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## AN INTEGRATED APPROACH TO ELECTIONS AND CONFLICT - PURSUANT TO 2015 AND BEYOND

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### ABSTRACT

The paper examined the issue of conflict arising from elections and proposed steps that should be taken along with the electoral management body to avoid devastating conflict during and after the forthcoming 2015 election. The study was conducted using the descriptive approach by which it sought to describe elections as they were and identify the variables, which accounted for violent conflict during and after each election that had been held in Nigeria. The applied investigative paradigm revealed that the election managers were never trusted; rules of elections were violated with impunity. Moreover, elections materials were often delivered late to the polling centres, and logistic challenges posed major concerns. These challenges frustrate many people who resort to aggression and violence. It then suggested measures including motorisation and early delivery of election materials the day before the election as was recently done in the Osun case, the establishment of constitutional or election malpractices court, withdrawal of security men attached to public officials during the period of election and to avoid repealing electoral laws every election year. It further posited that the evidence of election monitor should be accepted in the electoral courts herein canvassed since it would be more objective than others in prosecuting election cases.

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### Background

It is imperative that clarifications should be made on the topic of the discourse given that 'elections and conflict' appeared as the major concepts, which serve as independent and dependent variables in the subject of this discourse.

It would be recalled that it was immediately after the 2011 presidential election, coupled with pronouncement from certain individuals that conflict of immeasurable proportion engulfed Nigeria until today in a particular part of the country. There is therefore a very high correlation between the concepts of 'election and conflict' hence the appropriateness of the subject matter.

Modern states practice 'representative democracy unlike the direct one prevalent in the ancient Greek city states. The obsolescence of direct democracy is predicated on a number of factors,

which included;

- (i) The growth of human population beyond what could be gathered in a location for decision to be taken;
- (ii) The development of modern state consisting of urban and extensive rural areas;
- (iii) The advancement of technology, which has created the global village;
- (iv) Massive migration in search of better living conditions
- (v) The innovation in modern means of communication
- (vi) The ideological polarity, which has created different forms of governance hence various approaches to elections.

Modern society as a result cannot practice direct democracy, hence the mechanism of creating

a 'democratic society is 'election. It is instructive to evaluate the reasons why Nigerians like all other human species consider democracy desirable. First let it be stated that we are herein referring to 'Representative Democracy as a result of the shortcomings of direct democracy as earlier stated.

### Representative Democracy

It is instructive to note that (i) that in a representative democracy, the people (Nigerians) are not only sovereign; they elect state officials to represent them and take decisions on their behalf. (ii) Representation is the minimum form of sovereignty. (iii) In a representative democracy, the major form of participation by all is by voting in accordance with the universal principles of 'one man one vote'. (iv) The events in (i-iii) above culminate in a process known as 'Election', which is the focus of this discourse. Election is the process by which individual preferences for a candidate, political party and their programme are aggregated to ascertain the most preferred, personage party and programme (Frank, 2013). It is a process of giving the people's consent to those they wish to govern them. An improperly conducted election is a recipe for conflict and rebellion. (v) By reasons of the above set of actions (i-iv) the public officials so elected become accountable to those who voted them, hence the sovereign (Nigerians) could remove state officials who are not accountable on Election Day.

The above background generated the problem statement of discussion and analysis of the study.

### The Problem

Election refers to the processes of aggregating individual preferences into a summation to decide the preferred person(s) to lead a people for specific period party and programme. This confers legitimacy on the person(s) and obligation on the rest of the society to abide by the legitimate orders ensuing from the personages so elected as public policies. The elected persons or party generates a course of action(s) to drive the society to the envisaged ends. The history of elections in 1923, 1946, 1951, 1954, 1959, 1964/5 in Nigeria has been marred in controversies. The post independence elections did not fare better in this regard. The crux of the problem for that reason was, if all elections except the transitory ones (those elections conducted by the

military whenever they are disengaging from the *political scene*), have always been controversial, and cast elements of illegitimacy on the Government which emerged, what is to be done in order to achieve a non-controversial and a legitimate election in Nigeria as 2015 approaches? It was instructive to note that 2015 election fall into the category of 'regime to regime' transfer of power.

There are two major reasons why the conducts of elections in Nigeria constitute a principal problem. The first is that, transitory elections, 1979, 1999 have been less controversial. This assertion was not unmindful of the 12<sup>2</sup>/3 saga in 1979 (Awolowo vs. Shagari) and much less controversial in 1999. However, 'civil regime to regime, 1983, 2003, 2007, 2011 and now 2015 (Frank, 2011: 68) have created palpable fear in the minds of scholars and the populace. This is because, if 2011 election produced Boko- Haram in the aftermath, then 2015 is likely to begat greater negative scenario.

Closely related to the above is the credibility of the election. It is instructive to note that for elections to be credible it should meet minimum standard such as; citizens participation and accountability. Other conditions include:

- (i) *Competitiveness:* There must be genuine competition for position of elective office. At the very minimum, there must be no laws or practices that might preclude competition or guarantee that candidates run unopposed.
- (ii) *Free:* Voters must have the freedom to vote as they deem fit. They must not be subjected to any form of coercion or intimidation by State authorities or by individuals or organizations outside the state.
- (iii) *Secret:* To protect the confidentiality of the voter's choices, elections must be held through secret ballot. The secret ballot is known as the 'Australian ballot' (it is so called because secret voting was first employed in South Australia in 1858). It was adopted for general use in Britain in 1872 and in the USA presidential elections in 1884 (after the fraud-tainted contest). This is the reason secret ballot is known as the Australian ballot.
- (iv) *Fair:* The processes use for selecting

- candidates (internal democracy the bane of Nigeria political parties), conducting elections, and counting the votes must be untainted by favouritism, discrimination, fraud or any other form of unfairness to the participants or to the population as a whole.
- (v) *Frequency:* Elections must be held at regular intervals, at least every four to five years, so that voters can exercise their rights of accountability and losers can have a chance to run again.
  - (vi) *Inclusiveness:* All adults above certain age (say eighteen) must have the right to vote.
  - (vii) Voting rights should be distributed equally to individuals in accordance with the principle of 'one person, one vote' (Sodaro, 2008:178).

**Method of the Study**

The study had adopted the descriptive technique to study the problem of election in Nigeria pursuant to conflict free 2015 election. Osuala (1982), had described the process as that which specify the nature of the problem studied, the situation or population by providing an accurate description of the population, which constituted the problem. It unveiled the trends of the characteristics of the phenomenon. Ndiyo (2005), on the other hand, had described the adopted approach of the study as one, which sought to obtain information concerning the status of the situation studied. It established the nature of the research problem at the time the study was conducted. It was mainly aimed at establishing 'what existed' and identifying the variables, which must have accounted for the state of the phenomenon at the particular time. The study conducted through this approach was meant to generate data that would enhance the processes of decision-making concerning the 2015 election. In the final analysis, it revealed the picture of election problem in Nigeria, which would guide future decisions that would be made pursuant to 2015, taking cognisance of the variables unveiled in the study. Descriptive research could be case study, survey and so on. This assumed the case study pattern.

The question to ask was, how important were these problems and what are to be done? Building the capacity of INEC (Nigeria election management

body) to be able to accommodate these values becomes crucial because those who are to be elected are to provide the nation through governance the following:

- (i) Welfare as a democratic value; hence, the economy has long been a top priority of practically every government in the world. The principal purpose of every government is to promote the general welfare of the people.
- (ii) To stimulate growth and widen economic opportunity, alleviate poverty and provide generous welfare benefits.
- (iii) Provide basic political rights, which the citizens are entitled, as citizens of a democracy, Nigerians are no less entitled. Given the importance of elections to generate the above in the polity, what is to be done to achieve a free and fair election and inadvertently avoid conflict in Nigeria as 2015 approaches? Proper planning they say, prevent poor performance. The intention is to generate an integrated method to election, which would not create conflict, if it does, it should be minimal and not destructive. Elections, which do not possess these variables, would have many people feeling deprived of their rights, hence the tendency to result to conflict. To what extent is election an invitation to conflict?

**Framework of Analysis: Relative Deprivation Theory**

Walter Runciman propounded the perceptual prism, through which the study was analysed known as 'relative deprivation theory in 1966 while James Davis pioneered the application of this theory to terrorism. It explains behaviours of people who feel that they are being deprived of something to which they believe to be entitled. It refers to the discontent people feel when they compare their positions to others and realise that they have less of what they believe themselves to be entitled than those around them (Cohen, 1968). According to Davis (1968), the term 'relative deprivation' was used in social sciences to describe feelings or measures of economic, political or social deprivation that are relative rather than absolute. Social scientists, particularly political scientists and

sociologists, have cited 'relative deprivation' as a potential cause of social movements and deviance, leading to extreme situations in political violence such as rioting, terrorism, civil wars and other instances of social deviance such as crime.

Gurr, (1980) described 'relative deprivation' as the perception by actors of the discrepancy between their value expectations and their value capabilities. Value expectation are goods and conditions of life to which people believe they are rightfully entitled, while value capabilities are the goods conditions they think they could get and keep. He further argued that relative deprivation was central to the occurrence of revolution. Political instability only results from deprivation when combined with the belief that conditions are worse than they could and should be. The most explosive situation is when a period of rising expectations is followed by a decline in the ability of the regime to meet those demands. Such a situation creates a dangerous gap between expectations of continued improvement and the reality of decline.

Put differently, it is the situation of rising frustration taking over the imminent expectation and resulting into anomic participation in the situation (a revolution of rising frustration, taking over the revolution of expectation). The visible outcome is usually anomic (negative) participation, which is often anti-social.

It operates in a situation where some people are expectant that they are going to elect certain persons, party and programmes that would uplift their political, social and economic status. When they become deformed by the absence of the variables herein discussed in election, the outcome would be frustration over their expectations. The psychic of those who felt that they were entitled to victory yet are deprived become violent, destructive and conflictual. This situation has been responsible for almost all revolutions in history. The violent was directed at anything insight.

#### **Elections and Conflict: The Nexus**

It is important to note that elections and conflict are twin brothers; one is the independent while the other is a dependent variable. A free and fair election is an antidote to conflict and vice versa. However, it is critical to state that it is not always that elections generate conflict. This is because of several other

considerations, which do intervene to create conflict under the guise of lack of 'free and fair elections. June 12, 1993, 2011 elections in Nigeria is a typical example. June 12 election had spurious reasons from the military junta. It ignited the famous June 12 crises while 2011 had a purely personal and *messianic complex*, of certain persons who felt that it was their regional chance to rule. This gave birth today to notorious Boko-Haram fundamentalist from purely a gangster group, used for election fraud. It is for these reasons that we hypothesized in this paper that 'good elections' anywhere serves as a 'conflict' management tool, hence an integrated approach to 2015 becomes imperative. This is because if Nigeria gets it right, conflict would be avoided or minimized and vice versa.

It would be recalled that elections had created crisis all over the world, from Poland –Lech Walesa, to Guinea where the election of Abubakar Quattara generated war to Kenya (Uhuru Kenyatta) protests, Zimbabwe (old man Mugabe sanction) to Rwanda (Hutu and Tutsi genocide), and Mali to mention but a few which had all led to conflicts of grave consequences. This is one of the essence of this study to seek an integrated way forward and avoid conflicts in 2015.

Election is a tool of conflict management in a state, (with proper civic education and independent management) and adequate funding, suffice it to say that these are not exhaustive reasons for election to work in the direction envisaged in this study.

#### **History of Elections in Nigeria**

The history of election management in Nigeria revealed that the British Messer RT. Weait, JJ. Warren led the 1959 election. A Nigerian Chief Eyo Esua led the 1964-66 Federal Electoral Commission (FEC), which conducted both the Federal and regional elections. Chief Michael Ani led FEDECO, then retired Justice Ovie Whiskey 1980-83, National Electoral Commission (NEC) was managed by Professor Eme Awa, Humphrey Nwosu, the late Professor Okon Edet Uya (1993) and NECON by Chief Summer Dağogo Jack (1994-98) before Chief Ephraim Akpata came on board in 2000 and the late Abel Guobadia reigned in 2000-05 Professor Maurice Iwu and now Professor Attahiru Jega. The common denominators which prevailed through these electoral commissions except that of 1959 were;

- (i) That the elections were marred by very poor organization, lack of essential transparency and widespread procedural irregularities;
- (ii) Double registration including the registration of under aged children;
- (iii) Late arrival of registration materials and many times missing forms or poor sorting of materials;
- (iv) Overlapping electoral delineation of constituencies;
- (v) Wrongful declaration of election results (Frank, 2011:74). These are the usual complaints against Nigeria election commissions. It must be remembered, that the above problems spanned beyond the jurisdiction of the election management body (INEC) and included electoral law and associated organized bodies that have roles to play in election planning and administration.

**Extant reasons**

The other variables, which have necessitated the search for an integrated approach to election management in order to minimise conflict thereof, included:

(a) The first concern was the provision of the 1999 constitution, which this paper is not optimistic that any election in this country will be free and fair as long as the 1999 constitution remain in its present form. This is because the stakes are too high, which makes the competition for political office especially that of the president, 'a do or die affair' (apology to former President Obasanjo). This type of mindset makes free and fair election almost impossible. Stakes are high because the President is too powerful with 68 items in the exclusive legislative list. Every contestant would want to assume that role by hook or crook, hence violating the rules of the game, to obtain the office.

(b) The second concern rest on the operational independence of the electoral body (INEC), it should not be subjected to anyone but belong to the first charge in the consolidated fund in order to avoid manipulation.

© Thirdly, some electoral constituencies are too large, thereby making the management (registration, delivery of electoral materials, collating of results difficult –Delimitation and demarcating of constituencies, is subject to the approval and ratification by the *Senate*. INEC is empowered to do this, but the parliament would certainly want to exercise oversight functions thereby politicising it. INEC must also do this without subjective considerations.

(d) Disqualification of candidates to allow decent ones to emerge as the managers of the economy is reserve for the courts rather than the electoral body (INEC). It would be recalled that INEC's decision to disqualify Atiku and the ruling of the Federal High Court to allow him to contest as presidential candidate five (5) days before the presidential election, resulted in significant logistical problems for INEC (EOM, 2007:7). The ballot papers, which had earlier been printed, needed to be discarded for new ones to accommodate Atiku and his new party. It is pertinent to note that certain functionaries of government could be prevented from voting because of the office they occupy. The presumption is that regardless of personal attitude of the subject, their mere participation in the electoral process while holding such position, will distort the result (Pesco cited in Ujo,2000).

(e) **Constitutional Court/Election offences court:** This is a conflict management window whereby a person who felt he won the election and was denied the mandates could go and air his grievances and obtain justice as quickly as possible without delay, as justice delayed, 'they say is justice denied'. This is because the normal election litigation in the regular courts takes ages to be decided, characterized by frivolous 'interlocutory' injunctions, which are deliberate. An election offences tribunal or court or by whatever name, should be what EFCC is to financial criminals. Since all politicians are potential electoral offenders, there would be stiff opposition to its creation, but the majority stakeholders should rise and stand firm to ensure its creation and enforcement with stiff penalties. The Civil Society Organizations and indeed all Nigerians have obligation towards the creation of this institution. The punishment of those who perpetuate violence during elections and disqualifications of their sponsors would serve as deterrence to all potential troublemakers in elections.

(f) **Political party Registration Council-**would among other things not only register groups that would have met the conditions set out for the registration of political groups, but also regulate fund raising and fiscal expenditure of political parties during elections.

(g) **Electoral Act:** This must not be tampered with each time election approaches by the Members of Parliament (MPs) to create loopholes for them to return to the parliament. It is on record that the Electoral Act (2003, 2007, and 2011) had been repealed every time election approached. This had been the practice since 1999. This creates problem for INEC the electoral body to strategize. The strategies for the realization of the new provisions have to be learned each time. This constitute a problem.

**The Synergy: Institutions Building**

It is apparent from the foregoing analysis that the electoral body is burdened by several systemic distractions, which task their effectiveness and efficiency. Consequently, many other institutions need to be created for their services to complement that of INEC. The institutions whose roles are required to be integrated to that of INEC are;

- (i) Election offences courts/tribunal (the judiciary), with rules where legal jargons such as 'want of diligent prosecution, unnecessary granting of perpetual injunctions` and adjournment for all manner of reasons would be ousted to facilitate accelerated hearing of election matters'. This is one way of avoiding violent conflict, when election litigants are sure to obtain justice.
- (ii) The parliament should allow a steady electoral law where both INEC and the citizens would be conversant with its provisions, rather than amend it each time election is insight to create loopholes for their electoral successes. It should also be able to enhance the delimitation and demarcation of new constituencies with Parliamentary backing.

- (iii) The Civil Society Organizations are required to lead in enhancing civic and political education of the electorates in conjunction with the media.
- (iv) Making pooling booth user friendly for the physically challenged Nigerians is necessary, to make the process inclusive;
- (v) Political Party registration Commission (to regulate the registration and monitoring of fiscal income and expenditure during elections and have the power to disqualify any party found wanting (spreading above certain limit).

All these are meant to ensure that INEC becomes effective in discharging its mandate. These institutions need to be created to synergize with INEC and take the various actions canvassed here, months before election are due. These are some of the actions that need to be taken towards a credible and confidence election in 2015 and beyond.

**Conclusion**

It was the expectation of this study that given the synergy canvassed herein, that INEC would do the needful pursuant to credible elections in 2015 and minimise conflict. The needful things to do would include liaising early enough with the appropriate institutions, producing credible voters list, delivering materials to pooling units on time after conducting motorisation as recommended in this discourse, (Osun 2014 election) get all the forms properly arranged, with different colours for different states and constituencies release results as specified by the electoral law, while other stakeholders, the CSOs would perform roles of civil education. By this integrated approach, the election outcome would certainly be better than the previous ones. It would inadvertently minimise conflict in Nigeria polity by its outcome.

**Recommendations**

- (i) Election monitors: It is important to note that the mere presence of election observers can ensure a free and fair election. It also gives credibility to the election in the international community (Ujo, 2000). Thus, local and international monitors should be accredited early enough. It is important to submit that evidence from election monitors should be admissible in the election offences

- courts/tribunal as hard evidence since they are likely to be unbiased.
- (ii) Every contestant in the election who has security men attached to him should have these men withdrawn for state duties at this time. This is to avoid the reoccurrence of some of the situation already cited in this study. They could and have been used illegally to affect the conduct of elections in certain wards.
  - (iii) Registration of voters should be a voluntary and continuous exercise rather than compulsory. It should not be a periodic ritual, which comes with elections but a continuous one as voters come of age.
  - (iv) Electronic voting system should be introduced, Nigeria is ripe for it. The above synergy if worked out with all institutions herein suggested would lead to a credible election by the central government. The driver of the state.

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