

## **Report On on-going Research Work**

### **Militarization of Elections in a Global periphery: The State of Security and Human Rights in Nigeria 2003 and 2007 Elections**

African States are post-colonial States. Their post-colonial history as constitutional democracies began essentially in 1960s. Their democracies reflected their colonial heritage as colonies of various colonizing powers. However, various military interventions of the late 1960s ended the first period of constitutional democracies in Africa. One of the causes of the military intervention was the problem of elections and contested results of its outcome.

Nigeria, as one of the peripheral capitalist states in Africa suffered from the foregoing analysis. Since her return to constitutional rule in 1999, there have been major concerns about elections and transitions to another civilian government. Nigeria return to constitutional democracy particularly raised expectations in the country that egregious human rights violation that occurred under the military would come to an end. In deed military rule was a very major obstacle to the entrenchment of human rights in Nigeria through its tendency to abolish constitutional order and rule by decrees. As a heterogeneous and multiethnic society, deep social divisions tend to be over-politicized and easily support abuse of human rights and exacerbate instability.

Thus, in 1999, Nigeria made definite break with a post independent history dominated by three decades of abuse of military rule. In that year the country returned to democratically elected government under the leadership of President Obasanjo. Sadly, the 2003 and 2007 elections which were meant to be towards consolidating Nigeria tenuous democracy after decades of abusive military rule were not only brazenly rigged but also exceptionally violent with higher rate of human rights violations epitomized in disenfranchisement, torture, intimidation, killings and repressions. Elections, which are usually regarded as celebration of fundamental human rights suddenly, became means of abusing civil and political rights.

This study examines the role of security provisioning in election and the import of machine politics as well as incumbent resources as important means of abusing human rights in Nigeria.

### **Theoretical Discourse**

Elections are about power and contending political platforms. One explanatory note for militarization of votes is the machine politics. A political machine is an organization controlled by a boss or a small coterie of leaders which subjects party organization and public officials to its will and operates efficiently and ruthlessly in exploiting governmental activities of nearly every sort for the private gain of its members. This process can be understood through the logic of capitalism and its particular manifestation in the periphery of global system. Once capitalist production relations are constituted by initial act of force (primitive accumulation), they are reproduced more or less automatically, essentially as a result of the generalization of commodity production and exchange. In capitalist countries, particularly in the periphery, people are first and foremost commodity bearers and market ethnics and norms such as individualism; profit motive, competition and equality dominate social life. As commodity bearers, members of a capitalist society exist as separate, self-interested individuals in competition with one another. Market forces regulate this competition and everybody is equally subject to these forces of demand and supply.

Being socially atomized, formally free, equal and self-interested proprietors, this community of commodity bearers evolves political forms akin to the market. The most critical of these political forms are elections and rule of law. While the market finds its political expression in elections, the forces of supply and demand are incarnated politically in the rule of law. It is in this light that the laws of these societies generally provide for the freedom of individuals to vote and be voted for, the equality of votes and freedom of choice between political platforms. The ballot becomes the medium of exchange in the electoral market. However, capitalist societies of the periphery such as Nigeria exhibit a lack of

thoroughgoing commoditization. The market society built around formally free, separate, self-interested and equal commodity bearers has not become dominant. Instead, the market is still ruled by pre-capitalist relations and structures such as communalism, particularism, affectivity, ascription and patriarchy. In the face of these, the requisite regime for proper regulation remains immature. Consequently, peripheral capitalism is prone to primitive accumulation, that is the preponderance of force/violence in regulating relations over the ideology of the market.

Thus, machine politics is the highest stage of primitive accumulation of votes. It involves the parceling out of parts of the state, including territories, to individuals, usually under the leadership of one or two notables or indeed a family, who maintain their prebend essentially by force. It involves state approval abuse of state power and abuse of human rights in a more bizarre manner, both physical and structural on the populace. In Nigeria, particularly at the state levels, two parallel governments exist. One is the official government while the other is the political machine (unofficial but very powerful). The machine puts the official government in power on a pre-election written or gentleman's undertaking made by the candidate to the effect that incoming government will be in hock to the machine. This machine is natural phenomenon that emerged since the end of military rule in 1999.

The machine uses the police, the army and other security operatives in acquiring and in sustaining state power. This is visible in the primitive accumulation of votes that is winning votes by use of violence and utter disregard to the electoral laws. The primitive accumulation of votes is sustained by and often justified in the name of communal interests like clan and ethnic interests by the machine. Furthermore, human rights abuses such as torture, killings, maiming and disenfranchisement have been rampant at the 2003 and 2007 general elections in Nigeria. The notoriety of this process means that the coercive apparatuses of the state at the disposal of the machine are nurtured to bring fruition the desires of the machine. The security personnel eliminate any obstructive element that tends to thwart this desire. However, the genuine desire

for democratic consolidation is obviated through this process. For one, social and political rights of citizens are tramped upon in the process of meeting the desires of the machine. For another, the use of security operatives which suppose to maintain law and order in the protection of citizen rights have been instrument for obviating the enjoyment of human rights at elections in Nigeria.

### **Security and Human Rights**

Security and human rights are interwoven. One cannot be attained without the other. In fact security is both a central human right and the enjoyment of the sum total of human rights. Consequently, they are better understood in their interconnection rather than in their separateness. However, security and human rights are not absolutes; they have gradations as you move from one context and environments. Because of their interconnections, a genuine increase in one goes with an increase in the other. It is therefore illusory to believe that security can be achieved with the violation of human rights. Security and human rights are holistic concepts; they have different aspects, but all the aspects are indivisible. For example, security to life cannot be separated from the right to vote and be voted for in a democratic setting. In the same vein, right to life is meaningless if right to development is not protected.

### **Conceptualizing Security**

Security as a concept has two related meanings. First, it has a strict political meaning that refers to the capacity of a ruling group to use state power to protect its interests or values from external, threats, and to maintain order internally with minimal use of violence. The capacity of the ruling groups to protect its interest is determined by whether the state and government as its main agency are weak or strong. Externally, ruling groups of weak states show a low capacity to protect their interests; and internally, force or violence is used frequently to maintain order. By contrast, ruling groups of strong states show a high capacity to ward off external threats to its interests and internal order is maintained with a minimal use of state violence.

Secondly, security has a broader meaning that has to do with two sets of relations that people enter into as they produce their means of livelihood.

1. The relation between members of a society and the natural environment in which they live. Security here refers to the carrying capacity of the biophysical environment. If the use of the environment exceeds its carrying capacity, security declines. In this sense, security measures the capacity of the natural environment to sustain the physical needs of man.

The measure of security in this sense is twofold:

- Sustainable exploitation of nature (the environment) – that is striking a balance between the exploitation of nature for man's immediate needs on the one hand, and its protection for man's future needs on the other. This is what is sometimes called sustainable development.
- Sustained regeneration of nature – that is man's ability to renew nature using both natural and man-made means.

2. Relations among members of a society. The first relation (between man and nature) always exists in the context of human beings in interaction (social interaction). In other words, human beings living together use nature to produce their means of livelihood and for the betterment of members of the society. It is not however always the case that natural endowments and products from them are used for the equal betterment of all members of society. It tends to be the case that some members of society benefit are able to take a lion's share to the detriment of others, thus leading to conflicts. As soon as such conflict arise, those who benefit the most then invent instruments, usually instruments of violence, which enable them to continue to control the wealth of society to the disadvantage of others. These instruments include the army, police and other security organizations. In this second context, security measures the extent to which the wealth of society is equitably used for the betterment of society. Hence, the more equitable the more secure the society is and therefore the less the necessity for ruling groups to use instruments of

violence to maintain their dominance. Therefore two types of security exist.

### **Soft and Hard Security**

We can make a distinction between soft and hard security. Soft security, which we also call human security, means the full protection of the human beings by providing fully for means of existence such as food, housing, clothing, dignity, etc. In its soft sense security has to do with protection from poverty, exploitation, disease, injustice and the like.

Hard security, on the other hand, means the use of instruments of coercion to maintain an existing state of affairs, usually favourable to ruling groups, which in many cases are detrimental to the security of the vast majority of people. Herein lies a major paradox: The greater application of hard security is an indication that ruling groups are in fact insecure, notwithstanding the appearance of strength represented by coercive instruments of the state. Therefore, soft security tends to promote and protect human rights, while hard security often undermines human rights.

### **Security in Nigeria**

The conception of security introduced or imposed by colonial powers in Nigeria and strengthened by successive regimes after independence is erroneous and has been ill adapted to the current democratic context. It was the type of security that colonial authorities promoted. Such a prototype of security was developed by the colonial government officials mainly to protect themselves and their system and not the colonized peoples. The underlying principle then stressed the need to secure only the interests of the metropole and colonial elite.

This conception of security was carried over into the post-colonial state, where a selective, repressive and oppressive security was put in place to serve exclusively the interest of the state, the ruling party and ruling elite. What really existed or still exists as state security or national security in Nigeria was/is really nothing but regime security. It meant that the security forces were primarily

looking after the interest of the regime in power and not of the people. Thus, this type of security is generally characterized by an ideological orientation, protection of the regime in power, criminalisation of political opposition, instrumentalisation of the police, heavy involvement of the army in security and even militarization of the police. That is why Ibeanu argues that there is a general crisis of security in Nigeria, which he explained by both immediate and remote factors. The more remote factors he argues point to a general failure of governance in Nigeria, particularly, though not exclusively, arising from long periods of military rule, 1966 – 1979 and 1983 – 1999. This failure of governance is reflected in poor socio-economic conditions, communal conflicts and political authoritarianism.

According to him, these remote factors are linked to an immediate factor namely, the failure of public security decision-making structures in Nigeria. This failure is expressed in their incapacity, partiality and inaccessibility. The cumulative effects of both failure of governance and failure of public security structures are threefold:

- **Manipulation of Security:** The use of security decisions for political gains e.g. misuse of security financial votes and militarization of elections.
- **Communalization of Security:** Widespread existence of vigilantes, ethnic militias and irregular forces linked to specific communities contesting the security space with public security agencies.
- **Privatization of Security:** Commercialization of security, extensive use of private security agencies, private use of army and police, personalization of public security decision-making.

The above cumulative effects of both failure of governance and failure of public security structures have implications for both 2003 and 2007 elections and human rights in Nigeria. To be sure, it shows how the governing elite uses the security structure for their personal gains. This was expressed in their repressive and suppressive characterization, which usually deprives citizens of their civil and political rights. It tends to suggest that such uses of the security structure will definitely hinder the enjoyment of human rights.

## **Conceptualizing Human Rights**

There is universal consensus that all peoples are entitled to certain basic rights under any circumstances. Human rights are commonly understood as those rights that are inherent in human beings; they exist due to the very fact of their being human. It entails that human rights is based on the belief that every being is entitled to enjoy these rights without discrimination. Human rights differ from other rights in two respects: First they are:

- (i) Inherent in all human beings by virtue of their humanity alone (they do not have for example, to be purchased or to be granted).
- (ii) Inalienable (within qualified legal boundaries) and
- (iii) Equally applicable to all.

Second, the main duties deriving from human rights fall on states and their authorities or agents, not on individual. Hence, human rights are basic rights and must be protected and promoted by law. The idea of basic rights originated from the need to protect the individual against the arbitrary use of state power.

## **Classification of Human Rights**

Human rights denote a broad spectrum of rights ranging from the right to life to the right to culture identity. These rights can be arranged and specified in different ways. There are two basic classifications of human rights.

### **(1) Classic and Social Rights**

Classic rights are often seen to require the non-intervention of the state (negative obligation), and 'social rights' as requiring active intervention on the part of the state (positive obligation). Classic rights involve an obligation for the state to refrain from certain actions, while social rights oblige it to provide certain guarantees. Examples of classic rights include freedom of association, freedom of expression, freedom of assembly, right to fair trial etc., which fall under the group of civil and political rights.

However, it has been noted that social rights require the active intervention of the state for their realization. For example, the right to the highest attainable standard of health implies the obligation of the state to provide adequate healthcare, while the right to education implies the provision of educational institutions like schools.

## **(2) Civil, Political, Economic, Social and Cultural Rights**

### *Civil Rights*

Civil rights include the right to life, liberty and security of the person, which offer protection from physical violence against the person. They are called physical integrity rights. They include protection from torture and inhuman treatment, arbitrary arrest, detention, exile, slavery and servitude, interference with one's privacy and right of ownership, restriction of person's freedom of movement and freedom of thought, conscience and religion.

### *Political Rights*

Generally, political rights include freedom of expression, freedom of association and assembly, the right to take part in the government of one's country, and the right to vote and be voted for at elections.

### *Economic and Social Rights*

Economic and social rights provide the conditions necessary for economic and social well being of the citizen. Economic rights consists of the right to property, the right to work, the right to a fair wage, a reasonable limitation of working hours, and trade union right, social right, are those rights necessary for an adequate standard of living, including rights to health, shelter, food, social care and the right to education.

### *Cultural Rights*

Cultural rights are the rights to participate freely in the cultural life of the community, to share in scientific advancement, and the right to the protection of

the moral and material interests resulting from any scientific, literary or artistic production of which one is the author.

In most countries, civil and political rights are justiceable, whereas economic, social and cultural rights are often not.

The activities of the police, the army and other security agencies since the early 1960 have made many Nigerians to doubt their sincerity in carrying out their public responsibilities concerning elections. The massive deployment of soldiers and policemen to polling stations to secure landslides and victories for the ruling party clearly indicates that they are instruments in the hands of the ruling party for winning elections in Nigeria. Their actions most often violate both civil and political rights and social justice.

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