

Government Responses to Electoral Violence in Nigeria: Issues and Prospects

Adedayo. O. Adefemi^{1*}, A.B. Oyekunle²

¹ Department of Public Administration, Faculty of Management and Commerce, University of Fort Hare, South Africa

² Department of Political Science, Faculty of Social Sciences/Obafemi Awolowo University, Ile-Ife, Nigeria

*Corresponding Author: dayoadelemi@gmail.com, +2347058321792

Available online at: www.isroset.org

Received 02/May/2018, Revised 06/May/2018, Accepted 27/May/2018, Online 31/May/2018

Abstract—This Paper appraised government responses to electoral violence and evaluated the effectiveness of the responses to electoral violence in Nigeria. It also identified ways of strengthening government responses to electoral violence in Nigeria. The study was conducted using both primary and secondary data. Primary data were sourced through the conduct of in-depth interviews with 21 respondents consisting of purposively selected members of the leading political parties, officials of the Independent National Electoral Commission (INEC), civil society organisations with interest in elections and security and academics. Using the old regional structure of the Nigerian Federation as a template Abuja the federal capital territory, Rivers and Oyo states were chosen as study areas. Data was analysed using both descriptive and content analysis method. Results showed that government responses to electoral violence have largely been setting up of panels and commissions to investigate direct and remote causes of electoral violence, militarisation of elections. Results also showed that government responses to electoral violence have been weak and largely ineffective due to weak legal and institutional frameworks to punish perpetrators of electoral violence. Results also suggested reform of existing laws and setting up of an electoral offences commission as ways of strengthening government responses to electoral violence.

Keywords—*Election, Government Responses, Violence, Democracy.*

I. INTRODUCTION

The complexity of modern states in terms of factors such as vast territory and population has made the practice of direct democracy quite infeasible and unrealistic in governing modern states, this has contributed to the rise and growth of representative democracy. Some of the major features and hallmarks of representative democracy include popular participation, supremacy of majority will but with respect for minority rights, constitution of government by popular choices through periodic election, competition for public office, freedom of press and association, incorruptible judiciary, respect for the rule of law, open and accountable government, and existence of competing political parties whose programmes and candidates provide alternatives for voters (Osumah and Ikelegbe, 2009).

The concept of election in representative democracy as practiced in most modern states which is the freedom to choose people into political offices is one of the unique factors that make representative democracy one of the most acceptable systems of government in the world. In the light of this Rose and Mossawir (1967) states that:

“Election is the heartbeat of democratic setting. Elections are among the most ubiquitous of contemporary political institutions and voting is the single act of political participation undertaken by a majority of adults in majority of nations in the world today.”

The electoral process is an important process that brings together various actors including individuals, groups and institutions who form the stakeholders; and these include the Government, represented by its agencies, Election Management Body (EMB), political parties and candidates, the electorate, the media and civil society organisations (CSOs) which is to ensure the integrity and acceptability of such elections. Hardly can elections be successful and credible without these groups and institutions cooperating and performing their roles (Awofeso and Odeyemi, 2016). This suggests that government as an important stakeholder in the electoral process has an important role to play as the onus of preventing and mitigating electoral violence and providing security for the electoral process falls within its area of responsibility. Electoral violence within a country undermines the democratic process and signals a

lack of strong political institutions. The perception that an election has not been free, fair and credible develops where there is fraud, violence and intimidation at any of the stages critical to the electoral process (Rajasingham, 2005).

There are evidences in literature that points out that electoral violence is not just a recent feature in the political landscape of the country but has been a feature of the country's electoral process since the colonial era (Alemika, 2011, Ugoh 2004, Nwolise 2007, Omotola 2007, Alabi 2009). This thirst for political power did not end with colonial rule as Nigeria has since independence been a hotbed of politics and has been known for various incidences of electoral violence in each of the previous democratic dispensations and since the return of the country to democratic rule in 1999 has been fraught with its own fair share of electoral violence. The government has also responded to these cases of electoral violence through different means and methods such as introduction of the military to provide security during election, (Aborisade, 2015) constituting of various panels and commissions of inquiry such as the Lemu Panel, Uwais commission and other similar bodies, various amendments to the electoral laws with a view to overcoming the scourge of electoral violence. However, the question that comes to mind is how effective have these responses been in curbing electoral violence? It is in the light of these developments that this study is considered compelling.

The paper is divided into the following sections: Section I contains the introduction while Section II examines the concept of electoral violence, Section III examines the history of electoral violence in Nigeria and various Government responses. Section IV contains the Methodology used while Section V contains the Findings. Section VI contains the conclusions and recommendations arising from the study.

II. CONCEPTUALIZING ELECTORAL VIOLENCE

Corsini (1999) defines violence as the "manifestation of hostility and rage through physical force directed against persons or property" Thus, emphasizing that violence could be targeted at individuals or inanimate things. In support of the above, scholars such as Hook (1934) points out that the employment of violence is mostly illegal.

When violence is used to achieve political gains in a political setting then it becomes political violence. Thus it can be said that when an act of violence is aimed and intended to affect the political process it qualifies as political violence. Anifowoshe (1982) vividly and succinctly describes political violence as:

The use or threat of physical act carried out by an individual or individuals within a political system against another individual or individuals, and/or property, with the intent to cause injury or death to persons and/or damage or destruction to

property; and whose objective, choice of targets or victims, surrounding circumstances, implementation, and effects have political significance, that is, tend to modify the behaviour of others in the existing arrangement of power that has some consequences for the political system.

Political violence that however arises mainly from the conduct of election with the intent of influencing the outcome of election can be described as electoral violence. Electoral violence therefore is a form of anomic participation in the political process (Elaigwu, 2006). In furtherance of this position, Ilufoye, Ogundiya and Baba (2005) see electoral violence is a limited aspect of political violence that is associated with the process of elections. They reason that forms of political violence occur before, during and after elections. The term electoral violence therefore can be construed to mean any act of violence perpetrated in the course of political activities, including pre, during and post-election periods, and may include any of the following acts: thuggery, use of force to disrupt political meetings or voting at polling stations, or use of dangerous weapons to intimidate voters and other electoral process, or to cause bodily harm or injury to any person connected with the electoral processes (cited in Ladan, 2006:50).

Fischer (2002) defines electoral violence as any random or organized act that seeks to determine, delay, or otherwise influence an electoral process through threat, verbal intimidation, hate speech, disinformation, physical assault, forced "protection," blackmail, destruction of property, or assassination. This definition has been modified by Megan Reif (2010) as cited in Majekodunmi, and Adejuwon, (2012) where electoral violence is defined as:

"...any spontaneous or organized act by candidates, party supporters, election authorities, voters, or any other actor that occurs during an electoral process, from the date of voter registration to the date of inauguration of a new government, that uses physical harm, intimidation, blackmail, verbal abuse, violent demonstrations, psychological manipulation, or other coercive tactics aimed at exploiting, disrupting, determining, hastening, delaying, reversing, or otherwise influencing an electoral process and its outcome."

International Foundation for Election Systems (2011) defines electoral violence as "any violence (harm) or threat of violence (harm) that is aimed at any person or property involved in the election process, or at disrupting any part of the electoral or political process during the election period.

While scholars are clear on what electoral violence is, (Nweke, 2005, Nnamdi-okafor, 2015) there is also agreement that the phenomenon of electoral violence is not limited to election-day violence alone as electoral violence spans the period before, during and after elections, there is no

agreement on the number of dimensions electoral violence can occur in. Ochoche (1997) states that abuse or electoral violence at any of the stages of election (pre-election period, election-day and post-election period) could either be structural or physical.

Electoral violence can undermine representation, build coercion and brutality into everyday political practice, shape regime- and state-building, and fuel insurgencies, local private armies, and security force politicization. Electoral violence poses difficult dilemmas for policy making (Staniland, 2013).

In most cases, electoral violence is targeted at electoral stakeholders such as voters, candidates, party agents, election workers, media and monitors; electoral information such as registration data, vote results, ballots; campaign materials, for example, vehicles and public address systems; electoral facilities such as polling and counting stations; and electoral events, including campaign rallies (Höglund, 2006). Electoral violence presents one of the gravest threats to many democratizing societies.

It is in light of the foregoing that Ogundiya (2003) defined electoral violence as:

...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 individual, groups or political party.

In Nigeria, like any other ailing democracy, the phenomenon of electoral violence is a device that is habitually employed by the political elites in their struggle for the distributive mechanism of the state apparatus.

III. SITUATING ELECTORAL VIOLENCE IN HISTORY

Between 1960 and 2011, Nigeria has conducted several general and regional elections and a survey of the political history of post-independence Nigeria shows that these elections were marred by electoral violence. The first and immediate post-independence electoral violence in Nigeria occurred during the 1964 general elections, which was the first election to be conducted after independence. The attendant violence, arson, looting, killing, wanton destruction of properties and the total collapse of public order especially in the western region, was unprecedented and led the then President Nnamdi Azikwe and the Inspector General Police, Mr. Louis Edet. Azikwe to condemn the way and manner the electioneering was conducted (Anifowose, 1972). This state of violence continued unabated until the eventual overthrow of the government by the military in 1966 which brought an abrupt end to Nigeria's first democratic experiment.

The elections that ushered in the second republic was conducted by the military government and was keenly

contested it was massively rigged by the political parties involved but serious violence did not take place due to the strong military presence. However, the second republic was brought to a sudden halt by a military coup majorly due to the way and manner the 1983/84 elections were handled as there were massive riots, lootings, killings and wanton destruction especially in the western part of the country where politicians wanted to get power at all cost. This military incursion led to the end of the second republic and a long period of military rule which culminated into the aborted third republic. Although, the elections during the third republic has been touted as one of the freest and fairest ever conducted in Nigeria, the inability of the military to relinquish power and handover to a democratically elected government by annulling the election, led to widespread riots and violence all over the country thus paving the way for a short-lived Interim National Government (ING) led by chief Ernest Shonekan. This led to a protracted military rule till 1999 when power was eventually handed over to a democratically elected government which signified the beginning of the fourth republic.

Although the fourth republic has enjoyed longevity than any of Nigeria's other previous democratic experiments and democratic consolidation seem to be taking hold and gaining more ground. Notable among the elections conducted during this period were the 2003 and 2007 general elections. The 2007 general elections launched the country into a more sophisticated cycle of violence with the statement of the then President Olusegun Obasanjo describing the elections as a "Do or Die" affair in the build-up to the election and the statement of the eventual winner of the election, late President Umaru Musa Yar'Adua that the elections that brought him to power were flawed.

The 2011 general elections on its own led to widespread post-election violence which mainly engulfed the northern part of the country which left about 938 people dead and 735 injured and was one of Nigeria's worst cases of post electoral violence (Lemu Panel Report, 2011). The 2015 general election though widely adjudged and assessed by observers to be one of the freest and fairest ever conducted by the country was not totally without electoral violence as there were pockets of violence during the elections. The Independent National Electoral Commission (INEC) records shows that there were 66 reported cases of electoral violence across the country targeted at polling units, the Commission's officials, voters and election materials. These were in Rivers State (16 incidents), Ondo (8), Cross River and Ebonyi (6 each), Akwa Ibom (5) Bayelsa (4), Lagos and Kaduna (3 each), Jigawa, Enugu, Ekiti and Osun (2 each), Katsina, Plateau, Kogi, Abia, Imo, Kano and Ogun (one each). (The Vanguard April 12, 2017).

It is worthwhile to note that panels such as the Uwais commission and 2011 Lemu panel were set up to investigate the causes of these electoral violence.

IV. METHODOLOGY

A total number of 21 respondents were drawn from Civil Society Organizations, Academicians, officials of the Independent National Electoral Commission (INEC), and selected members of the leading political parties in three locations which are Abuja, Oyo and Rivers States. The selection of the locations as study areas was purposive. They were drawn from each of the old regional structure of the Nigerian federation. The criterion for selection was based on the availability of institutions and organisations with interest in elections and security studies, records of violence in elections and geo-political spread. Due to the fact that the total population of the country cannot be reached, a sample was drawn from the population for the interview sessions. Method of collecting primary data for this study was through in-depth structured interview. The study also made use of relevant textbooks, journals, periodicals, newspapers, magazines, seminar papers, archives, government publications, documentary records, public lecture series, internet and other related materials. Data gathered from both primary and secondary sources were analysed using descriptive analysis.

V. FINDINGS

Based on the interviews conducted, it was established that government responses to electoral violence in Nigeria have been reactionary in the sense that government do not take proactive action against early warning signs before the election. Responses have been reactionary, poor, ineffective and limited. Gbenro (2010) submits that, since events do not happen in the society without early indicators or signs pointing to their likely consequences either of peace or violence, early warning and early response system could provide clue to relevant authorities on possible threats to peaceful conduct of election exercise and to forestall the eruption of violence. This is because like every other conflict, election-related conflicts usually do not occur in a vacuum but usually always give sign, notice, signal or indication of their occurrence. For instance, the early warning signs before the 2011 elections were ominous but relevant government agencies could not put measures in place to prevent the outbreak of violence during the election.

Also, as a build-up to the post 2007 General election violence in Jos, Plateau State, many women and children were seen travelling in groups out of Jos. It was also noticed that car dealers were moving their cars out of their shops to a location outside Jos. These were indicators/signals that violence was imminent and looming. Equally, young men were seen in group across communities in Minna, Niger State after the declaration of the 2011 presidential election result. Not long after that, the city witnessed one of its gruesome destruction in recent time, especially the destruction of properties and attack on the Youth Corpers' Lodge in Tunga Area, Minna, Niger State. In the foregoing

examples, if the necessary agencies had taken note of the warning signals, it is certain that the violence experienced in these places would not have occurred or would have been very minimal in effect.

Observations from the results in this study revealed that government responses is either weak or non-existent based on the absence of appropriate body to prosecute electoral offenders which has indeed hindered the effectiveness of the Electoral Act on prohibition of the use of violence during and after election. The study further revealed that, due to the culture of "do or die politics" in Nigeria, selective attitude of the ruling party to respond to violence orchestrated by them has further undermined the sincerity of the government to punish electoral offenders. But when the violence is against the government of the day they simply move in with the resources of the state to bring about order or some sort of reprisal attack. These are in support of the submission of the Uwais Commission (2008), Lemu Panel (2011).

More so, it was discovered that government response to electoral violence in Nigeria is very poor in the sense that there are no records of anyone who has ever gone to jail as a result of electoral violence. People commit and engage in it and walk away from justice, especially because the legal frame work for punishing electoral offenders, as stipulated in Section 98(2) of the 2006 Electoral Act, is not stringent enough and there has not been any deterrent to others who want to commit the same crime in future. To support this fact, since 1979 and even in the First Republic, there has never been a time where the incidence of electoral violence will not occur and never has there been a single case or situation where a perpetrator of electoral violence was prosecuted and convicted for electoral violence. As soon as the election is over no further action is taken against those arrested and that is the reason why the impunity continues. As the Lemu Panel appointed by the federal government was not established as a Judicial Commission of Enquiry, it did not have the authority or jurisdiction to identify or indict any individual or group of individuals.

In addition, respondents were of the view that the legal frame work for punishing electoral offenders, as stipulated in the section 98(2) of the 2006 Electoral Act, is not stringent. This to a large extent gives perpetrators the free will to commit electoral offences since the law that guide electoral offence is not severe. In this regard, Albert (2006) referring to Section 98(2) of the 2006 Electoral Act stipulates a maximum penalty fee of N50, 000 or imprisonment for a term of six months for an individual who contravenes its provisions on political violence. In the case of a political party, such party is liable, on conviction, to a fine of N250, 000 for the first offence and N500, 000 for any subsequent violation. Given the enormity of the damage that violence can unleash on the

electoral process, the penalty is too mild and should not be expected to serve as a serious deterrent to anyone.

Lastly, the study revealed that there is a limit to which the Governor of a state as chief security officer can mobilize the coercive agents of the state because of the central command system that the police and other security forces operates in Nigeria.

VI. CONCLUSION AND RECOMMENDATION

Government responses has been largely ineffective and reactionary and has failed to address the menace of electoral violence and the study has raised issues to be addressed to enhance free and fair elections.

The study made the following recommendations for effective management of the arising development;

Given the absence of institutional and legal solutions against electoral violence, it is bequeathed on the government to establish an independent electoral offences commission to curb the perpetrators of electoral violence in Nigeria. This can be achieved through empowerment of INEC to determine the members and composition of the electoral offences commission.

Based on the findings of this study that the legal frame work for punishing electoral offenders, as stipulated in the section 98(2) of the 2006 Electoral Act is not severe, it is therefore recommended that stringent punishment should be applied against electoral offenders to serve as a precaution against those who want to commit the same crime in future.

Another pre-requisite to ensure government effectiveness to electoral violence in Nigeria is to de-emphasize the excessive premium placed on political power. When politics becomes less lucrative, the desperation to capture power at all cost will reduce. This will help to guide against electoral violence in election.

Government should also endeavor to strengthen security organisations such as the police so as to ensure proper monitoring of elections and so as to provide adequate security during elections and as such follow the legal provisions highlighted within the framework of the constitution.

Lastly, since events do not happen in the society without early indicators or signs pointing to their likely consequences either of peace or violence, early warning and early response system could provide clue to relevant authorities on possible threats to peaceful conduct of election exercise and to forestall the eruption of violence.

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