACE) conducted a post election survey designed to yield a representative opinion of Nigerians. The survey involved face to face interviews with about 2012 people who are 18 years and above. The survey was conducted in the 6 geopolitical zones and was done in English, Yoruba, Hausa, Ibo and Pidgin. In their Report on Post 2011 Presidential Elections Survey, they found that:

- 87% of those interviewed said they were satisfied with the performance of security forces during the elections, 7% were dissatisfied while 3 percent was indifferent.
- Respondents were mostly satisfied with the Nigeria Police Force (43%) and Army (42%). National Civil Defence and Security Corps got (5%) and State Security Services got (3). Regionally, the Police scored higher than the Army everywhere except in the North West. However, of the only 50% of respondents who answered the question of the security agency they were most dissatisfied with 28% said the police, the Military got (11%), National Civil Defence and Security Corps (7%), Federal Road Safety Corps (2%) and State Security Services (2%). The dissatisfaction with the Police was also most prevalent in Northern regions.
- 44% of voters went into the elections afraid of being victims of violence and intimidation but only 12% actually witnessed any incidence of violence or intimidation during the elections. Most of the reported incidents occurred in the North West and North East.
- 44% of the violence reportedly occurred after voting, 31% during voting. Only 7% occurred during campaigns and 14% before voting commenced. Different patterns however emerged in this regard from the different geopolitical zones. Thus 46% of pre voting incidents happened in the Southwest, while during voting incidents were highest in South South (96%) and North Central (66%), the North West (77%) and North East (46%) had the highest number of after voting incidents.

- Interestingly, only 4% of this violence was attributed to the Police. Political thugs were responsible for 41% of the violence and intimidation, fellow voters 13%, Party agents 12% and Politicians 7%. (Cumulative of 60% caused by politicians, their agents and thugs). Here also, there were different patterns regionally; Political thugs in South South, North Central and North West, fellow voters in South West, and Police and Politicians in South South and North East.

The Civil Society Elections Situation Room, comprising of leading civil society groups, also observed and operated all through the course of the elections. They also observed the supplementary elections in Imo state. In their statement thereafter, they thus:

We would also like to note the professionalism of the military, which was instrumental in ensuring a level playing field for all concerned actors, even though their massive presence acted to intimidate the electorate. This was especially true where, in a particular polling unit, hired thugs of one of the political parties attempted to attack observers in order to subvert the process. Unfortunately, the same could not always be said of the police, who were not above acting in a partisan manner in some instances... In the light of the above, we believe that the police should cooperate with INEC to prosecute those found to have committed electoral offences. We also believe that it is important for both INEC and the police to return to the drawing board ahead of the 2015 elections.¹⁸

Conclusion and Recommendations

Across board, most observers of the conduct security persons during the elections came to similar conclusions: it was not a perfect performance but it was above average and a marked departure from previous records of complicity in electoral malpractices. Also, certain policy directives facilitated this commendable performance. These include the withdrawal of armed escorts from politicians, posting unarmed personnel to polling units while having armed

¹⁸ 'Imo Electorate Prevails' The Civil Society Election Situation Room Statement following the Imo State supplementary governorship and state house of assembly elections issued on 7 May 2011.

officials on patrol, coordination between the police and other security agencies and importantly allowing Nigerians to vote, keep a safe distance and watch the rest of the election process. There is still a lot of room for improvement, therefore the following are recommended:

1. There should be nationwide pre-election security threat assessment to understand the different patterns of violence and the terrain in which they occur;
2. Stronger engagement of the civil populace in elections security through strong civic education;
3. Better coordination amongst security agencies like the Inter-Agency Coordination Committee formed by INEC should be strengthened;
4. Security presence and provision at collation centres should be strengthened;
5. Specialized training on elections security should be held before 2015 elections and
6. A long term agenda for police reforms should be adopted ahead of the 2015 elections.

Post-Election Violence In Nigeria: Emerging Trend And Lessons

By
Prof. Etannibi Alemika*

The politicians, in Nigeria, have over the years “*become more desperate and daring in taking and retaining power; more reckless and greedy in their use and abuse of power; and more intolerant of opposition, criticism and efforts at replacing them*” (Electoral Reform Committee Report, 2008, Vol. 1: 19).

Introduction

Nigerian electoral process and governance system largely rest on the logic and practices of organized criminal enterprises. Organised crime entrepreneurs employ secrecy, cooptation, corruption and violence to promote and defend their interests and organisations. Nigerian political parties and politicians operate in very similar ways. Therefore, it is not surprising that violence, corruption and lack of transparency are embedded in the aims and strategies of Nigerian political parties and politicians.

Past elections in Nigeria were characterized by both psychological and physical violence. Generally, violence involves the threat or use of physical force with the intention of injuring, killing and intimidating another person. It also involves destruction of property with a view to inflicting emotional or psychological injury and economic loss on another person. One of the major benefits of democracy is that it inhibits collective violence by providing mechanisms for non-violent competition for power and resolution of conflicts. Observance of the rule of law and respect for the courts are, however, necessary if this benefit is to be realised. Where citizens and government officials ignore the rule of law or disobey court orders, anarchy and violence are precipitated.

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Post-election violence is not a new phenomenon in the country. However, most incidences often tend to be localised, short-lived and restricted to polling centres and communities. But the incidences of large-scale post-election violence of 1963-65; 1983 and 2011 in Western Region, Oyo and Ondo States and in several Northern States respectively recorded large scale loss of lives and destruction of property. In this brief presentation, we examine the incidence and causes of post-election violence in the country and highlight the emerging trend and lessons.

Significance of Elections

Free and fair election is one of the cardinal pillars of democratic governance. Elections provide citizens with the opportunity of exercising their constitutionally imputed sovereignty over those responsible for the exercise of executive and legislative powers in the society. Through free and fair elections, citizens in a democratic society are able to vote for the political party and politicians of their choice based on their coherently articulated policies.

The equality of citizens in a democratic society is given concrete expression and political significance through free, fair and credible elections based on 'one citizen (person), one vote'. Elections held in Nigeria since independence, were generally not free, fair and credible due to several factors. In general, past elections were, to varying degree, characterized by massive fraud, manipulations and violence.

Violence in the Nigerian Electoral Process

Successive elections in Nigeria since the colonial period lacked the essential ingredients of democratic electoral process, which are transparency, fairness and freeness¹⁹. Instead elections in the country were characterized by:

- a. manipulation of the decisions and activities at the various stages of electoral process by the governments and politicians;

¹⁹ Alemika, EEO. 2004. "Elections as Organized Crime: Nigerian Experience". Paper Presented at the Centre for African Studies Seminar, University of Cape Town, May 12.

- b. corruption of officials and electorates,
- c. violence during campaigns, polling and collation;
- d. rigging through the stuffing, snatching and destruction of ballot boxes and falsification of results, and
- e. ineffective electoral dispute resolution mechanisms.

There are several stages of the electoral process where conflict and violence may erupt. The police need to establish an early warning system in order to develop effective proactive and containment procedures for preventing and managing conflicts at the following stages:

- a. Delimitation of constituencies
- b. Voter registration
- c. Party primaries and nominations
- d. Campaigns and rallies
- e. Display of voter register
- f. Polling
- g. Counting of votes
- h. Declaration of results
- i. Verdicts at tribunals

The previous elections in the country, since independence, were generally characterised by:

- a. manipulation of the decisions and activities at the various stages of electoral process by the governments and politicians;
- b. corrupt inducement of electorates;
- c. violence during voter registration, party primaries, campaigns, polling and collation of votes;
- d. rigging through the stuffing, snatching and destruction of ballot boxes and falsification of results;
- e. partiality and corruption by electoral and security officials;
- f. manipulation of electorates through the activation or mobilisation of ethnic, religious, regional and other primordial sentiments;
- g. ineffective electoral dispute resolution mechanisms resulting in the perpetuation of a culture of electoral fraud and violence. The police

require pro-active plan for anticipating and handling these forms of conflict. Assassination of opponents

- h. Disruption of voter registration in areas where the perpetrators lack political support
- i. Disruptive behaviours, including use of weapons, to scare away supporters of opponents from registering during voter registration in order to undermine the strength of opposition during elections
- j. Killing, harming and intimidating persons trying to vote during elections in order to destroy ballot boxes in areas where the perpetrators lack supporters or in order to snatch ballot boxes so as to stuff them with ballot papers illegally obtained and thumb-printed
- k. Disruption of opponents' rallies and campaigns
- l. Threats of violent attack against individual political opponents by politicians invoking power of incumbency as well as ethnic, religious and regional sentiments
- m. Destruction of campaign billboards and posters of opponents
- n. Abuse and manipulation of the security and law enforcement agencies by the incumbent government to disperse the rallies and campaigns of opponents under the guise of not securing approval or likelihood of breach of public peace
- o. Psychological violence – inducing, manipulating and directing the security and law enforcement agencies to harass opponents through serial arrest and detention on the basis of false accusations with a view to demoralise, interrupt and disrupt the campaign activities of opponents, and
- p. Intimidation of opponents and voters in area of low support through partisan deployment of highly armed security and law enforcement agencies by incumbent government under the guise of preventing breakdown of law and order during election

Sources of Electoral Violence in Nigeria

Electoral violence refers to the use or threat of force against an opponent within the context of electoral competition for state power. It is inhibitive of democratic transition and consolidation. Acts of electoral violence include

murder, arson, abduction, assault, rioting, violent seizure and destruction of electoral materials, and psychological intimidation. These forms of violence destroy the foundational elements of democracy – choice and consent, civic participation, accountability, rule of law and trust in state officials and institutions.

Electoral violence in the country is primarily due to the perception of politics and political office as investment and as an avenue for the acquisition of extraordinary wealth through corruption, which is otherwise not possible through any form of legitimate vocation and enterprise. As a result of this perception and reality, Nigerian politicians turn electioneering and elections into warfare in which violence and ethnic, religious and other forms of primordial sentiments and prejudices are employed. It is against this background that former President Olusegun Obasanjo counselled his party members to see the 2007 election as a do or die affair.

Violence has been a feature of the country's electoral process since the colonial era. But during the colonial rule, they were easily curtailed due to the nature and scope of participation, characteristics of the politicians and electorates and the nature of colonial domination. However after independence, electoral violence became intense as struggle for power among politicians intensified.

The sources of violence in the Nigerian electoral process have been discussed by several jurists and scholars. Justice Sowemimo in his judgment in the treasonable felony against Obafemi Awolowo and his 'accomplices' observed that:

On the evidence before me, it would appear that politics generally in Nigeria has been conducted with a certain amount of bitterness. It appears that a person belonging to a party becomes an enemy of another who belongs to a rival political party. Political parties are equivalent ... to, warring camps- elections are conducted with party thugs protecting the campaigners and this state of affairs has been described to have assume a pitch that no method would be spared, however, vindictive or extreme by any rival political party as against

another in order to score over one or another (cited in Anifowose 1982: 2-3).

Professor Billy Dudley, a Nigerian political scientist, observed that in Nigeria, “the shortest cut to affluence and influence is through politics. Politics means money and money means politics ... to be a member of the Government party means open avenue to Government patronage, contract deals and the like” (1961: 21). The implications of this are as follows:

- a. prebendal politics, in which political office is sought primarily for the aggrandizement of self, family members, associates and cronies, tend to become a preoccupation of the vast majority of the politicians and electorates;
- b. patron-client relationship becomes entrenched in the polity and economy;
- c. the logic and desire to belong to government party undermine the sustainability of viable opposition in the political system;
- d. instrumental use of violence by both ruling and opposition parties as instrument of retaining or capturing power at elections independently or in contempt of electoral choices of the citizens at the poll.

According to Billy Dudley, once the politicians recognize or know “the profitability of having power, the party (and the individual members) naturally uses the same governmental machinery to stay in power. The leadership becomes a self-recruiting oligarchy-and no self-recruiting oligarchy has been known to tolerate opposition to itself” (1965:24). In the circumstance, violence becomes instrument for seeking, gaining and retaining political power.

The nature of the Nigerian state and regimes contribute to endemic violence in the electoral process. According to Claude Ake (1996: 73):

The state is in effect privatized. It remains an enormous force but no longer a public force, no longer a reassuring presence guaranteeing the rule of law but a formidable threat to all except the few who control it, actually encouraging lawlessness and with little capacity to mediate conflicts in society.

In the circumstance where the state is privatized, those in power will use violence and state repressive apparatuses to retain power. The people excluded from governance (especially in a society where politics is a license to oppress other citizens and to rob the public treasury with impunity) will resort to violence in their quest for office.

Nigerian political parties and politicians employ fraudulent and violent means. The Political Bureau reported that Nigerian politicians and parties rigged elections “in most blatant fashion ... violence, corruption, arson, and brigandage were employed in the mad desire to win and retain power both in the regions and at the centre” (Report of the Political Bureau 1987: 25). The Constitution Drafting Committee (1976: v) observes the country’s politics is primarily geared towards securing “opportunity to acquire wealth and prestige, to be able to distribute benefits in the form of jobs, contracts, scholarships, and gifts of money and so on to one’s relatives and political allies”.

Electoral violence in the country can be attributed to the actions and inactions of several actors who are determined to secure or retain political power without (a) adhering to the rules of democratic competitive elections, and (b) consideration for the long-term negative effects of electoral fraud and violence on national integration, security and development. The main actors and actions that precipitate electoral violence are:

- a. law-makers who are unwilling to make laws that will promote credible elections because they are beneficiaries of legal loopholes and the weaknesses of the legal system and undemocratic control and command of the security and law enforcement agencies
- b. elected politicians in the executive organs of government who manipulate the electoral laws, election management bodies and security agencies to subvert the free and fair elections;
- c. politicians and executives of the state who induce and coerce the legislators to prevent them from making laws for credible elections;
- d. politicians who coerce and corrupt delegates to party primaries to forestall free choice of candidates
- e. state executives – presidents, governors and local council chairmen who abuse their power and incumbency privilege by threatening

- opposition with arrest and prosecution for treason – for alleged threat to national security and sovereignty
- f. politicians who deploy corrupt practices; fan ethnic, religious and regional sentiments; organise and arm political thugs
 - g. politicians and incumbent executives who propagate the idea of ‘politics and electoral victory as do or die affair’
 - h. Citizens and community members who employ primordial sentiments (ethnic, religious, regional and gender) to undermine free and fair choices of competent candidates to occupy political positions in accordance with democratic electoral principles, and
 - i. Incompetent, corrupt, corrupted and partial electoral officials
 - j. Incompetent, under-equipped, under-remunerated, corrupt, corrupted and partial security agencies
 - k. Security agencies and personnel which see themselves as properties of the ruling political parties and incumbent president and governors.

Trend of Election Violence In Nigeria

Elections have been a source of violent political, ethnic, religious and communal conflicts in Nigeria since the late 1940s when limited elections were introduced. This problem deteriorated in the elections conducted immediately after independence in the 1960s. In the Western Region, violent political conflicts, popularly referred to as “operation wet e”, were recorded from 1964 to 1965 following both federal and regional elections as well as rift between Awolowo and Akintola. There were also violent conflicts in parts of Northern Region, especially between supporters of the Northern People’s Congress (NPC) and supporters of other parties, mainly the Northern Elements Progressive Union (NEPU) and Action Group.

The national election conducted in 1983 witnessed massive post-election violence following the declared landslide victory of the National Party of Nigeria (NPN) in Oyo and Ondo states considered to be stronghold of the Unity Party of Nigeria (UPN). Several persons lost their lives and large scale destruction of property was recorded. There is substantial similarity between the post-election violence recorded in 1983 and the post-election violence recorded after the presidential election on April 16, 2011 in which hundreds

of people were reported killed and property worth billions of naira were destroyed or looted. The main difference between the 1983 and 2011 election violence was the ethnic and religious dimensions that were introduced at the latter stages of the 2011 post-presidential election riots. Notwithstanding, this difference, they both reflected an anger primarily targeted at people considered as collaborators with the ruling national party to undermine local interests. Both cases also demonstrated the helplessness of the police in containing serious political violence due to lack and non-utilization of relevant intelligence and other forms of institutional weaknesses.

Elections since 1999 have been particularly characterised by instrumental use of violence. The Transition Monitoring Group (TMG) – a coalition of 170 NGOs in Nigeria - issued her final report on the 2003 elections under the title *Do votes Count*²⁰? The Report indicated that the votes of citizens in that election did not count as the elections were characterised by violence, corruption and fraud, including falsification of results. Similarly, the same Transition Monitoring Group entitled its final report on 2007 poll as *Elections Programmed to Fail* due to the monumental violence, corruption, fraud and manipulations that were observed by voters as well as foreign and national election monitors.

The elections conducted in 1999, 2003 and especially 2007 were characterized by widespread malpractices such as violence, corruption and falsification of results. After the 2007 election, there was widespread disenchantment with the electoral process.

The elections held in 2003 and 2007 were preceded by widespread intra-party and inter-party violence that continued on the polling days. In a report released in 2004, the Human Rights Watch observed that:

Both Nigeria's federal and state elections in 2003 and local government elections 2004 were marred by serious incidents of violence, which left scores dead and many others injured ... In April and May 2003, at

²⁰ Transition Monitoring Group, *Do Votes Count?* Abuja, Nigeria: TMG.

least one hundred people were killed and many more injured... Majority of serious abuses were perpetrated by members or supporters of the ruling party, the people's Democratic Party (PDP). In a number of locations, elections simply did not take place as groups of armed thugs linked to political parties and candidates intimidated and threatened voters in order to falsify results ... One year later, local government elections took place across Nigeria on March 27, 2004. These elections too were characterized by serious violence and intimidation, as well as widespread fraud and rigging. There were reports of dozens of people killed before, during and after the local government elections.²¹

Francis Febode Tabai, (JCA) in his lead judgment observed that there were: allegations of perpetration of violence either by PDP thugs in the presence of military and police personnel or by the military and police personnel themselves....There were instances of some violence in all the 14 states which elections were questioned in this petition...from Enugu State we heard the case of how police Sgt. Anthony Abba, one of the six policemen attached to the ANPP Gubernatorial candidate was killed ... by some men amongst whom was Mike Onu a PDP Stalwart... Instances of such brutal killings either immediately before or on the 19/04/03 are numerous. These allegations were in most cases not controverted... and the most tragic and disturbing aspect of the incidents is that these incidents either happened in the presence of policemen and soldiers or immediately reported to them. No arrests were made and no investigations. The scenario created from the various incidents was that some persons were, in the name of politics, licensed to destroy lives [and] properties. It is a serious dent to our claim to democracy and democratic ideals (pp93-94 typewritten judgment of the Court of Appeal - CA/A/EP/3/2003).

²¹ Human Rights Watch. June 2004. *Nigeria's 2003 Elections: The Unacknowledged Violence*. New York: HRW; p.1. See also the Report of the Transition Monitoring Group, *Do Votes Count?* Abuja, Nigeria: TMG. Cases of electoral violence were also documented by foreign observers, especially the Final Report of the European Union election Observation Mission for 2003 elections in Nigeria.

Indeed, the election petition filed by Muhammadu Buhari, Chuba Okadigbo and the All Nigerian People's Party against Olusegun Obasanjo (Presidential candidate of the People's Democratic Party and 267 others (CA/A/EP/3/03) on May 20, 2003 contained numerous instances in which the security agencies were alleged to be involved in either inflicting violence on electorates or condoning same by thugs, most often loyal to the PDP. The petitioners provided details as to names of perpetrators and locations of incidence. Most graphic and tragic was the case involving soldiers and officers of the 6th Motorized Battalion, Ibagwa in Akwa Ibom State. The petitioner alleged that under financial inducement, the soldiers and officers of the Nigerian Army were deployed to several LGAs. The Petitioners provided the names of 35 soldiers, along with their service numbers, who were alleged to have participated in thumb-printing ballot papers and produced false results²².

The foregoing pattern and trend of violence in 2003 and 2007 partly explain the post-election violence in April 2011. In particular, the absence of effective resolution of grievances in past presidential elections may be seen as a source of frustration-aggression exhibited during the post-presidential election in April 2011. Other factors to which the violence may be attributed are:

1. Dubious arguments pertaining to zoning in the PDP. Many supporters of Jonathan presidential ambition in and out of PDP denied the existence of zoning in PDP constitution despite the contrary. It is significant that the same people resurrect zoning principle after the election
2. Unprecedented activation and mobilisation of ethnic, regional and religious boundaries and prejudices during the campaign
3. Visit to powerful traditional rulers by southern politicians and state governors to canvass support for Jonathan portrayed the rulers as collaborators in what was considered as a plot to deny the North its right under the PDP zoning arrangement
4. Structure and capacity of the Congress for Progressive Change (CPC). The party was new and attracted large support base that it lacked capacity to manage. This problem was compounded by lack of support for the party by middle and upper class politicians, even in the Northern states,

²²See pages 21-22 of *2003 Presidential Election: Buhari Goes to Court*. Abuja: The Buhari Organisation, 2003.

who were afraid that Buhari would send them to prisons for past corrupt practices. As a result, the support base of the party was largely the relatively unemployed, uneducated and underprivileged youth in many Northern states that were not given necessary political education and direction in a democratic election. The violence should not be attributed to CPC alone given internal crisis in the PDP due to the way it handled its primaries and nomination.

5. Discrepancy between the level of turn-out and elections results in the South-South and South-East Zones. On the day of presidential election, media reported low turn-out in many states in the zones. However, the results declared a day later indicated extra-ordinarily high turn-out of voters who also voted overwhelmingly for Jonathan and PDP. The discrepancy was viewed as evidence of massive rigging by supporters of opposition parties, especially in some Northern state. Incidentally, the pattern observed in 2011 election was not very different from patterns in 1999, 2003 and 2007. The two zones have a political culture of declaration of results that indicated nearly 100% voter turn-out, even when media and observers' reports on the election days indicate otherwise.

Lessons from 2011 Post-Election Violence

There are several lessons that can be learnt from the 2011 post-presidential electoral violence. Some of them are as follows:

- a. Electoral laws should meet the minimum requirements of the rule of law doctrine²³;

²³ The rule of law doctrine embodies the principles that: (a) citizens should be subjected only to the law; (b) laws should be promulgated to take effect prospectively rather than retroactively; (c) legislative functions should be independent of executive functions and duties and subject only to judicial review in accordance with the provisions of a national ground juridical norms - constitution or convention; (d) judicial functions and officials should be independent of interference from the executive and legislative arms of government and granted powers to review executive and legislative decisions in a accordance with constitutive laws, and (e) all citizens are equal under the law and no one within the polity is above the law. The essence of the rule of law is to limit arbitrary exercise of power by the state, protect human rights, guarantee equality and ensure effective enforcement of law. These principles coincide with some of the constitutive elements of liberal democracy. In recent times, certain political office holders have not only detested these but openly denounced them as inhibitions against the policies of the incumbent regime. Such pronouncements are indicative of tyrannical temperament aimed at promoting regime security and interests at the expense of national security and development.

- b. All participants, including government agencies and officials participating in or administering the electoral process must observe and respect the rule of law. To do otherwise will encourage violence on the part of those who feel cheated;
- c. Security agencies should be adequately equipped to enable them adopt measures for (a) preventing and controlling violence during political campaigns and elections; (b) safeguarding the security of electoral officers; materials, polling stations and documentation of results;
- d. Police criminal intelligence and investigation capability is grossly inadequate and should be addressed. Contemporary crimes require evidence-led strategies, plans and operations. The Nigeria Police Force is extremely ill-prepared to curb contemporary crimes of terrorism, insurgency, organised and transborder crimes. Police training and deployment as well as procurement of services and facilities should take into consideration contemporary forms of security threats. Further, the Nigerian police need to introduce career long specialisation in criminal intelligence and investigation, patrols, etc. The current general duty paradigm is outdated.
- e. Politicians should conduct their campaign on the basis of issues rather than attack on personalities or mobilisation of religious, ethnic and regional sentiments. Campaign should focus on the implementation of the critical national economic, political, social cultural, educational and health objectives in chapter 2 of the Constitution. The citizens want the parties and politicians to articulate their programmes in these areas and are not interested in the 'dance of shame' being staged across the country by some of the parties in the name of political campaign.
- f. The civil society organisations should intensify their efforts in the area of civic education so that the citizens can understand the essence of elections, the values of democratic governance and practices, and to eschew ethnic and religious sentiments in voting and reactions to election results;
- g. Party agents should be given training on their roles and responsibilities at the polling and counting centres;
- h. The National Orientation Agency, which is the foremost agency of government for enlightenment, orientation, political education and mobilisation, should be more active in political, civic and voter education

- i. Ethnic and religious leaders as well as politicians, including government officials should not make provocative and irresponsible statements that may evoke religious, ethnic and regional prejudices against other candidates and incite electoral violence;
- j. The mass media of communication - print and electronic - have important roles to play in enlightening the politicians and citizens, exposing miscreants – no matter how well or highly placed - who will not respect the laws of the land and the sovereignty of the citizens; set agendas for politicians and parties to address in their campaigns, and to enlighten the citizens to make good electoral choices, and to impartially report the activities of parties;
- k. Culture of impunity that encourage electoral violence should be discouraged by scrupulous enforcement of laws prohibiting electoral violence and illegal arms trade, possession and use;
- l. Electoral Offences Commission recommended by the Electoral Reform Committee (Uwais Committee) should be established and adequately funded, staffed and equipped for the purposes of effective apprehension, prosecution and trial of electoral offenders
- m. The security and intelligence agencies, especially the NPF and the Nigeria Customs Service (NCS) should be adequately equipped with relevant equipment and appropriately staffed with competent and patriotic staff to combat illegal trafficking in arms
- n. Political parties should evolve as instrument of democratic governance rather than servicing as an organised criminal enterprise used for seeking, gaining and retaining power in order to rob public treasury.

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Appendix

COMMUNIQUE

Issued at the end of the 4th Policing Executive Forum on “Review of Elections Security During the 2011 General Elections in Nigeria” Organised by the CLEEN Foundation in Collaboration with the Justice for All (J4A) Programme of the UK Department for International Development and the Nigeria Police Force at Immaculate Hotel, Abuja, on Tuesday, 28th June 2011

Introduction

The fourth national Policing Executive Forum was held on Tuesday, 28th June 2011 at Immaculate Hotel, Abuja. The theme of the Forum was “Review of Election Security During the 2011 General Elections in Nigeria”. The Forum was organised by CLEEN Foundation (with Support from MacArthur Foundation) in collaboration with the Justice for All (J4A) programme of the UK Department for International Development (DfID) and the Nigeria Police Force.

Participants at the Forum were drawn from civil society election observer groups, government agencies, office of the National Security Adviser, the police hierarchy, including Commissioners of Police, the Ministry of Police Affairs, the Police Service Commission, and donor agencies such as the European Union, Open Society Initiative for West Africa (OSIWA), and MacArthur Foundation. Papers presented reviewed the successes, challenges and lessons learnt from providing security for the 2011 general elections, noting trends and providing recommendations for future elections.

Observations

The forum observed that:

- a) Taking into consideration the results of surveys conducted during and after the elections, public perception of the performance of security agencies reflected satisfaction higher than in previous elections;
- b) During the general elections, the police and other security agents were more approachable and professional in their demeanour, in line with

the reviewed Guidelines for the Conduct of Police Officials on Electoral Duty;

- c) The violence and unrests in some parts of the country have always characterised Nigerian elections since the colonial era, and are usually end results of feelings of injustice resulting from absence of rule of law and lack of transparency in the electoral process;
- d) The collaborative efforts among the Nigeria Police, Nigeria Civil Defence Corps, Federal Road Safety Corps, Nigerian Prisons, Nigerian Immigrations Service and other security personnel during the general elections must be commended and consolidated;
- e) Violence surrounding elections are products of criminal intelligence failure, especially within the Nigeria Police Force, which has the primary responsibility for providing security;
- f) The accreditation process adopted during the elections reduced movements during the elections, reducing activities of miscreants and possibilities of skirmishes; and
- g) The Nigerian media needs to shift attention from incidences that violate electoral rules but rather focus on trends, setting agenda for political parties, politicians, civil society actors, and the citizens who have to make the right electoral choices.

At the end of the one-day session, the participants resolved as follows:

1. Preparations for providing security for the 2015 elections must commence immediately, taking into consideration the achievements and drawbacks of methods used during the 2011 elections;
2. The Inter-Agency Consultative Committee on Electoral Security must be sustained and strengthened;
3. Electoral offenders must be arrested and prosecuted, to serve as deterrents;
4. Budgeting for efficient and effective policing and security must be taken seriously by the Nigerian Police Force and the Ministry of Police Affairs as well as the National Assembly;
5. Nigerians should be engaged on elections security through strong civic education, especially by civil society organisations;

6. Specialized trainings on election security should be held long before 2015 elections and provisions should be made to equip security agencies adequately to enable them adopt measures for preventing and controlling violence;
7. A long term agenda for more inclusive and objective police reforms should be put in place to launch and sustain the efforts;
8. Pre elections security threat assessment should be carried out to understand the different patterns of violence, the perpetrators and the different terrains where they can happen;
9. Electoral laws should meet the minimum requirements of the rule of law and government agencies and officials participating in the administering the electoral process must observe and respect the rule of law.

Signed:

Ministry of Police Affairs

Police Service Commission

Nigeria Police Force

CLEEN Foundation

Report of the 4th Policing Executive Forum on “Review of Elections Security During the 2011 General Elections in Nigeria’ Organised by the CLEEN Foundation in Collaboration with the Justice for All (J4A) Programme of the UK Department for International Development and the Nigeria Police Force at Immaculate Hotel, Abuja, on Tuesday, 28th June 2011

Introduction

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Welcome

The National Programme Director of J4A, represented by Dr Mohammed Awual Umar, gave a welcome remark. He introduced J4A as a DFID-funded programme that helps the FG to reform justice sector aiming to improve personal security and justice for Nigerians. One of the components is to improve police accounting by interventions like rehabilitation of police stations, improving service delivery, strengthening policing systems and processes, improving the capacity of the police to respond to crimes and improving capacity of citizens to report crime. It is as part of these goals that the J4A supported trainings for elections, especially in the 5 focal states of the federation to make officers act more professionally and obviate human rights violations/interference in electoral processes by police officers. The

programme, he disclosed, also trained CSOs to monitor the efforts of police during the elections, information which was analysed by J4A.

The NPD reported that impressive findings by the CSOs showed improvements in police conducts. Up to 90% of security agents arrived at stations before or by 9am, while the police were rated as having performed very well with only 1% of voters who responded to the questionnaires rating the police performance during the elections as poor. He said J4A will pass on the officers noted for commendation by the voters to the NPF and hoped that the NPF would deem it fit to commend the officers. The aim of this limited research, he said, was to introduce objective planning and institutionalising best practice in police during elections.

Mr Innocent Chukwuma of CLEEN Foundation, in his opening remarks, complemented Dr Umar's remarks by giving a background to the Policing Executive Forum. He said the PEF was initiated about two years ago and from the J4A presentation that the last session, which focused on police preparations for the elections, appeared to have yielded fruit. He referred to a post election survey that showed that 87% of Nigerians were very satisfied with police conduct during elections. One of every 3 voters however had been fearful of participation in elections for fear of violence, which was cause for more concern and reason for such a high-level meeting. He hoped that the leadership of the police and oversight agencies (PSC and MOPA) would be present to discuss priority issues of concern and agree on ways to address them without working at cross purposes. He thanked the supporters of the CLEEN Foundation's projects such as J4A and MacArthur Foundation, hoping that J4A would provide funding to continue this laudable forum at the expiration of the present funding in 2012.

On his own part, the Africa Director of MacArthur Foundation, Dr Kole Shettima, expressed excitement at the opportunity to support CLEEN and the police for the past 10 years. He also noted the support for the Alliance for Credible Elections (ACE) to find out public views on security, especially during elections. He added that one of the best investments of MacArthur was for the convening of this forum to share experiences and reinforce best practices.

First Plenary Session

Scheduled to last two hours, the first plenary session began at 11.25am. The Inspector General of Police was unavoidably absent to deliver his paper titled “Review of the Role of the Police in Ensuring Security during the 2011 General Election: Successes, Challenges and Lessons Learnt”.

Paper 1: Civil Society Assessment of the Performance of Security Agencies during the 2011 General Elections by Mr Chinedu Nwagu

The session then began with a paper by Mr Chinedu Nwagu of CLEEN Foundation who gave a presentation on a “Civil Society Assessment of the Performance of Security Agencies during the 2011 General Elections”. He analysed the legal framework guiding the 2011 elections, preparations and conducts of security agencies during the elections and then made cogent recommendations.

CLEEN, he said, deployed 370 observers as well as the Human Rights Commission which deployed 370, and their reports were represented in his paper. He argued that there was adequate legal framework in place to empower the police to carry out their functions during the 2011 elections. He cited the provisions in the Nigerian constitution which empowers to police to handle electoral offenses and also the 2003 guidelines adopted by the Police Service Commission that gives the police the responsibility to arrest electoral offenders and ensure peace and tranquillity during elections.

As for preparations, he reported that the police announced the intention to deploy 240,000 officers for the elections but only very few were trained for the elections. According to him, the Justice for All initiative of the DfID trained police personnel in some states, especially on the legal framework that empowers them to discharge their duties. In addition, a sizeable sum of money was approved for the police by the Federal Government only two months to the elections, but it was not in time enough to make procurements for the elections. The timeframe for the importation of necessary equipment for the police force in preparation for the elections was deemed too short to allow

this, and the paper presenter emphasised the need for long term planning. He also noted that in addition to the insufficient logistic arrangements (and because of it) the security officials were not well taken care of. Allowances due to some were not promptly released or not paid at all. Mr Nwagu recalled that while observing the elections, various CSO teams noted seeing policemen trekking to and from election venues, and expressed dismay at the welfare of the security personnel during the 2011 elections.

Samples of conduct of security agencies at the 120,000 polling units during the elections were collected using 8004 checklists designed by CLEEN Foundation. The paper reported that an analysis of some of the data gave insights into their conduct. For instance, in the NASS elections, 55% officials got to places of assignments before 8am. In the course of their work, some of the security officials were also distracted from their polling posts either to have some food to eat or ease themselves, as little or no arrangements were made for these. Nevertheless, the paper noted that incidents of abandonment of polling centres declined as the staggered elections progressed. In general, security agents were deemed to be approachable, as the people rated them high in all the elections. Instructions to the police not to use arms must have helped in this regard. Public perception was that the police performed very high, above their previous ratings.

The paper recommended pre-elections threat assessment before every election to understand peculiarities of various terrains. Engagement of civil populace on election security was also desirable.

The full details of Mr Nwagu's recommendations for improving effectiveness of security operations during elections are as follow:

1. There should be pre-election trend assessment to understand the different patterns of violence and the terrain where they occur;
2. Engage the civil populace in election security through strong civic education;
3. Coordination amongst security agencies like the Inter agency Coordination Committee formed by INEC should be strengthened;
4. Security at Collation Centres should be strengthened;

5. Specialised training on election security should be held before 2015 elections; and
6. Setting up a longer agenda for the police force reforms.

Paper 2: Post-Election Violence in Nigeria: Emerging Trend and Lessons by Prof Etannibi E.O. Alemika

The second presentation in the session was by Prof E. Alemika. The professor of criminology said his paper was going to stir controversy as he would show that the 2011 elections were not very different than previous elections. He said the political terrain, like organised crime, is characterised by secrecy, cooptation, corruption and violence. He urged Nigerians therefore not to be surprised by violence around elections. “Nigerian political parties and politician operate in very similar ways” he quipped.

Prof Alemika then posed a rhetorical question about why elections should still be conducted, in view of the problems; and he answered the question by saying that elections are very significant in the process of governance in which a people’s equality is expressed. The second value of elections, he argued, is in the sovereignty of the people, as people who govern do so at the instance of the people who elect or reject them.

He reiterated that election violence has been a recurring problem since Independence, even though most cases tend to be localised, short-lived and restricted to polling centres and communities. Some large scale ones like that of 1963-65;1983 and 2011 in Western Region, Oyo and Ondo States and in several Northern states, respectively, recorded large scale loss of lives and destruction of property.

Proffering reasons for the violence, the paper said patterns of corruption and falsification of results could have been the major culprits in 2003 and 2007. The professor added that that partly explained the post-election violence in April 2011. Explaining further, Alemika said: “In particular, the absence of effective resolution of grievances in past presidential elections may be seen

as a source of frustration-aggression exhibited during the post-presidential election in April 2011.” Other factors responsible for the 2011 Post election violence include; the PDP’s dubious contests pertaining to zoning; unprecedented activation and mobilisation of ethnic, regional and religious boundaries and prejudices after the election; visits to powerful traditional rulers who were deemed to have thwarted the wishes of the people; structure and capacity of the Congress for Progressive Change (CPC) as a new party with an elite and mass followership by lacking a middle cadre; and discrepancy between the level of turn-out elections result in the South-South and South-East Zones.

Prof. Alemika stated that several lessons could be learnt from the 2011 post-presidential electoral violence and they include amongst others:

1. Electoral laws should meet minimum requirements of the rule of law doctrine;
2. All participants, including government agencies and officials participating in or administering the electoral process must observe and respect the rule of law. To o otherwise will encourage violence on the part of those who feel cheated;
3. Security agencies should be adequately equipped to enable them adopt measures for (a) preventing and controlling violence during political campaigns and elections;(b) safeguarding the security of electoral officers; materials. Polling stations and documentation of results;
4. Police criminal intelligence and investigation capability is grossly inadequate and should be addressed;
5. Politicians should conduct their campaign on the basis of issues rather than attach on personalities or mobilisation of religious, ethnic and regional sentiments;
6. The civil society organisations should intensify their efforts in the area of civic education so that the citizens can understand the essence of elections, the value of democratic governance and practices, and to eschew ethnic and religious sentiments in voting and reactions to election results;
7. Party agents should be given training on their roles and responsibilities at the polling and counting centres;

8. The national orientation agency, which is the foremost agency of government for enlightenment, orientation, political education and mobilisation, should be more active in political, civic and voter education;
9. Ethnic and religious leaders as well as politicians, including government officials should not make provocative and irresponsible statements that may evoke religious, ethnic and regional prejudices against other candidates and incite electoral violence; and
10. The mass media of communication-print and electronic- have important roles to play in enlightening the politicians and citizens, exposing miscreants – no matter how well or highly placed – who will not respect the laws of the land and the sovereignty of the citizens; set agendas for politicians and parties to address in their campaign, and to enlighten the citizens to make good electoral choices, and to partially report the activities of parties.

First Session Discussions

A female participant from Kaduna said there was need for politicians to be represented in the forum and that the forum should be taken to local levels. She thanked Prof Alemika for giving a true representation of the violence that characterised the aftermath of elections and asked for greater civic education on rights and responsibilities of the citizenry.

Another participant, Mr Okechukwu Nwanguma from the NOPRIN Foundation decried government's lacklustre attitude to police reforms, especially the various recommendations with regards to independent mechanism for appointment of IG of Police, a current process that he says undermines discipline of the police.

An election observer, Mr Larry Oguegbo, who observed the elections, gave an anecdotal account of how a community agreed to stuff the ballot box, which was against the law. He said when he contacted the police officer, the officer countered that until he was instructed by the electoral officer, he couldn't act. Unfortunately, therefore, the community carried out the fraudulent act in their presence.

Nkiru, another female participant argued that it would be inappropriate to discuss election security outside of the general insecurity in the country. Mr Harry Obe of the Human Rights Commission commended Professor Alemika for underscoring the role of security agents in the electoral process, given the illegitimacy of the people at the helm of government. He said that until election security in Nigeria is addressed, post election violence will continue to rear its ugly head. Also, he underscored the need to address the welfare of security personnel especially transparency in the amounts meant for police officers, unless in the nearest future, they will revote against the state. He identified poverty as a factor in election violence and the inferiority complex felt of police officer in relations to the military.

Mrs Bisi Olateru Olagbegi observed during the 2011 elections that the police were lukewarm and not proactive at the polling centres. She recommended that preparation for the 2015 election should start now and special unit should be created for the police that will monitor elections. She called for the stepping up of the welfare package of police officers especially during elections. She however blamed CSO for the spate in post election violence during the 2011 election saying that they did not carry out civic education to enlighten the populace.

CP Sani Magaji of the Nigerian Police Force blamed the spate of violence during and after election on the high allowances paid to the National Assembly members. “If their allowances are reduced, it will make the offices will less attractive and the do-or-die attitude of politicians will change,” he said. He called for the meting out of penalties for electoral offenders when caught to serve as deterrent to others.

Second Session: Panel Discussions

1st Panel: “Strategies for Providing Efficient Support for Elections Security in Nigeria: Way Forward”

Mr Peter Shamaki led the first panel discussion on “Strategies for Providing Efficient Support for Elections Security in Nigeria: Way Forward”. He

introduced the 2 panellists, Dayo Olaide, OSIWA and Dr. Auwal Umar of Justice for All.

Mr Dayo Olaide took a lead in discussing “Strategies for Improving Efficient Support for Elections Security in Nigeria”. In doing that, he took a look at how the 2011 elections fared. He acknowledged the positive shift in the performance of security agencies in terms of coordination and planning; attitude of security agencies and their neutrality in elections.

He gave kudos to INEC for the initiative to own its own security plan by setting up the Inter-Agency Consultative Committee on Electoral Security. CSOs, he said, made tremendous efforts to strengthen the security plans for the elections. For instance, he disclosed that his organisation, Open Society Initiative for West Africa (OSIWA) sponsored police trainings and had a security working committee that sent out reports on a weekly basis all through the election period. Because of the established relationship built by CSOs with the police force, for the first time in the 2011, a hotline for the IGP was provided.

In assessing the neutrality of security forces during the election, a code of conduct was designed by the National Human Rights Commission and CLEEN Foundation and was used to mobilise the public on how to monitor the conduct of the police.

On the way forward towards a successful 2015 elections, Mr Olaide held the view that five major areas required strategic improvements, viz.: institutional development in terms of systematic planning, knowledge and intelligence gathering; continuous training; election monitoring in terms of continuous planning by INEC and CSOs; funding for elections; and putting in place sanctions for election offenders and rewards systems for those who have done well.

The second speaker, Dr. Auwal Umar of Justice for All prefaced his talk by agreeing with the view that Mr. President absolved himself of charges that he instigated people to rig elections on his behalf, but expressed dismay that the

President did not stand his ground to ensure that others did not rig elections. Speaking on “Strategies for Providing Efficient Support for Elections Security in Nigeria: Way Forward”, Dr. Umar worked the topic under three headings: Role of Political Parties; Government and; Institutional Roles. He said that political parties need to ensure that enough civic education should be inculcated into the trainings given to their aspirants. He condemned the ways politicians’ posters are used to deface important billboards, walls and buildings maintained by other organisations. He called politicians and political parties to make the rules work; they should be responsible for those they send out to represent their parties at polling units on Election Day.

The government in power, he said, should be able to provide good governance to her people because it will bring about less complaints and anger from people which are normally expressed in negative ways. He however recommended major discussions with stakeholders in order to reduce potential for violence.

The institutional role by key players like INEC in the electoral process is very paramount. INEC needs to decentralise the powers of the Chairman so that things can work well. The constitutional provision empowers the police to intervene in crime prevention; he argued that if they improve on their role as it concerns safety and security, then elections will not be violent. The speaker wrapped up by challenging CSOs to relate more with the common man on the street in order to educate them and for them as individuals to contribute to better elections in Nigeria.

1st Panel Discussions

Saadatu Bowsan of the Alliance for Credible Election raised the issue of prosecuting electoral offenders and the need for proper training of the police prior to elections. These, she said, will help curb electoral violence in subsequent elections in Nigeria.

CP Linus Tailor of the Nigerian Police Force expressed the opinion that members of the society have a role to play in stopping electoral violence. He said that all police officers are well trained but the Nigerian political class

who violate the laws have an upper hand and never get punished for offences committed.

Kabiru Hamisu Kura of Community Development Initiative in Kano said that INEC's accreditation before voting methodology that helped restrict movement on the Election Day needed to be highlighted and commended. This resulted in every polling unit having respectable people and elders around, thereby reining in the excesses of youths and made them hesitant in fomenting trouble. With a proverb that says "You cannot make your canoe on the day of your journey", he called for preparations for the 2015 elections to start immediately.

Emmanuel Ibe of the Police Service Commission said that the Police service Commission, CLEEN and SGI came up with the idea to monitor police conduct during election and this have gone a long way to improve the conduct of the police. He went further to say that the ordinary police man tend to look at his or superior before taking actions even when they are aware that the constitution empowers them to arrest offenders.

Martins Oloja of *The Guardian* Newspaper queried the organisers for not inviting enough media men to this forum. "It is important for journalist and very senior media practitioners to be around to listen to experts' perspectives," he argued. He also called on CSOs to begin to stress the need through the media to policy makers on budgeting for security the better for us all.

2nd Panel: "Strategies for Effectively Supervising Elections Security in Nigeria"

Kemi Okenyodo of CLEEN chaired the 2nd panel discussions titled "Strategies for Effectively Supervising Elections Security in Nigeria", which had panellists from the National Human Rights Commission and Nigeria Police Force. Prince Ibe of the Police Service Commission gave the PSC's perspective of the strategies, beginning with the Commission's constitutional duty of overseeing police conduct, starting from appointment and promotions, through to discipline. He noted that the commission was inaugurated in 2001 and got involved in elections for the first time in 2003, at which time it faced antagonism

to the level that Aso Rock requested that all reports must be sent to the Presidency. However, he acknowledged the soothing role that support from CSOs and donors have played, especially in the success the commission recorded in 2003. He disclosed that the report of monitoring of police conduct in the 2011 general elections would soon be released.

Nevertheless, Prince Ibe noted that monitoring of police conduct helps to justify expenditures on security for elections and general serves as check on the conduct of the police during elections. Of greater importance than monitoring the conduct of personnel at polling units is monitoring of senior officers who are usually stationed outside of polling units. He decried the spate of redundancy and negligence among police personnel during elections, with many police officers clustered in one location while others watched electoral frauds being committed.

With respect to funding, the panelist said the PSC has not received enough to discharge its duties effectively.

Mr Tony Ojukwu of the National Human Rights Commission corroborated Prince Ibe's position that, prior to 2003, security agencies on election duties didn't think their actions could be monitored, but with greater awareness, in 2011, a police man asked an election observer: "Are you the one sent to monitor us?" He attributed this to the success of the awareness drives from all the stakeholders in police accountability. He noted that manuals were developed, trainings conducted and IEC materials distributed to the police to equip them with the requisite knowledge. The NHRC also talked to the police hierarchy about welfare of personnel. He suggested that to put an end to the sufferings of the police personnel their entitlements should be handled by a neutral agency while the police hierarchy handles procurement of equipment and gadgets.

The panellist made a case for improvement in communication for the police during elections, asking for more specialised communication gadgets to replace the use of personal mobile phones, and setting up of a situation room where information could be received processed and action steps taken with dispatch.

He advocated that sanctions be meted out to electoral offenders, preferably handled by an Electoral Offences Commission, as recommended in the Justice Uwais report. Mr Ojukwu commended the collaborative effort of CSOs and the INEC leadership in the 2011 elections, especially with the inter-agency committee that helped in identifying officers that needed training and could step the trainings down.

His suggested ways forward included an analysis of the successes of the 2011 elections, early trainings for security personnel with full collaboration of the donors who should avoid late release of funds, as well as collaboration between observer groups. As food for thought, nonetheless, Mr Tony Ojukwu posed a question about how Nigeria can effect a shift from spending huge sums of money for elections and huge security presence for the conduct of polls.

Musa Magaji, a police commissioner, gave a police perspective of the subtheme. He disclosed that the police also arranged training programmes for the security operatives, giving them lectures in the state commands, while the DPS give training to their staff. As part of the pre-election plans, the NPF got its men to know the polling units within which they would operate, and violence-prone areas get more men during deployment. He was of the view that if the police were allowed a free hand to operate, they would perform better. He decried what he termed over-dependence on state governors for resources as well as the general lack of working tools such as vehicles.

2nd Panel Comments

Aisha, the participant from Kaduna expressed shock that government would not fund its agencies to properly carry out their election duties, including monitoring. Commending the police for the conducts during 2011 elections, and identifying the need for change of attitude among the citizenry, she advocated increased and continuous civic education since Nigeria is a growing democracy. She added that political offices should be made less attractive, to discourage desperation among politicians.

Another participant, Mr Martin Oloja, drew attention to the welfare of Resident Electoral Commission which is largely left in the hands of the state governors, a practice that he referred to as inimical to free, fair and credible elections. He also agreed with earlier arguments that he who controls police welfare determines its independence, and as such the Nigeria Police should be made as independent as possible.

Some participants asked how soon the PSC's election monitoring report would be ready and why the PSC had to return unspent funds to the UNDP. The participants also asked for a case from the field to demonstrate the PSC's stand on discipline. "If we think that the police performance will get better in 2015," one participant quipped, "the characters of players may change and that will determine the type of results."

Others asked to know the Nigeria Police's position in the agitation over state police, given the backdrop of their unwitting part-dependence on state governors for equipment and general welfare. One exhorted the NPF to expend some resources on reducing the human interface by creating and updating websites and general automation.

Mr Nwanguma of NOPRIN demanded that the police be freed from political interference, a example of which was the recall of the former EFCC chairman, Mr Nuhu Ribadu, without similar treatment for others dismissed for same or similar offence. He also commended all the government agencies whose representatives made presentations (the PSC, NHRC, and NPF) for being able to make the progress in spite of complaints of underfunding which ran through.

Responses

In response to the question on state police, CP Magaji said the Nigerian Police Force would actually prefer remaining a federal institution. On the other hand, Mr Ojukwu believes that centralisation of power is for the benefit of certain political actors and not in the interest of the general populace.

For the PSC representative, the Constitution of the country makes provision for representation of all the 36 state governors on the board of the Police Service Commission, thus giving such governors opportunity to exercise control over the police. On the PSC's returning of UNDP funds, he disclosed that the commission was shying away from bringing the country to ridicule as it is the responsibility of each country to fund its oversight mechanism. He said the commission is already investigating cases of alleged police misconducts during the 2011 elections. He supported the idea of state police, since the country is a federation.

Rounding up the session, the chair, Kemi Okenyodo, said there are three components involved in police accountability which falls within the purview of the various MDAs represented at the Forum. She outlined these components as the three C's: Cost (accountability for funds); Crime (accountability with respect to reduction in crime); and Conduct (accountability for personnel's behaviour). She suggested that the PSC could oversee Cost; the NPF account for Crime; while PSC and the NHRC oversee Conduct.

Conclusion

At the end of the Policing Executive Forum, a communiqué capturing the major deliberations and resolutions, was produced and read to the participants who made corrections. Mr Chinedu Nwagu gave the vote of thanks on behalf of CLEEN Foundation and the other members of the organising team.

CLEEN FOUNDATION'S PUBLICATIONS

- JOURNEY TO CIVIL RULE**
A Report on the Presidential Primaries of the All Peoples Party (APP) & Peoples' Democratic Party (PDP) February 13-15, 1999 Published in 1999
- POLICING A DEMOCRACY**
A Survey Report on the Role and Functions of the Nigeria Police in a Post-Military Era, Published in 1999
- LAW ENFORCEMENT REVIEW**
Quarterly Magazine, Published since the first quarter of 1998
- CONSTABLE JOE**
A Drama Series On Police Community Relations In Nigeria, Published in 1999
- POLICE-COMMUNITY VIOLENCE IN NIGERIA**
Published in 2000
- JUVENILE JUSTICE ADMINISTRATION IN NIGERIA**
Philosophy And Practice, Published in 2001
- GENDER RELATIONS AND DISCRIMINATION IN NIGERIA POLICE FORCE**
Published in 2001
- FORWARD MARCH**
A Radio Drama Series on Civil Military Relations In Nigeria, Published in 2001
- HOPE BETRAYED**
A Report on Impunity and State-Sponsored Violence in Nigeria, Published in 2002
- CIVILIAN OVERSIGHT AND ACCOUNTABILITY OF POLICE IN NIGERIA**
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- POLICE AND POLICING IN NIGERIA**
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- CIVIL SOCIETY AND CONFLICT MANAGEMENT IN THE NIGER DELTA**
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- CRIMINAL VITIMIZATION SAFETY AND POLICING IN NIGERIA: 2005**
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- CRIMINAL VITIMIZATION SAFETY AND POLICING IN NIGERIA: 2006**
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A Post-Election Survey Report, Published in 2009
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- POLICING ELECTION IN NIGERIA**
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- ENHANCING ACCOUNTABILITY SYSTEMS IN THE NIGERIA POLICE FORCE**
Conference Proceedings Monograph series 8, Published in 2010
- EMERGENCY RESPONSE TO VICTIMS OF GUN VIOLENCE AND ROAD ACCIDENTS**, Conference Proceedings Monograph series No. 9, Published in 2010
- POLICING ELECTIONS IN NIGERIA:**
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- REPORT OF CONFERENCE ON MAKING DEMOCRACY WORK FOR NIGERIA PEOPLE**
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- YOUNG PEOPLE AND THE POLICE IN LAGOS**
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- POLICE INTERNAL CONTROL SYSTEMS IN WEST AFRICA**, Published in 2011
- CRIME VICTIMIZATION, SAFETY AND POLICING IN NIGERIA**, Published in 2011