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Electoral Democracy, Security Concerns and *Street Litigations* in Nigeria

Mike Omilusi [α] & Sunday Adunmo [σ]

Abstract- The contestation of elections is considered to have both conventional and unconventional elements. As a matter of fact, disputes are considered an inherent part of an election and electoral litigation is a common feature of most electoral processes. Nigeria is not an exception to this observable trend as elections are coterminous with brinkmanship and legal fireworks. However, *street Litigation*, a form of trial by public opinion whereby people revel in passing judgments on political cases outside the four walls of the courtroom, is an emerging practice in the country. Thus, it presents an interesting research scenario in post-election security and litigation. This paper interrogates election security issues in Nigeria particularly as they relate to people's grievances and concerns. It also examines the periodic electoral violence and its effects on the electoral process with special focus on the combustible nature of *street litigation* in the country.

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I. Introduction and Background Context

The connections between elections and conflict have not been studied in a systematic fashion using a generally accepted framework of analysis. Such a framework would serve to marry the insights of the researcher with the requirements of the practitioner (Fischer, 2002:30). However, political scientists and development theorists link free, fair and credible elections to democratic governance, peace and development. In brief, they argue that free, fair and credible elections provide the basis for the emergence of democratic, accountable and legitimate governments with the capacity to initiate and implement clearly articulated development programmes (Orji and Uzodi, 2012:6). In reality, election remains one of the leading notable sources of conflict in West African countries. In fact, the preparation or holding of elections or even the declaration of results are moments in the life of a nation that are prone to live tensions which often lead to confrontations that threaten political stability and peace (Hounkpe and Gueye, 2010).

Elections involve a set of activities leading to the selection of one or more persons out of many to serve in positions of authority in a society (Hounkpe and Gueye, 2010). An election is a decision-making process by which a population chooses an individual to hold a formal office. It is also the usual mechanism by which modern representative democracy fills offices in the legislature, executive and sometimes in the judiciary, and for regional and local government; therefore, alternatives are the essence of elections. Miles (2015) posits that electoral participation is a means for public feedback about government performance that extends beyond the policy platforms of political parties. Viewed from this perspective, voting is one means for the public to express their consent to be governed, regardless of the electoral outcome.

In many societies today where ethnic, religious, racial or class divisions run deep, democratic competition does indeed inspire and inflame political violence. Violence is often a tool to wage political struggles-to exert power, rally supporters, destabilize opponents, or derail the prospect of elections altogether in an effort to gain total control of the machinery of government. This is a reality in Nigeria today where incidences of violence in ethno-religious and communal conflicts in some parts of the country have become a major national problem. This is in addition to violent conflicts arising from electoral contests by the political class. With regards to electioneering, the country's democracy has grossly been bedevilled by flawed elections at all levels of government, having more of imposed leaders than elected. Elections are conducted as a means of alternating power among the competing political gladiators, mostly in a violent manner that reflects desperation and barbarism. According to Crisis Group (2011 cited in Omilusi, 2015:9), politicians' use of armed militias or youth gangs as protection and to harass opponents, intimidate voters and snatch ballot boxes is an ingrained campaign pattern in parts of the country.

It has also been observed that democratic transitions are problematic. Although democracy is an indispensable goal, the process of introducing democratic practices is inherently troubled. Such processes rearrange political competition, alter structures and power relations, and often exacerbate social problems rather than ameliorating them. The actual process of political reform is destabilizing, and in the short term there may be real and direct threats to peace in democratizing societies as a result of the uncertainty and competition that democracy introduces into unsettled social environments, in particular at times of economic stress. Rapid or ill-considered

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democratization can also be conflict-inducing (IDEA, 2006:63).

More often than not, in the course of transitioning to democracy, conflict has become an integral feature of electoral processes. Such conflict takes various forms, from physical violence to the mere threat of violence, perpetrated by a variety of stakeholders against various stakeholders and assets, too often with the collusion of the very state institutions mandated to prevent it (IDEA, 2015:38). For a number of historical and practical reasons, political identification in Africa tends to be organised along ethno-regional lines and political parties often compete to be able to bring benefits to their client networks. The ethnicisation of politics, often reinforced by politicians themselves, promotes competition for access to resources, rather than the institutionalised compromise that theoretically characterises a democracy (Brown and Kaiser, 2007).

By analogy, the electoral security concept relates to keeping electoral processes safe and protected from harm (2015:22). Although the level of political and psychological tolerance of security threats varies from country to country and is dependent on a number of factors, the free expression of the will of the people can hardly be expected when elections take place under severe security threats. This principle can be assessed by the type and degree of violence in the political system (López-Pintor, 2011:11). Many states in Nigeria have organised suppliers of violence for hire, fed by high youth unemployment and easy availability of weapons: from cults, areas boys and local chapters of the National Union of Road Transport Workers in the south to radical and other armed groups in the far north. Many of Nigeria's ostensibly elected leaders, according to the Human Rights Watch, (2007:2) obtained their positions by demonstrating an ability to use corruption and political violence to prevail in sham elections.

In Africa, and particularly in Nigeria, political violence has often occurred at all stages of electioneering campaign. It has been a feature of Nigerian electoral history recorded as early as the pre-independence elections in the 1950s. It is usually intended to eliminate, intimidate, or otherwise subdue political opponents so as to obtain an advantage in the political process (Muzan, 2014:219). Also, religious and ethnic tensions in turn contribute to the problem of electoral violence. Since the emergence of the Fourth Republic, national, state and local elections have often been accompanied by violence, whether during the campaigns, at polling stations, after the results are announced or during "rerun" elections ordered by the courts. At the state level, politicians often mobilize youth gangs to intimidate voters and opponents, a problem that has fueled criminal activity.

This essay examines the post-election security issues in Nigeria particularly as they relate to people's grievances and concerns. It is structured into seven sections. Section one introduces the subject matter and sets the background for the discussion. In section two, clarifications of the major concepts are made with a view to setting a theoretical platform for further discussion while section three explains the periodic ritual of combining ballots and bullets during elections and the effects of this on the electoral process. The fourth section analyses the nature and context of post-balloting grievances in the country while section five examines the involvement of the security agencies within the context of election conflicts. Section six interrogates how street litigations have been informally entrenched in the post-election petition tribunals in the country. Section six makes some recommendations on how the electoral process can be reformed to accommodate the globally acceptable best practices while the last section concludes the article.

II. Conceptual Clarification

a) *Election Security*

Democratic political institutions are those designed to ensure the popular authorization of public officials, and their continuing accountability and responsiveness to citizens. Popular authorization is achieved through regular competitive elections according to universal secret ballot, which ensure voters a choice of candidates and policies and give them the opportunity to dismiss politicians who no longer command their confidence. The role of political parties in this context is to help focus electoral choice by aggregating policies into distinctive programmes, to help select suitable candidates for public office, and to provide the continuity necessary for ensuring that the governmental priorities endorsed by the electorate can be realized- Electoral choice and electoral control will, however, be frustrated where no clear separation is maintained between party and government, or where there is no independent body such as an electoral commission with the powers to ensure that elections are "free and fair" and that their results are accepted by all contestants (Beetham, 1998:24).

There are many versions of democracies around the world (e.g. electoral, consultative) and on-going debates about the extent to which "one size fits all" with regard to democracy. The process a country goes through in attempting to become more democratic is referred to as democratisation. In order for a country to be truly democratic, all of its citizens-men and women- must be empowered to participate fully in the governance process (as citizens, voters, advocates, civil servants, judges, elected officials, etc.). According to Oculi (2015:7), the electoral exercise is a major tool for linking massive numbers of citizens into a collective moment of reviewing performances by past officials and sending signals to future leaders about their needs and aspirations. Thus, locations of voting centres,

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procedures for registration and casting of votes, become moments for civic education. However, introducing guns and brazen snatching of ballot boxes are meant to deflate this sense of power and assert the impunity of authoritarian rule.

Security is therefore, 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. In view of the scale of general elections, the number of people involved, election materials that need to be moved, difficulty of the terrain to be traversed, as well as the physical locations that need to be protected, such an operation is complex. It represents logistics and planning challenge that require a wide range of stakeholders, processes, locations, and issues in time and space. Whether we are talking of electoral staff, voters, or other stakeholders such as candidates and their agents, parties, civil society organizations, domestic and international observer groups and security agencies themselves (Jega, 2011: xx-xx1).

Election security (as distinct from the broader concept of Electoral Security) is specific issue of securing elections through physical security (protection and safety of election facilities and materials facilities); personnel security (Election Management board and other stakeholders); information security (computers and communication equipment) and election events involving day of elections, campaign and meetings. It also covers adhoc logistic services offer during election period (Yoroms, n.d:11). Sisk (2008 cited in Oni et al, 2013:50) defines 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 material; electoral facilities such as polling stations and counting centers; and electoral events such as campaign rallies against death, damage, or disruption. While electoral conflict and violence can be defined as any random or organized act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process, election security can be defined as the process of protecting electoral stakeholders, information, facilities, and events (Fischer, 2002:3).

b) Street Litigation

Elections in Nigeria are today coterminous with brinkmanship and legal fireworks. Post-election dispute resolution at the tribunals is, therefore, a key activity which brings final closure of the electoral process (Nwangwu, 2015:23). But in effect, street litigation, as an emerging trend in the country, is a form of trial by public opinion, whereby people revel in passing own judgments in political cases, away from and outside the four walls of the courtroom. It is fast assuming a worrisome dimension in the country, as express positions soon attract oppositions, and litigious individuals exchange fisticuffs, insisting on superiority of own lines of reasoning, which they then expect others to admit hook, line and sinker! Strangely, the trend has produced quite a number of self-styled lawyers and judges amongst teeming supporters of major partisan camps and their candidates who, at the moment, might be facing the crucible of the nation's judicial system.

The concept of street litigation would appear to be an alternative system of justice, one which seems to be in stark contrast to the conventional court system the world over. While the regular court is issue-based, evidence-oriented, and methodical, the court on the street is essentially centred upon sentiments, nourished via reputation/party affiliation, revenge, public shaming, and probable tendencies of the crowd. In street litigation, the conventionalities of judicial system, particularly regarding method and procedure, are in abeyance, law easily and readily yields way to 'good and plausible' stories and, even though facts sometimes matter, there are no known standards of accuracy; neither is there any adherence to any known rules of evidence. For those who partake in street litigation, being often sympathetic underdogs is more important than being fair, as arguments are measured, for the most part, in relation to litigants' reputation consequent upon which the court delivers what could be regarded as reputational justice. Comments and positions are judgmental, sentimental and value-laden!

In Nigeria today, the controversy surrounding the prosecution of election petitions as well as high profile cases of official corruption and the outrage at the verdict clearly shows the inherent dissimilarity between the business conducted in the court of law and the outright misrepresentation in the 'people's court' where perception is reality, and where caricature and hyperbole are preferred to thoughtful deliberation. Incidentally, these celebrity cases are usually politicised by demagogues (litigants themselves) who obtrusively resort to playing on the emotions of the public to advance their political cause.

It should be stated that, most often, the resort to violence is often born out of frustration with the normal channels of redressing electoral grievances, especially with the dominant role of incumbency considerations in the electoral process. Rarely are persons responsible for violence and crime in the course of elections arrested and brought to justice. This encourages the resort to self-help by those who feel cheated (Ugochukwu, 2013:560). It has become increasingly necessary to recognize street litigation for what it is - an alternative crowd-enabled system of justice quite different from the traditional court system. No doubt, street litigation is fraught with dangers. It is more often than not

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characterised by warped ideas of law, illogical arguments and reasoning as well as slipshod conclusions over cases which are clearly subjudice.

III. The Periodic Ritual of Combining Ballots with Bullets

While competitive elections – once unheard of in many African countries – have become more frequent, they pose a heightened threat of electoral violence, particularly in countries without the necessary political and technical infrastructure in place to prevent or mitigate election-related violence (Sweeney, 2014:3). Chayes (2014:2) posits that Nigeria is not the only country where corrupt elites that have bent the levers of power to the service of personal enrichment have retained their grip on power by means of electoral exercises that were anything but democratic. Patently rigged elections frequently lead to explosions of violence. Algeria's bloody civil war was ignited when the military cancelled a 1991 election the opposition was set to win. In Kenya, the August 2017 election recorded scores of deaths arising from the violence that erupted after the incumbent, President Uhuru Kenyatta, was declared winner. Three of the country's previous four elections were marred by violence, including the 2007-2008 election when 1,100 people were killed and 650,000 displaced.

It is a truism that elections offer political parties and civic groups an opportunity to mobilize and organize supporters and share alternative platforms with the public. They also serve to encourage political debate. Free and fair elections are indispensable to democracy. For an election to be free and fair, certain civil liberties, such as the freedoms of speech, association and assembly, are required. Peaceful and efficient transfers of political power are also important elements of a true democracy. Although nuances apply to the world's various democracies, certain principles and practices distinguish democratic government from other forms of government (Mohammed, 2011:14).

In Nigeria, electoral competition is fierce, as those holding political offices have easy and unregulated access to vast pots of cash. Africa's largest oil producer earns $30 billion-40 billion a year from oil, much of it disbursed without strict accounting. That has attracted a lot of crooks into politics (The Economist, April 14, 2011). Political competitors often employ financial inducements, fraud, intimidation and violence to capture election and secure control. The weight of political "godfathers" shape rivalries and the relative strength of various factions in local and national contests. The readiness of elites to stroke communal anxieties and to sponsor armed groups aggravates insecurity while the misconduct of politicians and parties incites frustration among average citizens. There is strong evidence from polling data that communal identities are sharpened during election times, and tend to recede between elections. Moreover, heightened competition often aligns with greater tolerance for violence, whether seen as a defensive or belligerent act (Lewis, 2011:12).

Politics encourages competition not only at the national level, but also at the state and local levels, where the same patronage system holds sway, making elections true 'all-or-nothing' contests that have resulted in violent clashes motivated by the quest for power and its advantages. These clashes have taken place both within parties, as political candidates seek their parties' nominations, and among parties vying for seats in government. The perception that elections are truly zero-sum contests for access to resources, combined with a culture of impunity, has encouraged the use of violence by politicians to secure electoral success (Hazen and Horne, 2007:6).

In addition to the presence of willing protesters and weak state capacity to provide security and law enforcement, inflammatory remarks/messages emanating from political leaders and shared by community members provide basis for eruption of violence (Orji and Uzodi, 2012:29). Also, the political process has always heightened the potential for violence at every level of government. This trend percolates the entire Nigerian State where political elites mobilize the pool of unemployed youths, often along ethnic, religious and party affiliations, as a vital political resource. This underscores the great value attached to the utility of violence in politics, with political and electoral success often indexed to the capacity to threaten or unleash violence. For instance, the acrimonious political environment before the 2015 general elections fundamentally deepened pre-existing regional divides in the country, with party leaders exploiting ethnic and religious identities to shore up support. This eventually led to fierce electioneering, inflammatory rhetoric and, unsurprisingly, politically motivated attacks on party activists in some states of the federation (Barrios and Luengo-Cabrera, 2015:2)

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 (Alemika, 2011). Most often, in doing this, they mobilise the youth along ethnic sentiments. These politicians, according to Okoye et al (2012:12), do rally their subjects and explain failure in terms of ethnic victimization. These people are often used as instruments for retaliation, hostility, chaos, upheaval and protests. They explain that as most

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politicians become increasingly successful, ethnic attribution decreases as source of anchor or explanation of fate. On the other hand, as these politicians are displaced from the centre or in high government positions, the higher the attribution of responsibility to ethnicity.

A couple of empirical studies from the multi-party 1990s (e.g. Lindberg 2003, Wantchekon 2003, Wolf 2003 cited in Lindberg, 2004:14) corroborate the persistence of patron-client relations in electoral politics in Africa. Competition for political power essentially becomes competition for access to state controlled resources that are often in the form of extractable natural resources. Political offices in both national and local governments are regarded as lucrative posts or ventures raising the stakes of political competition even higher. Those who assume positions of power do not want to leave office because it is one of the few areas where economic opportunities are available while those outside the power circles attempt to use whatever means possible to access these economic opportunities. Incumbent parties with access to state resources divert such resources for the purpose of winning the elections (Coexistence International, 2008:14). Darren Kew (2005:150) writes that "rigged elections, one-party states, abuse of power became the norm, forcing excluded groups to find other alternatives to protect their interests, such as military coups, secession, and revolution."

Political scientists have established a link between the integrity of elections and the outbreak of electoral disputes and violence (Norris 2014). Since electoral processes are fundamentally about the attainment of political power, often in high-stakes contexts, they can be a catalyst for conflict. It is within these contexts that social tensions are elevated, often provoking violence. This is particularly true when the electoral process itself is not perceived to be free and fair, or when those seeking to retain or gain political power have no reservations about resorting to the use of violence (EISA, 2010:6).

Little wonder, Nigerian elections have continually recorded representation deficit since 1999 just as the incidence of electoral fraud has taken centre stage in the country (Omodia, 2009). Also, violence has remained a recurring feature of electoral politics in Nigeria. The tendency to rely on violence as a weapon of electoral competition is aggravated, among others, by two factors. First is the perception of state power by the governing elite as an end in itself rather than a means to an end. The second is the immensity and ubiquity of state power and its exclusive control of the forces of coercion. These two factors have combined to make state power rabidly attractive and thus political contest is reduced to warfare (Animashaun, 2010:13).

Rigging has been conventionally accepted as part of the system in a country where a party that has more of the manipulative strength out-rigs others. Awopeju (2011 cited in Omilusi, 2014:158) observes that the outcomes of many elections have been so fiercely contested that the survival of the country and democracy has been jeopardized. This sad history of election fraud has serious implications for Nigeria's political future because the phenomenon rather than declining, keeps growing and becoming more sophisticated with every succeeding election. The principal forms of election fraud or irregularities were perfected in the elections of 1964, 1965, 1979, 1983, 1999, 2003 and 2007. Ladan (2006:53) posits that election rigging is a criminal conduct of subverting an entire process through massive, organized fraud usually with the active participation of officials of the electoral body. Elections are usually characterised by all forms of electoral malpractices and irregularities such as the manipulation of the laws and processes guiding the conduct of elections to suit particular outcomes, constraining the access of some participants and the resources at their disposal to reach voters for campaign purposes prior to election day, as well as stuffing of ballot boxes with ballot papers well ahead of actual voting (Oni, 2014:82).

These are the usual features of an election in Nigeria such that every right thinking person begins to wonder if any election had ever taken place after the exercise. And these always lead to violence. Electoral violence has been variously described as the bane of democratic consolidation in Nigeria. The zero-sum game with which electoral process in the country is characterized has assumed a very dangerous dimension with all political gladiators preparing for an election just the same way soldiers would have prepared for a war- recruitment, training of armed political thugs, stock-piling of ammunition, provision of fake security agents' uniforms, among others. The toll of electoral violence- in terms of number of lives lost, property destroyed and injuries sustained- continues to undermine the survival of the country's democratic experiment. The armed militia, neighbourhood vigilante, community defense and sundry cult groups that have mushroomed in different parts of the country since the late 1990s also play a significant role in electoral violence.

With the approach of every election, some youths are hired by local politicians, while others undertake independent acts of violence to demonstrate their capacities and thus capture the attention of any politicians who may need their services. In an atmosphere of almost total impunity, a thriving market for political violence has developed. The rules of supply and demand for political assassinations, kidnappings and other strategies of intimidation are freely applied throughout the country; those willing to enter this competitive market have to prove their competency and

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added value by using distinctive tactics and technology (International Crisis Group, 2007:11).

What actually worsens this "do or die" phenomenon is the money- making venture status that political office in Nigeria has assumed. Apart from the holders of political office viewing the opportunity from the lens of an unfailing attempt to permanently eradicate family poverty- by corruptly enriching themselves- government has since 1999 astronomically reviewed upward, their salaries and entitlements. Local government chairmen and councilors, for instance, are like small gods in their communities considering the volume of money at their disposal, more so that they are practically accountable to no one.

IV. The Nature and Context of Violent Grievances

While every conflict will have its specific context and features, there is broad consensus that factors related to grievances over such things as discrimination or inequality are to blame for the rise in contemporary internal conflicts, as well as factors related to opportunistic elite behaviour in pursuit of power. The debate over 'greed and grievance' has been eclipsed by an appreciation that the two approaches are not unrelated. In situations of weak states, unequal distribution of resources, unstable social relations, a history of violence, and the existence of continually excluded subordinate groups, the emergence of mobilized resistance or 'political entrepreneurs' who organize for violent conflict is more likely to occur. The consequences may be political breakdown, civil war, inter-group riots, acts of violence, mass protests against the state, and in the worst instances crimes against humanity (IDEA, 2006:27).

The grievance perspective is by far the most popular way of looking at violence by social scientists. While there are internal differences in definitions, interpretations, and conceptualization, most grievance theories focus on how individual and group grievances could provide incentives for violent protests. The most influential account in this perspective is the frustration-aggression theory, which states that aggression is always the result of frustration; aggressive behaviours such as violent protests result from frustration individuals feel when they are restrained from achieving valued goals (Yates 1962, Berkowitz 1962 cited in Orji and Uzodi, 2012:25).

When an electoral process is perceived as unfair, unresponsive, or corrupt, its political legitimacy is compromised and stakeholders are motivated to go outside of the established norms to achieve their objectives. Electoral conflict and violence become tactics in political competition (Fischer, 2002:7). Not only does electoral conflict undermine fragile democracies and generate humanitarian disasters, it can also have disproportionate effects upon vulnerable populations who are the victims of conflict, including the poor, women, and young people, and displaced populations (Norris et al, eds. 2015).

It is noted that majority rule and elections themselves can be conflict-inducing: many conflicts have been generated by fears and uncertainties surrounding elections. The electoral system chosen in a particular context is crucial, affecting several major aspects of the development of a conflicted country's politics, in particular the way in which a majority is constituted, the types of political parties that develop, and thus their ability to cut across lines of conflict, and the chances of elections generating stable and inclusive governing coalitions (IDEA, 2006:77). The electoral process does not end with voters expressing their suffrage, meaning the polls. There is also the whole post-electoral stage that can also be marred by violence and insecurity. It is therefore a very delicate phase especially in fledging countries and democracies (Hounkpe and Gueye, 2010:26).

During elections, the state, through its agents, unleashes terror on the citizens and brazenly steal their mandate. With their mandate stolen, the citizens' responses sometimes include street protests. The state's routine responses to this crisis of governance include ordering the police to shoot on sight the protesters. Thus what usually started off as a civil and peaceful expression of discontent by the electorate would result in killings of innocent and unarmed youths by the police (Olurode, 2009:294).

Electoral processes that are fair, responsive, and honest can be similarly victimized by conflict and violence. In either scenario, stakeholders use conflict, violence, and threat as means to determine, delay, or otherwise influence the results of the election. However, when conflict or violence occurs, it is not a result of an electoral process, it is the breakdown of an electoral process (Fischer, 2002:2). If the credibility of an election outcome is in doubt, political parties and voters may be more likely to resort to violence. Thus, post-election violent grievances center around or stem from disputes challenging either the authority of electoral actors; the fairness of electoral procedures throughout the electoral cycle; and/or the legitimacy of outcomes and thus of those winning office (mistrust in announced electoral results).

Similarly, ruling parties skew electoral competition to their advantage through many methods, some more crude than others. They may obstruct the opposition and its supporters, pressure ordinary citizens, use state resources to support incumbents, stack electoral commissions with their stalwarts, or control the media. The regime may directly attack opposition candidates, sending police forces to detain them or thugs to assault or even kill them (Calingaert, 2009). Also, ruling parties often benefit from unbalanced

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coverage on television and radio, particularly from national television stations, which are the principal source of news for many voters. Election laws and regulations may call for balanced media coverage during the election campaign, but they are often inadequate or poorly enforced (ibid).

When elections are blatantly rigged and mandate stolen, the people experience a sense of frustration, marginalization, alienation and anger. It therefore becomes difficult to mobilize the same people that had been cheated, disempowered and humiliated for development purposes in the midst of heightened mistrust between the state and society (Olurode, 2009:296). Electorates everywhere seek to protect their mandate whenever this is believed to have been fraudulently tampered with. Of course, different scenarios are thrown up between developed and developing countries when it comes to mandate protection (ibid:299). Nigeria, like any other African country, has gone through torture road to democracy since independence. The oppositions have fought hard through the ballot boxes and, until 2015, it has been difficult to defeat an incumbent in Nigerian politics.

In past elections, Human Rights Watch (see HRW, 2004:7) documented a number of cases of human rights abuses "carried out directly by members of the security forces, mostly by the police, particularly the paramilitary mobile police, acting in collusion with ruling party officials". For example, the Justice Uwais' Report on Electoral Reforms (2008) points out that in some instances, the leadership of the Nigerian Police Force often issue instructions against the opposition by not granting them permits to hold political rallies, encourage policemen on electoral duty to intimidate and harass people on the day of polling. The usual concern, particularly in the last 16 years of this political dispensation, has been the need for security services to strike a balance between providing sufficient security for voters and scaring them away from the polls by over-militarizing their approach. Diamond (2014) contends that democratic elections require a level playing field. That must mean freedom to campaign. And it must mean strict neutrality of all the instruments of state security. Some observers, according to Anyanya (2013:27) rated the performance of the security agencies in post-election violence as inadequate and perhaps reflective of insufficient reading and anticipation of the coming crisis, some kind of "intelligence failure".

In many countries experiencing electoral crimes, a culture of impunity persists for crimes of electoral malfeasance and violence. Without penalties for electoral crimes codified in law, and application of such to cases of perpetrators of electoral crime, 'election as warfare' phenomenon will endure. Orji and Uzodi (2012:12) observe that the Nigerian legal system and law enforcement agencies are not able to arrest, prosecute, and convict offenders; as such, victims of violence normally receive little or no redress. Members of the security forces implicated in violations of civil and political rights, including electoral violence, are also not usually held accountable. The awareness of the possibilities of getting away with acts of violence has fostered unabated continuation of those acts. The opportunity to engage in violence in Nigeria is also enhanced by the weak capacity of the Nigerian State to provide security and enforce laws.

V. Security Forces and Election Conflicts

The general apprehension usually generated over the deployment of security forces to the polling stations arise from the background of the compromised nature of the security forces (Yoroms, n.d:36). However, experiences or experiments as well as performance in terms of the participation of security forces in electoral processes vary depending on the country (Hounkpe and Gueye, 2010:8). It should be pointed out that credible election requires, among other things, a high degree of neutrality, alertness, and commitment of security personnel to maintaining law and order and ensuring the security of voters, candidates, and election materials.

A variety of institutions play significant roles in maintaining public order and security (Rosenau, Mushen, and McQuaid, 2015:10). Today, the security sector is made up of the Uniformed Services, namely, the armed forces (comprising the Nigerian Army, the Nigerian Navy, and the Nigerian Air Force in a number of countries), the Nigeria police force (or gendarmerie), the prisons service, paramilitary groups, militia, and a new institution dubbed the "National Security Agency" or "State Intelligence Service." For the armed forces in Nigeria, according to Ikuomola (2011:483), the primary role of the service under the 1999 constitution is the defense of the country against external aggression, but throughout the history of the republic, the armed forces have frequently conducted internal security operations.

It is a fact that the role of security agencies during elections is quite important and necessary to the security of the electoral process. This role has always been played since the onset of elections in Nigeria (Laseinde, 2014: xxi). The following, according to Oni (2014: 83-84), are some crucial roles that security plays in the electoral process: safeguarding of lives and properties of citizens during the electoral process; ensuring the safety of electoral officers before, during, and after elections; providing security for candidates during rallies, congresses, conventions, electioneering campaigns, and elections; ensuring and preserving a free, fair, safe, and lawful atmosphere for campaigning by all parties and candidates without discrimination; maintaining peaceful conditions, law and order around the polling and counting centers; providing security for electoral officials at the voting and counting centers;

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ensuring the security of election materials at the voting centers and during transportation; and ensuring the security of all electoral materials, personnel, and citizens during registration of voters, update, revision, and any other electoral event.

Security is crucial to electoral integrity, but security forces have traditionally done little to prevent rigging or violence and have often been bought by politicians (ICG, 2011). In past elections, particularly since 1999, according to Anyanya (2013), the performance of the security agencies in post-election violence has always been inadequate and perhaps reflective of insufficient reading and anticipation of the coming crisis, some kind of "intelligence failure." For instance, the 2015 election, in spite of this security arrangement, was conducted amid impunity and partisanship, exhibited at all levels. As aptly observed by Hassan (2014), the security agencies were viewed as partisan at the national and state levels. There were allegations of police patrol vehicles carrying political parties/candidates stickers in certain states. The inspector general of police was also accused of partisanship with his handling of the House of Representatives' impasse and failure to recognize the Speaker of the House of Representatives, Hon. Aminu Tambuwal, as the speaker. In addition, the spokesperson of the Department of State Service (DSS), Marilyn Ogar, was accused of partisanship following several unsubstantiated allegations against the APC, which included claiming the party tried to bribe the DSS during the Osun State governorship election of August 9, 2014. Similarly, she alleged that APC was a sponsor of the Boko Haram insurgency (Hassan, 2014). The effects of the poor involvement of the security forces in the electoral process can be considerable and can trigger or develop a feeling of mistrust within the populace and even political stakeholders, especially those who do not feel close to positions in the ruling executive (Hounkpe and Gueye, 2010).

In previous elections, gunmen were used by political paymasters to eliminate opponents, intimidate voters, and stuff ballot boxes (Burgis, n.d). Due to their vulnerable economic situation and frequent frustration with what they see as limited prospects for the future, youths are frequently targeted by political actors who use violence as a political tool (Ohman, 2014:77). Some militia groups of political parties camouflage themselves as youth wings; others are overtly militant with political affiliations (UNECA, 2013:154). Generally, electoral violence in Nigeria is carried out mostly by gangs whose members are openly recruited, financed, and, sometimes, armed by politicians, state officials, and party officials or their representatives (Aniekwe and Kushie, 2011:20). As earlier indicated, there is the usual compromise by the security agents to aid and abet electoral fraud.

As observed by Buba (2013), "there is connivance between politicians and security agents to disrupt polls in areas/polling stations where they have weak support. This is usually done by creating violence in order to get the election results in such areas cancelled. Or they can out right create security situations that will make conduct of elections in such areas impossible." In such chaotic instances, voters are usually wounded, maimed, or killed. It has always been a bitter experience for the survivors, particularly when perpetrators are not punished by the state. In 2009, for instance, after the re-run governorship election in the Ekiti state, an amputated leg of a party member was brought to the election tribunal as one of the exhibits tendered by the defunct Action Congress of Nigeria. In spite of the fact that the party won the case, no compensation was awarded the victim by the court. This increasing politicization of the military, as noted by Omotola and Nyuykonge (2015), represents another dangerous dimension, particularly as it relates to electioneering.

It should be noted however, that the military's illegal involvement in elections is almost as old as independent Nigeria. It was accused of being widely used between 1962 and 1965 in parts of the North and West by the defunct Northern People's Congress (NPC), the party in power at the center, and this precipitated the crises and violence that culminated in the first military coup in January 1966 and the consequential Nigerian civil war. Also in 1983, the military was accused by the opposition parties of being used by the defunct National Party of Nigeria (NPN) federal government to "steal" votes from opposition strongholds. The government that was sworn in on October 1, 1983 lasted only three months before it was overthrown (Vanguard, 2015).

VI. Post-Election Party Loyalty and *Street Litigations*[1] in Nigeria

The unofficial assessments and verdicts of the so-called common people upon performances of political actors in elections, including contestants and the electoral bodies, have been a lifelong experience and seem now to typify everyday life here! Factually, the trend among the populace of subjecting entire election process, including whole participants - contestants and electoral bodies - to scrutiny on street sides and relaxation centres seems to be on the ascendancy. This is especially so as it affords people channels to express

[1] This concept is adopted as a result of the authors' election monitoring engagement in Nigeria since 1999. We had watched party loyalists and other stakeholders after elections, holding informal public election tribunal at different forums and argue, as law practitioners would do, why the outcome of an election be nullified, candidates disqualified, a re-run ordered or results upheld. Such procedures are usually rowdy and thus, conflict-laden. Yet, everyone goes home with different verdicts, depending on which conclusion favours one.

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views and dissatisfaction on election issues freely and without the harness of official strictures.

As party loyalists and self-styled pundits across divides engage one another on issues regarding outcomes of recently held elections or likely outcomes of prospective exercises, tempers rise, sensibilities get shaped and sharpened, and the critical mass access uncensored cubits upon particularities of elections. Queries here quite often revolve about who should win or should have won, but did not in an election, what laxities on the part of the election umpire aided or hindered desirable outcome(s), who among the contestants did what to tilt results in particular ways, and such other assessments on conducts of critical stakeholders as likely to impinge or have indeed impinged specific outcomes of an electoral exercise.

However, the reality seems particularly noticeable among party faithful and social commentators in the aftermath of every contentious electoral outcome that has characterised the nation's political trajectory since the beginning of the fourth republic; a situation in which, in many instances, the court, rather than the electorate, becomes the determiner of election winners or losers. Such street courts have often possessed a lifespan with the duration of electoral cases in courts/tribunals. But sometimes, it outlives them.

Often, violence erupts and free-for-all becomes a norm when arguments and counter-arguments proceed freely from rival camps of deeply partisan elements, goaded not just by liquour which may have found its way down the system, but essentially by very possible behind curtains' benefits of and from favoured camps of actual contestants who assess such developments either as affirming their relevance or carrying potential utility even at tribunals!

While low levels of violence which do not involve bodily harm or physical destruction of property are often noticeable, as in the case of intense debates/arguments by emotional rival party loyalists on electoral litigations, are sometimes noticeable and possible, subtle intimidation or threats of violence which proceed from and inherent in such gatherings are common and can go unnoticed across many communities where outcomes of election tribunals are speculated by die-hard party members. Many a time, if not properly moderated or contained on time by law enforcement arms, this type of argument can suddenly erupt, and has actually resulted in, fracas, causing security breaches, as have happened in many instances across the country.

Citizens are usually manipulated by political leaders who take advantage of staggering illiteracy and general ignorance among the populace, especially concerning important aspects of the electoral process. In many instances, even while they regularly attend court sessions (by staying around the premises), these elements still depend on tainted report/brief from party stalwarts to form their own opinion and the basis of consequent arguments at other levels of engagement in their communities/wards.

For some of the youths among the debaters however, their level of education is an added advantage, as many of them are also members of free (newspaper) readers association. According to Oluwole (2014), newspaper stands "can be said to represent the proverbial African Village Squares which are supposed to be places for discussion, relaxation and reflection among members of the community". Many young and old people gather here to reflect and offer own opinions on newspaper headlines/stories. A critical period of electioneering turns such newsstands to street courts where issues of election tribunal are discussed and judgments passed upon parties in the exercise.

VII. Ensuring Credible Electoral Process

Competition and conflict are intrinsic to definitions of democracy. They are evident in the participation of citizens at the ballot box and in civic life, and the competition between candidates in elections for votes, those elected serving as representatives of the people in decision-making institutions. Democracy, defined as competition to secure majority rule, is an enduring concept in contemporary theory and practice, for good reason. However, democracy is not only about elections. It is also about distributive and social justice. If democracy fails to provide for justly distributed socio-economic development, human security is likely to be threatened.

For democracy to triumph, according to Diamond (2008) the natural predatory tendencies of rulers must be restrained by rigorous rules and impartial institutions. Some fundamental innovations are necessary to transform closed, predatory societies into open, democratic ones. Proponents of democracy both within troubled countries and in the international community must understand the problem and pursue the necessary reforms if they hope to restore the forward momentum of democracy in the world. Without fundamental reform of the electoral process, the same fraudulent practices and irregularities that deformed past elections will repeat themselves, perhaps in far more destructive and destabilizing levels.

As more citizens seek power, the level of competition and desperation will also increase, thus providing further impetus for electoral shenanigans and violence (Oko, 2009:57). A transparent vote count, high turnout, and professional election administration do matter. Corruption and vote-rigging can frustrate voters, and even trigger violent rioting and protests. But a more strategic and sustained focus on factors like gender inequality, poor leadership, refugee movements, or the

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free flow of arms has a better shot at ensuring peaceful elections. Addressing these underlying drivers of violent conflict and changing the behaviour and attitudes of violent thugs or mischievous politicians, requires multi-year commitments (Claes, 2015).

Respect for the rule of law is another key pillar of democracy. It means that the same constitution and set of laws govern and protect everyone and that all citizens are equal. In January 2015, Professor Jega stated that, of the more than a thousand persons arrested for offences in the 2011 elections, about two hundred have been prosecuted. Thus, it has been recommended that a separate electoral offences tribunal with prosecutorial powers be created which will go a long way toward challenging the mindset that cheating at elections carries no consequences (Cooke and Downie, 2015:11).

To mitigate the security risks linked to the electoral process, every potential motivator of violence should also be identified, analysed, and assessed, and appropriate security plans should be established. Two types of security plans can be devised: a classic organization of the security forces within the regular chain of command, or the creation of a special force for the elections (such as in Togo in 2007 and Guinea in 2010). For both types of plans, legal requirements and regulations need to ensure the neutrality of the forces providing security and prevent abuse (IPI, 2011:10). Thus, as much as the relevance of security forces in electioneering may not be underestimated, a more civil approach/strategy should be factored into their operations with a view to ensuring a level playing ground and safety for all stakeholders in the electoral process. As a matter of fact, the early warning system to prevent post-election violence should be strengthened while security agencies need to improve on intelligence gathering.

Understanding the drivers of electoral violence helps to mitigate risk, promote aid effectiveness by helping to prioritize interventions, and build institutions which can encourage sustainable peace and stable states (Norris et al, 2015). It is, therefore, suggested that electoral security administration should be decentralized in order to be responsive to localized threats. Both civilian and security rapid response mechanisms should be established in order to deploy teams to hot spots and mediate electoral disputes or quell disturbances arising from post-election grievances. Also, election dispute mechanisms must be in place to adjudicate grievances and serve as a conflict prevention and resolution role in certifying the outcome of an election.

In order for elections to peacefully and credibly resolve the competition for governmental office and provide a genuine vehicle for the people to express their will as to who should have the authority and legitimacy to govern, governments must ensure equal protection under the laws on election-related rights, and effective remedies when they are broken. Governments must take forceful steps to ensure the politically impartial and effective functioning of the whole range of state institutions, including public safety and security agencies, prosecutors and courts, as well as competent EMBs, to guarantee elections with integrity (Global Commission on Elections, Democracy and Security, 2012:40). Continued support of election management bodies and electoral systems will help alleviate suspicion and build trust among voters, thus reducing the chances for electoral violence.

Also, the military, police, and intelligence must be trained and equipped to wage the security response with the proper tools and strategy, and to target the use of force carefully and effectively. They must also be instructed and monitored to avoid needless civilian casualties, and they must be held accountable for violations of law and procedure (Diamond, 2014). Finally, due to the dynamism and complexity of electoral processes and election-related violence, electoral security efforts need to be tailored to address concerns relating to the specific electoral phases, the multiplicity of actors, and the motives and manifestations of threats.

VIII. Conclusion

It is established in this paper that elections since 1999 have been particularly characterised by instrumental use of violence. At the roots of electoral violence in Nigeria are several issues some of which do not have any direct relationship with the country's electoral process. These issues define the ways electoral violence can play out. It is noted that the opportunity to engage in violence in Nigeria is also enhanced by the weak capacity of the Nigerian State to provide security and enforce laws. In winner-take-all electoral systems like Nigeria, there is an *ipso facto* presumption that the losers will take little or nothing, which is often a legitimate concern. The stakes are seen as incredibly high, and there is a sense that one's economic future is directly tied to the success or failure of one's candidate. Thus, actively engaging political party leadership, party members, security forces and other stakeholders on the importance of peaceful elections is considered strategic in addressing post-election security issues. Such a task typically involves technical trainings on these stakeholders and a measure of diplomatic influence. However, while street courts may have become an unavoidable feature of the post-election security concerns in Nigeria, appropriate measures should be put in place by security forces to ensure such *street court proceedings* – which usually have the same duration with formal court cases on elections- do not resort to violence.

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