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Strategic Approaches to Eliminate Electoral and Political Violence in Nigeria

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Abstract

Electoral and political violence represents one of the greatest challenges of many democratic societies. Electoral violence has become a feature of Nigeria's political landscape. The foundation of electoral violence in Nigeria has been attributed to social and political marginalization, poverty, unemployment and under-employment and other unbearable human problems which are built on intervening processes that connect to electoral violence which has direct relationship with arms proliferation. While some scholars argue that small arms are one direct cause of insecurity, others maintain that small arms are mere triggers or precipitating factors. There is a wide range of provisions of the criminal and civil law which could check electoral violence. This paper posits that the anomalies emanating from electoral violence can be check-mated if such punishments enumerated are dutifully applied to offenders irrespective of their class or creed. These will go a long way in restoring democratic fascination, free, fair and credible elections in our nations' polity. Furthermore the causes of electoral violence are traceable to political exclusion and economic deprivation. There is an urgent need for an intervention into the underlying causes of electoral and political violence in Nigerian politics in other for democracy to prevail.

Keywords: Election; Electoral Violence; Political Violence; Democracy.

1. Introduction

Elections in Nigeria and elsewhere are all about a competition on how leaders are elected, appointed, nominated, or imposed. The problems associated with electoral violence in Nigeria are not new. Rather what seems to be new is the diversity and pervasiveness of the dependence on it for canvassing for votes from electorates and winning elections.

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This has at the present, attracted significant attention both from the government, policymakers, the entire citizenry and the world at large. The concern here is on the effect and direct relationship this electoral violence has on the citizens and on our collective socio-economic development as an autonomous nation. This has been one of the major challenges facing Nigeria and indeed Africa in general over the years. The political economy of Nigeria which is embedded in absolute corruption provides a veritable ground for arms struggle during elections as every aspirant scrambles to win elections at all cost [1]. To him, the availability of arms makes the Nigerian soil a clear ground for uneven competition. Thus, the availability and trafficking of these weapons fuel communal conflict, political instability and pose a threat not only to National Security but also to sustainable development of which free and fair election is but a part. The availability of arms coupled with the scandalous nature of Nigerian Politics as seen in the political structure has been identified as the foundation of electoral violence in Nigeria.

While some scholars [2] argue that small arms are one direct cause of insecurity, others maintain that small arms are mere triggers or precipitating factors. Other scholars [3] have posited that social and political marginalization, poor human development, unemployment, under-employment and other debilitating human challenges have been acting as pull factors to electoral violence which has direct relationship with arms proliferation in Nigeria. These arms proliferation became more profound after the institutionalization of democratic regime in 1999 due to the fact that most political elites engaged themselves with its procurement to serve as weapons for electoral manipulations and intimidation of rival political opponents [4]. Electoral violence has over the years become part of the Nigerian political/electoral process as virtually every election conducted in Nigeria since 1993 has been violence-laden. Thus, electoral violence has become a feature of Nigeria's political landscape. Electoral violence manifests in three (3) stages of elections namely, pre-election, during election and post-election in variegated forms. This ranges from acts of assault, arson, ballot box snatching and stuffing to murder/assassination. This has claimed more than 11,000 lives in Nigeria between 1993-2006 [4].

2. Political Violence Versus Electoral Violence

The concepts of political and electoral violence which has over the years become part of our democratic dictum and narrative has been variously misused and misinterpreted. It is relevant that their meanings are conceptualized for a better application in any analysis where it is utilized, (though they have both areas of convergence and divergence). On the one hand, political violence is broader in spectrum than electoral violence which occurs in different kinds of political system that may not necessarily be democratic. For instance, Reference [5] rightly gives a concise definition of political violence as:

"The use of threat or physical act carried out by an individual or individuals within a political system against another individual or individuals and/or property. It may not take place during or after elections rather, it has no specific timing. Political violence going by the backdrops is more encompassing…."

Thus, political violence is carried out in a struggle for acquiring as well as sustaining the acquired power, while in some cases; political violence is associated with the process of election.

On the other hand, electoral violence represents one of the greatest challenges of many democratic societies. Electoral violence could be regarded as election-motivated crisis employed to alter, change or influence by force or coercion, the electoral behavior of voters or voting patterns or possibly reverse electoral decisions in favor of a particular individual, group or political party. It could be seen as any violence (harm) or threat that is aimed at any person or property involved in the electoral process, or at disputing any part of the electoral or political process during the election period [6]. Electoral violence could be before the election thus involving such activities that inflict any form of injury to the democratic system and its constituent, campaigns and actual voting. Such violence could also be a post-election phenomenon which comes consequent on the manipulation of election result, rejection of results and democratic transition i.e. from one leadership regime to another [7;8].

According to [1] there are different manifestations of electoral violence. They include murder, arson, abduction, assault, violent seizure and destruction of electoral materials. These acts are all perpetuated by individuals and groups with the intention of influencing the outcome of elections or deter elected officers from consolidating their positions after elections. Reference [9] in [1] concluded that electoral violence can be subsumed under political violence and only constitute but a part of political violence.

3. Causes of Electoral Violence in Nigeria

Several scholars [10;7;8] have all opined that the causes of election-related violence in Nigeria are as follows:

3.1 Poverty and Unemployment

Poverty is a state of being extremely poor. It is a situation whereby an individual cannot provide for himself all the basic necessities of life. Such a person is more likely to participate in violence than a rich person in line with the relative deprivation theory. This assertion aptly captures the physical, material as well as socio-economic situation in Nigeria where arrays of unemployed youths have become a ready tool for electoral violence.

3.2 Ineffectiveness of Security Forces/Culture of Impunity

The ineffectiveness of our security agencies over the years is another factor that has encouraged electoral violence. During the pre-electoral stage of 2003 elections for example, several politicians were murdered and till today the Police has not been able to get to the root of these killings. This failure paves way for the re-occurrence of such crimes. Many political analysts have argued that the centralization of the Police could be the cause of the laxity. This is because the Federal Government seems to tolerate their inefficiency as far as the Police carry out their bidding, which only favors the Federal Government, hence the clamor for State Police System.

3.3 Weak Penalties

The crime or penal code of a nation spells out crimes and penalties or punishment for violation of the code. Penalties or punishments have intended goals which are correction, retribution and deterrence. In Nigeria, there are no specific legislations against certain electoral offences only for associated acts like arson, assault and

murder.

The laws have no punishment for the snatching of electoral boxes from polling booths. This has become a common crime during elections in Nigeria which people seem to overlook afterwards. Moreover, the penalties for acts associated with electoral violence like assault and arson are generally weak…a few years imprisonment at most. Thus has contributed to the culture of impunity and underscores the need to review the extant laws on election [4].

3.4 Small Arms Proliferation

Another contributory factor to electoral violence is the proliferation of small arms in the country. There were over one million illegal arms reportedly in circulation in Nigeria as at 2004, [4] in [1]. These weapons are used to perpetuate violence, conflict and also create new cycles of violence and crime. The weapons also undermine the work of humanitarian and relief organizations and militate against sustainable development. Small arms threaten peace, sustainable development, democracy and human right if acquired and used illegally and these arms have fully found expressions negatively on our electoral processes and outcomes.

3.5 Weak Governance and Corruption

weak governance and corrupt practices are some of the causes of structural violence. Corruption hinders development, creates unemployment thereby making people desperate enough to seek out financial avenues through crime and violence just to survive. An average of 4 to 8 billion per year was reportedly lost to corruption between 1999 and 2007.

Corruption is closely linked to political violence in Nigeria because such stolen funds are used to pay for the services and weapons used for electoral violence as well as ‘buy the minds’ of the financially-constrained security agencies among other sharp corrupt practices.

It is pitiable that our political leaders and other government functionaries who lack moral rectitude are still saddled with the responsibility of pontificating in most electoral issues (which they are even complicit to), all because they control the finances of the state. Though the Economic and financial agencies saddled with such “Check mate” responsibilities have achieved a substantial success, a lot more need to be done to that direction.

It is notable here that the increasing trajectory of abuse of rule of law provides enabling ground for private security, militia and thugs to thrive because politics has become a war unlike what it used to be referred to ie, a process, game of luck or a democratic system of selection and transition.

In terms of thriving for political power, no ethnic group want to remain at the margin of political power till the next round of election. As a result, most ethnic groups either engage in private security or build their ethnic militia as a means to defend their interest [10]. The failure of the state to exercise its legitimate monopoly of the use of force in order to ensure political stability can equally lead to privatization of security where both the aggrieved, the marginalized and rebels in weak and fragile democracies are made to take up ownership of their

security [11].

Electoral security system is the whole gamut of security architecture involving election management institutions and processes, electoral legal instruments, security forces and civil society electoral monitoring bodies which are brought together to ensure credibility in the electoral security. Electoral security is the embodiment of processes as well as system of protecting electoral stakeholders such as voters' candidates, poll workers, media and observers, electoral facilities(polling stations and counting centers) and electoral events such as rallies and campaigns against death, damage or disruption of the electoral processes [12]. Due to the hunt for political votes and victory in election, politicians have been using the security network to subdue rival political parties/opponents, using the growing number of the unemployed youth to their advantage.

4. Legislation on electoral violence

Legislation is simply the act of enacting laws by government or its agencies. Electoral violence has been variously conceived as any act of violence perpetuated in the course of political activities including pre election, during and post election periods. Such acts include thuggery, use of physical force to disrupt voting at polling station and the use of dangerous weapons to intimidate voters, both election umpires.

Several legislations have been proposed by the legislative arm of government on what punishment should be most suitable for election offenders. This came as a long-borne reaction to the various election-related crises which is an indispensable part of our electoral process. The bill to punish election offenders with imprisonment not less than 20 years has passed the second reading. According to the broadcast, despite the overwhelming and lofty level of election matters in Nigeria, there is hope that in no distance time, the bill will be passed into law which is hoped to forestall a considerable aspect of our electoral issues. This is a welcome development though viewed by many as coming a bit late, yet it came at the heels of Nigerian's worst times in our "epileptic" march towards political emancipation of which free, fair and credible/less violent elections are but a part. It is a known fact that electoral violence can only thrive and be sustained by both the legal and illegal use of arms . This of course calls to mind two distinct facts such as: The role of the government security agencies in election duties; and the illegally acquired arms through our various porous borders compliment the lopsided roles of our biased security agencies which fuels crises at every turn of election [13].

Most ethnic and religious crises in Nigeria carries political undertones underpinning the fact that Nigeria is at the verge of dissolution as always demonstrated in our political process and outcome. The widespread use of arms at every election re-awakens longstanding tribal, ethnic and religious clashes. In the year 2017, the Buhari regime instituted a body saddled with the responsibility of finding a lasting solution to our election process, to review the electoral provision and create room for reform. This body chaired by Senator Ken Nnamani submitted their findings and recommendations to the president through the Attorney General of the Federation, Abubakar Malami on 3rd April, 2017 with several recommendations. One of the outstanding recommendations was for the President to establish a commission known as the 'Electoral Offences Commission' which has the responsibility of handling electoral offences and determining punishment for offenders as a sure way of cushioning/ameliorating the scourge of electoral violence in Nigeria.

5. Theoretical framework

Several sociological discourse on the theory of violent political behaviour that derive from electoral violence argues that such acts are centered on a number of theories such as frustration-aggression, aggressive cue, relative deprivation; rising expectation; systemic hypothesis; and group conflict theories [6]. This study adopted the Aggressive cue theory because the theory emphasizes that acts of aggression are predisposed by the existence of socially learnt cues or environmental situations, which makes engaging in aggression acceptable. The Nigerian environment is overflowing with social and political marginalization, poverty, unemployment and under-employment and other unbearable human problems which in turn can lead to violent response to some events or change in the environment. When there is no law and order in a society, violent and aggressive behavior may be viewed as one important type of failure to regulate behavior [14]. As sociologist we look at exhibited behavior in society as a learned behavior. Furthermore, when such violent is reinforced over time, it invariably becomes a norm or culture. Over time electoral violence has become almost a normal behavior to expect in every election in Nigeria. The free flow of small arms during the election period, coupled with the existing socio-economic relative deprivation experienced by citizenries, becomes a veritable ground for display of aggression. Barkowitz in [15] states that the initial impulsive reaction to negative situations in an environment is the first stage in aggression. This pattern is followed by anger, and hostility thoughts towards a system that they believe cannot be changed, thereby legitimizing violence in elections.

6. Dimensions or Categories of Electoral Violence

Physical Violence: This includes physical assault on individuals during campaign, elections and when results are released. Such forms of physical violence include but are not limited to:

- Assassination of political opponents
- Burning down of public or opponent's properties
- Shooting, killing of individuals
- Partisan harassment by securing agents, arrest, forceful dispersal of rallies
- Killing and hostage-taking, bombing of infrastructures
- Forceful disruption by thugs at political and campaign rallies
- Destruction of ballot boxes and papers from polling agents.
- Free for all fights.

Psychological Violence: Shoot on sight orders that breed fear in voters

- Terror inflicted by political assassinations which makes people scared to participate in politics or elections.
- Publications or broadcast of abusive, insulting or intimidating materials or advertorials
- Threat against and harassment by security agents of opponents of the ruling regime or party which create political apathy
- Threat to life through phone calls, text messages etc.

Structural Violence: Coercion of citizens by government to register or vote or be denied certain national facilities.

- Exclusionary acts and policies
- Unequal opportunities for political parties and candidates
- Deliberates changes in dates, venue or time of events to the advantage of others.
- Partisan delimitation of electoral constituencies and location of pooling stations/booths.
- Excessive fees for the collection of party nomination forms.
- Absence of free campaign
- Restraints imposed on voters
- Reliance on money and brute force instead of moral integrity and competence.
- Use of the incumbency factor to give undue advantage to some candidates
- Announcement of false or fraudulent results
- Lengthy delays in announcing election results
- Absence of adequate voting
- Discriminatory acts and policies
- Partisan behavior of police and other security agents
- Absence of electoral officers from polling booth at an appropriate time, (Culled from Nwolise 2007)

7. Analysis of Provisions and Legal Measures Against Electoral Violence/Electoral Offences

There is a wide range of provisions of the criminal and civil law which could check electoral violence [15]. The punishment for the offences of murder, manslaughter, grievous bodily harm and assault can always catch up with perpetrators of electoral violence in Nigeria. Several years of imprisonment can be involved against perpetrators of electoral violence. The Nigerian electoral act 2006 specifically has several provisions targeted against electoral violence. Section 97(5) of the acts provides that no political party or member of a political party shall retain, organize, train or equip any person or group of persons for the purpose of enabling them to be employed for use or display of physical force or coercion in promoting any political objective or interest in such a manner as to arouse reasonable apprehension that they are organized, trained or equipped for that purpose. By section 97 (6), no political party candidate or any person shall keep or use private security organization, vanguard or any other group or individual by whatever name for the purpose of providing security, assisting or aiding the political party or candidate in whatever manner during campaigns, rallies, processions or elections.

The punishments prescribed for contravention of the above subsections in the case of an individual is a fine of 500,000 or imprisonment for a term of six months [16].

By section 98 of the act, no candidate, person or group of persons shall directly or indirectly threaten anybody with the use of force or violence during any political campaign in order to compel that person or any other person to support a political party or candidate. Breach of this provision will attract a fine of ₦50,000 or imprisonment for a term of six months in the case of an individual or a fine ₦250,000 in the first instance and ₦ 500,000 for subsequent offence in the case of a political party.

Disorderly behavior at political meetings is an offence by Section 126 of the act. Any person who at a political meeting after the date of the election has been announced, acts or incites another to act in a disorderly manner for the purpose of preventing the transaction for which the meeting was convened, or has in his possession an offensive weapon or missiles, commits an office and is liable on conviction to a fine of ₦100,000 or imprisonment to a term of twelve months or both. It is also an offence under section 135 when done on an election day, to be in possession of any offensive weapon or wear any dress or have any facial decoration which in any event is calculated to intimidate voters or to snatch or destroy election materials. Punishment for these offences is 50,000 or imprisonment for six months [16].

Section 138 of the Nigerian Electoral Act prohibits undue influence. It provides as follows: A person who

(a) Directly or indirectly, by himself or by another person on his behalf, makes use or threatens to make use of any force, violence or restrain.
(b) Inflicts or threatens to inflict by himself or by any other person, any temporal or spiritual injury, damage, harm or loss on or against a person in order to induce or compel that person to vote or refrain from voting, or on account of such person having voted or refrained from voting, or
(c) By abduction, duress or a fraudulent device or contrivance impedes or prevents the free use of the vote by the voter or thereby compels, induces or prevails on a voter to give or refrain from giving his vote.
(d) By preventing any political aspirant from free use of the media, designated vehicles, mobilization of political support and campaign at an election, commits an offence of undue influence and is liable on conviction to a fine of 100,000 or imprisonment for three years.

Article 13 (1) of the African Charter on Human and people's rights (Ratification and Enforcement Act Cap 10 laws of the Federation, 1990) provides that every citizen shall have the right to participate freely in the government of his country, either directly or through freely-chosen representatives in accordance with provisions of the law. Electoral violence is a negation of this right.

Part Viii of the Act (Section 124-139) deals with electoral offences of which the police may be called upon to prosecute in the exercise of the powers under the police act. The part is covered with such offences in relation to registration, offences in request of nomination, disorderly behavior at political meetings, improper use of voters cards, improper use of vehicles, impersonation and voting when not qualified, dereliction of duty, bribing and conspiracy, voting by unregistered person, acting or inciting others to act in a disorderly manner during the conduct of an election and undue influence. The Act also prohibits the commission of any of the following acts on Election Day:

(a) Canvas for votes
(b) Solicit the vote of any voters
(c) Persuade any voter not to vote for any particular candidate
(d) Persuade the voter not to vote at the election
(e) Shout slogans concerning the election
(f) Be in possession of any offensive weapon or wear any dress or have any facial or other decorations

which in any event are calculated to intimidate voters.

(g) Exhibit, wear or tender any notice, symbol, photograph or party card referring to the election.
(h) Use any vehicle bearing the colour or symbol of a political party by any means whatsoever
(i) Loiter without lawful excuse after voting or being refused to vote
(j) Snatch or destroy any election materials
(k) Blare siren.

These anomalies emanating from electoral violence can be check-mated if such punishments enumerated above are dutifully applied to offenders irrespective of their class or creed. These will go a long way in restoring democratic fascination, free, fair and credible elections in our nations' polity.

8. Role of Law Enforcement Agencies in Combating Electoral Violence

In terms of arrest and detention during elections, it is noteworthy that everyone has the right to personal liberty and it is unlawful to subject any voter to arbitrary arrest and detention. However, if there are no other lawful means for law enforcement officials on electoral duty to check electoral offences as published by INEC, arrest and detention might be allowed under the following conditions:-

Any one who is arrested should be told the reason for arrest in a language that he or she understands.

- Anyone who is arrested should be charged to court within the constitutional stipulations.
- Anyone who is arrested has the right to remain silent or avoid answering questions until he consults a lawyer or any other person of his choice.
- The family of the arrested person shall be immediately informed of his arrest and place of detention
- Anyone who is arrested has a right to trial within a reasonable time or to release.
- No detainee shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment, or to any form of violence or threat.
- Juveniles shall be separated from adults and women from men in detention.
- Detainees have the right to contact with the outside world, to visit from family members and to communicate privately and in person with legal representative.
- Detainees shall be kept in humane facilities designed to preserve health and dignity, and shall be provided with adequate shelter, food, water, clothing, medical services, exercise and items of personal hygiene.
- A detainee shall not be compelled to confess or to otherwise incriminate himself or another person [16;2].

In an event of civil disorder,

(a) All measures they adopt for the restoration of order should respect human rights of order.
(b) Restoration of law and order during elections should be achieved without discrimination; control of civil disorder during elections should be solely for the purpose of securing respect for the rights and freedom of other voters and maintaining public order.

(c) No exceptions shall be allowed with regard to the rights to life and to freedom from torture in the control of civil disorder by law enforcement officials.

(d) Victims of human violations and abuse of power during elections should have access to mechanisms of justice and prompt redress, and be informed of their rights to seek redress, protection and to receive any necessary legal, material, medical and social assistance.

(e) Victims should be allowed to present their views and feelings on all matters where their personal interests are affected.

9. Recommendations

- Government agencies such as the National Orientation Agency (NOA) should be made to be functional in carrying out their responsibilities. Government can partner with the civil society in enlightening the citizenry on the need for violent free elections.
- The provisions of employment opportunities are highly recommended. Most people who are usually involved in electoral violence of all nature are unemployed/underemployed youths who the corrupt politicians see as the best for their bid. Unemployment renders a person hopeless and makes him a veritable and available tool for political machinations.
- The bill for the establishment of Electoral Offences Commission should be passed without delay. This will help in the speedy trial of electoral offenders to serve as deterrent to future violent actors.
- A review of the legal provisions for punishing electoral offenders is quite a farce. The fines are cheap and easily affordable. Thus, most politicians will end at nothing in the furtherance of violence since the fines are not quite expensive. The removal of fines and an increase in the prison terms remains a better option.
- The prompt removal of the "Immunity Clause" from the constitution and institution of a viable social security regime is highly recommended.
- There is an urgent need to decentralize the control of the police in order to enhance responsibility.
- The government should as a matter of urgency declare State of emergency on our porous borders and ensure that the armed security agencies are absolutely accountable for their firearms at all times. This will help in curbing the menace of arms proliferation which has its consequences on elections and political violence in Nigeria.
- The issue of **hate speech** and other comments that are liable to inspire violence in our politics must be discouraged with penalties equitable with the measures of the effect of such speeches and actions. It is violence- inspiring for a leader or anyone seeking political position to use such words as "If not me, no other person", if i fail, no one will go there or succeed". The government and indeed policy makers/law enforcement agents should look out for such persons for immediate prosecution.
- The electorates should be wary of those politicians who share monetary rewards as a way of canvassing for votes. This is what I call "cheapening of franchise and morality". We should not forget that when eventually they win elections, the primacy remains to "wrestle back" all they expended in the course of politicking and even more. Electorates should be educated on the need to vote for a candidate based on credibility considerations and not financial recklessness.
- Causes of electoral violence are traceable to political exclusion and economic deprivation in a situation

where there is no level playing ground or field among political parties. Therefore, the recommendations reached by the constitutional conference which gave provision for far-reaching and equitable development among ethnic boundaries must be implemented. This will foster better unity among people and devalue the idea of "Ethic dictatorship" as conceptually championed by [1].

- The various religious leaders should see it as their onus to inculcate the right political "vaccination" in their adherents. Religion should go and grow beyond teachings of salvation by delving into socio-political orientations.

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