

## **POLICE AND THE CHALLENGE OF CONDUCTING CREDIBLE ELECTIONS IN NIGERIA: AN EXAMINATION OF THE 2007 PRESIDENTIAL ELECTION**

**Dr. Philip Oyadiran**

Department of Public Administration, University of Abuja, Abuja, Nigeria

**Olorungbemi Simeon Toyin**

Olorungbemi Simeon Toyin is a Ph.D Student of Political Science at the Department of Political Science, University of Ibadan: Ibadan, Nigeria

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**ABSTRACT:** *The electoral process remains the most viable method of transfer of power from one regime to another in a democratic dispensation. Like in some other developing countries undergoing democratic experimentation, ensuring credible and transparent elections has been one of the major problems of Nigeria politics. The problem is more pronounced in civilian-to-civilian transitions than in military-to-civilian transition. In such transition, the electoral processes are rendered vulnerable to abuse through manipulation of the entire system. The political parties, especially those in power seek to manipulate institutional agencies to serve partisan interests. In most cases, the outcomes of the elections neither reflect the true choices of the electorates nor are they accepted. Most often than not, the situation raises integrity questions sometimes, attracting international condemnation that always lead to crisis of legitimacy as witnessed in previous elections of 1964, 1983, 2003 and 2007. In the event of lack of electoral integrity, various organs of the state are called upon to maintain law and order that will legitimize the new government. This is particularly so for the police, which is constitutionally charged with this role. However, the extent to which the police have discharged their election duties and what they have done to prevent or perpetrate electoral fraud remains a vital issue to be examined. Against this background, this study discusses the role of the police vis-a-vis the challenge of conducting credible elections in Nigeria. Exploring secondary data, the study examines the role played by the police in the 2007 presidential elections, and make recommendations on how to manage future elections to prevent electoral fraud. After the investigations carried out in this study, the following recommendations are made, massive education and training for the police, improvement in the welfare and promotion of police officers, a reduction in the volume of money and allowances paid to political office holders and creation of two million jobs to dry up the present pool of unemployed youths, among others.*

**KEYWORDS:** Election, Challenges of Election, Credible Elections, Electoral integrity, Politics

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### **INTRODUCTION**

Periodic elections, at which people confer mandate on leaders or withdraw it, are important building blocks of any democracy. They epitomize choice, without which voting is a callous mockery of the supremacy of popular will. (Bayo Okunade, 2008). It is important that the conduct, collation, and declaration of results be done without any disturbance or threat to the peace. As Aiyede has noted, "credible elections are salient indicator of democratic consolidation and the principal institutionalized means of forming and changing democratic governments. A central determinant of success of any election is the institutions which structure the behaviour of participants, the chances available to them and hence their belief in pay-offs to individuals and groups (Ayede Remi, 2008).

Election is the meaningful and extensive competition among individuals and organized groups, especially political parties, either directly or indirectly for the major positions of governmental power, a highly inclusive level of political participation in the selection of leaders and policies, least through regular fair elections (Federal Government of Nigeria, 2007). The processes associated with elections are anchored on representative democracy. This introduces a lot of challenges, especially if the system has to be transparent and portray a high sense of electoral integrity.

Elections are a complex set of activities with different variables that act and feed on one another (Okoye, 2003). It can be seen as a formal act of connected antecedents and subsequent behaviour. It involves the participation of the people in the act of electing their leaders and their own participation in governance. Elections are not necessarily about Election Day activities, although its forms an important component. It encompasses activities before, during, and after elections. It includes the legal and constitutional framework of elections, the registration of political parties, party campaigns, the activities of the electronic and print media (in terms of access) campaign financing, the security agencies and the government in power (Alemika, E.E.O. 19993). It includes the liberalism or otherwise of the political process in the country and the independence of adjudicating bodies of elections. The ability of the Election Management Bodies (EMBs), the security operatives, the legal framework, and the electorates to play the game according to the rules determines the level of acceptability and credibility of an election.

Elections in Nigeria are a major problem. This is majorly because of the issue of lack of credibility in the outcome of elections. Most commentators on the 2007 elections are unanimous in their verdict that all aspects of the elections were fraudulent (Okoye, 2003). To be sure, thirty two of the registered political parties that either contested or did not contest the elections have variously rejected the results of the 2007 elections as announced by INEC, declaring the whole exercise as fraudulent. Both Domestic and International election observers documented massive irregularities that characterized the elections and refused to endorse the elections as free and fair. Some political parties and their candidates have decided to challenge some of the results before the various Election petition tribunals, while others declared mass action to pressure a government "without popular mandate" to abdicate power.

It is a common feature of elections in Nigeria that while the voters waited and persevered in the polling stations to cast their votes, the political class and the political parties had different ideas. The voters wanted their votes to determine the winners of elections while the political class wanted to corrupt the process and rig their way into elective offices. Besides the electoral malpractices and irregularities that characterized the elections in some states, other issues combined to undermine the process. The political parties on whose shoulders rested voter education and mobilization, simply abandoned the duty to civil society groups and organizations. Party agents had to do the voting on behalf of voters while in other places, security agents assisted those who could not identify the symbol of the parties they intended to vote for. The massive electoral frauds so demoralized the public that today, local government elections are selection by any seating governor.

The 2007 elections in Nigeria, like the ones before it, were therefore characterized by threats of, or actual assassination of several political opponents. These events were reinforced by others, notably, multiple, ghost and underage voting, violence, intimidation, harassment, stuffing of ballot boxes, stealing and buying votes, disruption of polls, absence of electoral officers, intimidation of election observers, and party officials (Ibid) . The incontrovertible and overall

conclusion that can be drawn from history of elections and electoral practices in Nigeria is that elections have failed to promote the emergence of a democratic culture even within the limited application that it has within a bourgeois social order. They have also failed to promote development. Indeed, elections have contributed to the under development of the country not only because they fuel instability in the polity, but also because of government that rigs it way to power cannot acquire legitimacy that it needs to motivate people around an inspired programme of development.

Thus, we can say that with each succeeding election, the dominant faction of the political elite finds itself more and more isolated, increasingly relying on violence (and crass materialism) at war with the rest of society and with rival factions among its own ranks (Ake, Claude, 2001). Political competition increasingly assumes the character of warfare and seems to deepen the culture of violence, barbarism, authoritarianism, abuse of human rights, corruption and crass materialism among the political elite. Elections in Nigeria are anything, but credible.

The Nigerian police are saddled with the constitutional responsibility of assuring the success and credibility of elected government in Nigeria. To a very large extent, the success or failure of any elections is dependent on the conduct and performance of police officers on election duty (Federal Republic of Nigeria). Events during the build up to elections raised public fear about the safety and security of those participating in the process as voters, election officials, and even among candidates and political party agents. This anxiety is usually heightened by the turbulent history of transitions from one civilian government to another in Nigeria in 2007. It is therefore very essential that police officers on election duty display the highest level of integrity, neutrality, professionalism and sense of duty in order to reassure the voters that their safety and security are guaranteed. The conduct of a police officer as reflected above can equally contribute to bring about credibility to the electoral process.

Absence of adequate security or politically impartial and peaceful polling environment will surely affect the quality of service rendered by electoral officers to voters. This situation will be unsatisfactory and integrity question will creep into the electoral process. This may cause voters to be afraid to freely come forward and cast their votes for the candidate of their choice. A combination of these circumstances would call to question both the credibility of the elections and their outcomes. This situation, would in addition, do untold damage to the standing of the country among her citizens everywhere and in the international community.

The protection of human life, voters, electoral materials and officials, and the preservation of lawful and orderly electoral processes are necessary for free and fair elections. The police have a crucial responsibility to provide proper security at the time of elections to enable citizen elect their leaders under a peaceful atmosphere devoid of corruption, fraud, fear, coercion, intimidation and violence. The police in a democratic society can never be called upon to perform any role more important or honourable than this.

Elections in Nigeria in the past have been characterized by varying degrees of violence, intimidation fraud and resulting cynicism on the part of citizens towards electoral process. In the past, the police have been accused of being used by politicians to intimidate opponent and to rig elections. It is therefore very important for men and women of the Nigerian police on election duty to discharge their functions with keen awareness of the national responsibility entrusted to them. The police is called upon to be impartial, neutral and professional and to be fair to all in exercising their functions without fear, favour or ill will. The conduct of the police officer on election duty will go a long way to shaping the future of democratically elected

government in Nigeria.

Thus, like other security agent, the police provide security at the polling stations and collation centres. This is to ensure that polling, counting of ballots, collation, and declaration of results are conducted without any disturbance and in adherence to relevant electoral laws.

The police are empowered to take necessary measure to prevent violence or any activities that could threaten to disrupt the elections. Similarly, the police are mandated to ensure the safety and security of all election materials, by escorting and guarding the materials, as appropriate. They are equally to protect election officials at the polling stations and collection centres.

The police may also arrest, on the instruction of the presiding officer or other INEC officials, or any person(s) causing any disturbance or preventing the smooth conduct of proceedings at the polling stations and collation centres. The police is to accompany the presiding officers to deliver the election results, ballot boxes and other election materials safely, and as appropriate. When the police perform the aforementioned roles, security of the ballot papers and the ballot boxes and indeed, credibility of the elections are then guaranteed.

Unfortunately however, elections in Nigeria are usually flawed and characterized by gross ballot stuffing, ballot box snatching, violence, and other forms of malpractices, usually perpetrated by politicians and their thugs and aided sometimes with the connivance of the police. Thus, the very institution charged with the responsibility of providing security for a free conduct of elections has turned to be a culprit of indecent behaviours during election contestations. It is these challenges that I will investigate into in this study.

## **DEFINITION OF KEY CONCEPTS**

### **Elections**

Elections lie at the heart of representative democracy (Ake C. 2001). Nnadozie described elections "as the modern and universally accepted means through which; by voting, individuals and groups are openly and methodologically chosen to represent a body or community in a larger entity or government (Nnadozie, U.O (2004). For elections to be said to have been held, voting must have taken place. People must have filed out to exercise their voting right to choose their representatives through competitive means. In a democratic nation therefore, periodic elections of executive and legislators constitute the principal institutional device for making sure that government shall derive its just power from the consent of the governed (Federal Republic of Nigeria, 2007). Thus, according to Momoh and Adejumobi elections occupy a central place in the democratic process through the animating, force they provide, for representative government. For one, they serve as an instrument of legitimization for the state and those who manage the reins of state power, while; secondly, they ensure political accountability to the people (Momoh, A and Adejumobi, S. 1999).

Elections are the formal process of selecting a person or persons for public office or accepting or registering a political party by voting. Election according to Cohen, is therefore, the action or an instance of choosing by vote one or more of the candidates for a position, especially a political office (Cohen, C. 1971). Several other scholars notably Powell and Bingham, Joseph, Said, Mkandawire and Thandika and Mackenzie, among others have given their opinions or views about election and they seem to agree generally that elections serve as a means of

legitimizing regimes and sustaining the ruling elite in power (Ibid).

Elections provide the best means by which orderly leadership succession in a democratic system is enhanced. They ensure popular participation in governance, as well as ensure that those elected to government positions are responsible and accountable to the electorates who elect them. From the standpoint of Graft, elections are expected to promote majority rule through the establishment of legitimate government and the exercise of popular control over the leaders of a nation (Graft, D.W., 1979). In effect, since elections are expected to be one of the major features of a democratic system, institutional arrangements and frameworks shall be put in place to carry them on. But according to Maurice Iwu, even for the most advanced of democratic systems today, managing elections remains a very critical challenge (Maurice Iwu, 2007). For an emerging democracy in a dynamic heterogeneous society, where a crop of deep pockets nurtured under the ancient regime are yet to come to terms with the limitations of impunity inherent in a democratic order, and where the electorate is yet to appreciate its powers, the difficulty in managing elections is bound to be more acute. That is really the greatest challenge of elections in Nigeria. Thus, Iwu opines "when people are so wrong for so long in the same subject and in the same direction, the failure is not of intelligence but of will. For such people, ignorance is a strategy; their problems lie not in finding the truth but of facing it (Ibid).

The election process in Nigeria has been undermined by unholy practices, whereby the voter is used to legitimize the wishes of the minority. The political class, Has used democracy and its elections process to take over the political economy. As pointed out by Genyi - George, the resources of the state have largely been used to enrich persons, especially from the political class as a result of the power they have acquired. Thus, both the barrel of the gun and the elections or 'selections' have been effectively used to sustain this pillage (Joseph, R (ed) 1999). This situation has created material poverty and poverty of the conscience. The masses have been at the receiving end of this poverty. Promises given to the masses during successive elections of (1954, 1964/65, 1979, 1983, 1990, 1993, 1999, 2003 and 2007) have gone into the abyss of hell. Increasingly, elections have become occasions when the citizens are asked to come out and vote for candidates of their choice so as to create a sense of mass participation and thereby guarantee credible elections. But to what extent have they chosen or nominated their candidates through credible means? This is one of the major questions addressed in this study.

### **Credible Elections**

An election is said to be credible when it is organized in an atmosphere of peace, devoid of rancor and personal acrimony. The outcome of such an election must be acceptable to majority of the electorates and it must be acceptable within the international community. A genuine election is an essential step in the democratization process. They presuppose the full enjoyment of a wide range of human rights and fundamental freedoms (Huntington, S., 1989).

For elections to be credible, its processes must be secured and sufficiently transparent. A secured political process naturally paves way for free and fair elections (Joseph, Richard 2000) and has the potential of opening up new opportunities for improved democratic processes. If elections are to be free and fair, laws designed to that end must not just exist, they must be operated in practice and be enforced. There, must be freedom of speech so that voters can be told what the issues are and what are the choices that face them. Political parties must be capable of getting their message across and winning the interest of the electorate; the media must be able to channel positions and policies and clarify issues: voters must understand their

duties and responsibilities; and the advantages to them of an accountable, democratic system; observers must be able to organize freely.

Credible elections constitute a democratic process of choosing who governs a particular group, society or state. Elections are critical part of democratic means of choosing leaders or those who govern. Elections therefore, determine who wins and who loses in political competition - Also, elections offer the electorate the freedom of choice, the power to hold elected leaders accountable and further provide protection against perpetuation of arbitrary rule (Lafenwa, Stephen, 2008).

For credible elections to take place and in an ideal situation, the power conferred on electorates must be absolute and not to be questioned. But in practice, the absolute power hypothesis has failed because of how elections are conducted. In many elections, the ideals of the process are compromised and flagrantly abused in complex ways. These ways according to Lafenwa (Lafenwa, Stephen, 2008) include intimidation of voters; instigation of confusion at voting stations; falsification of documents; falsification of voter's lists; making false radio and television announcements, using law courts for unfair injunctions: deliberate miscalculations; compromising security agencies, compromising polling agents: compromising electoral officers; stealing ballot boxes and ballot papers; and attacking or even eliminating opponents. Delivering a paper titled 'Securing the Electoral Process: Sunday Ehindero, a former Inspector General of Police (IGP), Federal Republic of Nigeria, opines that the need for a secure electoral process cannot be over-emphasized as the absence of this will not only bring about the possibility of abuse, but the process and result may be open to legal challenge (Federal Republic of Nigeria, 2007). This could undermine the stability and authority of a newly elected body or office. It is essential that the rules laid down for the registration and conduct of political parties be fair and equitable and have the parties' support. The way this is handled by the electoral authority will send signals to the electorate about the likely quality of the rest of the electoral process.

The electoral process remains the most visible method of transfer of power "from one regime to another (Nyamut and Obioha: 2002) in a democratic dispensation. Suffice to say however, that ensuring free and fair elections has been one of the major problems of Nigeria politics. The electoral process in Nigeria are rendered vulnerable to abuse, being often ambushed by massive rigging and other forms of electoral malpractices by political parties, especially those in power as they seek to manipulate the system to serve their partisan interests. In most cases, the outcomes of the elections neither reflect the true choices of the electorate nor are they accepted by all. Most often than not, the situation leads to breakdown of law and order, sometimes assuming the magnitude of full blown violence, as witnessed in various elections in 1964, 1983, 2003 and 2007.

Elections, which are a critical part of the democratic process, therefore lose their intrinsic value, and become mere means of manipulation to get to power. Thus, elections no longer offer electorates the freedom of choice and power to hold elected leaders accountable. This derogates from the sanctity of elections as institutional mechanisms for conferring political power on citizens in democratic dispensation (Obi and Abitudu, M; 1999). Some of the factors responsible for this include the character of the political elite and its highly divisive tendencies, the high premium placed on political power and public office (Ibid), the vulnerability of the electoral system, including its financial dependency on the state, and socio-cultural and economic environment, including unemployment, among others. Under this circumstance, ensuring credible elections has been one of the major problems in Nigeria's political landscape.

## **Electoral Violence**

Electoral violence includes all sorts of riots, demonstrations, party clashes, political assassinations, looting, arson, thuggery, kidnapping, etc; spontaneous or not, which occur before, during and after elections. It could be regarded as elections, motivated crisis employed to alter, change or influence by force or coercion, the electoral behaviour of voters or voting patterns or possibly reverse electoral decision in favour of particular individuals, groups or political party. Electoral violence is a limited aspect of political violence that is associated with the process of elections. Electoral violence represents one of the greatest challenges of many democratizing societies (Godowoli A. H; 2003). Electoral violence manifests in several other ways. They include, murder, arson, abduction (Governor Ngige of Anambra State in 2005), assault, violent seizure and destruction of electoral materials. All these acts are perpetrated by individuals and groups with the intention of influencing the outcome of elections or defer elected officials from consolidating their positions after elections.

Electoral violence is a form of violence that is associated mainly with the process of elections in a given society precisely in a democratic set up or in the process of democratic transition (Afolabi A.A; 2002) . Electoral violence particularly in Nigeria, is a quintessential elite affair it rising from the inordinate struggle for positions in the structure of power that have often degenerated into open violence among ethno-communal groups or individuals who are deceived into believing that their interests are about to be imperiled. This group of people reacts violently, setting aside descent behaviour and decorum, casting aspersions and unleashing terror and tumult on innocent citizens. Thus, the use of threat or physical act carried out by an individual within political setting against another, with the intention to cause injury or death to persons, or destruction to property whose objective, choice of target or victims, surrounding circumstances implementation, all of these have political connotations and significance. It tends to modify the behaviour of others in the existing arrangement of power structure that has some consequences for the political system (Anifowose Remi, 1984). For instance, the 1964 general elections results in Nigeria were not only rejected, but the opposition, especially in the Western Region, resorted to violence to contest what they perceived as the reversal of their mandate by the ruling party. The situation translated into arson, looting, killings, massive destruction of properties and total breakdown of law and order beyond the control of the central government. Emanating from the scenario created by this situation, a state of emergency was imposed and the then Prime minister declared the Western region as wild-wild-west (Ibid). The intensity of the electoral violence recorded after the 1964 general elections affected the legitimacy of the newly constituted civilian authority and subsequent military intervention in Nigeria politics in 1966.

The intensity of electoral conflict is often fuelled by the widespread belief that the other party is planning to rig elections. It is further believed that the other party has hired thugs, and accumulated dangerous weapons and arms to actualize its plans, failing which it will unleash violence on its opponents. In the event of electoral violence, various organs of the state are called upon to maintain law and order. This is particularly so for the police, which is constitutionally charged with that role.

## **The Police**

What is today known as the Nigerian Police started with about 30 men as the Consular Guard of the British Consul of Lagos in 1861. It must be noted from the beginning of our discourse on the police, that the institution of the Police is very important and central to individual self-

actualization. The police is equally central to social cohesion, economic development and democratic consolidation (Adolphus Wabara, 2004). Every society therefore needs a strong and effective police force to maintain law and order, to promote peace and harmony and to secure lives and properties.

Section 4 of the police act charges the Nigerian police with a number of responsibilities; including: protecting lives and properties; detecting and preventing crimes; apprehending and prosecuting offenders; preserving law and order; enforcing law and regulations; and performing any other functions it is assigned in the areas of peace keeping both locally and internationally.

In performing these functions, many allegations have been leveled against the police. The Nigerian Police has been accused of arbitrariness in the exercise of its powers of arrest and prosecution, corruption and perversion of justice, use of crude techniques of investigation, collusion with criminals and incessant cases of accidental discharge of lethal bullets. This situation definitely calls for a serious campaign to rid the police of bad eggs and improve the welfare of her personnel in a more proactive and systematic manner.

Of late, concerns have also been expressed by many Nigerians about the security situation in the country, especially during elections given the reported killings and attempted assassinations of some prominent politicians, which captured media attention for weeks. The rise in electoral violence in Nigeria and the feelings of insecurity among citizens is a great challenge to the police. Although, available literatures have shown that, countries in transition, always experience dramatic rise in violent crime and delinquency.

The Nigerian police are by law charged with the responsibility of preventing and detecting crime, preserving peace and order and enforcing all laws and regulations as noted earlier. But it needed be stressed however, that the duties placed on the police are indeed overwhelming. The task is even more daunting in a growing democracy like ours. Confronted with several socio-economic challenges. It is encouraging to note the increasing willingness of the police authority to work with other stakeholders in order to properly address issues of crime and policing in Nigeria.

The present administration has identified the police as one of those important institutions that the Nigerian society cannot do without. For this reason, serious steps have been taken by the administration to improve the morale of officers and men of the Nigeria Police, and to increase their capacity to satisfactorily combat crime and to apprehend criminals, whose activities constitute a serious danger to lives and properties of innocent citizens. Measures taken include, improved welfare packages and logistics support in the areas of transportation, communication and procurement of arms and ammunitions to mention a few. All these will equally enhance effective election administration, the protection of human life, voters, electoral materials and officials, and the preservation of lawful and orderly electoral processes that are necessary for credible elections. Police have a crucial responsibility to ensure security so that citizens can elect their leaders under in a peaceful atmosphere devoid of corruption, fraud, fear, coercion, intimidation and violence (Federal Republic of Nigeria, 2007). This is the most honourable role that the Police in a democratic society have been called upon to perform. ,

### **Policing Elections**

Bayley et al' define policing as the activity of making societies -safe. They contend that policing



is not synonymous with social control. According to them, policing entails "international attempts to regulate the distribution of physical security produced by actual or potential use of force (David A. Baley and Elifford D. Shearing; 2001). Policing, conceptualized, as application of the instrument of coercion by the state is a quintessential function of government. This definition is in agreement with Marx Weber's definition of state as the institution with the "monopoly offeree", policing therefore, entails the use of regulated force to maintain law and order within a society. For a country to conduct credible elections, adequate securities must be put in place. A politically impartial and peaceful polling environment that guarantees the quality of service rendered by electoral officials must be put in place. Voters should not be afraid to come forward and cast their votes for candidates of their choice. It is only when these are done, that the credibility and the outcomes of elections will not be called to question. To achieve this fit, the Nigeria police have been positioned

to play a very significant role in policing elections in Nigeria. To be sure, the Police have been assigned a primary role to protect the integrity of the electoral processes, and of the participants, institutions, and outcomes through:

- i. Safeguarding the security of lives and property of citizens during campaign and voting, so that citizens will not feel unsafe on account of holding, associating with or expressing a political opinion;
- ii. Ensuring the safety of electoral officers before, during and after elections;
- iii. Providing security for candidates during campaigns and elections.
- iv. Ensuring and preserving a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates without discrimination;
- v. Maintaining peaceful conditions, law and order around the polling and counting centre;
- vi. Providing security for electoral officials at voting and counting centre; and
- vii. Ensuring the security of election' materials at voting and counting centre and during their transportation\*thereto. It is the duty of the police to ensure that election materials are not stolen, hijacked, destroyed or fraudulently altered by any group or person (Federal Republic of Nigeria; 2007).

In policing elections, every police officer on electoral duty is expected to know and sensibly enforce all prohibited activities during elections. The prohibited activities are contained in part VIII of the Electoral Act, 2006. These include among others, obstruction of registration of voters (Section 124 Electoral Act 2006) destruction or forging of nomination papers (Section 125 Electoral Act 2006), disorderly behavior at political meetings(Section 126 Electoral Act 2006), improper use of voters cards(Section 127 Electoral Act 2006), improper use vehicles(Section 128 Electoral Act 2006), impersonation and voting when not qualified(Section 129 Electoral Act 2006), dereliction of duty (Section 130 Electoral Act 2006) bribery and corruption (Section 131 Electoral Act 2006), voting by unregistered person (Section 132 Electoral Act 2006), disorderly conduct of elections(Section 133 Electoral Act 2006) treating(Section 134 Electoral Act 2006) , and undue influence(Section 135 Electoral Act 2006) . In policing elections therefore, the police must be alert to monitor the election processes, and to call to order contravention of any of these prohibited laws guiding the conduct of elections in Nigeria.

Policing elections must follow certain principles for it to be effective and for it to achieve the desired result. These principles are embedded in the general principles of policing. To Police elections therefore:

- i. The police shall be guided and conform to appropriate principles, rules, code of ethics and laws governing police duties, especially in relation to crowd control, use of force and firearms. They are also expected to perform their duties without fear or favour. Police officers should maintain impartiality, and eschew partnership or discrimination between the ruling and non-ruling, big or small parties.
- ii. The police must desire and use proactive methods to prevent fraud, coercion, intimidation, or other manipulation or violence 'so that the use of force and firearms by the police can be avoided or be minimized to the greatest degree possible during elections. Furthermore, the police shall not take measures that would frighten citizens from voting. They should also not conduct themselves in ways that will give the impression among the voters that they are under obligation to vote for any particular party or candidate.
- iii. The police require effective intelligence information throughout the campaign period, preceding voting, in order to be able to appreciate threats to free and fair elections in different parts of the country, and devise measures to prevent breakdown of law and order as the days of voting counting and announcement of election results (Federal Republic of Nigeria; 2007).

The conduct of elections is usually politically charged. The sensitivities of the police are bound to be usually high, with different people supporting different parties. The way and manner a police officer handles a situation is liable to be interpreted differently by people of different political persuasions. Police officers on election duty must always strive to be fair to all, avoid conducts that could be seen as inimical to the success of the elections. An officer's action, if viewed as excessive or unfair, could lead to serious election related trouble. Each person who witnesses the response to a given situation forms an opinion of the officers, the agency that deployed him/her, and the elections. In addition, there are also persons on the lookout for any opportunity or excuse to cause trouble. Police officers on election duty must never provide such people with an opportunity to generate hostilities and cause the elections in their duty station to fail.

Every police officer on election duty is obliged to file a written report at the end of his or her duty period. The report will include among others, an account of any and every incident that required police intervention at the polling centre and any other incidents that, in the judgment of the reporting officer, shall be brought to the attention of his superior authorities. This way, the police are effectively policing elections.

## **REVIEW OF RELATED LITERATURE**

### **Policing Democracy**

The police play an important role in any human society. Every society needs a strong and an effective police force to maintain law and order, to promote peace and harmony and to secure lives and properties. The police is not only central to individual self-actualization, but also to

social cohesion, economic development and democratic consolidation. The ability of the police to perform this role and of ridding the society of criminal activities is what should be seen as policing democracy.

According to Akinolu Olujimi (Akinolu Olujimi, 2004), criminality is part and parcel of human nature and society. But the types of criminal behaviour tend to follow the pattern of social and economic development of a given society. It is therefore not unexpected that a society at a low level of development tends to experience an upsurge in the rate of violent crimes such as armed robbery, politically motivated killings, the use of illegal weapons, ethnic and religious clashes and the like. What is worrisome, however, is that the police, which are meant to be the antidote to criminality, appear to be getting overwhelmed by the phenomenon.

From the above literature, the criminal nature of the Nigeria police in aiding and abetting follows the distribution of wealth in the society. The Nigeria society is highly stratified into the lower, middle and upper classes. At the lower level, is the masses who are commonly referred to as the down trodden. Majority of them are not working and rely heavily on the crumbs from the rich men table before they could feed. These groups of people could easily be recruited into illegal activities, such as armed robbery or armed politics. It is therefore, very easy for the political class to recruit people from this class into an army of 'political thugs'.

The position of Etannibi, Alemika and Chukwuma reinforced that of Akinolu, but shifted little to the dismantling and demobilization of security apparatus. In canvassing for their own position, Etannibi et al opine that 'increase in violent crime and delinquency has become a common feature of countries in transition. The literature has attributed this development to the uncontrollable nature of change in its formative stage, demobilization or dismantling of repressive security apparatus used by previous authoritarian regimes in controlling crime and the unequal socio-economic opportunities brought about by economic liberalization programmes (Alemika, Alemika, E.E.O.; 1993).

The school of thought as presented by Etannibi et al captures on pattering the Nigeria police on the activities of the colonial masters. The colonial masters appeared to have eroded away from the police, ability to combat crime. This they did, by subjugating the thinking and activities of the colonial police under the ruling lords. Today, it is somewhat difficult to detach the police from the ruling party. The Nigeria police are largely neglected owing to what Etannibi et al called "unequal socio-economic opportunities" among citizens.

Thus, the first ten years of transitional democracy after a prolonged military incursion into the Nigerian democratic setting have witnessed perceived and real increase in violent crime and disorder, so much so that safety and security issues ranked very high among citizens' priority concerns. Public commentary on police performance in crime prevention and crime control was adverse. However, the comments dwelt very little on solutions to the crime problems and focused heavily on police depreciation. According to 'Femi Odekunle, the same context is partly implicated in the continuing dissatisfaction of the generality of the population with the police despite some improvements in inputs efforts and output in the past three years (Ibid). For instance, in terms of inputs and efforts, police population ratio has improved (discounting quality): mobile force squadrons, motorized patrol and check points have been increased; and there have been efforts to improve the morale by massive promotions to offset past stagnation, by provision of relatively substantial death insurance and by sending hundreds on local and overseas training (Odekunle Femi, 2004).

To curb the foregoing excesses, the police should be well positioned to curtail extortionist practices, and concentrate on policing democracy to guarantee free and credible elections. The central objective of policing is to provide security, or at least, a social and psychological feeling of security, for a majority of citizens, in a majority of places, and for most of the time. And this central objective is a summary of sub-objectives, which are prerequisites to that of security: to prevent, control and combat criminality and by whoever; to maintain public order and peace; to render assistance and service to all citizens needing or requiring security; and to favourably symbolize the law and the government and always be seen to be always upholding the rule of law.

From these central and sub-objectives of policing, the importance of policing democracy, (which the police is seen to be representing) cannot be over estimated. This importance will become clearer as we consider the following:

- Policemen are the government officials most proximate to crime, temporarily and procedurally, and are the leading figures in crime prevention/control and in law enforcement process:
- Policemen's honesty, integrity and observance of procedural laws in handling offenders and non-offenders have deep implications for the citizen's perception of fairness and justice and for the degree of respect the average citizen has for the law;
- Being highly visible (compared to courts or prisons) and being the primary or main government authority legally authorize) to use force on citizens policemen's behaviour affect the citizens' opinion about their government. However, when the above translates into their ordinary meaning, the value and worth of a police officer can be determined by; the amount and quality of protection it offers the citizens as a whole and, the degree of confidence and co-operation it enjoys from the average citizen.

This goes to confirm that if police can effectively police democracy and reduce the spate of killings and assassinations, the quality of elections held shall improve tremendously. The question is, would Nigeria democracy survive? Indeed, experience has shown that there is a wide difference between the struggle for democracy and its survival. Though the Nigerian society is said to have a rich tradition of struggle for democracy, experience has indicated that such struggle has failed to produce an enduring democratic rule. Several factors account for this.

As argued elsewhere, Ogundiya and Baba, noted that any systematic consideration of democratic governance in Nigeria or its blossom would need to come to terms with the challenges and dilemmas of economic underdevelopment, poverty, weak institutional structures, corruption, problem of political legitimacy occasioned by disputes arising from electoral processes, ethnic based conflict, religious bigotry, prodigious nature of the elite and more embracing the nature of the Nigerian state (Ogundiya, I.S. 2003). Democratic consolidation is therefore, about regime maintenance and about regarding that key political institutions as the only legitimate framework for political contestation and adherence to the democratic rules of the game.

According to Diamond, "consolidation is, the process of achieving broad (and) deep legitimation such that all significant political actors, at both the elite and mass level believe that the democratic system is better for their society than any other realistic alternative they can

imagine (Zayyan, M.U. 2002). If the police must adequately police democracy, they must stand up to their responsibilities and face this challenges.

### **Police Accountability**

Accountability means openness, fairness and friendliness in our dealings with other members of the society. The police is said to be accountable, if they refuse to partake in crimes and criminality. The police are expected to act independent of the government in power. This will enable them to provide security for the lives and properties of the citizens. In addition, an accountable police will secure the electoral process and will never participate in any activities that will undermine the conduct of credible elections. Unfortunately, the Nigerian police is not accountable. They are in the hands of the totalitarian regimes brutalizing and bullying the citizens. During elections which they are meant to protect, they participate in perpetrating electoral fraud.

According to Blumberg "The modern application of the term police state is usually made with reference to totalitarian regimes and their persuasive control over the lives of people. All police power is in the hands of an oppressive regime, which does not have any degree of accountability. A totalitarian regime depends almost entirely on the use of arbitrary omnipotent and pervasive police power. Modern weaponry, the speed of travel and communication, make it much easier for the police to be the perfect instrumentality for the effective surveillance, control, and rooting out of dissidents, or potential opponents of any kind. The modern totalitarian police state knows no restraints of due process, equity, fairness, reasonableness, or justice. Its hallmark is to ruthlessly administer, varying degree of violence at population targets which are deemed threatening, unpopular or 'dangerous emphasis in the original (Alemika, E.E.O; 1999).

It must be pointed out with greater emphasis," that Nigeria was a Police State between 1994 and June 1998. All constitutional restrictions and the restraints of due process and justice were disregarded with impunity by Abacha regime. The last administration headed by President Olusegun Obasanjo widely made use of the Police in the conduct of both 2003 and 2007 general elections in Nigeria. During the conduct of these elections, it was alleged that the police threw caution to the wind and put on totalitarian postures molesting innocent citizens and demonstrating their loyalty to the regime. To this effect, Blumberg points out "the term 'police state' does not necessarily apply to a nationally organized police, since democratic regimes in the United Kingdom, Denmark, Sweden and France are examples of democracies where the police are organized on a national basis. The test is not whether the police are nationally or locally organized, but whether the police and other instrumentalities of government are accountable in law to the courts, the legislatures, the executive branch, and if they are ultimately subject to the will of the people and their decision-making bodies.

Even now, after more than three decades of independence, the police see themselves as existing for the government of the day and wealthy members of the society in much the same way as the colonial police existed mainly for the interest of the colonial government and its European personnel. Canvassing this position, Chidi Odinaku opines that:

It is important to appreciate the social and institutional psychology of the personal power and influence created by this context- and its consequences for accountable and civil policing. Membership of the colonial police force conferred indescribable power and privilege underpinned by a distinctive uniform. It created the surrounding population a perception of

closeness to the colonial regime, and of power among (and against) the local community. To the "natives" against whom the police were trained, this was very much unacceptable power. It was easy for the police personnel that wished to do so, to run protection or influence peddling racket for a fee or for nothing if they wished. This explains the abuses of which different units of the colonial police - from the constabularies to the Native Authority Police were famous (Chidi, A.O. 2004).

The issue of police accountability is a serious matter in any society and its import has been captured in the phrases 'who shall guard the guardians' and 'who shall police the police'. The two phrases draw common attention to the role of the police as guardians while at the same time expressing the fears that guardians are not always benevolent and need to be subject to monitoring. More substantively, the police routinely exercise the coercive power of the state. No other public institution has the opportunities as well as temptations to abuse power as the police. First, those who seek to abuse public power often require the collaboration or acquiescence of the police. On their own, police are strategically placed within the vector of power such that they may perform three different roles in the exercise and abuse of power - repellent of abuse, instigator of abuse, and executor of abuse. Therefore, police need to be subjected to strong mechanisms of accountability (public authorities and civil society). In Nigeria, there is widespread concern about the performance, integrity and conduct of the police force. For example, the police are widely criticized for extra-judicial killing, corruption, incivility, brutality and torture, and non-response to distress call by citizens. It must be emphasized that no police force can be accountable if the government lacks accountability, as is the case in the country.

The problem with police-public relations in Nigeria is fundamentally that the police are not accountable to the people. They consider themselves to be accountable to the rulers who often are neither legitimate representatives of the citizen nor accountable to the people. And this is true of colonial government as it is of the post-colonial civilian and military regimes. The first and fundamental problem with police-public relationship in the country is that the nation's successive governments were largely not the expression of the aspirations, interests and will of the people. They were often (i) usurpers of people's power and sovereignty through violence (coup), and electoral fraud, and (ii) exploiters of the people, who foisted or imposed policies and programmes that promote their own enrichment as well as mass poverty, ignorance, homelessness, ill-health, etc on the vast majority of the population. These conditions foster antagonism between the government and the citizens. Police are recruited to suppress the opposition of the citizens against the government. In this circumstance, police-public relations cannot, but be hostile. Where police are not accountable to the people, but rather are loyal to the government, elections are normally subject to widespread manipulations.

Police are guardians of social order. As an institution, the police help to preserve, fortify and reproduce the prevailing social order, and is hardly a catalyst for its change. Thus, when a social order is oppressive, exploitative and unjust as it is the case in Nigeria, the police preserve the system by suppressing and defusing political activities to suit the whims and caprices of the rulers. Thus, elections are widely rigged and before now, litigations are widely manipulated, while an apparent executive recklessness pervaded the air. But the current posture of Goodluck Jonathan's administration to uphold the rule of law may signal hope for the survival of democracy in Nigeria. The police may have no choice than to toe this noble line of action.

The main role of the police during elections, according to Cronje "is to maintain public order and to create, by means of effective policing a favourable climate in which democratic election

can take place". This is a very crucial role. By maintaining law and order and guaranteeing public safety, the police ensure that voters can attend or follow the campaigns and rallies so that candidates and their supporters are able to reach the voters and convey to them their visions and programmes. The voters will be positioned to decide, who, amongst the candidates, is suited for them to elect; and in so doing, make an informed choice among the options they are presented.

However, in previous elections in "Nigeria, when the police were loyal to the ruler and refused to be accountable to the people, the police was accused of being used by politicians to carry out electoral malpractices and to harass and intimidate opponents. The loss of confidence in the police by the political opposition was so high in the second, Republic that some candidates had to hire private security forces to serve as counterpoise to the national police. This public perception of the police raised questions in the polity about the neutrality and the preparedness of the police to guarantee the ' ' safety and security of the electorates prior to the 2007 elections. The situation was not helped by the spate of politically motivated and targeted killings that took place in various parts of the country in the build up to the 2007 elections, many of which were yet to be resolved. A police institution needed to be accountable to the people to guarantee peaceful polling that can ensure credible elections.

### **Police and Electoral Violence**

In the literature, extensive research works have been carried out on electoral violence and the role of the police in such violence. Some of the works are not only incisive, but also equally deeply rooted touching on the nature of the subject matter. Elections in Nigeria, rather than being a political asset and a legitimizing force, have become a political liability, a source of instability and decay. According to Yaqub, "various experiences with competitive electoral politics in Nigeria, have brought the worst in political thuggery and brigandage, unmediated and unrestrained violence", characterized by wanton destruction of lives and property (Albert, I. 2007). Infact, several Nigerian scholars have likened the so-called electoral politics in Nigeria to a violent period - a period people are even afraid to travel to neighbouring states.

Taking our inspiration from the old, narrow concept of violence as a physical phenomenon, electoral violence has previously been regarded as physical violence unleashed by political thugs used in election rigging processes. It could also be seen as physical assault by the masses of the people reacting against the theft of an election. Methods used by the former include the physical assault of opponents .of their paymasters, attacks on properties,- shootings, kidnappings; ballot box 'snatching,' assassination, and so on, and by the later, include riots, beating up of electoral officials and the police, setting public property ablaze, burning tyres in the streets, to disrupt traffic, and so on. Albert observes that 'extant literature on electoral violence in Nigeria focuses on this type of violence.

However, following the reconceptualisation of violence as having not merely a physical dimension, but also psychological and structural dimensions. Albert defines electoral violence as all forms of organized acts or threats physical, psychological and structural - aimed at intimidating, harming, blackmailing a political stakeholder before, during, and after an election with a view to determining, delaying, or otherwise influencing an electoral process (Ibid). Ochoche agrees, stating that electoral violence is not only a physical phenomenon, but can also be structural. He noted that there are many stages in an election process and each stage can be abused, manipulated, violated, corrupted, or distorted. In his words:

At any of the stages, the violence could be physical or structural. In other words, electoral violence must not be seen in physical forms alone. Any attempt at any stage of the electoral process to corrupt, influence, or determine the outcome of an election beyond what it would have been objectively, does damage to the election, and could be said to amount to electoral violence (Ochoche, S.A.; 1997).

The nature of electoral violence in Nigeria had changed, though. Before 2003 elections, it was mainly carried out by the masses in angry protest and reaction to election rigging or it was mainly carried out by party thugs. But from 2003, and especially in 2007, godfathers, governors, local government chairmen and candidates for legislative houses recruited followers, thugs, and assassins armed-with sophisticated weapons and unleashed them on their opponents and on society. In summarizing the ugly situation.

**Egbokore observes that:**

Since 1979, things appear to be getting worse. I think what was different this time was that it was not just a thug affair. Governors and their Deputies, Ministers in fact, the high and mighty in the society were involved in the field operations once left to thugs. They personally participated in snatching ballot boxes, thumb printing, and disrupting voting? The police as usual provided cover. The reason these individuals got involved directly was because thugs were neutralized by the people's resolve in a number of places. In one instance, the police and thugs of a certain party had dispersed voters with tear-gas and were busy thumb printing. In another instance, voting stopped a polling station after only three people had voted. Voters intimidation was rampant, ballot boxes were burnt, firearms were freely used and of course, lives were lost (Egbokore, F.; 2007).

Talking specifically on elections, some scholars have argued that, in Nigeria, the fear of election is the beginning of political wisdom. To this effect, it is often the case that at the highest point of election times, the Nigerians look to it with trepidation. This perhaps prompted Adekanye's counsel that election periods in Nigeria should be declared as state of emergency and that the military should be charged with the conduct and administration of election (Adekanya J.B. 1989).

The base line of the police is the maintenance of law and order all over the world. The precise role of the police in securing political order in any political system varies with the character of their political system. The matrix of the rule of law is expected to guide the police in performing its duties. In specific terms therefore, the role of police during election is to ensure that all stakeholders adhere very strictly to the electoral guidelines and that law-abiding citizens are not hindered from exercising their civic responsibility. This way, a well-functioning police force constitutes an important instrument of democratic governance in general, and in electoral politics in particular.

Unfortunately however, in the current democratic dispensation, as in preceding civilian dispensations, the indications are that the police might not have lived up to their expected roles in the prevailing circumstance. Sometimes, the police was an en complicit in the perpetration of electoral violence. To be sure especially under authoritarian rule, as in under democratic rule, police, officer-on election duty may become instrumental to oppression and the maintenance of a system of tyranny and socio-economic injustice. Often times, the police play



an open partisan role. It is also apparent that the normal run of politics affects the police function of maintaining law and orders. On the Other hand, the police can by its own volition, subvert and aggravate democratic process and public" security. The official conception of police thuggery as self-defense complicates issues, against this background; a critical examination of the role of the police in electoral violence becomes urgent and important.

## **ISSUES AND CHALLENGES BEFORE THE NIGERIA POLICE**

In evaluating the role of the police in the April 21, 2007 presidential election in Nigeria, the focus is on the activities of the police before especially during the days of election, which created tension within the polity and accordingly called for the attention .of the police. A critical examination of these activities viz-a-viz the role of the police prior to the April poll day, is the subject of discussion in this section of the study.

### **Pre-Election Period**

The pre-election period takes a look on the activities of police in the electoral process before the real Election Day. During this period under review, police were ideally supposed to have been involved in the following activities.

#### **Registration of voters.**

Prior to the commencement of elections, voters who intend to participate in voting at the elections are supposed to be fully registered. In some cases the register is normally updated for reliability and acceptability before stakeholders, and within the international community. It is the duty of the police to ensure that law and order are maintained at various registration centres throughout the country. The police are equally expected to provide security for the materials and officials connected with the exercise. Additionally, police are expected to attend to crises that might arise during this period to ensure that the voter's registration is hitch free.

The display of registered voters names were equally not done, or sparingly done in some cities. In all of these however, the police did not arrest any under-aged registered voters. In most cases, police were not seen manning registration centres and thus. Registration officers were left to fill up the names of their choice. During the registration exercise therefore, the police could not have been said to perform their constitutional role before the 2007 presidential polls.

#### **Screening and clearing of political Aspirants**

The police have a vital role to play in the successful screening and clearing of political office aspirants through furnishing the Electoral Commissions with available records to assist and determine correctly the eligibility of prospective candidates (Federal Republic of Nigeria, 2007). This was the position of the law prior to the April 2007 presidential polls. However, in the series of litigations that followed the elections, only courts of competent jurisdiction can presently screen and disqualify candidates.

The nomination of candidates pre-2007 presidential poll was the most abused procedures of the electoral process by any standard. To identify candidates for nomination, some parties organized party primaries, while some did not. But as observed by domestic monitors, most of these primaries were sham. There was no internal democracy of political parties. Many aggrieved party activists were normally 'settled with large sums of money to accept a bad

situation. The police who were supposed to make some arrests during this period of 'settlement' were themselves culprits and collaborators .of indecent behaviour, casting aspirations and intimidating innocent citizens.

In a paper titled "Role of the Police in the Development of a Just and Equitable Society", Etannibi Alemika opined. "Under the present political condition in the country, the Nigeria police are unable and cannot be expected to serve as vanguard for the struggle for the development of a just and equitable society. Nonetheless, they can contribute to efforts by other groups to extend and deepen limited opportunities provided in the constitution and even political rhetoric by the rulers by recognizing and protecting fundamental rights and refraining from suppressing and frustrating those who sacrifice themselves for the development of justice and equity in Nigeria.

Constitutional provisions are ground norms and are superior to ordinary laws and policies of government. The police are bound to obey, respect and enforce them, even if they undermine the implementation of the policies, decisions, actions and directives of government dictated by partisan and selfish interest. The Nigeria police still compromised their position during the pre-election registration exercise of 2007.

### **Party Congress and Conventions**

A major activity of political parties is the organization of party congress and conventions during which party executive members at various levels are elected to oversee the activities of such parties. The police are saddled with the responsibility of ensuring adequate security coverage to enhance peaceful conduct of such congresses and conventions. There is no disputing the fact that most of the congresses held before the April 2007 polls by the political parties would have been disrupted by aggressive and violent party members and their supporters if not for the heavy security presence of the police on the ground.

### **Campaigns and conduct of political parties**

All registered political parties regularly organized campaigns, meetings and rallies for their members. It is the duty of the police to ensure that such campaigns and rallies are regulated to ensure law and order. The Public Order Act empowers the police to issue permits for such rallies, campaigns, meetings and processions. The Act mandates all political parties or groups intending to hold rallies, campaigns or procession to apply to the State Commissioner of Police for a permit. The application, which shall be submitted not less than 48 hours before the date and time of such meetings, should indicate the venue, time, date and routes to be taken in the case of a procession. The approval of such an application should be obtained in not less than 24 hours before such meetings, rallies or campaigns take place.

No law hindered election campaigns by the political parties. There was significant freedom of expression and assembly in all parts of the federation. The parties freely organized rallies and town meetings in many parts of the country. The more popular parties -the Peoples' Democratic Party (POP), All Nigerian Peoples' Party (ANPP). and the Action Congress (AC) had a lot of media coverage. But in terms of proper conduct of the political parties and their followers, not much monitoring was done by INEC, a body which the law mandates to sanction the parties for use of violence threats, abusive, slanderous or base language or keeping private militia groups. Police did not do anything to caution party members who erred in this direction as a result of monetary inducements from political class.

Observers reported several cases of violence by thugs and hired assassins. Thugs freely attacked political opponents. It must be stressed however, that in exercising its constitutional role, the police arrested some propagators of campaign violence, but most of them were not prosecuted owing to political pressure and influence on the police.

### **Prohibition of Quasi-Military Organization**

The Public Order Act prohibited the establishment and or use of Quasi Military organizations and militant groups in anticipation that some unscrupulous elements might, under whatever disguise, attempted to disrupt lawful assemblies before the 2007 presidential polls. This could have constituted a threat to the smooth running of the electoral process. The police therefore, carried out a comprehensive and intelligence gathering on all groups and associations to verify if there were within such quasi-military groups, any group whose activities inimical and capable of thwarting a smooth electoral process. This is an important role played by the police during the April 2007 presidential poll.

The police is empowered to deal with such associations by section 6 (i) a and b of public order Act which provides inter-alia, that if any association (whether corporate or incorporated).

- (a) Organizes and trains or equips persons (whether or not members or adherents of any such association) for the purpose of enabling any such person to be employed in usurping the functions of Nigeria police or of the Armed Forces of the federation. (Federal Republic of Nigeria, 1943). Or
- (b) Organizes and trains or equips person (whether or not members of adherent of any such association either for the purpose of enabling such persons to be employed for the use of display of physical force in promoting any political objective, or in such manner as to arouse reasonable apprehension that they are organized and either trained or equipped for that purpose. Such association shall be liable to a fine of N5,000.00 or members will be imprisoned for 2 years or to both fine and imprisonment.
- (c) In the case of a person who is proved to be engaged in, being organized, trained or equipped be liable to a fine of N1,000.00 or imprisonment for 6 months or to both such fine and imprisonment.

To add to the power of the police, section 85 of the Electoral Act, 2006 went further to prescribe punishment for bearing or carrying missiles unlawfully in a political rally/voting centre. Section 98 (2) states thus:

A person, who, while present at a political rally or processing or voting centre, has with him any offensive weapon or missiles otherwise than in pursuance of a lawful duty is guilty of an offence and liable on conviction to a fine of N100,000.00 or imprisonment for a term of 2 years or both. (Federal Republic of Nigeria, 2006).

The letters of these laws did not guarantee the police's ability to meet with these challenges posed by these quasi-military organizations. Political big wigs and money bags relied very heavily on these organizations to rig elections and perpetrate electoral fraud during the April presidential polls.

The quasi-military organizations were sophisticated and armed with modern equipment that could easily disarm the police. The police were therefore no match to the nefarious activities

of these groups. Invariably therefore, police became collaborators of these groups and assist them in no small measure in perpetrating electoral fraud that unleashed violence on the citizens during the April 2007 presidential poll.

To be sure, as Human Rights Watch had observed, “instead of guaranteeing citizen’s basic right to vote freely, Nigerian government (represented by the police) and electoral officers actively colluded in the fraud and violence that marred the presidential polls in some areas. In other areas, officials closed their eyes to human rights abuses committed by supporters of the ruling party and others (Peter Takirambudde, 2007).

Thus, the Transmission Monitoring Group called for a re-run of the presidential polls, while European Union observers documented massive irregularities, and said that, the process “cannot be considered to have been credible”. The teams from the US National Democratic Institute and the International Republican Institute both said that the process “failed the Nigerian People”. This is a great indictment on the Nigerian police charged with promoting security that would have guaranteed credible elections as it affected the April 2007 presidential poll.

### **The Election Day**

The police are expected to collaborate with INEC to ensure security of the electoral materials, the officials and peaceful conduct of such elections at all centres including the collation of results. On such occasions too, enhanced security arrangement is usually made for INEC officers, and at the headquarters of the parties. Police is also to provide escort for polling officer carrying final election results to the headquarters of the Electoral Commission. In all these, police were seen performing these roles during the April presidential poll.

### **Police preparedness for the election**

The Federal Government of Nigeria had in the past coupled of years boosted manpower, fire power and procured some communication equipment and vehicles to enhance police operational effectiveness. This has in no small way improved police preparedness for elections. However, a lot more still needed to be done to effectively reposition the Nigeria police for this onerous duty. For instance, many police officers were posted out on election duty far away from their base and were not provided with logistics in terms of vehicles to take them to voting venue. The implication of this arrangement is that, police officers on election duty are at the mercy of politicians who are ever financially equipped to provide logistics for the police officer on election duty. What this means, is that the police who is normally saddled with the responsibility to maintain law and order at the voting centre will do the biddings of his/her beneficiary.

While corruption is endemic in all segments of the Nigerian society, it is particularly objectionable among the police because it is their occupational responsibility to prevent and work at its elimination and not to be responsible for ties spread, entrenchment and legitimization as a norm of social and official interactions. To this extent, Alemika had argued that:

Police corruption elicits serious concern, for three significant reasons. First, the police are expected to be moral as well as law enforcement agents. If the police which are employed to prevent and detect corruption, and bring culprits to judgment are themselves strikingly corrupt, the society’s crusade against corruption is guaranteed to fail. Second, the police exercise powers that have profound implications for the life, property, and freedoms of citizens. Where

the exercise of such powers is contaminated by corrupt motives, the citizens feel exceedingly vulnerable, insecure and powerless. Third, police corruption is often tantamount to extortion, a form of robbery or demand with force. These dimensions of police corruption explain why the public is threatened by such practices... corrupt motive is also a source of police brutality. In many circumstances, police brutality is a means of coercing individuals to succumb to demands for bribes, and some other time, it is a punishment for co-operating with the police in their demand for gratifications. (Alemika, E.E.O., 1999)

During the April 2007 presidential polls therefore, the police largely compromised her official role, pitched tents with politicians, particularly money bags of the ruling party, and played such negative roles that have since become sources of serious concern to the public, the government, police authorities and officials, the mass media and human rights organizations in the country.

Police authorities on their part embarked on massive in-house workshop/seminar to enlighten its personnel on their roles and responsibilities in elections. Some relevant publications have also been made available for the organization's personnel. Additionally, outside the general training on the traditional police duties, recruits are given some specific instructions with regards to general conduct of elections. The Anti-Riot Units were given intensive drills and training that prepared them for the presidential elections. But as pointed over political thugs to forestall electoral malpractices. The police must therefore brace up to the reality that their operations and activities will be evaluated in relation to the rule of law, human rights, civilized conducts and their role in democratic consolidation. A new Nigeria police will therefore, have to conduct its activities in this light. And this is a serious challenge in the light of the nation's history of failed elections.

On the part of the government, purchase of more bullet proof vests, helmets, arms and ammunition, will enhance the quality of the force to deal effectively with cases of insecurity in any part of the country during the electioneering period. It will also assist to enhance the quality of weapon training and personnel. There is however, need to make available sufficient funds well ahead of time for the procurement and deployment of necessary logistics for police operational duties during elections.

### **Election Day Process**

As it has been widely reported, the conduct of the 2007 presidential election was more or less mockery to democracy. There was consistent disregard to the election procedure as provided for the Act in the manuals. Voting, counting, security, announcement of results and declaration of winner all fall short of the rules. Below are some proves:

#### **i. Late Polling**

Polling time for the April 21 polls was 8.00am to 3.00pm. Except in a few polling stations in the FCT, only a few polling units opened for voting at 8.00am. Many opened well after 8.00am. This was sequel to the late arrival or non-arrival of voting materials and personnel. In some states in the Southeast and North central, voting did not take place at all in a number of polling stations. There were also instances where polling materials were received at polling unit after 3.00pm. Due to lack of effective supervision or adequate training of polling staff, some pollign stations closed the polls before 3.00pm. In fact, party operatives had a field day in some polling stations dictating to the polling staff. While these activities were on going, the policeman on election duty will typically close his eyes to these activities and mortgage the future of

Nigerians on the platter of some hundreds of naira. Ideally, police should have reported later arrival of materials and secure the process at any time balloting was taking place. Police in Nigeria was never made of that stuff. Police were visibly seen and noted to have abandoned their security role at this juncture. This is a challenge to the electoral process and a great hurdle that must be crossed if Nigeria is to attain credibility level in election contentions.

#### **ii. Inadequate polling materials**

The polling stations materials consisted of mainly of collapsed transparent ballot bags, registers and ballot papers. Tally sheets and voting screens were not provided to all stations. The police did not cross-check these materials because to a very large extent, many police officers on elections duty did not know why they were posted to voting venues.

#### **iii. Voters' register problems**

The polling stations adopted procedures by choice, as there were no enforced standard. Voters were allowed to vote on producing their voter ID. But many who had lost their IDs relied on the decision of the presiding officer to vote or be disallowed from voting. And because INEC had not displayed the voters' register for voters to know their polling stations before Election Day, many spent the day in frustration searching endlessly for their polling stations. In most cases, party agents, police officers and other non-INEC officials took over the register to check the names of voters. On such occasions, police neglect their security role to take on a more 'lucrative' clerical job of verification of voters' name for a price.

#### **iv. Absence of secrecy of the ballot**

Party agents, the police and other security operatives openly interfered with the secrecy of the ballot. Voters were influenced by party agents or police personnel to mark their ballot papers in the open. Few stations had voting screens where voter could thumbprint for his/her choice of candidates in secret. Presiding officers looked helpless since majority did not understand the notion of secret ballot. And the police officer that does not understand his role in the polling station helped to confuse the system the more.

The average Nigerian voters seemed not to have found anything wrong with the loss of ballot secrecy in the voting process. Indeed, when once at a press conference, this issue was brought up for comment, chairman of INEC said, though not a good practice, violating ballot secrecy was not a serious problem of elections. Police toiled with ballot secrecy and very conspicuously too, during the April 2007 presidential poll.

#### **v. Snatching of ballot boxes and destruction of polling materials**

Gunmen suddenly appeared at polling stations and amidst shooting to scatter voters, took the ballot boxes and unused ballot papers away. Some of the stolen materials reportedly found their way into the houses of government politicians. Television reports also showed streets and bush paths strain with ballot papers used and unused. Police at this level, lacked the capacity to curtail the level of irregularities and accordingly, resigned to fate.

#### **vi. Stuffing of ballot boxes**

Reports about ballot box stuffing with previously marked ballot papers were common during the April 2007 presidential polls. In some cases, police were used for the stuffing of the ballot boxes. To be sure, the Human Rights Watch and others found similar patterns of fraud and

abuse in the presidential polls held nationwide. At collation centres in Kamara School, Tekada Fari and the local government INEC office in Gombe town, Human Rights Watch witnessed this stuffing of ballot boxes by two young men who added ballot paper to a ballot box whose results were in the process of being counted by electoral officials, the filling in the results sheets by INEC officials together with PDP party agents, and the changing of results from one form to another. In the local government office in Gombe, the electoral officer who was to supervise the collation of final result sheets was asleep in his office while PDP agents and INEC staff were filling in result sheets on the premises. No opposition party representatives were present.

Apart from the gross fraud perpetrated on polling day, ruling party supporters and hired thugs targeted members of the opposition for arrest and intimidation. Many opposition supporters and officials were detained without charge in Gombe state before and during polling day. Lawyers for the detainees claimed they were representing more than 200 cases. Human Rights Watch interviewed 10 opposition party representatives in Gombe police station who had been held for a week without charge. Even the police officer guarding them said, they should be released, they have done nothing. (Peter Takirambudde).

Nigeria's security services played a controversial role in the April 2007 presidential polls. Police were widely accused of failing to do enough to protect voters from violence and safeguard the integrity of the process. In Gombe local government INEC office, three police officers watched while PDP agents intimidated an INEC official into changing a result sheet (Ibid). PDP cabinet member of the state government assaulted a candidate for the ANPP, while in a police-station in Deba, Gombe state and the police present simply watched. Police therefore merely turned puppets in the hands of moneybags and bigwig politicians.

In some areas, however, police personnel made valiant efforts to protect polling stations from gangs of thugs and general disorder. Too often, however, well-intentioned police officers appeared to have been intimidated by party thugs and the climate of intimidation. In one polling station in Katsina town, a police officer who attempted to stop the theft of a ballot box was beaten with his own club by a gang of thugs and forced to flee. At another polling place, the police officer on duty told Human Rights Watch that, he felt he had been assigned a hopeless task because "the government just wants to impose their candidates upon the voters". According to Takirambudde, "these elections were a true milestone for Nigeria, but they have signaled repression rather than progress. Eight years after the end of military rule, Nigeria has yet to hold a credible election raising concerns of four more years of poor governance and human rights abuse".

#### **(vi) Violence**

The spate of killing of policemen, party activists and ordinary people before an election day was pathetic. More than 2000 people were reported to have been murdered including over 20 police officers. A lot of killings happened in the Niger Delta region of the southeast and Kano in the North where other reasons than purely election triggered the violence. There was considerable violence leading to murders and widespread arson in the southwestern states. Some arrests were reportedly made of perpetrators, but no prosecution was reported. These and many more, are great challenges face by the Nigeria police and conduct of credible election Nigeria.

Police, soldier and other para-military organizations were deployed to polling stations and collation centres. But most of these people did not carry out their responsibilities as expected.

Many interfered with the process and the political class used them to rig elections. The police did not take any action when ballot-boxes and other materials were being vandalized. Some police, officers on election duty were even reported to have escorted ballot boxes and materials to government houses.

In many ways, the April 2007 presidential polls showcased the patterns of corruption and human rights abuse that characterized the day-to-day reality for citizens in Nigeria. The Nigeria police must be reformed and given more political education that will make the organization face the challenge of conducting credible elections in Nigeria. The summaries of findings, conclusions, and recommendations that will improve police performance and consequently guarantee future credible elections in Nigeria pre-occupies the next chapter of this study.

## CONCLUSIONS

In conclusion, there were myriad consequences of electoral fraud in Nigeria during the 2007 presidential elections. These myriad problems included voters apathy, the destruction of lives and property, loss of confidence in the democratic process, many contestants forced into hiding, a rise in political tension, increased general insecurity, human rights abuses, failure of Nigeria to give leadership to Africa on best democratic practices, denting of Nigeria's national image and a government handicapped by legitimacy crisis. The police did not help in any way to caution the effects of this electoral fraud. Other factors, which have seriously damaged the image of the police include the apathy and inefficiency of some of them in the performance of their duties and illiteracy in the force (The Inspector General of Police, Alhaji Gambo, 1990). It is ironical that, while police are posted on election duty for the protection of lives and properties, protection of ballot boxes, and to ensure secrecy of balloting, the problem now is how to prevent police from snatching ballot boxes by themselves, and contrary to why they were posted on elections duty. Police electoral frauds are a national tragedy because it hinges on a sense of betrayal. It is a tragedy because it touches the very core of public confidence and trust in the police force (Newbreed May 7, 1998).

The academic staff union of universities in 2002 attributed what usually give rise to electoral fraud to deepening poverty: unemployment, hunger, retrenchment resulting from privatization of public property, manipulation of ethnic loyalties (Albert, I. (2007). Albert added religious fundamentalism, elite fragmentation, commoditization of politics, the framing of Nigeria elections as "zero-sum" events, and lack of independence of the judiciary, police and successive elections administration bodies (Albert, I. (2007). In addition are, the inordinate ambition of the politicians to win elections at all costs, disregard for the rules of the political game, the desire of the incumbent to impose their surrogates, undemocratic internal party workings and practices such as the imposition of candidates, arrogance, high rewards for political office holders, the high cost of elections, and the need to ensure that expenditure is not wasted, but instead brings huge returns, clashes of egos. such as that of Obasanjo and Abubakar and the fact that being in government ensures that the winner and his or her people get their share of the national cake. All these factors make people attach tremendous importance to political power and its acquisition.

This position was what Mackintosh advocated when he rightly observed that 'to win an election means that you, your village, tribe or region obtains all the top posts, the lucrative contracts, roads are tarred, scholarships are provided, wells are dug, and the new forms of industry introduced. To lose is to surrender not only the good things, but many of the necessities of life



(Mackintosh, J.A., 1965). In a related development, Claude Ake agreed, stating that "those who win state power can have all the wealth they want even without working while those who lose the struggle for state power cannot have security in the wealth they have made even by hard work. The capture of state power inevitably becomes a matter of life and death. That is one reason why our politics is so intense, anarchic and violent (Ake, C., 1964), concluded Ake. In all these, a link can be established between police and the conduct of credible elections in Nigeria. The findings in this essay validate the hypotheses of the study and also provide grounds for making recommendation to correct the incessant electoral flaws in Nigeria.

## RECOMMENDATIONS

The recurring electoral fraud with police collaboration in Nigeria's body politic demands urgent attention and solutions. There has hardly been any election in Nigeria without protests, disagreements and violence. Election results spell a condition where the winner takes all, and looser grudges or protests without accepting defeat. The consequence of these conditions is the burden bestowed on the Nigeria Police; which is the only constitutionally recognized agency to prevent or manage internal crisis in the country including electoral fraud. In order to combat the ugly phenomenon of electoral fraud in Nigeria, which has become a great threat to the country's unity, external image, national security, and democratic consolidation, the first thing is to impose serious punishment, including life imprisonment, for election rigging, the recruitment and sponsorship of thugs, the planning and execution of assassinations, and other forms of armed politics.

The various elections that have held for change of government, especially from civilian-to-civilian government since independence have been characterized malpractice, disruptions, and electoral fraud. Experience shows that the police contribute its own quota in ensuring violence-free pre-and-post-election periods in the country. Nevertheless, while the extent to which such efforts yielded the desired results remains debatable, it is clear that the police have sometimes, been complicit in the perpetrating electoral fraud. Over the years, the police have not performed creditably well during elections in Nigeria. The challenge of maintaining order during elections remains one of the major challenges before the Nigeria Police in a democratic dispensation. According to Oyediran on the role of the Nigeria police in the 1983 elections in Nigeria, he posits that

The situation would probably have been acceptable to Nigerians, if the police were not partisan. In all aspects, the NPF under Sunday Adewusi was very partisan during the 1983 elections. By their activities in Anambra, Bendel, Niger, Oyo and in particular, Ondo, it is not an exaggeration to refer to the NPF during the 1983 elections as an NPN police force. The situation deteriorate to an extent that members of the police force became personal escorts to NPN politicians; thus, this challenge can be met if the Nigeria police is repositioned and prepared for it in advance (Oyediran, Oyeleke 1989).

In the first place, the police should be exposed or made to observe the rule of law and the process. The police organization should work towards gaining credibility and public trust. In his view, Roberts noted that, in a situation where the impression endures that, the NPF is "Politically biased" and partisan, it is important for the force to improve its credibility as a basis for enlisting public trust in their ability to play the role of an impartial arbiter during election<sup>16</sup>. Without public trust, the police and the democratic regime are undermined.

Secondly, to meet the specific challenge of effective policing during elections and electoral violence, the police require specialized education on democratic values, rule of law, electoral laws and crisis management. The men and officers of the Nigeria Police should be trained on adequate, but non-partisan monitoring and maintenance of peace and order during public rallies, protests and election related activities. There is an urgent need for Nigeria's leaders to embark on massive education, enlightenment and mobilization of the country's citizens, inculcating in them, the knowledge of a democratic ethos and principles and empowering them always to uphold and defend truth, law, justice and democracy. Without these actions, little can be achieved in the bid to making politicians play the political game according to the rules. The ancient words of Aristotle cited by O.B.C Nwolise are instructive:

For man, when perfected, is the best of animals, but when separated from law and justice, he is the worst of all; since armed injustice is the more dangerous, and he is equipped at birth with arms, meant to be used by intelligence and excellence, which he may use for the worst ends. That is why, if he has not excellence, he is most unholy and the most savage of animals, and the most full of lust and gluttony. But justice is the bond of man in states, for the administration of justice, which is the determination of what is just, is the principle of order in political society. (Nwolise, O.B.C (2008).

Thirdly, there is an urgent need to revisit the critical issue of the nature of the political arrangement that legally guarantees centralized political control of the force and enlists its partnership, while undermining the role of state governors as Chief Security Officers. This situation could be tackled through constitutional amendments that seek a mid-point between the status quo of centralization and the advocacy of the state police. It is hereby recommended that police affairs be moved from the exclusive list to the concurrent list of legislative power. This will give the nation the benefit of the two models, while their limitations, well-known in Nigeria political history, will be continued when such multiple agencies function to check and balance the role of their sister agencies. There must be a thorough work done by the ongoing electoral reform panel. The panel needs to dig deep and wide and operate truly independently in the execution of its assignment, to ensure that henceforth, Nigeria conducts elections that enhance political stability, national security, and the consolidation of democracy.

Fourthly, there are some challenges bestowed on the civil society, in order to make the police function up to its constitutional expectation, especially during elections. The success or failure of the police is largely anchored on the cooperation from members of the public. Although a large number of members of the political public are themselves lawbreakers or uncompromising politicians, inculcating democratic values and need for sportsmanship on the part of the politicians and the public at large, is a way forward. This could be done through the involvement and the collaboration of the non-governmental organizations and official public enlightenment programmes.

Fifthly, it is apparent that one of the most important causes of electoral fraud in Nigeria is the nature of politics and electoral competition. This is inherent in one in which the winner takes all and loser gets little. Politics is also seen as conduit pipe for primitive accumulation of wealth. This underlines the determination of incumbents to perpetrate their stay in office at all costs and the equal zeal of opponents to unseat them. Electoral battles are thus, fought ferociously with little respect for the rules of the combat. A violence reform of political system and its governing rules is hereby recommended and consequently advocated. To attain this level however, requires national consensus, which can be achieved through national dialogue. Nigerians must resolve today to do away with armed politics and elections rigging. The culture

of political debate must be enthroned to promote political tolerance and do away with ethnic, religions, and personality issues in election periods. Post 2007 elections must be programmed not only to be secure, peaceful, free, fair, transparent and credible, it must be seen by Nigerians, Africans, and the whole world at large to be so.

The Nigeria Police certainly has some challenges to meet given the numerous problems militating against effective policing election. Adequate provisions to enhance the welfare of the police viz; office accommodation, vehicles, and special allowances during elections duty are hereby advocated and recommended. The creation of two million jobs a year for the next four years is critical to dry up the pool of unemployed, hungry and angry youths in the country, which readily serves as recruiting grounds for all forms of crimes.

Nigerians must insist on the radical transformation of our nation into a political society, built on the principle of order established by law. This is where President Goodluck Jonathan's current crusade for the enthronement of the rule of law and due process holds a ray of great hope for peace, justice, democracy, and future free, fair, transparent and credible elections devoid of electoral fraud. The Nigerian state and society can only learn from the lessons of past elections to make relevant improvements in the system as suggested in this paper.

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