

Enhancing the Effectiveness of the Nigerian Security Agencies Before, During and After Elections in Nigeria - The Way out

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Introduction

Providing security for Nigerian Especially during Elections and Electioneering matters is a very Herculean task that is as old as the history of Electoral conflict in Nigeria. It will still remain the most uphill task as far as Policing without the Public order Act is in vogue. Consequent upon this, a lot need to be done before we can overcome this in Nigeria.

Security system reform is an integral and important aspect of electoral reform especially for countries undergoing transition like Nigeria. Although democracy has been adjudge to be the system of Government that allows for respect for the fundamental rights of citizens as constitutionally guaranteed, the situation in Nigeria if properly diagnose indicates that for now there is no democracy in practice.

The common defining property of democracy is that it is an electoral contest and context in which political parties compete for the votes of citizens at regular intervals, therefore for the election to be able to produce a legitimate government, citizens must be able to participate in the system both as voters and candidates for offices without fear otherwise anything outside this means the whole system has been programmed to fail and who want that?

The security of both lives and property including the votes must be guaranteed these have made the system of democratic Government to received popularity worldwide amongst people and nations. This generally accepted governance system has been defined without beating about the bush as Government of the people, by the people and for the people. But this definition is not true as far as Policing is Concern in the Nigerian Context.

The reason is that Nigeria is yet to imbibe the culture of democratic policing within its operational ability of its National Security.

What Is Democratic Policing?

Democratic policing is a system of policing arrangement which allows for active citizens participation in the determination of policing priorities within their cultural sensibilities. It is a modern way of organizing security and public safety in line with equity fairness and justice without declaring already existing informal policing structures anachronistic.

The effectiveness of Policing a Democracy is based on an increasingly recognizable implementation framework that allows for a balance approach across the whole security sector accordingly, the focus on police reform derives from the fact that it is the institution charged with the delivery of public security. This context often forces the institution to face the need to reform, whilst having to deal with the immediate problem of local policing, as well as the multiplication of trans-national threats.

Therefore making the Nigeria Security Agencies especially the Police to be effective in its duties especially during elections and other elections related activities such as Voters Registration, Rally, Voters' Mobilization and Sensitizations on the Prevention of Electoral Violence, Campaigns etc is a task that must be done within the context of National Security that has a high premium for democratic Policing and with due regards to its core values.

Core Values of Democratic Policing

Democratic Policing is a philosophy to guide police management styles, policies, strategies and operational performance. It is practices within the following key principles

- Relies upon active partnership between the citizens (community) and the Police
- Ensure hat the Security Agencies view their primary role as the provision of quality service to the community.
- Entails that the police adopt a problem solving approach to their work
- Requires that the Police and the National Security and Civil Defence involve the community in the determination of policing priorities

Having this in mind, democratic policing therefore embraces the following values

- ✓ Respect for and protection of human rights
- ✓ Transparency and openness in relation to activities and relationship within and outside the security organizations
- ✓ Demonstrable commitment at all times to deliver the best possible service
- ✓ Willingness to seek, listen to and act upon public opinion relating to policing priorities
- ✓ Accountability, where the security agencies are properly answerable for what they do, and citizens with a genuine sense of grievances against the them have an effective means of redress

Presently policing in Nigeria is claiming to practice Democratic policing otherwise called Community Policing but the concept of community policing is highly misconstrue because there has not been a complete shift from the already existence policing paradigm that can be said to be free from egregious brutality that was the trade mark of Providing Security for the People during the “JACK BOOT “days.

This misconception has made even Senior Security Officers to rather view Democratic Policing (Community Policing) as a philosophy and value system against which policing objectives and performance are measured they look at it as a department within the Organization.

Also the military mindset which the organization has associated itself with for the past years has make it a point for them to always buttress that Community Policing or Democratic Policing is soft on crime. This is because the organization has been noted for a very long years and time to be highly associated with Torture, extrajudicial killings, accidental discharge which victims are given what ever names to answer while in death as in the case of Apo Six so that the perpetrator can be able to escape justice and other forms of anti democratic practices such as refusing a woman to surety for bail on the ground that she is a woman despite the constitutionally proviso against this.

Another most important yet not treated factor that Policing a democracy always associated with police lawless and inability to control any form of Electoral conflict to the satisfaction of the people is that there is no adequate training in relationship to Conflict Resolution to officers on election duties and there is no ownership on the part of the Security Agents as such there are not committed to ensure respect for the rule of law.

This is because the umpires in the elections assumed that the know it all forgetting as far as the present republic in Nigeria is concern, no

security officer recruited between 1994 (if any) has ever witness any election not until 1999 and also that even when they participated in the 1999 election, there were teleguided by a military decree which ushers in the Present Constitution of Nigeria 1999 which in its entirety is a document that tells lies about itself.

By the very facts that elections involve and requires the electorate making a choice between two or more candidates inherently produces conflict and the police which is the gate keeper to the justice system must be trained and retrained on how to handle such conflict irrespective of the fact that such conflict occur as a result of two opposing principles, aims, ideologies, manifestoes and interest.

Origin of the Nigeria Police

Nigeria Police for an example, is a creation of section 214 of the 1999 Constitution of Nigeria which States the ‘ there shall be a police force for Nigeria, which shall be known as Nigeria Police Force, and subject to the provisions of this section no other police force shall be established for the federation or any part thereof.

Its duty is derived from the Police Act and Regulations CAP 359 Laws of the Federation of Nigeria 1990. this act provides for in section 4 “the police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or without Nigeria as may be required by them by, or under the authority of, this or any other Act”

All these quoted sections are Military Goods that were sold to Nigeria without their consent, the resultants effect being that the Police become a militarized organization that any product that comes out of it is describe as a nightmare no matter how good. (See the case of DSP.Samuel Peters the World Heavy Weight Boxing Champion)

It is not because there was no other adjective to qualify him but because the Police in Nigeria which is where he came from is recognize as expert in high handedness of fellow citizens which a popular comedian Sam Loco Efe describe in Nigeria Home Video as “Punishment to the third degree without recourse to accountability”

Election History in Nigeria

For as much as its post colonial history, Nigeria was under a military rule. From 1960, when Nigeria gained Independence from her colonial masters – Britain, until May 29th, 2007 when Nigerian experienced a first Civilian to civilian change of baton in Government which usher in the present administration in an Election according to the Transition Monitoring Group was “Programmed to Fail”. Since the period under review, Nigeria has for its forty eight years of its political independence experience only but fifteen years of Civilian Administration the remaining years has been controlled by the military.

Despite its huge natural and human Resources, successive military rulers in Nigeria fail to bring prosperity to the people; instead, their massive embezzlement schemes left Nigeria better off than many of its poor African Neighbours.

Effect of Military Rule on Nigeria Political History

- ✚ Suspension of the Constitution; under the military rule the Country Constitutional order was subverted and in its place absolutist military decrees, which precluded judicial scrutiny of the action of government prevailed.

- ✚ Disrespect to rule of Law and violations of human Rights with impunity: the lack of or total absence of legal and judicial restraints on agent of the regimes gave a free rein to human rights violation and a total disrespect to the rule of law since might was right

- ✚ Poor Police Community Relation; as a result of long years of military rule, the police which is suppose to be a community organization was completely alienated from the community they are to serve. In fact it is on record that an Inspector General of Police in this Country in the Person of Alhaji Ibrahim Coomassie Rtd. In his acceptance speech for a honorary Doctorate award by the Imo State University maintained that “ The Force (Nigeria Police Force) has been torn between the civil populace and the military so much that its **[civil tradition]** are almost lost to military authoritarianism”

- ✚ Change in Police / Citizens Contact: the effect of the military rule impacted negatively on the contact situation between the Police and other arms of Law enforcement Agencies; because it did not give room for a partnership based cooperation between the Police and the Citizens they are suppose to serve.

✚ High Concentration of Police on Law Enforcement Using Force; Study has shown that hostilities and lack of trust tends to be higher in a society where the police concentrated on law enforcement. Because the military believe in “immediate effect” the police were under force to compel citizens through torture and extrajudicial killings to incriminate themselves for the military sake. At the end of the day the Police being the most visible arm of law enforcement became the people’s enemy number one to the detriment of their civil duties.

✚ Lost of confidence in the Country Electoral Process: as a result of the fact that no military last long in Nigeria without promising to hand over to a democratic Elected Government and at the end , renege from such promise. Nigerians therefore lost confidence in the whole process. To some extent it was discovered that “Transition to Civil Rule Programme” was a strategy by the military to buy time and stay on to power and gain legitimacy from the populace. This strategy was perfected by General Ibrahim Babangida government, which was in power for eight years and organized the longest Transition to democracy programme. Babangida transition programme began in 1986, a year after he came into power and lasted till 1993. at the end of the programme, the government annulled the ever freest and fairest election ever conducted in Nigeria reportedly won by Chief Moshood Abiola, and bought not for the activity of pro-democracy groups which forced Babangida to “Step Aside” in 1993, he would have still commenced another transition programme to buy time for himself. This in effect has left the confidence of Nigerian s on the Electoral process always an exercise in futility that would never bring anything good out of it

✚ The greatest effect of the whole process which was the adoption of General Sani Abacha by the five political parties that were registered as their sole Presidential Candidate even though the nation was saved from the full blown civilian dictatorship that would have come out of these five fingers of a leprous hand when on June 8, 1998 the late Dictator passed on, under a controversial circumstances the harm has already been done because “we would never forget the agony”

Other Factors that has eroded Public Confidence on the Nigeria Electoral Process

- General Yakubu Gowon government was overthrown in 1975 when he renege from a promise to hand over to an elected civilian government
- Babaginda was forced to “step-aside” in 1993 after he annulled a smooth transition to civil rule process
- General Sani Abacha, who took over power from an interim government put in place after General Babangida step aside in August of the same year, dismantled all the transitional democratic structures and institutions that were established by his predecessor’s failed programme and promised to put in place a “genuine” one.
- Abacha successor General Abdul salami Abubakar, being fully aware of the public distaste to military rule did not waste time to organize a transition programme that usher in a Military Man in an Agbada. This also proves the lengthy previous transition programmes really as a ploy to keep the unwholesome ambitions of their authors.

Functions of the Police in Elections

The Police play a very important public interest role in every democratic election. They are required to protect all eligible citizens participating in the electoral process. Their ability to play these roles without engaging in intimidation, coercion or violence against the citizens is crucial to the success of the elections.

If the police are found wanting in the discharge of these duties in any election, the citizens may not have confidence in the electoral process and may question the credibility and legitimacy of any government that emerges from the process and the lack of credible government is sine qua non for instability in a polity

The main role of the Police during an Election is to maintain order and to create, by means of effective policing, a favourable climate in which a democratic election can take place.

This is a very crucial function. By maintaining law and order and guaranteeing public safety, security agencies ensure that voters can attend or follow the campaigns and rallies so that the candidates and their supporters are able to reach the people and convey to them their visions and programmes and on this will help the voters to have a position to decide who, among the candidates is suited for them to elect and, in so doing, make an inform choice among the option or ideologies they are presented with

From the foregoing therefore, the success or failure of any election or electoral processes in Nigeria depends largely in conduct of the Nigeria Security Agencies especially the Police and its officers on Election duties. Consequently by way of a summary the functions of Police Officers on election duties can be summarized as follows:

1. Safeguarding the security of lives and property of citizens before, during and after voter registration, campaigns 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 to candidates during campaigns and elections this must be done on equal proportion regardless of whether it is the candidates from a ruling party
4. Ensuring and preserving a free, 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;
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 and not that of political thugs to ensure that electoral materials are not stolen, hijacked, destroyed or fraudulently altered by any group or persons

To be able to carry the above stated functions, Police Officers on election duties must possess the following qualities in addition to maintaining impartiality through out the whole electoral processes

1. **ALERTNESS:** The police should be alert in carrying out their duties in relationship to any electoral process.
2. **PROACTIVE:** He/she must be able to prevent incidents that could lead to disruption of voting or other legally permitted electoral activities
3. **APPROACHABILITY:** A police on any election duty must be courteous, approachable and accessible to the voters and other citizens who may need their assistance

4. PROFESSIONALISM : Professional conduct must be maintained at all time by the Police Authority and its men on any election duties
5. MAINTENANCE OF IMPARTIALITY- The Police are obliged to be fair and, if necessary firm to all persons within his or her vicinity of deployment without discrimination on the basis of ethnicity, gender, religion, political opinion, national origin, property, birth or other status such as disability.
6. FAIRNESS- Police Officers on election duties must always strive to be fair to all and to avoid conduct that could be seen as high handed, unfair or politically motivated. An officer's action if viewed as excessive or unfair, could lead to serious election related trouble.

In addition to the foregoing Police Officer on any Election duties must ensure that the use of force is only strictly necessary and such force should always be proportional to lawful objectives.

Also they should wear Identification tags in bold print, for easy Identification by voters, monitors and observers.

Requirement from a Police Officer on Electoral Duty

For a police officer to be adjudged of competency to be included in any election duty he or she must have the following knowledge in addition to his career training

1. Knowledge of the Basic Code of Conducts guiding policing of an election which Nigeria has or is signatory to
2. Knowledgeable about the electoral laws
3. Must not be a novice of the provisions of Human Rights Declarations, Covenants and Conventions
4. Must be conversant with the United Nations Guidelines on the use of force and firearms
5. Must be able to communicate with his superior in clear language without sending wrong signals
6. Must have the ability to report both orally and in writing
7. Able to collaborate and cooperate for positive outcomes.

The Way Forward

Since all these is currently lacking in the electoral programmes of the present Nigeria Electoral Process, the following are suggestions for a way forward

1. Developing a National Security Policy

The process of developing a National Security policy involves a comprehensive review of all aspects of a nation's security and well being including its political independence, its sovereignty and territorial integrity, the protection of its natural resources, revenue generating capacity, social justice and the Defence of its democracy.

It is therefore prudent that the outset the developers consider as wide a participatory approach as possible having secured a firm commitment and strong political will to move the process forward. A detailed plan is then prepared to include the range and number of participants, suitable individuals to provide a balanced and well – informed perspective of the security situation (past, present and future) around which subsequent work can centre.

Actors to be Involved in Developing a National Security Policy

a. For the implementation of the policy to be successful, efforts should be made by the developers to include a wider range of representatives from the following stakeholder groups:

1. The Executive – including leaders of the opposition;
2. The Legislature – all sides to be represented
3. The Judiciary;
4. The Financial sector;
5. Existing Intelligence and security Agencies;
6. The Armed Forces;
7. Law Enforcement Agencies;
8. Local Government authorities including traditional rulers;
9. Civil Society Movement.

Expatriate briefing sessions would be required in some cases to encourage more meaningful contributions from many of these actors. Such expatriates should be drawn from nations traditionally respected by majority of the nationals. Alternatively, locals of proven integrity and well respected in society may conduct such briefing sessions.

Sequencing of the Activities Involved

The activities in developing a National security policy can be carried out in the following order:

- a. Securing a strong executive (political) will and acknowledging the need for a National Security policy;
- b. Identifying individuals capable of producing a balanced and accurate assessment of the security situation (past and present). This must include an honest appraisal of past mistakes;
- c. Identifying major stakeholders;
- d. Planning for scope and depth of relevant presentation to targeted audiences. This is a good PR activity to develop allies especially in countries where there is widespread suspicion of the existing security force;
- e. Conducting country – wide Seminars and Workshops which include representatives of the stakeholder groups within the local setting;
- f. Compiling comment / views into a discussion document highlighting the threats and possible ways to counter them;
- g. Developing a vision Statement to reflect the aspiration of the people. This statement should focus on the overarching requirement to counter the previously identified threats;
- h. Designing the National Security architecture and defining the size and structure of the security forces including the security and intelligence services required to counter the threats. This should include the allocation of roles to the component parts;
- i. Filling the resultant gaps between the required and available resources by considering alliances and treaties and the establishment of new security and intelligence institutions / department;
- j. Preparing the first draft of the policy to include:
 - i) The historical perspective of the security situation;
 - ii) The threat assessment: present and future;
 - iii) National Security architecture required to counter the threats in mind the nation's ability to pay for it;
 - iv) Allocation of roles to the component parts of the architecture to counter the threat.
- k. It is particularly important to widely distributed the draft and encourage comments from all, ensuring the largest possible participation,

securing a reaffirmation of the political will throughout the process is a crucial undertaking.

Police Reform

The challenges of crime and ant-social behaviour are enormous. To act openly against the state; to cheat the authorities, to evade the law, all norms of the subculture are threatening to overtake ideal traditional norms which emphasises good morals.

Levels of crime, although falling, still remain at unacceptable levels and detection has been a giant challenge given the psychosocial nature of our society.

The police want to reduce public fear of crime and do more to build public confidence. This is being done through the police reform programme. Further measures now seek to push the programme forward. Underpinning this is the community policing agenda – the belief in strong, empowered and active communities. The various Governments the sub – region are desirous of creating police services which are more responsive to local needs and to clarify confusing police accountability arrangement, as well as creating a service better able to deal with exigencies by direct funding of each stratum of the force organogram. Police reform aims to create a “more dispersed, visible, accessible, and service- oriented force which interacts freely and gently with its community” and sees its primary duty as protecting citizens. Spiralling social violence, both “political” and criminal, as evidenced in recent politically motivated murders, has begun to concentrate the minds of politicians and policy – makers on issues of policing and police reform. New rhetoric of police reform, centring on the concept of “community – supported policing” continues to dominate the public debate about the transition and the longer-term reform agenda.

The process of transformation will be protracted, and care has to be paid to the transformation of social relations in civil society as well as the state structures and includes the divers set of institutions and activities, cultural, political, economic, religious, which are not formally part of such structures. This does not mean that civil society institutions and state structures exist in splendid isolation. On the contrary, they impact on each other in important ways.

Motives for Police Reform

The reform exercise has been motivated by the need to create legitimacy and credibility for the institutions of the state. The police leadership has

been forced to acknowledge the massive credibility problem from which the Nigeria police suffers. The Ocurrent reforms have been spurred in part by, an accumulated body of academic and legal material which focused on human rights in relation to policing, and a persistent suspicion of the repressive capacity of the Police institution.

Accountability is seen as desirable in the Police at a number of levels simultaneously: Accountability to the law, the courts, to the Constitution. Accountability to democratically elected government, at central, as well as state and local government level. Accountability to the police professional code and set of standards. Accountability to the local communities which the police serve and to the civilian office for receipt of public complaints about the police. i.e. in Nigeria, the Police Service Commission, Public Commission, the Code of Conduct Bureau, SEVICOM etc.

Constitutional Review

Section 214 of the 1999 Constitution of the Federal of Nigeria should be review and the Word “Force” should be remove and replace with word “Service” following this proposed review, the section would reads as follows “there shall be a police Service for Nigeria, which shall be known as Nigeria Police Service, and subject to the provisions of this section no other police Service shall be established for the federation or any part thereof.” Additionally any all sectional and sub-sectional proviso in the Constitution that has the word Force should be change to reflect the word Service because “ To serve Nigeria is not by Force”

Further Recommendations

1. Total and immediate review of the Police Acts and Regulations CAP 359 Laws of the Federation and most especially the word “Military” should be expunge and replace with the word “Civil”
2. The Plan to Armed the National Security and Civil Defence Corpse should be permanently dropped since we are not fighting any war. We should not forget that militarization is a very easy task but demilitarization is difficult as such if this people are supposedly armed now in the name of combating crime this armed when and after combating crime will perform other illegal duties thereafter
3. The minimum qualifications for the office of a Councillor to President should be a first degree. reason is to set a standard

4. there should established for the federation AN Electoral Service Commission that will be responsible for internal accountability of INEC and SIEC
5. the Federal Government should as a matter of urgency decentralized the Police Service Commission to all the States of the Federation so as to provide for quick and effective oversights functions of the Commission.
6. there should be a special uniform for Police Officers on Election duties and these should be use only and during elections.