

Electoral Security Management in Nigeria: on the Matter of Military Role

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Abstract

The study investigates the constitutionality involvement of military in electoral security management in Africa, using Nigeria as the case of assessment. The study explores the subject in four broad sub-themes, beginning with the conceptual discourse, military constitutionality and identification of electoral challenges in Nigeria, and an exploration of the way forward.

Keywords:

Electoral Security, Management, Military, Constitutionality, Role.

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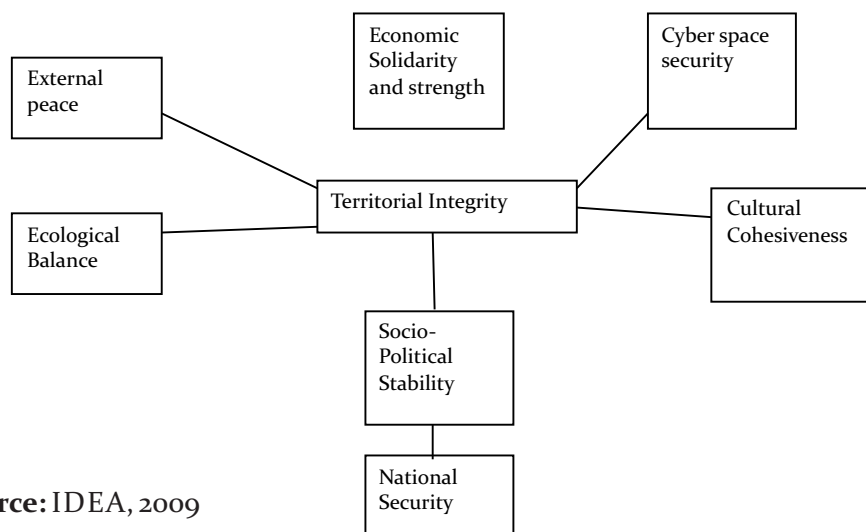
Background to the Study

The issue of electoral security has become desirous issue in most democratic states. In Africa thus, it is the state function to provide a democratic atmosphere to guarantee the safety of electoral personnel, infrastructures, the electorates and everything associated with electoral operation.

Karim (2006); Obasanjo (2002) and Adeoye (2011) posit that to guarantee a credible election, and to prevent electoral violence, security must be emphasised for the survival of every human being and ecological issues. Furtherly suggested grand strategy of electoral security by encapsulating the concept of citizenry; individuals' communities, ethnic groups to guarantee effective electoral security. The perspective of this paper is to examine the role of military in electoral security in Nigeria, as to examine the constitutionality of military role in electoral security in the Nigeria context. The study examined related literatures, constitutional status, challenges and the role of state independence electoral commission as relates to military involvement.

Conceptual Discourse

The term electoral security is probably the most used word in the political literature of democratic nation of the world. Karim and Adeoye (2012) conceived electoral security as the process of protecting electoral stakeholders, such as voters, candidates, poll workers, media and observers; electoral information such as vote results, registration data and campaign materials, electoral facilities such as polling stations, and counting centres and electoral events such as campaign rallies, against death, damage or disruption. Similarly, Brown (1983) aptly posits that electoral security has the same characteristics with national security; as the ability to preserve the nation's physical interplay and territory, to manage its economic relation with the rest of the world on reasonable terms to preserve its nature. The scholarly definitions affirm that electoral security is paramount to the sustainability of the political economy of the Nigerian state. The table further explains the basic characteristics between electoral security and National Security.



Source: IDEA, 2009

The History of Nigeria Military

Although as we have observed earlier there had grown a body known as the Nigerian Regiment yet it was on the 28th December, 1922 that an Ordinance constituting the Nigeria Regiment of the West African Frontier Force was promulgated. This was West African Frontier Force (Nigeria Regiment) Ordinance. This Ordinance made comprehensive provision for order, discipline, government, discharge and service conditions of military personnel and certainly would be regarded as the foundation of the subsequent legislation passed in Nigeria on military affairs. It is interesting to note that after Nigeria and the British Cameroons had for reasons of administrative convenience been amalgamated in pursuance of British Cameroons Administration Ordinance of 1925, it was however expressly provided "that natives of the British Cameroons shall not be recruited for the forces". But this provision was abrogated on 3rd March, 1927, whereby the provisions of the West African Frontier Force (Nigeria Regiment) Ordinance were made to apply to the British Cameroons. The reason for this relaxation would appear to follow from a liberal interpretation of Article 22 of the Covenant of the League of Nations which allowed the Mandatory to train natives of a territory in military services for police purposes or for the defence of the territory. On the 13th December, 1928, the West African Frontier Force of which the Nigerian Regiment constituted a component, was granted the prefix "Royal" by His Majesty, King George V, and this change to the Royal West African Frontier Force was given statutory force.

On 7th June, 1956, the Nigeria Regiment which formed part of the Royal West African Frontier Force came on board. The birth of Nigeria as an independent nation on 1st October, 1960, which preserved, the position and legal status of the crown as "Queen of Nigeria" in turn ushered in a new name of Royal Nigeria Military forces for the Nigerian Military Force. But with the introduction of the Nigeria Republican Constitution and its far-reaching legal consequence on the position of the queen who was no longer Queen of Nigeria but merely Head of the Commonwealth, the erstwhile office of the Governor-General of Nigeria as Her Majesty's representative in the Federation of Nigeria, was changed to President and Head of State of the Federation of Nigeria and the Commander-in-Chief of the Armed Forces of Nigeria. The Royal Nigerian Military Forces was thereafter designated the Nigerian Army.

Military Constitutionality

The involvement of military agency in electoral security is paramount. The security agency have the responsibility of preventing and controlling electoral violence, or maintenance of social order thereby contributing to make democratic sustainability.

Albert (2011) suggested that electoral sustainability require both adversarial methods and use of force by security agencies thus, the 1999 constitution of the Federal Republic of Nigeria and the various electoral Acts provide the participation of government through its security agencies as in the case of Nigeria military. Thus, Section 14(2) b of the Nigeria constitution (1999) fundamental objective and directive principles of state policy states that, the security and welfare of the people shall be the primary purpose of government. It is the responsibility of the military to protect and defend the territorial integrity of Nigeria from external aggression and to assist civil attacks in the maintenance of law and order through the military as in section 214 and 217 of the 1999 constitution of Federal Republic of Nigeria;

(as amended) provides for the establishment and maintenance of an army, Navy, Airforce and other security agencies for the purpose of defending Nigeria from external aggression maintaining its territorial integrity and securing its borders from violation on land, sea, or air, suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the president. But subject to such conditions as may be prescribed by an Act of the National Assembly.

Olloye (2014) posits that Nigeria National Defence policy squarely speaks volumes on the protection of Nigeria's interest, under the ability of the constitution. Its mandate includes the protection of Nigeria's sovereignty, citizens values, cultures interest, resources and territorial against external threats, provision of defence as well as strategic advice and information to government, promotion of security coerciveness, among Nigerians response to requests for support to civil authority, participation disaster management and humanitarian relief operations both at home and abroad, assistance to government agencies and levels of government in achieving natural goals, protection of Nigeria wherever they may reside, ensuring security and stability in the west Africa sub-region through collective security, participation in bilateral and multilateral operations and contributing to international peace and security. The 1999 constitution section 214 and 217 see security sector or agencies comprise the armed forces (the Army, Airforce, Navy), the police force, the intelligence service, state security service national intelligence agency, defence intelligence Agency, Nigeria immigration service, Nigeria customs service, Nigeria prisons service, National Drugs law and enforcement agency, federal road safety commission; federal fire service and Nigeria security and civil defence corps. It is obvious that the existence of military has relevance in electoral security. Table I and II explain state role and constitutional status of military involvement in electoral security.

Intelligence Service
 State Security Service (SSS) – Non Military Internal Intelligence
 National Intelligence Agency (NIA) –None Military External Intelligence
 Intelligence Defence Intelligence Agency DIA – Military Intelligence
 (National Security Agency Act. 2004)



Security Services
 Nigeria Police Force
 National Drug Law Enforcement Agency
 Nigeria Custom Service
 Nigeria Immigration Service
 Nigeria Security and Civil Defence Corps
 Federal Road Safety Corps.
 Economic and Financed Crime Commission
 Independent Corrupt Practices and other related Crime Commission
 Code of Conduct Bureau etc



Military
 Nigeria Arm
 Nigeria Navy
 Nigeria Airforce



Judiciary, All Tiers of Government, Traditional and Religious Bodies and Mass Media

Source: Adopted from procedure for the induction of Nigeria Army Troops into operation, February 2002.

Specific Tasks of ICCES Participating Agencies in Electoral Security

S/N	Agency	Specific Task
1.	Office of National Security Adviser	Contacts the Service Chiefs to assist INEC and get their buy-in for ICCs Increase security surveillance during registration/election. Coordinates the activities of ICCEs Monitors the performance of security agencies During voter registration and elections. Dissuades public officials from misusing security, Details attached to them for political end.
2.	Ministry of Police	Provides support to Police to perform their role Affairs during registration/election –vehicles, Communication, etc.
3.	Nigeria Police Force	Provides adequate personnel to man/keep order at polling units, registration area centres and other INEC facilities

4. Police Service
 - Monitors the registration/election process, particularly the performance of Police officers on election duties.
 - Train Police Officers on elections
 - * Develops a reward system for police as a template for monitoring activities of Police officers on election duties, including likely disciplinary and reward measures
5. Nigeria Army
 - Provides surveillance in the vicinities of Registration/election areas as determined by Engagement rules to be developed by ICCES
 - Assist in restricting movement during the registration/ election exercise.
 - Assists in protecting registration/election materials where Police and other agencies are not Able to do so.
 - Establishes as standby rapid deployment squads in all states in case of serious crisis
 - Assists in delivery of INEC materials where necessary.
 - Prepares to assist and evacuate civilians in the case of serious crisis
6. Nigeria Navy
 - Increase surveillance of Nigeria's seaports and continental shelf during the elections.
 - Assists in the deployment of INEC equipment and personnel where necessary.
 - Assists the Navy in restricting movement along waterways during the registration/election exercise
 - Assists in protecting registration/election Equipment/materials where Police and other agencies are not able to do so.
 - Establishes as standby rapid deployment squads in all states in case of serious crisis
 - Assists in delivery of INEC materials where necessary
 - Assists in retrieving INEC registration/election where necessary.
 - Prepares to assist and evacuate civilians in the case of serious crisis during registration/election.
7. Nigeria Air Force
 - Increases surveillance of Nigeria's airspace and airports during the elections
 - Assists in the deployment of INEC equipment and Personnel where necessary.
 - Assists in restricting movement during the registration/election exercise.
 - Assist in protecting registration/election materials where Police and other agencies are not able to do so
 - Established as standby rapid deployment squads in all states in case of serious crisis
 - Assists in delivery of INEC materials where necessary.
 - Assists in retrieving INEC registration/election where necessary.
 - Prepares to assist and evacuate civilians in the case of serious crisis.
8. State Security Service
 - Monitors the registration/election closely and alert INEC and other security agencies, especially in the framework of ICCES on security problems

Source: Jega, A.A. 2012.

Challenges of the Military on Electoral Security

Electoral security challenges are not restricted only to weapons and in experience of the military to avert any possible law and order but include political, social and economic challenges

- (a) Election management body involves single justice. Almost all of EMBS are found wanting in the discharge of their constitutional duties because they are all capable of been influenced by desperate politicians or party stalwarts. Adeghbayga (2014) posits that security operation being the most effective instrument of coercion in accomplishing the selfish ambition are brazenly implored or bribed. They are deployed to harass, intimidate arrest and physically terrorize opponent. Also, Usman (2009) posits that the brazen approach of these EMBS, and political opposition to electoral matters is a significant cause of electoral security challenges.
- (b) Non-cooperation of the politicians. As a major challenge politicians see politics as a big business. Where they invest a little and reap huge profits after winning election. In an attempt to win election position, politician and then cohorts try to violate electoral procedures and also induce electoral officials, law enforcement agents and other influential stakeholders with financial and material gift in a bit to subvert the electoral security process.
- (c) Involvement of security agents in fraud to manipulate the electoral process unfairly that causes a major challenge to electoral security.
- (d) The media has been source of electoral security challenge. Isola (2010), the media are the causative instrument for electoral violence that have caused electoral security challenges. Most media houses refuse to cooperate with security agencies before announcing election results. At times, they indulge in campaign of calumny, mudslinging, defamation or slander of those targeted for.
- (e) Proliferation of small arms and light weapon has encouraged a culture of violence especially electoral security Usman (2009) posits that their arms and weapons are stock filled and employed to perpetrate a challenge to electoral security.
- (f) Weak nature of democratic governance is a major challenge to electoral security. Mato (2014) posits that democratic nature or governance is generating despair instead of hopes, is deficits. Instead of dividends, militarization, instead of civility, dictatorship, instead of rule of law political selection, instead of election forced candidature, and instead security insecurity. The highlight of challenges that the nature of democratic governance poses to electoral security includes election malpractice, electoral and political violence, politicization and manipulation of social and identity based cleavages and faults lives in effective management of divisions and conflicts.

Enhancement of Electoral Security

There are several approaches to be adopted in strengthening the military in electoral security in Nigeria; section 4 of the National security agencies Act, Cap No. 74 of the laws of the Federal Republic of Nigeria allows the president to appoint a coordinator for national security and charged with the responsibility of advisory the president on matters concerning intelligence activities, caretaking and relating reports to national security or electoral

security, organising and posting of staff as in Nigeria security organisation Act; 1976 repeated by section 7(1) of the Act. As well, making recommendations to strengthen the activities of agencies to ensure efficient discharge of duties by appointing security national adviser purely on the merit example than political patronage or consideration.

Also, military personnel would be reformed from any form of intimidation or violation that will truncate electoral procedures. It is evident that military personnel violate section 45 of the constitution that deprived any form of derogation for section 34 of the constitution dealing with inhuman and degrading treatment other than those provided in section 34 of 1999 constitution. This means that no person shall be subjected to torture or inhuman and degrading treatment during periods covered by section 305 of 1999 constitution of Federal Republic of Nigeria (FGN) Okeye (2014) buttressed that the responsibility of military or other security agencies in this respect is to make sure that fundamental malate of law and civilian is not committed. It means that the citizen must encourage the state to enforce security that it requires antithetical to the rights of suspects and detainees. Article 2, of the code of conduct for law enforcement official clearly state that in performance of their duty law enforcement official shall respect and protect human depravity and maintain and uphold human rights of all persons. But article 3 of the code also provides the law enforcement officials which may be compelled to use force only when strictly necessary and to the extent required performance of their duty. It means the use of force as to enhance military involvement in electoral security that must conform to proportionality, legality, accountability and necessity principle.

Jega (2012) posits on mechanism in sustaining the role of military in electoral security posits that collective security requirement establishes any inter-agency consultative committee by the Independent Electoral Commission (INEC) for effective electoral security management.

1. Office of the National Security Adviser (NSA)
2. Police Service Commission (PSC)
3. Nigeria Airforce (NA)
4. Nigeria Army (NA)
5. Nigeria Navy (NN)
6. Nigeria Police (NP)
7. National Intelligence Agency (NIA)
8. Nigeria Immigration Service (NIS)
9. Nigeria Prison Service (NPS)
10. Nigeria Custom Service (NCS)
11. Ministry of Police Affair (MPA)
12. State Security Service (SSS)
13. National Drug Law Enforcement Agency (NDLEA)
14. Federal Road Safety Commission (FRSC)
15. Nigeria Security and Civil Defence Corps (NSCDC)
16. National Youth Service Corps (NYSC)

Source: Jega, A.M (2013)

Conclusion

Finally, in order to sustain electoral security, amendment should respect the rule of law, parliamentary and judicial interventions and to encourage civil-military relations in achieving the state philosophical objectives of electoral security.

Recommendations

Based on the analysis in relation to strengthening the cardinal objectives of electoral security, This study recommends that:

- (a) Government should create mass public education and enlightenment on the tenets of democracy and best practices and standards. People must be made to know how to exercise their democratic franchise and to prepare to vote out dictators and enthrone democratic governance as well defend it. There should be continuous requirement of defence policy to accommodate the present reality, especially electoral security, crime rates, internal displacement and all manner of electoral violence should be handled.
- (b) Ethical practice by media should be free to uphold the fundamental objective contained in Article 22 of the 1999 constitution of the Federal Republic of Nigeria by providing objective analysis to enable the citizens to secure adequate understanding and background events especially on issues that reflects electoral security.
- (c) Measures should be taken to ensure proper maintenance of effective Armed forces, ensuring the resilience of critical infrastructure, proper management of intelligence report and using counter intelligence service or security service to protect the national from internal threats.
- (d) Inter-agency security service platform should be strengthened through regular meetings, sport activities, symposia, lectures and other simulation exercises, involving all those who have a role to play in electoral or national security.
- (e) Section 156(1) (a) of the 1999 constitution should be amended, that appointment of electoral commissioners must be based on qualification. It means, appointment of members should be party members, as party membership is a major criterion for being elected into the House of Representative. This section should be amended to allow credibility in the appointment of electoral commissioners.
- (f) Ethical codes of conduct Article 2 for law enforcement officials should be maintained. It states that law enforcement officials shall respect and protect human dignity, maintain and uphold the human right of all persons. Article 3, employed the use of force tenet conform to proportionality, legality, accountability and necessity and exclude the use of fire arm against children.

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