

AN INTERROGATION OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) AND SECURITY CHALLENGES IN THE CONDUCT OF 2019 AND 2023 PRESIDENTIAL ELECTIONS IN NIGERIA.

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ABSTRACT

The conduct of general elections in Nigeria is a fundamental function of Independent National Electoral Commission (INEC). But, for the successful conduct of every election, the Commission requires the provision of adequate security by security agencies for Electoral officials, materials needed for the election as well as the electorates during and after elections. These have made the security agencies an indispensable body for the conduct of free, fair and credible election in Nigeria and in most other democratic countries in Africa. However, with the application of the qualitative method of gathering data and analysis, this work discovers that the attitude and disposition of some security agents assigned for electoral duties in Nigeria have continue to pose a threat to successful conduct of free, fair and credible election in Nigeria as witnessed in the presidential elections of 2019 and 2023. For instance, this paper establishes the fact that some of these security agents while on electoral duties fail to take directives from INEC officials, lack coordination between security agents on electoral duties and their respective hierarchy and there were hardly any punishment for these infringements by necessary authorities. In view of these shortcomings on the part of security agents in elections management, the paper suggests that all security agents assigned for election duties should take order from INEC officials assigned for such purpose; suggests a synergy between election agents on election duties and their hierarchies and also proposes that there should be punishments for security officials who connived with politicians for election frauds.

Keywords: Electoral Commission, Security Agents, Presidential election, credible election.

INTRODUCTION

The fundamental function of every Election Management Body (EMB) is to conduct free, fair and credible election in a country whenever the need arises. The body is expected to put in place all necessary procedures (such as delimitation of the constituency, registration of voters, printing and distribution of ballot paper, provision of ballot box, recruitment of electoral officers and fixing the date of elections, etc) that promote and guarantee credible elections. In Nigeria, the Independent National Electoral Commission (INEC) carries out the above major functions, but these cannot be successfully carried out without the assistance and cooperation of security agents assigned for such purpose. Therefore, the successful conducts of credible elections by INEC require the cooperation and support of security agencies.

According to Jega (2013) security is indispensable to the conduct of free, fair and credible elections. From the provision of basic security to voters at political party rallies and campaigns to ensuring that result forms are protected, the whole electoral process is circumscribed by security considerations. As a result, provision of security remains an indispensable and strategic need for the conduct of election in most countries in Africa, especially in Nigeria.

Since Nigeria returned to democratic governance in 1999, seven general elections have been conducted by INEC and in each of these general elections, the roles of security agencies remain a major challenge to the development of democracy in the country. Adequate security enhances the movement of officials and materials before, during and after elections and also provides conducive environment to enable voters to cast their votes during elections. However, in the conduct of every election since Nigeria returned to democracy in 1999 after prolong military rule, the activities of the security agents during general elections in most parts of the country are not mostly positive. Some Security agents have been accused of aiding and abetting electoral malpractice, while some others overlook electoral malpractices whenever they occur (Avosetinyen: 2023).

It is on the basis of these challenges that this paper examines the roles of security agents in the conduct of 2019 and 2023 presidential elections and its impact on INEC in course of conducting free, fair and credible elections and

also suggests solutions to address these challenges. In order to achieve these objectives the paper is divided into two sections including the role of security agencies in the conduct of election in Nigeria, security agencies and the conduct of 2019 and 2023 presidential elections and then the conclusion.

THE ROLES OF SECURITY AGENCIES IN THE CONDUCT OF ELECTION IN NIGERIA

The roles of security agents are paramount to the success of every election in Nigeria. It is on the basis of this that Security is indispensable for free and fair elections globally and especially in most countries on the continent of Africa. It remains one of the major determinants of credible electoral process across the world. Over the years, the role of security agents in the conduct of elections in Nigeria attested to the fact that it is difficult to have free and fair elections without the commitment and involvement of the security agencies (Avosetinyen: 2023).

Furtherance to this is the responsibilities of security agencies as clearly outlined in the INEC 2011 manual for elections which is to ensure that the conduct of the poll, collation and declaration of results are carried out without any disturbance or threat to peace. To achieve these, the security agents shall:

1. Provide security at the Polling Stations and collation centres to ensure that polling, counting of ballot papers, collation and declaration of results are conducted without breach of peace.
2. Take necessary measures to prevent violence or any activity that can threaten or disrupt elections.
3. Comply with any lawful directive issued by or under the authority of INEC”.
4. “Ensure safety and security of all election materials by escorting and guarding the materials as appropriate.
5. Protect elections officials at the polling stations and collation centres.
6. Arrest, on the instruction of the Presiding Officer or other INEC officials, any person(s) causing any disturbance or preventing the smooth conduct of proceedings at the polling stations and collation centres.
7. At the polling station, inform the Presiding Officer if they believe that any voter is under the age of 18years or has committed an offence of impersonation.
8. On the instruction of the Presiding Officer, stand at the end of queue of voters at the polling station, if any, at the official close of accreditation so that any person entering the polling station after this time is not allowed to vote.
9. Accompany the Presiding Officer to deliver the election results, ballot boxes and other election materials safety to the Ward Collation Centre. (INEC: 2011)

In order to implement these aforementioned responsibilities nationwide, INEC in its wisdom established Inter Agency Consultative Committee on Election Security (ICCES) in the 36 states and Federal Capital Territory (FCT). A Joint State Election Security Committee comprises of state Resident Electoral Commissioner (including Administrative Secretary, Head of Operations, Department and Public Affairs Officer) different security agencies, which include the Police, Army, Navy, Department of State Security (DSS), the Air Force and officers of paramilitary such as Civil Defence Corps, Correctional Services, National Drug Law Enforcement Agency (NDLEA) etc. to plan and coordinate matters relating to security of elections. The State Commissioner of Police chairs the Committee and at the Local Government level, the structure is replicated and the Divisional Police Officer (DPO) serves as the head of the committee (Igini:2013).

The State Joint Security Committee conducts the following activities;

- Ensuring that all security personnel are in the right places and therefore, avoid role conflicts at all registration centres or polling stations.
- Mapping out areas where elections would be conducted in order to determine flashpoint, violent prone youth places, polarized political group communities.
- Review confidence building measure for the public, and where necessary show the availability of potential force and in appropriate cases ensure low visibility of force and diminished threat.
- Tracking of persons granted arms licences for possible illegal arms acquisition and distribution to individuals.
- Intelligent gathering of activities of key political actors and supporters and guiding rules of disclosure to actionable agencies.
- Suitability of voting booth and the approach route for delivery of material and equipment.
- Risk sensitive analysis/vulnerability analysis.
- Mobility of security personnel and accessibility of relevant stakeholders (Igini:2013).

In addition to above, Part VII of the 2010 Electoral Act enumerated electoral offences which the security agencies especially the police are expected to enforce. These offences are in two categories. The first category is concerned with the pre-election offences which are destruction or forging of nomination papers, obstruction of registration of voters, disorderly behaviour at political meetings, improper use of voters' cards, dereliction of duty, improper use of vehicles, bribery and corruption. The second category relates to offences that are committed during election which include impersonation and voting by unqualified persons, voting by unregistered person, wrongful voting and false statements, disorderly conduct at elections, violating secrecy in voting, corruption and threatening. Section 129 of the Act expressly prohibits certain activities within a distance of 300

meters to a polling station on the day of an election. These activities include:

- (a) Soliciting for votes;
- (b) Canvassing for votes;
- (c) Persuading any voter not to vote for any particular candidates;
- (d) Shouting slogans concerning elections;
- (e) Persuading any voter not to vote at the elections;
- (f) Being in possession of any offensive weapon or wear any dress or have any facial or other decoration which in any event is calculated to intimidate voters;
- (g) Exhibiting, wearing or tendering any notice, symbol, photograph or party card referring to the election;
- (h) Using of any vehicle bearing the color or symbol, photograph or party card referring to the election;
- (i) Loitering without lawful excuse after voting or being refused to vote;
- (j) Snatching or destroying any election materials;
- (k) Blaring siren;
- (l) Holding or attending public meetings during the hours of poll;
- (m) Wearing or carrying any badge, poster, banner, flag or symbol relating to a political party or to the election;
- (n) Inciting people to act in a disorderly manner during elections; and
- (o) Possession of a ballot paper without authority when not voting.

Furthermore, the police and other security agencies perform sundry duties as contained in the Police Service Commission Guidelines issued in 2003 for the conduct of Police Officers on Electoral Duty in Nigeria. This is to guide and regulate the powers of the police on duty during election. The Guidelines include the following six functions which are:

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1. Safeguarding the security of lives and property of the citizens during campaign and voting, so that citizens will not feel unsafe on account of holding, associating with or expressing a political opinion;
2. Ensuring the safety of electoral officers before, during and after elections;
3. Providing security for candidates during campaigns and elections;
4. Ensuring and preserving a free, fair, safe and lawful atmosphere for campaigning by all parties and candidates without discrimination;
5. Maintaining peaceful conditions, law and order around the polling and counting centres; and
6. Providing security for electoral officials at voting and counting centres and ensuring the security of election materials at voting and counting centres and during their transportation thereto. It is the duty of the police to ensure that election materials are not stolen, hijacked, destroyed or fraudulently altered by any group or person.

From the functions and expected responsibilities of the security agencies before and during elections, security agencies are expected to discharge their duties without fear or favour during elections.

SECURITY AGENCIES AND THE CONDUCT OF 2019 AND 2023 PRESIDENTIAL ELECTIONS

The role of security agencies in the 2019 general election was more partisan compare to previous election before it. The deployment of security agencies to some states especially the military was frowned at because their presence intimidated the electorates. This also contributed to low voter`s turnout during the election (Ohukosi, 2019). The evident are clear as can be noted, out of the 72 million people that registered for the 2019 general elections; it was only 35.6% that voted in the presidential election. The turnout was lower compared with the 44% that was recorded in 2015 (Nkwede e`tal 2020).

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Also, there were reports in which the security agencies connived with some politicians to rigged election in favour of the ruling party. One of the 2019 election observers Integrity Friends for Truth and Peace Initiative (TIFPI) in their preliminary reports on the elections observed that there were alleged involvement and interference by the military and other security men in elections in Kano, Kogi, Kaduna, Zamfara, Akwa-Ibom, Rivers, Edo,

Imo, Ogun and Lagos states. According to the reports, some politicians deployed their personal security attaché to disrupt elections in various fronts. It was also noted by the observer's group that there were the use of fake soldiers and infiltration of some of the security formations. Therefore, they suggested that the military authorities should investigate and bring to justice any of its men that may have interfered in the election in any of these states (Oyeyipo & Oluku, 2019; Okechukwu et al, 2019).

Similarly, the Civil Society Situation Room noted that there was military involvement in the elections outside of the limits allowed by law. Section 29 (3) of the 2015 Electoral Act specifically states when the military can be involved in election which is basically on the request by INEC and only for the purpose of securing the distribution and delivery of election materials and protection of election officials. However, in the 2019 general elections troops were deployed nationwide during the elections without recourse or clear coordination with INEC and the ripple effects was the over zealousness of the military to even arrested INEC officials on duty in Rivers state. According to Olorok (2019), even the electoral umpire, the Independent National Electoral Commission (INEC) admitted that soldiers were used to intimidate and unlawfully arrest its staff during the 2019 gubernatorial election in Rivers state. It disclosed that: "collation centres were invaded by some soldiers and armed gang resulting in the intimidation and unlawful arrest of election officials, thereby disrupting the collation process (Okechukwu et al 2019).

The above act infringed and questions the autonomy of INEC and openly shows that the Commission has no control of the security agencies as envisaged during elections and the act of arresting INEC staff by security officers deployed for the purpose of election infringed on the autonomy of the Commission and thereby confirmed that the Commission does not have autonomy on the security agents during elections.

The ill treatment and intimidation of INEC officials were also displayed by security agencies towards an INEC Commissioner Prof Okechukwu Ibeanu, where it was reported that his car was broken into and his laptop, tablet and vital official documents were carted away in the present of security agents attached to the Electoral Commission (Nigeria Civil Society Situation Room, 2019). If such ill treatment was given to INEC National Commissioner, it is an indication that INEC was not in control of security agencies during the election neither did they received order from INEC officials as expected during election. It portends further that INEC autonomy on the security agents during elections does not arise and how possible will INEC conduct free, fair and credible election without adequate security in place?

Furthermore, President Muhammadu Buhari gave shoot and kill order to ballot box snatchers during the election and this also fueled the militarization of the general elections. The militarization of the general elections was also echoed by a member of the House of Representative Hon. Patrick Asadu representing Nsukka/Igbo-Eze South Federal Constituency of Enugu State, who expressed his disappointment at the floor of the House, the level of involvement of security agencies in the election. In his presentation, he alleged that the Army Chief directed commanders and soldiers on how to operate during elections without any recourse to the relevant laws or the National Assembly and as an evidence referred to a ThisDay Newspaper article of January 20, 2019, where the Chief of Army Staff, Gen. Tukur Yusuf Buratai, was quoted to have said that Nigerian Army cannot disobey any order given by the president, when President Muhammadu Buhari gave the shoot-to-kill ballot box snatchers order (Oyeyipo & Oluku, 2019)

Table 1 Activities of Security Agencies During the Conduct of 2019 General Elections

Location	Incident	Source
Akwa-Ibom	"The military ordered the observers, some party agents and electorates out of collation centres for the sole aim of falsification of results in favour of a preferred candidate"	Onuegbu (2019)
Rivers	INEC acknowledged that some soldiers and armed gangs invaded collation centres that resulted to the intimidation and unlawful arrest of election officials thereby disrupted the collation process	Onuoha, e'tal (2020)
Imo	"INEC National Commissioner car was broken into and his laptop, tablet and vital official documents were carted away in the present of security agents attached to the Electoral Commission"	Nigeria Civil Society Situation Room, (2019)
Cross Rivers	"The military ordered the observer, some party agents and electorates out of collation centres for the sole aim of falsification of results in favour of a preferred candidate".	Onuegbu (2019)
Rivers	"Soldiers masterminded the outbreak of violence that claimed several lives during the elections in the state"	Ebonugwo & Kumolu, (2019)

Source: Authors' Compilation, 2024

Furthermore, the misconducts by security personnel were reported in several States of the country such as Rivers, Delta, Kano and Bayelsa that undermined their claim of neutrality (Kalu, 2020). The security personnel inability in some parts of Lagos, Bayelsa, Edo, Rivers and Akwa Ibom States to suppress intimidation of voters, incidents of violence, ballot box snatching and their eventual destruction was inexcusable in many cases. Reports from Situation Room partners show that security personnel were indicted in the delayed delivery of ballot materials in States such as Imo and Abia (Nigeria Civil Society Situation Room, 2019).

It is worthy to note that during the presidential election, all the security agencies who were federal government beneficiaries including media companies owned by federal government worked for their benefactors, thereby undermining the chances of the opposition. Some of the security agents were agents of manipulations and rigging of results which were displayed through some of the crude and dastardly actions of the soldiers during the election which were showed on the national television networks, where the soldiers swooped on cameraman from different media houses, seized their gadgets and even beat up the owners. The military indeed created a lot of fear among Nigerians during the elections as if the nation was at war (Nkwede e`tal, 2020, Arinze e`tal 2021).

The military involvement and other security agencies in the presidential election led to the death of 35 people in Rivers State and other states as indicated in the table below:

Table 2 Military and other Security Agencies involvement in the Presidential Election that led to the death of 35 people in Rivers State and other states

Location	Incident	Source
Presidential/National Assembly Election	35 death	Civil Liberty Organisation (CLO)
Abonema Rivers State	Two soldiers killed	
INEC office in Bori Rivers State	Soldiers beat up party agents	Ebuzor(2019)
Umudo/Umuwala area of Owerri	----- -----	Ebuzor(2019)
In Ajaokuta, Kabba/Bunu, Olamaboro, Ijumu	“Thugs, assisted by soldiers invaded polling units and Carted away ballot materials”	Ebuzor(2019)
INEC Office at Aba Road Port Harcourt	“Soldiers allegedly invaded the office during gubernatorial election”.	Ebonugwo & Kumolu(2019)

Presidential/National Assembly Election/Governorship and House of Assembly Election	“58 people killed with Rivers State accounting for 30 of the deaths”	Nigeria Civil Society Situation Room
Katsina State	“20people were abducted including INEC staff by Unknown thugs	Centre For Democracy and Development
Mile 2 Area of Lagos	“A Centre for democracy and Development observer was arrested by soldiers”	Centre For Democracy and Development

The 2023 general election was the seventh consecutive general election when Nigeria returned to democratic government in 1999 and the first general election conducted under the 2022 Electoral Act signed into law by the former President Muhammadu Buhari. The election was unique with the introduction and deployment of technology in a way that was never used before in the history of election in Nigeria. The technology involved three critical components which include Bimodal Voter Accreditation System (BVAS) for both accreditation of voters and e-transmission of results for collation; INEC voter enrolment device (IVED); and the INEC results viewing (IReV) portal that grant the public the access to view real-time results from polling units were transmitted. Despite these laudable innovations the election remains one of the most controversial elections in the history of general elections in Nigeria. According to Uhere (2023) the 2023 Presidential Election in Nigeria was supposed to mark another milestone in the country's democratic journey, the credibility of the election was called into question when the Independent National Electoral Commission (INEC) sabotaged the process by intentionally obstructing the transparent transmission and uploading of election results, thereby sparking outrage among citizens and casting doubts on the legitimacy of the electoral process. During the election, the system allegedly experienced critical failures and disruptions, leading to widespread suspicions of sabotage. Incidents of network outages, system glitches, and delays in transmitting

results were reported, and raised concerns about INEC's commitment to ensuring a smooth and transparent electoral process (Eghobamien, Igenegbai and Owoade, 2023).

Aside from the above alleged sabotage, the role of security agencies during the election question the integrity of most of these officials assigned with the responsibilities of providing security during elections. There were many instances where security officials connived with politicians to rigged election in favour of ruling party as witnessed in the 2023 presidential election. According to Adichie (2023) there were reports of violence including shooting at a polling unit emerged alongside political operatives stealing. Some law enforcement officers appeared to collude in intimidating voters. In Lagos, a policeman stood idly by as an APC spokesman threatened members of a particular ethnic group he believed would vote for the opposition (Thisday Newspaper 26th February, 2023).

More so, there was deployment of hired thugs by some politicians backed with the support of the police, military and other security agents to intimidate, kill and drive away voters who were not in support of their party or held different political opinion. For instance, in Akwa Ibom State, Mr. Abraham Bassey was killed by a team of police officers from the Government House in Uyo, led by Senior Police Officer Danjuma Saleh, for choosing to vote for an opposition party. It was further reported that the Governor personally carried a firearm, emboldening his party supporters to commit serious electoral crimes, including stealing electoral materials and results from polling units to inflate figures in favour of the ruling party with the support of security agents (Ayuk, *et al* 2023). Similar experience was also witnessed in Lagos state where one Mrs Jenifer Efedu was stabbed on the face by thugs who disrupted the voting process in Aguda Surulere area of the state. The political thugs were armed and went about snatching ballot boxes, attacking voters and preventing those suspected to be opponents from voting (Daily Trust, March 29, 2023).

Furthermore, the sharing of money to prospective voters by major political parties were openly done unhindered by the security officials at the polling units as witnessed in Akwa-Ibom state where PDP agents reportedly

disbursed approximately N1.3 million per polling unit across the 4,353 units in the state and \$5,000 to each ward across the 329 wards in the state as part of their strategy to buy votes. These nefarious activities occurred at the presence of security agencies who either stood idly by or, in some cases, actively participated in the fraudulent activities (Ayuk, *et al* 2023). It should be noted that some people were arrested by the police in connection with the fraudulent activities as noted by George (2023) that 26 people were arrested with locally made ammunition and drugs by the police and were released as a result of pressure from the ruling party. The violence activities also occurred in most major cities across the states within the country with impunity. These states include Lagos, Kaduna, Kano, Akwa-Ibom, Kogi, Rivers, Cross Rivers, Zamfara and Katsina (Ayuk, *et al* 2023).

Table 3 Activities of Security Agencies During the Conduct of 2023 General Elections

Location	Incident	Source
Akwa-Ibom	Mr. Abraham Bassey was killed by a team of police officers from the Government House in Uyo, for choosing to vote for an opposition party	Ayuk, e`tal (2023)
Edo	On February 25, ballot boxes and voting materials were snatched by political thugs at a polling unit in Oredo, Edo State while the security agents look away	Nwokike e`tal (2023)
Lagos	voting was disrupted in polling units around Surulere, Ikate, and Ajah after thugs attacked the area and warned the voters who were not willing to vote for a particular presidential candidate to vacate the polling units while policemen looked away.	Ayobolu, (2024)
Plateau State	Thugs disrupted the result collation process at the Plateau North Senatorial District's collation center.	Nwokike e`tal (2023)
Kogi State	In Okene LGA, Kogi State, a PDP agent was killed by thugs suspected to be APC members.	Nwokike e`tal (2023)

Source: Compilation by Authors

The trend of intimidation and killings aided by security agents coupled with rigging of the elections across the country were more pronounced in the 2019 presidential election than the 2023 presidential election. However, most scholars refer to the 2023 general election as most controversial in the history of election in Nigeria. According to Anthonia (2023), the 2023 general elections may have earned the title of the most controversial in Nigeria's history.

CONCLUSION AND RECOMMENDATIONS

The roles of security agencies have become a major challenge in the conduct of elections in Nigeria despite efforts made by the INEC through Inter- Agency Consultative Committee on Elections Security (ICCES) to ensure adequate coordination and deployment of security officers to appropriate polling units and security of the election materials movement from one place to the other. The movement of election materials across Nigeria are done with little supervision. However, the hallmark of the challenges in these two elections were mostly during these elections where in most cases security officers on election duty failed to take order from INEC officials and some also connived with politicians to rig elections as witnessed in Rivers, Kogi, Akwa-Ibom and other states across the country. As expected in Nigeria, the control of security officers during the election ought to be strictly carried out by the INEC for the purpose of election, but reverse is the case as were obtainable during the 2019 and 2023. It is worthy to note that the President appoints all superior officers that head each of the security agencies such as Army Navy, Airforce, Police, State Security Service (SSS) and others. There is high tendency that security personnel tilt towards where the President interest lies and this will continue to pose a challenge because security officers will always wish to protect the interest of the presidency.

Unfortunately, the roles and responsibilities of security agencies for the conduct of election cannot be overemphasised. In a situation where security agents failed to take instruction from INEC officials in a polling unit during election remains a big challenge to the conduct of free, fair and credible election and undermines the autonomy of the election umpire and such trend also does not guarantee security of INEC officials as expected during elections. There were instances where security agencies invaded collation centres and unlawfully arrested INEC officials in some states during election (**Okechukwu *et al*, 2019**)

As we have repeatedly stated, security agencies role is paramount to the success of every election in Nigeria and most parts of Africa. The success of every election in the country is determined by the attitude and positions of the security agents especially the police and the armed forces. It has however been established with cross countries experiences that most security agencies in some of the African countries connived with the politicians and remain unconcerned when rigging of election is taking place and these trends have contributed to high level of violence witnessed during most elections. These anomalies have affected the credibility of most general elections in Nigeria. And the expectation is that the control of security agencies during elections should be largely under the control of the INEC officials, but reverse is the case in Nigeria where security agents takes final order from their superior officers or their preferable politicians during the elections. Such trend and attitude of these security agencies does not guaranteed the independence of the Commission as electoral umpire during elections.

In view of the objectives of this work as explained under previous sections, we suggest the following:

(1) The control of all security agents assigned for election duty should largely directly be under the INEC official assigned for such purpose. Any security official that failed to take order from INEC officials when necessary on election duty should be penalised.

(2) Apart from Inter-Agency Consultative Committee on Election Security, there should be a collaboration between the security agencies at top echelons and the re-orientation of the security officers assigned for election duties on the need to recognise and take order from electoral officers detailed for such purposes rather than conniving with politicians or await their superiors order

before taking action as experienced in previous elections across Nigeria. This process will go a long way to reduce the level of partisanship of security agencies during elections in Nigeria.

(3) More so, security officials who connive with politicians or other agencies in order to commit election fraud, or remain passive when fraudulent activities are committed during elections should be prosecuted. This will go a long way to reduce the rate of aiding and abetting of electoral fraud by security officials on elections duties.

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