



## Hate Speech and the Challenges of Post-Election Peacebuilding in Nigeria

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**H**ate speech is antithetical to peacebuilding, development, and peaceful co-existence among diverse groups in democratic societies. Historically, hate speech has fueled violent conflicts, civil wars, and even genocide, as seen in the anti-Semitic propaganda that helped bring the Nazi party to power in Germany, the anti-Muslim rhetoric leading into the Bosnian conflict, and the anti-Tutsi propaganda campaign of the Rwandan genocide.<sup>1</sup> In all of these examples, the media published or broadcasted hateful and inciting messages that primed the environment for mass killing. Numerous empirical studies have shown the link between violence and hate speech.<sup>2</sup>

This paper looks at the effects of hate speech, particularly in the context of Nigeria's general elections in 2011 and 2015. Specifically, it seeks to answer the following questions: What has been the nature, scope, and scale of hate speech during elections in Nigeria? Are regulations, policies, and institutional mechanisms used to curtail hate speech effective? And if not, why? What suggestions can be made for policymaking and actions to more effectively prevent elections-related hate speech?

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## Background

This paper defines hate speech as speech that attacks a person or group of people based on shared attributes such as ethnicity, race, religion, sexual orientation, disability, politics, or gender. Such speech demeans people based on prejudice and is often inflammatory or threatening.<sup>3</sup> Hate speech becomes more dangerous when used in combination with inciting statements made against groups that share similar attributes. Perpetrators of hate speech may use a variety of media platforms to convey their messages to the broader public. Usually the nature of the language, medium of communication, and the popularity of the individual engaging in hate speech contribute to the efficacy of such speech in promoting hatred. Perpetrators of hate speech could knowingly or unknowingly unleash mayhem on society as hate speech coupled with inflammatory language, defamation, or irresponsible utterances could coalesce to spur riots and public violence.

Nigeria exhibits great ethnic, linguistic, and confessional diversity, with over 250 ethnic nationalities and languages, and adherents of many religions, although Christianity and Islam predominate. The country is religiously divided: Northern Nigeria is predominantly Muslim and minority Christian, Eastern Nigeria is predominantly Christian and minority Muslim, while the Western and the Middle-belt of Nigeria is a predominant mixture of Muslims and Christians, and a minority of traditional religion worshippers. This diversity has not only challenged the nation-building exercise in Nigeria but has also contributed to a situation in which identity politics feeds on the country's ethno-religious and geopolitical fault lines.

Nigeria's presidential system of government concentrates political and economic power, including the power to dispense resources, in the federal government. Nigeria's first-past-the-post, winner-take-all approach to elections does not accommodate political party coalitions in government, which further raises the stakes. Furthermore, all 36 states defer to the federal government for economic survival through revenue allocation. Even though the states have legislative assemblies, they do not control most of their natural resources and are subject to the socioeconomic and political determinations of the federal government. This has led to frustration among the diverse ethnic groups when they feel that they do not benefit equally, or at all, from Nigeria's nation-building exercise. The system of government further strains Nigeria's fault lines and leaves them open to exploitation.

## Scope, Scale, and Manifestation of Election-Related Hate Speech in Nigeria

While hate speech manifests itself regularly, it crystallizes during election periods when the struggle for votes and political power provides a conducive environment for hate speech and elections-related violence. Some politicians, public officers, religious figures, and ethnic jingoists spread hate messages during and after elections in both traditional and social media in the form of campaign advertisements, slogans, and verbal expressions. These expressions sometimes translate into physical exchanges and violence in public spaces.

Apart from traditional media, social media, such as Facebook, Youtube, Twitter, WhatsApp, and others provided easy platforms for spreading hate speech. Whereby perpetrators can spread hate speech anonymously without fear of sanction.<sup>4</sup> Since the commencement of Nigeria's fourth republic in 1999, the use of social media for spreading hate speech has increased. Particularly, the 2011 and 2015 elections witnessed the use of hate speech throughout the entire election cycle. Inflammatory or inciting statements from politicians and/or their supporters, in addition to hate speech, is in part to blame for the escalation in the level of violence and public riots.<sup>5</sup>

The bitterly contested Nigerian general elections in 2011 and 2015 left the country so divided as to threaten the very foundations of Nigeria's young democracy. Thuggery, the assassination of party officials and election candidates, and other forms of violence occurred throughout the country during these election periods. During the 2011 general elections, hate messaging featured in the media contributed to rioting in Northern Nigeria.<sup>6,7</sup> Human Rights Watch (HRW) reported that more than 800 people were killed during three days of riots in parts of Northern Nigeria in 2011 after Buhari's statement called for Nigerians to "rise up and defend your votes," while his supporters simultaneously threatened to make Nigeria ungovernable if the election had been rigged. Members of the opposition made other inciting statements, such as, "Dogs and baboons will be soaked in blood if [Buhari] does not win in this election," which encouraged more violence.<sup>8</sup> Such inciting statements were meant to animate the political opposition and subject them to public odium and violence.

Although observers hailed the 2015 election as free and fair,<sup>9</sup> uncontrolled hate speech during the election resulted in further divisiveness in the country. The National Human Rights Commission (NHRC) reported riots and violent incidents in at least 22 of Nigeria's 36 states during the 2015 electoral campaign and election period, which left at least 58 people dead and thousands injured.<sup>10</sup> A political party chairman was assassinated in Ekiti State shortly before the election under mysterious circumstances, among other violent incidents across the country. The NHRC traced many of these incidents to incitement and hateful communication deployed during the campaigns.<sup>11</sup>

For example, some actors use derogatory terms in local languages—such as pigs (*eledede*), cow (*malu*), goats (*akuya*), cockroaches (*aayan*)—to label the opposition.<sup>12</sup> Some of these incendiary terms directed insults to specific local groups which other groups perceived as impeding them from access to power and were suggestive of incitement to violence against them. For instance, the term "pigs" offends the religious sentiments of Muslims and, when used in the context of describing members of opposition political parties and communities that support them, the term equates those supporters to unclean animals that are not fit to live. It therefore suggests Islamic communities could endorse violent action against them.

Opponents of then-presidential candidate General Muhammadu Buhari labeled him a "Bokohari." This associated him with the Boko Haram terrorist group and insinuated that he was a patron of the deadly terrorist group. Recently, news reports revealed that supporters of former President Goodluck Jonathan hired a foreign firm, Cambridge Analytica, to produce and circulate an Islamophobic video to discredit General Buhari.<sup>13</sup> The video circulated on social media prior to the election and contained graphic images of Boko Haram murdering people and, by blatantly associating General Buhari with this content, the video intended to scare voters away from the polls or to deter them from voting for him.

Before and during the 2015 election, the Center for Information Technology and Development (CITAD) found that members of the ruling party and opposition spread hateful and inciting messages via the newspapers, broadcast media, and social media.<sup>14</sup> A documentary series entitled "The Lion of Bourdillon," transmitted on the privately owned African Independent Television (AIT) and public-owned Nigerian Television Authority (NTA), allegedly sponsored by the campaign office of the ruling political party, the Peoples' Democratic Party (PDP), contained derogatory and hateful messages about a main opposition leader, Bola Tinubu.<sup>15</sup> The series portrayed the opposition leader as dangerous and depicted him as an animated, half human and half lion figure. A high court intervened to stop the broadcast of the documentary after lawyers argued its potential to incite violence.<sup>16</sup>

This incident points to the problem with media ownership in Nigeria by politicians, party officials, and public office holders who own or control media platforms and use it to publicize hate messages. Media organizations

and platforms owned or controlled by the government and politicians were made available for the demonization of opposition figures, disinformation, and spreading of false information, which contributed to the acrimonious electoral environment.

## Challenges to Peacebuilding after Elections

Post-election, Nigerian society and government face the challenge of uniting the diverse groups that competed during the election campaign, while maintaining the balance between preventing hate speech while preserving freedom of speech and a vibrant press. Ordinarily, the post-election period should be a time to set aside political differences for harmonizing various interests for national development. However, the echoes of hatred and division that manifested during Nigeria's election periods often make reconciliation and peacebuilding efforts difficult. After the 2015 elections, Nigeria has witnessed a resurgence of the agitations for the creation of Biafra—divisions that served as the basis of the civil war in the late 1960s. Biafran separatist movements such as Indigenous People of Biafra (IPOB) group, the Movement for the Actualization of Sovereign State of Biafra (MASSOB) and other groups that counteract them, such as the Northern Youth Congress (NYC), use hate speech in their campaigns.

In 2017, the NYC issued a statement that gave an ultimatum to Igbos living in Northern Nigeria to leave; youth groups in Eastern Nigeria reciprocated this call to all Northerners, and the media reported these threats widely. It took concerted effort by the government to ensure that the situation did not degenerate into violence. Hate speech can agitate and reinforce separatists sentiment that the federation is no longer receptive of those involved, along with fears that they could be exposed to violence similar to what they experienced prior to the Nigerian civil war in 1966.

Furthermore, political parties sometimes utilize hate speech to stoke fear of extermination among Christians and Muslims in their quest to mobilize votes for politicians. This approach strains Nigeria's religious cleavages and can heighten conflict among the country's religious communities. The fight against hate speech diverts time and resources that the government could instead spend on development and peacebuilding.

## Prevention and Mitigation Mechanisms

Nigeria lacks specific laws or regulations that directly target hate speech. Hate speech is delicately linked to freedom of speech and of expression, which is protected by Nigeria's constitution. The Criminal Code in Nigeria has provisions related to libel, slander, blasphemy, perjury, and other similar offenses. Section 95 of the *Nigerian Electoral Act of 2010* prohibits hate speech during election campaigns and specifies the elements of hate speech, even though it falls short of explicitly labeling them as hate speech. It stipulates a punishment of one million Naira fine (USD 2,777) or 12 months imprisonment for offenders. Nevertheless, no record of prosecution exists on the basis of this law.<sup>17</sup>

*The Code of Conduct of Political Parties* enumerates that no political party or candidate should make inciting statements via broadcast, handbills, pamphlets, leaflets, or other publications. However, adherence to this code is voluntary and the lack of monitoring mechanisms has made enforcement difficult. The *Advertising Practitioners Council of Nigeria (APCON) Act* and the *National Broadcasting Commission (NBC) Code* have specific provisions that forbid hate messages in the media, yet there is no known record of prosecution for offenses associated with hate speech by the media. The best that the NBC has done is to issue warning letters to the government and private broadcasting organizations that infringed on its rules during electioneering. It appears that there is no political will to prosecute offenders by these bodies.

Section 26 of the *Nigerian Cyber Crime Act (2015)* prohibits the publication of racist and xenophobic materials in Nigeria. Such materials fit perfectly into the description of what constitutes hate speech and stipulate a jail term of not fewer than five years or a fine of not less than ten million Naira (USD 27,777) or both imprisonment and fine. In February 2018 Nigerian Security Forces arrested two journalists on account of this law,<sup>18</sup> but they were arrested for publishing materials deemed offensive to a state governor and not for hate speech. Security forces held the journalists without prosecution and later released them.<sup>19</sup> Such arbitrary arrest of journalists on flimsy grounds, allegedly on the order of politicians and public officers, attracted public criticism. Still, the public is awaiting a court interpretation of the *Cyber Crime Act*. The judicial interpretation of Section 26 of the act could provide a useful precedent for tackling hate speech and enriching the repertoire of prevention and mitigation mechanisms.

In March of 2018, the Nigerian Senate through its Communication Committee chairman, Aliyu Abdullahi, indicated that it is considering a proposed bill that would make hate speech offenses punishable by capital punishment.<sup>20</sup> The explanation of what constitutes hate speech in the proposed bill is ambiguous, and the proposed law associates tackling hate speech with the fight against terrorism. The law also proposes the establishment of an Independent National Commission for Hate Speech to determine the offenses and prosecution. The media has suggested that the law targets critics of the government, especially in the media and separatist movements.<sup>21</sup> It is clear from public reaction that the Senate will not likely pass the bill, and Nigerian media and civil society advocates for free expression have already mobilized against the enactment of the proposed law.

## Conclusion

Hate speech associated with election violence is a problem that could disrupt democratic governance and further rupture the fragile social coexistence among Nigerians. It has hampered the country's peacebuilding efforts, stymied the attainment of social cohesion objectives, and frustrated post-election reconciliation. The problem, therefore, deserves appropriate attention by every segment of the society, including the government—specifically the Independent National Electoral Commission (INEC), the judiciary—media, and civil society. The issue is particularly urgent as Nigeria approaches another national election in 2019. It is important, therefore, to take action to prevent the reoccurrence of violent trends seen in past elections.

Legal efforts would do well to focus on the judiciary by strengthening and clarifying existing laws around hate speech. Meanwhile, the INEC can do more to collaborate with civil society and the media to educate the public about hate speech, as well as partner with law enforcement to bring prosecutions against offenders. International partners supporting electoral processes in Nigeria need to pay more attention to the influence of hate speech on African elections and support capacity-building to tackle hate speech by their in-country partners. They could also assist by sharing lessons learned in other countries on best practices in identifying and preventing hate speech from interfering with elections in Nigeria.

For a set of policy options and recommendations related to the management of hate speech post-election periods in Nigeria, see the accompanying Africa Program Policy Brief No. 17 by Olusola Isola.

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Cover Image: H.E. President Muhammadu Buhari at a campaign rally via Wikimedia Commons. [https://commons.wikimedia.org/wiki/File:General\\_Buhari\\_holding\\_a\\_broom\\_at\\_a\\_campaign\\_rally.jpg](https://commons.wikimedia.org/wiki/File:General_Buhari_holding_a_broom_at_a_campaign_rally.jpg)

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