

## POLICY BRIEF

# CONFRONTING POLITICAL VIGILANTISM IN GHANA

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# About

## Participatory Development Associates PDA

*Participatory Development Associates (PDA) is an organisation of skilled people who aim to support processes of empowerment and self-determination in communities, organisations and individuals. PDA works with government, non-government and private organisations, as well as multilateral and bilateral organisations in areas such as decentralisation, policy analysis and advocacy, poverty and social assessments, reproductive health, including HIV/AIDS, gender and development, issues of governance in education, health and forestry, organisation development with NGOs and other civil society organisations, and monitoring and evaluation. Our basic approach is to work with communities, organisations and individuals to reflect, to learn and to act, thus bringing about a transformation in their present situation.*

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## African Institute for Crime, Policy and Governance Research AFRICPGR

*The African Institute for Crime, Policy and Governance Research was established in 2012 by a group of academics to address the gap in research on crime, justice and governance issues in Africa. Researchers in the Institute are leading experts in their respective fields. Several of our staff also have long years of experience as criminal justice practitioners and policy experts. The Institute aims to promote high-quality research and teaching on crime and justice in Africa. It provides training for professionals in the fields of crime and justice (police officers, prosecutors, judges, prison officers, probation officers, and private security providers) in an evidence-based approach to crime prevention and justice delivery. It also seeks to facilitate international collaboration between Africa and other areas of the world on specific themes of mutual interest.*

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## Acknowledgements

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# Introduction

On 9 April 2019, Ghana's two main political parties – the ruling *New Patriotic Party* and the opposition *National Democratic Congress* – concluded talks on political vigilantism with the National Peace Council. Their object was to find ways to disband political vigilante groups. This followed an address by President Akuffo Addo which threatened legislation if the parties did not begin a dialogue to disband their vigilante groups. In agreeing to the talks, the parties implicitly acknowledged that they recruit, train, and resource vigilante groups to act on their behalf. That reinforces reports such as one compiled by the Institute for Security Studies (ISS)<sup>1</sup>, as well as academic research papers.

The immediate prompting for the vigilante talks was a well-publicised incident on 31 January 2019. What should have been a routine by-election, following the death of the member of parliament for Ayawaso, was marred by violence on the part of masked security officials from the National Security Secretariat. The incident revived concerns about political vigilantism and how it might be controlled. At a meeting in Kumasi a few weeks after the Ayawaso debacle, two people were shot by members of the National Democratic Congress.<sup>2</sup>

Political vigilantism is not a new feature of Ghanaian politics. Some researchers say that it has its roots in the movement for independence from British colonial rule<sup>3</sup>. Both the Convention People's Party led by Kwame Nkrumah – Ghana's independence leader and first president – and the National Liberation Movement were engaged in fierce political struggles over whether Ghana should be a federal or a unitary state. The struggle involved violent vigilante activity by elements on both sides.

This policy paper explores the conditions that give rise to vigilantism, the nature of that form of violence, and what might be done to tackle the problem.

# Towards A Definition Of Political Vigilantism

Vigilantism is complex. The popular view is that it involves episodes in which people "take the law into their own hands", as they use (or threaten to use) violence against others who pose a threat to a particular version of the social order. Such a definition is a useful starting-point, not least because it contains a suggestion that vigilantes are necessarily engaged in unlawful actions, and that the power they exercise is not rightfully theirs but belongs to some other persons. In this sense, vigilante violence threatens, violates and subverts the rule of law.

However, when we see vigilantism simply as the usurpation of legitimate power, we risk taking the view that political vigilantism is nothing more than vigilante action motivated by political interests. That would be a mistake. No vigilante activity is politically neutral; every act of vigilantism is inherently political in the sense that it always involves the use of power against other persons and in pursuit of certain interests.<sup>4</sup> Should this lead us to conclude that the phrase 'political vigilantism' is tautological? Not exactly, I think, because what people mean by political vigilantism is the illegal use or threatened use of violence by private actors in furtherance of partisan politics. Thus, we can define political vigilantism as referring to instances in which people take the law into their own hands in order to advance a partisan political agenda.

## Political Vigilantism Activities And Their Effects

Today, Ghana's two main political parties – the National Democratic Congress and the New Patriotic Party – have vigilante groups who wear T-shirts branded with their group's logo. These include the "Azorka Boys" and the "Hawks" for the National Democratic Congress, and the "Invincible Forces" and "Delta Forces" for the New Patriotic Party.

Political vigilantism often involves violence. Vigilantes engage in riots, violent protests and property destruction; they are known to target elections, intimidating voters or mounting roadblocks to prevent "outsiders" from observing polls.<sup>6</sup> Vigilantes have also been known to harass, threaten, assault, and even assassinate opponents.<sup>7</sup> These vigilante groups are often violent, they target opposition groups and public officials, and they seize property or assets.<sup>8</sup>

The violence associated with political vigilantism is not only physical, such as when someone suffers bodily harm or property is destroyed. It is important to recognise other forms of violence, whether psychological, emotional, or verbal. Psychological violence manifests itself as threatening behaviour that causes fear among individuals and constrains their behaviour. Emotional violence makes an individual feel worthless, while verbal violence can be seen in the use of language, either written or spoken, that causes distress and other forms of harm to an individual. These diverse forms of violence draw attention to what might be called *political vigilantism* – that is, the types of political vigilantism that can be found on the internet.

However, we need to make two further observations as we define political vigilantism. First, vigilantism always involves an attempt to create or safeguard a social order in which people feel that their interests are protected or in which they feel a degree of psychological and material security. This is what political parties in Ghana seek to achieve, whether in government or in opposition, by the formation of vigilante groups.

Second, it is a mistake to limit our analysis entirely to *street-level vigilantism*—that is, to popular images of vigilantes as hoodlums engaged in intimidation, harassment, beating, maiming or killing those people whose actions are perceived to threaten the vigilantes' own visions of social order. We should also pay attention to what I have called *vigilantes-in-suits*, an expression that refers to people in positions of authority who arrogate to themselves powers they do not have as they seek to create a social order that benefits sectional interests.<sup>5</sup> The violence produced by vigilantes-in-suits is largely structural, perpetuating social and economic injustices. We cannot fully understand and respond to street-level vigilantes and the threats they pose to democracy and the rule of law without a full understanding of their counterparts in suits. The maxim that the pen is mightier than the sword applies to this contrast between street and suit vigilantes.

We can identify two categories of generalized effects from political vigilantism.

First, there are direct, unmediated vigilante effects. These are the effects contained in the rationale for action. They include preventing others from voting or standing for or occupying public office, or simply expressing their views, and, some cases, permanently removing them from the political arena. Second, there are indirect effects, mediated through those who witness or read news about vigilante practices. Such people might begin to question democratic governance and the health of the rule of law, to withdraw from the political process, or to withhold investments in a country's economy.

## Causes Of Political Vigilantism

The answer to the question *why* people engage in violent political vigilantism is crucial for effective policy interventions. Unless we are clear in our understanding and explanation of vigilante violence, we cannot address it. As we have seen, vigilantism comes in different shapes, forms, and sizes. The reasons for its occurrence are complex and multifaceted. Indeed, there might be as many motivations and risk factors for vigilante behaviour as there are vigilante actors. The variety of vigilante actions – snatching of ballot boxes, cyber-harassment, physical and psychological violence, intimidation, and threats of various kinds – would appear to make causal analysis quite challenging. A possible solution is to distinguish and to keep firmly in mind the essential elements of vigilante acts. A vigilante act involves the following elements:

- i. a decision to assume and exercise power a person does not have;
- ii. desire to create or to protect a social order in which people or groups feel materially and psychologically secure; and
- iii. the effects of violence – psychological, physical and structural.

We can identify two general conditions for the rise of political vigilantism. First, there are *law enforcement conditions*. These take two forms. One concerns the effectiveness of criminal justice agencies. Social science evidence from decades of criminological research shows that people break laws under conditions in which they perceive the risk of detection and sanctions to be minimal<sup>9</sup>. Applied to political vigilantism, the evidence suggests that vigilantes and their sponsors persist in unlawful activities because they do not consider the risk of apprehension to be great. In other words, they can get away with it.

Beyond perceptions of risk, there is evidence that vigilantism arises under conditions of perceived illegitimacy of criminal justice agencies, especially the police<sup>10</sup>. 'Legitimacy' refers to public recognition of power as morally right. It is a multidimensional concept, comprising perceptions of the *lawfulness, effectiveness and fairness* of authority<sup>11</sup>. Thus, criminal justice agencies that are perceived to engage in misconduct (for example, corruption), that appear chronically ineffective in addressing safety concerns, and that treat citizens with disrespect jeopardize their legitimacy. Without legitimacy, alternative actors will seek to exercise the powers otherwise reserved for those agencies.

Part of the problem for the enforcement agencies – in projecting deterrence and legitimacy – is that both aggressive partisan interference in police work and the failure by police managers to assert their independence have left the police powerless to respond to political vigilantism. Either the police fail to make arrests or arrests lead to no prosecutions as politicians intervene through the back door to release suspects. In the courts, magistrates are threatened and, in some cases, forced to flee for their lives.<sup>12</sup>

The second general condition for political vigilantism is *structural*. A large body of evidence from research in social anthropology makes clear that vigilantism in various manifestations arises as a result of socio-economic inequalities and marginalisation. "Vigilantism is much more than a popular response to crime. It operates at the intersections between the state and society, and lies at the centre of popular understandings of the roots of inequality, injustice, and corruption"<sup>13</sup>. Injustices and inequalities – induced by decades of neoliberal economic policies – tend to weaken people's identification with and attachment to the State.

This often manifests itself in various forms. For example, people might feel a sense of powerlessness and disillusionment because they cannot view the State as representing their interests and aspirations. Both poverty and blocked or non-existent opportunities can deprive people of dignity. If people are poor and feel powerless to improve their situation, the frustration that ensues can render them open to various temptations, including recruitment into political vigilantism.

In conclusion, the research evidence shows that political vigilantism thrives in an environment of low certainty of apprehension and punishment, perceived illegitimacy of criminal justice, and socio-economic injustice.

# Tackling Political Vigilantism

Tackling political vigilantism requires evidence-based action, not moralism on the threats of vigilantism to democratic governance, or mere words of political resolve. A number of long-term and short-term interventions are needed to tackle the problem. We believe that interventions should consider five key areas:

- Creating a more *inclusive and equal society*, which requires tackling social and economic injustice in Ghanaian society. The country requires strategies to tackle youth unemployment. Yet unemployment cannot be addressed without tackling the corruption that diverts public resources into private coffers, allowing the rich to get richer and preventing brighter opportunities for the youth.<sup>14</sup> An inclusive and equal society can help prevent future recruitment into political vigilantism.
- Ghana needs well-considered *rehabilitative programmes* for members of disbanded political vigilante groups. I have argued elsewhere that active vigilantes gain a sense of meaning in their lives, and that vigilantism might also give them power, esteem, prestige and a sense of belonging.<sup>15</sup> A policy decision that merely disbands vigilante groups without rehabilitation will fail. An option here is to develop rehabilitation programmes for disbanded vigilante group members. These programmes could include cognitive therapy to neutralise the vigilantist indoctrinations and rationalisations, and re-settlement interventions to offer alternative livelihoods to political vigilantes.
- However, the target for any such interventions should not be limited to the youth directly involved in political vigilantism. There is research evidence to show that approval of vigilantism increases with age.<sup>16</sup> This suggests that young people who become involved in political vigilantism might be coerced by older and more powerful actors who recruit and supply them with rationalisations for street-level violence. Consequently, and as the 2009 UN report on extra-judicial killing recommends<sup>17</sup>, such research findings suggest that policy interventions should identify and include actors who are not *directly* involved in vigilante activities but who might be an inspiration for those activities.
- Ghana needs to *enhance the capacity of criminal justice agencies to deter political vigilantism*. The Vigilantism and Related Offences (VRO) Bill, which is currently under public consultation, seeks to address this weakness in deterrence by proposing, among other things, severe sentences for those convicted of vigilantism.

However, merely changing sentences will not deter political vigilantism unless the following pre-conditions for criminal deterrence effects are fulfilled <sup>18</sup>. Potential political vigilantes and their sponsors must:

- I. Realise that the risks of being caught or convicted and also the sentence levels have altered;
- II. Take these altered risks into account when deciding whether to join a vigilante group and engage in vigilante actions;
- III. Believe they have a significant likelihood of being arrested for their involvement in vigilantism;
- IV. Believe that if they are arrested the new sentencing policy will apply to them;
- V. Be prepared to change their choices in the light of changes in their perceptions of the certainty and severity of painful consequences.

These conditions require a sense of proportion in expectations of the impact of the VRO Bill on the incidence and persistence of political vigilantism. They also suggest a need for fresh and creative thinking to ensure that these conditions are met. Meanwhile, the conditions are further complicated by evidence from criminological research suggesting that deterrence works best among those with strong bonds to society<sup>19</sup>. It is, therefore, important that efforts to enhance deterrence go hand-in-hand with the broader socio-economic reforms identified above.

- There is a need for *urgent and radical police reforms* to promote innovation and effectiveness, and to insulate the police from partisan political interference, especially at the operational level. Political vigilantism is an example of what Elinor Ostrom calls a “collective action problem.”<sup>20</sup> The political actors in Ghana know that they will benefit from avoiding political vigilantism. Their pronouncements make clear that they do not lack knowledge on the threats of vigilantism<sup>21</sup>, both to them as collectives and to broader Ghanaian society. However, they do not trust each other to honour any agreements, and that is the problem with any communiqués, such as what the National Peace Council will produce. This collective action problem of political vigilantism requires a solution. We see this solution in the creation of a credible and legitimate police service that can monitor and detect offenders and their sponsors, and then prosecute them.

The reforms we anticipate here are twofold: first, constitutional reforms to decentralise the police service, making each of the existing 17 police regional commands fully independent. Police chiefs for these new forces should be recruited on merit on the basis of a *fair and open process*. This will replace the current arrangement of presidential appointment. Next, a new national agency constituted of people with expertise in police work, such as academics and practitioners, should be created to oversee police work. The agency, which will replace the Police Council, will be responsible for police accountability and promoting innovations such as evidence-based interventions in police work.<sup>22</sup>

- Finally, we recommend the creation of counter-vigilantism units (CVUs) in each regional police service. Political vigilantism remains a persistent threat to human rights, rule of law and democratic governance. It is, therefore, important to create a specialised unit focused solely on acquiring and developing intelligence to disrupt and prevent vigilantism. This will require procedures to facilitate information-sharing among police forces across the country. The flow of information from the public is the lifeblood of police work. CVUs must therefore work to secure public collaboration in tackling vigilantism. According to the 2017 Afrobarometer data, nine out of ten Ghanaians in a large sample will 'approve' or 'strongly approve' government decisions to prosecute and punish people engaged in vigilante actions. This suggests a climate of goodwill in which counter-vigilantism units can thrive.

## Endnotes

<sup>1</sup> ISS Report (October 2018) 'Political vigilantism threatens stability in Ghana'. Available at <https://issafrica.org/iss-today/political-vigilantism-threatens-stability-in-ghana>

<sup>2</sup> Myjoyonline.com (February 2019) 1 dead in shooting at NDC Ashanti office. Available at <https://www.myjoyonline.com/politics/2019/February-18th/breaking-man-feared-dead-at-ndc-ashanti-office.php>

<sup>3</sup> Gyampo, R. E., Graham, E., & Asare, B. E. (2018). Political Vigilantism and Democratic Governance in Ghana's Fourth Republic. *The African Review*, 44(2), 112-135; Bob-Milliar, G. M. (2014). Party youth activists and low-intensity electoral violence in Ghana: a qualitative study of party foot soldiers' activism. *African studies quarterly*, 15(1), 125.

<sup>4</sup> Tankebe, J. (2019a) Ghana has a serious political vigilante problem; here's why? Available at <https://theconversation.com/ghana-has-a-serious-political-vigilante-problem-heres-why-114216>

<sup>5</sup> ibid

<sup>6</sup> Paalo, S. A. (2017). Political party youth wings and political violence in sub-Saharan Africa: A case of Ghana. *International Journal of Peace and Development Studies*, 8(1), 1-14.

<sup>7</sup> Myjoyonline.com (February 2019) 1 dead in shooting at NDC Ashanti office. Available at <https://www.myjoyonline.com/politics/2019/February-18th/breaking-man-feared-dead-at-ndc-ashanti-office.php>; Citinewsroom.com (February 2019) Kumasi: one feared dead after shooting at NDC regional office. Available at <https://citinewsroom.com/2019/02/kumasi-one-feared-dead-after-shooting-at-ndc-headquarters/>

<sup>8</sup> Daily Graphic (April 2017) GBA condemns attack on Kumasi Court by Delta Force. Available at <https://www.graphic.com.gh/news/general-news/gba-condems-attack-on-kumasi-court-by-delta-force.html>

<sup>9</sup> Nagin, D. S. (2013). Deterrence in the 21st Century: A Review of the Evidence. *Crime and justice: An annual review of research*, 42, 199-263.

<sup>10</sup> Tankebe, J. (2009). Self-help, policing, and procedural justice: Ghanaian vigilantism and the rule of law. *Law & society review*, 43(2), 245-270; Tankebe, J., & Asif, M. (2016). Police legitimacy and support for vigilante violence in Pakistan. *International Journal of Comparative and Applied Criminal Justice*, 40(4), 343-362; Nivette, A. E. (2016). Institutional ineffectiveness, illegitimacy, and public support for vigilantism in Latin America. *Criminology*, 54(1), 142-175.

<sup>11</sup> Tankebe, J. (2013). Viewing things differently: The dimensions of public perceptions of police legitimacy. *Criminology*, 51(1), 103-135; Bottoms, A. and Tankebe, J., (2017). Police legitimacy and the authority of the state. In: A. du Bois-Pedain, M. Ulväng, and P. Asp, eds. *Criminal law and the authority of the state*. Oxford: Hart Publishing Limited, 47-88.

<sup>12</sup> Citnewsroom.com (April 2017) NPP Delta Force storms court; set suspects free. Available at <http://citifmonline.com/2017/04/npp-delta-force-storms-court-set-suspects-free/>

<sup>13</sup> Smith, J. D. (2017) *A culture of corruption: everyday deception and popular discontent in Nigeria*. Princeton: Princeton University Press.

<sup>14</sup> The Right to Information law offers some promise in promoting greater transparency and accountability in public office, which, it is hoped, will contribute to tackling corruption.

<sup>15</sup> Tankebe, J. (2019a) Ghana has a serious political vigilante problem; here's why? Available at <https://theconversation.com/ghana-has-a-serious-political-vigilante-problem-heres-why-114216>

<sup>16</sup> Tankebe, J. (2009). Self-help, policing, and procedural justice: Ghanaian vigilantism and the rule of law. *Law & society review*, 43(2), 245-270;

<sup>17</sup> Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Available at <https://www.refworld.org/pdfid/4a9e2c1e0.pdf>

<sup>18</sup> von Hirsch, A., Bottoms, A. E., Burney, E. and Wikstrom, P-O. (1999) *Criminal Deterrence and Sentence Severity: Analysis of Recent Research*. Oxford: Hart Publishing.

<sup>19</sup> Sherman, L. W. (1993). Defiance, deterrence, and irrelevance: A theory of the criminal sanction. *Journal of research in Crime and Delinquency*, 30(4), 445-473.

<sup>20</sup> Ostrom, E. (1990). *Governing the commons: The evolution of institutions for collective action*. Cambridge university press.

<sup>21</sup> Ghanaweb.com (April 2019) Vigilantism is inimical to Ghana's democracy – NPP, NDC agree. Available at <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Vigilantism-is-inimical-to-Ghana-s-democracy-NPP-NDC-agree-737033>

<sup>22</sup> Tankebe, J. (2019b) Push for reforms that make Police Service less partisan' <https://www.graphic.com.gh/news/politics/push-for-reforms-that-make-police-service-less-partisan.html>

