

## **NEW MISSIONS AND ROLES OF THE MILITARY FORCES: THE BLURRING OF MILITARY AND POLICE ROLES IN NIGERIA**

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### **Introduction**

The emergence of the centralized nation-state<sup>1</sup> provided a primary *raison-d'être* for a standing army. The military like other institutions of the state is an instrument through which the state furthers its goals and objectives. However, there are a number of basic features that are indeed peculiar to the military, glaringly distinguishing it from other institutions of the state including the state police force. The military is seen as a positive instrument and comes into existence by order or decree with the sole aim of fighting to win wars or suppressing internal upheavals and irredentist claims that may tear the society into shreds. Thus, it is imbued with a number of peculiar organizational characteristics. These features are: centralized command, hierarchy, discipline, internal communication and *esprit de corps* with a corresponding isolation and self-sufficiency.<sup>2</sup> According to Finer, there are three advantages which the armed forces have over civilian organizations: "a marked superiority in organization; a highly emotionalized

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<sup>1</sup> The term nation-state must be distinguished from national states. Charles Tilly has highlighted the distinction. The former he referred to as those "whose peoples share a strong linguistic, religious, and symbolic identity" while national states he classified as "relatively centralized, differentiated, and autonomous organizations successfully claiming priority in the use of force within large, continuous and clearly bounded territories" (Tilly, 1969:3, 43). Also cited in D.O. William Idowu, "Citizenship status, statehood problems and political conflict: The case of Nigeria", *Nordic Journal of African Studies*, Vol. 8, No. 2, pp. 73-88, 1999.

<sup>2</sup> Samuel E. Finer, *The Man on Horse Back: The Role of the Military in Politics*, Harmondsworth, U.K. Penguin, 1962, p.5.

symbolic status; and a monopoly of arms".<sup>3</sup> He stated further that where the army is even poorly organized or maintained, it is still more highly structured than any civilian group.<sup>4</sup>

The military, thus, is a *sine qua non* to the continuing existence of the polity and the attainment of its goals.<sup>5</sup> It is against this background that in all regions and climes, human societies are faced with the problem of taming the military which has undoubtedly become a 'political monster' in developing countries. As I have argued elsewhere,<sup>6</sup> it is not surprising therefore, that 17<sup>th</sup> century political thinkers all took a dim view of the military.<sup>7</sup> To Plato, the responsibility of the military in the polity should be that of the "guardian". What Plato, in fact, had in mind when he described soldiers as guardians is a "people's army", whose reason for existence is no more than those ends that all in society share and whose pursuit and protection enhance the ability of all to live according to their lives' plans. They are not to be apart from the rest of the society nor would they, in an ideal situation, have interests that are incompatible with those of the rest of the society for which they exist and are trained to defend. Their training, apart from preparing them physically for the arduous demands of war, should consist, in large measure, of indoctrinating them about the values, interests, and goals of their society, since they are instruments or agencies for attaining the interest.<sup>8</sup> The political

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid

<sup>5</sup> Emmanuel O. Ojo, "Taming the Monster: Demilitarization and Democratization in Nigeria", *Armed Forces and Society*, Vol. 32, No. 1, 2006, p. 257.

<sup>6</sup> Ibid.

<sup>7</sup> Emmanuel O. Ojo, "The Military and Democratic Transition in Nigeria: An Indepth Analysis of Gen. Babangida's Transition Programme (1985-1993)", *Journal of Political and Military Sociology*, Vol. 28, No.1 (Summer), 2000, pp.1-20.

<sup>8</sup> Femi Otunbanjo, "Illusion of a People's Army", *Sunday Tribune*, Ibadan, Nigeria, June 11, 1998, p. 4.

significance of the military was further underscored by Thomas Hobbes,<sup>9</sup> who wrote “covenants without swords are but words”. Machiavelli<sup>10</sup> in *The Prince*, considered the existence of the military so vital when he affirmed that “the chief foundations of all states, whether new, old, or mixed are good laws and good arms ... [T]here cannot be good laws where there are no good arms”. He went further to postulate that:

The best ordinances in the world will be despised and trampled underfoot when they are not supported, as they ought to be, by military power; they are like a magnificent, roofless palace which, though full of jewels and costly furniture, must soon moulder into ruin, since it has nothing but its splendour and riches to defend it from ravages of the weather.<sup>11</sup>

On the other hand, the role of a civilian police force is recognized to be beneficial throughout the world. A police force is defined as “an official body of men and women whose duty is to protect people and property to make everyone obey the law, to catch criminals among others.”<sup>12</sup> In the words of Ben Nwabueze, “the duty of the Police is definitely by law to be the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of laws and regulations with which they are directly charged”.<sup>13</sup> For effective discharge of these duties, members of the Police Force are given wide powers, including power to conduct criminal prosecutions; to arrest persons in certain circumstances without warrant; to serve court summonses; to release on bail persons arrested without warrant; and to detain and

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<sup>9</sup> Cited in Bayo Adekanye, “Machiavelli and the Military: The Prince and the Psychology of Empty Power”, (paper presented to the Defence and Security Group of the National Workshop on Planning Strategy for the 1980s, jointly sponsored by the Nigerian Institute of Social and Economic Research and the Federal Ministry of Economic Development, University of Ibadan, Nigeria, Jan. 9-15, 1978.

<sup>10</sup> See, Niccolo Machiavelli, *The Art of War*, in Neal Wood (ed.) from the Ellis Faneworth Translation, New York, Bobbs-Merrill and the Prince 1532), New York, Modern Library, 1956.

<sup>11</sup> Ibid.

<sup>12</sup> Cited in P.A. Oluyede, *Nigerian Administrative Law*, University Press Limited, Ibadan, 1988, p. 289.

<sup>13</sup> Ben Nwabueze, cited in Ibid, p. 310. For more information on the constitutional responsibilities of Nigeria Police, see sections 214, 215 and 216 of 1999 Constitution of the Federal Republic of Nigeria, FGN Press, Lagos, Nigeria, 1999.

search persons.<sup>14</sup> It needs be emphasized, however, that in the discharge of the aforementioned police functions, most especially in a democratic setting, the Police cannot employ methods which debase the individual, whose well-being it proclaims to be of paramount importance. Similarly, it can not maintain order through techniques which violates those principles of justice it holds vital.<sup>15</sup>

The snag, however, is the involvement of the military in supposedly purely police matters blurs the traditional and constitutional roles of both state institutions, perhaps to the disadvantage of the democratic state in the sense that the state is further alienated from the people like its colonial counterpart. The thrust of this paper, therefore, is to discuss military excesses in both Odi and Zaki-Biam. To achieve this aim, the paper is organized into a number of sections. The first part, the introductory overview, presents both the basic characteristics of military and police institutions within the civil society. The second part analyses the mode of state management of civil conflicts in the village of Odi in the Bayelsa State, and the villages of Zaki-Biam in the Benue and Taraba States military means thereby bringing to the fore military abjection vis-à-vis resolution of civil conflicts. The third section examines the theoretical nexus between the military and management of civil conflicts and infers that a democratic state needs not resort to frequent use of the military in resolving civil conflicts as it were. The paper concludes that the military is not the appropriate institution for resolution of civil conflicts by virtue of its training.

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<sup>14</sup> Ibid.

<sup>15</sup> Emmanuel O. Ojo, "The Nigerian Police Force: Phenomenon of Corruption and Effective Policing in a Democratic Setting: An Overview", in *Journal of Law and Social Sciences*, Vol. 2, No. 1, (May 2002), p. 130.

## Odi Massacre

Apparently in retaliation of the recent clash between their kinsmen the Odi people in Bayelsa state and the Oodua People's Congress (OPC) (Yoruba ethnic militia group) in Lagos, the militant Ijaw Youths at the village of Odi erupted like a volcano. In an attempt to curtail the damage, some police officers were deployed there to maintain peace and order. In the process of arresting some militant youths, the police officers – seven of them – were overpowered and kidnapped on 4<sup>th</sup> November, 1999. Before they could be liberated, they were killed by their captors. According to reports monitored on the British Broadcasting Corporation (BBC), the State Police Commissioner and some elders were said to have pleaded with the youths to spare the lives of the policemen, but all pleas were rebuffed.<sup>16</sup> Five other policemen were killed a few days later, thus increasing the number of murdered policemen to twelve.<sup>17</sup> The incident was embarrassing to the government.

The Federal Government reacted swiftly to the killings by asking the Bayelsa State Government to find the killers or a state of emergency would be declared. At a press conference, Vice President Atiku Abubakar was quoted to have said *inter alia* “a dividing line must always be drawn between genuine protest and outright criminality. Groups and individuals cannot hide under the guise of defending narrow community interest to commit mayhem and expect the government to fold its arms.”<sup>18</sup> He threatened further that “all those who break the laws of the land will definitely incur the

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<sup>16</sup> The State Police Commissioner, Mr. Dika Bwala, who raised the alarm at a press conference gave their names as: Messrs Thomas Jokotola (Osun State), George Nwine (Rivers) and Emmanuel Bako (Bauchi), others are: Ayuba Silas (Kaduna), Robinson Obeize (Edo), Elias Bitrus (Borno) and Shuaib Zamani (Kaduna). See *The Punch*, November 9, 1999, p. 1.

<sup>17</sup> Olawale I. Albert, “The Odi Massacre of 1999 in the Context of the Graffiti left by the invading Nigerian Army”, Programme on Ethnic and Federal Studies (PEFS), Monograph New Series, No. 1. Department of Political Science, University of Ibadan, Nigeria and John Archers (Publishers) Limited, Nigeria.

<sup>18</sup> *National Concord*, Lagos, Nov. 10, 1999, p. 2.

full wrath of the law”.<sup>19</sup> He stressed that “the fact that we have to run a constitutional and democratic government does not diminish the capacity of the government to deal decisively with hoodlums, arsonists and terrorists wherever they are found in the country”.<sup>20</sup>

Soldiers were moved to Odi purportedly to find the murderers barely two weeks after the rampaging Ijaw youths killed the police officers in the area. More than 100 persons including soldiers were feared dead in a renewed clash between the Odi and Mbiama youths in Bayelsa and the soldiers who swooped on the area.<sup>21</sup> Ijaw leaders claimed that the soldiers, who reportedly arrived in about 10 TATA trucks, started ‘shelling’ Odi and its environs in the night. President Olusegun Obasanjo had on November 10, written to the Governor of the state, Chief Diepreye Solomon Alamiyeseigha, giving him 14 days to halt the festering situation in his state and produce the killers of the policemen for prosecution or risk a declaration of a state of emergency.<sup>22</sup> The deployment of troops to the area was seen in Ijaw quarters as the execution of the threat from the Presidency, even though the period given to the governor had not yet expired.<sup>23</sup> The question is why the Police, and other intelligence agencies of the government were not the ones issuing the ultimatum to arrest the criminals but rather the State Governor who relied on federal Police to be able to maintain law and order within his area of jurisdiction.

The onslaught which was code-named Operation Hakuri II shifted from Odi, the centre of the crisis where the policemen were killed to the Torofani area. Patani, a

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<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> The Punch, Nov. 23, 1999, p. 1.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

border town between Bayelsa and Delta states, is said to have been turned into an evacuation depot, with more than 2,000 displaced persons already taking refuge there. A senior Army Officer told The Guardian in Port-Harcourt that he saw about 50 military trucks moving to Odi.<sup>24</sup> And that claim was confirmed by a British Broadcasting Corporation (BBC) report that hundred of troops had arrived in Bayelsa State and have declared Odi an Army territory. Gunships were also allegedly deployed. The Guardian newspaper source said he was reliably informed that some 2,000 troops were on the ground.<sup>25</sup>

A spokesman for the military, a Lieutenant Colonel believed to be the commander of the detachment in the area, argued that the military pounded the area into submission due to the natives' violent resistance to the military mission.<sup>26</sup> Senate President, Dr. Chuba Okadigbo, led a delegation to Odi to inspect the extent of damage to lives and property. The position of the soldiers came amidst observations by the Presidency that 'merciless mercenaries', who were out to kill, rape, and kidnap and extort money from the natives were behind the Niger-Delta crises.<sup>27</sup> A correspondent of The Punch, whose trip to Odi coincided with Okadigbo's visit, observed that except for a branch of the First Bank in the area and a church building, all houses in Odi had been razed and valuable property allegedly looted in the process. Of the estimated 60,000 population, only 13 frail looking old women and eight children were seen, looking empty and dejected, with neither good meals nor medical attention. Up to 2,000 natives of the

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<sup>24</sup> See, The Guardian, Lagos, Nov. 22, 1999, p. 1.

<sup>25</sup> *Ibid.*

<sup>26</sup> The Punch, Lagos, Nov. 30, 1999, p. 26.

<sup>27</sup> *Ibid.*

town were believed to be still residing in the bush, where they took refuge when the soldiers struck.<sup>28</sup>

The destruction was widely condemned by both local and international communities. Human rights bodies were not left out too. The carnage was equally seen as an infringement on group rights and individual personal rights. In a spontaneous reaction, leader of the Movement for Survival of Ogoni People (MOSOP) Mr. Ledum Mittee said the killing of innocent people in Bayelsa State couldn't be justified in spite of the heinous nature of crime committed by the youths there. "Two wrongs cannot make a right", he observed, "if people (the policemen) were killed, it was not the whole of Odi that sat down and said let's go and kill people".<sup>29</sup> In view of the plethora of criticisms against the movement of soldiers to the troubled town, the military was withdrawn by the Federal Government. But the harm had been done. The Odi community delegation leader Mr. Kim Okoko, deplored the killing of policemen in the town and expressed happiness that culprits had been arrested by the police. He, however, said about 50,000 inhabitants of Odi were in dire need of relief, temporary shelter and medical provisions.<sup>30</sup> After the troops left Odi, it was reported that over 3,000 housing units were destroyed during the military operation. Tebepah, who is also the chairman of the Odi Rehabilitation Committee, said only five buildings including a church and health centre in Odi were spared by the soldiers who were believed to have used the attack as a vengeance mission. He described the situation in Odi as pathetic, adding that no community had been so willfully devastated in the history of the country.<sup>31</sup> President

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<sup>28</sup> See, *The Punch*, Lagos, Nov. 30, 1999, pp. 1, 6.

<sup>29</sup> *Saturday Punch*, Lagos, Nov. 27, 1999, p. 35.

<sup>30</sup> *The Guardian*, Lagos, Dec. 30, 1999, p. 2.

<sup>31</sup> *Ibid.*



Olusegun Obasanjo himself expressed regrets over the military action in Odi, Bayelsa State, which he described as avoidable. His wish was that 'soldiers will never again be deployed to any community to perform civil functions'.<sup>32</sup> Not long after this statement, events in Zaki-Biam revealed that this promise was not kept.

### **Zaki-Biam Massacre**

The ethnic war in Taraba State of the Northern region of the country is perhaps the more complex and sophisticated of the two events. The conflict centred on efforts to control Takum by three ethnic groups, the Jukun, Chamba and Kutep which dates back to the colonial days. In previous encounters, the Jukun and Chamba communities usually fought against the Kutep group. The first leg of the crisis centred on the conflict of interest between the Junkun/Chamba and the Kutep over who was to ascend the Jukun throne. Historical sources revealed that prior to 1914, the Jukun and Zumperi groups had existed in separate districts with the Jukun and Chambe inhabiting Jukun while Zuperi (now Ussa) was inhabited by the Kuteb. With the amalgamation of 1914, the two groups were merged. The clamour now was for a separate chieftdom for each of the two communities. This deep-rooted animosity resulted in a war in 1997 when over 200 people were killed, several hundreds were maimed and property worth 300 million Naira was destroyed.<sup>33</sup>

The old wound was dramatically reopened in October, 2001 when ethnic militia group suspected to be Tivs in Vaaser, in the state of Benue captured twenty two

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<sup>32</sup> Ibid.

<sup>33</sup> See, Emmanuel O. Ojo, "Human Rights and Sustainable Democracy in Nigeria (1999-2003)", Journal of Social Sciences, Kamla-Raj Enterprises, New Delhi, Vol. 13, No. 9 (July), 2006, p. 10.

Nigerian soldiers on peace mission in the area and slaughtered them.<sup>34</sup> The killing was a great distress to both the federal government and military authorities. In a swift response, Colonel Felix Chukwuma, Army Public Relations, said “the Army Council was not taking lightly the killings of its men”.<sup>35</sup> He said further that the Nigerian Army would do everything possible to find those responsible for the killings of the soldiers”. According to newspaper reports, President Olusegun Obasanjo “was so angry that the murderers had time to take photographs which were sold publicly”.<sup>36</sup> When news reached the barracks that the nine soldiers who were part of a company – 145 men dispatched from the brigade in Yola had been killed, there was tension in military formations nation-wide. The fear of a mutiny was real. Thus, the President ordered the Governor George Akume to ensure the arrest of the soldiers’ killers and gave him a week to do so.<sup>37</sup> The Governor was also directed to not only hand over the murderers, but ensure the handing over of the remaining corpses of the soldiers. The source explained that when the ultimatum expired and nothing happened, the soldiers were restive, President Obasanjo asked the Governor what he wanted to do. The Governor, he added, requested federal assistance to find the killers, thus prompting the President to direct in writing that the Chief of Staff, Lt. Gen. Alex Ogomudia, send troops to the State. Ogomudia in turn directed the General Officer Commanding (GOC) Third Armoured Division to carry out the order. The GOC then asked the brigade in Yola to comply. The order was passed down the line and a company was deployed, the source

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<sup>34</sup> The names of the twenty-two soldiers killed are: Sergeant Garba Mohammed, Corporal Sumaila Hamna, Samuel Maduabuchi, William James, Joseph Zanke, Andrew Solomon, Lance Corporal Yakubu Sani, Lance Corporal Abdulazeez Aloba, Lance Corporal Tanimu Salihu, Lance Corporal Abdul Usman, Lance Corporal Isah Dognna, Lance Corporal Memoye Omuka, Lance Corporal Lawal Musazu, Private Ado Yaloyi, Abdullahi Adamu, Mark Omije, Adamu Hassan, Usman Mohammed, Aliyu Mamman, Ibrahim Abdullahi, Akumina Ayasele and Muazu Isu (see, *The News*, 20 October, 2001 and *Tell*, Nov. 5, 2001).

<sup>35</sup> *The News*, Lagos, October 29, 2001, p. 25.

<sup>36</sup> *The Punch*, Lagos, Nov. 12, 2001, pp. 1, 2.

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

said.<sup>38</sup> Like the Bayelsa experience, the Governor couldn't have been able to arrest any suspect if the federal intelligence agencies could not do that.

The President's call that the killers must be arrested, made during the national burial of the slain soldiers in Abuja, October 22, 2001, was a clarion call for action. The soldiers quickly mobilized in the guise of carrying out a presidential order,<sup>39</sup> and the order was carried out in commando style. In Vaase, Newswatch magazine learned that the soldiers summoned a meeting of the villagers as soon as they arrived there in eight armoured vehicles under the pretext that they were to make peace. They allegedly separated the men from the women and opened fire on the unsuspecting and defenceless men. After this, the soldiers moved into the village, burning it down and leveling buildings.<sup>40</sup> By October 24, 2001, the reprisal action had covered twenty (20) towns and villages.<sup>41</sup> No fewer than 1,000 houses including that of Benjamin Chaha,

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<sup>38</sup> The Punch, Lagos, Nov. 12, 2001, p. 2.

<sup>39</sup> Newswatch, Lagos, Nov. 12, 2001, p. 22.

<sup>40</sup> Ibid., p. 23.

<sup>41</sup> Towns and Villages destroyed by soldiers in retaliation for the murder of their 19 colleagues by Tiv ethnic militiamen included:

- (1) Abako - 8/9/2001
- (2) Dooshima I - 8/9/2001
- (3) Dooshima II - 8/9/2001
- (4) Dan Anacha - 19/10/2001
- (5) Pera - 19/10/2001
- (6) Kyado - 19/10/2001
- (7) Gbeji - 22/10/2001
- (8) Chembe - 22/10/2001
- (9) Ifer - 22/10/2001
- (10) Jootar-Shitice - 22/10/2001
- (11) Abeda-Shitile - 22/10/2001
- (12) Mchia - 22/10/2001
- (13) Lorja - 22/10/2001
- (14) Vaase - 22/10/2001
- (15) Zaki-Biam - 23/10/2001
- (16) Tse-Adoor - 23/10/2001
- (17) Sankera - 23/10/2001
- (18) Anyim - 24/10/2001
- (19) Ayilamo - 24/10/2001
- (20) Abaji - 24/10/2001

Source: Newswatch, Nov. 12, 2001 (Lagos), p. 22.

former Speaker of the House of Representatives in the Second Republic, were destroyed in an operation that led to the killing of hundreds of people and sacking of 20 Tiv villages. The soldiers who came in several trucks and armoured vehicles, commando style, employed bazookas, sub-machine guns and armoured vehicles to wreck havoc. Government buildings were not spared in the destruction that followed. The Ukum Local Government Secretariat was destroyed as well as the official residence of the Council Chairman. Also destroyed was the divisional police station in Zaki-Biam. Chaha said that many people were killed in the operation in Zaki-Biam alone. While a group of the soldiers were carrying out the retaliatory act in Zaki-Biam, another detachment was dispatched to Tse Adov, a village in Katsina-Ala local government area of Benue, 16 kilometres away from Zaki-Biam.

The soldiers also swooped on Gbaajy Vaase, Zaki-Biam, Katsina-Ala and Adoor, home of retired Lieutenant General Victor Malu, former Chief of Staff. After the first 48 hours of siege, several hundreds of individuals had perished. Those who were shot in the streets were lucky victims because their corpses were recovered. Scores of people were leveled with their houses and hundreds fell dead in the bush and decomposed. That explains the stench oozing from the “forests of blood” that were the outskirts of the war-torn towns. No doubt, the raging Tiv/Jukun war has been a great cost to humanity.<sup>42</sup> Public reaction both national and international was that of outrage. State Governor George Akume called on the United Nations (UN) to arraign those behind the killings of the Tiv people in Benue and Taraba States for genocide before the International Court of Justice(ICJ) at the Hague.<sup>43</sup> Apparently disturbed by the alleged extermination and

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<sup>42</sup> Tell, Lagos, Nov. 12, 2001, p. 25.

<sup>43</sup> See, Saturday Punch, Lagos, Nov. 3, 2001, p. 5.

killings of Tiv indigenes in Zaki-Biam, Tiv indigenes in Lagos asked for one hundred billion Naira (N100b) compensation to enable them rebuild the destroyed Tiv settlements and also to reintegrate the displaced population into the mainstream of the country.<sup>44</sup> Worried by the level of destruction of lives and properties, and the breakdown of law and order, the Benue State government, October 25, 2001, issued a statement after an emergency meeting of the State Security Council, condemning the invasion. The government said “the soldiers had deviated from their operational orders of maintaining law and order within Taraba State and had rather embarked on a massive campaign of total destruction of Benue towns and villages and the brutal murders of unarmed and innocent civilians including women and children using armoured cars, tanks and other weapons of mass destruction.”<sup>45</sup> Matthew Hassan Kukah, a Catholic Priest and member of the Human Rights Violations Investigation Commission (HRVIC), said the military cross was visible. “You have a President who is ‘a retired military man, a Director of National Security who is a retired military man, a Defence Minister who is a retired military man, and a Director of the state security services or national intelligence who is an ex-military man’.”<sup>46</sup> The question still remains whether it is politically expedient for a supposedly democratic government to use the military to resolve civil conflicts. We now turn to the literature on civil-military relations to see the capability of the military vis-à-vis resolution of civil conflicts.

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<sup>44</sup> Daily Times, Lagos, Nov. 9, 2001.

<sup>45</sup> Newswatch, Lagos, Nov. 12, 2001, p. 26.

<sup>46</sup> Ibid., p. 30.

### **The Military and Management of Civil Conflicts: A Dim View**

Following the inauguration of democracy on May 29, 1999, Nigeria has and is still witnessing an unprecedented orgy of violent conflicts which has become worrisome to scholars and political observers.<sup>47</sup> A survey of ethno-religious conflicts, crisis and violence revealed that it has persisted in all geo-political zones of the country. A national daily having observed the dangerous trend editorialized that:

“More than anything else, the greatest obstacle to the nascent democracy is the pervasive insecurity of lives and property, as evidenced by the spate of armed robbery attacks, assassinations, ethnic and religious conflicts, coupled with the seeming helplessness of security agencies to handle criminal acts. The increasing number of unemployed Nigerians some of who are ready recruits for criminal activities worsens the situation.”<sup>48</sup>

The issue, however, is that the frequency of using the military to settle internal disputes compounds the problem of violence in the nascent democracy. This author, like several other commentators, argues that the upsurge of violence is the most significant factor impeding constitutional democracy, not only in Nigeria but in Africa generally. The primary reason for this concern is that most of these African states were praetorian states under the firm grip of military autocracy and absolutism for long periods of time.<sup>49</sup> The greatest challenge to military apologists' vis-à-vis resolution of civil conflicts is captured in the following words by Claude Ake:

“The military and democracy are in dialectical opposition. The military is a taut chain of command; democracy is a benign anarchy of diversity. Democracy presupposes human sociability; the military presupposes its total absence, the inhuman extremity of killing the opposition. The military

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<sup>47</sup> Wale Adebani, “Democracy and Violence: The Challenge of Communal Clashes”, in A.A.B. Agbaje, Larry Diamond and Ebere Onwudiwe, (eds), *Nigeria' Search for Democracy and Good Governance*, Ibadan University Press, Ibadan, Nigeria, 2004, pp. 327-348.

<sup>48</sup> See, *Nigerian Tribune*, Ibadan, Jan. 5, 2002, p. 10.

<sup>49</sup> See, P.J. McGowan, “Coups and Conflict in West Africa, 1955-2004 – Part II, Empirical Findings, *Armed Forces and Society*, Vol. 32, No. 2 (Jan.), 2006, pp. 234-253.

demands submission, democracy enjoins participation one is a tool of violence, the other a means of consensus building for peaceful co-existence.”<sup>50</sup>

From the foregoing, the military is unsuitable for management of civil crisis. In the words of Colonel (rtd.) Kemi Peters “the military should only come in when all else has failed”.<sup>51</sup> If there is a grave situation warranting the deployment of soldiers then it should be clear to all that they would not act like policemen. They should be expected to execute their assignment in military fashion and thereafter withdraw for the police to take over. The military role should be basically one of peace-enforcement as against peace-keeping which ordinarily the Mobile Police Units of the Police should enforce. If the military has to be used in a peace-keeping role then it should be clear to all that their response to any attack would be lethal and swift. This has always been the blunder of the supposedly democratic state which brings the military in to manage civil crises more often than required. Armed forces are an apparatus for war; force is its language and style. Hence, their use unduly militarizes political and civil conflicts.<sup>52</sup> This has been amply demonstrated in the readiness to resort to arms as an instrument in resolving political conflicts.<sup>53</sup> The consequence of this culture of violence is that the Nigerian post-colonial state which has been under the firm grip of military dictatorship and absolutism permits itself the luxury of employing violence against civil society.<sup>54</sup> The case studies of

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<sup>50</sup> Claude Ake, “A Plausible Transition”, *Tell*, Lagos, September 25, 1995, p. 34. Also cited in Emmanuel O. Ojo, “The Military and Democratic Transition in Nigeria: An In-depth Analysis of Gen. Babangida’s transition Program (1985-1993)”, *Journal of Military and Political Sociology*, 2000, Vol. 28 No. 1 (summer), pp. 1-20.

<sup>51</sup> *Tell*, Lagos, Nov. 12, 2001, p. 28.

<sup>52</sup> Ben Nwabueze, “Decolonizing and Constitution in Africa”, being the 1st A.G.F. AbdulRasaq Annual Lecture in Law and Public Policy, delivered at the University of Ilorin, Nigeria, Nov. 15, 1997.

<sup>53</sup> Claude Ake, “The Political Question”, *New Nigerian*, Kaduna, May 15, 2000, p. 7.

<sup>54</sup> Kunle Amuwo, “Transition Planning in Nigeria: A Critique of the Military-Civil Transiting Variant”, *Africa Development*, Vol. 18, No. 1.

Odi and Zaki-Biam examined in this paper glaringly demonstrate the futility of military solution in a supposedly democratic era.

## **Conclusion**

The excesses in both Odi and Zaki-Biam, our case studies, as enunciated in this paper are indeed a great abjection of civil society. The military background of the President no doubt is a liability rather than an asset in both instances. For all intents and purposes, they both represented state infringement of groups' rights,<sup>55</sup> whereas, one of the internationally acclaimed barometers for appraising the democratization level of a polity is the extent to which it observes both human and groups rights. An examination of country reports on human rights practices as compiled by the United States Embassy Public Affairs Unit, reveals that the Nigerian government's human rights record is still poor; although there were some improvements in several areas because of democracy.<sup>56</sup> For example, in a democratic society, criminals are supposed to be apprehended by the police, while police detectives and security/intelligence arms of the government work hard to stop perpetrators of serious crimes even before they are committed. Within this framework, the Nigerian government cannot absolve itself from the blame arising from destruction of Odi.

In the final analysis, the conclusion of this paper is that the military should not be used to terrorize the civil populace. Only in an extremely bad situation should they be

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<sup>55</sup> See, Emmanuel O. Ojo, "Human Rights and Sustainable Democracy in Nigeria (1999-2003)", op. cit.

<sup>56</sup> See, U.S. Department of State, Report on Nigeria in 2000. Whitney M. Young Jr. Information Resource Centre, Public Affairs Section. Consulate General of the United States of America, Lagos, Nigeria, January 2001 and U.S. Embassy, Public Affairs Section Infopact Country Report on Human Rights Practices 2000 on Nigeria distributed by Whitney Young Information Resources Centre (IRC), Lagos, Feb. 2001.



employed at all and only sparingly. Also, traditional African way of settling conflicts may be a better option. The existing literature has shown that official handling of governance conflicts in Nigeria is usually problematic, inadequate and questionable. It is faced with different types of human rights abuses. This was the situation in Ogoni in the mid-1990s, Odi in 1999 and Zaki-Biam (Tiv land) in 2002. The handling of these conflicts shows that Nigerian government prefers the iron-fist approach to conflict management. Unfortunately, in each of these conflicts, cases of genocidal killings can be clearly established against the Nigerian state.<sup>57</sup>

It is imperative to add that military rule over a long period of time has led to the militarization of the society,<sup>58</sup> resulting in the use of the military too frequently to resolve civil conflicts which may further worsen the problem of over-militarization of the civil society in a supposedly democratic era. For instance, during the long years of military rule in Nigeria, it can be rightly described as 'warfare institutionalized as politics'. This has been amply demonstrated in the readiness to resort to arms as an instrument in resolving political conflicts.<sup>59</sup> One can easily recall that fear of domination by one group or section has always been a bedeviling factor in Nigerian politics, but the conflicts generated by it did not become 'militarized' during the civilian days in the past. Violence was of course widely used, but organized large scale killing involving the use of fire-arms were unknown then.<sup>60</sup>

The civilian government has been using the military to quell civil disturbances without attracting much public outcry. An instance is the volatile Niger Delta region of

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<sup>57</sup> Isaac O. Albert, *op. cit.*, p. 5.

<sup>58</sup> See, Julius O. Ihonvbere, "The Military and Political Engineering Under Structural Adjustment: the Nigerian Experience Since 1985", *Journal of Political and Military Sociology*, 1991 Vol. 20 (summer) pp. 107-131.

<sup>59</sup> Claude Ake, "The Political Question", *New Nigerian*, Kaduna, May 21, 1986 p. 7.

<sup>60</sup> Rotimi T. Suberu, "The Travails of Federalism in Nigeria", *Journal of Democracy*, Vol. 4 No. 4 (Oct.) 1993 pp. 79-83.

the country where armed militias had been in constant conflict with the state and the state prefer deploying the military in clear support of government economic and political interests with little attention paid to human rights. Thus, a glaring case of irredentist claims like that may warrant the use of the military.

Finally, the police force may have to be reformed for it to be able to cope with the demand of effective policing in a democratic setting. Undoubtedly, the primary concern for police reform,<sup>61</sup> in a democratic set up, is that the state can not employ these kinds of dictatorial methods or accept its scale of values in pursuit of the common objective of order. It cannot employ methods that debase the individual, whose well-being it proclaims to be paramount. It can not use techniques to maintain order that violate those principles of justice it holds to be vital.

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<sup>61</sup> Emmanuel O. Ojo, "Taming the Monster... op. cit. p.266.