

## ELECTORAL MALPRACTICES AND POST- ELECTORAL VIOLENCE A THREAT TO NIGERIA'S DEMOCRATIC CONSOLIDATION

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### ABSTRACT

In the contemporary world of today, the most accepted means of changing the government is through elections. History has shown that it is usually difficult to hold elections that are free and fair, therefore discourse on the appropriate electoral system for Nigeria has been put firmly on the national democratic agenda since 1999 with the restoration of civil politics. The sustained interest in the choice of electoral regime and the electoral process is better appreciated when juxtaposed with the fact that no election in Nigeria since 1959 has gone unchallenged. The nexus between free, fair and credible elections and good governance is so strong that any attempt to subvert the process often invokes the wrath of the people. It is on this basis that this paper critically examines the extent to which the electoral reform can be an instrument for eradication of post-electoral violence in Nigeria.

Keywords: Election, Electoral Process, Post-Election, Electoral Reform, Electoral Violence

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## Introduction

Nigerian electoral process and governance system largely rest on the logic and practices of organized criminal enterprises. Organised crime entrepreneurs employ secrecy, cooptation corruption and violence to promote and defend their interests and organisations. Nigerian political parties and politicians operate in very similar ways. Therefore, it is not surprising that violence, corruption and lack of transparency are embedded in the aims and strategies of Nigerian political parties and politicians.

Past elections in Nigeria were characterized by both psychological and physical violence. Generally, violence involves the threat or use of physical force with the intention of injuring, killing and intimidating another person. It also involves destruction of property with a view to inflicting emotional or psychological injury and economic loss on another person. One of the major benefits of democracy is that it inhibits collective violence by providing mechanisms for non-violent competition for power and resolution of conflicts. Observance of the rule of law and respect for the courts are, however, necessary if this benefit is to be realised. Where citizens and government officials ignore the rule of law or disobey court orders, anarchy and violence are precipitated.

Post-election violence is not a new phenomenon in the country. However, most incidences often tend to be localised, short-lived and restricted to polling centres and communities. But the incidences of large-scale post-election violence of 1963-65; 1983 and 2011 in Western Region, Oyo and Ondo States and in several Northern States respectively recorded large scale loss of lives and destruction of property. In this brief presentation, we examine the incidence and causes of post-election violence in the country and highlight the emerging trend and lessons.

### Significance of Elections as an Instrument of Power

Free and fair election is one of the cardinal pillars of democratic governance. Elections provide citizens with the opportunity of exercising their constitutionally imputed sovereignty over those responsible for the exercise of executive and legislative powers in the society. Through free and fair elections, citizens in a democratic society are able to vote for the political party

and politicians of their choice based on their coherently articulated policies.

The equality of citizens in a democratic society is given concrete expression and political significance through free, fair and credible elections based on 'one citizen one vote'.

Elections held in Nigeria since independence, were generally not free, fair and credible due to several factors. In general, past elections were, to varying degree, characterized by massive fraud, manipulations and violence.

### **Violence in the Nigerian Electoral Process**

Successive elections in Nigeria since the colonial period lacked the essential ingredients of democratic electoral process, which are transparency, fairness and freeness. Instead elections in the country were characterized by:

Violence during campaigns,

Polling and collation;

Rigging through the stuffing,

Snatching and destruction of ballot boxes and falsification of results.

Ineffective electoral dispute resolution mechanisms.

Manipulation of the decisions and activities at the various stages of electoral process by the governments and politicians;

Corruption of officials and electorates.

There are several stages of the electoral process where conflict and violence may erupt. The police need to establish an early warning system in order to develop effective proactive and containment procedures for preventing and managing conflicts at the following stages:

Display of voter register

Polling

Counting of vote

Declaration of results

Verdicts at tribunals

Delimitation of constituencies

Voter registration

Party primaries and nominations

Campaigns and rallies

**The previous elections violence in Nigeria, since independence, were generally characterised by:**

1. Abuse and manipulation of the security and law enforcement agencies by the incumbent government to disperse the rallies and campaigns of opponents under the guise of not securing approval or likelihood of breach of public peace
2. Psychological violence — inducing, manipulating and directing the security and law enforcement agencies to harass opponents through serial arrest and detention on the basis of false accusations with a view to demoralise, interrupt and disrupt the campaign activities of opponents.
3. Intimidation of opponents and voters in area of low support through partisan deployment of highly armed security and law enforcement agencies by incumbent government under the guise of preventing breakdown of law and order during election.
4. Disruptive behaviours, including use of weapons, to scare away supporters of opponents from registering during voter registration in order to undermine the strength of opposition during elections
5. Killing, harming and intimidating persons trying to vote during elections in order to destroy ballot boxes in areas where the perpetrators lack supporters or in order to snatch ballot boxes so as to stuff them with ballot papers illegally obtained and thumb-printed
6. Disruption of opponents' rallies and campaigns
7. Threats of violent attack against individual political opponents by politicians invoking power of incumbency as well as ethnic, religious and regional sentiments
8. Destruction of campaign billboards and posters of opponents
9. Manipulation of the decisions and activities at the various stages of electoral process by the governments and politicians;
10. Corrupt inducement of electorates;
11. Violence during voter registration, party primaries, campaigns, polling and collation of votes;
12. Rigging through the stuffing, snatching and destruction of ballot boxes and falsification of results;

- 13 Partiality and corruption by electoral and security officials;
- 14 Manipulation of electorates through the activation or mobilisation of ethnic, religious, regional and other primordial sentiments;
15. Ineffective electoral dispute resolution mechanisms resulting in the perpetuation of a culture of electoral fraud and violence. The police require pro-active plan for anticipating and handling these forms of conflict. Assassination of opponents
16. Disruption of voter registration in areas where the perpetrators lack political support

### **Causes of Electoral Political Violence in Nigeria**

Electoral violence refers to the use or threat of force against an opponent within the context of electoral competition for state power. It is inhibitive of democratic transition and consolidation. Acts of electoral violence include murder, arson, abduction, assault, rioting, violent seizure and destruction of electoral materials, and psychological intimidation. These forms of violence destroy the foundational elements of democracy — choice and consent, civic participation, accountability, rule of law and trust in state officials and institutions.

Electoral violence in the country is primarily due to the perception of politics and political office as investment and as an avenue for the acquisition of extraordinary wealth through corruption, which is otherwise not possible through any form of legitimate vocation and enterprise. As a result of this perception and reality, Nigerian politicians turn electioneering and elections into warfare in which violence and ethnic, religious and other forms of primordial sentiments and prejudices are employed. It is against this background that former President Olusegun Obasanjo counselled his party members to see the 2007 election as a do or die affair.

Violence has been a feature of the country's electoral process since the colonial era. But during the colonial rule, they were easily curtailed due to the nature and scope of participation, characteristics of the politicians and electorates and the nature of colonial domination. However after independence, electoral violence became intense as struggle for power among politicians intensified.

The sources of violence in the Nigerian electoral process have been discussed by several jurists and scholars. Justice Sowemimo in his judgment in the treasonable felony against Obafemi Awolowo and his 'accomplices' observed that:

“ On the evidence before me, it would appear that politics generally in Nigeria has been conducted with a certain amount of bitterness. It appears that a person belonging to a party becomes an enemy of another who belongs to a rival political party. Political parties are equivalent ... to, warring camps- elections are conducted with party thugs protecting the campaigners and this state of affairs has been described to have assume a pitch that no method would be spared, however, vindictive or extreme by any rival political party as against another in order to score over one or another” (cited in Anifowose 1982: 2-3).

Professor Billy Dudley, a Nigerian political scientist, observed that in Nigeria, "the shortest cut to affluence and influence is through politics. Politics means money and money means politics ... to be a member of the Government party means open avenue to Government patronage, contract deals and the like" (1961: 21).

### **The implications of this are as follows:**

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The logic and desire to belong to government party undermine the sustainability of viable opposition in the political system;

Instrumental use of violence by both ruling and opposition parties as instrument of retaining or capturing power at elections independently or in contempt of electoral choices of the citizens at the poll.

Prebendal politics, in which political office is sought primarily for the aggrandizement of self, family members, associates and cronies, tend to become a preoccupation of the vast majority of the politicians and electorates;

Patron-client relationship becomes entrenched in the polity and economy;

According to Billy Dudley, once the politicians recognize or know "the profitability of having power, the party (and the individual members) naturally uses the same governmental machinery to stay in power. The leadership becomes a self-recruiting oligarchy-and no self-recruiting oligarchy has been known to tolerate opposition to itself" (1965:24). In the circumstance, violence becomes instrument for seeking, gaining and retaining political power.

The nature of the Nigerian state and regimes contribute to endemic violence in the electoral process. According to Claude Ake (1996: 73):

"The state is in effect privatized. It remains an enormous force but no longer a public force, no longer a reassuring presence guaranteeing the rule of law but a formidable threat to all except the few who control it, actually encouraging lawlessness and with little capacity to mediate conflicts in society"

In the circumstance where the state is privatized, those in power will use violence and state repressive apparatuses to retain power. The people excluded from governance (especially in a society where politics is a license to oppress other citizens and to rob the public treasury with impunity) will resort to violence in their quest for office.

Nigerian political parties and politicians employ fraudulent and violent means. The Political Bureau reported that Nigerian politicians and parties rigged elections "in most



blatant fashion ... violence, corruption, arson, and brigandage were employed in the mad desire to win and retain power both in the regions and at the centre" (Report of the Political Bureau 1987: 25). The Constitution Drafting Committee (1976: v) observes the country's politics is primarily geared towards securing "opportunity to acquire wealth and prestige, to be able to distribute benefits in the form of jobs, contracts, scholarships, and gifts of money and so on to one's relatives and political allies".

Political electoral violence in the country can be attributed to the actions and inactions of several actors who are determined to secure or retain political power without (a) adhering to the rules of democratic competitive elections, and (b) consideration for the long-term negative effects of electoral fraud and violence on national integration, security and development.

**The main actors and actions that precipitate political electoral violence are:**

1. Politicians who deploy corrupt practices; fan ethnic, religious and regional sentiments; organise and arm political thugs
2. Politicians and incumbent executives who propagate the idea of 'politics and electoral victory as do or die affair'
3. Citizens and community members who employ primordial sentiments (ethnic, religious, regional and gender) to undermine free and fair choices of competent candidates to occupy political positions in accordance with democratic electoral principles, and
4. Incompetent, corrupt, corrupted and partial electoral officials
5. Incompetent, under-equipped, under-remunerated, corrupt, corrupted and partial security agencies
6. Security agencies and personnel which see themselves as properties of the ruling political parties and incumbent president and governors.
7. Law-makers who are unwilling to make laws that will promote credible elections because they are beneficiaries of legal loopholes and the weaknesses of the legal system and undemocratic control and command of the security and law enforcement agencies
8. Elected politicians in the executive organs of government who manipulate the electoral

laws, election management bodies and security agencies to subvert the free and fair elections;

9. Politicians and executives of the state who induce and coerce the legislators to prevent them from making laws for credible elections;

10. Politicians who coerce and corrupt delegates to party primaries to forestall free choice of candidates

11. State executives — presidents, governors and local council chairmen who abuse their power and incumbency privilege by threatening opposition with arrest and prosecution for treason — for alleged threat to national security and sovereignty

### **Overview of Election Violence in Nigeria**

Elections have been a source of violent political, ethnic, religious and communal conflicts in Nigeria since the late 1940s when limited elections were introduced. This problem deteriorated in the elections conducted immediately after independence in the 1960s. In the Western Region, violent political conflicts, popularly referred to as "operation wet e", were recorded from 1964 to 1965 following both federal and regional elections as well as rift between Chief Awolowo and Chief Akintola. There were also violent conflicts in parts of Northern Region, especially between supporters of the Northern People's Congress (NPC) and supporters of other parties, mainly the Northern Elements Progressive Union (NEPU) and Action Group.

The national election conducted in 1983 witnessed massive post-election violence following the declared landslide victory of the National Party of Nigeria (NPN) in Oyo and Ondo states considered to be stronghold of the Unity Party of Nigeria (UPN). Several persons lost their lives and large scale destruction of property was recorded. There is substantial similarity between the post-election violence recorded in 1983 and the post-election violence recorded after the presidential election on April 16, 2011 in which hundreds of people were reported killed and property worth billions of naira were destroyed or looted. The main difference between the 1983 and 2011 election violence was the ethnic and religious dimensions that were introduced at the latter stages of the 2011 post-presidential election riots. Notwithstanding, this difference, they both reflected an anger primarily targeted at

people considered as collaborators with the ruling national party to undermine local interests. Both cases also demonstrated the helplessness of the police in containing serious political violence due to lack and non-utilization of relevant intelligence and other forms of institutional weaknesses.

Elections since 1999 have been particularly characterised by instrumental use of violence. The Transition Monitoring Group (TMG) — a coalition of 170 NGOs in Nigeria - issued her final report on the 2003 elections under the title *Do votes Count?* The Report indicated that the votes of citizens in that election did not count as the elections were characterised by violence, corruption and fraud, including falsification of results. Similarly, the same Transition Monitoring Group entitled its final report on 2007 poll as *Elections Programmed to Fail* due to the monumental violence, corruption, fraud and manipulations that were observed by voters as well as foreign and national election monitors. The elections conducted in 1999, 2003 and especially 2007 were characterized by widespread malpractices such as violence, corruption and falsification of results. After the 2007 election, there was widespread disenchantment with the electoral process.

The elections held in 2003 and 2007 were preceded by widespread intra-party and inter-party violence that continued on the polling days. In a report released in 2004, the Human Rights Watch observed that:

Both Nigeria's federal and state elections in 2003 and local government elections 2004 were marred by serious incidents of violence, which left scores dead and many others injured. In April and May 2003, at least one hundred people were killed and many more injured. Majority of serious abuses were perpetrated by members or supporters of the ruling party, the people's Democratic Party (PDP). In a number of locations, elections simply did not take place as groups of armed thugs linked to political parties and candidates intimidated and threatened voters in order to falsify results. One year later, local government elections took place across Nigeria on March 27, 2004. These elections too were characterized by serious

violence and intimidation, as well as widespread fraud and rigging. There were reports of dozens of people killed before, during and after the local government elections.

Francis Febode Tabai, (JCA) in his lead judgment observed that there were: ‘’allegations of perpetration of violence either by PDP thugs in the presence of military and police personnel or by the military and police personnel themselves. There were instances of some violence in all the 14 states which elections were questioned in this petition from Enugu State we heard the case of how police Sgt. Anthony Abba, one of the six policemen attached to the ANPP Gubernatorial candidate was killed by some men amongst whom was Mike Onu a PDP Stalwart. Instances of such brutal killings either immediately before or on the 19/04/03 are numerous. These allegations were in most cases not controverted and the most tragic and disturbing aspect of the incidents is that these incidents either happened in the presence of policemen and soldiers or immediately reported to them. No arrests were made and no investigations. The scenario created from the various incidents was that some persons were, in the name of politics, licensed to destroy lives [and] properties. It is a serious dent to our claim to democracy and democratic ideals’’ (pp93-94 typewritten judgment of the Court of Appeal - CA/A/EP/3/2003).

Indeed, the election petition filed by Muhammadu Buhari, Chuba Okadigbo and the All Nigerian People's Party against Olusegun Obasanjo (Presidential candidate of the People's Democratic Party and 267 others (CA/A/EP/3/03) on May 20, 2003 contained numerous instances in which the security agencies were alleged to be involved in either inflicting violence on electorates or condoning same by thugs, most often loyal to the PDP. The petitioners provided details as to names of perpetrators and locations of incidence. Most graphic and tragic was the case involving soldiers and officers of the 6<sup>th</sup> Motorized Battalion, Ibagwa in Akwa Ibom State. The petitioner alleged that under financial inducement, the soldiers and officers of the Nigerian Army were deployed to several LGAs. The Petitioners provided the names of 35 soldiers, along with their service numbers, who were alleged to have participated in thumb-printing ballot papers and produced false results

The foregoing pattern and trend of violence in 2003 and 2007 partly explain the post-election

violence in April 2011. In particular, the absence of effective resolution of grievances in past presidential elections may be seen as a source of frustration-aggression exhibited during the post-presidential election in April 2011.

**Other factors to which the political violence of 2011 general elections may be attributed are:**

1. Structure and capacity of the Congress for Progressive Change (CPC)

The party was new and attracted large support based that it lacked capacity to manage. This problem was compounded by lack of support for the party by middle and upper class politicians, even in the Northern States, who were afraid that Buhari would send them to poisons for past corrupt practices. As a result, the support base of the party was largely the relatively unemployed, uneducated and underprivileged youth in many Northern States that were not given necessary political education and direction in a democratic election. The violence should not be attributed to CPC alone given internal crisis in the PDP due to the way it handled its primaries and nomination.

2. Discrepancy between the level of turn-out and elections results in the South-South and South-East Zones.

On the day of presidential election, media reported low turn-out in many states in the zones. However, the results declared a day later indicated extra-ordinary high turn-out of voters who also voted overwhelmingly for Jonathan and PDP. The discrepancy was viewed as evidence of massive rigging by supporters of opposition parties, especially in some Northern States. Incidentally, the pattern observed in 2011 election was not very different from patterns in 1999, 2003 and 2007. The two zones have a political culture of declaration of results that indicated nearly 100% voter turn-out, even when media and observers reports on the election days indicate otherwise.

3. Dubious arguments pertaining to zoning in the PDP.

Many supporters of Jonathan presidential ambition in and out of PDP denied the existence of zoning in PDP Constitution despite the contrary. It is significant that the same people resurrect zoning principle after the election.

4. Unprecedented activation and mobilization of ethnic, regional and religious boundaries and prejudices during the campaign.
5. Visit to powerful traditional rulers by southern politicians and state governors to canvass support for Jonathan portrayed the rulers as collaborators in what was considered as a plot to deny the North its right under the PDP zoning arrangement.

### **Conclusion and Recommendations on the Eradication of Post-Electoral Violence in Nigeria**

There are several ways that can be put in place to eradicate electoral violence. Some of them are as follows:

1. The mass media of communication - print and electronic - have important roles to play in enlightening the politicians and citizens, exposing miscreants — no matter how well or highly placed - who will not respect the laws of the land and the sovereignty of the citizens; set agendas for politicians and parties to address in their campaigns, and to enlighten the citizens to make good electoral choices, and to impartially report the activities of parties;
2. Culture of impunity that encourage electoral violence should be discouraged by scrupulous enforcement of laws prohibiting electoral violence and illegal arms trade, possession and use;
3. Electoral Offences Commission recommended by the Electoral Reform Committee (Uwais Committee) should be established and adequately funded, staffed and equipped for the purposes of effective apprehension, prosecution and trial of electoral offenders
4. The security and intelligence agencies, especially the NPF and the Nigeria Customs Service (NCS) should be adequately equipped with relevant equipment and appropriately staffed with competent and patriotic staff to combat illegal trafficking in arms
5. Political parties should evolve as instrument of democratic governance rather than servicing as an organised criminal enterprise used for seeking, gaining and retaining power in order to rob public treasury.
6. Electoral laws should meet the minimum requirements of the rule of law doctrine.
7. All participants, including government agencies and officials participating in or administering the electoral process must observe and respect the rule of law. To do

otherwise will encourage violence on the part of those who feel cheated;

8. Security agencies should be adequately equipped to enable them adopt measures for  
(a) preventing and controlling violence during political campaigns and elections; (b) safeguarding the security of electoral officers; materials, polling stations and documentation of results;
9. Police criminal intelligence and investigation capability is grossly inadequate and should be addressed. Contemporary crimes require evidence-led strategies, plans and operations. The Nigeria Police Force is extremely ill-prepared to curb contemporary crimes of terrorism, insurgency, organised and transborder crimes. Police training and deployment as well as procurement of services and facilities should take into consideration contemporary forms of security threats. Further, the Nigerian police need to introduce career long specialisation in criminal intelligence and investigation, patrols, etc. The current general duty paradigm is outdated.
10. Politicians should conduct their campaign on the basis of issues rather than attack on personalities or mobilisation of religious, ethnic and regional sentiments. Campaign should focus on the implementation of the critical national economic, political, social cultural, educational and health objectives in chapter 2 of the Constitution. The citizens want the parties and politicians to articulate their programmes in these areas and are not interested in the 'dance of shame' being staged across the country by some of the parties in the name of political campaign.
11. The civil society organisations should intensify their efforts in the area of civic education so that the citizens can understand the essence of elections, the values of democratic governance and practices, and to eschew ethnic and religious sentiments in voting and reactions to election results;
12. Party agents should be given training on their roles and responsibilities at the polling and counting centres;
13. The National Orientation Agency, which is the foremost agency of government for enlightenment, orientation, political education and mobilisation, should be more active in political, civic and voter education
14. Ethnic and religious leaders as well as politicians, including government officials should not make provocative and irresponsible statements that may evoke religious, ethnic and regional prejudices against other candidates and incite electoral violence.

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