



THE MILITARIZATION OF NIGERIAN DEMOCRACY AND ITS IMPACT ON FUNDAMENTAL HUMAN RIGHTS

BY

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Abstract

This work examined the expanding role played by the Nigerian Military in internal security operations in Nigeria and the adverse effects it has on the fundamental rights of ordinary citizens. The constitutional and legal frameworks governing the operation of the Nigerian Military were carefully considered, alongside the roles and duties of the Nigerian Police as outlined in the Constitution and the Police Act. The basis for military involvement in internal security was also scrutinized; incidents of human rights abuses and violations were examined and highlighted across various theatre operations in Nigeria. Comparisons were made with the UK to illustrate how its military is involved in internal security. The doctrinal approach was employed throughout this work referencing academic literature and materials used in the course of this work. The author's observation and recommendation are that, given the negative impact of the military on human rights, its role should be limited to maintaining and preserving national sovereignty. They should only be called upon for internal security matters as a last resort and temporarily, similar to practices in the UK. Furthermore, the Nigerian Police should be restructured, with state-of-the-art facilities provided and regular training offered to adapt to current security challenges.

Key Words: Militarization, Democracy, Fundamental Human Rights, Nigerian Military

INTRODUCTION

Democracy has received overwhelming applause as a system of government that seeks to entrench core values of humanity, like human rights and the dignity of the human person. Aside from the fact that democracy seeks to give the people a sense of purpose and say in a government, it also allows the people to chart a course of governance on how they are being governed. One of the core values of democracy is fundamental human rights. The United Nations has become the vanguard worldwide in ensuring that nations heed the call for the respect and observance of basic human rights in their respective domains, and it has also shown commitment by becoming a signatory to the United Nations Declaration of Human and People's Rights. To this end, as a vanguard for the protection and preservation of human rights across the world for many years, the United Nations General Assembly Commission on Human Rights drew up an international human rights instrument to promote understanding of the principle of democracy. As a result, in 2000, the Commission recommended a series of legislative, institutional, and practical means to enhance democracy, with one of them being an element entrenched by the said commission: respect for human rights and fundamental procedures¹.

Democracy, no doubt, nurtures, breeds, cultivates, and deepens the values of human rights in a country. Put simply, democracy creates a favorable environment for the actualization and realization of human rights in a country.

The return of democracy in Nigeria in 1999 was a welcome relief to Nigerians, as it marked the dawn of a new era aimed at opening a new vista for the protection and promotion of human rights, which had been lost during the many years of military rule characterised by gross abuse of these rights². However, Nigerians have witnessed democracy over 20 years of uninterrupted democracy,

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1. The United Nations (UN) and Human Rights: Challenge's > documents.un.org accessed on 28/1/2025

² According to Joy James, the Military rule in Nigeria was characterized by suspension of democratic institutions restriction of civil liberties, Arbitrary abuse rule and abuse of human rights which is not the case under a democratic regime where the rule of law and the doctrine of separation of powers are respected, democratic institutions are enhanced along with civil liberties of the Citizen. Military rule has spanned over two decades in Nigeria indeed witnessed gross abuse of human rights, restriction of freedom of speech and the press and suppression of opposition through censorship, arrest and intimidation. Whereas there is a degree of respect of the rule of law during the civilian administration. This information can be accessed at www.bulbapp10/0ab93f5d-9c0f-427e-b5a5-d694d.46e2345-/power- "Power Shifts: A Comparative Analysis of Military and Civilians Governance in Nigeria." accessed on 13th October 2025. According to Edeh Samuel Chukwememeka some of the advantages of Military rule in Nigeria

but the military has continued to take center stage in Nigerian democratic governance. The cumulative effect of the foregoing is that the active involvement of the military in the democratic space in Nigeria, beyond their constitutional role has continued to have a negative toll on human rights.

Accordingly, this work explores the gradual and progressive militarization of Nigeria's democracy and its negative impact on human rights.

Conceptual clarification

*Militarization: This is to give a military character, to equip with military forces and defenses*³. The act of bringing military forces into an area of militarization did not contribute to either greater internal stability or external tranquility. Heavy militarization of a region increases the risk of the oppression of local people⁴

Democracy refers to the system of the government under which people exercise the government's power directly or through representatives periodically elected by them⁵. Democracy is a system of government that does not only allow but requires the participation of the people in the political process⁶. U.S. President Abraham Lincoln in his framed 1863 Gettysburg address defined democracy as" Government of the people by the people for the people...."⁷

Fundamental human rights

These are rights whose existence or continued existence is guaranteed under the State's Constitution. Fundamental Human Rights confined to state or political societies by written constitution⁸. Fundamental rights also refer to human rights which are guaranteed in the Constitution; they are not privileges in the sense that they could be withdrawn at the whim and caprices of the government of the day⁹

The legal framework for the operations of the Nigerian military

includes:absence of bureaucracy, cost effectiveness, the Military regime challenges the Civilian regime to live up to expectation not to allow the military take over government. Some of the disadvantages of the military rule which he pointed out in his work include: abuse of human rights, dictatorship and power concentration in the Military government and the absence of checks and balances among others><http://bscholarly.com> -"Advantages and Disadvantage of Military Rule in Nigeria.

³ <https://www.memam.webster.com/dictionary/militarize> accessed on 26/1/2025

⁴ 'Militarization' <http://dictionary.cambridge.org/dictionary/English/militarization> accessed on 26/1/2025

⁵ Appadorai A, *The Substance of Politics* (New Delhi University Press 2000) P.20

⁶ Robert Longley, 'What is Democracy? Definition and Examples?'> <http://www.thoughtco.com> accessed on 28/1/2025

⁷ 'What is Democracy?'><http://web-archives-2017.ait.org.tw> Accessed on 9/6/2025

⁸ Mudiaga Oje, Human Rights, Civil Political Social, Economical Cultures Rights: Their Place and Protection in the Future. *Political Order*, *the Nigerian Bar Journal* (1986) (21) (3) 87.

⁹ J. Nanmudi Aduba, *An Introduction to Human Rights Law in Nigeria* (Innovative Communication 2016)

The military is an important institution that exists for the survival of any nation, as it exists to defend a nation's sovereignty and its integrity. The Constitution of the Federal Republic of Nigeria, 1999 (as amended) established the Nigerian Military which is referred to therein as the Arm Forces of the Federation. Section 217(1) of the Constitution provides thus:

There shall be an armed forces for the federation which shall consist of an army, a navy, an Air force, and such other branches of the armed forces of the federation as may be established by an Act of the National Assembly.

(2) The Federation shall, subject to an Act of the National Assembly made on that behalf, equip and maintain the armed forces as may be considered adequate and effective for the purpose of.

- a. Defending Nigeria from external aggression.
- b. Maintaining its territorial integrity and securing its borders from violation on land, sea or air;
- c. Suppressing insurrection and acting in aid of civil authorities to restore when called upon to do so by the President, but subject to such conditions as may be prescribed by an act of the National Assembly; and
- d. Performing such other functions may be prescribed by an Act of the National Assembly.

Arising from the above Constitutional provision in mind, it can be said that the Nigerian military is comprised of the Nigerian Army, Nigerian Navy, and Nigerian Airforce. It can also be safely established that the conventional and primary function of the military under the Nigerian military is to secure the territorial integrity of the Nigerian army other duties assigned to it are secondary to its conventional. Section 218 (1) of the Nigerian Constitution further vested powers on the President to determine the operational use of the armed forces of Nigeria. In carrying out the said powers empowered by the President by the Constitution, provided under section 218(1) of the Constitution, such powers can be delegated by the President to any member of the armed forces of the Federation¹⁰. However, the powers of the President to determine the operational use of the armed forces is not absolute, as the said Constitution vests power on the National Assembly to regulate the powers of the President as Commander in Chief of the Federation¹¹ Amplifying the above provisions of the Constitution, Section 8 (1) of the Arm Forces Act provides that the President. Shall determine the operational use of the armed forces in Nigeria to maintain and secure public safety and public order¹².

It follows therefrom the foregoing that the extent and limit of the involvement of the military in the internal security operation in Nigeria is drawn from the provision of section 217 (1) (c) of the Constitution of Nigeria and other relevant provisions provided by the Arm Forces.

¹⁰ Section 218 (2) of the Constitution of the Federal Republic of Nigeria, 1999(as amended)

¹¹ Section 218 (4)ibid

¹² Arm Forces Act, Cap A20, Laws of the Federation of Nigeria, 2004.

However, this does not overlook the fact that it is the prerogative of the Nigerian police to ensure peace and order in the state, not the military.

The role of the police in internal security

Conventionally, the provision of internal security and law enforcement is the core duties of the police¹³. This means that the police are domestic specialists in exercising legitimate force¹⁴. In other words, they are responsible for crime control and law enforcement duties. Meanwhile, the military is responsible for external matters, which involve defending the state's territorial sovereignty against external threats and enemies¹⁵. Therefore, using the military for policing functions for which they are not trained is problematic¹⁶. Essentially, the police are trained for law-and-order duties which require minimum use of force while the military is proactive in deterring threats.¹⁷

The provision of section 4 of the Police Act¹⁸, provides that the police duties shall extend to the detection and prevention of crimes and protection of rights, lives, and properties, maintenance of public safety, law and order, and the enforcement of laws and regulations which also include collaborating with agencies to assist persons in distress, victim of road accident, pure disaster, victim of road accident, fire disaster, earthquake, and flood, facilitating the free passage and movement on the highways roads, and street open to public and adoption community partnership. The general objective of the new Act, is to provide an effective police service that is based on the principle of accountability and transparency, protection of human rights, and partnership with other security agencies¹⁹. In line with the primary objective of government which is spelt out in section 14(2) (b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) the security and welfare of the people is the primary purpose of government. The police, because of the provision of the Police Act are saddled with the responsibility of the maintenance of Internal Security. Thus, they do so by detecting crime, preserving peace and order, and enforcing all laws and regulations²⁰.

Reasons Advanced For the use of the military in Internal Security.

The preceding discourse shows that the major plank of Internal Security lies within the domain of the Nigerian Police Force. However, the increasing involvement of the military in internal security is not without some cogent reasons. The growing tide of insecurities in Nigeria has

¹³ Alice Hills, 'Police Commissioner Presidents and Governance Security', *the Journal of Modern African Studies* (2003) (45)403-423

¹⁴ *ibid*

¹⁵ *ibid*

¹⁶ *ibid*

¹⁷ Didier Bigo, Internal and External Aspect of Security, 2006, European Security' > [https://www. research gate.net](https://www.researchgate.net) accessed on 13/2/2025

¹⁸ Police Act, 2020

¹⁹ 'Things you should know about the New Police Act, 2020'> <http://lawpavillion.com>. accessed on 18/2/2025

²⁰ *ibid*

strained the police's internal security capabilities, leading to a greater role for the military in domestic operations. With the escalating ethno religious crises that have become more pronounced in Nigeria lately, this situation has exhausted the Nigerian Police Force in addressing security challenges²¹.

According to Adetoye and Osunrayi, in their study of the Jos North Crises, the challenges of the security agencies in combating the crisis which is a result of inadequate numerical strength and personal, ineffective deployment of the security agencies and government officials in the ethnic-religious crises as well as lack of intelligent gathering by the security agency especially Nigerian police and department of state service in fostering peace in the warring communities²²

The systematic challenge of the Nigerian police inhibits its effectiveness in internal security and is further exacerbated by the poor institutional capacity of the institution in terms of power and logistics²³. Thus, in the face of growing insecurity across the different regions in Nigeria, the available statistics according to the National Bureau of Statistics shows that as of 2022, it was estimated that the staff strength of the Nigerian police was estimated at 250,227 which is a decline from the 2021 statistics which was estimated at 250,461. Therefore, the presence of the Nigerian Military across the country was based on inadequate internal security operatives²⁴ and also the pressing security concern which is characterized by the high rate of insecurity, terrorism, banditry, kidnapping, and cybercrime which pose a significant threat to National stability and peace²⁵. This has resulted in the involvement of the military and other security agencies becoming necessary.

Secondly, the Nigerian police are plagued with poor living conditions and a lack of motivation in their workforce, particularly entry-level constables. This is due to two major factors: poor staff salaries, allowances and remuneration, and the state of police housing barracks. Several studies/reports have shown that the salaries of Nigerian police personnel are meager and lower than those of other countries²⁶. The Nigerian police are understaffed and lack basic policing equipment which affects their ability to function effectively²⁷. Some have observed that the shortage of manpower, vehicles, and communications equipment impacts officers' operational

²¹ Taiwo.O. Adefisoye,Ojo OlawaleAriyo , 'Military Deployment in Internal Security Operations and Civil Military Deployment in Internal Security Operations and Civil Military Relations in a Democracy: The Nigerian Experience', *European Journal of Political Science Studies* (2019)(2)(2)

²² Dele Adetoye, Folorunso Osunrayi, 'The Challenges of Security Agencies on Jos North Crises. Interrogating the Nigerian Security Architecture and Capacity for Conflict Management and Peace Enforcement'> <http://www.researchgate.net> accessed on 20/2/25

²³ 'Nigerian Police Strength Dips Slightly Inmates Numbers Rise N.B.S Report'><http://www.naija news.com> access on 20/2/205

²⁴ Taiwo.O. Adefisoye,Ojo OlawaleAriyo,See n²¹

²⁵ *ibid*

²⁶ Sallek Yaks Musa, *Military Internal Security Operations in Plateau State: Ameliorating or Exacerbating Insecurity*{Being Dissertation Thesis Presented for the Award of Doctor of Philosophy in the Faculty of Arts and Social Science at University of Stellerbosch 2018)

²⁷ *Ibid* 88

efficiency and morale and therefore affects their relationship with the populace²⁸. The shortage of manpower and basic police equipment and logistics exists throughout Nigeria as this still represents the current plight of the police workforce.

The Nigerian Police lack or are in short supply of the equipment which has hampered its effectiveness. The equipment in short supply includes manpower, operational vehicles, workshop, and office equipment, funds to maintain operational vehicles, funding, electricity and power-generating set, barracks accommodation for personnel, medical facilities, medical staff and medicine, kits and bulletproof jackets, serviceable arms and ammunition, road networks to link the police welfare for personal physical structures among others²⁹. Therefore, this has undermined the ability of the police to function effectively. According to Dambazzau, poor relationships between the public, the quality of police personnel equipment and facilities which is extremely poor, and the combination of these factors makes it impossible to rely on police service to enforce law and order³⁰. Also, the Nigerian Police Force is plagued with bribery, corruption and extortion which has become pervasive and gradually becoming a norm in the system³¹.

A school of thought posits that the entire service of the police force is corrupt and that nearly all the personnel are likely to receive bribes while serving.³² This is evident with the trial and conviction of the former Inspector General of Police IGB Mustapha Ade Bayo Balogun for corruption, other former IGPs who faced corruption charges include Mike Okiro and Sunday Ehindero³³. Thirdly, it has undermined and compromised the effectiveness of the Nigerian Police in combating internal security.

What is more, training and education form the cornerstone of professionalism, yet the Nigerian Police appear to pay little attention to the training recruits, and training in service of the police personnel is inadequate, particularly the training of constables and low-ranking officers³⁴, police personnel glaringly exhibit little knowledge of the knowledge of law, and who to enforce it, and this affects the role and duties of the police, their relationship with the public, and the power and limit of their authority³⁵. The absence or inadequate training of the personnel of the

²⁸ Adefi.M. Olong, 'The Administration of Criminal Justice in Nigeria' <http://www.semanticsscholar.org> accessed on 20/2/2025

²⁹ Ibid

³⁰ Abdulrahman Dambazau, 'Nigerian and her Security Challenges'; Harvard International Review (2014) 65-70

³¹ Emmanuel Ojo, Taming the Monster: Demilitarization and Democratization in Nigeria: ><http://www.deceptive.com> accessed 21/5/2025

³² Abdulrahman S. Dambazza See n²⁹

³³ Sallek Yaks Musa See n²⁵

³⁴ Olly Owen, Government Properties: The Nigerian Police Force as Total Institution ? international African Institute 2016 (86)(1)

³⁵ Sallek Yaks Musa See n²⁶

Nigerian police, has affected the service they render to the public. This affects not only their relationship with the public but that it affects their image and professional posture³⁶.

Military rule in Nigeria witnessed neglect of internal security, agencies, and even the military with the decline in the rate of recruitment, equipment, and security infrastructure. This weakens and weakened the capacities of agencies like the Nigerian police force to confront growing security challenges that have continuous threat to the internal security³⁷. The inability of the police force to curb the various crises, erupted with the emergence of civil democratic rule in Nigeria.

The attendant ineptitude of the Nigerian Police Force to curb and address issues of Internal Security even amid the growing threat across the length and breadth of Nigeria, makes the involvement of the Nigerian military incumbent with a view to address internal security.

The Historical Overview of the Nigerian military in internal security

Having established that the police are primarily responsible for providing an internal security service³⁸ which is in accordance with the provision of the Police Act³⁹. However, the preceding discourse unearths the various reasons that make the Nigerian Police ineptitude to contend and curtail the growing insecurity challenges that have traversed the length and breadth of this nation, and that has also made the involvement of the Nigerian Military necessary.

Retrospectively, the involvement of the Nigerian Military can be traced to the colonial era. In August 1914, as the First World War gathered pace, an Egba revolt was crushed by ten companies of troops newly created Nigeria Regiment⁴⁰. In 1929-1930, the regiment was called upon for a major internal security operation against the Igbo women at Aba⁴¹. Some examples of long-span military involvement in internal security can be found in the sporadic mataisine uprising of 1980 – 1985, the most serious of which was the Kano episode thereof that lasted between 18 December 1980 and 3 January 1981 which led to the deaths of about 4177 persons⁴². It was the matasine episode in Kano, that the Nigerian Army and Nigerian Airforce Co-operated to bring the crisis to a bloody end. Also, the Nigerian Airforce was similarly involved in military operations in the Mandara mountains straddling the Nigerian Cameroon.

³⁶ Ibid

³⁷ Oshita O. Oshita, Ikenna Mike Alumona, Freedom Chukwudi Onuoha(ed) 'Internal Security Management in Nigeria, Perspective, Challenges and Lesson' ><http://tandfonline.com> accessed on 20/2/2025

³⁸ Bruce Baker, 'Multi-Choice Policing in Africa: Is the Continent Following the South Africa Pattern?' Society in Transition 2014 (35)(2)><http://www.diva.portal.org> accessed on 21/2/25

³⁹ Ibid

⁴⁰ Peterside, Zainaab Brown, 'The Military and Internal Security in Nigeria: Challenges and Prospects'. 2014(5)(27) Mediterranean Journal of Science

⁴¹ Ibid

⁴² Okoli, A Chukwuma, Orinya & Sunday, 'Evaluating the Strategy of Military Involvement in Internal Security Operations (ISOPs) in Nigeria', *Journal of Social Science* 2013(9)(6)> www.iosjournals.org accessed on 20/2/2025

The Nigerian Airforce had to use helicopter gunships to neutralize the zealots that had gained a foothold in the highland⁴³

Another instance of long-spanned military intervention in internal security can be found in the Boko Haram uprising across the Northern part of Nigeria which has been ongoing since 2009⁴⁴ and has taken different phases and has also spread across the states in Northern Nigeria and taken a toll on human lives and property. Banditry has become a household name especially in the North West which also compelled military operations in that region.⁴⁵ Other relevant examples of long-spanned involvement of the military in internal operations across Nigerian include the Ijaw – Itsekiri conflict in 1996 – 1997, the Tiv – Jukun in the Eastern flank of Northern Nigeria in early 2000, and the Jos crisis which also called to question the involvement of the military ⁴⁶. The Nigerian army also had to intervene in Yelwa–Shendam Jos Crisis and Kano in 2004, to restore peace after well over a thousand persons had been killed in ethno religious violence⁴⁷

The growing spread of the insurgency across Nigeria has become a daily concern to the government. The insurgency in North East Nigeria, which has birthed the Boko Haram terrorist since 2009 has not been abated, the activities of the militant group in the Niger Delta have manifested in diverse ways in kidnapping, military, killings, bombing, hostage taking, demolition of oil and gas facilities, pipelines vandalism, illegal oil bunkering with different militant groups has led to the involvement of the military to boost security in the Niger Delta region⁴⁸. In the Eastern Region of Nigeria, the growing agitation of movement for the Actualization of the sovereign state of Biafra has resulted in a series of violence that has led to the destruction of lives and property. As a consequence, the Nigeria state has responded with several measures including the deployment of military troops in what is known as Operation Python Dance II (or Egwu Eke II) as part of the measures to cope with the moment activities⁴⁹

A clinical review of section 217(1) (c) of the 1999 Constitution of the Federal Republic of Nigeria, 1999 (as amended) which forms the basis for military intervention in internal security

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Allison.E.Ogidigben and Atare Otitie posits that the Nigerian government has initiated a number military operations in the North West to combat the banditry threat ,including operations Harbina Kunama and exercise Sahel Sanity, which was centered at the Special Army Super Camp IV in Faskari, Katsina resulted in the killing of 220 bandits and the rescue of 642 abducted victims. In Kebbi, Kaduna, Niger, Zamfara and Katsina states troops also destroyed 197 bandits enclaves, executed the legendary armed leader known as “Dangote”. There is extreme violent campaign in the northwest by the Boko Haram, ISWAP, Ansaru terrorist group’. This information can be accessed in *Journal of Global South Research on Security and Development* (2022)(1)(1) ‘Armed Banditry and Nigeria National Security: A Study of the Northwest Nigeria’ accessed on 15th October 2025

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Taiwo O. Adefisoye & Ojo Olawale Ariyo, ‘Military Deployment Internal Insecurity Operations and Civil-Military Relations in a Democracy. The Nigeria Experience, *European Journal of Political Science Studies* (2019)(2)(2)

⁴⁹ Ibid

does not contemplate a permanent action, but a temporary measure at restoring, law and order. However, the current situation across the country shows that the Nigerian Military has become a permanent architecture in internal security and has even transcended issues that the Nigeria Police can tackle. Thus, according to this writer, it has hampered democratic culture and promoted the militarization of Nigerian Democracy.

The Incursion of the Nigerian Military in Nigerian Democracy and Its Impact on Human Rights.

Human rights have been notoriously established as one of the core values of democracy. Our previous discourse has revealed the continuous involvement of the Nigerian military in Nigeria Policing Internal Security has raised questions in many quarters. This is in view of the debasing democratic culture and values that have been undermined by the involvement of the military in the internal security mechanisms like election matters that the Nigeria police can handle effectively⁵⁰but are not deliberately allowed to handle.

The Nigerian army presently has eight theatre operations across the country. These are: Operation Safe Haven which covers Plateau and Kaduna State, Operation Fansan Yamma holding sway in Sokoto State, and Operation Hadin Kai(which is operational in Northeast Nigeria). Others include Operation Forest Sanity operational in Northwest Nigeria, and Operation Whirl Wind Stroke holding forth in Taraba and Benue State. In Southeastern Nigeria, Operation Udoka oversees the security operation while Operation Delta Security superintends over Niger Delta Region, and the multi-joint Task Force operates in the Lake Chad basin⁵¹.From a close observation of the foregoing theatre Operation of the Nigerian Military, it is gleanable that the Nigerian Military is operating in internal security in the length and breadth across Nigeria. Their involvement is increasing by the day with the surge of progressive increase in insecurity across the country.

However reckoning the continuous alarming rate of insecurity in Nigeria, the Constitution of the Federal Republic of Nigeria, and the Armed Forces Act, provide exceptional circumstances for the intervention of military in the internal security only under certain exceptional circumstances⁵². Comparatively, the use of Armed forces in internal security operations in the UK has its basis in the long British Tradition of military aid to civil authorities⁵³. The legal basis on which the UK Armed forces and the Civil authorities operate during internal security challenges is now found in the joint doctrine publication 02 (JDPU2) Published by the UK

⁵⁰ ibid

⁵¹ Benard Onyeuko, ' Nigerian Military Provides Updates on different operations in September 2021' > www.pnnigeria.com accessed on 26/2/2025

⁵² John Apollos Maton, The Illegality of the Nigeria Military Taking Over Internal Policing Duties> <http://www.facebook.com> accessed on 26/2/2025

⁵³ Augustine I. O Rabueze , 'Comparative Analysis of the Roles of the Military in Internal Security Operations in Nigeria with some other Jurisdiction><http://www.nigerianjournalsonline.com> accessed on 26/2/2025

Ministry of Defense in December 2007⁵⁴. Under the UK Military Aid to Civil Community (MACC), three criteria must be met before the military can be deployed for MACC tasks. These criteria are as follows:

- A. Military aid should be the last resort. The use of mutual and other agencies and the private sector must be otherwise considered insufficient or unsuitable⁵⁵.
- B. The civil authority lacks the required level of capacity to fulfill the task and it is unreasonable or prohibitively expensive to expect it to develop one⁵⁶, and
- C. The civil authority has the capacity but the need to act urgently and it lacks readily available resources⁵⁷.

A comparative analysis of circumstances provided under the Nigerian Constitution and the Arm Forces Act⁵⁸ for the military to intervene in internal security reveals that the military is only expected to come to the aid of Civil authority to restore law and order subject to the conditions spelled out by the National Assembly. This is not unconnected to the fact that the major thrust of the military is to defend Nigeria from external aggression as well as to maintain the territorial integrity of the Nigerian borders.⁵⁹ Contrastingly, in the UK, the military will call in aid to the civil community when it is the last resort, having also examined the insufficient help the private sector can render and the Civil authority cannot fulfill the said task

It can safely be said that the conditions for military involvement in Nigerian Internal Security in Nigeria are solely left in the hands National Assembly to decide. This to my mind, has undermined the policing system in Nigeria right from the military regime. Under military rule, the police gradually deteriorated. The military authorities were irked by the overbearing presence of the Mopol unit of the police and decided to cut down the size of the Mopol unit in the police.⁶⁰ The demeaning of the police force continued in successive military regimes such that the police was eventually forced to evolve a process of its survival in the face of institutional neglect⁶¹. The deliberate neglect of the police force during the military regime which continued during the military regime has made the police force moribund and dysfunctional and contending with the growing security challenges. Globally, in a democracy the police is a must have and a force to reckoned with in the security architecture of a nation.

The growing presence of the theatre of operation of the Nigerian military in Nigeria has been replicated across the country with various checkpoints on the roads manned by military personnel.

⁵⁴ Development Concept and Doctrine Centre, Operation in the UK: The Defense Contribution to Resilience (2nd Edition, Swidon :Joint Doctrine Publications 02 2007)

⁵⁵ Ibid para 301

⁵⁶ Ibid para 402

⁵⁷ Ibid para 501

⁵⁸ Section 217(2)(C) of the 1999 Constitution of the Federal Republic of Nigeria (as altered)

⁵⁹ Section 217(2)(a & b) ibid

⁶⁰ How Military Under-developed the Police > <https://www.vanguardngr.com> accessed on 23/3/25

⁶¹ Ibid

The military checkpoints across Nigeria have become a source of thieves, woes, and pains rather than a security standpoint that seeks to secure and protect the lives and property of Nigeria.

The military has succeeded in instilling fear and psychological trauma in ordinary commuters as they approach military checks not knowing what will befall them⁶².

The Military and Its Culture

There is no doubt that the military is a professional institution that is guided by etiquette, values, and dogma that regulates the profession intending to achieve its principal task of protecting a nation against serious threats to external enemies and enhancing the military security of the state is a sole responsibility of the military⁶³.

(a) Military Culture

The workplace is not just a place for accomplishing job-related tasks and earning a living in the process. It is a repository of values, attitudes, norms, and accepted procedures⁶⁴. The military has a distinct culture, unlike civilian institutions and organizations which influence their behavior, norms, and values⁶⁵. To this end, military culture eventually directs, shapes, informs, and provides the context to every single military action, whether organizational or operational nature irrespective of how big or small such action is⁶⁶. A second element of military culture is the masculine nature of the working environment. Masculine traits such as dominance, aggression, toughness, physical strength, risk-taking, and crude behavior are embodied in military culture⁶⁷. One prominent feature of military culture is that the military is typically undemocratic in terms of its culture and values⁶⁸. This makes it difficult for the military personnel to adapt to civilians' values when deployed into society for internal security⁶⁹.

⁶²ibid

⁶³ Samuel P. Huntington, *The Professional Military Ethic, Man, Society and History in the Political Influence of the Military. A Comparative Reader*. A Primutters & V.P. Bennet, Eds. (New Haven CT: Yale University Press 1980)P.47

⁶⁴ Rudi Volti, 'An Introduction to the Sociology of Work and Occupations' > <https://www.amazon.com> accessed on 23/3/2025

⁶⁵ John J. Collins, 'The Complex Context of American Military Culture: A Practitioners View', *Washington quarterly* (1998)(21)(4)

⁶⁶ Abel Esterhuyse, Francios Vrey & Thomas Mandrup(eds), 'Introduction. In on Military Culture. Theory, Practice and African Armed Forces' (Claremont UCT Press-2013) xvi.

⁶⁷ Cynthia Enloe, 'The Morning After Sextual Politics at the End of Cold War'(Berkeley University of California Press 1993)

⁶⁸ Richard H. Kohn. 'How Democracies Control the Military'><http://ww.journal> of democracy.org accessed on 4/3/2025

⁶⁹ Sallek Yaks Musa See n²⁵

Fundamental Rights Provided Under The Constitution Of The Federal Republic Of Nigeria 1999, (As Amended)

For the purpose of this study, it will be apt to spell out briefly the Fundamental Right provided under the 1999 Constitution (as amended). The said Fundamental Rights provided under Chapter IV of the Constitution is as follows:

- i. The Right to life ⁷⁰
- ii. Right to dignity of Human Person ⁷¹
- iii. Right to Personal Liberty ⁷²
- iv. Right to Fair Hearing ⁷³
- v. Right to Private Life and Family Life ⁷⁴
- vi. Right to Freedom of thought, conscience and Religion ⁷⁵
- vii. Right to Freedom of Expression and Press ⁷⁶
- viii. Right to peaceful Assembly and Association ⁷⁷
- ix. Right to Freedom of Movement ⁷⁸
- x. Right to Freedom from Discrimination ⁷⁹
- xi. Right to Acquire and own immovable property anywhere in Nigeria ⁸⁰

The Militarization of Nigerian Democracy and the Impact on Human Right.

It is crystal clear from the above discourse that the military involvement in internal security across Nigeria has subtly and steadily neutralized the democratic culture that ought to be entrenched and institutionalized. This is because the military as afore discussed, is a profession that is devoid of

⁷⁰ Section 33 Constitution of the Federal Republic of Nigeria, 1999 (as amended)

⁷¹ Section 34 Ibid

⁷² Section 36 Ibid

⁷³ Section 36 Ibid

⁷⁴ Section 37 Ibid

⁷⁵ Section 38 Ibid

⁷⁶ Section 39 Ibid

⁷⁷ Section 40 Ibid

⁷⁸ Section 41 Ibid

⁷⁹ Section 42 Ibid

⁸⁰ Section 43 Ibid

democratic culture, but military culture. For the sake of emphasizing, the military which is part of the military profession is indoctrinated into every soldier that joins the military. By implication, the military culture shapes, their values, norms, and manner of behavior in their relationship with civilians. Worstill, war-fighting continues to define military culture, norms, and practices and this has a profound impact when the military is deployed in internal roles designed to protect the population⁸¹.Stretching further, Nigeria's military's increasing dominance in policing in the country has decoyed the democratic culture in the country.This runs foul of the provision of section 217(1) © of the Constitution as it allows military involvement in internal security pursuant to conditions spelled out by the National Assembly.

Election is a fundamental norm that testifies to the existence and practice of a democratic nation. The conduct of free and fair elections by a country entrenches the said nation as a democratic nation. Having a credible, free, and fair election is a function and demonstration of a conducive environment that will enable the voters to exercise their franchise without fear or intimidation.

The involvement of the military in the conduct of elections especially since the return of Nigeria to democratic rule on May 29, 1999, has been argued as a bane of democratic growth which does not provide a level playing ground for all contestants. The involvement of the military in the electoral process in Nigeria negates principles of democratic governance (political equality, political participation, and political representation⁸².

The deployment of the military in the conduct of the general election in Nigeria from 1999 till date has not only compromised the integrity of the electoral process but has further undermined the integrity of the military as an institution. This is evident where the military has always shown by their express action and inaction, their outright loyalty to the government of the day⁸³. This was the case in the 2014 gubernatorial election in Ekiti State where the military was used to rig the election⁸⁴ It has become part and parcel of the electoral process.

The outcome of the unprofessional act by the Nigerian military under President Goodluck Ebele Jonathan's administration resulted in the "Ekiti gate". Also, under President Muhammadu Buhari's administration, the military was deployed for similar engagement in the gubernatorial election in Osun State to manipulate the Electoral Process⁸⁵.

One of the grave implications of the involvement of the military in the conduct of Elections in contemporary times is that it has resulted in a decreasing number of voters participating at every

⁸¹ Donna Winslow, *The Canadian Airborne Regiment in Somalia: A Socio-Cultural Inquiry* (1997 Canadian Government Publishing)

⁸² Zekeri Momoh & Amaha Stephen, 'A Review of the Involvement of Military in Nigeria's Electoral process in Nigeria's Electoral Process', *Journal of Political Inquiry*, A publication of the Department of Political Scene, Nigerian Police Academy, Kano.

⁸³ Ibid

⁸⁴ Ibid

⁸⁵ Ibid

level of governance. For example, there has been an increasing number of voter apathy in Nigeria since 1999 owing to a multiplicity of factors one of which is voter intimidation by the military⁸⁶.

Besides, the involvement of the military in every style of election since 1999, has adversely affected the credibility of the Electoral process as stakeholders such as voters, election observers, mass media, civil society, and opposition parties decry how the military was usually by the ruling party to intimidate voters and manipulate the electoral process in a bid for the ruling Party to win.

It should be borne in mind that the right to vote is a fundamental right which is derived from the Constitution of the Federal Republic of Nigeria⁸⁷. The right to vote can only be guaranteed by ensuring the protection and promotion of other rights including freedom movement, expression association, and unhindered press. These foregoing rights do not seem to be striving and enhanced during elections because of the presence of the military.

No doubt, our election in Nigeria has not only undermined the electoral process in Nigeria but has also entrenched, developed, and institutionalized militarized Nigerian democracy, thereby subverting democratic institutions at the instance of the Military.

THE INCIDENTS OF MILITARY ABUSE OF HUMAN RIGHTS AND THE MILITARIZATION OF NIGERIAN DEMOCRACY.

The culture and norms of democracy are eroding daily due to the continuous and increasing involvement of the military in Nigeria's democratic spheres. Nigerians are resigning to their fate, having their dignity assaulted by the military's interference in the affairs of the Nigerian State. From 1999 to the present, there has been a catalog of cases that underscore the entrenchment of military culture in Nigeria and the subversion of democratic ideals, particularly fundamental rights.

A personal experience I had as a lawyer left a bitter taste regarding the negative impact of the military on internal security and also highlights how the Nigerian military has undermined the values and ethos of human rights. I filed a petition before the judicial panel inquiring about Plateau State, investigating complaints of police brutality and extrajudicial killings. The tribunal was established by the Plateau State Governor, Bar. Simon Lalong, pursuant to the directive given by the President due to the end SARS protest that took place in 2020.

The facts of this case reveal that this young man boarded a vehicle on the 16th of February 2013, heading to his place of work after a relative's burial, to report at his duty post at the University of Jos. While approaching the NASCO Group of Companies along Anglo Jos, the taxi driver decided to drive into the left lane of the road against the oncoming traffic from Jos due to a traffic hold-up caused by a broken truck in his lane.

⁸⁶ ibid

⁸⁷ Ayodele Ameen Military Involvement and the Right to vote in Nigeria><https://opinion.premiumtimesng.com> accessed on 4/3/2025

However, a member of the special task force appeared and stopped the salon car which the said young man was in along with other passengers. As the driver was negotiating to reverse, the security personnel suddenly fired his gun, and shot the driver, hitting the driver in his arm. The same bullet penetrated the driver's seat and went straight into the chest of said young man who was sitting behind the driver. On seeing the damage, the security personnel had done, the Special Task officers at the scene attempted to leave the scene leaving the poor young man and the driver of the vehicle in the pool of their blood but the intervention of sympathizers who gathered at the scene demanding that the task force take responsibility of their action. However, Unfortunately, Dauda died at the Jos University Hospital On the 16th of February 2013. This case aptly presents a case of a person whose right to life and dignity of the human person provided to by Section 34 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) have been violently violated by a trigger by security personnel whose identity is not revealed. The special task force operation safe haven shielded the said Military personnel as he was never brought to book the above situation is a gross violation. The most common incidence of military abuse experienced by the citizens is at checkpoints and communities where soldiers are stationed.

Research has shown that the military often met out corporal punishment to civilians who offend a soldier or are alleged to have been involved in a criminal act⁸⁸. Such punishment varies in gravity, depending on the soldier administering it, but can involve bodily pains, injury, harm, or discomfort. A common feature of corporal punishment includes body kicking and hitting civilians with soldier's boots, or flogging using a whip or military belt.

Recounting the harrowing experience a man went through at the hands of the military a female who participates in research carried out in Jos south LGA of Plateau State recalled thus:⁸⁹

I was standing here one day when a Keke (tricycle) mistakenly hit the back of their soldier (Hilux) Van, the way they beat that man was just so imaginable. A lot of people were passing and laying curses on them saying 'dem no make am' God punish them ...

The man bleed so much because they dealt with him mercilessly so far me sometimes I think for me they are heartless in their action⁹⁰

It has been reported that during Nigeria's war against Boko Haram before 2015 and 2019, at least 7,000 persons died in government detention because of brutal conditions and additional 1,200 have been judicially executed by the Nigerian forces and at least 20,000 have been arrested by authorities according to Amnesty International according to the report released on Wednesday, 1st June, 2015⁹¹.

⁸⁸ Sallek Yaks Musa See n²⁵ P,111

⁸⁹ Ibid

⁹⁰ Sallek Yaks Musa See n²⁶, Interview with a female participant in Jos South LGA in a Nov 2016

⁹¹ Ibid

Documentary reports are replete with evidence of the various acts of human rights abuses by the Nigerian Military especially in the fight against insurgency, terrorism, and criminality. *Amnesty International* has spent several years researching and documenting the various acts of human rights abuses by the Nigerian military⁹². A report was chronicled in Thisday's Newspaper of an incident that occurred at about 8:30am of a person. The person decided to board a tricycle to a relation place close to the venue of the wedding to make it on time as the State compulsory environmental exercise was in progress. However, the trigger-happy soldier, fired a shot at the tricycle sensing the tricycle driver will not stop. The bullet penetrated the left breast of the helpless woman leading to her death. What a wanton destruction of life by irresponsible soldiers in Nigeria⁹³.

What is more, the Biafra protest, is one of the horrors and exhibition of gross human rights abuse by the Nigerian military, reports as released by *Amnesty International* which revealed that amount 150 protesters were killed by the Nigerian Military. Amnesty International premised its report on videos collated, photographs, and eyewitnesses' amount⁹⁴

The 2019 Election also witness heavy military presence, intimidation, and harassment in Nigeria. It asserted that in most of South-South Nigeria, the military was used in harassing intimidating, and cajoling voters, forcing many people to flee the polling units⁹⁵. Chief Alaso Tonye Graham Douglas a traditional ruler in Abonema Kingdom in Akukutoru Local Government then of River State expressed frustration killing many persons in the area and forcing the natives to flee to their respective communities⁹⁶. The Nigerian military has continued to take their turn in every election in Nigeria subverting the electoral process..

The experience of many Nigerians at various checkpoints across the country in the hands of the military has exhibited the gross abuse of the dignity of human persons which is an antithesis to the constitutional provision that seeks to preserve and protect the fundamental human rights of Nigerians. Intimidation, coercion, and brutal arrogance by the soldiers at the various checkpoints are recurring daily. Another dimension to the abuse of human rights by the military, is the psychological and emotional harm and trauma they have inflicted on citizens. One of the ways is by calling citizens derogatory names, meant to humiliate them. Examples include calling a civilian a fool", bastard, goat, monkey, and bloody civilian. Recounting his experience a man recalled that

⁹² Adam Nossier, 'Abuse of Human Rights by Nigerian Military found to be Rampant in war against Boko' in Why the Abuse of Human Rights by the Military in Nigeria, 2015 – 2019 Need to be Brought to the Attention of the International Community by T.K. Adekunle, Hilary Nwachefu, 2019 >www.iiste.org accessed on 7/3/2025

⁹³ Omon-Julius Onabor, 'Soldier guns down women on her daughter's Wedding day' (May, 13, 2016) > www.thisdaylive.com

⁹⁴ Nicholas Ibekwe, How Nigerian security forces killed 150 pro Biafra protesters. Amnesty International (October 17, 2018 > www.Premium.com

⁹⁵ The Guardian Newspaper (Lagos 3, March 2019) 4.

⁹⁶ Ibid

We were installing the product for the military officer when they came out and imagined what they ordered us to do, they said all civilians should face the wall so that we do not see what they are doing....⁹⁷

Gleaning from the above discourse, it is established that the Nigerian military had succeeded in entrenching and institutionalizing military culture and values in our democracy, thereby depriving the citizens of their fundamental rights.

The above catalogue of cases, aptly captures the above among other tales of human rights abuse by the Nigerian Military. It aptly typifies how a people's right to life, dignity of the human person, and other rights expressly provided under Chapter Four of the Constitution of the Federal Republic of Nigeria are arrogantly and violently by the trigger-happy military personnel. The Court has consistently re-echoed this position in *Hassan V. EFCC*, where the Court held inter alia that

In Nigeria, the Fundamental Rights of citizens are constitutionally quarantined in the 1999 Constitution of the Federal Republic of Nigeria and as provided for in the African Charter on Human and People's Rights (Ratification and Enforcement) Act. Cap 10 Laws of the Federation of Nigeria, 1990 and it is the duty of the Court to protect these rights.

Be that as it may, it is high time Nigeria breathed its fresh air of democratic values culture, and norms by allowing and entrenching institutions of democratic culture and values that will preserve, protect, and uphold fundamental rights of all and sundry.

There are situations where persons were detained and dehumanized and some lost their lives in the various detention centers by the Nigerian military especially their various operative headquarters, with some losing their lives on owing to the brutalization and dehumanization by the Nigerian military personnel. It has been widely asserted that the Joint Task Force (JTF) code-named operation restored order to carry out security operations in Borno and the Northeastern State occasioned by the activities of Boko Haram. According to an anonymous person the JTF comes in the night to round up young men; some were extra-judicially killed and others arrested and defrauded at the JTF, headquarters⁹⁸. Research carried out by *Amnesty International* on the state of torture and degrading treatment meted out on by the military personnel in the military detective center is graphically captured by the Nigerian army official.

“They (the army) carry out all sorts of torture means available to them. They hang people, at times till they die, they use rifles, butts, and sticks to beat people, they also shoot people in their legs and leave them bleeding. They tie their hands to their back with rope. They

⁹⁷ Sallek Yaks Musa See n²⁵

⁹⁸ Operation Restore Order (ORO) <https://www.globalsecurity.org> accessed on 2/4/2025

call the system “ta bay” Some or many are unable to use their hands after they’re released. Some even after they have been released”⁹⁹

The above scenario and a lot of other incidents, are prevalent in the various military detentions across the various theater operations in Nigeria. Nigeria's military in every section of operation undermined and violated the rights of many Nigerians. In contravention of section 34(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The case of a young man who was arrested by security personnel of Operation Haven in Jos sometime in 2021, comes to mind. The young man upon his arrest was detained in the facilities of Operation Safe Haven, Jos, where he spent about three months without being charged in Court. The said young man went through a dehumanizing experience at the hands of the personnel of Operation Safe Haven in Jos. which led to his death a few days after his release. Fortifying the provision of Section 34 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Article 4 of the African Charter on Human and Peoples, Rights guarantees the right of every human being to respect his life and the integrity of his person. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Nigeria parties above torture and upholds the dignity and integrity of the human person

CONCLUSION AND RECOMMENDATION

In the light of the provisions of Chapter four of the Constitution that has been highlighted in this work and the catalogue of cases exhibiting the incidents of human rights abuses by the Nigerian military whose core responsibility by law and training is to secure the territorial integrity of the Nigerian State. It is be submitted from the above discourse that the increasing involvement of the Nigerian military in Nigerian democracy has not only militarized Nigerian democracy but has undermined Nigerian human rights contrary to the democratic norms and values that enhanced and safeguarded human rights. It is in the light of the foregoing that the following recommendations are proffered.

- (i) That the Nigerian military must be confined and restrained within the confines of the legitimate duty.
- (ii) The Nigerian police who are majorly saddled with the responsibility of internal security should be adequately trained and relevant equipment provided to meet the need of the increasing security challenge to obviate as much as possible the presence of the military in internal security.

⁹⁹ Nigeria: Torture, Cruel inhuman and degrading treatment of detainees by Nigerian security forces. Amnesty international written statement t to the 25th session of the UN Human Rights Council (3-28 March 2014)><http://www.amnesty.org> accessed on 2/4/2025