



# AHMADU BELLO UNIVERSITY LAW JOURNAL

FACULTY OF LAW

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## EXAMINATION OF THE LEGAL FRAMEWORK FOR INTER-AGENCY COLLABORATION BETWEEN SECURITY AGENCIES IN THE ELECTORAL PROCESS IN NIGERIA

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### Abstract

The Nigeria electoral cycle comes up every four years. During this period, Nigerians elects leaders at the levels of the executive and legislation. Over times in Nigeria, the election process has witnessed disruptions, violence and protests. In Nigeria, security agencies are deployed in the electoral process, but, the general security operations by the security agencies have been marred by rivalry, lack of collaboration and intelligence sharing. This comes with dire consequences not only on the general security situation in the country but also for election security. This paper adopting content analysis and expository methodology finds that the framework for inter-agency collaboration and synergy in Nigeria presents the problem of legal and practical application. This paper recommends that the Code of

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Conduct to guide all members of the Inter-agency Consultative Committee on Election Security (ICCES) be incorporated into the Electoral and given primacy in Nigeria election security architecture.

## 1.1 INTRODUCTION

Election in Nigeria is periodic. It is a circle of activities which come up majorly every four years with the exception in some few states<sup>526</sup> where elections to the office of the Governor of the states are conducted off-circle. Elections in Nigeria have continued to be characterised by brazen acts of violence and other challenges. This makes election security an integral factor in the Nigeria's electoral process. Because of political desperation by Nigerian Politicians, election in Nigeria is characterized by different forms of violence, thuggery and malpractice, usually influenced by the misuse of drugs and money, leading sometimes to intimidate voters, disruption of the electoral processes and destruction of lives and properties.<sup>527</sup> The violence consequently results in the disruption of the election process. Financial inducement and electoral fraud are also gaining prominence in our election process. The resultant consequences include but not limited to vote-buying, vote-rigging, ballot box snatching, falsification and manipulation of election results, bribery and corruption, leading to loss of confidence in the electoral process. The free display and use of arms, ammunition and other forms of weapon in our election process calls for serious concerns.

Maintaining national security in any country is a panacea for growth and development. Collective responsibility and synergy among the distinct security bodies in Nigeria is fundamental to achieving national security,<sup>528</sup> especially inter-agencies collaboration in election security management.<sup>529</sup> This entails the

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<sup>526</sup> Bayelsa, Anambra, Ondo, Osun, Edo and Kogi states.

<sup>527</sup> Ladan, M.T. 'Enforcement of electoral law and electoral violence in Nigeria'. <[www.gamji.com/article6000/NEWS6681.htm](http://www.gamji.com/article6000/NEWS6681.htm)> accessed 18<sup>th</sup> March, 2023; Richard, E. T., 'Security Challenges and Election Management in Nigeria' (2021) JGGSDA, Vol. 6, No 3. <<http://journals.rcmss.com/index.php/jggsda>> accessed 18<sup>th</sup> March. 2023; Kalu, E. N., 'Security Agents and Election Monitoring in Nigeria: Engaging International Best Practices'. South East Political Review 2020 SEPSR Vol.5 No.1.

<sup>528</sup> Oladele, F. A., 'Inter-Agency Cooperation and National Security; an Assessment of Internal Security Operations in Nigeria'. International Journal of Management Sciences and Business Research, ISSN 2226-8235 (2020) Vol-9, Issue 2.

<sup>529</sup> Lai Olurode (ed.) Election Security In Nigeria: Matters Arising, (Friedrich-Ebert-Stiftung (FES), 2013), ISBN: 978 - 2415 -78-2 p.xx

provision of basic security to voters at political party rallies and campaigns, ensuring that result forms are protected and the whole electoral process is circumscribed by security considerations.<sup>530</sup> Thus, a well-coordinated and adequate security framework ensures free, fair and credible election, free movement of electoral staff, voters, candidates, observers and other stakeholders on Election Day.<sup>531</sup>

However, Inter-agency cooperation remains a major challenge in Nigeria as a result of inter-agency friction, rivalry and quest for superiority among them and establishing an optimal legal framework for election security in Nigeria has been a major challenge for many years.<sup>532</sup> Such a framework would entail bringing together disparate security agencies, each with its own unique characteristics and idiosyncrasies, under a common umbrella with INEC.<sup>533</sup> While the Armed Forces Act contemplates cooperation amongst the Armed Forces of Nigeria in the discharge of their operational duties, it remains uncertain whether such provisions for cooperation with other security services is available under the Act. Also, some of the enabling laws establishing the security agencies appear to confer wide and unrestricted powers on them. This raises the question of how the wide and unrestricted powers can impacts on inter-agency collaboration especially where conflicts arises in relation to jurisdictional competence in operational duties. The Electoral Act, 2022 is the legal regime regulating the conduct of elections in Nigeria, but, how detailed if any is the provision on the collaborative framework by the security agencies in election security management? Against this background, the paper conceptually reviews and analyzes election and election process in Nigeria, as well as the legal framework for general security operations and election security in Nigeria.

## **1.2 ELECTION AND ELECTION PROCESS IN NIGERIA**

Election and election process are closely related phenomenon. This is because election is an integral part of the elections process. Election is universally accepted as the process through which individuals, openly or in secret chose elected representatives to represent them at levels of government.<sup>534</sup> The rules concerning

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<sup>530</sup> Ibid

<sup>531</sup> Ibid

<sup>532</sup> note 3

<sup>533</sup> ICCES, Code of Conduct & Rules of Engagement for Security Personnel on Electoral Duty, 2020

<sup>534</sup> Gibbins, R. , Webb, . Paul David and Eulau, . Heinz Election. Encyclopedia Britannica. (2020, November 2). <<https://www.britannica.com/topic/election-political-science>> accessed 20 August, 2023;

political participation through elections have been codified in international and national legislations.<sup>535</sup> It is universally guaranteed and contextualized as the right to vote and be voted for in an election process. Election elements provide the operational dimension of the right to participation, and they are the key references for assessing elections.<sup>536</sup>

The election elements contemplate the possibility to identify a number of distinct features, namely: the right to vote and the right to stand as a candidate, genuine as well as periodic elections, universal as well as equal suffrage, the secrecy or openness of the ballot and the free expression of the will of the electorates. Periodic elections imply that a country's legislation should prescribe a certain period after which elections must take place. The purpose of this is to ensure that the authority of government continues to be based on the will of the people. Implicitly, there should be in existence a structure to ensure the timely conduct of elections, register voter and maintain voter lists, ensure right of access to and vote at polling station, inclusive of the right to have one's vote counted.<sup>537</sup>

Therefore, according to Iyayi,<sup>538</sup> election process encompasses activities before, during and after elections.

The 1999 Constitution of the Federal Republic of Nigeria (as amended), herein after referred to as the Constitution, prescribes that election into legislative and executive offices in the Federal Republic of Nigeria at the federal and state levels

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Richard, E. T., note 2 p.30; Chu, A. A., and others, 'An Assessment of the Role of Money in Nigerian General Election'. (2017), IOSR-JHSS, Volume 22, Issue 7, Ver. 1. PP 61-65 e-ISSN: 2279-0837, p-ISSN: 2279-0845. <<https://www.iosrjournals.org/iosr-jhss/papers/Vol.%2022%20Issue7/Version-1/J2207016165.pdf>> accessed 23 July, 2023.

<sup>535</sup> Article 21 of the Universal Declaration of Human Rights (UDHR) (1948); Article 25 of the International Covenant on Civil and Political Rights (ICCPR) (1966); Article 5, Convention on the Elimination of All Forms of Racial Discrimination (1965); Article 7(a) Convention on the Elimination of All Forms of Discrimination against Women; Article 29, UN Convention on the Rights of Persons with Disabilities (2006); Article 3 Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (1952); Article 23. American Convention on Human Rights (1969); Article 13, African Charter on Human and Peoples' Rights (1981); The OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (2002) Adopted at the 38th Ordinary Session of the Organization of African Unity, 8 July 2002, Durban, South Africa; Article 17 African Charter on Democracy, Elections and Governance (2007-2012); Article 25 of the ASEAN Human Rights Declaration (2012); Article 24 of the Arab Charter on Human Rights; and the 1999 Constitution of the Federal Republic of Nigeria (as amended) and the Electoral Act, 2022.

<sup>536</sup> EODS, Compendium of International Standards for Elections, (Luxembourg: Publication Office of the European Union, 2016), ISBN: 978-92-79-47039-4 doi: 10.2770/923866

<sup>537</sup> Ibid

<sup>538</sup>Iyayi, F., 'Elections and the Problems of Election Mindsets in Nigeria: The Critical Challenges Ahead'.

[TEI Lecture Series](#), No. 4 (Electoral Institute, Independent National Electoral Commission, 2007).

shall hold every four years.<sup>539</sup> The Commission is empowered to organise, undertake and supervise all elections to the offices of the President and Vice-President, the Governor and Deputy Governor of a State, and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation; and monitor political campaigns and provide rules and regulations which shall govern the political parties.<sup>540</sup> Thus, the powers of the Commission to conduct elections in Nigeria essentially cover three phases of the electoral process: the activities at the pre-election phase covering political party campaigns and rallies; the activities during the election phase covering accreditation and voting at the elections; and the activities during the post-election phase covering collation and announcing of results. In all these phases of election activities, election security<sup>541</sup> forms an integral part of the process.

### **1.2.1 The Role of Security Agencies in Election Security Management in Nigeria**

The Constitution of the Federal Republic of Nigeria sets out the general framework for security operations in Nigeria when it states that ‘the security and welfare of the people shall be the primary purpose of government’.<sup>542</sup> In furtherance thereto, the Constitution establishes the Nigerian Police Force<sup>543</sup> and the Armed Forces of the federation<sup>544</sup>. The National Assembly in addition thereto by the powers conferred on it to make laws for the peace, order and good government,<sup>545</sup> made laws for the Police and the Armed Forces, as well as laws establishing other security bodies/services.<sup>546</sup> The laws establishing these security bodies define their areas of operations. The specific powers of these agencies in connection with election security management are also set out in appendix 6 of

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<sup>539</sup>Sections 64, 105, 135(2) and 180(2) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

<sup>540</sup> See Section 153(1)(f) and Third Schedule, Part 1(f) of the 1999 Constitution of the Federal Republic of Nigeria; Paragraph 15(a) and (f) of the Third Schedule, Part 1(f) of the 1999 Constitution of the Federal Republic of Nigeria.

<sup>541</sup> Manning polling units, collation centers, INEC offices and general security patrol, etc.

<sup>542</sup> Section 14(2)(b) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

<sup>543</sup> Section 214 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

<sup>544</sup> Section 217 of the 1999 Constitution of the Federal Republic of Nigeria (as amended). See also section 1(1) of the Armed forces Act, 1994 which provides to the effect that ‘There is hereby established for the Federation an Armed Forces which shall be maintained and administered as set out in this Act and comprise the Nigerian Army, the Nigerian Navy and the Nigerian Air Force (in this Act referred to as the "Army", "Navy" and "Air Force") respectively’

<sup>545</sup> Section 4(2) and (3) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

<sup>546</sup> Second Schedule, Part 1 Items 16, 17, 30, 38 and 45 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

the Code of Conduct & Rules Of Engagement for Security Personnel on Electoral Duty.<sup>547</sup>

### **1.2.2 The Nigeria Armed Forces**

The safety of election and election resources, human and materials cannot be guaranteed where there is threat to national security. The Armed Forces Act establishes the Nigerian Armed Forces (Army, Navy and Air Force) and charged them with the responsibility of the defence of the Federal Republic of Nigeria by land, sea and air, etc but without specific provision on their roles in election security.<sup>548</sup> The Electoral Act, 2022, on the other hand merely provides that the deployment of the Armed Forces shall be for the purpose of securing the distribution and delivery of election materials and protection of election officials without more.<sup>549</sup> It is the ICCES that provides to the effect that the Armed Forces shall maintain and secure public safety and public order;<sup>550</sup> Provide surveillance of Nigeria's seaports and continental shelf, airspace and airports and in the vicinities of registration/election areas as determined by engagement rules to be developed by ICCES; assist in restricting movement during the registration/election exercise; assist in protecting registration/election materials where police and other agencies are not able to do so; establish a Standby Rapid Deployment Squads in all States in case of serious crisis; assist in delivery of INEC materials where necessary; assist in retrieving INEC registration/election materials where necessary; and prepare to assist and evacuate civilians in the case of serious crises.<sup>551</sup> It is interesting to note however that while the Armed Forces Act, contemplates cooperation amongst the Armed Forces of Nigeria in the discharge of their operational duties, no such provisions for cooperation with other security services is available under the Act.<sup>552</sup>

### **1.2.3 The Nigerian Police Force**

The protection of lives and properties is integral to a free and fair election process. In this regards, the Police Act, 2020 sets out the general framework for security operations for the Nigeria Police Force in Nigeria. The Act vests on the Nigerian Police the powers of detection and prevention of crimes and protection of the

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<sup>547</sup> Appendix 6 Of the Code Of Conduct & Rules of Engagement for Security Personnel on Electoral Duty, 2022

<sup>548</sup> Section 1(6) of the Armed Forces Act, 1994.

<sup>549</sup> Section 27(3) of the Electoral Act, 2022.

<sup>550</sup> Section 8(3) of the Armed Forces Act, 1994.

<sup>551</sup> note 24

<sup>552</sup> Section 19 of the Armed Forces Act, 1994.

rights and freedom of every persons in Nigeria;<sup>553</sup> maintenance of public safety, law and order;<sup>554</sup> protection of lives and properties.<sup>555</sup> Interestingly, there is no aspect of the general duties of the Nigerian Police that does impact on the election process in Nigeria. This includes provision of adequate personnel to maintain order at polling units, registration area centres and other INEC facilities; securing registration/election equipment and other materials at all times; apprehension of law breakers and prosecuting them amongst others.<sup>556</sup>

Although, section 4(f) of the Police Act, 2020 seemingly presents great potential for inter-agency–collaboration in election security management in Nigeria, the provisions of section 4(d), which innovatively vested on the Police an extended power to enforce all laws and regulations without any prejudice to the enabling Acts of other security agencies, arguably has the potential of impacting on inter-agency collaboration especially where conflicts arises in relation to jurisdictional competence in operational duties.

#### **1.2.4 The Economic and Financial Crimes Commission (EFCC)**

The disturbing and alarming rate of the deployment of money by politicians in the election process<sup>557</sup> makes the involvement of the Economic and Financial Crimes Commission (EFCC) inevitable in the election process. The legal framework for the general security operations of the EFCC is set out in Section 6 of the Economic and Financial Crimes Commission (Establishment) Act, 2004. Significantly, section 6(e) and (f) of the Act can be instrumental to monitoring party and campaign finance; track illegal financial flows in the electoral process; monitor and check vote buying amongst others.<sup>558</sup>

Interestingly, section 6(c) of the EFCC Establishment Act, 2004, like section 4(d) of the Police Act, 2020, vest on the EFCC the wide and unrestricted powers of the co-ordination and enforcement of all economic and financial crimes laws and

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<sup>553</sup> Section 4(a) Police Act, 2020

<sup>554</sup> Section 4(b) Police Act, 2020

<sup>555</sup> Section 4(c) Police Act, 2020

<sup>556</sup> note 24

<sup>557</sup> Adetula, V. A. O., (ed.), *Money and Politics in Nigeria*, (IFES-Nigeria, 2008). ISBN: 978-978-086-544-3. <[https://www.ifes.org/sites/default/files/moneyandpolitics\\_final\\_nigeria\\_0.pdf](https://www.ifes.org/sites/default/files/moneyandpolitics_final_nigeria_0.pdf)> accessed 15 May, 2023; Chu, A. A., and others, note 10PP 61-65 ; Premium Times', Nigerians express concern about worsening monetisation of politics, **June 5, 2022**, available at <https://www.premiumtimesng.com/news/top-news/534823-nigerians-express-concern-about-worsening-monetisation-of-politics.html>

<sup>558</sup>note 24

enforcement functions conferred on any other person or authority. Although the EFCC Establishment Act, 2004 also contains provisions on collaboration and liaison with other security agencies in carrying on their functions,<sup>559</sup> the wide and unrestricted powers to enforce any other law or regulations relating to economic and financial crimes, including the Criminal code or penal code,<sup>560</sup> presents potential for conflicts and threat to collaboration.

### **1.2.5 The Independent Corrupt Practices and other Related Offences Commission (ICPC)**

Corruption is widely recognised as a global threat to peace and security.<sup>561</sup> When corruption becomes entrenched, it undermines the development of state authority and its institutions, leaving a weak state with potentially more space for insecurity to spread.<sup>562</sup> Political corruption entails the use of public office or space to confer undue advantage in the political processes in favour of a particular political candidate either by INEC or any of the stakeholders in election security management in Nigeria.<sup>563</sup> The legal framework for the security operations of the ICPC, particularly section 6 of the Independent Corrupt Practices and other Related Offences Commission, Act 2000 which set out the general duties of the Commission can be used to address the issue corruption in election processes.<sup>564</sup> However, the ICPC Act is silent on collaboration with other Agencies in the performance of its duty.

### **1.2.6 The State Security Service (SSS) and the National Intelligence Agency (NIA)**

Intelligence gathering play a critical role in election security management. This is in accord with the common saying that prevention is better than cure. Intelligence gathering leads to taking of measures that will prevent harm even before it occurs. The Defence Intelligence Agency (DIA); the National Intelligence Agency (NIA); and the State Security Service (SSS) are the critical and principal security agencies saddled with the responsibility of intelligence gathering in Nigeria. The

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<sup>559</sup> Section 6(j) and (o) of the Economic and Financial Crimes Commission (Establishment) Act, 2004.

<sup>560</sup> Section 7(1) (f) of the Economic and Financial Crimes Commission (Establishment) Act, 2004.

<sup>561</sup> See Müller, E., *Corruption as a Threat to Stability and Peace*, (Transparency International Deutschland e.V., 2014), ISBN: 978-3-944827-03-2

<sup>562</sup> *Ibid*

<sup>563</sup> Amundsen, I., 'Political Corruption: An Introduction to the Issues' (1999), WP1999:7, Chr. Michelsen Institute Development Studies and Human Rights. ISSN 0804-3639/ISBN 82-90584-40-7, <<https://www.cmi.no/publications/file/1040-political-corruption.pdf>> accessed 2 May 2023.

<sup>564</sup> Section 6(a) to (e) of Independent Corrupt Practices and other Related Offences Commission, Act 2000.

National Securities Agencies (NSA) Act creates these vital security organs<sup>565</sup> and essentially saddles them with the responsibility of: prevention and detection within Nigeria of any crime against the internal security of Nigeria amongst others.<sup>566</sup> In the context of election security management, the SSS is essentially mandated to develop a framework for sharing intelligence regularly with other agencies during the registration/election process and render such other assistance for the smooth conduct of registration/election.<sup>567</sup> The NIA on the other hand is responsible for monitoring likely external threats to the registration/election (e.g. arms trafficking for purposes of registration/election, etc.), as well as share intelligence.<sup>568</sup> Although the duties of these agency are essentially collaborative, the broad powers conferred on the SSS by sections 2(3)(i)(a)-(g) and 3(1) of the State Security Service Instrument No.1 of 1999 and the fact that to facilitate the discharge of the powers, the personnel of the SSS are conferred with the powers of a superior police officer in respect of searches and arrests arguably present potential conflict points with other security agencies in Nigeria.

### **1.2.7 The Nigeria Security and Civil Defence Corps (NSCDC)**

The protection of critical election infrastructure is very important to the election process in Nigeria. This is because the management and conduct of elections heavily depends on these infrastructures. This includes INEC buildings and facilities all over Nigeria. The statutorily broad empowers of the NSCDC relevant to election security management includes: the maintenance of peace and order and the protection and rescuing of the Civil population during the period of emergency; maintenance of twenty-four-hour surveillance over infrastructures, sites and projects for the Federal, State and Local Government; arrest with or without a warrant, detain, investigate and institute legal proceedings against offenders etc.<sup>569</sup> the NSCDC Act interestingly empower it to undertake intelligence gathering on any matter relating to: crime control generally; riot, disorder, revolt, strike or religious unrest; and subversive activity by members of the public aimed at frustrating any government programme or policy.<sup>570</sup> These broad powers potentially present areas of jurisdictional conflict with other security agencies. This is against the background that the NSCDC Act did not make provision for collaboration with other security agencies in Nigeria.

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<sup>565</sup> Section 1 of the NSA Act, 1986

<sup>566</sup> Section 2(3)(a)-(c) of the NSA Act, 1986

<sup>567</sup> note 24

<sup>568</sup> Ibid

<sup>569</sup> Section 1 (1)(a), (e)(i), (f)(i), (iv) and (v), (h)(i)-(ii) and (i)-(s) Nigeria Security and Civil defence Corps (Amendment) Act, 2007.

<sup>570</sup> Section 1(u) Nigeria Security and Civil defence Corps (Amendment) Act, 2007.

### 1.2.8 The National Drug Law Enforcement Agency

The Nigeria electoral process is also characterized by the use of drugs and stimulants by politicians and their followers. Most, if not all electoral crimes are linked to misuse of drugs and stimulating substances. Consequently, fighting drugs trafficking and preventing drugs use during election process will go a long way in curbing drugs related election crimes. The National Drug Law Enforcement Agency was statutorily created by the National Drug Law Enforcement Agency Act, Cap. N30, 2004. Its statutory functions under sections 3 and 4 of the Act, for the adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from drug-related offences or property whose value corresponds to such proceeds, as well as to eradicate illicit cultivation of narcotic plants and to eliminate illicit demand for narcotic drugs and psychotropic substances may impact greatly on the prevention of drugs uses during election process.<sup>571</sup> Although the NDLEA Act provides for collaboration, the broad powers conferred on it, which allows it to carry on functions wholly or in part analogous to those of the Agency, present potential for conflict with other security agencies.<sup>572</sup>

### 1.2.9 The Nigerian Immigration Service

One of the critical components of the election process in Nigeria is the right to vote and be voted for in any given election. Interestingly, the 1999 Constitution of the Federal Republic of Nigeria (as amended)<sup>573</sup> and the provision of the Electoral Act, 2022<sup>574</sup> have made clear provisions on the eligibility to vote and be voted for at an election in Nigeria. Consequently, persons who are not Nigerians (aliens) are not eligible to participate in the election process in Nigeria. Against this background, the Nigerian Immigration Service (NIS) is saddled with the responsibility of the identification and prevention non-Nigerians wanting to participate in the election process in Nigeria. Thus, in the performance of its function of the control of persons entering and leaving Nigeria, during registration and election process, issuance of travelling documents must only be to *bona fide* Nigerians within and outside Nigeria. Foreigners wishing to enter into Nigeria during the period must obtained and be issued with the relevant resident permit.<sup>575</sup>

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<sup>571</sup> Section 3(a)-(e) of the National Drug Law Enforcement Agency Act, Cap. N30, 2004

<sup>572</sup> Section 3(p) and (r) of the National Drug Law Enforcement Agency Act, Cap. N30, 2004

<sup>573</sup> Sections 7(4), 65(1)(a) and (b), 66(1)(a), 77(2), 106(a), 107(1)(a), 131(a), 147(5), 177(a), 182(1)(a) and 192(4) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

<sup>574</sup> Section 12(1)(a) of the Electoral Act, 2022.

<sup>575</sup> For instance sections 9, 12 and 19 of the Immigration Act, 2015.

The NIS Act is silent on collaborative framework with other security agencies in the performance of its functions. The NIS in the performance of its functions has also promulgated regulations and policy instrument to complement the Immigration Act, 2015.<sup>576</sup> These instruments too do not have provisions on collaboration with other security agencies.

### 1.2.10 The Nigerian Customs Service

Thuggery, ballot box snatching and stuffing by political thugs with the aid and use of light arms and ammunition to scare away voters and election officials is now a common occurrence in our election process in Nigeria. This brings to bear the strategic role of the Nigerian Customs in addressing the root cause of the proliferation and use of arms and ammunition during election process. The Nigeria Customs Service Act 2023 establishes the Nigerian Customs Service.<sup>577</sup> Securing the election processes requires that the Nigerian Customs in the performance of its statutory duties to closely monitor imports into the country at all ports and border crossings points to prevent imports that could undermine the registration/election process and security (e.g. Weapons, fake registration/election materials, etc.).<sup>578</sup> Interestingly, section 4(f) of the Nigeria Customs Service Act 2023 provides for collaborative framework with other relevant agencies in carrying out all border enforcement and regulatory activities.

### 1.3 Inter-Agency Collaboration in Election Duty

From the foregoing review, it is clear that the functions in relation to election security management can only at best be inferred from the apparent provisions in the laws imposing responsibilities with clear implications on election security management. Consequently, no security agency in Nigeria can lay claim on the basis of its establishment and enabling law to exclusive preserve of the responsibility of election security management in Nigeria. This arguably extends to all the agencies even in relation to their general operational duties. This assertion received judicial affirmation in the case of *Babatunde vs State (supra)*<sup>579</sup> where the court held thus:

*...However, there is nothing in the law establishing the Police Force that gives it exclusive right to prevent and detect crime and apprehend offenders. The general duties of the State Security Service under section 2(3)9a) of the National Security Agencies Act empowers the Department of State Security to prevent and detect*

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<sup>576</sup> The Immigration Regulations 2017 and the Nigeria Visa Policy 2020

<sup>577</sup> Sections, 1, 2 and 3 of the Nigeria Customs Service Act, 2023

<sup>578</sup> Sections 4(a), (e) and (j) of the Nigeria Customs Service Act 2023 and sections 17, 18 and 19 of the Fire Arms Act, 2004

<sup>579</sup> (2022)10 NWLR Pt. 1837 P.83 at p.116-117

*crime within Nigeria, which if it occurs within or inside the country will curtail the freedom from danger, and risk and affect the safety of the citizens. By provisions of section 2(3) of the National Security Act, the State Security Service has the powers of investigation. The provisions regarding the functions of the State Security Service include the power to detect and investigate crime. They empower the SSS to investigate reports of armed robbery, kidnapping and threat to life and the power is exercisable in conjunction with the police...(underlined for emphasis).*

It is against this background that the provision of section 27(3) of the Electoral Act 2022 (as amended), empowers INEC to request for deployment of security personnel in a manner it so determines, in conjunction with security agencies. The implication of this provision is that election security management contemplates the convergence of different security agencies in the provision of proper and adequate security in the election process.

The Electoral Act, 2022 more specifically in section 91, in relation to the conduct at political rallies and processions empowers the Commissioner of Police in each State of the Federation and the Federal Capital Territory, Abuja, to provide adequate security for proper and peaceful conduct of political rallies and processions in their respective jurisdictions and, for this purpose, the Police may be supported by the Nigerian Security and Civil Defence Corps and any other security agency of the Federal Government.<sup>580</sup> This provision also contemplates that election security management is not the exclusive preserve of any security agency. Therefore, the provisions of sections 27(3) and 91 of the Electoral Act, 2022 read together arguably present the legal basis for inter-agency collaboration in election security management in Nigeria. The need for all security agencies to cooperate, collaborates, assist each other to facilitate process of prevention, investigation and detection of crime received judicial affirmation in the case of *Babatunde vs State*<sup>581</sup> where the court held thus:

*Government, in the fulfilment of its primary duty of securing lives and properties of citizens, can cause all security agencies to cooperate, collaborate, assist and facilitate in the process of prevention, investigation and detection of crime. As much as such is desirable, where any agency is wanting in the discharge of its duty, the assistance rendered by any of the other agencies cannot be said to amount to taking over. (underlined for emphasis)*

Although inter-agency collaboration is now part of our statutory and judicial jurisprudence, it needs to be emphasized that the Electoral Act, 2022 lacks

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<sup>580</sup> Section 91 of the Electoral Act, 2022.

<sup>581</sup> Op cit p.118

detailed provision on the collaborative framework on how the security agencies, especially the stakeholders in election security management with different areas of specialization and nuances, can achieve the provision of adequate security for the proper and peaceful conduct of election process without rivalry. It is arguable therefore that, it was this perceives and most likely problem and gap that led to the emergence of Inter-Agency Consultative Committee on Election Security (ICCES).

### **1.3.1 Mandate of the Inter-Agency Consultative Committee on Election Security**

The emergence of ICCES and its institutionalization by INEC was designed to create a platform for election officials and security agencies to jointly map out strategies to ensure violence free elections in Nigeria.<sup>582</sup> It was created to institutionalize and operationalize strategies for election security management. This was with a view to formalize a coordinated and harmonized security operation by the different security agencies involved in election security management.<sup>583</sup> The ICCES generally provides security for the deployment of election materials, protects INEC officials, party agents, election observers, journalists and voters during elections and renders security related functions at Continuous Voter Registration (CVR) centres; as well as provides security during political parties' campaigns and rallies. The mandate of the ICCES in Securing the Electoral Process in Nigeria is set out in the Code of Conduct and Rules of Engagement for Security Officials on Electoral Duty, 2020.<sup>584</sup> It includes but not limited to: ensuring the safety and security of all persons and properties that will be involved, before, during and after the voting exercise without bias; strict enforcement of the constitution of the Federal Republic of Nigeria, the Criminal/Penal Code as well as Electoral laws; and traffic and crowd management at venues of Political Parties' conventions/ congresses, campaigns/rallies and other activities relating to the elections.<sup>585</sup>

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<sup>582</sup> Nigeria Civil Society Situation Room, 'Inter-Agency Consultative Election Security (ICCES): The New Mechanism For Management Of Election-Related Violence' (2016) Vol. 3 No. 2, <<https://situationroomng.org/wp-content/uploads/2016/01/situationroom-vol-3-no-2.pdf>> accessed 25 April, 2023.

<sup>583</sup> Ibid

<sup>584</sup> Paragraph 2.0 of the Code of Conduct and Rules of Engagement for Security Officials on Electoral Duty, 2020

<sup>585</sup> Ibid

The activities of the ICCES are regulated by a policy instrument, the Code of Conduct and Rules of Engagement for Security Officials on Electoral Duty, 2020. Prior to the release of this harmonized policy instrument for all member agencies of the ICCES, security agencies involved in election duty implemented their respective codes of conduct for their personnel. The Code of Conduct and Rules of Engagement for Security Officials on Electoral Duty now serves as a uniform standard of conduct to guide the behaviour of all security agents from various agencies involved in election duty.

### **1.3.2 The Code of Conduct & Rules of Engagement For Security Personnel on Electoral Duty**

The Code of Conduct & Rules of Engagement for Security Personnel on Electoral Duty is a policy instrument designed and formulated to guide all members ICCES while on electoral duties. Electoral duties refer to activities related to elections as established by INEC, including but not limited to voting at elections, collation of results and political party campaigns and rallies.<sup>586</sup> The code of conduct was made further to powers confers on INEC to make rules, regulations and guidelines to guide the conduct of elections.<sup>587</sup> This rule making powers was shared with the National Security Adviser and the Inspector General of Police.<sup>588</sup>

The Code of Conduct and Rules of Engagement for Security Officials on Electoral Duty, 2020, which unifies and concretizes inter agency synergy on election security operations is divided into two parts: code of conduct; and rules of engagement.<sup>589</sup> Part one essentially deals with the scope of the electoral duties, which includes activities related to elections, as established by INEC, such as voting, collation of results, political campaigns and rallies.<sup>590</sup> It also set out the mandate of the ICCES<sup>591</sup> and stipulates general guidelines which members of security agencies in the discharge of these roles are required to observe. Specifically, members of the security agencies are expected to be guided by extant laws, rules and regulations as well as standard norms and practices, especially as it relates to fundamental human rights, rules and regulations of their

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<sup>586</sup> Paragraph 1.0 of the Code of Conduct and Rules of Engagement for Security Officials on Electoral Duty, 2020

<sup>587</sup> Section 160(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and section 153 of the Electoral Act 2010 (as amended) now section 148 of the Electoral Act, 2022

<sup>588</sup> Section 148 Electoral Act, 2022; section 138 Police Act, 2020 and section 4(3)(e) NSA, Act, 1986.

<sup>589</sup> Part 1 and 2 respectively of the Code of Conduct and Rules of Engagement for Security Officials on Electoral Duty, 2020

<sup>590</sup> Paragraph 1.0

<sup>591</sup> note 44

respective agencies, the Electoral Act 2022 (as amended), INEC regulations, manuals and guidelines,<sup>592</sup> as well as other international law instruments related to the performance of security duties during elections and other related activities.<sup>593</sup>

The Code of Conduct in part one set out standard operational guidelines. It mandates that all deployment of security personnel in electoral activities must be guided by the provision of section 29(3) of the Electoral Act 2010 now section 27(3) of the Electoral Act, 2022.<sup>594</sup> It equally mandates that security officials on election duty must ensure efficiency and uniformity in methods with which their roles are discharged; prevent abuse of fundamental human rights and misuse of powers; mitigate criminal and administrative liabilities; ensure safe conduct of electoral activities; and ensure the security and safety of all involved in electoral activities.<sup>595</sup> Interestingly and of significance is that uniformity in methods with which the roles of the respective security agency are discharged requires the integral component of intelligence gathering and sharing information with authorised ICCES members.

The Code of Conduct makes stipulation on mustering/parade, briefing and debriefing before and after every electoral process.<sup>596</sup> This essentially is to ensure that security personnel posted for duty are adequately briefed before deployment for election duty and at the completion of the election duty and/or assignment account of personnel and equipment (weapons and other related equipment) deployed and issued out are taken.<sup>597</sup>

The Code of Conduct accords great significance to dress, accoutrement, accessories, and equipment. It prescribes that security personnel deployed on election duty or assignment must turn-out in neat prescribed uniform and name

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<sup>592</sup> Paragraph 3.1 (a), (b), (g) and (h) of the Code of Conduct and Rules of Engagement for Security Officials on Electoral Duty, 2020.

<sup>593</sup> Paragraph 3.1 (c), (d), (e) and (f) of the FECOWAS Protocol on Good Governance and Democracy (Articles 19 (1,2) and 22 (1,2); African Charter on Democracy, Elections and Governance (Article 4); United Nations Code of Conduct for Law Enforcement Officers); and United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

<sup>594</sup> Ibid paragraph 4.1

<sup>595</sup> Ibid paragraph 4.2

<sup>596</sup> Ibid paragraphs 5.1, 5.2 and 5.3

<sup>597</sup> Ibid

tags, which must be identifiable to the public.<sup>598</sup> Specifically officers engaged in traffic control must ensure that white gloves and arm bands are worn.<sup>599</sup> Unless authorized, no security officer on election duty or assignment is allowed to carry cudgel, club, batten or horsewhip or firearms and only those security personnel who are entitled to bear them are permitted to prescribed and appropriate weapons and riot equipment.<sup>600</sup> Use of personal vehicle is prohibited and vehicle deployed for operations must clearly and appropriately mark. Security personnel deployed for election duty are encouraged to carry along with them pocket notebooks to keep records of incidence during the duration of duty tours. Of significance is that, apart from keeping record of events, it may serve as a report to be submitted at the close of duty.<sup>601</sup>

The Code of Conduct make clear stipulations on procedures/rules on management of political parties' conventions, rallies, campaigns and crowd control on voting day. It prescribes that there must be clear identification and demarcation (inner and outer rings) of area of responsibility by designated officers and this shall guide deployments; only prescribed weapon are allowed into areas of responsibility; and the scope of responsibility is strictly to maintain peace and order and to enforce extant laws.<sup>602</sup> Officers on election operations must be: at alert,...observe precaution and personal safety around area of responsibility, use tact and persuasion to resolve conflicts and agitation and where most appropriate refer cases to superior authority or officers to avoid escalation.<sup>603</sup> Also, officers must also be cautious, polite and firm at all times; individual with dangerous weapon or object should be isolated and searched with necessary protection cover; search must be conducted by person of same sex; and unless where necessary, use of force should be restrained when effecting arrest.<sup>604</sup> High risk suspect must be transported with proper escort and handcuffs; alternative dispute resolution (ADR) should be employed to settle confronting parties at political gathering; venues categorized as hot spots should be properly combed by experts before election related activities commences; proper and coordinated cordon and rescue

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<sup>598</sup> Ibid paragraph 6.1

<sup>599</sup> Ibid

<sup>600</sup> Ibid paragraph 6.2-6.4

<sup>601</sup> Ibid paragraphs 6.5-6.6

<sup>602</sup> Ibid paragraph 7.1-7.3

<sup>603</sup> Ibid paragraph 7.4-7.7

<sup>604</sup> Ibid paragraph 7.5-7.11

operation must be carried out in the events of explosion; and coordinated traffic management must be put in place at venues of political gatherings.<sup>605</sup>

Furthermore, the Code of Conduct prohibits the use of force and lethal weapons. Particularly, personnel armed with lethal weapons shall not at any time be deployed to the inner ring of any crowd control operation, such as political parties' conventions, rallies/campaigns and manning of polling units/voting and voter registration centres.<sup>606</sup> Every use of lethal weapons MUST be authorized by designated commander; while those personnel deployed (men/women) at outer rings shall ensure that ONLY such necessary and reasonable force is applied when armed or violent confrontation ensues during election exercise; and excessive use of force is therefore strictly prohibited.<sup>607</sup> In all instances where lethal weapons are to be used, security personnel shall be guided by their specific application of Rules of Engagement (ROE) and relevant rules under international law.<sup>608</sup>

Transportation of election materials<sup>609</sup> to and from the venue of elections is critical to the election process. Consequently, the security of these materials is accorded utmost priority. Against this background, when escorting/protecting electoral materials, the Code of Conduct mandates that for ease of coordination, an escort commander must be designated and the escort team must gather full information regarding the terrain, contact persons, and other information about the destination where the materials are being escorted to; and the escort commander must take inventory of persons and vehicle assigned for the operation and share with designated INEC and superior officers.<sup>610</sup> The escort team are required to maintain constant communication and consultation with its parent unit and INEC and obtain due authorization before taking any step or decision; route plan and contingency plan must be developed in readiness of unexpected incident.<sup>611</sup> The escort commander shall determine the speed limit and no unauthorized person shall be allowed to join the escort team; and should the security situation dictate, the Escort Team shall not hesitate to abort the exercise,

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<sup>605</sup> Ibid paragraphs 7.12-7.17

<sup>606</sup> Ibid paragraph 8.1

<sup>607</sup> Ibid paragraph 8.2-8.4

<sup>608</sup> Ibid paragraphs 8.5-8.6

<sup>609</sup> This includes sensitive and non-sensitive materials like ballot papers, results sheets, ballot boxes, voting cubes/cabinets and other electronic devices and equipment etc.

<sup>610</sup> Op cit paragraph 9.1-9.3

<sup>611</sup> Ibid paragraph 9.4-9.7

while information regarding such action shall be immediately communicated to the home base and INEC.<sup>612</sup>

Regarding check points and roadblocks, the code of conduct stipulates that it is part of election security plan of ICCES to set up.<sup>613</sup> It further stipulates that only approved check points and roadblocks by INEC, superior Officers and all ICCES agencies are allowed during election process and the security personnel at such check points and roadblocks must be firm but courteous to members of the public.<sup>614</sup> Full searches shall be conducted on persons and vehicle where necessary and where no prior information on movements of electoral materials and personnel are available to check points and roadblocks, clearance must be obtained from designated INEC officials to obtain passage.<sup>615</sup>

In very clear and specific terms, the general code of conducts mandates that each officer deployed for election security operation must swear to an oath of neutrality in accordance with the Electoral Act; be at alert at all times; be approachable by all members of the public; exhibit a high degree of professionalism; maintain impartiality and fairness in dealings with all parties; ensure that he/she sustain ICCES primacy in securing the electoral process; adopts professional orientation that emphasizes democratic values and respect for human rights and dignity; be mindful of the duty imposed upon him/her by law; protect all against illegal acts and dispense his/her duties without discrimination based on gender, race, religion, colour, sex, creed, associations of affiliations; be ready to receive instructions from designated INEC officials and share information with authorized members of ICCES; and assist vulnerable persons.<sup>616</sup> Strictly prohibited are malingering, distractions by gossiping with colleagues, use of mobile phones and soliciting of food or any other items.<sup>617</sup> Officers on election operations shall remain at designated duty posts until completion of duty or until such time as they are properly relieved and such relief duty/shifts should be properly planned prior to deployment and shared with INEC designated officials at the theatre of operation; and ad-hoc shifts should be avoided to prevent

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<sup>612</sup>Ibid paragraphs 9.8-9.10

<sup>613</sup> Ibid paragraph 10.1

<sup>614</sup> Ibid paragraph 10.2-10.3

<sup>615</sup> Ibid paragraphs 10.4-10.5

<sup>616</sup> Ibid paragraphs 11.1(a)-(j)

<sup>617</sup> Ibid paragraphs 11. 2

impersonation.<sup>618</sup> Finally, the Code of Conduct specifically stipulates that all security personnel must observe and assist in enforcing the provisions of INEC's Policy on the Conduct of Elections in the Context of COVID-19, in a professional, humane, polite and non-partisan manner.<sup>619</sup>

The Code of Conduct & Rules of Engagement for Security Personnel on Electoral Duty, in part two set out defined general and specific limits of rules of engagement, which are intended to guide the operations of the members of the ICCES in electoral activities. Generally, the limits of engagement prescribe that only minimum and proportionate force must be applied at all times and only in deserving circumstances; absolutely necessary to achieve immediate results; especially where death or injury to life or property is threatened and no sufficient time to obtain superior order or approval.<sup>620</sup> Consequently, the use of force shall remain the last resort, where other options have failed, must be commensurate and limited by its intensity and duration.<sup>621</sup> The rule prohibits indiscriminate and automatic firing unless absolutely necessary and protects against collateral damage.<sup>622</sup>

More significantly, the rules emphasises that force can only be applied against clearly identified armed miscreants; to defend oneself and colleagues against hostile act or intent; to resist attempt to abduct or detain oneself or colleagues; to resist attempt to abduct electoral officials or cart away election material; to protect government property from vandalism; to protect law abiding citizens and their property, including election monitors and observers under imminent threat of physical violence; against any person or group of persons that hinder freedom of action of members of the security agencies, election officials or law-abiding citizens; when there is enough evidence that suspect is caught in the act of perpetuating heinous crime; and not as a punitive measure.<sup>623</sup>

The rules of engagement also set out clear guidelines for effecting arrest and handling of exhibits.<sup>624</sup> By the rules, only persons who commit an offence or are

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<sup>618</sup> Ibid paragraph 11.3-11.4

<sup>619</sup> Ibid paragraph 12.1-12.5

<sup>620</sup> Ibid paragraph 13.1(a), (b), (e) and (f).

<sup>621</sup> Ibid paragraph 13.1(c)-(d)

<sup>622</sup> Ibid paragraph 13 (1) (g)-(i)

<sup>623</sup> Ibid paragraphs 14.1(a)-(i)

<sup>624</sup> Ibid paragraphs 15.0 and 16.0 respectively.

reasonably suspected to have committed an offence shall be arrested and with documented evidence for prosecution.<sup>625</sup> The officer effecting the arrest must identify himself to the suspect if possible; explain to the suspect the nature of offence he/she has committed if possible; record electronically the procedure of the arrest including exhibits; and when circumstances demands, handcuff the suspect but humanely.<sup>626</sup> Exhibit in crime scene must not be touched with bare hands.<sup>627</sup> All exhibits must be documented and preserved either by photograph or in other forms.<sup>628</sup> The officer effecting the arrest must endeavour to preserve life and property; obey lawful orders of the commander; observe and comply with human rights norms and limits of use of force and self-defence.<sup>629</sup>

Finally, the rules of engagement imposes obligation on all security officers engaged in election operations to report all incidents or important occurrences, arrests, searches, confiscation of weapons and most importantly the use of lethal weapons and indicating circumstances necessitating such actions where necessary.<sup>630</sup>

#### **1.4 CONCRETIZATION OF INTER AGENCY SYNERGY ON ELECTION SECURITY OPERATIOS IN NIGERIA**

Empirical findings by scholars, reveals that animosity between and among Nigeria's security agencies and their unwillingness to share intelligence is hampering effective security operations and management in Nigeria notwithstanding the existence of some legal framework and policy instrument on collaboration as reviewed and analyze in this paper.<sup>631</sup> They also find that

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<sup>625</sup> Ibid paragraph 15.1

<sup>626</sup> Ibid paragraph 15.1(a) –(f)

<sup>627</sup> Ibid paragraph 16.1

<sup>628</sup> Ibid paragraph 16.2(b) and (c)

<sup>629</sup> Ibid paragraph 16.2(a), (d)-(k)

<sup>630</sup> Ibid Paragraph 17.1

<sup>631</sup> Abioye, O. O., and Alao, D. O., 'Inter-Agency Conflict and its Implication on National Security in Nigeria', *KIU Journal of Social Sciences*, (2020), 6(2): 47- 53.; Omoigui, A.N., 'Inter-service relations: Imperative for Jointness'. A public lecture delivered at the National War (Defense) College, Abuja, 27 January (2006).; Alemika, E. E. A., 'Police Accountability in Nigeria: Framework and Limitations'. In E.E.A. Alemike and T.C. Chukwuma (Eds.) *Civilian Oversight and Accountability of Police in Nigeria* (pp. 45-48). Lagos: Center for Law Enforcement Education, Nigeria (CLEEN, (2003).); Eme, O. I., 'Inter-Security Agency Rivalry as an Impediment to National Counter Terrorism Strategy' (NACTEST), AfriHeritage Research Working Paper 2018-003.<<file:///C:/Users/User/Downloads/Inter-Security-Agency-Rivalry.pdf>>; Adeniyi, O., *Terrorism and Inter-Agency Coordination in Nigeria*. A paper presented by Chairman, Editorial Board of Thisday Newspapers Group, at the 2012 Chief of

Nigeria's security agencies remain unperturbed as they are engrossed in supremacy rivalry between and among themselves.<sup>632</sup> The animosity and rivalry they argued is sometimes attributable to overlapping roles and duplication of duties, which most times invariably eventuate into pervasive acrimonious rivalries. Put differently, jurisdictional conflicts, personality clashes and struggles for operational funding are potential sources of inter-agency rivalry by security agencies.<sup>633</sup> Ignorance about the complementary roles of other sister agencies have also been said to be responsible for failure of inter-agency collaboration in security operations in Nigeria.<sup>634</sup> Exclusive privileged job specification is also another factor that is said to have inhibits collaboration and breeds animosity amongst the security agencies in Nigeria.<sup>635</sup> At several times and as revealed in the recent case of *Babatunde vs State (supra)*, the police and the SSS for instance appeared to have worked at cross purposes in the investigations and arrests of suspects. This jurisdictional squabble has engendered a lack of cooperation and limited information sharing incentives between these important security agencies. Although, the Code of Conduct & Rules of Engagement for Security Personnel on Electoral Duty set out detailed provisions on code of conduct and rules of engagement, it lacks detailed standards or approach on professionalism and patriotism for the implementation and concretization of inter-agency synergy and collaboration on election security operations in Nigeria. It is against this background that this paper formulates and presents three (3) perspectives and approaches to the operationalization and implementation of inter-agency collaboration in security operations and management generally in Nigeria and more specifically in connection with election security management. The first perspective or approach is termed the preventive collaborative approach to security management. This approach contemplates that if all the security agencies perform their respective responsibilities as spelt out under the establishment and enabling laws, most if not all the challenges witnesses during election process would have been substantially addressed, if not totally eliminated. Put in context, all the security agencies, though working separately in their specific areas of specialization would collaboratorily be addressing common challenges of the electoral process, which would have metamorphosed into another problem relating to the jurisdictional scope of another security agency.

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Army Staff Conference, Asaba, Delta State on November 26; Odoma, S., 'Superiority Struggles and Inter-Agency Feud in Nigeria'. *Global Journal of Human, Social Sciences, Sociology and Culture*. (2014) 14(5): 33-41.

<sup>632</sup> Ibid

<sup>633</sup> Ibid

<sup>634</sup> Ibid

<sup>635</sup> Ibid

Inter-agency collaboration here by way of intelligence and information sharing among and between the security agencies would help in addressing specific related challenges or problems to election activities by sister agencies before they manifest and escalate.

The second perspective or approach is what the paper term backup collaborative approach to security management. Here, the inter-agency collaboration contemplates that apart from intelligence and information sharing, sister security agencies assist and back up each other by deploying operational assets and facilities in collaborative security operations.

The last perspective or approach is what this paper term closing the gap collaborative approach. This approach contemplates that circumstances might arise when a security agency during an operation may deliberately refuse to act to address security issue(s) within its operational competence or while acting may be overwhelmed by challenges. In such circumstances, a sister security agent may intervene or takeover operations to address the security challenge. This approach was judicially affirmed in the case of *Babatunde vs State (supra)*.

## 1.5 CONCLUSION

Election security transcends voting and other activities that take place on the registration and voting days alone. It contemplates the prevention of election process and governance from distortions, violations and manipulations so that the legitimacy of elections can be guaranteed. In Nigeria, security agencies are saddled with the responsibility to provide security for the electoral process and in our day to day existence. Within the framework of general security operations, the duties, functions and responsibilities of every security agency are clearly spelt out in the laws establishing them. Be that as it may, collaboration and synergy in security operations remains a vital component for achieving security and peace, as well as in managing conflicts and containing insecurity globally and particularly in Nigeria. This is notwithstanding the fact that in their sphere of operation each security agencies in Nigeria has its unique capability and operational skills that can complement one another, especially as it concerns election security management in Nigeria. This paper finds that in Nigeria, although our statutory and judicial jurisprudence have recognized and captured inter-agency collaboration by security agencies in some of legal frameworks establishing them, the broad powers given by enabling laws to some security agencies presents the potential for conflicts, inter-agency friction, rivalry and quest for superiority. Also some of the available framework on collaboration in the enabling legislation did not define the clear limits and scope of collaboration. This paper concludes that if Nigeria security

agencies perform their statutory roles especially in mutual cooperation with one another, the security challenges currently being witnessed in election process will be reduced drastically, if not totally eliminated, especially as it relates to election security challenges. Inter-agency collaboration it is respectfully submitted promotes active working relationship among multiple security agencies and consequently improves the target outcomes and reduced cost by ensuring more efficient and effective use of resources and operational assets through collaboration, as well as the prevention of duplication of responsibility or cover up gaps in national security architecture.

Information is a crucial tool in national security and its timely dissemination is critical for maintaining national security. This article recommends for the incorporation of clear provision for effective collaboration and pooling together of man-power, logistics and operational assets in addressing security concerns, especially during registration and election processes in the enabling laws establishing the security agencies in Nigeria. This will help Nigeria's security agencies to improve the target outcomes and reduced cost. Collaboration in addition will produce more public value than could be produced when an agency acts alone. Against this background, it is further recommended that training and retraining in line with the provisions on collaboration, its benefits and impacts should be incorporated by each of the security agencies in their annual development plans and capacity building. It is also recommended that the complimentary roles of the security agencies amongst and between themselves should be clearly set out in the Electoral Act. This will go a long way in removing the idea of individual/organizational competition which can kill collaboration and addressing the disconnect in collaborative implementation of the legal and policy framework on general security management. Section 91 of the Electoral Act, 2022 for instance appointed the police as the lead agency only in respect of conduct at political rallies and processions but is silent on who leads security arrangement on the day of elections. Clear delegation of leadership responsibility and clearly defined reporting structure will allow for accountability and eliminate conflicts.