

**E**lection security (i.e security of election officials and materials) remains a formidable challenge in most of Africa. More than ever before in its electoral history, there was an effective coordination of security agents that participated in the Nigeria's 2011 elections. Incidents of inter agency rivalry was rare. All security agents came under the aegis of what is now referred to as Inter-Agency Consultative Committee on Election Security (ICCES). ICCES itself is an outcome of a workshop "Security Challenges in Election Management: Towards Nigeria's 2011 Election" under the auspices of the Independent National Electoral Commission (INEC) and the Friedrich-Ebert-Stiftung (FES). INEC's Chair and the National Security Adviser provide effective leadership for ICCES. The outcome of that workshop and the policy intervention that accompanied it spurred the two organisations to partner again ahead of the 2015 general elections. The 2012 workshop focused on matters arising from the planning and execution of security strategies put in place in 2011. It became clear that Nigeria and Kenya among other African countries would have to wait for further consolidation of their fledgling democracy before entertaining the thought of doing away with security agents in election administration. Election security, through the presence of security agents, enhances rather than fetter citizenship and the delivery of electoral services.



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ELECTION SECURITY IN NIGERIA: MATTERS ARISING

# Election Security In Nigeria: Matters Arising



Edited by:  
'LAI OLURODE

**FRIEDRICH  
EBERT  
STIFTUNG**

# **ELECTION SECURITY IN NIGERIA: MATTERS ARISING**

**Edited By**

**'LAI OLURODE**



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# FOREWORD

As long as there is complete adherence to the electoral laws and transparent processes, elections by universal suffrage is the major expression of democracy. However, following the news on elections, there are clear indications that there are hurdles to jump over in a lot of democracies, hence the urgency and importance of developing and employing security measures so as to prevent, contain or control factors that trigger disorder and violence during elections. A positive security measures will help in managing the effectiveness and neutrality of the security forces which includes preserving the integrity of elections, lives and properties and most importantly the democracy. The role of security forces and other agents is very important in elections.

Nigeria's Independent National Electoral Commission (INEC) is committed in their own way to securing the electoral process in an environment that in recent years has been hit with increased acts of violence and terrorism. Aside from the structural and organizational challenges inherent in the electoral process, this unfavorable environment condition contributes without doubt to the challenges faced by INEC in fulfilling its mission in Nigeria.

The Friedrich-Ebert-Stiftung (FES), a German non-profit organization that seeks to promote social democracy, understands the extreme sensitivity of the subject and so is committed to assisting INEC in its noble quest to improve the security of the electoral process.

The stakeholders thought it appropriate to sit together and assess the security management of the 2011 elections; successes and challenges vis a vis the recommendations of the INEC/FES workshop in 2010. This publication is a compilation of the presentations and outcome of the assessment workshop "Security Challenges of Election Management: Matters Arising from 2011 and anticipating 2015" in 2012.

We believe this, among all other measures adopted by INEC will contribute to increased citizens' trust in the Electoral Management Body, as well as encourage increased participation in the electoral process.

We commend INEC for its tireless commitment to establish free, fair, credible and peaceful elections in Nigeria.

**Seija Sturies**

Resident Representative  
FES Nigeria

# P R E F A C E

Theorizing about election security remains daunting and hazardous for several different but related factors. There is, first, the ever changing security architecture within and beyond national boundaries as well as their intersections. Second, the variables are diverse and their relationship rather complex. Third, the players in the global and national security architecture are numerous and may be driven in their actions not by purely security issues but also by narrow considerations and other non security parameters.

In the opinion of the contributors to this publication, election security was taken as a sub set of national security architecture. Both are closely related and can be mutually reinforcing. To be more specific, a breakdown in election security in a small locality in a vast country as Nigeria can trigger a conflagration and repercussions far beyond the tiny local spatial setting. Not only would the elections go under but economic losses can be profound. Losses of life could also result.

The increasing concern and involvement of election managers in security related issues make sense in the context of the above. Election managers in Africa cannot but engage with other stakeholders in the business of elections. Security agents



are a strategic ally in this respect. Elaborate meetings and brainstorming sessions are often held with them during preparations for elections.

This publication, apart from dealing with matters arising from the 2010 workshop, provides a comparative perspective on the issue of election security. A recurrent and intimidating challenge in Nigeria more than in Kenya and Ghana is how to make security agents to transcend communal, primordial and narrow ethno-religious loyalties. Security agents conceive of their role as securing the lives and properties of big men of power rather than policing for citizenship. Of course, the mindset of politicians is unhelpful in this regard. Men and women of power in Nigeria find it inconvenient to respect the law.

How else can we explain the intimidating movements of incumbent office holders and their convoy during elections? What about police nonchalant and poor exercise of their discretionary power to act in defence of the weak in protection of the rule of law and against the strong in order to promote the motion of one person, one vote? How to make security agents act professionally during elections remains an enduring challenge. But it must be admitted that the theory of the emergence of a silver lining in this regard is real. The creation by the independent national electoral commission (INEC) of the inter consultative committee on election security (ICCES) has contributed in no small measure to enhancing election security during Nigeria's 2011 general elections and after. It is now a rare phenomenon to see policemen helping politicians to

snatch ballot boxes in the open. The revolution in technology and its massive deployment in election administration is a strong deterrent. There are, of course, still outstanding challenges of the security community.

There had been occasions when Nigeria's electoral commission had invited the attention of security agents to unprofessional conduct of their staff during elections but without corresponding remedial measures. Of course, there is no alternative to a continuous engagement by election management bodies of security agents while simultaneously exposing security staff to training and professional conduct. Yes, politicians and staff of election managers need to cultivate more concern for ethics and act in protection of core national values.

It is our expectation that this publication will help practitioners to improve on the security environment of elections such that the preference of the elector will become less ambiguous and more manifest. This is one way of making the downtrodden and the powerful to be heard which is an important element of governance and democratization.

No matter our position within the social structure of our society, we have a role to play in election security. We should not engage in mere lamentations or nurse a sense of despondency, disillusionment and helplessness. We can all act to alter the security architecture to become more election friendly.

**'Lai Olurode**  
Abuja, Sept. 2013.

should not engage in mere lamentations or nurse a sense of despondency, disillusionment and helplessness. We can all act to alter the security architecture to become more election friendly.

**'Lai Olurode**

Abuja, Sept. 2013.

**WELCOME ADDRESS BY MR. THOMAS MATTIG,  
RESIDENT REPRESENTATIVE, FRIEDRICH-EBERT-  
STIFTUNG NIGERIA ON THE OCCASION OF THE  
WORKSHOP ON "SECURITY CHALLENGES OF  
ELECTION MANAGEMENT: MATTERS ARISING FROM  
2011 AND ANTICIPATING 2015", AT TRANSCORP  
HILTON HOTEL, ABUJA, AUGUST 29, 2012.**

**PROTOCOL**

It is my great pleasure to welcome you to our workshop on "Security Challenges of Election Management: Matters Arising from 2011 and Anticipating 2015". This is one further step in the two-year old partnership between the Independent National Electoral Commission (INEC) and the Friedrich-Ebert-Stiftung, an independent German non-profit institution committed to the promotion of democracy, peace and social justice. Our partnership has seen workshops on "Ethical Challenges of Election Management", a visit to Germany by the INEC leadership to interact with their counterparts, the German parliament and government, the public, and anti-corruption watchdog, Transparency International, and the publication of a study on "Voter Apathy in Nigeria".

Almost exactly two years ago, we held our first workshop on security and elections here in Abuja, anticipating the 2011 elections with some sense of hope but also anxiety. The meeting led to the establishment of Inter-Agency Consultative



Committees and initiated some level of Inter-Agency coordination that was hitherto unforeseen. Present at the workshop was also the head of the Interim Kenyan Electoral Commission, who was facing very similar tasks to those of INEC in his own country at that time. We are very glad that the cooperation between the Kenyan and Nigerian electoral bodies is being reinforced today through the presence of Mrs Lilian Bokeeye Mahiri-Zaja, Vice-Chairperson of the Kenyan Independent Electoral and Boundaries Commission, and we would like to extend a warm welcome to her. We had initially hoped to also welcome representatives from the Indian and Ghanaian electoral bodies but both had to decline on very short notice due to pressing electoral matters in their countries.

Elections are the key to establish a link between leaders and the public. Thirteen years after the end of military rule in Nigeria, several office holders are still more inclined to serve themselves and their godfathers than to work for the electorate. The term Do or Die affair is still an adequate description for parts of the country's political culture, as youths are frequently manipulated to act as thugs deterring the electoral process. We all remember the gruesome pictures of post-election violence that shook parts of Northern Nigeria in 2011. We recall with sadness the attacks on security forces, INEC personnel and some Youth Corps members on national duty.

But it is equally important to acknowledge the progress that has been made. The April 2011 general elections and many state elections that have followed, have suggested a break with

the past. The EU observer Mission called the polls an "important step towards strengthening democratic elections in Nigeria", and it was indeed encouraging to see how INEC officials and security agencies were working in sync to create an environment that was free of fear and fraud, and how the people of Nigeria came out en masse to celebrate their democracy.

It is important to consolidate these gains and work towards even better polls in 2015, despite the current tension in the country.

We therefore decided to follow up on the 2010 workshop by assessing the security cooperation in the 2011 elections, and draw conclusions towards secure and peaceful polls in 2015. This programme is designed to give experts the opportunity to present research findings, to discuss with our guest from Kenya on best practices and similarities in the two countries, and to listen to the views of security agencies, the electoral commission, civil society and international donor organizations.

The presence of high-ranking officials from the Nigeria Police Force, the office of the National Security Adviser, the Military, the Nigeria Security and Civil Defence Corps (NSCDC), the National Drug Law Enforcement Agency, the Nigeria Fire Service, the National Youth Service Corps (NYSC) and many other Nigerian institutions is very encouraging. I also welcome members of the diplomatic corps, civil society, the international donors and partner organizations with whom I hope the

Mr. Thomas Mattig, *Resident Representative, Friedrich-Ebert-Stiftung Nigeria*

coordination on electoral assistance will get even better, and representatives of the media, who also have a very important role to play in elections.

The more people participate in the polls and protect their votes, the easier it will be to fight corruption and underdevelopment, so Nigeria can finally actualize its enormous potentials and play its deserved leadership role in and beyond Africa. I wish us all a successful workshop.

Thank you very much.

## OPENING REMARKS OF DEPUTY HEAD OF MISSION, EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY TO NIGERIA

**Mr. Klemens Mömkes**

### Protocols

There can be elections without democracy but there cannot be democracy without elections. And these elections must be free and fair and they must be secure.

Elections are at the core of the democratic process; and to cast their vote is the supreme sovereign right of every citizen. They must be able to do this free from pressure, free from inappropriate influence and free from fear.

It is the duty of our Governments on all levels to generate these fundamental rights, to guarantee the conditions for free and fair elections, as it is the duty of our Governments to provide for freedom, security and peaceful life of all our citizens.

Ladies and Gentlemen, I am very grateful to the Friedrich-Ebert-Stiftung and I congratulate her for taking up this matter of utmost importance, since it goes right to the heart of our democracy. In many countries all over the world democracy is in progress. Things have improved, so they have in Nigeria, and they will improve further. This is not at least thanks to the initiative, dedication and perseverance of institutions like the

Mr. Klemens Mömkes,  
*Deputy Head of Mission, Embassy of the Fed. Republic of Germany to Nigeria*

Friedrich-Ebert-Stiftung. Thank you very much Mr. Thomas Maettig, every success for this noble endeavor and all the best for this important conference.

Thank you very much.

## **SECURITY CHALLENGES OF ELECTION MANAGEMENT: TOWARDS 2015**

**KEYNOTE ADDRESS TO THE WORKSHOP ON  
ELECTION SECURITY BY THE CHAIRMAN,  
INDEPENDENT NATIONAL ELECTORAL COMMISSION,  
PROFESSOR ATTAHIRU M. JEGA, OFR,  
ORGANIZED BY THE ELECTORAL INSTITUTE IN  
CONJUNCTION WITH THE FRIEDRICH EBERT  
STIFTUNG AT THE TRANSCORP HILTON HOTEL,  
ABUJA, AUGUST 29<sup>TH</sup> 30<sup>TH</sup>, 2012.**

### **Protocols**

#### **Introduction**

Let me join in welcoming you to this all-important workshop on the Security Challenges of Election Management, which is conceived as a platform for reviewing the security challenges faced by the Independent National Electoral Commission in the conduct of elections so as to distil key lessons from these experiences as we prepare for the 2015 General Elections. All participants here are concerned with election security as each organization represented continues to play a significant role in securing the electoral process. It is my hope that we will frankly and dispassionately examine the security challenges to election management, understand their import, and design effective strategies for addressing them.

Since April 2011, INEC has conducted several elections at the National and State levels. We are therefore, together with Security Agencies and other stakeholders in the electoral process, opportune to identify some of the most critical and recurring security challenges in election management. This workshop should serve as a platform not only to review these challenges, but also to anticipate others given our own political and economic contexts, that may likely arise as we move towards 2015.

This is the most appropriate time to begin this assessment and planning, and I am, therefore, particularly pleased that this meeting is taking place at this time. From the range of topics to be discussed, I have no doubt that very useful contributions would be made towards more secured elections in 2015.

### **Election Security**

Security is indispensable to the conduct of free, fair and credible elections. From the provision of basic security to voters at political party rallies and campaigns to ensuring that result forms are protected, the whole electoral process is circumscribed by security considerations. In view of the scale of general elections, the number of people involved, election materials that need to be moved, difficulty of the terrain to be traversed, as well as the physical locations that need to be protected, such an operation is complex. It represents logistics and planning challenge that require a wide range of stakeholders, processes, locations, and issues in time and space. Whether we are talking of electoral staff, voters, or other stakeholders such as candidates and their agents,

parties, civil society organizations, domestic and international observer groups and security agencies themselves, security is critical in the protection of electoral personnel, locations and processes; in ensuring that voters exercise their civic duties without fear or hindrance; in creating a level playing field for all political parties and candidates to canvass for support; in protecting domestic and foreign observers in discharging their duties and obligations, and in maintaining the overall integrity of the democratic and electoral processes. The significance of electoral security cannot, therefore, be overemphasized. Electoral security is crucial for creating the proper environment; electoral staff require to carry out their duties; for voters to freely and safely go to their polling units to vote; for candidates and political parties to organize rallies and campaigns; and for other numerous stakeholders to discharge their responsibilities under the Constitution and the Electoral Act.

In planning, coordination and deployment matters pertaining to electoral processes, well-coordinated security is a fundamental requirement for success. Adequate security ensures the free movement of electoral staff, voters, candidates, observers and other stakeholders on Election Day, which, in turn adds to the credibility of the electoral process. Similarly, adequate security is an important pre-condition for the deployment of valuable electoral assets and sensitive materials to registration and polling sites. Adequate security increases the level of participation of political parties, candidates and voters in an election. It also enables a more objective coverage of events by the media and easier circulation of voters' education, message and materials.

## Challenges

Since April 2011, both security services and the Commission has made significant strides in dealing with security challenges to the electoral process. I wish to register the Commission's gratitude to security services for their active participation in the Inter-Agency Consultative Committee on Election Security (ICCES) that we collectively established in the last quarter of 2010. For the first time in the history of election security in Nigeria, we have a common platform responsible for the coordination of security matters and polling of scarce resources, particularly personnel in dealing with common security challenges. Through ICCES, security services have promptly intervened and forestalled potential crises situations that could have gotten out of hand across the country. It is important to continue to strengthen the operations of ICCES and ensure its effectiveness at the state and especially the Local Government Levels.

INEC's experience since 2011 General Elections has shown that some of the most serious challenges to election security have been associated to deployment of security personnel. While there were tremendous strides in deployments in 2011 compared to previous elections, there is still room for further improvements. Issues such as early and adequate deployments to polling units, the provision of escort/protection for election officials and sensitive election materials, preventing violence between supporters of one political party and another, the presence/influence of thugs and militia groups in certain parts of the country as well as attacks on electoral personnel are outstanding issues which need to be urgently

addressed so as to enhance the credibility and transparency of the electoral process.

However, election security is an issue that cannot be left to Security Agencies and Electoral Management Bodies alone; all other stakeholders such as the media, the National Orientation Agency, Community Leaders, CSOs etc. have a significant role to play in the task of securing the electoral environment.

## Towards a Robust Election Security Management

We have come a long way since the April 2011 General Elections. In many important respects, we have been addressing election security challenges in a more coordinated fashion than has been the case before as indicated in the continuing improvements in the security arrangements in the various re-run elections across the country from the Kogi (December, 2011) to the Kebbi (March, 2012) Governorship Elections. Paradoxically, some of the security challenges we have been addressing seem to be recurring. A major challenge we face is on how to prevent re-occurrence of addressed issues. Another challenge is how to balance the imperative of securing the electoral process with the need to allow voters unfettered opportunity to come out and cast their votes without fear or intimidation as a result of the presence of security personnel.

## Conclusion

Let me conclude by noting that, as we deliberate on the key challenges of election security over the next two days, we need to generate ideas on how to make the 2015 General Elections

more secured than the 2011 Elections. We should also come up with implementable recommendations with immediate effect. While 2015 may seem a long way down the line, it is in reality just round the corner, and we cannot afford the luxury of waiting any longer. There is no doubt that starting to organize and plan early to meet the challenges of election security would go a long way to guarantee successful and peaceful conduct of free, fair and credible elections come 2015.

I wish us all successful deliberations.

Thank you.

**Professor Attahiru M. Jega, OFR**  
Chairman

**INEC/FES CONFERENCE ON SECURITY CHALLENGES  
OF ELECTION MANAGEMENT: MATTERS ARISING  
FROM 2011 AND ANTICIPATING 2015, KANO HALL,  
TRANSCORP HILTON HOTEL, ABUJA, AUGUST 29 30,  
2012. ADDRESS BY CHAIRMAN, BOARD OF THE  
ELECTORAL INSTITUTE (TEI)**

**Prof. Lai Olurode**

- (1) In most Third World countries, where forces of democratization are unfolding, election security remains an issue.

Access to power is highly priced because the states' hold on the economy has not abated much since independence. Indeed, the struggle to gain access to power and thus to state resources has not only remained protracted but fierce as well.

- (2) Civil wars and communal clashes are a common place, indeed a routine. This has been fuelled arms proliferation and civil wars in North Africa which were precipitated by the Arab spring and its aftermath.
- (3) The global community itself is experiencing unprecedented acts of killings, terrorisms, kidnappings and abductions.



Travelling by road, air and sea is unsafe. In some exceptional cases, states induced acts of terrorisms directed at citizens to settle political scores.

- (4) Today's security is a global concern as it is borderless. Anti-terrorism laws are being replicated across countries.
- (5) Global system of inequality and rising poverty are implicated in this global security architecture as they fuel acts of terrorisms.
- (6) Simultaneously and regardless of the prevailing security siege, the yearnings for human freedom itself is desirable to exit from humanity's predicaments.
- (7) We live in a world of profound paradox where citizenship and security siege have to co-exist.
- (8) Election management bodies cannot afford to therefore concern themselves with planning for the electoral process alone but are compelled by circumstances foisted on them by the interface between national and global security architecture to also think and act security in an ever changing world.

Managing election security is therefore a cousin of election management.

**'Lai Olurode**

INEC

## ACKNOWLEDMENT

Friedrich-Ebert-Stiftung (FES) and the Independent National Electoral Commission (INEC) commenced partnership on elections generally and on election security in particular in 2010. One immediate outcome of this partnership was the inauguration of a committee on security in the commission. This contributed in a significant way to the integrity of the 2011 general elections and their positive rating by international and domestic election observers.

Let me acknowledge the leadership and support of the chairman of INEC - Prof. Attahiru Jega - and the staff of FES in organizing the workshop that led to the publication of this book. Mr. Thomas Mättig and Ms. Juliana Anosike were very supportive. Board members of the Electoral Institute: - Dr. Abdulkadiri Suleiman Oniyangi, Dr. Ishmael J. Igbani, Engr. Dr. Nuru Yakubu, Hajia Amina Bala Zakari, and Amb. Lawrence Nwuruku. So, was the entire staff of the research department of INEC.

We wish to appreciate members of the security community, civil society organizations, the media and other stakeholders that turned up at the event. Partnership on all of INEC's activities is key to improvements in the delivery of electoral services. The present leadership in the commission has been

very friendly with development partners and stakeholders generally.

**'Lai Olurode**

INEC Headquarters, Abuja  
Sept. 2013.

## Chapter One

### ELECTION SECURITY IN NIGERIA: IS THERE A SILVER LINING?

**'Lai Olurode**

#### 1.1 Introduction

"The risk of violence is present in nearly every election. It can inhibit voter turnout, limit political campaign movements and push candidates to drop out-all of which call into question the credibility of an electoral process. This is particularly true of emerging democracies as they navigate new processes and challenges." 25 Years Supporting Democracy, IFES 2012 Annual Report, Page 21. The role of theory and research in stimulating strategic responses to issues and in cultivating best approaches and practices cannot be ignored except at the peril of good outcome. Really, a theory is comparable to search light under darkness. It illuminates and makes one to see well. Of course, theories assume some relationships between phenomena. A set of assumptions are also embedded while outcomes are anticipated. Even a lay person rarely ventures into something or an activity without a set of expected outcomes and some assumed relationships between key variables. Theory is often juxtaposed with practice. Their relationship is not to be conceived of as oppositional but as mutually beneficial and reinforcing of explanations and in framing conclusions.

These are some of the key assumptions that activated INEC's collaboration with the Friedrich Ebert Stiftung (FES) in October 2010 when the first workshop on Security challenges of election management was held. The workshop brought together an array of intellectuals and security practitioners including policy makers. The meeting signposted security preparations for 2011 elections. Of course, some elements of providence were at work in the limited success of those elections, a measure of hard thinking was indeed helpful in the security strategies and approaches that were the hallmark. Emboldened by the success of the 2010 workshop, especially its input into the 2011 elections, our two organizations (INEC and FES) decided to partner again ahead of the 2015 elections with a view to responding to the outstanding challenges of election security. These are two rationales for these early preparations. First, as resonated in the opening remarks that were culled from FES publication, the risk of violence is present in nearly every election. Second, there is the need for review of the approaches adopted in 2011. How appropriate will they be in 2015? What has changed? More specifically, the 2012 workshop was driven by the following objectives:

1. To assess the 2011 elections vis-à-vis the recommendations from the workshop in October 2010;
2. To identify and analyse new and emerging security challenges that were thrown up in 2011 especially the trigger to the post election violence in some states;
3. To recommend ways to contain these challenges in future elections.

One could be asked to produce empirical proof that those elections were better than the ones that preceded them. Permit me to refer readers to a sample of comments by international observers who had no reason to be blatantly partisan:

"The April 2011 elections marked a genuine celebration of democracy in Africa's most populous country and a key member of the Commonwealth. Previously held notions that Nigeria can only hold flamed elections are now being discarded and this country can now shake off that stigma and redeem its image. The elections for the National Assembly and the Presidency were both credible and creditable and reflected the will of the Nigerian people."

(2nd interim statement by H. E. Festus Mogae, Chairman Commonwealth Observer Group).

We are convinced that security preparations for the elections were a critical factor in the general acceptability of the elections. More than ever before, there was an effective coordination of security agents involved in elections under the auspices of the Inter Agency Consultative Committee on Election Security (ICCES), itself an outcome of the security challenges of election workshops. Through this, the power of incumbency was somehow contained and sundry mal-practices checkmated to some extent. A brief theoretical excursion will be helpful at this point.

## 1.2 Brief Theoretical Insight

Political power remains highly prized in Africa. Outside of government related activities, there are limited opportunities or other profitable pursuits. It was for this that Kwame Nkrumah counseled that seek ye first the political kingdom and all other things will be added. In a country where oil rents are highly centralized, being out of government and its related institutions might be akin to being condemned to a life of penury and despondency. This is the logic that dictated the almost insatiable quest for power through coup d'état and counter coups in the 1960s, 1970s, 1980s up to the late 1990s in most of Africa. In response to national and global pressure for political reforms, the forces of democratization are taking root in most of Africa. The tempo differs from country to country but the force cannot be denied now nor swept under the carpet. The clamours for reforms from below in spite of excruciating poverty of the majority underscore the universal nature of the quest for human freedom and its centrality to development. This was the theoretical pre-occupation of the work by Amartya (1999) in his book *Development as freedom*. And free, fair and credible elections are significant expressions of freedom.

Africa can be said to exemplify this theory in ways that can be interpreted as a paradox. Though the promises of democracy are far from being realized, Africans remain optimistic about the future of democratization to deliver social goods in the final analysis. There are very rich illustrations of this optimism in the midst of daunting challenges. Just recall the deaths of over 1,000 people in Kenya in the aftermath of the 2007 elections,

but by March 2013, Kenyans trooped out again in large numbers to express their preferences of political leadership and social policies. The resilience of the people of Cote d'Ivoire in agitating for political reforms should also not be in doubt. In spite of formidable obstacles, Alasanne Ouattara finally reclaimed his mandate. The doggedness and consistent determination of the people of Nigeria to actualise their aspirations about good governance are impressive. They remain confident in a better tomorrow and had so far refused to advocate or canvass for a military alternative to the present political challenges and insecurity occasioned by acts of terrorism in parts of Nigeria. Nigerians may not be as trusting of their social institutions as Kenyans and Ghanaians but they nurse high expectations about the future of democracy, even though in the first decade, democratization had not resulted in a life more abundant (See Erinosh, 2010:59-90). Democracy is not just about bread and butter but also about the intangibles. Democratic institutions such as the Judiciary and the Media hold out good promises. Indeed, 'support for democracy has not waned' (Maettig, 2010:242) in Nigeria in spite of challenges remaining. This explained why Nigerians stood and spoke against the third term agenda in 2007. Nigerians stoutly spoke against tenure elongation in 2007. The-occupy-Nigeria demonstration of January 2012 was to be understood in this context.

However, the theoretical puzzles which I pursued in the first publication (See *Security Challenges of Election Management in Nigeria 2012*) remain relevant, why should one be optimistic about election security in an unsecured global environment?

Can this paradox be resolved? The resolution of this paradox calls to question the complexity of human behavior particularly its unpredictability and ability to spring surprises. The motion of democratization triggers hopes in consensus building and in discussion rather than the idea of dictatorship and arbitrariness or the rule of force which acts of terrorism symbolize. Acts of terror instill fear and intimidation and embrace the use of force in the pursuit of goals. How can a country, indeed a people that demonstrate manifest signals of democratic aspirations simultaneously cultivate terrorist acts? These phenomena are strange bed fellows.

Philosophers differ significantly in their postulations of the origins of human beings. Two broad lines of theorizing are discernable the most famous being Thomas Hobbes who was pessimistic in his theory of the state of nature. Human beings were just war mongers and could only submit to superior warfare. The state of nature was just inherently warlike. Anthropological evidence lends great support to this Hobbesian perspective. Religious accounts of creation portrayed our specie as disobedient of constituted authority until its fatal descent from the state of piousness. Recent history of humankind is replete with wars and catastrophes, slave trade, wicked acts of colonialism, world wars, disregard for territories and now acts of terrorism, brigandage, kidnappings, abductions, ethno-religious bigotry and extreme acts of prejudice and intolerance, injustice and unpredicted poverty in the midst of plenty. John Locke's optimistic portrayal of human beings as reasonable and rational in the state of nature, though attractive, just and rational could not be said to

have much by way of practice to support it. Through its ingenuity, human beings have developed instruments of self destruction that can bring human civilization to an abrupt end in a matter of minutes. Today's global society is held together not by consensus or reason but by the fear of force and mutual destruction.

Except for those who engage in acts of clairvoyance, we cannot speculate for how long human beings would be oscillating between wars and occasional peace. What seems more compelling is for us to craft our institutions in such ways that peace would be regarded as elusive and imponderable. A worst case scenario which I recommend here is one where violence is accepted as a permanent feature of election management either in the pre-election or election phase or indeed in the post-election phase. Election management bodies and security agencies must in their election plans, assume this worst scenario as given. It has no bearing with election's credibility or the transparency with which they are conducted. Thus managing elections and conflicts are like a two sided coin. In this context, the title of Akanmu's (2012) edited book was apt as captured the above theoretical paradox to which I have made reference. But managing such conflicts that are election related should not be the responsibility of election management bodies.

The scenario that I have painted above draws from the following premises. First, no regime whether civilian or military had been conflict free. Secondly, election dependent conflict may be shorter in duration and with little casualty but

they nevertheless produce atrocities (Akanmu, 2012:17). However, conflict occurs in the absence of elections. Thirdly, efforts at voter education notwithstanding, the mindset of an average voter is rigid and generally people are gullible and fickle minded. With low level of literacy, the mind is made up before elections as to who the winner should be. Once the outcomes differ, the only reason acceptable to this mindset is that there had been perpetration of electoral malpractices. For a country that is permanently on the edge and precipice, the road to anarchy is short indeed. Without any constitutional change of the electoral system, losing in elections will continue to inflict substantial losses. To mitigate conflict, a sort of proportional representation is being proposed instead of the present practice of winners take all.

Related to this phenomenon are ideas and practices that are associated with the power of incumbency. The trappings of and perquisites of juicy public offices are too attractive - drivers and choice cars at your disposal, furnished apartments, regular trips abroad, meeting and dining with powerful elites, free overseas medicals at public expenses, regular salaries and allowances and opportunities for perks and personal enrichment. It is often difficult to ward off pressure to exercise the power of incumbency to electoral advantage, security agents could be willing stooges in this regard. They often dance to the drums of the highest bidder. So, when individuals are preoccupied with the pursuit of self-interest, the cause of public good can only be accidentally served. A free market in goods and services cannot be trusted to serve the public good consistently or blindly. This was the point that was made by

Adam Smith in *The Wealth of Nations* when he argued that it is not from the philanthropy of the butcher we obtain our dinner but from his regard for his own self-interest. We are now in an age where there is virtually no moderation in the crass pursuit of self-interest to the neglect of collective humanity; ethics have been sidelined in all these pursuits for material opulence. And in this pursuit of either self or group interest or even both, any available means is justifiable once the end is assured. This explains why elections and conflict appear to be companions, however paradoxically this may be.

The only consideration for pursuing a line of action, no matter how deleterious it is to the rest of humanity is 'what is in it for me?' (See Peter Singer, 1997 chapter 2). To avert disaster in this age of globalism, we must cultivate humanistic philosophy and ethics that see others as the extension of the self and sees human sufferings, misery, social inequality and poverty as constituting a nuisance and negation of peaceful co-existence. Even, if we win all, what next other than expressions of greed and avariciousness.

### **1.3 About the Contents of this Publication**

The methodologies for meeting the workshops objectives included commissioned papers, submissions at a roundtable by stakeholders and discussions as well as reactions by participants. In chapter 2, Lancelot Anyanya assessed the security arrangements put in place for the 2011 elections as recommended by the 2010 workshop. The author was a good choice for this assessment having being part of the contributors to the edited work that emanated from the 2010



workshop. The author commended INEC for its agenda setting role through the novel creation of the Inter-Agency Consultative Committee on Election Security (ICCES). The author was however displeased with INEC's planning and strategic coordination. His criticism went thus: "The seeming absence of an evacuation plan for poll staff and ad hoc personnel from crisis areas when the violence broke out for instance is a major planning flaw for an election in which the most pedestrian assessment anticipated violence even if not on the scale witnessed'. He cautioned on the imperative of upgrading INEC's internal capacity for an organic security function in order to reflect the growing proportion of security planning coordination responsibilities that INEC is saddled with.

In apportioning blame to INEC on matters pertaining to election security, legal constraints in election security matters are often glossed over. Existing legal regimes are incapable of responsibly responding to security challenges in election.

Not having its own security personnel, INEC has to fall back on the conventional police for election security. The existing legal regime is inadequate in the context of present day realities. The existing legal regime could not have contemplated the present security challenges of kidnapping, abductions and other dastardly acts of terrorism. The legal constraints are the focus of chapter three by Ibrahim Bawa. No doubt, the prosecution of electoral offenders, considering their share number would constitute a huge drain of INEC's meager resources and indeed a distraction from its major mandate.

Though, some successful prosecutions had been recorded, this was a far cry from what ought to be. Some stakeholders continue to reiterate the wisdom in unbundling INEC. Perhaps, three other commissions or bodies can grow out of it to do the following prosecution of electoral offenders, delimitation of electoral constituencies and registration and regulation of political parties.

Of course, election security in theory differs from its actual practice. It is important to build synergy. This was the perspective of a key player in election administration as contained in chapter four by Mike Igini who is one of the Resident Electoral Commissioners. We are reminded by the author that election security has been as old as Nigeria's elections. The author wrote from the perspective of an insider and shared his experiences with readers on specific measures that he undertook in securing the governorship election of February 2012 in Cross River State. The author, without any attempt at pontification, elaborated on what he calls the Cross River State model on election security. I think, there is something unique to this model, in the posting of security personnel, the chart contained such details as the name of security personnel, service organization, command or unit location, service number, mobile phone number, local government area of deployment, registration area and polling unit. This template has a strong appeal as a guide to deployment and in establishing culpability. He agreed with the author of chapter three, his learned colleague, that enforcement of the relevant laws is the bane of election security in Nigeria. According to Igini, 'simply put, enforcement

in general parlance means the act of giving effect to or execution of the law when there are violations to prevent future infractions'. However, it must be said to the credit of the present electoral commission in Nigeria that close to 100 offenders had been successfully prosecuted and convictions obtained. Until now, Nigeria had never recorded any successful prosecution of electoral offenders. This could be said to be a tip of the iceberg but it is nevertheless a good beginning.

It is far better to prevent electoral crimes given the immense challenge of prosecution. It is theorized here that a professional and diligent deployment of security personnel could help to deter electoral offences. The authors of chapter five, Lai Olurode and M.K. Hammanga made a case for a data driven deployment of security personnel during elections. It is possible to have enough security personnel but election security may still come under threat if deployment strategies have fault lines. The authors found that deployment is not a neutral phenomenon as it is influenced by interaction and interplay between objective and subjective variables. Expectations or ideas about the embedded reward system may drive enthusiasm and motivation to participate. Security personnel may seek deployment in certain local government or polling units if there are perceived juicy and under the table reward expectations. The author advocated for a security personnel deployment template (SPDT) that would move deployment away from being arbitrary to being data, information and terrain driven. Some challenges of deployment were highlighted viz logistics, welfare, remuneration, operational control and citizenship rights of security personnel

involved in elections. Timely deployment and details of security personnel are advocated to prevent a situation where security personnel converge in the morning of an election while awaiting posting to election sites. Security personnel complain of being short changed when it comes to remuneration. There are two factors: Who will pay? When and how much will be paid? Information is often withheld, and this kills moral.

Financing election security is a source of concern in the midst of competing budgetary demand for social services. These were the issues that Eze Onyekpere addressed in chapter six. He started by examining pre-election, election and post-election components and thereafter discussed their implications for budgetary allocation. The author averred that it is certainly not enough to provide adequate finance for election security if other factors are not taken cognizance of. Security personnel in their conduct must not give room to suspicion of bias or partiality and there must be proper planning well ahead of elections instead of fire brigade approach in an election year or even election month. Fund must not be late in coming. It is reasonable to avoid instances of double budgeting for security. There has to be a decision taken on whether individual security agent would have its separate budget or a coordinated approach is to be used. Of course, inter-agency rivalry and empire building syndrome may impede a joint and collaborative budgetary process as well as the synergy required for effective and efficient security deployment.

In chapters seven and eight, two case studies were presented from Kenya by the chair and vice chair of the Independent

Electoral and Boundary Commission (IEBC) of Kenya. Chapter seven was a paper presented by Ahmed Issack Hassan during the 2010 workshop while chapter eight was by Lilian Mahiri Zaja which was presented during the 2012 workshop.

Hassan, in chapter seven indicated the scope of areas and items which deserve to be secured during elections - materials, election personnel and data transmission installations. He also adumbrated on key security challenges which were similar to those of Nigeria. He lamented the additional burdens of financial and logistical operations of planning for and coordinating election security. He however cautioned on the need for balance and avoidance of overzealousness on the part of security personnel who might not have been well briefed in the content of an unclear chain of command.

In chapter eight, Lilian Zaja dwelt at length on new security challenges of election management in Kenya. As a preamble to her presentation, she discussed the violence that was the backlash of the Kenyan 2007 elections in which according to her over 1,300 died. Some reforms were undertaken as a result of the acrimonious outcome of the election and a new constitution was put in place in 2010. She opined and rightly too that security is a constant variable throughout the electoral process involving registration of voters, voter education, campaign periods, actual polling, during counting, tallying and declaration of results. Terrorist attacks by Al-Shabaab and the general increase in crimes, youth unemployment and lawlessness have combined to undermine the electoral process. She articulated some ideas that could help to mitigate

these challenges which include competency of election staff, a credible strategy toward ensuring enhanced security in elections as their professionalism, discipline and competence reinforce public confidence in the electoral process. Moreover, security planning, she contended, must form part of the cornerstone of election management. Rules of engagement must be made clear and adequate resources provided.

It is re-assuring for us in Nigeria to realize that we are not alone in the enormous security challenges that we contend with perennially. Election administration entails partnership with stakeholders security agencies, government and non-governmental organizations among others. INEC as an election management body needs this synergy more than any other group involved in election matters. Stakeholders' perspectives in election matters are important. The workshop, in recognition of the importance of other stakeholders, devoted a session to roundtable perspectives and input. The roundtable reflected on new security challenges that may frustrate the 2015 general elections and proffered solutions that may ameliorate the probable toxic impact.

The summary of the roundtable was prefaced with a brief contribution by INEC's Deputy Director of security Alhaji Abdulhamid Buba. Among the participants at the roundtable were the following organizations: The Army, The Air Force, The Navy, the Police Service Commission, Nigerian Immigration Services, Nigerian Security and Civil Defence Corps, National Youth Service Corps(NYSC), Federal Road Safety Corps (FRSC), The Nigerian Fire Service, State Security Service(SSS) and Nigerian Prison Service(NPS).

The recommendations from the workshop are worth sharing with readers. It should be mentioned that there are organizations' specific recommendations while others are cross cutting issues. INEC for example would like to have in place a legal framework defining the relationships between it and security agencies. The Nigerian Fire Service decried its poor involvement in election preparations compared to other security agencies. The Nigerian Air Force prefers that more emphasis is placed on weather conditions in fixing election dates. The Federal Road Safety Corps was concerned about delayed logistics arrangements and was worried that not much really gets done until the day of election, and resources are often late in coming and may not as a result be utilized for the desired end. Nigerian Immigration Personnel felt frustrated by the absence of modern communication equipment and other gadgets needed for effective border management of far-flung offices and porous borders. The National Drug Law Enforcement Agency (NDLEA) revealed that drug use and abuse among youths are alarming and getting out of control. The need to develop comprehensive mitigation strategies resonated in all the presentations ahead of the 2015 general elections if the gains of the 2011 elections are to be sustained and improved upon.

#### 1.4 Recommendations

The summary of recommendations which emerged from the interaction are as follows;

- Early planning and coordination to meet the challenges of election security would contribute to guaranteeing successful and peaceful conduct of 2015 election.
- The ICCES established prior to the 2011 elections is a good practice for experience sharing among stakeholders and should be strengthened at all levels. In addition, there is the need to put in place a template for deployment of security personnel in elections for effectiveness.
- The INEC-Political Party Relations should be enhanced; this will strengthen the supervisory role of the commission on political parties, and enforce internal democracy modalities within the political parties in order to reduce conflicts.
- The Training and capacity building of security officials for improved performance at elections are advocated. Training should include the code of conduct for all security officials.
- All factors that induce violence at elections must be addressed such as selection of candidates through flawed primaries, use of hate speech at campaigns by politicians and prior to elections, undue use of money at politics, etc.
- Civic education and advocacy for youths and all stakeholders in order to give them the right orientation and positive role they are expected to perform towards the success of 2015 elections.
- Towards 2015 elections, safe havens must be created and rapid evacuation plans for election personnel in the event of breakdown of law and order during elections.

- The Commission should acquire adequate legal powers to prosecute electoral offenders.
- Deployment of security and election personnel should be done based only on informed security report targeted at ensuring the safety or integrity of the officers.
- There is the need to begin to institutionalize security mapping to identify flash points to help in effective deployment of security during elections.
- Polling units should be sanitized and decentralized to ensure effective security coverage. Congestion of several polling units in one location should be discouraged.
- There is need to have INEC intelligence unit to advise the commission and compare notes with the operations of other security agencies.
- There is need for synergy and coordination with respect to financing and logistics of election.

The conclusions to this work are contained in chapter ten wherein I deal with the frightening specter of democratic reversals and the danger of slipping into the abyss. There are clear signs in this direction as had happened in Mali and Cote d'Ivoire. Recent by elections in Nigeria are a source of concern for election managers and security experts. How can this potential reversal be mitigated? The resilience of our democratic institutions are not inelastic and must not be taken for granted.

## Chapter Two

### ASSESSMENT OF 2011 ELECTIONS IN VIEW OF RECOMMENDATIONS FROM THE 2010 WORKSHOP

Lancelot Anyanya

#### 2.1 Introduction

In the bitter contest for political power brokered by periodic elections, even the most mature democracies are sometimes seriously challenged in handling their fallouts. In emerging or transition democracies, the fallouts of electoral contests sometimes develop violent manifestations with negative consequences that go as far as threatening the stability of those societies. From its very beginning, before independence in 1960, electoral violence has remained an almost recurring feature in Nigeria's democratic and electoral narrative. But even in a country where the ugly specter of electoral violence is anticipated and prepared for, the violence that engulfed parts of Nigeria in the aftermath of the 2011 elections were undeniably unprecedented.

The scale and severity of the violence severely tasked a national security community that had anticipated and prepared for the possibility of post-election violence. It has even been suggested that, had the violence not been localized to specific parts of the country, the outcome might have been dramatically

different. Yet, the possibility of post-election violence was anticipated and prepared for- the 2010 FES/INEC workshop being one of the initiatives aimed at alerting and preparing stakeholders for such a prospect. Why was this so?

What lessons can be gleaned from the 2011 post-election security crises especially as we look ahead to 2015? The answers to these posers which is the focus of this presentation can be summed up in the following statement;

The best laid out plans often do not survive the first shots of battle; imagine what would happen without a plan.

## 2.2 Aim

The aim of this presentation is to appraise the security dimensions of the 2011 elections in Nigeria in view of the recommendations from the 2010 workshop with a view to making broad recommendations ahead of the 2015 elections.

## 2.3 Scope

Pursuant to fulfilling the afore-stated aim, this presentation will cover the following;

- a. Summary of Recommendations from the 2010 workshop.
- b. Review of the 2011 Elections
- c. Looking Ahead to 2015
- d. Conclusion

## 2.4 Summary of recommendations from 2010 workshop

Several recommendations for improving elections' security were made during the 2010 workshop. It is significant to reiterate that these recommendations were made on the basis of certain related fundamental conclusions including but not limited to;

- i Election security cannot be isolated from the general security environment and socio-political milieu within which elections are conducted.
- ii Primary responsibility for the conduct of security operations is not that of INEC which has little or no operational control over security forces deployed during elections.
- iii The implementation of the recommendations would be the responsibility of other stakeholders apart from INEC.

The following are some of the pertinent recommendations that were made with respect to ensuring adequate security during the 2011 elections;

- a. Conduct of initial nationwide Security Vulnerability Assessment (SVA) with specific focus on implications for INEC facilities, human material assets and operations.
- b. Developing comprehensive security strategy with supporting plans and procedures to guide and support INEC's operations. This will include the production of a draft security policy whose scope will cover electoral activities.



- c. Implementation of remedial and mitigating measures to address institutional lapses, (whether infrastructural, procedural or human) identified during the SVA.
- d. Developing special Electoral Security Strategy & Plans (ESSP) which will delineate roles for different agencies based on their competence, profile and capacity as well as allocating resources to match assigned responsibilities in a transparent and accountable manner.
- e. Determine and deploy appropriate technologies and systems to support security operations for elections as may be necessary.
- f. Ensure that pertinent security training, education and general awareness are provided for management and staff of INEC.
- g. Security and law enforcement agencies should pay serious attention to States adjudged to be flashpoints.
- h. INEC should put in place measures to physically secure buildings where computer equipment or critical communications equipment are located. It should also put in place effective back-up and recovery capabilities in case of system failure or sabotage as well as test-run all aspects of the system before deployment.
- i. Elections materials should be distributed to the various voting centres early enough, to ensure the commencement of voting on schedule. In this regard, INEC should continue to seek the assistance of the Air

- Force and Navy in conveying election materials under its escort, to seemingly inaccessible parts of this country.
- j. Security agents to be deployed for electoral duty should be adequately catered for, to avoid a situation where they may have to depend on contestants for basic welfare like food, water and transport.
- k. The security component of the 2011 elections should be determined by INEC in collaboration with security and law enforcement agencies, and factored into the preparations for the elections. In this regard, INEC should initiate regular and mutually beneficial interactions with the Intelligence Community.
- l. INEC should strengthen a rapid response call centre at its headquarters to respond to requests for directives and assistance from field officers. Such requests and the responses arising there-from should be monitored and recorded for future references, if need be.
- m. Privatization of security in the form of irrational and allocation of disproportional security and law enforcement agencies to the powerful and wealthy in society, which are used as instrument of oppression and coercion should be discouraged.
- n. Operational independence of security agencies should be guaranteed through funding, appointment, tenure security, merit or performance based promotion, and discipline;
- o. Effective accountability, oversight and watchdog systems for security agencies should be put in place.
- p. Appropriate and effective regulation of private security

- companies as well as terms of engagement of private and individual guards need to be worked out.
- q. Mobile Police attached to public officials, politicians and wealthy individuals should be withdrawn and retrained and reoriented to their statutory duties.
  - r. The Nigerian Police Force (NPF) and the NSCDC should expand their V.I.P. Protection Unit with well trained personnel to be armed with only light weapons for the protection of officials and themselves.
  - s. The security agencies should be oriented to provide security for citizens rather than people in power, politicians and wealthy people alone.
  - t. Security agencies should be enlightened about their responsibilities in guaranteeing security, promoting and protecting democratic governance, including the conduct of free, fair and credible elections.
  - u. Security agencies should be adequately trained and oriented towards credible elections before their deployment. They should be properly equipped with transportation, communication and necessary welfare requirements while deployed for election duties.
  - v. Culture of impunity that encourages electoral violence should be discouraged by scrupulous enforcement of laws prohibiting electoral violence and illegal arms trade, possession and use.
  - w. Electoral Offences Commission recommended by the Hon. Justice Uwais Electoral Reform Committee should be established and adequately funded, staffed and equipped for the purpose of effective prosecution of electoral offenders.

- x. The security and intelligence agencies, especially the NPF and the Nigerian Customs Service (NCS) should be adequately equipped with relevant equipment and appropriately staffed with competent and patriotic staff to combat illegal trafficking in arms.
- y. Armed security aides should not accompany officials to whom they are attached to polling stations.

## 2.5 Performance review of 2011 elections

The United States Institute of Peace (USIP) opines that Nigeria's 2011 election is arguably the best run since the beginning of the Fourth Republic. This assertion is however likely to be hotly contested by some, especially against the backdrop of the violence that engulfed parts of the country in the aftermath of the 18 April 2011 Presidential elections. Gory images of widespread violence, dead bodies, burnt vehicles and charred property would sadly linger for long in the memories of some as the defining image of that election. Even in a country seemingly accustomed to electoral violence, it has to be admitted that 2011 was unprecedented in scale, scope and severity. Violence broke out almost simultaneously in some or most parts of the following states Kano, Kaduna, Adamawa, Katsina, Plateau, Yobe, Bauchi, Borno, Katsina and Sokoto, leading to the imposition of state-wide 24hours curfew in some of the states. According to the Human Rights Watch, within three days over 800 persons lost their lives to the election violence and about 65,000 were displaced.

The unfortunate attacks and killings of members of the National Youth Service Corps (NYSC) who served as ad-hoc

election personnel brought another dimension to the narrative of electoral violence with very deep and far reaching implications for future elections. For one, future elections, at least in certain areas, may not attract the enthusiastic participation of Youth Corps members whose national spread has proven to be an invaluable asset in the conduct of nationwide elections.

It is however vital to point out quickly that the unfortunate incident of the post-election violence is not objectively reflective of the performance of INEC and the security agencies. If for nothing else, the fact that the situation was so well managed to allow for the conduct of subsequent elections is an undeniable testimonial to the depth and resilience of the security strategies put in place for the polls. Within the context of the recommendations from the 2010 workshop, it is clear that responsibility for implementation lay with both INEC and several agencies in the national security and law enforcement community, with the bias in terms of percentage share, tilted heavily in the direction of security agencies. Without going into much detail, it would be useful to undertake a quick appraisal of the performance of INEC and the security agencies in the run up to, during and after the elections.

## 2.6 Performance of INEC

INEC's responsibility for security could be captured in three broad areas; Agenda setting, Planning, and Strategic Coordination (non-operational). To a fair extent, INEC acted proactively to set the agenda for election security management. The ICCES was a novel initiative that provided a

platform for more integrated and efficient security management before, during and after the elections. However it may be argued that the process could have benefitted from more empirical planning resulting in a template developed by INEC which would reflect its unique perspective as the election management body and primary owner of the mission.

Without the benefit of inside knowledge of INEC's election security plans either for its own organic institutional purpose or in conjunction with the ICCES, one is left to look to manifest events and their management to adjudge the effectiveness of such plans. The seeming absence of an evacuation plan for pulling staff and ad-hoc personnel from crisis areas when the violence broke out for instance is a major planning flaw for an election in which the most pedestrian assessment anticipated violence even if not on the scale witnessed. With respect to strategic coordination of the non-operational aspects of security arrangements, even without any inside knowledge, it is plausible to assume that this may have been an area of challenge owing largely to the novelty of the idea and possible resistant mindset of other stakeholders.

## 2.7 Performance of Security Agencies

In the wake of the post-election violence, the performance of security agencies had been as widely criticized as it has been commended. Some observers rated their response as inadequate and perhaps reflective of insufficient reading and anticipation of the coming crisis, some kind of "intelligence failure". However, in view of the several monumental systemic challenges ranging from deficiencies in logistics, numerical

strength and ineffectual communication against the backdrop of the large and widespread scale of incident occurrence; such assessments may not be fair. As already noted, the fact that subsequent polls could still hold even though it had to be shifted by some days in a few states is a testimonial to the stellar performance of our security forces. An objective assessment of their performance in my view should blame observed lapses on more fundamental systemic deficiencies external to them which include but are not limited to the very nature of our polity, socio-political and cultural pre-dispositions. This is however not to exonerate the security agencies from culpability in some of the avoidable lapses and deficiencies in tactics and other aspect of operations which this presentation has not concerned itself with.

## 2.8 Looking ahead to 2015

The elections in 2015 may seem far away but the ambient conditions that will shape them especially as it concerns security are already been shaped. The evolving security situation, along with other pertinent socio-political developments that will culminate in the security atmosphere for the 2015 elections indicate very frightful, indeed grave prognosis. The actions that are needed to avert the danger that looms in 2015 are still in the conclusions and recommendations of the 2010 workshop. Serious and fundamental security sector reforms which are essentially outcomes demanded by the 2010 workshop recommendations must be undertaken urgently to allow for an atmosphere in which elections can be conducted. This of course is in addition to conclusive resolution of prevailing national security challenges with terrorism in some

parts of the country. These actions are clearly outside INEC's statutory mandate. With elections apparently still far away in 2015, even the leverage of its institutional clout may not command the same threshold of attention from the public or other stakeholders. Nonetheless, INEC needs to begin the process of engagement with relevant stakeholders now and do so with sufficient and robust empirical clarity. To do this, there is need to significantly upgrade the capacity of the organic security function within INEC to reflect the growing proportion of security planning and coordination responsibilities the electoral management body is likely to be saddled with.

On the part of the security agencies, what is required is a rigorous internal process of re-orientation. The traditional mindsets on which the agencies were run must change to reflect the uniqueness of the security threats that now confront us. Yesterday's solutions have obviously not solved today's problem. Today's thinking therefore cannot address tomorrow's challenges. A strictly regimented traditional mindset in engaging with political superiors for instance would no longer suffice. After all, if such mindsets with their warped notions of loyalty are retained, we may soon find that we have no country and political masters to serve. The security community needs to become more involved in the salient task of demanding institutional reforms that will make their operations particularly during elections more professional, impartial and effective. The greatest threat is the possible loss of public confidence in the ability of security agencies to be impartial arbiters in the bitter contest for political power which elections broker. This is the threat that all stakeholders in the

Nigerian project must guard against. The consequences are too grave to contemplate.

## 2.9 Conclusion

Historical antecedents gave rise to justifiable concerns about security during the 2011 general elections. The 2010 workshop was one of the efforts made to sensitize and prepare stakeholders for the anticipated monumental security challenges of the 2011 polls. Despite this level of anticipation and preparation, unprecedented violence attended the very first round of polls in some parts of the country with devastating consequences that still linger on the national security landscape. Prevailing developments in the socio-political arena point to an even more frightful scenario in 2015 if urgent steps are not taken to anticipate and mitigate the looming dangers. The remedial actions recommended by the 2010 workshop are still very pertinent and should be implemented within a strategic framework that will deliver fundamental security sector reforms. INEC should upgrade its in-house capacity to engage optimally with these issues as the primary owner of the mission of attaining a healthy security atmosphere for elections, while the security agencies should be more involved in advocating for necessary institutional reforms to make them more responsive to contemporary challenges. All stakeholders should work to ensure that things do not slide to a level where the public loses confidence in the neutrality and ability of security agencies.

## Chapter Three

### LEGAL CONSTRAINTS TO ELECTION SECURITY IN NIGERIA

Ibrahim K. Bawa Esq.

## 3.1 Introduction

Our reference to security in the context of this paper is a reference to what is done or put in place to keep someone or something safe from crime. Election security therefore refers to actions or steps taken to secure the electoral process. There are many players and materials in the electoral process. Securing the electoral process may therefore refer to security of personnel, materials, voters or environment. It could also be that of protecting the sanctity of the ballot and the results of the election. Let me now examine aspects of the Electoral Act as they pertain to election security.

## 3.2 Security of election personnel, materials, voters and environment.

Provisions abound in the Electoral Act, 2010 (as amended) to guarantee security of election personnel, material, voters and environment.

### (a) Section 26 of the Electoral Act 2010 (as amended)

The Commission is empowered by Section 26 of the

Electoral Act, 2010 (as amended) to postpone election in apprehension of breach of the peace. The provision in the section is aimed at securing personnel, election materials and voters from any danger and damage resulting from disorderliness.

**(b) Section 49 of the Electoral Act 2010 (as amended)**

By the provision of Section 49 of the Electoral Act 2010 (as amended), a voter shall present himself/herself to the Presiding Officer for issuance of ballot paper. The integrity of the electoral process will be greatly undermined if accreditation of voters is not conducted by the commission. Every voter is expected to present himself/herself to the Presiding Officer who, upon being satisfied that the person is registered to vote, shall issue the person with a ballot paper.

**(c) Section 50 of the Electoral Act 2010 (as amended)**

This section grants to a candidate in the election the right to challenge the issuance of a ballot paper to a voter except in accordance with the law. The section is aimed at ensuring that every candidate is satisfied with the process at a polling unit such that no person who is not registered to vote shall be allowed to vote at such polling unit.

**(d) Section 51 of the Electoral Act 2010 (as amended)**

Allows for separate queues for male and female where the culture permits such that election in such areas will not suffer any security breach.

**(e) Section 59 of the Electoral Act 2010 (as amended)**

Impersonation at an election is a serious offence. Presiding Officers are empowered to order the police to arrest offenders upon receipt of information. This provision is aimed at providing a crime free environment and preventing persons who are not registered as voters from having access to the ballot papers.

**3.3 Conduct at polling units.**

**Section 61 of the Electoral Act 2010 (as amended)**

Section 61 of the Electoral Act 2010 (as amended) empowers the Presiding Officer to:

- a) Regulate admission of voters to polling unit exclude others not being candidates, polling agent, polling officials, accredited observers;
- b) Keep order at polling unit;



- c) Order a person to be removed from polling unit for disorderly behaviour or failure to obey lawful order;
- d) Permit a person removed to be readmitted to polling unit.

In the absence of a Presiding Officer, a Poll Clerk may exercise the powers of a Presiding Officer (Section 61(5) of the Electoral Act 2010 (as amended)).

The essence of this provision is to make it clear that the presiding officer is the chief executive at the polling station and he takes order from none, but his lawful orders must be obeyed.

### **3.4 Conduct at political rallies.**

#### **Section 94 of the Electoral at 2010 (as amended)**

By Section 94 of the Electoral at 2010 (as amended),

- a. The Commissioner of Police in every state is to provide adequate security for the conduct of Political rallies.
- b. Every person in possession of offensive weapon at a rally or party voting centre shall be guilty of an offence and liable on conviction to a fine of N200,000.00 or 2 years imprisonment.

### **3.5 Prohibited conducts at political campaigns.**

Section 95 of the Electoral Act 2010 (as amended) prohibits the following:

- a. Abusive language to injure religious, ethnic, tribal or sectional feelings;
- b. Abusive, intemperate, slanderous, base language, insinuations or innuendos designed or likely to provoke violent reaction or emotions;
- c. Use of Masquerades;
- d. Use of private security;
- e. Display of physical force and retaining, training, equipping, organizing any person or group of persons for such.
- f. Use of places of religious worship, police station and public offices for campaigns, rallies and procession or promote, propagate or attack political parties, their candidates or their programmes or ideologies.

### **3.6 Punishment for violation of section 95 of the Electoral Act, 2010 (as amended).**

- a. Individual N1,000,000.00 or 12 month imprisonment;
- b. Political parties who breach this provision shall be fined N2,000,000.00 on conviction at the first instance, and N1,000,000.00 for any subsequent offence.
- c. Aiding and abetting a Political Party to commit the offence of training and equipping any person or group of persons for display of physical force attract on

conviction N500,000.00 or 3 years imprisonment or both.

### 3.7 Prohibition of the use of force.

#### **Section 96 of the Electoral Act 2010 (as amended)**

- a. Prohibits use of force or violence during Political campaigns to compel any person to support or refrain from supporting a political party or candidate.
- b. An individual who contravenes section 96 shall be liable to a fine of N1,000,000.00 (One million naira) only or 12 months imprisonment;
- c. A political party shall be liable to a fine of N2,000,000.00 in the first instance and to a fine of N500,000.00 for any subsequent offence.

### 3.8 Disorderly behaviour at political meetings.

#### **Section 119 of the Electoral Act 2010 (as amended)**

- a) Any person who acts or incites another person to act in a disorderly manner for purpose of preventing transaction or business of the meeting;
- b) Any person being in possession of an offensive weapon or missile commits offence and is liable to a fine of N500,000.00 or 12 months imprisonment or both.

### 3.9 Disorderly conduct at elections

#### **Section 128 of the Electoral Act 2010 (as amended)**

Any person who acts or incites others to act in disorderly manner at an election commits an offence and is liable to a fine of N100,000.00 or to imprisonment for 6 months or to both.

### 3.10 Election day offences.

#### **Section 129 of the Electoral Act 2010 (as amended)**

This Section:

- a) Prohibits possession of offensive weapons or wearing anything calculated to intimidate voters.
- b) Provides for punishment of N100,000.00 fine or imprisonment for 6 months or both.
- c) Any person who snatches or destroys election materials shall be liable to 24 months imprisonment without option of fine.

### 3.11 Prohibition of Threats.

#### **Section 131 of the Electoral Act 2010 (as amended)**

Section 131 of the Electoral Act 2010 (as amended) prohibits threatening. No person shall directly or indirectly

make use of or threaten anybody with force, violence or restrain or inflict or threaten to inflict any injury, harm or loss, abduction, duress, use of fraudulent device or contrivance to impede or prevent a voter from free use of his voter's card or to prevent a political party or its candidate from campaigning. This offence is punishable with a fine of N1, 000,000.00 or 3 years imprisonment.

### 3.12 Security and sanctity of ballot.

These are governed by Sections 52(1), 53(1), 63 and 68 of the Electoral Act 2010 (as amended).

- a) The Nigeria Electoral Act provides that voting shall be by open secret ballot. The procedure allows a voter to cast his vote in secret but deposits the ballot in the full view of all present at the polling station. This is referred to as the modified open secret ballot system.
- b) No voter shall vote more than once at an election or vote for more than one candidate at an election;
- c) The votes cast by the voters at the polling units must be counted and recorded accurately in favour of the candidates;
- d) The result declared by the Returning Officer shall be final, subject to review by the Court or Tribunal only.

### 3.13 Enforcement of security

The laudable provisions of the Electoral Act which are aimed at securing the electoral process suffer some

setbacks particularly with respect to the enforcement of the provisions of the Electoral Act.

The Security Agencies whose general duty is the enforcement and maintenance of law and order in every circumstance seem to shy away from same when it comes to election matters. The Police have insisted that they do not have instructions from the Independent National Electoral Commission (INEC) to arrest offenders on Election Day.

The provision of Section 59 of the Electoral Act 2010 (as amended) which empowers the presiding officer to order the police to arrest persons impersonating at election is misinterpreted to mean that police cannot arrest election offenders unless ordered by INEC.

The Nigerian Army is by law not allowed to intervene in civil matters, election being one. The Nigerian Army is therefore not deployed to maintain peace at polling units. Military personnel, if they must be used, are strategically deployed to forestall violence and do not have power to deal with electoral offenders.

### 3.14 Prosecution of electoral offences

#### Section 150 of the Electoral Act 2010 (as amended)

Section 150 of the Electoral Act 2010 (as amended):

- a) Provides for prosecution of electoral offences by INEC at Magistrate Court or the High Court of a State or of the FCT.
- b) The Police Act also empowers the Police to prosecute offenders.
- c) Section 174 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) empowers the Attorney General of the Federation to institute, undertake, take over and continue criminal proceedings against any person in any court of law in Nigeria other than a Court Marshal in respect of any offence created by an act of the National Assembly. The Electoral Act 2010 (as amended) is an act of the National Assembly.
- d) The practical difficulty is the understanding by the judiciary as to whether prosecution by INEC under section 150 of the Electoral Act, 2010 (as amended) requires the fiat of the Attorney General of the Federation.
- e) INEC had successfully prosecuted and obtained convictions for some electoral offences noticeably in Adamawa, Jigawa, Kano, Kebbi and Zamfara states.
- f) A Magistrate Court in Cross River State believes that a letter written by INEC appointing a Counsel to prosecute electoral offence is not enough. The Court believes that there should be a fiat from the Attorney General of the Federation.

### 3.15 Conclusion

It is my belief that the Electoral Act, 2010 (as amended) has adequate provisions which guarantee security of elections in Nigeria. There are no legal constraints to election security. The provisions of the Electoral Act, 2010 (as amended) are supplementary to the penal laws of Nigeria, including Criminal Code of Southern states of Nigeria and the Penal Code of Northern States of Nigeria. Even though, some convictions of electoral offenders had been secured, the number is a far cry from the large number that committed registration and election offences. Let me round up this presentation by isolating some of the key constraints which are not all legal but sociological as well.

It is public knowledge that our legal system travels at a snail speed. It is indeed an ordeal to commence and conclude on time the prosecution of an electoral offender. Adjournments on flimsy, frivolous and sometimes even stupid grounds have become persistent features of our legal system. Both the bar and the bench are culpable in this respect. Prosecutors are often unserious with election cases that they see as not of priority in the hierarchy of criminal cases. Secondly, the money culture has eaten deep into all facets of our social life and the courts are not exempted. Corruption in the country has become cancerous. Since suspects in election offences cases are mere apron strings of very powerful principals, these masters will stop at nothing to get them off the hook upon being apprehended. Third, there is the huge cost of prosecuting election offenders. INEC's efforts to partner with the Nigerian Bar Association were unsuccessful for reasons of funding.

Outsourcing these cases by INEC has been very expensive. Documentation of the cases is also a major challenge, hence, the clamour for a commission on electoral offences. Managing elections and making sure that they are credible presents formidable challenges. The fourth point is attitudinal. The power of incumbency reigns supreme in Nigeria and an average policeman sees himself as an appendage of powerful political and economic elites. Policing for citizenship is not yet considered the primary obligation of the Police. Professionalism and psychological issues are central to altering the behaviour of an average policeman so that he can see himself more as defender of the citizenry rather than an agent of powerful power holders.

It is my strong belief that citizens are the best bulwark in enhancing election security. Vigilance is the name of the game. With the statistics and profile of the security agencies that Nigeria can parade today, just about 400,000 policemen and women, securing our elections cannot be left in the hands of police alone or even in the hands of all security agencies combined. The prevalent and intimidating security challenges in Nigeria today, pose real danger and threat to our democracy. Concerted efforts therefore need to be put in place to tackle these security challenges. They are daunting but certainly surmountable.

## Chapter Four

### ELECTION SECURITY IN THEORY AND PRACTICE: PERSPECTIVE OF A RESIDENT ELECTORAL COMMISSIONER

Mike Igini

#### 4.1 Introduction

Election is the most foundational element of modern day representative democracy. It is a means through which the electorates at periodic times choose their representatives into different positions of governance; it refers to institutionalized procedures for recruiting political office holders by the electorates of a country or groups. Thus, how a state arranges and conducts its elections is emblematic of the level of political development of that particular state.

The institutional medium provided by elections also allows different interest groups within a state to stake and resolve their claims to power through peaceful means. It, therefore, determines the manner and methods by which changes in the social order may be brought about in a democratic society. Consequently, the procedures adopted must be recognised by law in order to give it legitimacy, thus, it is necessary that in conducting such procedures it must be acceptable to those who participate, by being seen as fair and credible. These processes must take place under conditions that are peaceful

and non- intimidating such that participation is without let or hindrance.

Election security is key to the integrity of electorates, electoral personnel, election materials, contestants, election monitors/ observers and other stakeholders who participate in the electoral process. Two broad categories may, therefore, be used as the focus of security requirements for election purposes, namely, the security of participants and the security of materials. Participants in the election process include, election managers/personnel, contestants, media practitioners, observers and voters. While materials used for elections are sensitive and non-sensitive materials. Non sensitive materials include ballot boxes, cubicles and other materials required for elections, whereas sensitive materials include ballot papers, result forms and envelopes with official legal marks or bearing. Where electronic processes are used to facilitate elections, the fidelity of the technology, its robustness against failure and deliberate distortions may also constitute part of election security.

In this presentation, the first section will examine the historical background to elections in relation to election security in Nigeria while giving some continental and global comparisons. The second section will give an overview of the strategic policy for securing elections in Nigeria as provided by the Independent National Electoral Commission (INEC) as well as the tactical and operational adaptations in Cross River state by the state office of the Commission. A third section will discuss the lapses and gaps identified as lessons learned while

securing elections in Nigeria and recommendations to enhance future elections in the Nigerian context, followed by a concluding section.

## **4.2 Background to security of elections in Nigeria and global comparisons**

In retrospect, the credibility and consequently the acceptability of elections in Nigeria have been very contentious and litigious because of the inability to secure such elections both in terms of pre-election, Election Day and post-election processes. Such failures to secure elections often led to political crises and governance failures with frequent interruptions of the democratic governance through military interventions.

For instance, it is on record that the controversial elections of 1964 and 1965 led to the coup de tat of January 1966; the flawed election of 1983 produced the military coup of December 31, 1983; and the annulment of June 12 elections of 1993 by the Babangida regime brought about the emergence of a fickle interim government that was declared illegal by a Federal High Court and shortly afterwards toppled by the Abacha palace coup.

Insecure, undemocratic or rigged elections are, therefore, a negation of the known basic democratic tenets and indeed a conclusive evidence of the absence of democracy. They are usually characterised by all forms of electoral malpractices and irregularities such as the manipulation of the laws and processes guiding the conduct of elections to suit particular



outcomes and constraining the access of some participants and the resources at their disposal to reach voters for campaign purposes prior to election day, as well as stuffing of ballot boxes with ballot papers well ahead of actual voting. Seizure of or hoarding of electoral materials; manipulation and fabrication of electoral results, and the use of law enforcement agencies to intimidate, maim and disenfranchise eligible voters, as well as the killing of political opponents on election day or before, in addition to manipulating the post-election judicial processes to obviate or distort just outcomes that should reflect the will of voters as expressed in the ballots, are other forms of electoral fraud.

In our context, failed elections with consequent democratic regime failures have often been preceded by one or more of the aforementioned breaches of the electoral process due to challenges of security, often posed by the activities of hoodlums called party thugs and compromised officials at different stages of the election process. These behaviours have also characterized election failures in countries within Africa that experienced similar regime failures such as in Zimbabwe (Gagare, 2008)<sup>1</sup>, the Democratic Republic of Congo (Githaigara, 2011)<sup>2</sup> and outside the continent in countries such as Ukraine (EU, 2012)<sup>3</sup>, and kyrgyzstan (OSCE, 2012)<sup>4</sup>. These failed and insecure elections contrast clearly with the outcome of well secured elections such as in Ghana (The Economist, 2012)<sup>5</sup> and South Africa in (IEC South Africa, 2007)<sup>6</sup> in France (The Hoffingtonpost, 2012)<sup>7</sup> and the United States of America (Jackson, 2012)<sup>8</sup>.

Prior to the 2011 General Election that had been described as a remarkable departure from previous rancorous ones, elections in Nigeria have been bleak episodes characterised by repeated dislocations and disruptions, with absence of enduring practices and procedures. Obvious fundamental deficits in past elections have been linked to factors related to the insecurity.

To exemplify why the intensity and level of insecurity increases when threatened by such factors, the Justice Uwais Election Reform Committee (2008) found that the challenges which undermine elections in Nigeria include; the effort by politicians to perpetuate their hold on power through the use and abuse of state institutions, otherwise framed as "incumbency power", indicating that, "the politicians have become more desperate and daring in taking and retaining political power; more reckless and greedy in their use and abuse of power; and more intolerant of opposition, criticism and efforts at replacing them. Other undermining factors as stated by the Committee include; dashed expectations of the public, the tendency of incumbents to win at all cost, and the absence of trial, conviction and enforcement of the consequences of electoral offences in Nigeria's electoral history. The abuse of power of incumbency is particularly frustrating since these big men are hardly brought to book apparently, they are above the law ( Olurode, 2011)<sup>9</sup>.

The aforementioned security deficits informed the recommendations of the Uwa is Electoral Reform Committee, which after a comprehensive review of the history of election experiences in Nigeria recommended not only the participation of the police, armed forces and other security agencies in

elections, but also suggested that the political education of such security personnel should be institutionalized in the routine training of such agencies to strengthen the democratic system in Nigeria.

### 4.3 National Election Security Strategic Template

Given the background already described, it can be deduced that the greatest threat to the current democratic dispensation in Nigeria is election insecurity. Hence, the security of elections is a key aspect of preparation for the pre-election, election and post-election periods of every election cycle.

Therefore, any election management body truly concerned about securing elections, must focus on software issues like trust building of stakeholders, ensuring the fidelity of technology used in election processes, education of voters and other role players in security issues and their role in assuring security and the institutionalization of a credible electoral process through a reliable legislative electoral framework, managed professionally, with impartiality and integrity. The Independent National Electoral Commission (INEC) upon its appointment in June 2010 gave priority to security. Hence, it organized an international workshop on the phenomenon which culminated in a publication "Security challenges of Election Management in Nigeria" (See Olurode and Jega, 2011)<sup>10</sup>. The workshop set the agenda for securing the 2011 general elections.

To enhance election security in the Nigerian context several policies at the National level are in place. As part of the executive policies to facilitate election security in the pre, peri and post-election phases through the legislative framework, the Nigerian Constitution clearly identified conducts or actions that would not allow for peaceful elections and thus prohibited same at section 227<sup>11</sup>. Similarly, the Electoral Act 2010 (as amended) at sections 117-132 provides for measures which guide the conduct of participants during every election cycle. To implement these provisions of the law to secure elections, the national Election Management Body (EMB) in Nigeria exercising its power to make 'rules and regulation' as provided in paragraph 15 of the Third Schedule of the Constitution, articulated in its election manual the strategic requirements for securing elections and the resources necessary to operationalise the security guidelines.

For instance, INEC's manual for elections requires that during elections the following provisions must be made for the security of elections; that the provision of security agents in every polling station will be part of required personnel and such security agent's functions are clearly indicated in the manual as follows (INEC, 2011)<sup>12</sup>;

**Responsibilities of Security Agents:** To ensure that the conduct of the poll, collation and declaration of results are carried out without any disturbance or threat to peace:

## Security Agents shall:

- Provide security at the Polling Stations and collation centres to ensure that polling, counting of ballots, collation and declaration of results are conducted without breach of peace.
- Take necessary measures to prevent violence or any activity that can threaten or disrupt elections.
- Comply with any lawful directive issued by or under the authority of INEC.
- Ensure the safety and security of all election materials by escorting and guarding the materials as appropriate.
- Protect election officials at the polling stations and collation centres.
- Arrest, on the instruction of the Presiding Officer or other INEC officials, any person(s) causing any disturbance or preventing the smooth conduct of proceedings at the polling stations and collation centres.
- At the polling station, inform the Presiding Officer if they believe that any voter is under the age of 18 years or has committed an offence of impersonation.
- On the instruction of the Presiding Officer, stand at the end of the queue of voters at the polling station, if any, at the official close of accreditation so that any person entering the polling station after this time is not allowed to vote.
- Accompany the Presiding Officer to deliver the election

results, ballot boxes and other election materials safely to the RA/Ward Collation Centre.

- Accompany Collation Officers to deliver collated election results to Returning Officers.

To implement these security arrangements nationwide during elections, state offices of INEC are directed to make specific directional security arrangements. Hence, the Independent National Electoral Commission, conscious of the security challenges of past elections and the need not to have a repeat of same experience, established in the 36 states and FCT what is called Inter Agency Consultative Committee on Election Security (ICCES). Joint State Election Security Committee made of the state Resident Electoral Commissioner (including Administrative Secretary, Head of Operations Department and Public Affairs Officer) various security agencies, namely, the Police, Department of State Security (DSS), the Navy, the Air Force and officers of para-military organizations such as Customs, Correctional Services, National Drug Law Enforcement Agency (NDLEA), the Civil Defence Corp etc, to plan and coordinate security of elections. The State Commissioners of Police chair the committee and at the Local Government level, this structure is also replicated with the Divisional Police Officers (DPO) as heads of the committee. The State Joint Security Committee conducts the following activities;

- Ensuring that all security personnel are in the right places and, therefore, avoid role conflicts at all registration centers or polling stations.

- Mapping of areas where elections would be conducted in order to determine flashpoints, violent prone youth's places, polarized political group communities.
- Review confidence building measures for the public, and where necessary show the availability of potential force and in appropriate cases ensure low visibility of force and diminished threat.
- Tracking of persons granted arms licenses for possible illegal arms acquisition and distribution to individuals.
- Intelligence gathering of activities of key political actors and supporters and guiding rules of disclosure to actionable agencies.
- Suitability of the voting booth and the approach route for delivery of materials and equipment.
- Risk sensitive analysis / vulnerability analysis.
- Mobility of security personnel and accessibility of relevant stakeholders.

Having taken the above mentioned steps, the security agencies for elections must operationalise the goals of securing the electoral process by instituting a joint security strategy, training and deployment of security personnel after ensuring that a credible and reliable electoral system and process design is in place, and that effective statutes of deterrence are known to all role players, while also monitoring and coordinating security challenges involved during campaigns and rallies, by effectively using communication channels, and clarifying rules of engagement. Additionally, the established codes of conducts for stakeholders were reviewed at meetings purposely convened for stakeholders to understand and appreciate what the laws are and what constitutes breaches and punishments.

#### 4.4 Security in Cross River State Elections: Tactical and operational adaptations

In line with the directive initiated at the Commission's Headquarters in Abuja, regarding the framework for security of elections, INEC in Cross River State also constituted the Cross River State election security committee, headed by the state commissioner of police and the Resident Electoral Commissioner as the vice chairperson of the committee. The committee designed a security framework and process to secure the 2011 general elections and the subsequent governorship election of 25th February 2012.

Almost all the strategies mentioned above were adopted with modifications and innovations taking into consideration, the environment, terrain and indeed the ethnography of Cross River State.

**State Joint Security Committee** - This committee as noted above drew its membership from INEC and from all security agencies and para-military organizations in the State. The Committee was inaugurated with established sub-committees to examine various aspects of security concerns and to make recommendations. Meetings were held very often to share information and experiences on the basis of which robust plans and designs were made to achieve the overall goal of election security. For example, it was revealed from past experiences that some security personnel do not report to their deployed polling units on election days; that some fake security personnel were usually deployed by politicians for

unwholesome purposes; that some security personnel abandon their duty posts shortly after reporting to the polling units or collation points; that the identities of security operatives were usually hidden on election days because they do not wear or display their names and service number tags on their uniforms amongst other noted observations during previous elections. To check these and other related problems associated with deployment of security operatives, the following steps were taken:

**Step 1.** A model posting chart was developed. The chart contained the following information: name of the security personnel, service organization, command or unit location, service number, mobile phone number, LGA of deployment, Registration Area and Polling Unit or collation centre.

**Step 2.** The posting was completed within a reasonable time frame to allow for mass production of the copies of the posting document.

**Step 3.** The postings were released to the Electoral Officers for downward distribution to the Supervisory Presiding Officers and the Presiding Officers as they affected them respectively.

**Step 4.** Copies of the posting were released to heads of security agencies, head of INEC Operation department, the Commission's staff supervisors, including visiting election supervising National Commissioners and Resident Electoral Commissioners.

**Step 5.** Duty registers were maintained at the polling units and collation centers to be signed by deployed security personnel as a confirmatory check on the deployment schedule.

**Outcome:** At the end of the two elections, no report of abandonment of duty by security personnel was received. Only one report was received on the misconduct of two security personnel that failed to rescue an NYSC member, who was ill-treated by some thugs for her refusal to compromise her duties. The affected security personnel were easily identified with the aid of the deployment schedule and responsibilities were easily placed on them by their service organization.

#### 4.5 Enhanced Communication Network

The newly designed deployment of election personnel form, which is essentially to capture personal data of election ad hoc staff, made it possible for the commission in the state to compile and maintain a comprehensive list of mobile numbers of all ad-hoc and permanent personnel who were involved in the election. Using the form, it was possible for the first time, for the staff in the situation or election monitoring room in the state head office, to resolve challenges or problems or share relevant information timely with all categories of election personnel, like the presiding officers who are the managers of polling units and the supervising presiding officers in charge of clusters of polling units in Registration Areas (RA) or wards. In most cases telephone conferencing was used to resolve issues with affected parties and complainants together with the concerned polling officials and especially security personnel.

## 4.6 System and Process Design Application

A strong signal was sent to contesting political parties and candidates that by words and transparent actions, the electoral system and all the processes would be applied as designed. In this regard, all matters relating to such issues as party primaries and nomination, ad-hoc staff recruitment and deployment, election material distribution, voting and counting procedures, collation and transmission of result of polls etc., were strictly adhered to in a transparent manner before, during and after the entire election process. This approach generated huge trust and confidence in stakeholders, particularly among candidates of the opposition parties, some of whom publicly expressed satisfaction with INEC in the state. Hitherto lingering doubts about the impartiality of the electoral umpire were cleared. A level playing ground was assured.

## 4.7 Lessons learned and identified gaps

The challenge of security during election is not due to the absence of laws that prohibit conduct that constitute election offences. In fact, there are plethora of provisions in both the Constitution, such as section 227 and in the Electoral Act, sections 117-132 that address issues of violence or insecurity before, during and after elections. These laws and other rules and regulations contained in INEC manuals for elections are meant to secure peaceful elections in the country. However, the greatest challenge of security during elections has been paucity of enforcement. Simply put, enforcement by the various bodies by way of giving effect to or execution of the law

when there are violations to prevent future infractions has been the bane of election security in Nigeria.

Despite the chequered and indeed the very notorious electoral history of this country, there are no records of trials and conviction of those who violated election laws and thus subverted the will of the people until 2011 when in Cross River, for instance, INEC secured a conviction of an electoral offender during the voters registration exercise. At the heart of the problem of enforcement is the influence of corruption that has permeated the entire administration of justice system; from failure to arrest, lack of diligent investigation, preferment of charges under appropriate laws, and unending adjournments, among others.

Another important challenge for election security is the process of party nominations for elections, compounded by an amendment of section 31 of the Electoral Act 2010 (as amended) which allows parties to conduct nominations in any manner and present candidates that INEC cannot question or reject "for any reason whatsoever". The new provision does not encourage internal party democracy. This led to much of the security problems which diminished trust in the electoral process with many participating parties in breach of rules of internal party democracy, transparency and fairness in the nomination of candidates. There is almost no redress mechanism for those who feel short- changed.



## 4.8 Recommendations for future election security

Based on the lessons learned, the following recommendations are made to improve election security:

- Every election cycle should be preceded by a review of the legislative framework guiding elections namely, the constitution, electoral act and election manual of the national EMB as it pertains to election security to identify gaps which can undermine election security. In this connection, the provision of section 150 of the Electoral Act that gives power to INEC to try electoral offenders without express power and capacity to investigate should be reviewed, as well as the uncertainties inherent in the electoral law that allows political parties to nominate candidates through opaque processes, and which outcome the law prohibits INEC from questioning. These are threats to election security and should be amended.
- Recurrent failures to expeditiously prosecute and convict election offenders have also undermined election security by increasing the sense of impunity on the part of potential electoral offenders. This trend must be curbed by instituting the electoral offences commission, a specialized commission that should be enabled with resources, capacities and competencies to investigate prosecute and ensure conviction of electoral offenders; such a commission should therefore have police units whose task it is to investigate and present

evidence, along with electoral forensic as well as competent legal prosecutors.

- Also there is the need to institute a quick process for investigating and resolving complaints as is the case with the just concluded United States General Elections (2012) where almost 398 out of 400 pre-election petitions and complaints had been resolved by the authorities, particularly the supreme courts in the various states.
- The continuing education of voters and other political stakeholders remain a preventative imperative to secure elections by helping to reinforce positive democratic practices and curbing deviant democratic behaviours.

## 4.9 Conclusion

Election is an important element of modern day representative democracy. It provides an institutional medium by which electorates in a country choose their representatives into different positions of governance, and also allows different interest groups within a state to stake and resolve their claims to power through peaceful means. These expectations of the utility of elections often fail when the security of an election is inadequate or fails completely. The consequence of such failures has been the failure of governance in many states within and outside Africa. In Nigeria, this has been a recurrent challenge and hence, efforts are been made to improve the security of elections so as to enhance the outcome of elections.

To facilitate election security in Nigeria, a national strategic policy for the purpose should be put in place using the legislative template and the strengthening of ICCES for every election. Adaptations of this national security template for elections in Cross River state resulted in some innovations such as the distribution of a list of deployed security personnel to stakeholders. Based on the lessons learnt and gaps identified from effecting such security template and its adaptations, recommendations are made for improving election security in future, including amending weaknesses in the legislative framework, the need to establish an election offences commission to expeditiously pursue the prosecution of election offences, the continuing education of voters and the institution of speedy and effective conflict resolution mechanisms. No country can gloss over security challenges, it has become a global concern. The need to sustain and improve upon INEC's responses to election security conundrum cannot be over emphasized.

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## Chapter Five

### DEPLOYMENT OF SECURITY PERSONNEL IN ELECTIONS: CHALLENGES AND LESSONS FROM THE FIELD

'Lai Olurode and MK Hammanga

#### 5.1 Introduction

It is important to remind ourselves of the prevailing global security threats within which deployment for election security has to take place. The competing demand for deployment cannot be ignored, particularly, deployment for internal security challenges arising from incessant bombings, kidnapping and abduction as well as armed robberies. As important as elections are to a country's rating in the comity of nations, election security in the face of other more dastardly acts of terrorism may not be a major priority. This has to be so because, security resources and personnel are not unlimited and priority has to be right. However, both external and internal deployments of security personnel have become critical issues in today's world of complex security architecture. Both internal and external deployments are not to be conflated but one has implications for the other. They are organically linked.

Availability of security personnel is to be distinguished from deployment, the latter being an operational issue. As a concept, deployment is from the word deploy which is to bring

or move into position for military action in order to be used effectively. Deployment is thus, a means to enhance optimal utilization of resources. It could be in respect of personnel or physical resources. Deployment of resources, not necessarily of human resources only, should not be conflated with availability or needs. Human or material resources may well be in abundance, but their deployment may not prompt effectiveness in ways that can drive productivity or maximize returns on investments. Deployment is a dependent variable which is influenced by power, class and a plethora of social network. Generally speaking, deployment of security personnel in Nigeria is influenced by criteria that are both objective and subjective. Deployment of security personnel and of election materials is not done arbitrarily or haphazardly, politics intrudes into the process. This is the context in which allegations of deliberate starving of their areas of election materials by some politicians, though sometimes unfounded, could be understood. Of course, to deploy is one thing, to use the resources as deployed or to make them serve the ends for which deployment has been undertaken is another. The attitude of those who have been deployed could subvert the very purpose of their deployment. There had been cases where security personnel on election duties were found to have colluded to undermine the electoral processes. Instances of professional misconduct by security personnel abound.

In the calculation of security personnel and those responsible for deployment, not all political spaces to be covered in an election or political appointments convey same advantages. Resources at the behest of the political office holders or that

are available within a given political space and how generous the owners are perceived, are among key factors. Persistent rumours about underground purchases of deployment are rampant and too persistent to be dismissed. Security personnel on patrol duties (or those posted to check points), as well as those who are on international assignments are believed to be under pressure to offer inducements to influence their postings.

In this paper, our objectives are threefold;

- (1) To outline critical factors in the deployment of security personnel on electoral duties.
- (2) To see whether actual deployment of security personnel on duties reflect concerns for security profile and vulnerability of the area where elections are to hold and
- (3) To answer the question whether deployment of security personnel constitutes a deterrent to voters' turnout or whether it is a positive factor.

Even where there is adequacy of the required personnel (which is rarely the case), if deployment is haphazard or not well coordinated or data driven, election security may come under threat and the integrity of the electoral process undermined. We postulate that if security personnel deployment is based on scientific criteria, it should produce a more satisfactory outcome even when there is a shortage of security personnel.

Indeed, it is believed that some of the differences that are noticed in election outcomes in the different parts of the country may well be because of wrong judgment in deployment. In the second section to this paper, we shall discuss perspectives on election security and in the third section, the focus will be on factors that influence deployment. Some of the core challenges of deployment of security personnel in election will be in section four and our conclusions are contained in the final section.

## 5.2 Contending Theoretical Perspectives on Election Security

There is need to provide a brief insight into the contending perspectives on election security. Historically, Nigeria's elections have been faced with a plethora of security challenges and in most cases, the primary goal of elections had been unmet. Some authors have concluded that it is almost impossible to contemplate elections in Nigeria without thinking of violence and conflict as being inseparable. And talking about the scope of INEC's security mandate, we have in mind security of personnel, security of election material and security of information<sup>1</sup>. These security challenges did not arise out of outright absence of security personnel but mainly from ineffective policing, collusion of security personnel, diversion of security personnel to wrong ends<sup>2</sup>. There is also the issue of the audacity and impunity of the political class among other competing private interests of security personnel. Of course, Nigeria has always had challenges with the training of its security personnel, their remuneration as well as shortage of relevant equipments needed for other operational efficiency.

Given the Nigerian environment, the dominant perspective is that free, fair and generally acceptable elections are possible only if security personnel, including the military are massively deployed. By security personnel, we have in mind personnel of the conventional NPF, SSS, NSCDC, NIS, NPS, NCS, similar other organizations as well as Nigerian Armed Forces. What has fueled this perspective of the indispensability of security personnel in the organization of our elections is the generalized violence which has become a common place, thuggery and sundry electoral malpractices that have featured consistently and prominently in our elections and have become their hallmark. In some pessimistic quarters, violence, intimidation and electoral malpractices generally are inseparable from elections in Nigeria<sup>3</sup>. In the above content, it is logical to conclude that only an adequate policing can secure the election environment. This pessimistic perspective is backed by history and experiences, and it is the view of most political actors and the public generally.

A contending school of thought which is the optimistic perspective, though a minority viewpoint holds that in the nearest future, perhaps from the next election in 2015, Nigeria would no longer have to massively deploy security personnel to secure its elections. It is being assumed that election security would no longer be an issue. The view has been canvassed that by 2015, Nigeria would not need security personnel to conduct its elections, this position appears utopian to many. A leading proponent of this view is President Jonathan, who remarked that by 2015, security personnel would no longer be needed to secure our elections<sup>4</sup>. However, field experiences and recent

observations of political events in the build-up for 2015, do not support this optimism.

Transition democracies generally face formidable security challenges as most of them are emerging from warfare and the emergent democratic states themselves are products of protracted civil wars. Arms proliferation was and remains a challenge in these young democracies. In some worst cases, the state has become highly paralysed and unable to fulfill its core objective of maintaining law and order. Indeed, life has become very cheap in most of these countries as violence has become generalized and a common experience. Children are socialized into warfare. Through, some of these young democracies have witnessed democratic reversals (e.g. Mali and Guinea Bissau; Cote D' Ivoire is under threat), military coup is no longer fashionable. The use of force to gain privileged access to state institutions during election has, however, remained attractive. It is for this that there should be no contemplation of withdrawal of security personnel from securing our elections. It is therefore a premature proposition that Nigeria can now dispense with security personnel in managing its elections.

An attractive perspective on election security seems to be one that regard strong ethics which is founded on institutions of policing and of society as being the most effective strategy to secure our elections. No matter the strength of its police force, no country can adequately police every stage of the electoral process. Nigeria presently has close to 120,000 polling units. With its police strength of about 400,000 and its

numerous security challenges, Nigeria cannot afford to secure each polling unit with 2 policemen<sup>5</sup>. Secondly, police must be trusted by the populace and must be believed to act only in the public interest, indeed to protect citizens' rights and not as an organ of a faction of the political class. These are among issues that constitute potential sources of crisis in election policing in Nigeria. Nigeria police was perceived generally, perhaps until the 2011 elections, as partisan and incapable of acting professionally. Nigeria's security personnel also have challenges of training and of equipment.

In some other jurisdictions such as Ghana, South Africa, India and Liberia, election security does not pose such a formidable challenge. Politicians, generally, respect electoral institutions and laws and act with less impunity, electoral bureaucracies could also be better trusted and security personnel act more professionally. In the case of India, particularly during elections, police command come under the control of the Chief Electoral Officer. Ghanaian election officials could transport election materials from one point to the other without fear of snatching of the materials or being abducted. They could also take personal custody of election materials a day or two before the elections and without fear of election materials being snatched by hoodlums or election officials being abducted. Election environments in these climes are far better secured than in Nigeria. Nigeria's electoral bureaucracy is too cumbersome and complex than in most other African countries and our elections are too expensive and more consuming. In fact, the organization of elections constitutes an ordeal for election managers, political parties and their candidates, the



electorates as well the other stakeholders. This situation is as a result of:

- i) The must-win-at all-cost attitude of the Nigerian politicians
- ii) Lack of trust among stakeholders
- iii) The winner takes all political system practised
- IV) Poor performance of our elected political leaders etc.

In countries of the northern hemisphere, elections are a routine and do not entail restrictions on movements or visible presence of fierce looking armed security personnel who could serve the purpose of either checkmating election fraudsters and hoodlums or subverting the electoral process through collusion. In most of Africa, deployment of security personnel on election duties is an outcome of an inter-play of several political and social factors. This is expectedly so, because whenever human beings are involved, interests and conflict come into play.

The next section focuses on key factors in deployment. However, theoretical plans about deployment often vary from the practice of deployment.

### 5.3 Factors in Deployment

Theoretically deployment of security personnel in election is not to be done arbitrarily. It must be guided by some logic since ultimately its objective is to ensure that elections are secured so that preference aggregation cannot be vitiated. We can

delineate two broad set of factors in deployment. These are objective and subjective factors.

In discussions with police officers with field experiences in election security, the most frequently mentioned objective factor in the deployment of security personnel is volatility of the area and thus the issue of flash points. This shows that special consideration is ordinarily given to terrains that are vulnerable to security breaches and where outbreak of violence is an immediate possibility. This vulnerability is usually derived from hard data in official statistics about criminal incidents in any divisional police area. Typically, a divisional police officer must be able to determine, from records, threat levels in the division generally and in specific locations in particular. This logic is driven by a criminal social theory that draws a strong relationship between area/location and crime. This factor weighs heavily in allocating scarce security resources to attain maximal output.

Some of the other objective factors include the size of the voting population in each polling unit, the number of polling units and their distances. Security personnel in faraway polling units should be deployed much earlier than those in nearby ones. Some polling units have what is referred to as voting points. These are additional points created out of large polling units with some having as much as close to 3,000 voters on the register to ease accreditation and actual voting. Security personnel to be deployed to such areas should be conversant with crowd control management. Ideally, the size of security personnel should be known ahead of the Election Day and

details of posting should have been worked out and information shared among stakeholders. Security personnel should have enough time to familiarize themselves with their areas of posting. Language could as well be considered as an objective factor in deployment.

There are however, some subjective factors that are bound to influence posting for electoral duties. Though, a military concept, deployment is social as well in that it involves human beings and interaction between them. Those who undertake deployment and those to be deployed have interests to protect. They have their biases against being posted to some areas and have political interest as well. All these cannot but impact on their decisions. Some states and even Local Government Areas are perceived as rich in resources and being on deployment there even for a few days in some of them would attract pecuniary benefit. Whereas being posted to some states may be regarded as punitive. It is common for security agencies to move their personnel around during elections so as to insulate them from partisanship during election duties. Some security personnel may lobby for posting to areas considered as juicy and rewarding rather to areas that are considered as dry or too risky. It is generally believed that posting within the security agencies is often influenced and not a random process. Politicians are also believed not to leave things about posting of security personnel to chance. Politicians believe that security personnel can influence electoral outcomes and they therefore try to cultivate their friendship. Security personnel in general but, policemen in particular, are expected to look the other way when electoral

mal-practices are being perpetrated. Nigerian politicians therefore often include the cost of buying the loyalty and support of security personnel into their election budget as well as those of prayers by men of God.

Inter-agency rivalry can be considered a factor in deployment as well, but with the coming into being of ICCES under the auspices of the Independent National Electoral Commission, sanity has been injected into the relationship between the security agents that are involved in election duties. The Nigeria police leads and it is responsible for the deployment and coordination of security personnel on election duties.

It must be stated that the practice of deployment is different from its theory. There are some factors that negate professional deployment. Field experiences show that deployment is often delayed until the morning of elections. There are often exaggerated figures of the security personnel that need deployment. Posting of personnel on election duties is also often not well coordinated and logistics challenges have persisted. In some cases, security personnel may be promptly deployed but transportation becomes a bottle neck. The cumulative effects of these shoddy arrangements include late appearance or even non-appearance of policemen at polling units. It is not surprising that reservations about the conduct of security personnel particularly, policemen during election have become a recurring decimal<sup>6</sup>. These unethical conducts, no doubt, fetter free, fair and credible elections. As a means of remedying the situation, there is the need to have a robust template of deployment of security personnel on election

duties which should involve the Divisional Police Officer (DPO), Electoral Officer (EO) and party agents at the local government level. This should breathe in more transparency into the process to the extent that only objective criteria would be given weight in deployment. In the sharing of election materials, we have been able to introduce more transparency by involving all the key stakeholders. It is only by taking cognizance of these measures that we can lay to rest embarrassing incidents of snatching of ballot boxes and of election materials as was the case during the state constituency election in Katsina on July 28, 2012.

Even if all these measures are put in place and we do not address some challenges of deployment, our elections would still not be secured to the desirable degree. We shall address these challenges in the next section.

## 5.4 Challenges of Deployment

Logistics, which encompasses transportation, remuneration and welfare, are among the core challenges of deployment of security personnel in election administration. Security personnel generally, and police in particular perceive the approach of an election as a harvest period of a sort, indeed an opportunity to nest their feathers. Once called upon for involvement in election security, expectations are often high and most security personnel regard INEC as a bottomless pit when it comes to disbursing fund for election. Some continued to refer to the N86 billion budget which was granted the Commission during the registration exercise for the procurement of Direct Data Capture Machines (DDCM).

A typical day to an election is often a rowdy and crowded scene and no community can disregard the heavy presence of security personnel. Divisional police stations are typically under immense pressure as security personnel gather for posting. Their presence could erode environmental serenity and friendliness. There is paucity of information about their postings and how they would get there. Nothing is often said about their remuneration as well and speculations are often peddled. Our field experiences and discussions with security personnel involved in election clearly suggest acute dissatisfaction with the prevailing mode of remuneration. Security personnel complain of being short-changed. Our interactions with them convinced us that direct remuneration through e-payment would be a more acceptable option. The environment is generally unfit for human habitation and if they arrived some days before the election, it could be worse. A nearby school, with often no washroom facilities, may become a makeshift camp.

There are other challenges that deployment for election security has to contend with. Worthy of note are the challenges of operational control<sup>7</sup> of the security forces involved in election. Constitutionally<sup>8</sup>, the Inspector General of Police (IGP) is the head of the police force and the Police State Command under the control of the Commissioner of Police (CP). The IGP is appointed by the President of the country and the he takes instructions from him while State Commissioners of Police take instructions from the IGP as well. Though, State Governors are referred to as Chief Security Officers of their states, in practice, State Commissioners of police may

disregard their instructions on security issues with impunity. The present operational control of the police may work against best practices in election security. It is perfectly possible for the President and the Governors to have conflicting political interests for which they may be tempted to mobilize security forces. This indeed had happened in several of the impeachment cases in the last administration when police's conduct was evidently unconstitutional, unprofessional and patently partisan<sup>9</sup>. Indeed, the agitation for State police by some governors is in response to their perception and real lack of operational control over the police in their states which runs contrary to policing arrangement in a federation<sup>10</sup>.

An outstanding challenge remains that of the citizenship rights of security personnel deployed for election purposes. Presently, there is no constitutional provision for them to exercise their franchise. Indeed, the fact that they are to ensure election security should not simply deprive them of their citizenship rights to vote during elections. Nigeria's election managers need to borrow from the experiences of other countries. The size of the security personnel that is involved in election justifies this concern. The total number would be in the range of 360,000 to 400,000.

The other challenges of organizing successful elections are immense in Nigeria. Among these are the not yet perfect state of the register of voters and thus, the continued use of addendum registers, missing names of registered voters, poor turnout of voters, poor logistics resulting in late

commencement of elections and late arrival of election officials and election security among other sundry challenges.

At this point, we need to highlight our key findings in this research.

## 5.5 Key Findings

Research findings must speak to research objectives. Among the findings thrown up by this research are:

- (i) The challenges of deployment. Deployment is not a neutral phenomenon. Human beings rarely leave things to chance. Some outcomes are perceived as more favourable than others and so, these better chances are lobbied for and resources are thus mobilized to secure their outcome. Deployments have rewards attached to them and so superior rewards are canvassed.
- (ii) Remuneration of security personnel involved in election security is an issue that presents controversies and throws up matters of lack of motivation and dissatisfaction. Field security personnel complained of being swindled by their superiors. A majority of them preferred direct payments into their accounts by the EMB.
- (iii) Objective factors do not play decisive role in the practice of deployment though on paper such factors

as the number of polling units, their remoteness or otherwise and the size of the voting population are considered as critical and factored in but field experiences seem to negate these considerations.

- (iv) Apart from the absence of a template for posting of security forces in election matters, there is poor logistics and those responsible for deployment are too overwhelmed and sadly display a reluctance to delegate. Electoral officers could also be blamed in this regard. It is suspected that since money is appropriated to take care of some forms of logistics, those responsible for deployment may be cutting corners by exaggerating the number of security personnel that is needed or by not deploying all that is required in order to cut corners.
- (v) Election security personnel as well, tend not to be deployed as planned.
- (vi) Security vulnerability is a factor that guides deployment. This assertion was difficult to verify during field visits. What is evident is that flash points are better secured, especially in staggered elections, than during general elections.
- (vii) There is the fear in some quarters that deployment of heavily armed security personnel scares voters and affects voters' turnout negatively, whereas some are of the view that it contributes to higher voters' turnout

in that once security personnel are sufficiently and effectively deployed, potential voters are assured of the security of their lives and of the electoral processes generally<sup>11</sup>.

In testing this proposition, we wish to present data on deployment of security personnel and voters' turnout as they relate to recent gubernatorial by or re-run elections that were ordered by the courts in 2012. From the data presented in Table 1, there is nothing to suggest that voters' are scared or refused to come out to exercise their franchise because of large deployment of security forces during elections. Kogi and Adamawa States with almost equal numbers of security forces recorded comparable voters' turnout. Bayelsa and Kebbi figures for voters' turnout were somehow outlandish and difficult to justify.

**TABLE 1**  
**DEPLOYMENT OF SECURITY PERSONNEL**  
**AND VOTERS TURNOUT**

<b>S/N</b>	<b>STATE</b>	<b>NUMBER OF SECURITY PERSONNEL</b>	<b>VOTERS TURNOUT IN %</b>
1.	KOGI	9,348	39
2.	ADAMAWA	9,395	37
3.	BAYELSA	6,142	75
4.	SOKOTO	10,819	30
5.	CROSS RIVER	8,207	40
6.	KEBBI	8,774	58
7.	EDO	9,233	39

## 5.6 Conclusion

This paper is an exploratory study in the deployment of security forces during elections. Its starting point is that deployment is a technical word which is used by security communities. In its strict security usage, it means being posted out of base on special assignment. When on deployment, security personnel are considered as being on temporary posting, mostly outside their countries but could also be within in periods of uprising to restore law and order or make sure that a tense situation does not boil over. In the paper, we also outlined the key contending perspectives on deployment of security personnel for election and concluded that there was no basis to suspect that the

deployment of security personnel is a factor in voters' apathy. If field experiences are anything to go by, potential voters seem to have their confidence in the electoral process rekindled each time security personnel put up appearances in the voting zones. When security personnel act ethically during elections, they are applauded by the electorates and with a sense of gratitude. In the considered view of the authors of this paper, it is indeed premature for Nigerians to expect that they can administer their elections without the presence of security personnel as it is done in most of the developed Western democracies. Among the critical factors in the deployment of security personnel are objective and subjective ones but, the role of ethics is crucial and decisive. There are, however, challenges in the deployment of security personnel. These mainly revolve around welfare issues.

The paper suggests that in order to leverage the objective criteria in deployment, there is need for a template that should serve as a guide to deployment. This guide should contain the need for a committee on security personnel deployment, and clearly spell out its membership at the state and local government levels. To our mind, electoral officers, representatives of contesting political parties and representatives of civil society organisations should be members of this committee. The committee itself should be constituted well ahead of elections and the required data needed to plan a scientific deployment which is based primarily on objective factors must be gathered in advance. It is hoped that with this, some of the existing gaps in the deployment of security personnel which erode their effectiveness would be overcome. The electoral process would become better for this.



## Notes

1. Lancelot Anyanya 'Security Challenges of Election Management: Nature and Management of Rivalry Between States Security Services for Effective Election Administration', 'Lai Olurode and Attahiru Jega (eds.) Security Challenges of Election Management in Nigeria (Abuja: Friedrich Ebert Stiftung).
2. Comments by the chairman, Police Service Commission (PSC) on 'why Nigeria is not safe at night'. According to The Punch newspaper report of Oct. 19, 2011, 'He lamented the inappropriate deployment of policemen, noting that out of a staff strength of 321, 250 officers, about 100,000 policemen were attached to private individuals, thus leaving the larger part of the Nigeria population unprotected.
3. Parry Osayande spoke about factors militating against effective policing. These included the award of bogus contracts and outright diversion of resources meant for development of the force. He also decried the proliferation of security agencies in Nigeria which has deprived the police of funds and infrastructure.
4. See the posers which Lamidi Adedibu posed to Ladoja, the former governor of Oyo State when he indicated interest in politics see Lai Olurode 'The Sociology of Impeachment', Lai Olurode (ed. 2007) Impeachment and the Rule of Law: The Future of Democracy in

- Nigeria (University of Lagos, Faculty of Social Sciences) pp. 20-35 but particularly page 23 where Lamidi Adedibu was quoted to have asked Ladoja three questions thus: '(1) whether he knew how to abuse people; (2) whether he could remove his clothes in public and (3) whether he could tell lies about somebody and swear publicly on the Holy Koran' see details also in Saturday Punch, Jan. 14, 2006.
5. Nigeria's President Goodluck Ebele Jonathan was quoted to have promised Nigerians that the 2015 elections would hold without provision of police security. According to Jonathan "The next step of our campaign is that we want to make sure we conduct elections in Nigeria without security carrying guns to follow us" see The Punch Feb. 22, 2012.
  6. The Minister of Police Affairs put the number of serving police officers at 370,000 with a promise to recruit 280,000 more see The Punch May 16, 2012. Nigeria has not got enough police to secure all its current 120,000 polling units effectively.
  7. Election Observers reports on the conduct of policemen during elections. Positive commendations also come the way of the police in our recent elections. For example, see National Democratic Institute report on the April 16, 2011 presidential election. The observer group acknowledged the role of security services which in the majority of polling stations played positive role and a low

profile and professional one at that. The African Union Election Observer Mission also confirmed that security agents were visible in all the polling stations and they conducted themselves in a professional manner. The group also attested to the heavy deployment of security along the roads nationwide.

8. Bayo Adekanye and Rachael Iyanda: 'Security Challenges in Election Management in Nigeria: an Overview', Lai Olurode and Attahiru Jega (eds.) op. cit.
9. Sections 214 and 215 of the 1999 constitution. The Inspector General of Police and State Commissioners of Police are not obliged to obey state governors on security matters in their states unless the President or his Minister in charge of police directs so - see section 215 (4) which says, 'Subject to the provisions of this section, the Governor of a state or such Commissioner of the Government of the State as he may authorize in that behalf, may give to the Commissioner of Police of that State such lawful directions with the respect to the maintenance and security of public safety and public order within the state as he may consider necessary, and the Commissioner of Police shall comply with those directions or cause them to be complied with provided that before carrying out any such directions under the forgoing provisions of this subsection the Commissioner of Police may request that the matter be referred to the President or such Minister of the Government of the Federation as may be authorized in that behalf by the

President for his directions'. Thus subsection 5 is conclusive as a final seal on the limited power of the governor of a state. It says 'The question whether any, and if so what, directions have been given under this section shall not be inquired into any court'.

10. See police conduct in several of the impeachment cases see accounts as given by Akin Ibidapo Obe, 'The Theory and Practice of Impeachment', Lai Olurode (ed. 2007) Impeachment and the Rule of Law: The Future of Democracy in Nigeria (University of Lagos, Faculty of Social Sciences).
11. See newspapers comment on whether or not state police should be The Sun, The Nation and The Punch, Aug. 14, 15, 16 and 17, 2012; see also The Punch (August 22, 2012) incisive editorial on the surprising recant and resistance of some governors to the creation of state police in a federal system.
9. See The Punch, July 12, 2012 which reported on 'Reps in Rowdy Session over Deployment of Soldiers'. The federal government had allegedly deployed 3,500 soldiers to secure the Edo State election in addition to conventional policemen already deployed. Action Congress of Nigeria (ACN) member from Edo State had complained of large deployment of troops to Edo when the state was not at war, members shouted him down. The house had to hurriedly adjourn.

## Chapter Six

### ELECTION SECURITY FINANCE

Eze Onyekpere Esq

#### 6.1. Introduction

The title of this discourse assumes that there is the need for security in elections. Yes, this is a fact which no one can contest especially in emerging democracies and fragile states where the institutions of governance are yet to mature. In societies where elections are seen as zero sum games, (i.e. winners take all) elections come with a potential for crisis and for which special preparations and planning are required to prevent the crystallization of crisis. But this is not to state that elections by their nature are inherently prone to crisis but the fact that the electoral process, if not properly managed, could exacerbate the tensions and fault lines already existing in society.

Elections, if not well planned can easily latch on to pre-existing cleavages in ways that can degenerate into election fiasco and which can task security agencies to the breaking point. A topic such as the above raises several posers and these include

What is the social, political and economic context in which security is to be provided?

What is the nature of the security that this discourse puts up for financing?

What are the challenges along the way and what possible solutions can be drawn from national and international experience?

By security in elections, we are adopting the broad concept of ensuring protection to the integrity of the electoral process. Integrity here refers to the consistency of actions, values, methods, measures, principles, expectations, and outcomes of the elections. We are also referring to activities and processes involved in protecting the integrity of the electoral process from the perspective of the rule of law. The security of the electoral process must proceed from the observance and implementation of all legal norms that are prescribed for the elections.

Generally, electoral security involves ensuring the safety of the electoral process and to create a quiet and safe environment to enable citizens to take part in the electoral process without fear, intimidation, before, during and after voting<sup>1</sup>. The objectives of electoral security include physical security of buildings and materials, personal security of voters, candidates, representatives of political parties and that of the body responsible for the management of elections and the community in general<sup>2</sup>. It also includes security of information,

<sup>1</sup> Ballots not Bullets, Elections and Security in West Africa, UNOWA Issue Papers, May 2009.

<sup>2</sup> IDEA cited with approval in the Role of Security Forces in the Electoral Process; the Case of Six West African Countries.

computers, software and elections communications information<sup>3</sup>.

It is imperative to begin with the settled facts - the election as a process, not just the events on the Election Day. This leaves us with three periods - the pre-electoral period, electoral period and post electoral period. For the pre-electoral period, we are referring to the period for preparations and activities that would facilitate the election day event and this will include compilation, updating and display of voters register, party and candidates' campaigns, capacity building for electoral officers, media, security agencies and civil society, voter education including vote wisely, knowing the choices available, "come out and vote campaigns", etc. For the electoral period, we are referring to the days for actual voting and close of polling booths. The post-electoral period on the other hand includes retrieval of election materials, debriefing of election officials, resolution of electoral disputes, etc.

Normally, it is the Police that take the lead in election security work and by section 4 of the Police Act, they are charged with:

- Prevention and detection of crime; (including electoral crimes)
- Apprehension of offenders; (electoral offenders)
- Preservation of law and order; (pre to post)
- Protection of life and property; (pre to post)
- Enforcement of all laws and regulations with which they are charged.

<sup>3</sup> IDEA, supra.

However, other security agencies including the Army, Navy, Immigration, Civil Defence etc, come into play on Election Day when the security situation requires greater number of security personnel than the Police can provide or overwhelms the capacity of the regular Police.

This chapter will now review the likely security issues for the three phases of the election period as a basis for articulating in the latter part, issues of funding and funding strategy.

## 6.2. Pre-election issues

In the pre-election phase, security agencies are required to:

- Provide a conducive environment for political parties and candidates to carry out their campaigns; provide security for candidates and political parties before elections; provide a conducive environment for voters' registration and update of the register, sensitization as well as secure the campaign process.

During the update and registration of voters, there may be the need for vigorous efforts on the part of the immigration authorities to prevent aliens who have cultural affinity with border communities from illegally entering the country and registering to vote. There is also the need for collaboration between EMB's, security agencies and the population commission which is charged with the registration of births and deaths to ensure that under-aged voting or fictitious names do not find their way into the register. If the country had an

effective national identity system, it would also facilitate EMB's work on producing a credible voters register. But pathetically, this is not the case at the moment.

An agency such as the National Orientation Agency may be relevant in sensitisation campaigns and may need to collaborate with the EMB. Considering the challenge of post-election violence that manifested during the 2011 elections in some part of the country, there need to be adequate funding for sensitisation of stakeholders particularly those prone to violent conduct. It may go beyond the work of an EMB and NOA to include the sensitization activities of civil society organisations NGOs, faith based organisations, community based organisations, professional associations, the media, etc. In the light of the deepening and emergence of new craters on Nigeria's fault lines, it may not be too much to expect the organized private sector and operators in the informal economy to be involved in this sensitization exercise. It is also at this stage that capacity building events for the security agencies will be undertaken.

So far, there are provisions of the Electoral Act that have been observed more in the breach and they are those sections related to the delimitation of campaign spending. Between EMBs and the security agencies, no one seems to know what to do with those provisions. It is not very clear whether it is a financing or capacity challenge. But capacity challenges can be remedied in part through adequate funding or new sources of funding. No one has been arrested, prosecuted or punished for flagrant violations of the Electoral Act provisions on campaign

financing. Even the prosecution of ordinary electoral offenders, who numbered in their thousands in the 2011 elections, has been unduly delayed or may never see the light of the day. Though, a few convictions had been recorded, this is a mere tip of the iceberg.

The internal conduct of political parties in their nominations and primaries will also likely impact on the quantum of finances needed to run electoral security. Although, nominations and primaries are generally considered the internal affairs of political parties, they are taken very seriously by party and non-party members to the extent that nominations in the ruling party are more or less regarded as anointing to go forward to pick a seat. It is therefore important, that rules and regulations for internal democracy are enhanced and the process of candidate selection seen to be fair. INEC's role in political party primaries needs to be made more explicit and conflict in laws in this regard should be resolved. Also, when pacts or agreements are entered into between various groups of Nigerians on basic issues like rotation of offices, they should be respected so as to curtail likely outbursts and a backlash from communities that feel cheated in the equation and permutations.

### 6.3. At the Election

What are required of security agencies during election?

At the election, they are to:

- Provide security at the polling stations and collation centers to ensure that polling, counting of ballots,

collation and declaration of results are conducted without any disturbance.

- Take all necessary measures to prevent violence or any activity that would threaten to disrupt the elections;
- Secure the perimeters of polling stations and collation centers;
- Comply with any lawful directive issued by or under the authority of INEC;
- Ensure the safety and security of all election materials by escorting and guarding the materials, as appropriate;
- Protect election officials at the polling stations and collation centers;
- Arrest on the instruction of the Presiding Officer or other INEC officials any person(s) causing any disturbance or preventing the smooth conduct of proceedings at the polling stations and collation centers;
- At the polling station, inform the Presiding Officer if they believe that any voter is under age (of below 18 years) or has committed an offence of impersonation.
- Accompany the Presiding Officer to deliver the election results, ballot boxes and other election materials safely to the ward collation centre.

Pre-election preparations will impact on the Election Day activities because they form the bedrock for Election Day, indeed the infrastructure on which election day activities rest. Thus, there is an inextricable link between pre-election and the election period. Security agencies are also involved in issues around transportation and logistics of materials either on Election Day or pre-election.



It is imperative to note that perceptions are as important as reality in elections. There are never full proof security plans in elections. Where a section of the public whether in the majority or in the minority feel that the process has been skewed in favour of certain parties, candidates, individuals or groups, it may be difficult to convince the group otherwise. Therefore, a good part of the challenge of funding will focus on the transparency of the process in terms of treating like cases similarly. Transparency will run through the entire electoral process, especially in the ways in which security agencies relate to all stakeholders. Just like Caesar's wife (Desdemona), security agencies must be above board. If there are popular perceptions that the security agencies are supporting any of the parties or candidates, it is imperative that after purging itself of any element of bias, adequate resources be made available to the agencies to reassure the public of the fact that they will not support any of the parties. This will reassure public confidence and reduce the potentials of conflict.

#### 6.4. Post Election

Security in the post-election is to

- Secure the announcement of results and other post-election activities without undue interference;
- Provide security for after elections and not create the impression of being lackeys of incumbent power holders or an extension of the executive branch;

In the light of the experience of previous elections, security measures need not await post election violence (which destroys lives and property) but attempt to nip potential violence in the bud through pro-active measures. This may require a lot of intelligence gathering and analysis. The tone of the campaigns and the issues they raise coupled with actual voting day challenges should give a clue as to security challenges shortly after the elections.

#### 6.5. Financing Issues

A major preliminary challenge is to map out a template of what has to be financed or budgeted for in each of the three major phases of the electoral cycle. Personnel requirements have to be determined as well as materials (non-human requirements). Some items of the budget may feature throughout the cycle whereas others may be skipped. Double budgeting must be avoided. There must also be clarity as to which security outfit is to provide what. This distinction will douse interagency rivalry and conflict. Whether each security agency is to undertake its own budget proposal separately or in collaboration with other security agencies is an issue that has to be resolved ab-initio. Collaboration in this regard seems helpful. It may be difficult to achieve this desired collaboration in our own country because of petty competitions among security agencies.

The foundational task is to draw up a comprehensive work plan for the entire periods of the election cycle and decide which agency will be charged with each task or the combination of

agencies for each task and how the request for funds will be made to the legislature and the donor agencies. The task allocations will depend on the mandate of each agency but with overall responsibility resting on the EMB. There will be need for human resources in the right quantity and quality (capacity building comes in here). Capacity building for security agencies may focus on the qualities required during the electoral process which include alertness, approachability, neutrality and impartiality, professionalism, fairness, and issues around the control of the use of force, reporting, collaboration with other agencies<sup>4</sup>. Financial resources, information, technological and material resources will also be required for the proper running of the electoral process. Technological and material resources will include vehicles, arms and ammunition, gadgets and equipments that facilitate the field and office work.

Even though the task of organizing elections fall within the mandate of the EMB, the need for inter-agency collaboration becomes imperative because of the multifaceted nature of activities around election security. The agencies that need to collaborate will include INEC, the Police, State Security Service, Immigration, Civil Defence, NYSC, Prisons, the Army, Air Force and Navy, Ministry of Information and its affiliate departments and agencies, etc.

<sup>4</sup> Guide for the Training of Monitors of Election Security Officers on Election Duty for the 2011 Elections produced by the National Human Rights Commission.

The role of financing and the budget will be to streamline the demands and make them realistic and actionable for the delivery of the required services. Definitely, resources are scarce against the needs of various government agencies. It is possible that the envelope for electoral security may not meet all the initial demands. Therefore, to make maximum use of available resources and to work within the template of aggregate fiscal discipline while introducing allocative and operational efficiencies, the collaborating agencies should consider an inter-agency security strategy using the following steps:

- Articulating security goals and objectives against the background of the overall goal of credible election;
- Identifying previous initiatives, the gaps and challenges arising from their implementation; identifying best practices from previous experiences and defining their replication methodologies;
- Identifying, prioritising and documenting the key initiatives ( projects and programmes) that will be embarked upon to achieve the objective of secured elections;
- Costing the identified key initiatives in a clear and transparent manner;
- Phasing implementation of the identified initiatives over the requisite electoral period;

- Defining the expected outcomes of the identified initiatives in clear measurable terms; and
- Linking expected outcomes to their objectives and goals.

This is not the usual Medium Term Sector Strategy of the respective Ministries, Departments and Agencies of government that feeds into the Medium Term Expenditure Framework. The strategy will be developed by experts in election management, security and fiscal governance. The inter-agency security strategy will need to reconcile electoral security with overall national security. It will seek to resolve the poser of how you can use the existing and already paid for security resources to promote electoral security and how electoral security will enhance overall national security in the medium to the long run<sup>5</sup>.

The development of a costed strategy is not a task to be done in an election year; it requires pro-active and future planning over the medium term. For instance, now is the right time for the consultations and meetings for the development of the costed strategy towards the 2015 elections. Care should be taken in budgeting to properly align capital and recurrent spending and ensure that the morale and welfare of officers and men who do the security work are adequately taken care of. The human

<sup>5</sup> *ibid*; The Role of Security Forces in the Electoral Process; the Case of Six West African Countries at page 71.

element is the most important one in any service or production venture and once the human element is not aligned to other factors of service delivery, there is bound to be challenges.

The inter-agency strategy comes with many advantages but suffice to mention three. The first advantage is that this form of planning introduces value for money in electoral security spending with its cardinal parameters of economy, efficiency and effectiveness. The second advantage is that it provides an opportunity to benchmark performance against planned deliverables and outcomes. It also provides opportunity to plan performance to be at the level of the best in class. The third advantage is that it puts the fiscal authorities on notice long before the demands for releases, cash backings and withdrawals are to be made. It is also important to make it clear to the fiscal authorities that where money is voted for election security and it is not under the direct management of the EMB which makes it a statutory transfer, such monies should be released on time so that planned activities and their sequencing will be followed to the letter. Predictability of funding is important in planning for elections including the security components.

In terms of procurement of equipment needed for electoral security, it needs to be done far ahead of the elections. Procurement planning and approvals need to be done on time so that the procurements will be done at the right time, place, and price and meets the need of the agencies. Essentially, section 16 of the Public Procurement Act is relevant here:

16. (1) Subject to any exemption allowed by this Act, all public procurement shall be conducted:

- (a) subject to the prior review thresholds as may from time to time be set by the Bureau pursuant to section 7(1)(a)-(b):
- (b) based only on procurement plans supported by prior budgetary appropriations and no procurement proceedings shall be formalized until the procuring entity has ensured that funds are available to meet the obligations and subject to the threshold in the regulations made by the Bureau, has obtained a "Certificate of 'No Objection' to Contract Award" from the Bureau;
- (c) by open competitive bidding;
- (d) in a manner which is transparent, timely, equitable for ensuring accountability and conformity with this Act and regulations deriving therefrom;
- (e) with the aim of achieving value for money and fitness for purpose;
- (f) in a manner which promotes competition, economy and efficiency; and
- (g) in accordance with the procedures and timeline laid down in this Act and as may be specified by the Bureau from time to time.

## 6.6. Conclusions

- Providing financing for elections on its own will not provide the requisite security for the election if other factors are not taken into consideration.
- Perception is as good as the real deal in elections. Reduce to the minimum perceptions of impartiality towards certain candidates and parties, ineptitude and lack of integrity and security challenges requiring funding will be reduced.
- The social, environmental, political and legal milieu will determine the level of funding required for particular elections.
- Election security needs medium term planning involving experts in elections, security, and fiscal governance.
- Predictability of funding and timely release of appropriated funds is essential in planning for election security.
- Proper alignment of materials and the welfare needs of security personnel is vital.
- Lessons must be drawn from previous successes and failures.

## Chapter Seven

### SECURITY CHALLENGES IN ELECTION MANAGEMENT: TOWARDS NIGERIA'S 2011 ELECTIONS, "CASE STUDY OF SECURITY CHALLENGES IN KENYAN ELECTIONS"

Ahmed Issack Hassan\*

#### 7.1 Introduction

The Interim Independent Electoral Commission of Kenya (IIEC) was established by the Government of Kenya under S. 41 and 41A of the immediate former Constitution as part of the wider reforms to be undertaken under Agenda 4 of the Kenya National Accord and Reconciliation Act. Following the announcement of the 2007 general election results on December 30, 2007 law and order nearly broke down and security of the nation was threatened to the extent not witnessed before. The unprecedented violence that followed resulted in over 1300 innocent deaths, scores left homeless and property destroyed. IIEC was set up to replace the disbanded Electoral Commission of Kenya (ECK).

IIEC was set up with a Chairperson and 8 Commissioners with the aim to reform the electoral process and restore people's confidence in the country's electoral system. The new body, which was gazette on May 8th, 2009, was tasked with the following mandate -

- Reform of the electoral process and the management of elections in order to institutionalize free and fair elections;
- Establishment of an efficient and effective secretariat;
- Promotion of free and fair elections;
- Fresh registration of voters and the creation of a new voters' register;
- Development of a modern system for collection, collation, transmission, and tallying of electoral data;
- Conducting of the referendum for the new constitution;
- Facilitation of the observation, monitoring and evaluation of elections and referenda;
- Promotion of voter education and culture of democracy, and
- Settlement of minor electoral disputes during an election as may be provided by law.

This is a heavy mandate for any electoral management body, and more so an interim one. The Commission however took on an unaccustomed burden and responsibility to prepare the country for fresh registration of voters in the midst of unplanned by-elections, and the national referendum on the new Constitution.

The Commission within short sixteen months since its inception had taken bold and unprecedented steps to re-establish and reform electoral processes and management practices whose results are manifested by the successful referendum, eight Parliamentary and several Civic elections. While there are many challenges that IIEC had to cope with, one of the major

challenges was that of ensuring that political campaigns, elections logistics and voting processes were characterized by high level of security without which no free and fair elections could take place.

Security is a constant variable throughout the electoral cycle. It must feature as part and parcel of all the electoral processes, from registration of voters, voter education, during campaign periods, the actual polling day and of course during the counting, tallying and declaration of the final results. Experience has shown us that, if any of these processes is not properly handled or any dispute arising is not well managed, security becomes even more imminent to contain disgruntled parties and their supporters.

1. Considering that there was no Voters Register in existence once the former ECK was disbanded.
2. The referendum on the new Constitution was held on 4th August, 2010 and the new Constitution promulgated on 27th August, 2010.

## 7.2 Security Challenges in Elections Management in Kenya

Security in any process allows a situation where members of the general public can freely and fully exercise their democratic rights to elect a person of their choice. Among many factors that influence this, security is the bedrock that ensures free and fair elections and provides a shield behind which democracy flourish and prevails. Security in the electoral processes encompasses many things including the following -



- (a) Security of IIEC Logistics Installations i.e. Warehouses, Go-downs and Stores. The Commission recruited warehouse managers to receive, record, pack and dispatch election materials, at the national warehouse, the regional, and during referendum, at the constituency level;
- (b) Security of Administrative Establishments i.e. Security of IIEC premises in all 17 regional, 210 constituency and the headquarter offices;
- (c) Security of IIEC Commissioners, permanent and temporary staff;
- (d) Logistics Security i.e. security during movement of equipment, material and personnel throughout the country;
- (e) Security in the Voting Stations during preparations, during the actual polling and finally in the counting and announcement of results;
- (f) Security in the Tallying Stations when transporting and receiving results from polling stations, tallying and declaration of constituency tallies;
- (g) Security of members of the public during campaigns, voting and throughout the process;
- (h) Security and reliability of data and transmission of results.

So far some notable work had taken place towards ensuring security but the landscape in the Kenyan political arena is marked by changes that are breath-taking in character, dimension, pace, cost and risks. IIEC has, in this respect, established a Risk and Compliance Department whose major

task is to constantly and continuously assess and advise the Commission on security related matters.

In Kenya, Political Parties by and large tend to follow a pattern of ethnic alignments. This state of affairs poses a great challenge in electoral security arrangements that IIEC has to cope with. It is worth mentioning that even the extant law governing conduct of campaigns is not full proof and requires reforms. IIEC is in consultation with all stakeholders to address this issue.

### 7.3 Security of Staff & Materials

Election materials must be well guided from the time of their development to transportation and dissemination to the relevant stations. Election staff and providers of such services must also be guaranteed of their safety. With regard to production and development of materials, the Commission put in measures to ensure that strategic materials incorporate additional security features that can stand election fraud. For instance the ballot papers and the new voters' cards incorporated a hidden watermark with IIEC enhanced features that were only visible with an ultra violet light.

Forms 16A and 17, forms used to declare results at the polling station and constituency tallying centers respectively, also incorporated these additional features for enhanced security. Unlike before, these forms contained pre-printed names of candidates as per the ballot papers and were also serialized.

As an additional mechanism, original copies of these forms signed by all agents and the Presiding/Returning Officers were given to the agents, one was pinned outside the station, one was sealed in the ballot box with the ballot papers and one was physically submitted to the constituency/national tallying centre. These not only enhanced transparency but also ensured that even if one form went missing, a back-up original form would be readily available.

Election fraud was rife in Kenya and such a move tremendously enhanced public confidence in the handling of such strategic materials by the Commission. The movement, storage and dissemination of such materials was executed according to a well-thought out security plan. For instance, every dispatch was accompanied by security personnel and a back-up was readily available in case of any eventuality. In addition, the national and regional warehouses are well guarded and movement of materials under strict control. Before any material is dispatched to the region/constituency, it is recorded in the log, packed and sealed for that particular destination. The seal is then broken upon arrival in the presence of the agents of the candidates/sides. This mechanism pre-empted any claims of lack of transparency on the part of the Commission and thus enhanced confidence of the opponents and of the voters in the exercise.

#### **7.4 During the Constitutional Referendum**

In order to develop an effective security operational plan for the referendum exercise, security agencies required from the

Commission the total number of voters disaggregated into polling stations, constituencies and provinces. This information was used to develop a criterion to man the polling stations depending on the number of voters and/or the political environment of the area.

The security agencies designated the country into what they called "security zones" depending on the volatility of the area and possible eruption of violence. Some areas which were considered hot spots, either because of past experience in the 2007 general elections and its aftermath or based on reports of those monitoring political campaigns, were accorded extra attention and therefore more security personnel deployed.

The development of the security plan was very methodical; it commenced with identification of the need, based on the set criterion, on the number of security personnel required. Every OCPD was required to present their needs from the divisional level, district, provisional and finally this was consolidated at the national level. The information was collated and a comprehensive report was developed and shared with the Commission.

The need for security is core in any operation; this need was even more important during the referendum exercise, considering the aftermath of the 2007 post election violence was still fresh in Kenyans' minds. The referendum was an exercise in equal magnitude to the general election, the only difference being that there were opposing sides rather than opposing parties. The strategy used by the security agents to boost their capacity was to borrow additional personnel from other uniformed services such as the Kenya Wildlife Services

and the Prisons Department. These officers were appointed as police officers for the period in question.

The security personnel are not trained to manage elections. There was therefore a need to orient the uniformed men and women on some basic guidelines on their roles and responsibilities in the exercise. Each polling station was manned by at least 2 security personnel who were directly answerable to the Presiding Officer during the exercise. Some polling stations would have more due to higher numbers and streams. For proper coordination, IIEC officials at each polling station were in direct contact with the commanding police officer in charge. This practice proved relevant, especially where urgent action was required.

## 7.5 Security Challenges

Political campaigns in Kenya have in the past been characterized by widespread violence in some parts of the country, especially, those occupied by multiethnic communities. While security of these areas is clearly the responsibility of the Government, the Commission has to constantly work with the security agents to ensure that electoral processes take place in an environment of relative safety.

To ensure security was guaranteed, the Commission was faced with the following challenges: -

- (a) The Commission had to identify hotspots countrywide and put in place the necessary contingent plans to forestall or alleviate the problem;

- (b) Security is an expensive affair; it is costly to engage and deploy security forces in guarding election materials, at the polling and tallying stations to ensure that voting and tallying operations are conducted peacefully, in the transportation of election materials between and across polling stations, and other logistic supports;
- (c) Security of data and its transmission between and across regional offices and the headquarters. The newly piloted Electronic Transmission of Results as one of the latest reforms in elections is very efficient and enhances transparency but is also very costly. Security of data and network for transmission was well guarded and was limited for exclusive use of the Commission;
- (d) Security forces in Kenya are not properly structured to be deployed away from their stations of operations. IIEC therefore had the challenge of planning for their logistic supports accordingly.

Overall therefore, IIEC had to take on an additional financial and logistical burden in order to ensure adequate security was available for the staff, election materials and the election process.

## 7.6 Inter-linkages between Security Agencies, Monitoring Agencies and the IIEC

In order to effectively operationalise election activities, the Commission had to work hand in hand with the security

agencies. These consultations were structured in a formal engagement through a committee on security. The committee was composed of officers from all the relevant departments and the Commission. The direct link with the Commission with regard to security operations was through the Ministry of Internal Affairs, but working closely with the Commissioner and Deputy Commissioner of Police. In addition, the Commission was also in consultation with the Office of the President, Departments of Registration of Persons and Immigration, and the Ministry of Justice, National Cohesion and Constitutional Affairs.

Following the ruling of the IICDRC<sup>3</sup> ordering IIEC to register inmates in prisons for the constitution referendum held on 4th August 2010, the Commission initiated structured engagements with the Commissioner of Prisons and his officers. This linkage was important not only with regard to the details of the number of the inmates and ensuring that they had their documents for the registration exercise, but also to ensure that tight security was available during the exercise, particularly in the maximum security prisons where murder convicts are held.

Mechanisms were also put in place to ensure that campaign period went on smoothly, peacefully and without any animosity between opposing sides. After the terrible experience of 2007 general elections and the crisis that followed, Kenyans were more cautious on their actions, reactions and utterances. This state of mind was further enhanced by the existence of agencies monitoring the campaign period, which acted as a

watchdog. The National Cohesion and Reconciliation Commission, the Kenya National Human Rights Commission and other non-state organizations were on the lookout for any hate speech, inciting utterances or gestures that created tensions between sections of the society. In the run up towards the referendum, a forum known as Uwiano<sup>4</sup> platform initiated by civil society was established to provide a coordinated approach towards this course and to facilitate consensus building and understanding between opposing sides. This initiative was very effective as it led to some degree of civility in the management of campaigns by the two sides. In addition actions that were likely to create divisions or tensions were publicly condemned and persons responsible warned. Some were even charged for incitement and this served as a lesson for others.

## 7.7 Conclusion

Security is, without a doubt, a key ingredient in any effective election management. Too much physical security may however be a challenge in itself if not properly organized, where security personnel are not well briefed, the chain of command is unclear or due to sheer indiscipline by the officers. It is therefore of utmost importance that the security agencies to be deployed in the election operations be thoroughly briefed on their roles and responsibilities and the extent of their powers.

One of the greatest challenges in ensuring security in election management is inadequate facilities. Sometimes communication structures at the disposal of the security

agencies is undeveloped and in most cases ineffective to deal with security issues. For instance our security surveillance is inadequate and many complaints are neither detected nor investigated. It is also a fact that the law enforcement is sometimes neither firm nor committed in taking action against perpetrators of such breaches and most times, with a lot of impunity. It is against this backdrop that the IIEC seeks for some additional powers to prosecute such kind of minor offences, particularly in election related offences. Another aspect that indirectly links with security concern is the competence of election staff. Competence of election staff may not on the face of it appear as a strategy towards ensuring enhanced security in elections management, however, it has everything to do with it. It is through professionalism, competence and discipline of the election staff that the candidates and the general public are at ease with the way they engage in the processes. Election staffs who are either incompetent, unfamiliar with election rules or simply indiscipline are a sure disaster in waiting. One of the recommendations of the Kriegler Commission for the election management body was that, in order to redeem the image and to quell fears of the general public on the possible mismanagement of elections, the conflict in following orders may arise where security agents are appointed to act as election officials at polling stations; are they under the orders of the Presiding Officer or their immediate command?

## Chapter Eight

### NEW SECURITY CHALLENGES OF ELECTION MANAGEMENT IN KENYA

Lilian Mahiri-Zaja

#### 8.1 Introduction

I need to preface my chapter with some antecedents. The announcement of the results of the 2007 general elections was greeted with mayhem, hell was let loose and there was a complete breakdown of law and order. Kenya's security agents were overwhelmed and the corporate existence of Kenya was threatened to an extent not witnessed before in recent history. There were said to be 1,300 deaths, several hundreds were maimed, scores became homeless and properties were destroyed.

In response to the post-election crisis, Kenya undertook some electoral reforms.

#### 8.2 Electoral Reforms

Following decades of military dictatorship and life presidency under one party rule, most African Countries under democratic transitions had undertaken one form of electoral reform or the other. The main focus of these reforms revolves around the sanctity of the ballot box by ensuring the principle of one

person, one vote. These reforms are to allow for freedom of choice without intimidation or harassment. Election security is a major concern in most of Africa, neither political citizenship nor any form of citizenship can flourish under conditions of violence or its threat. Yet, most African Countries are emerging from decades of war and prolonged struggle for power between ethno-religious and regional groups. Reconstituting the electoral bodies is often part of these electoral reforms as well as sanitizing their mode of appointment and fine tuning the legal instrument setting them up.

These reforms formed part of the Kenya National Accord and Reconciliation Act. A new constitution was also promulgated which established a new electoral body (the Independent National Electoral and Boundary Commission (IEBC). IEBC was established by article 88 and 89 of the new Constitution, it has a Chairperson and eight Commissioners. The Commission was mandated to reform and restore people's confidence in the electoral system.

More specifically, the Commission was saddled with the following responsibilities:

- (a) the continuous registration of citizens as voters;
- (b) the regular revision of the voters roll;
- (c) the delimitation of constituencies and wards;
- (d) the regulation of the process by which parties nominate candidates for elections;
- (e) the investigation and prosecution of electoral offences

by candidates, political parties or their agent pursuant to Article 157 (12) of the Constitution;

- (f) the use of appropriate technology and approaches in the performance of its functions; and
- (g) such other functions as are provided for by the Constitution or any other written law.

### 8.3 Security Challenges in Election management in Kenya

A major challenge which has remained persistent across the African continent, in its quest for improving the democratization processes, is that of ensuring that political campaigns, election logistics and voting processes are characterized by high level of security without which free and fair elections would be a mirage.

Security remains a constant variable throughout the electoral cycle. This cycle encompasses the following:

- (i) registration of voters, voter education;
- (ii) campaign periods, the actual polling day and of course during counting;
- (iii) tallying and declaration of scores and final results;

Indeed, election security defines public and observer's perceptions of the electoral process. Without this bedrock, free and fair elections cannot be guaranteed; democracy can neither prevail nor flourish. The key question to ask is: were the electorates able to exercise their franchise freely and



without hindrance? If the answer is yes, then the democratic process is secured. But it must be secured up to the declaration of results and inauguration.

Permit me to go into some greater details. Security in the electoral processes includes that of;

- (i) Administrative Establishments i.e. Security of IEBC premises in all 17 regional, 210 constituency and the headquarter offices;
- (ii) Commissioners, permanent and temporary staff;
- (iii) Logistics; i.e. movement of equipment, materials and personnel throughout the country;
- (iv) The Voting Stations during preparations, during the actual polling and finally in the counting and announcement of result;
- (v) IEBC Logistics installations i.e. Warehouses, Go-downs and Stores;
- (vi) Tallying Stations when transporting and receiving results from polling Stations, tallying and declaration of constituency tallies;
- (vii) Members of the public during campaigns, voting and throughout the process;
- (viii) Data and reliability of transmission of results;

It is relevant to mention that though, some work had been accomplished toward ensuring security but the landscape in the Kenyan political arena is marked by changes that are breath-taking in character, dimension, pace, cost and risks.

Our commission has, in response, established a Risk and Compliance Department with the responsibility to constantly and continuously assess and advise the Commission on security related matters. Matters that are involved include security of staff and materials. Election materials must be well guarded from the time of their deployment until they reach final destinations. Additional security features may have to be added to election materials so as to forestall election fraud; (forms for declaration of results at polling stations and constituency tallying centres). Adequate record of deployed election materials have to be taken properly packed and sealed. In addition, the commission has put in place measures to secure data and its transmission between and across regional offices and the headquarters.

But it must be mentioned that the attitude of security operatives remains an issue. Security agents need re-orientation so that policing can be performed more to enhance citizenship rather than to secure only leading state actors. Both the poor and the rich need to be secured so that they feel no inhibition in exercising their rights to vote and be voted for.

Of course, security challenges in today's Kenya are not only frightening but intimidating. Al-Shaba'ab group poses a major security challenge to the conduct of elections in Kenya. There has been a general increase in crime and lawlessness. Even though the Commission continues to identify hotspots countrywide and highly vulnerable terrain, we are conscious that surprises may be sprung. Moreover, what security measures other countries take or failed to take to curtail acts of

terrorism in the region can influence the effectiveness of our home grown security strategies. Continuous training and remuneration of security agents, however, is key to growing their professionalism and willingness to act in defence of the public good.

#### **8.4 Conclusion**

Security is without doubt a key ingredient for an EMB to be perceived as effective. Effective security is not to be conflated with mere physical presence of security agents. Prior to deployment, there must be proper briefings on roles and responsibilities. Deployment must also be professionally executed.

Training of staff is also a determinant factor in election outcome and in election security. This is so because it is through professionalism, competence and discipline of the election staff that candidates and the general public are at ease with the way they engage in the electoral processes. Election staff cannot afford to take sides or act in suspicious ways. The same applies to members of the Commission.

With our recent experience in the aftermath of the 2007 general elections, we are convinced more than ever before that security planning has to be factored in, abinitio, to form a critical factor and considered as an indispensable and cornerstone of election management success.

Thus, if we cherish our freedom and wish to sustain and improve upon the prevailing tempo of democratization, then

continuous vigilance with regard to security is required. Security concerns in protection of freedom have assumed global dimensions and tackling them now require transnational cooperation and partnership, acts of terrorism ought to concern all. Concerted response is urgently needed as they pose a threat to civilization and democracy.

## Chapter Nine

### NEW SECURITY CHALLENGES OF ELECTION MANAGEMENT IN NIGERIA: TOWARDS 2015

Abdulhamid Buba

#### 9.1 Introduction

As the Nation moves towards the next general elections in 2015, there are emerging security challenges that are manifesting in the electoral process. The new dimensions of security challenges are very likely to undermine the authenticity of election results. This kind of situation does two evils: firstly, it leads to disillusionment with the electoral process, which consequently causes public distrust. Secondly, it in-turn breaches security, which then leads to electoral violence and political instability.

#### 9.2 The new dimensions of security challenges are:

- (i) Monetary inducement of voters at polling stations. A money bag is stationed somewhere away from the polling station, while his agents lure voters to thumb-print in favour of his party in the open as against the secrecy, provided by law. This is normally done outside the cubicle and they display such votes cast to the public. The agent then signals the money bag and some amount of money is thereby released to the voter. The amount ranges from N300 N500 per vote.

At times, GSM handsets are used to capture the voter's choice as evidence before payment. These are true revelations of what transpired in States like Yobe, Borno and Jigawa States during the 2011 general elections. This is a gross violation of the secrecy of ballot which totally disregards the use of voting cubicles to pave way for such fraud.

- (ii) Outright purchase of voters cards prior to elections in the areas where the opposition party has large followership. This is a device to disenfranchise some voters perceived to be sympathetic towards an opposition Party, this robs the opposing party of votes in its area of strength. The sale of voters' cards could be due to poverty, disillusionment with the performance of elected political leaders, lack of dividends of democracy, glaring show of corruption and ostentatious life styles, these lead to political and voter apathy.
- (iii) Complacency/docility of security agencies to deal with on-the-spot breach of electoral process; the security agents at polling stations adopt a sit-down-and-look attitude. The inaction of the security agents to a clear breach of procedures at polling stations may not be unconnected with inducement by political parties for them to turn a blind eye to the glaring electoral malpractices.

- (iv) Inadequacy of security agents at polling stations particularly during general elections. The operational order may be okay theoretically but on ground, you may find many polling stations especially in the rural areas without security agents. The Police are only able to provide security at the polling stations in the major towns, particularly the capital cities when they are overstretched numerically. They have often shown inability to protect voters and electoral materials or undertake effective crowd control.
- (v) The misplaced priorities of some members of the Joint Task Force or special security forces posted to volatile states to curtail security infractions have sadly become security problems to the process. Their allowances/remuneration and logistics are augmented by the various State Governments or top politicians, hence, they switch their allegiance to them as opposed to their statutory role of protecting the State and its citizenry. At times, they even protect unscrupulous politicians at the polling stations even when they breach extant electoral laws. Clear examples of manipulation of such security forces were noticed in some states in the 2011 elections. Some incumbent Governors manipulated the military to intimidate and harass political opponents in those States.
- (vi) Compromise by the security agents to aid and abet electoral fraud. The security agents particularly,

during the 2011 general elections issued security tags to top government officials like State Commissioners, Special Advisers, etc. to disguise as security agents or observers in order to move freely during the elections thereby contravening the restriction orders.

- (vii) Closely related, is the connivance between politicians and security agents to disrupt polls in areas/polling stations where they have weak support. This is usually done by creating violence in order to get the election results in such areas cancelled or out rightly create security situations that will make conduct of elections in such areas impossible. A classic example was in Jos North Local Government Area during the House of Representative election in 2011.
- (viii) Security hurdles/difficulties created by security agents to scare election observers/monitors from certain areas. Security agents, in the bid to cover electoral fraud discouraged observers and monitors from visiting certain areas under the guise of insecurity or violence, thereby providing opportunities for the perpetration of electoral malpractices.
- (ix) The last, but by no means the least, is poor logistics arrangement for the security agents (inadequate transportation and communication facilities during election activities). Most times, security men find it difficult to reach their respective polling

stations/collation centres due to inadequate vehicles to convey them. This is a serious security challenge that must be confronted head-on.

### 9.3 Recommendations:

- (i) Improvement of security institutional frame work. The EMB should work out a clear mandate for each category of the security agencies.
- (ii) Relevant legal framework to clarify the terms and conditions of cooperation between the EMB and security agencies. The legal framework should encompass chain of commands of security agencies involved in the electoral process viz-a-viz the role of the EMB in enforcing discipline and compliance with instructions on the security agencies involved during deployment for electoral duties.
- (iii) Task Force on conduct of security agents during elections. Supervision of the involvement of security agencies in the electoral process is necessary and important, because they could be potential source of intimidation, undue influence or compromise to skew outcomes of elections. The task force could as well determine tasks to be carried out and intervention methods. The Police Service Commission does this surveillance but on a limited scale and success. A more effective outfit made up of all the security agencies is likely to do better. It may not be out of place to point

out that security agents on special security assignments in troubled spots were manipulated by their pay masters at the States levels to harass and intimidate opposition parties.

- (iv) Secrecy of Voting The Commission must insist on provision of voting cubicles to all polling stations sited in open places across the country. Severe sanctions should be meted to erring political parties who induce voters with money at polling stations.
- (v) Staggered elections in geo-political zones will afford the aggregation of men and materials to one zone which will further ensure transparency of some sort. This should be viewed seriously, particularly during presidential elections.

#### 9.4 Conclusion:

Security agents must be alive to their responsibilities in ensuring the security of INEC officials, INEC infrastructures, voters and election observers, during and after elections.

#### Issues on which the roundtable participants reached consensus

1. Prevalence of logistics, infrastructure and communication challenges;

2. Poor welfare provision for election security personnel (no housing or toilet facilities), their remuneration and welfare issues have persisted for too long. Consequently, their motivation and enthusiasm are dampened and temptations for compromises become attractive;
3. Late planning for security personnel involvement and poor coordination among security agencies;
4. False alarms by politicians merely to gain unfair political advantage and sometimes to distract;
5. Un-coordinated and late deployment of security personnel which rarely reflect situations on ground;
6. Need for INEC's involvement in the training of security personnel for election security;
7. Inadequate briefings of security personnel on election duties.
8. Unclear and conflict in the command chain during elections.
9. Ambiguous and conflicting rules of engagement;
10. Weak information gathering and flow system;
11. Near absence of prosecution of electoral offenders to serve as deterrent to others;
12. Absence of reward for exceptional performance by security and electoral personnel, and for those posted to flashpoints and difficult terrains.
13. Poor compensation for those who fall gallantly or get maimed in the service of their fatherland.



# BOOK REVIEW

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**Book Reviewer: Dr Jibrin Ibrahim. Ph d.**

## SECURITY CHALLENGES OF ELECTION MANAGEMENT IN NIGERIA

Edited by 'Lai Olurode and Attahiru Jega

This book is an output from a conference convened in 2010 to reflect on and plan against the growing culture of electoral violence and security challenges that have bedeviled our electoral system. It was one of the indications that the then newly appointed Attahiru Jega led INEC was determined to turn the tide of Nigerian elections in which each election was worse than the previous one and engage on a new path of organizing elections that are free, fair and credible. It's an important book because the authors are among the best political scientists and political sociologists in Nigeria and include Professor Attahiru Jega, 'Lai Olurode, Adebayo, Adekanye, Adele Jinadu and Etannibi Alemika. They are all scholars with a long track record both in quality analysis of our politics and a commitment to deepening democratic politics.

The conference objectives were to sensitize both citizens and core stakeholders in election management on security challenges that could affect the 2011 elections and that needed to be addressed; to anticipate and rank order the security challenges to help the planning process for the elections and to assist and prepare security operatives to be good players in running free, fair and credible elections. As Jega explained in

the book preface, the goal is to turn the tide in which "elections are seen as fight-to finish and do-or die" (p.ix).

The book is written in clear and accessible language, the ten chapters are short and it is a very readable publication. There are a few annoying typos such as the missing first letter at the beginning of the chapters on pages 15, 53 and 87. The book is a must read because it addresses in a succinct and logical manner the reasons why Nigerians have been denied their passion to fully exercise their electoral mandate for such a long time.

The introductory chapter by 'Lai Olurode is entitled "The Feasibility of Election Security in an Unsecured Global Environment". The author sets the scene by making a passionate plea against despondency with the Nigerian condition. He acknowledges that elections are organized in a whirlpool of corruption and generalized insecurity but argued strongly that there are some people who are determined to improve the system. In his own words there are "institutions and individuals that continue to operate outside of the generalized corruption and moral laxity" (p.2). The editors of the book, Attahiru Jega and 'Lai Olurode are indeed two such individuals who were considered of upright character and integrity by people who knew them when they were appointed into INEC. The message of the chapter is that there is indeed a general climate of insecurity surrounding Nigerian elections but it is possible to begin to change the political culture that breeds it. He defines election security as "the safety of electoral personnel, election materials and information and electorates

and its array of stakeholders participating in the electoral process" (p.7). The search to excessive security presence might have the negative effect of scaring off the voters.

The second chapter is written by 'Bayo Adekanye and Rachael Iyanda on the theme "Security Challenges in Election Management in Nigeria: An Overview". They emphasise that the security question is not just a military one but is also increasingly political and economic (p.20). Violence, they argue, crystallizes around elections because the stakes are high and the politicians are determined. Nigeria law, they point out, bars the use of thugs in electioneering but the law is systematically disregarded as both the politicians and security personnel are implicated. They pointed out however that it is possible to groom security personnel that carry out their election duties correctly. They point to India where security personnel organize logistics for 668 million voters in an efficient and non-partisan manner.

Violent conflicts and elections often and sadly go hand in hand in many parts of the world. In Nigeria, the correlation is so strong that in many instances, citizens willingly forego their franchise in a desperate attempt to avoid engulfed in election related conflicts. In the built-up to the 2011 elections, there have been violent conflicts that really posed concerns to analysts and Nigerian election managers. Their assessment was that the 2011 elections will face serious security challenges with the growing insurgency in the North east and Plateau State. The insurgency, they argue, will escalate election management beyond the normal task of policing the process.

Among the other key challenges they point out are the high level of corruption and bribery in the electoral system, the reckless use of security votes by executives to corrupt election officials and the ways in which the President and State Governors abuse their powers as chief security officers.

The third chapter written by Adele Jinadu is on "Comparative analysis of Security Challenges of Elections in Nigeria". He takes a broad view of security that goes beyond security agencies and incorporates distortions, violations and manipulations of the process of electoral governance. This approach is important as it places emphasis on the whole electoral cycle, not just acts carried out during election time. After his review of comparative African experiences, he makes the argument that the main security challenge we face is that of managing diversity in an inclusive and participatory manner to ensure that unproblematic political succession occurs. This is drawn from examples in Kenya, Zimbabwe, Cote d'Ivoire and Nigeria among others. In a sense, this points to the lack of commitment of too many African power wielders to accept the basic tenets of democracy. He argues that elections are the largest peace time deployment of people and resources in a short time, so leaders can find sufficient opportunities to distort the system.

Professor Jinadu points out another security challenge that is internal to the process of electoral governance. He posits that internal politics could develop within INEC itself if members are beholden to forces outside the Commission and bring in their biases. Internal bickering can cripple INEC creating a security

challenge. He adds that the tendering and procurement system subject to cumbersome civil service rules can also create blockages in operations and logistics that can pose security concerns. The path to addressing these security challenges, he argues, is promoting voter education and adoption of the Neighborhood Watch approach both of which place emphasis on the citizens and the community.

Chapter Four by Usman Maitamari is entitled "Emerging Pattern of Security Challenges: Some Reflections on 1983 and 2007 Elections." The 1983 elections were the first elections conducted by an incumbent civilian regime in nearly twenty years. It produced what the then ruling National Party of Nigeria called a landslide victory. The author however points out that another appellation coined by General T.Y. Danjuma might be the d'état of December 1983. The election was poorly planned and executed. The voters' list lacked credibility and claimed 63.3 million voters which meant a 34% increase over the previous election four years earlier, it was basically an election that was designed to fail. Of course the 2007 elections under Professor Maurice Iwu was similar and the comparison of these two elections produces the conclusion that sometimes, the core of the security challenge in electoral management emanates from within the Electoral Commission itself.

Chapter five by Iyom Josephine Anenih is on the subject of: "Gender and Security Issues in Election Management". She makes two strong arguments: the first is that escalating electoral violence over the years has affected women disproportionately and added to the disadvantages they suffer

in political participation. The cost of entry of women into the political arena is too high. She therefore believes INEC must make spirited efforts to promote gender equality in the political system starting by instituting gender balance equality in the political system starting by instituting itself. Her second argument is on the internal battle for gender equality in politics among women themselves. She says she had numerous statements by women that they have an obligation to vote according to the dictates of their husbands. She believes this is an unfortunate situation and women should be conscientised to take autonomous political decisions.

Chapter six by 'Lai Olurode is on Incumbency Factors: Appropriation of State Security Resources and Electoral Governance in Nigeria." The author identifies incumbency as a factor that has allowed members of executive branch of government to impede the participation of citizens in electoral activities. They are able to use these resources to produce outcomes that do not reflect choices by the voters. He points out that some of these incumbents even develop a siege mentality, in which they see the people as rebels refusing to do what they should do, that is why they use the security agents to brutalise the people. The people instead of being the decision makers in the electoral process become victims who are punished by security agents acting on behalf of incumbents. An adequate response to the security challenge Nigeria faces during elections will therefore require addressing this problem of the abuse of incumbency powers.

Chapter seven is authored by Etannibi Alemika and is on the theme: "Privatization of Security, Arms Proliferation and Electoral Violence in Nigeria". He identifies electoral violence as an obstacle to the conduct of free and fair elections in Nigeria; it's a threat to democracy, because it influences electoral outcomes. Electoral violence is widespread because the stakes in politics are so high. Politics is the pathway to "unrestricted means of illegal acquisition of wealth" (p.124). It is therefore not surprising that we have so many cases of the assassination of political opponents, disruption of registration and voting processes by thugs and armed bandits. He points out that the level of violence in the 2003 and 2007 elections were particularly high. The core problem, according to the author, is that some politicians are able to appropriate public security and law enforcement for their personal purposes. Secondly, they are also able to pay for private security to do their bidding. This process is fuelled by the massive circulation of illegal arms. He proposed a number of policy measures that could be adopted to address the problems posed.

Chapter eight is written by Lancelot Anyanya and is entitled: Security Challenges of Election management: Nature and management of Rivalry between State Security Forces for Effective Electoral Management in Nigeria". He points out that given the growth of the Boko Haram insurgency and growing communal clashes in other parts of the country, the threat profile for the 2011 elections was worsening. Secondly, the response architecture was weakened by rivalry between the security agencies themselves. He therefore calls for careful plans by INEC to carry them along on the basis of a coherent

strategy and clear definition of the roles to be played by each agency.

Chapter nine by 'Lai Olurode is on: "Reflections on Security Challenges in Recent Elections". He reviews the Ekiti by election of December 2010 and the Delta re-run gubernatorial election of January 2011 to see what trends were emerging. The key security agencies used were the police, state security service and the civil defence corps; the police were however preponderant and provided the leadership. The key message from the chapter is that violence has persisted in the electoral process in spite of all the efforts of INEC to stem it. The good news however, was that the integrity of the elections themselves was much better than what had been witnessed in 2003 and 2007.

The book ends with a short concluding chapter in which 'Lai Olurode and Attahiru Jega reflect on: "Resolving the Paradox". They noted that the paradox on elections and democracy can be identified at three levels. The first is that democratization in Nigeria has not been accompanied by "life more abundant" and poverty has not been declining with the consolidation of democratic rule. Secondly, democratization has failed to stem the tide of ethno-religious conflict and violence. Thirdly, democratization in Nigeria is a domain in which the military remain key drivers both because the funds they have looted allows them to play the game in town of money politics and their access to arms allows them to also play the card of electoral violence to influence electoral outcomes. These considered thoughts provide food for thought in terms of

medium term planning about processes that would allow us deepen democracy in Nigeria.

The book ends with the following conclusions. First, there is a high violence threat level for the 2011 elections. Secondly, election security must be understood as a subset of the wider security dynamics of the country. Thirdly, the real lesson from the chapters is that all hands must be on deck to change the zero sum game of political system. Finally, a clear framework for engagement with security forces must be evolved in which there is a clear framework and specific roles for each security agency. As I am writing this review one year after the elections, I give myself the privilege to review how the predictions in the book written before the elections actually played out.

The date April 2 2011 will stand out for a long time in the annals of elections and election administration in Nigeria it was the first of the three polling days for the 2011 General Elections. That date became an indicator of three statistics vital to the determination of the state of 'health' of the electoral process. First, it was an early indicator of the massive turnout that would eventually characterize the 2011 General Elections; secondly it provided Nigerians the opportunity to assess the extent of preparedness of the electorate and the INEC for the elections. Finally, the date exposed the severe logistical flaws that had not been addressed in the electoral process and thus, drawing the attention of the planners to these.



The decision of INEC to adopt the modified open ballot system entailed that the electoral procedure was broken into two phases with accreditation of voters between 8 a.m. and noon and voting by the accredited prospective voters from 12.30 p.m. Therefore, accreditation processes had commenced in large parts of the country with voters and many polling units officials not being aware of the logistical challenge that was to mark the elections, namely the non-delivery of result sheets by the contracted vendor for some states. The moment of shock was when the Chair of INEC, Professor Attahiru Jega addressed the nation to announce the Commission's decision to postpone the National Assembly election from Saturday, 2<sup>nd</sup> April to Monday 4<sup>th</sup> April 2011. At that time, the elections were in various stages across the country. While accreditation was yet to commence in some polling units, most polling units were still accrediting, and some polling units had concluded and were waiting for 12:30 pm or for voting materials to commence voting. But in a few instances, voting had already commenced before the expected commencement time of 12:30pm. The cancellation however stopped completely the entire process across the country and invalidated all that been done up till that time. The National Assembly elections were eventually conducted on April 9, thereby shifting forward all voting days by a week. The event created huge doubts about the election process in some parts of the country and created the ideological foundations for the violence that emerged in some parts of the country. This development underscores the argument in the book about the multiple sources of violence including the political class and incumbents and even the electoral commission.

Violence is always an expensive affair. Besides the moral and psychological trauma that the post-election violence unleashed on the nation, the human and material cost of same was daunting. According to Mr. Hafiz Ringim, the then Inspector General of the Nigeria Police<sup>1</sup>, a total of 520 persons were killed in the post-election violence that erupted in Kaduna and Niger States alone. He explained that 518 persons, including 6 policemen were killed in Kaduna State while 2 persons were killed in Niger State. Also, 157 churches, 46 mosques and 1435 houses were burnt as well as 437, 219 motor-cycles, 45 properties (mainly police stations belonging to the police were also burnt".

The Human Right Watch claim was that total figure of casualties from the post-election violence in Nigeria was 800. They observed that the "protests degenerated into violent riots or sectarian Killings in the Northern States of Adamawa, Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, more than 65,000 people have been displaced. Implication on electoral process: postponed elections in Kaduna and Bauchi States; constitutional crises, turn out in re-scheduled elections, boycott of elections by some corpsers."<sup>2</sup>

<sup>1</sup> Hafiz Ringim, 2011 General Election, Review: Experience-Sharing, Lessons Learnt and the Way Forward The Nigeria Police Perspective being a paper presented at a post-election colloquium organized by the Policy and Legal Advocacy Centre, Abuja, June 1 2011

<sup>2</sup> Human Rights Watch: Nigeria: Post-Election Violence Killed 800 (<http://www.hrw.org/en/news/2011/05/16/nigeria-post-election-violence-killed-800>)

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