Security Agencies and the Problem of Election Management in Nigeria's Fourth Republic: A Prognosis of the Yardua/Jonathan Administration (2007-2015)

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Abstract:-*This paper makes a prognosis of the impact of security agencies in election management in Nigeria with particular reference to reforms made during the Yardua/Jonathan administration (2007-2015). Election has been recognized as one of the salient determinant of a quality democratic process throughout the globe. The role of security agencies are crucial to the success of election because credible election requires among others a high degree of neutrality, alertness and commitment of the security personnel in maintaining law and order, and ensuring security of voters, candidates and election materials during and after the electoral process. This study argued that the elections in Nigeria however continue to suffer wanton abuses and gross violation of this standard as security agencies are observed in some cases not to be neutral but showed open support for candidates. It was further observed that in some recorded cases security personnel are accused of conniving with party thugs and gangsters in their nefarious act of rigging, victimization and intimidation of political opponent during general elections. On the basis of this, the following conclusion were made; that the politicization of security institutions by the ruling elite, the deployment of inexperience security personnel, paucity of security information on the side of the security agencies to respond to security threat as at when due, problem of ineffective information communication technology among others are the major challenges faced in effective management of the electoral processes in Nigeria's fourth republic. The population of the study consisted of the entire staff of INEC, Security Agencies and the general public. Data for the study was collected through secondary sources. Based on the findings of the study and the conclusions drawn, it was recommended among other things that there is need for the sensitization of the security agencies as to what their role should be in an election and their status as a neutral party in the process.*

Keyword: *Security Agencies, Election Management, General Elections, Violence, Election Rigging.*

Introduction

This paper looks at security as an important component of election management in Nigeria. The issue of security is a major concern and very expedient to the growth of any political, socio-economic and independent state. Many scholars assumes that most societies especially in developing countries are dangerous due to high level of crimes such as robbery and murder which occurs on a daily basis, and other crimes that threaten not only properties and lives, but even social identities such

as hate speeches, mob action, violence etc. This scenario arises as a result of the unsecured nature of these societies which has been heightened by the high rate of poverty. Security is thus essential in the protection of live and properties in this socio-political environment (Onovo, 2011:77).

According to Onovo (2011:78) no society can have any meaningful development without adequate security. In fact security in itself encompasses several factors ranging across the different needs of

the people viz shelter, food, health and good living conditions. Hence, the fundamental rationale of a State is the provision of security to its citizenry because the legitimacy and authority of the State itself is derived from its ability to guarantee security of life and property of the citizens.

Security offers the basis for growth and economic prosperity to the individual, groups and the State; a secure environment engenders long time planning and projections, safety assurance and predictability of human actions and sequence. Socially, a secured environment fosters social cohesion and cultural harmony. It breeds the growth of an environment devoid of rancor and acrimony and stems the growth of deviant behavior among the citizenry. Economically, security of life and property encourages economic growth. A secured State is a haven for both local and foreign investors; lack of it is an assurance for capital flight. Politically, a secured environment promotes respect for fundamental human rights and the advancement of democratic principles. It is this quintessential status of security to man and society that makes the State to provide security apparatus in order to assure the safety and growth of the citizenry. Hence, the Armed Forces, the Police, Civil Defence and the Department of State Security in Nigeria are put in place for this purpose (Onovo, 2011:88). The purpose also covers the smooth running of the democratic processes of the state among which is the electoral process.

Elections are contests for legitimate power fought within a political arena. Elections by their nature are confrontational and therefore require the assurance of equitable security to retain participants' confidence and commitment. Hence security is fundamental and integral to the electoral process. Evidence from the United Nations has shown that on a global scale that one in every five elections experiences some measure of violence and this makes security in the electoral process imperative especially in emerging democracies like Nigeria. For Hounkpe & Gueye (2010:65), the issue of election security comes up at all stages of the electoral process which constitutes the pre-electoral,

electoral and post-electoral phases. Of significance is the fact that conflicts or violence resulting from insecurity did not stem from the electoral process but from the poor management of the process. It is so important that all the stakeholders in the electoral process namely political parties, candidates, voters, the election umpire and their staff even the security personnel are involved. Since the process is characterized by fierce competition and opposition between the contending parties it behooves the umpire to create conditions likely to reduce tension and violence. For instance, tensions can result from perceived unfair treatment in the allocation of public resources, unequal access to public media to canvass for votes, inequality in the use of public spaces for campaigns or even the use of security personnel to harass and intimidate opponents and their supporters by the party in power. In the analysis of insecurity in the electoral process peoples, perception of the role of the security personnel is very crucial. Where they are perceived to perform with professional expertise the process is usually credible and devoid of conflicts and violence. But in situations where stakeholders perceive them as partial arbiters the process is deemed to be compromised ab inito and results in conflict and violence.

The sheer logistics of elections in Nigeria requires that adequate security be put in place, from the movement of electoral materials to the deployment of staff, the manning of the polling booths to the movement of cast ballots to the collation centers. Including the protection of voters the election, each of the processes requires adequate security. According to Jega (2012:99), adequate security enhances the free movement of staff, voter, candidates, observers and other stakeholders thus ensuring the credibility of the process.

Election security involves adequate policing electoral process devoid of violence and brigandage the Independent Electoral Commission (INEC) set up the Inter-Agency Consultative Committee on Election Security. As the name implies the committee comprises the Police, the Military, Department of State Security (DSS), and other

stakeholders to ensure the security of the electoral process. However, despite this array of security personnel, the 2015 general elections experienced certain level of insecurity, especially in states such as Akwa Ibom, Rivers, Imo and Abia where the outgoing governors were bent on handing over to their preferred candidates. An election is a contest for legitimate power that can be described as a competition, fought within a political forum. It is important in this context to recognize that elections are not without confrontation, but rather, focus on its management and containment within accepted boundaries. In practice, the assurance of equitable security during an electoral process is essential in retaining the participants' confidence and commitment to an election. Consequently, security is both integral to the goal of an election and an inseparable part of the electoral process. There is no single model of elections or democracy that is universally applicable to all countries. An election is unique and defined, not only by the electoral rules, but also shaped by the social values, politics, religions, history and culture of the people. In the same way, the security of an election is unique to the circumstances in which it is conducted. The stakes of any given election are different even if it is held periodically in the same country due to the changing forces that shape the national interest and corresponding political agenda (Adejumobi, 2007:56).

Similar to a sporting event, the rivalry between opposing teams entails competition within an accepted set of rules, but does not allow for the use of violence to seek victory. Extending on this comparison, if violence does occur, it can lead to the disqualification of players (candidates), teams (political parties), and an amendment of the results or the abandonment of the competition together. As such, the emergence of electoral violence is not a result of the process being followed, but signals a critical departure from the accepted rules that govern the process (Ezeani, 2007:125).

However, election as a mode of electing people to control State power does not bring only benefits and is not without risks for democracy, especially when

it is new. In fact, elections generally have their own characteristics which make them a potential source of insecurity, conflict and instability for the democracy system as a whole if they are not well managed. More specifically, the issue of security during the electoral process is one of the major problems which arises in the management of elections in new democracies especially those of West Africa. The issue of security during the implementation of the electoral process poses major problems to new democracies. In fact, the issue of security during elections can come up at all stages of the electoral process from the pre-electoral, electoral and post-electoral phases. Its importance is such that it involves almost all players in the electoral process ranging from ordinary citizens to leaders of public institutions. Sometimes beyond the said stakeholders, the issue of security during elections involves actors outside (regional or non-regional) the country where elections are being held. It happens sometimes that within the same country various group of citizens present various degrees of vulnerability to insecurity during the electoral process. In Nigeria, and probably elsewhere in the world, the legal framework for the management of elections is potentially one of the major sources of insecurity and instability. In fact, a misuse of this legal framework such as the deliberate manipulation of these laws by those who are in charge of its management and/or reckless use of this legislation is likely to insecurity, violence, instability and sometimes calls into question the integrity of the political system itself. Thus, the legal framework can be diverted from its normal objective for other purposes.

The legal framework can prevent certain categories of people from enjoying fully the rights to participate in the management of their country's affairs through the electoral process. In fact, electoral laws can contribute to the exclusion from the electoral process citizens, who under normal circumstances should have the right to participate. The legal framework can also be exploited to change election results and pave the way for the seizure of power. Most often, it is the president or the contestant in the majority party who, using his

majority in parliament, manipulates the legal framework to maintain himself in power or strengthen his majority in parliament. This involves, for instance, the revision of the Constitution and part or the entire electoral code or texts regulating the electoral process to create conditions conducive for the election or re-election of the incumbent president. This can also involve exploiting the legal framework with the view to reinforcing parliamentary majority.

Another problem encountered by security forces during elections is the use of ammunitions by political thugs. Our experience in the recently concluded elections in Nigeria (year) indicates that there is an unbridled flagrancy kin the smuggling and use of arms and ammunition by political thugs and party supporters. The result has been that political opponents are their intimidated or out rightly killed or injured.

The implication of all this is that illegal arms get into the hands of unauthorized persons who use them for criminal activities. Resources which ordinarily would have been spent on developmental projects are spent combating such crimes or repairing damages caused by these hoodlums. Worse still the economic community are put on edge and many investors are scared away by the apparent lack of security for their investment.

Security and Elections Management in Nigeria Conceptualization of Problem

The essence of security in any society is to ensure protection of lives and properties, to maintain peace and order for guaranteeing effective and efficient service delivery. The role of security agencies in electoral management during the 2015 elections in Nigeria cannot be overemphasized. Voter's confidence in electoral process (election) emanates from a combination of the mechanisms and procedures deployed to count and record votes and the competence and integrity of election officials. These processes are anchored on proactive security to engender confidence Understanding the outbreaks of election violence is a complex issue and one way of addressing electoral violence is to

empower the electoral umpire to secure the process through adequate funding by the state.

Despite the plethora of achievements and developments recorded in the Nigeria electoral management, some problems constitut1e a clog kin the wheel of effective electoral management in the country. These problems noticeable in previous studies includes the politicization of security institutions by the ruling party, problems of mobility and inaccessibility to certain locations due to geographical barriers, deployment of inexperience security, paucity of security information on the side of the security agencies to respond to security threat as at when due among others.

However, the state often fails to adequately fund the umpire thereby unwittingly comprising the process. To guarantee electoral security, the electoral umpire should be highly equipped and un-politicized by the dominant political party, and they should understand the different phases of electoral process and thus craft the needed strategy to secure each phase. For election in Nigeria, the electoral cycle can be categorized into three phases, namely the pre-election phase, election phase and the post-election phase.

Armed with the above observation this paper asks the following questions. .

1. Does ineffectiveness of security agencies affect electoral management in Nigerians fourth republic?
2. Do in-experienced electoral personnel encourage electoral mismanagement in Nigerians fourth republic?
3. Does electoral training of voters and political aspirants contribute to the electoral management in Nigerians fourth republic?
4. Does government effort and strategies on the control and management of electoral process have always been a success?

Elections and Security of Challenges

Ideally-elections ought not to be characterized by conflicts and violence if the actors were genuinely seeking power for the common good and security

forces have no role to play in an ideal democracy. However, for democracies in West Africa, elections remain a major trigger of violence and insecurity (Hounkpe & Gueye, 2010:87). Hounkpe & Gueye averred that elections possess certain characteristics which make them a potential source of insecurity, conflict and instability for the democratic system if not property managed. Significantly, it is evident that security during the electoral process is a major problem in the management of elections especially in emerging democracies. But this in no way suggests that elections engender violence rather it is the poor management of the electoral process that results in violence especially if the process is perceived to be compromised. This notion was properly captured by Jinadu (2011:95) when he argued that the "increase in election violence in many African state is due, among other causes to the poor management of diversity, reflecting the mobilization of ethnic cleavages and repression of dissenting view". He concludes that a fall out of this mismanagement is the incursion of the government into electoral management as a partisan agent through the use of the power of incumbency by the party in power for unfair political advantage.

Other scholars such a Maitambari (2011:127) have focused on the inadequate preparation of the electoral umpire. They argued that ineffective pre-election processes such as voters "registration and education are sources of conflict and violence as politicians take advantage of such lapses to commit electoral fraud. Other narratives include the complicity of the party in power by its failure to adequately fund the electoral umpire or late release of funds. The sabotage of logistics arrangement by those contracted by the umpire to convey election materials and even in certain situations, the corruption of the security personnel detailed to provide security for the materials and personnel of the umpire becomes a major problem. The availability of voting materials and behavior of polling agents are delicate aspects which present potential risk of violence and insecurity (Hounkpe & Gueye, 2010:88)

The security challenges faced by the umpire during elections were well articulated by one of the Resident Electoral Commissioners. He opined that lack of internal democracy by participating political parties in the nomination of candidates contributes to the various conflicts that characterize elections in Nigeria. For him, the absence of a redress mechanism for aggrieved candidates has resulted in self-help for those who feel cheated (Igini, 2013:75). The tendency to resort to self-help is often due to the perception of compromise of the process by the voters and the feeling of corruption to benefit some candidates. For instance, during the 2015 presidential election, the failure of the reader to accredit one of the candidates was misconstrued as a deliberate poly by the umpire to put the candidate at a disadvantage position. Thus it behooves the umpire to ensure the fidelity of its electoral in order to allay the fears of corruption of the system given the heterogeneous nature of the society. The perception of corruption of the electoral process was what triggered the violence, destruction and murder of National Youth Corp members during the post-election phase in 2011.

Questions have been raised as to what role is expected of the police during elections. For Adekanye et al, (2011:97), the functions of the police should include superintending electioneering campaigns to ensure that politicians remain civil and thus avoid conflicts; and providing a secure environment for voters to exercise their franchise without the fear of intimidation and harassment, including ensuring the sanctity of the whole process.

Security Agencies and the Problem of Election Management: Theoretical Framework of Analysis

In this work, the researchers shall use the Systems Approach to explain the relationship between security and elections. Systems theory was originally proposed by a Hungarian Biologist Ludwiig von Bertalanffy in 1928. The system approach was first developed in the natural sciences before it was adopted by social scientists in explaining social and organizational phenomena.

David Easton (1965:121) utilized the approach in his system analysis of political life. Daniel Katz and Robert Khan (1966:9) also used the system approach in studying the Social Psychology of Organizations. Nwankwo (1988:209) also adopted the systems approach in his book "Education and Training for Public Management in Nigeria" (Quoted in Onah F.O. 2008:141).

The central tenets of the systems theory can be summarized as follows;

1. A system can be perceives as a whole with its parts and their interdependent relationships.
2. A system has its boundary and can be viewed in terms of its relationship with other systems.
3. Systems have sub-systems and are also a part of a supra system.
4. A system can be regarded as either open or closed. According to Koontz et al, (1980:111) a system is regarded as open if it exchanges information, energy, or materials with its environment as observed in biological or social systems; it is regarded as closed if it does not have such interaction with the environment.
5. A system interacts with its environment in terms of process that involves input, conversion, and output of energy, information and materials. A system tends to re-energize or modify itself through the process of information feedback from the environment.
6. Some scholars further explain, "the entropy process is a universal law nature in which all forms of organization move towards disorganization or death". Onah (2008:141).

This framework perceives an organization as an open system consisting of interdependent parts that are in continuous interaction with the environment. From this interaction, organizations draw inputs kin the form of people, raw materials, money and information. These are transformed into outputs which are exported back to the environment. This interaction with the environment is therefore necessary for organization survival.

The system theory emphasize that an organization functions as a whole and thereby comprising other sub-system which function jointly to achieve the raison de'tre of the organization. It conceives an organization to be functional when all the sub-systems are also effective and efficient. Its justification is in the functional interrelatedness of parts that enthrone the criterion of efficiency which is seen as an imperative for organization survival and goal achievement.

The researcher adopted this approach because problems such as security issues are considered not only in terms of securing lives and properties, but also in terms of the objectives and goals of the total electoral system. This implies that the researcher is also researcher is also concerned with the objectives of the total system, rather than objective of any component within the system.

Easton (1965) propounded this theory to justify his definition of politics as the authoritative allocation of values. For him, the political system is a set of human interaction through which values are allocated authoritatively.

The theory's primary aim is to show interdependence of a system in such a way any dysfunction in one of the parts affects the whole. The political system was seen essentially as a system of converting inputs into authoritative decision. To arrive at authoritative decision, the system takes input, demand and support. Demands are claims on how values are allocated. Support according to him exists when the environment backs up the system or is favorable disposed to it.

Output emerges from the system in the form of authoritative decision and there is a process of feedback. Feedback is a process through which the system adopts its self to the environment by modifying its behavior and changing its interest structure. All these interactions culminate the system maintaining itself in equilibrium.

For the purpose of our study, therefore the major components are environment, input, conversion,

output and feedback. For the purpose of this, election process as a political system which converts inputs from the environment into authoritative decision. The demand input will mean the demand for adequate security during elections periods. The input of support is also taken to mean the dedication, devotion, commitment by the security agencies.

The feedback mechanism will be taken to mean the method through which the security agencies express their satisfaction or disenchantment with output produced. All these interactions culminate in the system maintaining itself in equilibrium.

Overview of Nigeria's Electoral Process

There are a lot of challenges with the conduct of elections in Nigeria from the 1922 election to the 2017 election. It has been documented that elections in Nigeria are constant tales of violence, fraud and misconception (Igbuzor, 2010:78). The challenges include among other things irregularities which out the credibility of the entire electoral process in doubt; problems with the legislative framework which puts constraints on the electoral process' several organizations are not playing their roles to ensure credible, free and fair election; the electoral system does not give room for inclusiveness; lack of independence of electoral commission; long process of election dispute resolution; irresponsible behavior by politicians and followers manifesting in thuggery and violence; lack of effective democratic institutions and monetization of politics (Igbuzor, 2010:345).

In order to address the challenges of election in Nigeria especially the 2007 election, the former President, Alhaji Umar Musa Yar' Adua set up a 22 member Electoral Reform Committee in August, 2007 to "examine the entire electoral process with to view to ensuring that we raise the quality and standard of our general elections and thereby deepen our democracy." The committee had the following terms of reference:

- Undertake a review of Nigeria's history with general elections and identify factors which affect the quality and credibility of the

election and their impact on the democratic process.

- Examine relevant provisions of the 1999 Constitution, the Electoral Act and other legislations that have bearing on the electoral process and assess their impact on the quality and credibility of general elections.

- Examine the roles of institutions, agencies and stakeholder in shaping and impacting on the quality and credibility of the electoral process. These should include Government, Electoral Commission, Security Agencies, Political Parties, Non-Governmental Organizations (NGOs), Media, the General Public and the International Community.

- Examine electoral systems relevant to Nigeria's experience and identify best practices that would impact positively on the quality and credibility of the nation's electoral process.

- Make general and specific recommendations (including but not limited to constitutional and legislative provisions and/or amendments) to ensure:

i. A truly independent Electoral Commission imbued with administrative and financial autonomy;

ii. An electoral process that would enable the conduct of elections to meet international standards; and

iii. Legal processes that would endure disputes are concluded before inauguration of newly elected officials.

- Mechanism to reduce post-election tensions including possibility of introducing the concept of proportional representation in the constitution of governments.

- Make any other recommendations deemed necessary by the committee.

The terms of reference of the committee is very elaborate covering many of the challenges facing the conduct of credible, free and fair elections in Nigeria. The committee received 1,466 memoranda, held public hearing in 12 states, two in each of the

six geo-political zones and eleven countries and the committee made no foreign trips. The Electoral Reform Committee presented its findings in six volumes. Volume one is the main report containing the executive summary and main recommendations. Volume two and three contained the memoranda received by the committee while volume four is the verbatim report and the appendices to the main report.

The report concluded that the 2007 election is the worst in the 58 year history of Nigeria's elections which also showed a progressive degeneration of outcomes. The report concluded that the Election Management Bodies (EMBs) are overburdened with too many responsibilities which have affected their performance. The report also pointed out that the legislative framework is inadequate to guarantee the conduct of free and fair election especially with regard to the appointment, membership, mandate and functioning of Election Management Bodies. The report identified some factors that are responsible for the poor electoral outcome in Nigeria including the mindset of Nigerians about elections, poverty, corruption, lack of good governance, electoral system, incumbency, military intervention, etc.

The report made a number of recommendations to address the identified problems including appointment of the Board of INEC by the National Judicial Council after advertisement and selection process, unbundling of INEC, independent candidacy, introduction of a mixed system of First-Past-The Post and proportional representation and amendment of the 1999 Constitution and the 2006 Electoral Act. The report suggested the appointment of the Board of INEC by the National Judicial Council (NJC) who should advertise all the positions spelling out requisite qualifications, receive application/nominations from the general public, shortlist three persons for each position and send the nomination to the National Council of State to select one from the shortlist and forward to the Senate for confirmation. The report recommended the unbundling of INEC and the establishment of an Electoral Offences Commission

(EOC), Political Parties Registration and Regulatory Commission (PPRRC), Constituency Delimitation Commission (DCD) and Center for Democratic Studies. The report attached three bills to amend the constitution, the electoral act and to create the Electoral Offences Commission (EOC). The report recommended for the amendment of the constitution and electoral laws to allow for independent candidate. The report prescribed that Nigeria should retain the First-Past-The-Post electoral system but should also inject a dose of proportional representation based on closed party lists, thus involving a mixed system. The report further recommended that 30 percent of existing legislative seats at the Council, State Houses of Assembly and the House of Representatives should be created and filled through a proportional representative system based on list by the political parties. The report recommended the Open Secret System of voting. It also recommended that election officials. (Nossiter, 2011:14).

To be able to implement the recommendations the report prescribed roles for the National Assembly, Executive, judiciary, INEC, political parties, security agencies, media, religious and traditional institutions, CSOs and international organizations. While receiving the report from the Electoral Reform Committee (ERC), the then President, Alhaji Umar Musa Yar'Adua committed to implementing the recommendations. He stated clearly: "our focus on the electoral reform is predicated on the belief that elections are the very heart of democracy hence they must not only be fair but they must also be seen to be so by our people and the rest of the world. We will carefully study and implement with the support of the National Assembly those recommendations that will guarantee popular participation, ensure fairness and justice, and bring credibility to the electoral process in Nigeria. It is our abiding belief that failure in instituting an acceptable process by which the representatives of the people are chosen will definitely resort in failure in the long run. For us to proceed in our effort, however, we need the buy in of all stakeholders: politicians, the media, civil society and indeed all Nigerians. Nurturing and

sustaining a credible electoral regime indeed entail the co-operation and magnanimity of a winner who can appreciate the burden of responsibility, and gallant losers who will gracefully accept defeat in the certainty of the process if the process is fair.

From inception, the administration has considered it a sacred mandate to institute deep and elaborate reforms that will lead to the restoration of the integrity of the electoral system in this country, and to ensure that future elections will meet minimum acceptable international standards" Nossiter, (2011:14). The Federal Government white paper on the Electoral Reform Committee was released in March, 2009. The Federal Government accepted many of the recommendations of the committee including unbundling of NEC, the open secret ballot system, display of voters list, announcement of result at the polling booth, independent candidacy, abolition of State Independent Electoral Commission, funding of NEC to be on first line charge on the consolidated revenue fund, politicians convicted of violence and thuggery to be banned for ten years.

But the Federal Government rejected the recommendation on the appointment of NEC Board and the creation of the three bodies by the National Judicial Council. The Government also rejected the recommendation that election petition should be disposed of before swearing in. President Goodluck Ebele Jonathan has included electoral reform as one of his top most priority. He sent the Justice Mohammed Uwais report unedited to the National Assembly and nominated a new Chairman for NEC (Prof. Attahiru/Jega) along with National Commissioners and Resident Electoral Commissioners that have been commended by a cross section of Nigerians to be people of integrity. The National Assembly has amended the Constitution through the First Amendment to the 1999 Constitution and enacted the 2010 electoral bill which has been signed into law by President Goodluck Jonathan (Nossiter, 2011:16).

While signing the Electoral Act 2010 into law, the President Goodluck Jonathan reiterated his commitment to guaranteeing the sanctity of the ballot and committed to doing all that is needed to guarantee free, fair and credible elections (Nossiter, 2011:15).

Roles of Security Agencies in Nigeria Election

A major goal of any civilized society is to ensure that law and order is maintained thereby guaranteeing the general security of the citizenry and ensuring public tranquility. Chapter II, Section 14 (2) of the Constitution of the Federal Republic of Nigeria, 1999 states, inter alia;

A. The security and welfare of the people shall be the primary purpose of government, and

B. The participation by the people in their government shall be ensured in accordance with the provisions of this Constitution.

In accordance with this Constitutional provision, the governments of Nigeria have the responsibility to cater for the security and welfare of Nigerians, and also to ensure that Nigerians freely participate in their governments. Tue basic form of such participation is the exercise of the right to vote. Therefore, any situation that obstructs any citizen from exercising his civic and constitutional rights to vote arid be voted for must be taken as a violation of his civic and Constitutional right to freedom of expression.

The government is supported in the pursuance of these constitutional position even by the Nigerian Police which owes its legal existence to Section 214 (1) of the 1999 Constitution which states; "there shall be a Police Force for Nigeria which shall be styled the Nigeria Police Force and subject to the provision of this Section, no other Police Force shall be established in the Federation or any part thereof." The statutory duties and functions of the Nigeria Police Force are clearly defined under Section 4 of the Police Act CAP 359, Laws of the Federation of Nigeria 1990. These duties are listed as;

i. The protection of life and property;

ii. The prevention and detection of crime;

iii. The apprehension of offenders;

iv. The preservation of law and order and

v.   The enforcement of all laws and regulations with which they are directly charged, as well as performance of such military duties within and without Nigeria as may be required of them.

Statutes on the Policing Of Electoral Process by the Police:

The instrument of power and authority of the Police to discharge its statutory functions including policing the electoral process are contained in the various statutes, such as the Nigeria Constitution, Police Act, Criminal and Penal Codes, Public Order Act, Electoral Act, Criminal Procedure Act or Code, etc.

As should be expected and like security problems relating to elections, the role of Security Forces in the electoral process can have many facets. In other words, it is a multiple and varied role. The intervention of Security Forces is necessary at all stages of the electoral process and concerns all key stakeholders as well as the major factors of the process.

That is why, to ensure the integrity of the electoral process, the security forces are responsible, at every stage of the process, for the protection of persons arid property, election materials, officials and institutions involved in the process. Security forces, besides ensuring the security of the electoral process at all stages, can also be involved, if need be, in the resolution of certain logistic problems.

In spite of their multiple and varied nature, tasks that may be entrusted to the security forces to ensure the security of the electoral process can be grouped into three categories. These are mainly static functions (for example, protection of buildings), dynamic functions (for example, security of transportation of election materials) and stand-by functions (i.e. stand-by forces that can be mobilized at any time, if need be).

Problems Encountered By Security Agencies in Nigeria Elections

Electoral violence disrupts the electoral process and creates dissent among the stake holders. When these crises are properly managed, these dissent are localized and do not adversely affect the stability of government. If not properly managed, electoral violence could in conjunction with other prevailing factors lead to anarchy and ultimately to political instability. Our experience in the recently concluded elections indicates that there is an unbridled flagrancy in the smuggling and use of arms and ammunition by political thugs and party supporters. The result has been that political opponents are either intimidated or out rightly killed or injured.

The implication of all these are that illegal arms get into the hands of unauthorized persons who used them for criminal activities. Resources which ordinarily would have been spent on developmental projects are spent combating such crimes or repairing damages caused by these hoodlums. Worse still the economic community are put on edge and many investors are scare away by the apparent lack of security for their investment. The foregoing is tantamount to a threat to our national security.

Electoral Violence:

In general terms, all forms of violence that emanates at any stage from differences in views, opinions and practices during the process of elections, could be regarded as electoral violence. Electoral violence is the employment of force by political parties or their supporters to intimidate opponents and threats to a democratic regime, and has often accounted for seizures of political power by the use of undemocratic means, such as force" In some instances, the violence was used to intimidate opponents in order to force them not to dare open and free expression of their choices of candidates; whilst in others, violence was in reaction to rigging of elections.

Ways of Enhancing the Effectiveness of Security Agencies in Nigeria Elections

Good security is crucial for a free, fair and competitive electoral process. Electoral staff generally needs a safe working environment to be able to optimally perform their duties. In the other hand candidates need to be able to move about the

country and to campaign freely, and voters need to be able to attend rallies and to vote without fear or intimidation.

Having good security enables the Electoral Management Body (EMB) to administer the elections according to their operational plans in a logical and well-thought out manner, rather than reacting to events. Good security enables the freedom of movement for EMB staff and candidates that is so necessary for a free and credible electoral process. It also enables the safe and timely movement of valuable electoral assets and sensitive electoral materials to registration and polling sites.

Good security, and an electoral climate without fear, can increase the participation of political parties, candidates and the voters. It also enables a more objective coverage of events by the media and easier circulation of voter education messages and materials. Good security also protects the integrity of the process and the accuracy of' the results. Systems and procedures designed with integrity mechanisms, including monitoring and tracking systems, are essential components. In general, good security requires:

- Good planning;
- An integrated approach to security issues;
- Coordinated effort of all actors and participants;
- Good systems and procedures;
- Adequate staff and funding; and
- Appropriate equipment.

As with the other steps of the process, security benefits from good planning. Strategic and comprehensive planning looks at the process as a whole, as well as breaking it down in to its individual parts. This includes looking at all levels of the process (national, regional, local), all aspects of the process (starting with the legal and institutional frameworks) and all actors (EMB, police, political parties, observers, etc). Good security entails a clear understanding of the division of responsibilities between the different actors and the development of a good coordination mechanism between them and the different levels of election administration (national, regional and local). It identifies vulnerable areas within the process and the physical sites that need protection, and the development of protective mechanisms that are then woven into a comprehensive election security plan.

Good systems and procedures are an essential part of good security. This includes management systems. One of the areas that can create problems for many EMBs, which is not often thought of as a potential security problem, is the payroll system. In some countries, issues over late pay have created serious problems, where unhappy registrars or poll workers have taken election materials hostage, rioted or actually worked to subvert the system. Knowing who is on the payroll, how much they will be paid, and the how and when of payment is a security imperative. Other management issues, such as not having enough staff or funding can also affect the physical security of the process.

Problems can also arise with inadequate or inappropriate equipment and materials. This issue goes back to the planning phases when the communications and systems were designed and the procurement plan was developed. The system adopted must be appropriate to the condition within the country (i.e. if there are mountains, will the radio system reach to the other side?) and reliable (can the radios be easily operated and maintained?). Ensuring that the EMB and law enforcement have good communications with all EMB offices and polling stations ensures that EMB instructions can reach all areas of the country, and that a polling station facing problems can immediately report them back to the EMB or police department.

The organization and conduct of credible elections demand adherence to principles and rights, which in practice, impose significant challenges for ensuring effective security, including:

- Transparency requires that the steps of an electoral process be well advertised to the public;
- Elections must be held in compliance with national laws that usually create immutable timeframes;

- Lack of freedom of speech and association can create a politically-charged atmosphere which may polarize communities;
- The institutions responsible for the administration and security of an election must fulfill their mandates impartially, and may be constrained by the need to avoid perceptions that they are favoring a particular political competitor;
- Inclusiveness requires that an election be a highly decentralized operation, with massive logistical requirements involving the recruitment of tens of thousands of temporary staff, and the operation of polling places and offices.

To operate effectively within these electoral requirements, security forces need to be guided by their own principles, including:

The Doctrine of Equitability and Rights

Participants in an election must be treated in an equitable manner by both security forces and electoral officials. Reasonable and proportionate responses to actions must be consistent, which cannot be influenced by arbitrary factors, such as, political affiliation. An election is a mechanism by which people are able to exercise their political, civil and human rights. Security protocols must consider and acknowledge these rights, as well as the heightened sensitivity and scrutiny to the respect for these rights that occur during an election period.

National Ownership

Elections are a sovereign process. However, in some circumstances such as in post-conflict or transitional elections, national security forces may need to be strengthened by international forces. To the degree permitted, the security of an election should fall within the ownership and control of a national authority to reflect sovereignty and avoid allegations of international interference. Advantageously, indigenous security forces are the most sensitive to their cultural practices and may therefore be better positioned to interpret and respond to emerging threats.

Strategy

Elections are normally planned 18 to 24 months before polling day and occur as a widely dispersed exercise requiring significant planning and preparatory activities. Security forces (police and/or military) rarely possess sufficient standing resources to secure an election, and simultaneously carry-out their regular duties. Integrated strategic planning by the electoral and security institutions is essential to priorities, allocate and coordinate necessary resources.

Non-Partisan and Impartiality

To be effective, security forces must avoid allegations of partisan bias. If security forces are found to behave in a partisan way, rather than defusing tensions they may heighten them and undermine their own function in the process. During the election period (especially during the campaign period), normal security actions may become the subject of analysis which evokes political dimensions. In politics in general, and in elections in particular, perception is as important as reality. As such, senior security managers must actively consider these political dimensions to preserve not only the reality, but the perception of impartiality.

Flexibility and Efficiency

Electoral processes can face late-stage amendments to accommodate emerging legal, operational or political conditions that arise. In the first instance, security planning should include a range of contingency plans and resources to ensure flexibility. Alternatively, clearly defined constraints on security capabilities and resources based on efficient planning should be available to inform decision makers on the range of options that are feasible to accommodate. The efficiency of these operations, both in delivering substantive security services and adjusting to changes, is an important indicator for the confidence of the electoral participants.

Transparency and Accountability

In security operations there is always a tension between operational security policies of 'need to

know' and the public interest. In an election period, disclosure policies are normally best weighted towards the public interest, recognizing the importance and value of transparency. In cases where it is necessary to protect information, extra accountability measures may be necessary to ensure post-event justifications. Transparency in this context also refers to enhancing consultative mechanisms with political groups, civil society and other organizations to ensure the role and functions of security forces are well understood in the process.

The best operational solution is rarely politically feasible, hence in many cases, the political dimensions of an election can create obstacles to otherwise seemingly simple security decisions. This feature of the electoral process highlights the potential frustrations that can arise between security and electoral officials.

Ultimately, an operational solution cannot be considered desirable if it does not address the necessary political conditions.

Conclusion and Recommendation

There are no doubt about the fact that security agencies have a great roles to play in electoral security in Nigeria, however attention must be given to the way in which this roles are being executed by the security agencies in an incomplete exercise. Furthermore effective collaboration between the various security agencies and the electoral body in the country, and the way they manage confidential information and security reports is critical to election success and management in Nigeria. We therefore recommend that:

A. Local and international monitoring bodies that investigate and reports cases of electoral conduct in Nigeria do not often cover the activities of security agencies. A legislation that will enable them monitor the activities of various security agencies during elections should be enacted.

B. Funding has always been a problem in election management and this is fundamental to credible election. Therefore government should provide adequate funding for INEC and to all securities agencies especially the police to insulate its personnel from corruption.

C. Where electronic devices are used in the electoral process the fidelity of such devices must be guaranteed by the electoral body by ensuring that their staffs are trained in the use of such devices ahead of election

D. Finally, sanction must be applied promptly whenever there is a security breach during elections to deter potential criminals.

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