

## ELECTORAL VIOLENCE: A CASE STUDY OF THE GOVERNORSHIP ELECTION HELD IN IMO STATE ON 11<sup>TH</sup> NOVEMBER, 2023 \*

### Abstract

*It was another sad tale of electoral violence during the 11<sup>th</sup> November, 2023 Governorship election in Imo State. The said election has come and gone, but the electoral violence that characterized the said election is still fresh in our minds. During the said election a lot of electoral violence took place. This development brings to fore the issue of electoral violence on our journey to democracy. This paper examines the incidences, causes and effects of electoral violence and its corresponding effects to our democracy with particular reference to the Governorship elections held in Imo State on 11<sup>th</sup> November, 2023.*

### Introduction

Governorship election in Imo State was held on 11<sup>th</sup> November, 2023.<sup>1</sup> During the said election in Imo State, a lot of electoral violence took place. It was reported that One Chidiebere Oforha from Umuomumu-Mbieri in Mbaitoli local government area of Imo State was reportedly shot dead by security operatives who arrested an APC Federal lawmaker that mobilized thugs to cart away ballot boxes in Ikeduru LGA of Imo State. Oforha was said to be part of the thugs recruited by the Federal lawmaker to snatch ballot boxes within the Mbaike Federal Constituency. Oforha and his boys were arrested alongside the Federal lawmaker right at the spot where they were snatching ballot boxes. Report has it that while they were on transit to Owerri, Oforha forced himself out of the security van along Amanwozuzu junction and the security operatives opened fire on him, neutralizing him on the spot.<sup>2</sup> It was equally reported that gunshots were fired at the Amaimo Registration Centre in Ikeduru local government area of Imo State during the said election. Security operatives reportedly fired the gunshots into the air to address an argument that erupted among party supporters. The gunshots were fired a few meters away from the Central Amaimo school the polling unit of the PDP governorship candidate, Samuel Anyanwu. The incident happened at about 9.48am with a few voters already checking their names on the displayed INEC register.<sup>3</sup> From the foregoing, we can come to a conclusion that elections in Nigeria have degenerated from being a means for popular participation and peaceful change of government to an invitation to intense violence and political uncertainty in the country.<sup>4</sup> While it may seem that Nigeria's democracy has steadily progressed on the road from nascent to fledging, there has emerged a disturbing concern over the conduct of elections in the country.<sup>5</sup> The conduct of elections in Nigeria has at various intervals remained an invitation to political uncertainty for the country. This is not unconnected with the recurrent incidences of electoral violence prevalent in the country. Elections in Nigeria have been described as a do-or-die affair even by esteemed official quarters.<sup>6</sup> As a result of this, series of violent clashes occur and sometimes

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<sup>1</sup> With Together with Bayelsa and Kogi States where governorship elections were equally hold.

<sup>2</sup> <https://journalist01.com/2023/11/11/breaking-security-operatives-kill-suspected-apc-thug-arrest-rep-member-in-imo>, (accessed on 12/11/2023).

<sup>3</sup> <https://news.band/imo-guber-gunshots-fired-at-anyanwus-polling-unit> , (accessed on 12/11/2023).

<sup>4</sup> <http://www.Internationalpeaceandconflict.org/profiles/blogs/election...> (accessed on 18 June 2012).

<sup>5</sup> *Ibid.*

<sup>6</sup> <http://www.Internationalpeaceandconflict.org/profiles/blogs/election...> (accessed on 18 June 2012).

results to loss of lives and property. For example, One Chidiebere Oforha was shot dead during the said election as a result of electoral violence.<sup>7</sup> As electoral competitions become the preserve of violent individuals, the recurrence of electoral violence scares credible people from exercising their franchise and in engaging in partisan politics. This poses threat to democracy and development of the country.

The degeneration of election to a violent warfare is not only peculiar to Nigeria. Other African countries like Cote d'Ivoire, Democratic Republic of Congo, Kenya and Zimbabwe are also battling the consequences of election.<sup>8</sup> In Cote d'Ivoire, the dispute over the result of the 28 November, 2010 Presidential run-off election between former President Laurent Gbagbo and erstwhile Prime Minister, Allasane Quattara<sup>9</sup> provoked a short - lived civil war in the country that ended with the capture and overthrow of Laurent Gbagbo in April, 2011 by opposition forces loyal to Allasane Quattara.<sup>10</sup> Similarly, in the Democratic Republic of Congo, opposition leader, Etienne Tshiekedi and President Joseph Kabila lay claim to victory as opposition reject the result of elections which observes claim lacked credibility. In the ensuing controversy, Etienne Tshisekedi unilaterally declared himself president.<sup>11</sup>

In Russia, the parliamentary elections of December, 2011 generated intense national resentment that provoked popular demonstrations against the administration of Prime Minister Vladimir Putin. Protesters across Russia openly demanded the resignation of Vladimir Putin and cancellation of the election. Former Soviet leader, Mikhail Gorbachev called for the cancellation of the election result. This incident has been described by Al Jazeera as the administration's greatest challenge confronting the administration in 2011.<sup>12</sup> Other countries like Pakistan, India and Iraq also have a history of election related violence.<sup>13</sup> This article therefore examines the incidence, causes and effect of electoral violence and its corresponding effects to our democracy taking into account the 11<sup>th</sup> November, 2023 governorship election in Imo State.

## What is Election?

Election is the corner stone of democracy.<sup>14</sup> Election is a means through which people make choice of leadership.<sup>15</sup> It is the process of electing one person or more for leadership positions in both public and private establishment. Election offers a medium through which citizens in a polity choose their representatives and political leadership.<sup>16</sup> It also allows a degree of communication between the rulers and the ruled and further provides a means of legitimizing the rights of the rulers to govern.<sup>17</sup>

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<sup>7</sup> <https://journalist01.com/2023/11/11/breaking-security-operatives-kill-suspected-apc-thug-arrest-rep-member-in-imo>, (accessed on 12/11/2023).

<sup>8</sup> <http://www.Internationalpeaceandconflict.org/profiles/blogs/election...> (accessed on 18 June 2012).

<sup>9</sup> Both of who declared themselves president.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> T. Osipitan, "Problems of Proof under the Electoral Act 2002," in *Judicial Excellence, Essays in Honour of Hon. Justice Anthony Iguh JSC CON*, Enugu, Snaap Press Ltd, 2004.

<sup>15</sup> <http://www.Internationalpeaceandconflict.org/profiles/blogs/election...> (accessed on 18 June 2012).

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

In the contemporary world of today, elections have become the most acceptable means of changing leadership in any given political system. Representative government is often referred to as democracy where the authority of government is derived solely from the consent of the governed. The principal mechanism for translating that consent into governmental authority is the holding of free and fair elections.<sup>18</sup> A free and fair election gives the assurance that those who emerge as rulers are the elected representatives of the people. Except in case where an aspirant is returned unopposed; there will usually be at least two contestants to elective posts. Rules and regulations are normally put in place for the conduct of free and fair elections.

The Electoral Act<sup>19</sup> is the law which currently regulates elections in Nigeria. Applying a broad interpretation, the Court of Appeal in **Progressive Peoples' Alliance (PPA) v. Sariki**<sup>20</sup> interpreted the word "election" as used in section 137(1)(b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) to mean the "process of choosing by popular votes a candidate for a political office in a democratic system of government. It cannot refer exclusively to the polls. The casting of votes by the electorates on the day of the polls is just part of the electoral process.<sup>21</sup> By the provision of the Electoral Act<sup>22</sup> the word election is a generic term comprising *inter alia* submission of list of candidates and their affidavit by political parties, nomination of candidates, conduct of the polls etc. In this article, the term election will be used in a broad manner.

### Free and Fair Election defined

Free election is an election in which the political system and processes guarantee that each voter will be allowed to vote according to conscience. The concept of "free and fair" election is not a legal theory as such. Its significance is underscored by municipal and international legal instruments. The African Charter on Human and People's Right<sup>23</sup> provides that every citizen shall have the right to participate freely in the government of his country either directly or through freely chosen representatives. Article 21(3)<sup>24</sup> provides that the will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine election which shall be held by secret vote or by equivalent free voting procedures.

From the above, it can be seen that free and fair elections are those elections held without physical or psychological intimidation and in accordance with the provisions of fair electoral laws in force. They are those elections conducted so that the electorates have reasonable opportunity to vote, with each vote given same effect.<sup>25</sup>

### What is Violence?

Violence is the use of physical force, usually accompanied by fury, vehemence, or outrage, especially force unlawfully exercised with the intent to harm.<sup>26</sup> It is an act against an individual or group, with the intent to cause injury or death.<sup>27</sup> Violence arises from the pursuit of varying

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<sup>18</sup> [www.buzzle.com/articles/electoral-reform-in-Nigeria-html-28k](http://www.buzzle.com/articles/electoral-reform-in-Nigeria-html-28k) (accessed on 18 December 2008).

<sup>19</sup> Electoral Act 2022.

<sup>20</sup> (2007) 17 NWLR (Pt 1064) 456.

<sup>21</sup> *Ibid* per Ogunwumi JCA who read the lead judgment.

<sup>22</sup> Electoral Act 2022.

<sup>23</sup> Article 13(1), Cap A9 Laws of the Federation of Nigeria, which is part of our law as was held in **Abacha v. Fawehinmi** (2006) 6 NWLR (Pt 660) 228.

<sup>24</sup> Universal Declaration of Human Rights.

<sup>25</sup> B.A. Garner, (ed), **Blacks Law Dictionary**, 8<sup>th</sup> Ed, Thompson Group. USA, 2004, p.688.

<sup>26</sup> *Ibid* at p. 1601.

<sup>27</sup> <http://aceproject.org/ero-en/regions/africa/NG/electoral-violence-n...> (accessed on 18 June 2012).

interests, goals and aspirations by individuals, and/or groups.<sup>28</sup> It is a fact of life, especially in societies like Nigeria.

## **Electoral Violence defined**

Electoral violence is all forms of violence that emanate, at any stage, from differences in views, opinions and practices during the process of elections.<sup>29</sup> It is the employment of force by political parties or their supporters to intimidate opponents and threats to a democratic regime and has often accounted for seizures of political power by the use of undemocratic means, such as force.<sup>30</sup> Electoral violence has regularly been reported in Nigeria and manifest in the 3 electoral stages, namely: pre-election, during election and post-election in various forms.<sup>31</sup> Electoral violence in Nigeria has two broad dimensions, physical and psychological.<sup>32</sup> It ranges from acts of assault, arson, ballot box snatching and stuffing to murder/assassination. Between 1999 and 2007, electoral violence has reportedly claimed more than 11,000 lives in Nigeria.<sup>33</sup>

## **History of Electoral Violence in Nigeria**

The history of general elections<sup>34</sup> in Nigeria since independence in 1960 has been characterized by widespread malpractices and violence. Attention of the writer will be focused on the elections conducted in Nigeria in 1999, 2003, 2007 and 2011 in analyzing electoral violence.

### **The 1999 General Elections**

The fourth republic in Nigeria started on 29<sup>th</sup> May, 1999. The military regime of General Abdulsalaam Abubakar was committed to a peaceful transition to democracy. Before then, there was growing fatigue of military rule at domestic and global arena and increasing international clamour for democratization in Nigeria and the wider world.<sup>35</sup> These reasons partly accounted for the smoothness and swiftness of the General Abubakar's transition programme which climaxed in the 1999 general election and subsequent handover of power to civilians. Consequently, the election which was under military supervision was largely free of violence.<sup>36</sup>

### **The 2003 General Elections**

The next general elections of the fourth republic held in April, 2003 were marred by widespread rigging, voter intimidation and violence.<sup>37</sup> Dozen of people were killed in pre-electoral violence in various parts of the country. Events that followed the political crisis in Anambra State involving Dr. Chris Ngige and Chief Chris Uba<sup>38</sup> and the latter's subsequent confession exposed the apparent fraud that characterized the election in the country.<sup>39</sup> Specifically, Uba confessed unequivocally that:-

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<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> <http://www.monitor.upeace.org/archive.cfm?id=article=67> (accessed on 18 June 2002).

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> General elections were conducted in post independent Nigeria in 1964, 1979, 1983, 1993, 1999, 2003, 2007, 2011, 2015 and 2019.

<sup>35</sup> <http://www.internationalpeaceandconflict.org/profiles/blogs/election...> (accessed on 18 June 2012).

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> Both members of the Peoples Democratic Party – PDP at the time.

<sup>39</sup> *Ibid.*

*We the PDP did not win the 2003 elections in Anambra State. I have gone to church to confess. The election had no document. I called the result before midnight. I gave INEC money and asked them to announce the result.<sup>40</sup>*

## **Other highlights of the 2003 general elections include:**

1. During the election, the sub-station of the Federal Radio Corporation of Nigeria in Markudi (Benue State) was burnt down.<sup>41</sup>
2. At Oji River in Enugu State, the office of the Independent National Electoral Commission (INEC) was burnt down following violent protest on alleged falsification of electoral results.<sup>42</sup>
3. In Niger Delta region, elections aggravated the political crisis in the Niger Delta. During the period, the level of violence there was the highest in the country.<sup>43</sup> It was observed that politicians recruited and armed members of youth groups to intimidate opposition politicians and their supporters. Many of these armed youths have freed themselves from their former patrons and are now independent, well-armed actors with experience and knowledge of the terrain. Now, they engage in oil bunkering and other violent crimes like armed robbery and kidnapping.<sup>44</sup>
4. In Benue State, the Kwande crisis of March, 2004 was traced to the 2003 gubernatorial elections. Supporters of Paul Unongo, an indigene of Kwande and the flag bearer of the All Nigerian People's Party in the 2003 gubernatorial elections saw the March, 2004 local government election as an opportunity to regain strength and control of Kwande. Meanwhile the ruling PDP at the state and local government levels were determined to maintain power. The stage was therefore set for the test of relative power and influence and also a contest over pre-eminence and the political leadership of the Tiv ethnic group.<sup>45</sup> The tensions was compounded by the invasion of unknown soldiers which led to the killing of 11 people and wounding of about 9 in Adikpo, the headquarters of Kwande local government area. The victims were mostly supporters of the ANPP. The bubble burst after the Benue State Independent Electoral Commission declined to release the result of the local government elections of March, 2004 in Kwande but opted instead to postpone the election which had already been held. The ensuing violence led to the death of not less than 12 people and destruction of property valued at about N293, 501, 288 Million Naira.<sup>46</sup>
5. In its report on the 2003 general elections, the Transition Monitoring Group (TMG) maintained that the desperation to capture power by members of the political class intensely heated up the political process. Political office holders utilized the power of incumbency to intimidate the opponents. This began with the stage managing of the registration of political parties to give advantage to political incumbent. It further

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<sup>40</sup> *Ibid.*

<sup>41</sup> Ubanyionwu. C. J., "Electoral Violence and future of Nigerian Democracy" The College of Law, Joseph Ayo Babalola University, Law Journal, Ikeji - Arakeji, Vol 1, No. 1, 2014, pp. 48-56.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.* See also Oga Ajene, "Partnership for conflict management and Peace – building: A field Experience from Kwande local Government of Benue State, Nigeria," being paper presented at the Colloquium organized by the Strategic Partnership for Peace (PASPA) and the Network of African Peace Builders (NAPS) at Ecowas Secretariat, Abuja, 6-8 October, 2008.

<sup>46</sup> *Ibid.*

observed that even pre-election campaign were characterized by political violence including the assassination of prominent political figures such as Chief Bola Ige, Harry Marshal, Victor Nwankwo and Chief Dikibo.<sup>47</sup>

## The 2007 General Elections

The 2007 general elections in Nigeria were also flawed and generated immense tensions in the polity.<sup>48</sup> The elections were marred by pre and post election violence. I shall highlight some instances to illustrate the pointed being made:-

- (a) In Ekiti State, on the day of the election, at least two persons were killed in Ikere-Ekiti and Ise-Ekiti while eight others received gun shots in the violence that ensued in the course of voting. There was massive snatching of ballot boxes in virtually all local government areas.<sup>49</sup>
- (b) In Ondo State, about eight people were arrested while about five others were wounded during the Presidential and National Assembly elections held on 21/4/07.<sup>50</sup>
- (c) In Bauchi State, thugs virtually took over the street even before the announcement of the governorship result. Because of the deteriorating situation occasioned, curfew was imposed in the state.<sup>51</sup>
- (d) In Delta State, INEC office at Obiaruku was burnt down on the morning of the election. Election in the State was characterized by intimidation, arson, destruction of lives and properties in several parts of the state, accompanied by hijack of electoral materials. As a result of the violence in some parts of the State a dusk to dawn curfew was imposed on Ekpan and Effurun in Uvwie local government.<sup>52</sup>
- (e) Other States that were overtaken by violence as a result of the elections, especially after results were declared included Anambra, Enugu, Imo, Kano, Gombe and Rivers.<sup>53</sup>

## The 2011 General Elections

1. On the number of people arrested in their attempts to snatch ballot boxes, the chairman of INEC, Prof. Jega said that about 7 people were arrested in Nasarawa, apart from the one in Bayelsa State where a sitting Senator is involved in an attempt to snatch ballot boxes.<sup>54</sup>
2. At Oporoma, headquarter of Southern Ijaw local government area, it was gathered that ex-militant commander, Eris Paul (alias Ogun boss) and his boys were also said to have hijacked election material from INEC officials for some unnamed PDP candidate.<sup>55</sup>
3. At Odomi and Agbere communities in Sagbama local government area, the special adviser to the governor on security matters, Richard Kpodoh also allegedly hijacked election material to unknown destination while the senatorial result sheet was also

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<sup>47</sup> Report of the Transition Monitoring Group on 2003 General Elections cited in Michael Oddih, "Electoral fraud and the democratic Process: Lessons from the 2003 Elections,": in Attahiru Jega and Okechukwu Ibeanu (eds.), "Elections and the Future of Democracy in Nigeria", *A publication of the Nigerian Political Science Association.*, 2007.

<sup>48</sup> Inaugural speech of President Umar Musa Yar' Adua on 29 May, 2007 at Eagles Square Abuja.

<sup>49</sup> Ubanyionwu. C. J., "Fight against political Corruption in Nigeria: The Journey so far" Faculty of Law, Nnamdi Azikiwe University, Awka, Journal of Public & Private Law, Vol. 4, 2011, pp. 244-256.

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

<sup>54</sup> Oguwike Nwachukwu, "PDP loses in Sambo, Obasanjo, Bankole Units, **Sunday Independent**, April 10, 2011, p.2.

<sup>55</sup> *Ibid.*

carted away at Adagbabiri community in the same local government area by a group of youths.<sup>56</sup>

4. It was alleged that JTF impounded a car loaded with ammunition in the house of a House of Representatives aspirant in Kwale, Ndokwa West local government area of Delta State. The politician was said to be distributing guns to his boys when the military personnel invaded the house and shot sporadically to scare the residents who were said to have escaped leaving the car behind.<sup>57</sup>

## **Diagnosis of Electoral Violence during the November, 11<sup>th</sup> 2023 governorship election in Imo State**

As stated earlier, One Chidiebere Oforha from Umuomumu-Mbieri in Mbaitoli local government area of Imo State was reportedly shot dead by security operatives who arrested an APC Federal lawmaker that mobilized thugs to cart away ballot boxes in Ikeduru LGA of Imo State. Oforha was said to be part of the thugs recruited by the Federal lawmaker to snatch ballot boxes within the Mbaike Federal Constituency. Other highlights of electoral violence during the November, 11<sup>th</sup> 2023 governorship election in Imo State include-;

1. Gunshots were fired at the Amaimo Registration Centre in Ikeduru local government area of Imo State during the said election. Security operatives reportedly fired the gunshots into the air to address an argument that erupted among party supporters. The gunshots were fired a few meters away from the Central Amaimo school the polling unit of the PDP governorship candidate, Samuel Anyanwu. The incident happened at about 9.48am with a few voters already checking their names on the displayed INEC register.<sup>58</sup>
2. A Labour Party (LP) agent in Imo State, Calistus Ihejiagwa, was beaten and bundled out of the Imo State Collation Centre in Owerri, the State capital. Ihejiagwa was protesting the results being presented at the Collation center. He argued that the results collated from the local government areas that were being presented did not tally with the ones on the Result Viewing Portal (IREV).<sup>59</sup>
3. The governorship candidate of PDP in the said election, Senator Samuel Anyanwu, cried foul during the election over some alleged electoral malpractices. The reports he got from the party agents in the field disclosed that there were incidents ballot box snatching and other irregularities in some polling units. He spoke in an interview with journalists in his Amaimo residence in Ikeduru Local Government Area of the State. He accused party agents of the ruling APC of "coercing voters to vote for the APC. He further alleged that some PDP agents were shot by political thugs.<sup>60</sup>
4. According to Senator Samuel Anyanwu, one of the PDP vehicles was burnt at Inyishi Community in the LGA while the agents were trying to resist the thugs.<sup>61</sup>
5. He equally has evidence that one of the thugs is a member of the House of Assembly. He stated that in the process of snatching the ballot boxes, the lawmaker's Identity Card fell off and he has the lawmaker's Identity Card with him.<sup>62</sup>

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<sup>56</sup> *Ibid.*

<sup>57</sup> *Ibid.*

<sup>58</sup> <https://news.band/imo-guber-gunshots-fired-at-anyanwus-polling-unit> , (accessed on 12/11/2023).

<sup>59</sup> <https://gists9ja.com.ng/2023/11/12/Imo-election-results-watch-moment-labour-party-agent-was-beaten-bundled-out-of-imo-collation-centre/> (accessed on 12/11/2023).

<sup>60</sup><https://news.band/imo-guber-anyanwu-calls-for-cancellation-says-ballot-snatching-vote-buying-marred-process/>, (accessed on 12/11/2023).

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

6. There were cases of vote buying and coercion of voters in polling units 003 and 004 located at Chief Obi Primary School, Emekuku, in Owerri North LGA.<sup>63</sup>
7. It was also learnt that some thugs invaded the Umuokoro Village Hall, Iho, where they allegedly snatched and destroyed ballot boxes and ballot papers.<sup>64</sup>
8. The Labour Party's Governorship candidate in the said election, Athan Achonu, has accused security operatives of colluding with the ruling All Progressives Congress to manipulate the results of the election in the State. The 64-year-old politician alleged that his party supporters and voters were intimidated and harassed during the election, asserting that the outcome did not accurately reflect what truly transpired at the polling units. He stated that "It is a very sad day for democracy, for good governance, for freedom of choice and equal opportunity."<sup>65</sup> He went further to state as follows: "Yesterday security agencies of this country raped our democracy. It was a big shock, I am just recovering from it this morning. The DSS, Police and the military raped our democracy. It was like a coup by the security agencies, it wasn't INEC."<sup>66</sup>
9. Voting activities were suspended at PU018, Umunomu ward, Ehime Mbano Local Government Area of Imo State due to suspected vote-buying, leading to a clash between members of different political parties.<sup>67</sup>
10. The PUNCH reports that a female Youth Corp member who served as an *ad hoc* worker in Mbaitolu Local Government is missing while the BVAS and results in her possession have not been recovered. The Local Government Collation Officer, Dr Bolaji Olaleye, while presenting his result, said the Youth Corp member did not answer several calls heightening fear that something bad might have happened to her.<sup>68</sup>

## Legal framework for combating Electoral Violence in Nigeria

In order to ensure that law and order is maintained, the Constitution<sup>69</sup> created the Nigeria Police. Section 214 (1) of the said Constitution<sup>70</sup> provides as follows:-

*There shall be a police force for Nigeria, which shall be styled the Nigeria police force and subject to the provision of this section, no other police force shall be established in the federation or any part thereof.*

The statutory duties and functions of the Nigerian police force are clearly defined under section 4.<sup>71</sup> The duties are as follows:-

- i. the protection of life and property.
- ii. the prevention and detection of crime.
- iii. the apprehension of offenders.
- iv. the preservation of law and order, and

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<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> <https://ireporteronline.com.ng/blog/breakingq-lawyers-jubilante-as-labour-partys-achonu-reiects-election-results-heads-to-court-details/> (accessed on 12/11/2023).

<sup>66</sup> *Ibid.*

<sup>67</sup> [https://www.operanewsapp.com/ng/en/share/detail?news\\_id=:78487f768e9394dld587453e5cdfbc5e&news\\_entry\\_id=229c8d8d231111en\\_ng&openjype-coded&from=mini&request\\_id^ share \\_ request](https://www.operanewsapp.com/ng/en/share/detail?news_id=:78487f768e9394dld587453e5cdfbc5e&news_entry_id=229c8d8d231111en_ng&openjype-coded&from=mini&request_id^ share _ request), (accessed on 12/11/2023).

<sup>68</sup> <https://naijalamp.com/2023/li/12/imodecides2023-coips-m with-bvas-result-sheet/>(accessed on 12/11/2023).

<sup>69</sup> The Constitution of the Federal Republic of Nigeria 1999 (as amended).

<sup>70</sup> *Ibid.*

<sup>71</sup> Section 4 of the Police Act Cap P19, Laws of the Federation of Nigeria 2004.



- v. the enforcement of all laws and regulations with which they are directly charged, as well as performance of such military duties within and without Nigeria as may be required of them.

It should be noted that the ability of the police to discharge these onerous duties in our electoral process is still doubtful.

The Electoral Act 2022<sup>72</sup> contains some provisions aimed towards curbing electoral violence in Nigeria.

## Causes of Electoral Violence

The main causes of electoral violence can be summarized thus:-

1. **Poverty/unemployment** – Poverty is the state of being extremely poor. It is a situation whereby an individual cannot meet the basic needs of life. Such a person is more likely to participate in violence than a rich person.<sup>73</sup> The 2002 killing and bombing in Kwara State of Nigeria was traced to this problem.<sup>74</sup>
2. **Ineffectiveness of Security Forces / Culture of Impunity** - The ineffectiveness of security outfits (especially the police) is another factor that encourages electoral violence. During the pre-election stage of the 2003 general elections, for example, a number of politicians were murdered.<sup>75</sup> The police have been unable to get to the root of these killings. This failure seems to be creating a culture of impunity and motivation for recurrence of the crime.
3. **Weak Penalties** – The Criminal or Penal Code as well as the Electoral Act spelt out crimes and the penalties or punishment for violators. Penalties or punishment are intended to achieve correction, retribution and deterrence. In Nigeria, there are no specific legislations against certain electoral offences. For example, the laws have no provision for the snatching of electoral boxes from polling booths which is a common crime during elections. Moreover, the penalties for acts associated with electoral violence like assault and arson, are generally weak. This has contributed to the culture of impunity and underscores the need to review the extant laws.<sup>76</sup>
4. **Weak Governance and Corruption** – Weak governance and corruption are some of the causes of violence in Nigeria, as they make people desperate enough to seek any means including crime and violence just to survive. Corruption is closely entwined with political violence in Nigeria. Public revenues are not only stolen, but are often used to pay for the services and weapons used for electoral violence.<sup>77</sup> Lack of accountability and absence of social security could be adduced for the level of corruption.
5. **Small Arms Proliferation** – Another contributory factor to electoral violence is the proliferation of small arms in the country. There were over one million illegal small arms reportedly in circulation in Nigeria as at 2004.<sup>78</sup> These weapons perpetuate violent conflict and create new cycles of violence and crime.<sup>79</sup> Electoral violence has also been linked to the proliferation of these arms.<sup>80</sup>

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<sup>72</sup> Electoral Act, 2022, see sections 114 to 129.

<sup>73</sup> <http://www.monitor.upeace.org/archive.cfm?id=article=697> (accessed on 18 June 2012).

<sup>74</sup> *Ibid.*

<sup>75</sup> <http://www.monitor.upeace.org/archive.cfm?id=article=697> (accessed on 18 June 2012).

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

6. **Immunity Clause** – another cause of electoral violence is the retention of immunity clause in the Constitution.<sup>81</sup> The immunity clause has made the president, governors and their deputies to be sacred cows that cannot be touched. They do all sort of things to remain in power because they are covered by immunity clause. I shall use the case of *Chief Mrs. Anike Olowoporoku & Ors V. Ekiti State Electoral Commission & Ors*<sup>82</sup> to show case the extent governor Fayose could go to make sure that his party remained in power. One of the three police personnel who testified for the petitioner during the hearing of the petition gave vivid account of the role played by governor Fayose thus –

*Voting started 9 O' clock and around 9:30, governor Fayose and some mobile police came to me with his entourage. The governor greeted me, 'well done' he said he wanted us to cooperate, and I asked how, he said he wanted to collect the ballot papers and put them in the box. I said no. He said if I refused he would carry the box away. I told him the DPO has instructed us to take care of the box and maintain peace. He ordered some persons following him to carry the box. I held the box and struggled for it with them. They pushed me down and collected my baton. Before I stood up, the ballot box had been taken away. They fired into the air as they were going. I hid somewhere till they left. I came out later and went to the station. I discovered there was commotion every where. They were singing as they were going in Yoruba which translated to "let everybody warn his ward as today will be tough." Some vilians followed the governor in addition to mobile police without tags...*

### Effects of Electoral Violence

1. It causes political instability. Political instability often arises due to inability of opposition and relevant actors in governance to resolve perceived or real grievance. Electoral violence, if not properly addressed, could ultimately lead to escalated violence. This will adversely affect the development of the country.
2. Electoral violence breeds insecurity. The collapse of the 1<sup>st</sup> and 2<sup>nd</sup> republics is attributable to this, as can be seen from our illustrations in the course of this work. In addition to the insecurity, there are attendant costs like increased security votes and the resources spent on repairs of damaged infrastructure. A good example was the crisis in Anambra State which eventually led to the burning of government house etc and abduction of the State governor. These resources spent in rebuilding the state could have been better spent on human and social development and such trends adversely affect the social and economic wellbeing of the country.<sup>83</sup>
3. Another effect of electoral violence is that it has helped propagate the ongoing cycle of violence in the country. We are witnesses to what is happening in Nigeria presently where citizens are mercilessly killed on daily bases. Another good example is the Western Region crisis during the rescheduled regional elections late in 1965 which led to the collapse of the 1<sup>st</sup> Republic.

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<sup>81</sup>Constitution of the federal Republic of Nigeria 1999 (as amended).

<sup>82</sup> Unreported suit No. EPT/EKLG/27/2004 reported in the **Daily Independent**, Thursday, June 21, 2007, p.3.

<sup>83</sup> <http://www.monitor.uepeace.org/archive.cfm?id=article=697> (accessed on 18 June 2012).

4. Another effect of electoral violence is that it encourages voters' apathy in electoral process. In Akwa Ibom State, during the 2007 general elections, voters' apathy was high. A voter at one of the centres in Nsit Atai said of the election thus:-

*Well, whether I vote or do not vote, it just doesn't count because the result would be declared in favour of the highest bidder. So, if that is the case why should I wait for several hours here under the sun when it is obvious that my franchise has already been mortgaged.<sup>84</sup>*

Again, in Lagos State, low turn-out of voters characterized 9/3/19 Governorship and House of Assembly election as most people remained indoors. Explaining the reason for the low turn-out in Jakande Estate, Low Housing Estate Primary School, one of the voters said:

*I arrived my polling unit by 8: 30am to vote but the place is empty as you can see. I suspect that because of the violence that occurred in the last elections, many eligible voters lost interest in coming out this time around.<sup>85</sup>*

## Conclusion

It must be noted that the support for democracy and enthusiasm about elections in Nigeria were high but people are now being discouraged by violence to exercise their franchise. If violence and electoral fraud were reduced, people would be more enthusiastic to go out and exercise their franchise and in doing so, our democracy would be strengthened.

## Recommendations

1. There is need for Nigerian political stakeholders to sanctify the electoral process so as to reduce voter's apathy occasioned by electoral violence so that democratic institutions in the country would be strengthened. This could be achieved through seminars, training and retraining of political stakeholders.
2. Electoral violence and malpractices have been on the increase since independence. There is need for strict enforcement of the provision to the Constitution, Electoral Act and Criminal or Penal Code dealing with electoral violence and the prosecution of all those apprehended in the commission of these crimes.
3. There is need to revisit the legislative proposal to create an Electoral Offences Commission along the lines suggested in the commission's report on electoral reforms. I am of the firm conviction that a body solely established to deal with the problem of prosecuting electoral offences will be more effective in terms of recruiting the requisite staff and concentrating on the discharge of its mandate.
4. The Constitution of the Federal Republic of Nigeria 1999 (as amended) should be amended to remove totally the immunity clause enjoyed by the president, governors and their deputies so that all will be equal before the law.
5. There is equally need so abolish the issue of second term. All political office holders should quite the stage after finishing their first term in office. This will go a long way in reducing do-or-die syndrome in our political process.
6. Concerted efforts should be made to combat youth unemployment.

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<sup>84</sup> I. Ekponta, "A Violent – ridden election," **The Nation**, Sunday, April 22, 2007, page 42.

<sup>85</sup> Chinelo Obogo, Voter apathy mars guber/assembly polls in States, **Sunday Sun**, Vol.15, No. 829, March 10, 2019, p. 40.

7. It is time we look at the salaries and emoluments of political office holders. Their salaries and emoluments should be made to be unattractive so that the do-or-die syndrome obtainable in our polity would be reduced to the barest minimum.
8. The agencies of government charged with mass education should rise up to their duties. A properly educated and informed public will not only see the ills of electoral violence and refrain from it, but will also help Nigerians take the right political positions about issues and policies.
9. Constitutional courts should be established to interpret and handle election and constitutional matters to avoid the conflicting judgments emanating from our courts and tribunals. This, it is believed will curtail some excesses that in many instances generate electoral violence.
10. It is my belief that with the implementation of the measures outlined above and appropriate funding and equipping of our security outfits, the nation will experience less of politically motivated violence.