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# Agitation for Restructuring and Resource Control in Nigeria's Federalism: Issues, Perspectives and the Way Forward

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**Abstract:** Nigeria is a federal constitutional republic comprising of 36 states and the Federal Capital Territory, Abuja. The states are further sub-divided into 774 Local Government Areas (LGAs). This paper examines issues concerning agitation for restructuring and resource control in Nigeria. The study through content analysis of documents examined the factors that led to the agitation for re-structuring, salient issues raised and the constitutional basis for re-structuring. It is discovered that in Nigeria the agitation revolves around resource control, review of revenue sharing formula, devolution of power, return to regional federal system of government based on six geo-political zones, return to parliamentary system of government, removal of immunity clause from the constitution, creation of state police, role of traditional rulers, among others. The finding also shows that Nigerians-individually and in groups, across regions and ethnic divides have been advocating for one or more aspect(s) of restructuring Nigeria's federal system. The study therefore recommended restructuring in order to enhance national unity, peaceful co-existence, political stability and balanced national development. Beyond restructuring however, the failure of governance at all levels due to poor leadership, mismanagement, and corruption must be addressed.

**Keywords:** Restructuring, Resource Control, Federalism, Political Economy, Nigeria

## Introduction

Countries in the world over adopt political arrangements that best suit their nature, context and composition.

In some cases, for instance, this arrangement facilitates a substantial amount of co-operation among the various segments and institutions all in

a bid to achieve the desired end of the good life for the citizens (Alsamee, Abdul-Wahab & Yusof, 2016). The federal system is one of such political systems mostly adopted by heterogeneous societies/states (Alsamee et al, 2016; Babalola, 2016; Chukwuemeka & Amobi, 2011; Elekwa, Mathew & Akume, 2011; Ewetan, 2012; Ezeji-Okoye, 2009). Similarly, it is in this regard of heterogeneous nature that Nigeria adopts and practices federalism as a system of government where some certain political, administrative and economic powers/functions are shared between the central government and its component units (Babalola, 2016; Chukwuemeka & Amobi, 2011; Elekwa et al, 2011; Ewetan, 2012; Ezeji-Okoye, 2009). It is in this regard that for instance a classical scholar such as Tamuno (1983) sees Nigeria's federalism as a form of government where the component units of its political organization participate in sharing some powers and functions in a co-operative manner though the combined forces of ethnic pluralism and cultural diversity among others that pull them apart.

Earlier in the 19th century, the British had conquered the different parts of present Nigeria at different times and established control and authority over them (Ezeji-Okoye, 2009). These areas were grouped into Southern and Northern protectorates. For the convenience of administration, the Northern and Southern protectorates were later amalgamated in 1914 by the colonial masters thus resulting into existence the country presently called Nigeria (Ezeji-Okoye, 2009). However, as time went by, the British colonial rule, with its continued alienation and subjugation of the indigenous people,

resulted in to agitation for self-government. This further demonstrates that the political history of Nigeria was dominated by struggles for freedom especially between 1922 and 1959. In fact, it is now a common knowledge that some notable Nigerians: Sir Herbert Macaulay, Sir Abubakar T. Balewa, Dr. Nnamdi Azikwe, Sir Ahmadu Bello, Chief Obafemi Awolowo, and Chief Anthony Enahoro, to mention but a few, are regarded as the founding fathers of Nigeria's nationalism.

Given their struggles as mentioned earlier, the British colonialist gave concessions to Nigerian activists that led to the rise of the series of constitutions that come into existence, to assuage their feelings. The constitutions included the Clifford constitution, 1922, Richards constitutions, 1946, Macpherson constitution, 1951 and Lyttleton's constitution, 1954 that gave birth to Nigeria's federal arrangement. While the constitutions have played significant roles, historical, social, political and cultural factors also made Nigeria's adoption of federalism (Babalola, 2016; Elekwa et al, 2011; Ewetan, 2012; Ezeji-Okoye, 2009). These factors are diversities in nationalities, religions, cultures, resources, and fear of domination among the various entities. In the light of this, federalism is thus seen as a system that grant units considerable freedom and autonomy in the internal governance of their people given its decentralized powers (Alsamee et al, 2016; Elekwa et al, 2011; Ewetan, 2012; Chukwuemeka & Amobi, 2011; Ezeji-Okoye, 2009). As such, in a federal state like Nigeria, the constitution is supreme with shared powers between and among the three

tiers of governments (Babalola, 2016; Alsamee et al, 2016; Chukwuemeka & Amobi, 2011). Hence, in each tier, the government is expected to exercise certain control and function within its scope of authority.

Although, federalism has been practiced in Nigeria over the years, the agitation for restructuring to achieve resource control or what some scholars termed "true federalism" including secession is not a new phenomenon in the country's political history (Agwanwo, 2014; Anugwam, 2005; Awofeso, 2017; Babalola, 2015; Chijioke, Innocent & Emeh, 2012; Elekwa et al, 2011; Madubuiké, 2015; Ojatorotu, 2008). Hence, it is not surprising from recent issues; that there are agitations by certain component units of Nigeria. In fact, it is clear that some parts or indeed all parts of Nigeria are not comfortable and satisfied with the present federal arrangement. Mostly agreed is that the central and the other components of the federation of Nigeria heavily rely on revenue allocation from the federation account with greater percentage coming from the oil revenues (Agwanwo, 2014; Anugwam, 2005; Awofeso, 2017; Chijioke et al, 2012; Elekwa et al, 2011; Madubuiké, 2015; Ojatorotu, 2008). Within the context of the political economy of oil in Nigeria's federation, the question of control as some scholars termed it "resource control" (Babalola, 2016; Chijioke et al, 2012; Dickson & Asua, 2016; Madubuiké, 2015) is not totally surprising.

To put it specifically, Agbu (2004) had earlier maintained that agitation in Nigeria's federal set up has fundamentally manifested itself over the quest for access and control over the political power to federally collect

revenue. In addition, the rentier economic character of the Nigerian state is also a fundamental factor in understanding the dimension and interests of political forces in this struggle. Interestingly, the oil rent revenue constitutes a significant proportion of Nigeria's national income (Agwanwo, 2014; Anugwam, 2005; Awofeso, 2017; Chijioke et al, 2012; Elekwa et al, 2011; Madubuiké, 2015; Ojatorotu, 2008). More disturbingly is that, there has been a failure of governance at all levels of democratic governance structure mostly due to bad leadership and corruption over the years (Abbas, 2013; Anugwam, 2005). In fact, most indicators of under development are still present in the country regardless of its varied geopolitical regions. While the idea of true or fiscal federalism, resource control, and restructuring are aimed at ensuring balanced national development, unity and peaceful co-existence have been debating the big question therefore remains "what is wrong with Nigeria's federal system in view of its current challenges?" Similarly, "can the current agitation calls through restructuring agenda" as pushed by some interest groups address the contemporary political and economic challenges in the country?"

To answer the questions posed by this paper, there is the need to find out the factors responsible for the current agitation that is posing threat to the corporate existence of Nigeria. Specifically, it aimed to examine:

1. The factors responsible for the consistent call for restructuring in Nigeria.
2. The areas of contention or dissatisfaction that led to agitations, by extension responsible for

threatening the political stability of Nigeria in particular and corporate existence in general.

3. The best ways and strategies to go about restructuring Nigeria's federalism politically and economically.

To achieve these objectives, this paper situated within political economic framework therefore analyzed some specific issues in which primacy is assigned to material conditions (Akindele and Asaolu, 2003) as political economy is a complex interaction between politics and economy in the development of human societies. Through descriptive methods of analysis, this paper is based on secondary data utilised relevant media reports, scholarly works and personal observations of the researchers. Essentially, most of the ideas were generated through political events and previous studies gleaned based on their substance, relevance and comparative quality to give more insight. Furthermore, the effort is made to link segments of the literature based on a review of studies related to the problem of study to the contemporary experience of emerging events. Overall, the essence is to capture and provide the political realities on the ground for a presentation of a balanced argument.

### **Federalism and the Question of Resource Control in Nigeria**

Federalism in Nigeria was entrenched by the British imperialist power. Long before the creation of the political entity called Nigeria through its amalgamation in 1914, the peoples that existed have had an established indigenous system of administration (Elekwaet al, 2011; Ezeji-Okoye, 2009) through some political entities such as the Benin Empire, Kanem Bornu Empire, Sokoto

caliphate, Oyo Empire, to mention a few. While the structure of federalism in Nigeria was laid by the Richards constitution of 1946 which introduced regionalism into the polity, its formal operation started in 1954 with the adoption of the Oliver Lyttleton's constitution that gave substantial autonomy to the regions, as well as specific power and functions to the then central and other regional governments (Elekwaet al, 2011). In addition, the established federal system was further consolidated in 1960 where Nigeria at independence inherited from the British the legacy of federalism built on three regions: the North, East, and West and a parliamentary system of government.

Hence, before 1960, the various constitutional changes from 1922-1960 contributed in setting a firm foundation for Nigerian federal structure even at the present moment. In Nigeria's case, some scholars (Babalola, 2016; Chukwuemeka & Amobi, 2011; Elekwaet al, 2011; Ewetan, 2012; Ezeji-Okoye, 2009) shared that the necessary conditions for its federalism among others include:

- Tribal and religious differences
- Fear of domination and measure of local autonomy
- Fear of inter-ethnic rivalry
- An even development for security reason
- The desire for unity in diversity

Generally, the federal system therefore allows such differences and sharing of power to preserve the strength and unity of the country as the case may be on its constitutional provisions. In most cases, it is argued that states resort to federalism especially when the adoption and practice of a unitary system of government are not achievable (Alsamee et al, 2016). To achieve its

practice the constitution therefore divides powers between the center and the other component units. Burgess (1993) hence viewed federalism as a practice that represents an action that flows from the ideological belief that manifests in the society's varied institutions, characters and structures. Under this form of government, the federation is divided among the units (usually the centre and the peripheries) and each component of the federation has the power of autonomy within its area of jurisdiction. In Nigeria's case, the powers shared among the federated units (Federal, State and Local Governments) are those included on the exclusive, concurrent and residual legislative lists (1999 constitution, as amended; Babalola, 2016; Chukwuemeka & Amobi, 2011; Ewetan, 2012). As each function and responsibility is specified in the constitution in the federal system of government:

- i. The exclusive list means only those matters which the federal government can make laws or polices e.g. external affairs, defense, currency, mines and power, railways, ports and other matters that are regarded to be of national significance.
- ii. The concurrent list contains items which the federal and state governments can make laws or polices related to healthcare, housing, agriculture, water resource, education, etc.
- iii. The residual list contains items not mentioned at the exclusive and concurrent lists left for the local government councils to handle.

While federalism has its varied necessities and advantages, on the other hand it is considered a divide and rule

strategy of the British colonialists foisted on the country to maintain a neo-colonial state apparatus for the effective control of the country after independence. It has been argued that the unitary system of government worked well before the introduction of federalism and that the colonialists had the opportunity of de-emphasizing the particularistic tendencies of the different ethnic groups in the country but for selfish reasons ended up creating structural imperfections to fuel inter-ethnic relations after independence. This standpoint was emphasised such that, following the coup d'état on January 15, 1966, Nigeria's federal structure underwent a change. It is for this reason that late General Aguiyi Ironsi, Nigeria's first military Head of State, believing that federalism had fostered ethnic disunity in the country (Abbas, 2013) abolished the then regions and by Decree 34, promulgated in May, 1966, established a unitary system of government (Ezeji-Okoye, 2009) thereby concentrating economic and political powers at the centre.

From pre independence to post independence periods, both structures established had gradually metamorphosed into a three regional structure with a weak central government in 1960, four regions in 1963, 19 states in 1969, 23 states in 1987, 30 states in 1991 and, 36 states and Abuja and 774 local government councils in 1996 (Elekwa et al, 2011). However, this enlargement of the federal structural base was mostly effected during the nation's development when it was generating comfortable revenue (Ezeji-Okoye, 2009). Over the years, nature of the federal states in terms of size, economic

potential and ethnicity (major ethnic definition of the respective states), has continued to define the nature and character of Nigerian federalism during these military regimes. The question commentators keep asking is that has the numerical strength of the states qualifies them for statehood? This and similar other question becomes pertinent as the economy of most of the state is poor that its survival has become a major problem in the nation's body polity. In recent times, in most of the states, workers receive their salaries several months in arrears.

Similarly, it is this evident weak economy of the states that has made them significantly depend on the national government for handouts or bail out for their basic functions and responsibilities. Although, there were compelling reasons to the adoption of federalism what remains challenging is the extent to which the practice of federalism has over the years addressed the issues of self-determination, economic prosperity, and desire for unity. The driving force to this debate in Nigeria in recent years has been the "call for restructuring" or "agitation for resource control." Tochukwu (2002:28-29) advanced that "resource control" in Nigeria means "the right of mineral exploration, exploitation and the management of resources by the communities where these resources are; including marketing of the proceeds from their land or water." Chukwuemeka and Amobi (2011) contend that true federalism implies that the federating units in the polity pursue their own developmental programmes/projects at their own pace, utilizing resources within their territory and under their control. Hence, according to Chijioke et al (2012) and Ojakorotu

(2008) resource control is about access of state governments/localities to natural resources located in their boundaries and the freedom to develop as well as utilise them without interference from the central government.

### **Agitation for Restructuring and Resource Control in Nigeria**

Restructuring in the context of Nigeria is regarded as a consistent call and move for the political reorganisation of Nigeria's federal structure, the system of government as well as other aspects desired for a constitutional amendment. Although, the concept seems new in Nigeria's discourse, Nigerians use different terms to identify areas that require reorganisation based on perceived interest. The key argument has always been that Nigeria operates a federal system of government and as such power is constitutionally shared between the central government standing for the whole country, and the states and local government areas serving as a sub-division of the country (1999 constitution of the Federal Republic of Nigeria). Hence, in the Federal Republic of Nigeria, each level of government is assigned executive, legislative as well as judicial power and responsibilities (1999 constitution, as amended; Babalola, 2016; Chukwuemeka & Amobi, 2011; Ewetan, 2012; Mike, 2004). As agreed by these scholars these responsibilities however require finance to carry them out.

Going further, one of the most contentious issues in almost all federal states is the question of fiscal federalism (Babalola, 2016; Chukwuemeka & Amobi, 2011; Ewetan, 2012). As advanced earlier by some scholars fiscal federalism revolves

around the constitutional principle for generating/allocating, sharing and utilization of funds among the constituent parts of a federal state (Babalola, 2016; Chukwuemeka & Amobi, 2011; Ewetan, 2012). To put it clearly, fiscal federalism is thus regarded as an aspect of federalism that deals with the constitutional definition of responsibilities of various tiers of government along with laid down principles and procedures for sourcing revenue among the levels, and for sharing the revenue among the constituent parts in a manner that enables them to fulfill their constitutional responsibilities (Angahar, 2013). This means that fiscal federalism becomes necessary for operating a federal system of government because the functions that the government performs are not performed only by the central government. In essence, fiscal federalism according to Ewetan (2012) will mean decentralising financial decision making at the lower levels of government instead of concentrating the power at the center.

While the process is usually problematic, such intergovernmental relation is also seen as a very complex pattern of interactions, cooperation and interdependence between two or more levels of government (Angahar, 2013; Babalola, 2016; Chukwuemeka & Amobi, 2011; Ewetan, 2012). As argued by some scholars, in most cases in Nigeria, the nature of revenue generation and even allocation has therefore continued to reflect a character of certain complexity that is embodied by disagreement among the various segments of the country due to the revenue sharing formula adopted upon (Elekwa et al, 2011). To this end,

the earlier views of these scholars are therefore noteworthy:

The introduction of the 1946 constitution altered significantly the formal unitary structure in existence by introducing regionalism to the pattern of colonial administration in Nigeria. Although the constitution was not strictly federal, the creation of the regional level of governments immediately raised the question of allocating revenue to the central government, the new regional centers and the old Native Authority Governments (Adebayo, 1988 as cited in Elekwa, Mathew, and Akume, 2011).

Similarly, it has been previously reported that numerous committees and commissions were set up from pre-colonial to a post-independence era for the purpose of working out an acceptable revenue sharing formula in Nigeria, but yet again agitation for restructuring and resource control continuous till date. Over the years, such bodies included the Chicks Commission, 1946; Hick-Phillipson Commission, 1950; Chicks Commission, 1954; Raisman Commission, 1957; Binns Commission, 1964; Dina Commission, 1969; Aboyade Technical Committee, 1977; Okigbo Commission, 1979 and several military and administrative decrees and changes respectively among others (Elekwa et al, 2011; Ewetan, 2012). Hence, the dynamics of these commissions, committees, decrees and changes have led to the final establishment of the National Revenue Mobilization Allocation and Fiscal Commission (NRMAFC) in 1988. This made some scholars (Babalola, 2016; Chukwuemeka & Amobi, 2011; Dickson & Asua, 2016; Elekwa et al, 2011; Ewetan, 2012; Madubuike,

2017) to argue that from the pre-colonial up to the present time, agitation for resource control has remained the most contentious issue in Nigeria's fiscal relations.

Specifically, this crisis and conflict of interest usually resonate politics of oil in Nigeria as one scholar posited that:

...Oil is an object of the struggles between classes, factions of classes acting either through State structures or ethnic identity groups. Since oil is power, and power is oil in the context of Nigeria's political economy, the struggle for oil power becomes a primary object of politics, and the inequitable distribution of oil highlights existing inequalities, competing claims, grievances, and even conflicts, which conspire to threaten the Federal foundations of the Nigerian State (Obi as cited in Dickson & Asua, 2016:9).

The dominant argument in Niger-Delta region for resource control is that, the abandonment of true federalism in Nigeria has led to the neglect and marginalization of the region and its people (Anugwam, 2005; Chijioke et al, 2012; Madubuike, 2017; Ojatorotu, 2008; Ottigbe & Ottigbe, 2015). They argued that since the bulk of Nigeria's oil wealth is explored from this region, the rate of unemployment, poverty, environmental degradation and poor infrastructural development is considered unacceptable (Anugwam, 2005; Chijioke et al, 2012; Madubuike, 2017; Ojatorotu, 2008; Ottigbe & Ottigbe, 2015). It is therefore not surprising that the 9 oil producing states of Akwa-Ibom, Cross River, Rivers, Bayelsa, Delta, Edo, Ondo, Abia and Although, the current poor socio-economic situation of all Nigerians across the regions does not show sign of

Imo have continued to agitate for resource control in Nigeria vehemently (Ottigbe & Ottigbe, 2015). The advancements by the indigenous people of Niger-Delta individually or in groups, who organize peaceful movements or violent struggles, are claimed to have been addressing fundamental developmental challenges in the region characterized by neglect, poverty, environmental degradation, poor infrastructure among others in the region. However, while this struggle is considered legitimate, the methodology adopted over the years has at various instances taken extreme and violent dimension by militant groups in the region thereby threatening the nation's peace and security.

With regard to call for resource control and true federalism, the people of the Niger Delta region are not alone. For instance, since the return of democratic governance in Nigeria in May 1999, there has been in some instances a coordinated attempt by the Southern Governors to advance the call for resource control and true federalism. To be specific, in one instance, the Southern Governors Forum at a conference had issued a 17-point communiqué, which among others resolved that:

That resource control and derivation should henceforth and be accepted as the basis for revenue generation and allocation; and that Nigerian's federal status as presently constituted be restructured along a legal framework that would grant a reasonable measure of autonomy to the states and component parts of the federation" (Omenma, 2002:1).

significant improvement in citizens' living standard, it is evident that the Southern part of Nigeria is not the only

region in this quagmire. In fact, in most cases, the Northern part of Nigeria is worst off in most development indices when compared with the other regions. The analysis of the developmental crisis in the Niger-Delta or every other region for that matter thus requires an exposition beyond the question of “true federalism and resource control”. Earlier studies have shown that massive corruption, embezzlement of public fund, poor accountability; high cost of governance and the crisis of legitimacy; recurring ethnic, regional and religious clashes; abuse of constitution and constitutionalism, etc have thwarted Nigeria’s socio-economic and political development of post military era (Abbas, 2013; 2016; Babalola, 2016; Ezeji-Okoye, 2009).

Among challenges mentioned above, earlier studies have specifically shown that corruption remains an aspect of Nigeria’s political economy that must be looked in to while analysing its socio-economic development (Babalola, 2016). Indeed, it has been argued that corruption is a serious threat to the economic development of Nigeria (Abbas, 2013; Babalola, 2016; Ezeji-Okoye, 2009). There is evidence that embezzlement of public fund, the high cost of governance as a result of inflation of contracts as well as irresponsible economic management in Nigeria is a hindrance to its development (Babalola, 2016; Lawan, 2014). By this argument, corruption is a serious factor in the stagnation and underdevelopment in Nigeria. More worrisomely, the failure of the Nigerian government at all levels of governance to give the desired attention to the development of the nation in spite of its enormous human and material resources is considered a serious

setback. In fact, almost every region but more specifically in the North, is characterized by the absence of basic infrastructure, social services, non-oil industries and petroleum products. While Nigeria remains a Federal republic, every part of the country whether, North or South, East or West, there is widespread political neglect, social and economic underdevelopment that needs to be addressed.

### **Agitations for Restructuring in Nigeria: Some Contentious Issues**

Nigeria’s experience of federalism over years is characterized by and also dominated by the above intricacies as a solution to one problem leads to another and without a genuine desire to forge ahead. Hence, what are the areas of contentions or dissatisfactions that have over the years led to agitation for restructuring, by extension responsible for threatening the political stability of Nigeria in particular and its corporate existence in general?

**Call for Devolution of Power:** there is common agreement among scholars and commentators that the exclusive legislative list of the federal government of Nigeria is too heavy (Babalola, 2016; Chukwuemeka & Amobi, 2011; Elekwa et al, 2011; Ewetan, 2012; Ezeji-Okoye, 2009; Ottigbe & Ottigbe, 2015). It is therefore argued that since the constitution grants more power to the Federal Government through the exclusive list such as the control of mineral resources in the country the over centralization and concentration of powers at the centre is considered a dirge for the Nigerian federation (Babalola, 2016; Chukwuemeka & Amobi, 2011; Elekwa et al, 2011; Ewetan, 2012; Ezeji-Okoye, 2009; Ottigbe & Ottigbe, 2015). The simple reason being one of the cardinal

principles of federalism which is substantial autonomy is suffocated by this factor. It is interesting to note that majority of the state governments are calling for the reduction of items on the exclusive list and put them under the jurisdiction of the states. In the area of fiscal practice of federalism, with a more power concentrated at the center by the constitution (Alsamee et al, 2016) the main functions and responsibilities of resources allocation therefore lie with the central government. Hence, the distribution of power remains one of the hottest issues even in Nigeria's federalism.

More interestingly, because access to central political power in Nigeria is a considered a license to be in charge of huge resource allocation (Abbas, 2013; Chukwuemeka & Amobi, 2011), the controlling power continue to allocate a large percentage of such resources to its own advantage. In fact, these among other factors make leadership position at the centre very attractive and a do or die affair (Abbas, 2013; 2016). It should however not be forgotten that the principle of fiscal federalism requires that there must be sufficient resources to support both central and component units without which the federation cannot stand (Babalola, 2016; Chukwuemeka & Amobi, 2011; Elekwa et al, 2011; Ewetan, 2012; Ottigbe & Ottigbe, 2015). It is in this regard that Tochukwu (2002:27) submits that devolution of power with corresponding constitutional functions and responsibilities to all the component units will reduce ethnic tension, unemployment, poverty, environmental degradation, low infrastructural development and the cry of marginalization in Nigeria. As earlier advanced by Alsamee et al(2016), the

devolution of power with defined duties and responsibilities to each federating authority will reduce the burden and expenses of the federal government hence allowing component units of the federation to determine the needs of its people and satisfy them easily through specialisation.

### **Review of Revenue Sharing Formula:**

This is an aspect of intergovernmental fiscal relations that deals with constitutional power for a generation and sharing of revenue by different levels of government. For instance, since early 2000 the vertical formula has been Federal Government(52.68%), State Governments(26.72%) and Local Governments (20.60%). While this has been practiced over the years, the practice of fiscal federalism in Nigeria has not brought about the needed socio-economic development as envisaged by the architects and advocates of the system (Babalola, 2016; Chukwuemeka & Amobi, 2011; Elekwa et al, 2011; Ewetan, 2012; Ottigbe & Ottigbe, 2015). Most of the scholars identified such hindrances to the country's dependence on oil revenue and its over concentration of economic resources at the federal level (Babalola, 2016; Chukwuemeka & Amobi, 2011; Elekwa et al, 2011; Ewetan, 2012; Ottigbe & Ottigbe, 2015). Specifically, Babalola (2016) advanced that if Nigeria's current fiscal arrangement is to advance its constitutional economic objectives, this clear contradiction of over centralizing economic resources at the center must be addressed.

Moreover, it is as result of this dominance of the federal government with regards to the proportion of revenue allocation to the center that agitation for a review of revenue sharing formula had continued

unabated. Although Nigeria's revenue allocation formula has over the years recorded changes but what seems unchanged is the allocation of lion share of centrally generated revenue to the federal government (Babalola, 2016; Chukwuemeka & Amobi, 2011; Ewetan, 2012). As explained earlier, the vertical allocation formula since 2000 has been in the favour of the federal government thereby ensuring what some scholars referred to as "federal dominance in fiscal matters" (Babalola, 2016). For horizontal allocation, the 1999 constitution of Nigeria provides the principles of "population, derivation, equality of states, internal revenue generation, land mass, needs and even development, etc" (Babalola, 2016; Chukwuemeka & Amobi, 2011; Ewetan, 2012). While there is common ground among the state governors that the higher proportion of revenue shall be allocated to the state government, there are concerns in the principle of derivation.

Beyond the general principle of allocation, the Nigerian constitution provides no less than 13% of revenues generated from natural resource be allocated based on the principle of derivation. This means that since Nigeria's revenue majorly depends on oil, the "oil producing states" are thus entitled to 13% derivation from the oil sales in addition to the statutory allocation from the federal government. While the derivation principle is captured in the constitution, its application has always raised eye brows and controversies among the elites of each region with a geo-political dimension (Anugwam, 2005; Babalola, 2015; Chijioke et al, 2012; Elekwa et al, 2011; Madubuike, 2015; Ojatorotu, 2008). While the oil producing states

continue to demand an increase in derivation from 13% to 50% (Madubuike, 2015; Ojatorotu, 2008; Ottigbe & Ottigbe, 2015, Several National Political Reform Conference), other regions argue in favour of the advancement of the principle equality and population. The main argument has been that since oil like other natural resources is a gift of nature, it therefore belongs to all Nigerians irrespective of tribe or region (Babalola, 2016) that must not be exclusively allocated to a certain region or people.

**Creation of More States:** since independence, Nigeria has witnessed numerous movements for state creation from all angles or regions in the polity. Generally, the main rationales behind the creation of states in Nigeria were to address various economic, political and socio-cultural issues in the country (Ezeji-Okoye, 2009). In fact, it is based on this continues quest that, some groups are still calling for the creation of more states. It has been advanced that fiscal decentralisation of public spending responsibilities in federal states brings about economic development (Alsamee et al, 2016; Babalola, 2016). At a variance with the federal government where the states are dependent on the all-powerful federal government, this has triggered a lot of robust agitation for the creation for more states in order to achieve massive devolution of powers to sub national levels. Scholars argued that true fiscal federalism has never been practiced in Nigeria in its real sense (Babalola, 2016; Chukwuemeka & Amobi, 2011; Elekwa et al, 2011; Ewetan, 2012). Therefore, in Nigeria "true federalism" was only practiced between 1954 and 1966, a period characterized by massive devolution of powers to the regions.

It is on record that the period of military rule witnessed a reduction of power of the regions and subsequently more states and local government areas were over the years created as reflected in the constitutions (Ezeji-Okoye, 2009). However, in spite of the series of structural changes that took place under the military regimes occasioned by agitations by several interest groups, the current number of states in Nigeria is considered by some interest groups as imbalanced. In terms of geo-political zones, North-West has (7 states), North-East(6states), North-Central (6 states), South-West (6states), South-South (6 states) and South East (5 states). Not minding the population, land size and other consideration fora such number of states in each geo political zones, what is regarded as imbalance have provoked serious agitations especially by the South-East and the Igbo communities in the country(Ezeji-Okoye, 2009). Their argument has been that since every geo political region in Nigeria has at least 6 states, except the South East; there should be at least an equal proportion of such states. Such call for an equal proportion of states however does not consider other determinants for state creation especially population, land mass, etc.

**Return to Regional Federalism and Parliamentary System of Government:** over the years, there have been calls to the return to federal structure based on the 6 geo-political zones of the country as witnessed in the 1960s. Although Nigeria federalism and presidential system which started since 1979 has been operating, it has not been satisfactory to most of the stakeholders. While the changing forms and structures of the federation from 3 regional structure in 1960, 4 regions in

1963, 19 states in 1969, 23 states in 1987, 30 states in 1991 and, 36 states and Abuja (the FCT) and 774 local government councils in 1996 (Elekwa et al, 2011;Ezeji-Okoye, 2009), the fact still remains that most of them (states and local governments) were created along macro or micro-ethnic lines. Their consequence is that, the intra and interethnic discord which largely resulted from inequality of ethnic representation even in the 1960s is resurfacing at the state and local levels. In essence, current Nigeria's federalism has only rotated between the factor of extreme regionalism that characterized the pre-independence and first republic era as well as the centrality of the military and to some extent the post military era. The wider implication is an enlargement of the federal government's power even at the state and local levels. Hence, the call for what was "better days" in the 1960's that is the return to the former regional federalism and parliamentary system of government.

Even more recently, some prominent leaders of the Yoruba nation (in a summit at Ibadan on 9/9/2017) have advocated for the return to regional government based on the 1960 and or 1963 constitution (TVC news, 2017). In fact, some proponents of restructuring have argued that the current presidential system of government being practiced in Nigeria over the years is too costly and expensive to run in terms of financial management. Hence, the recent calls for the return to a parliamentary system of government in order to reduce the cost of governance in the country are considered justifiable. The main argument is that under a parliamentary system, members of the parliament are members of the

executive hence a possible reduction in the cost of governance. In furtherance of the saving cost argument, some proponents are even advocating for part time legislators instead of the permanent who in some cases are either idle or attending to unnecessary issues.

**Reorganization of the Nigerian Police:** due to the upsurge in violent and non-violent cases of crimes and the inability of highly centralised police to prove it worth across Nigeria (Agwanwo, 2014; Egunjobi, 2016) there are calls from some quotas that the current Nigerian Police Force (NPF) be reorganised to face the current realities. These calls are not farfetched from the fact that there is a wave of recurring conflicts/insecurity such as insurgency, armed robbery, kidnapping, herdsmen/farmers clashes, among other insecurity challenges across the country that the NPF fails to address. Moreover, the failure of the current NPF to efficiently perform its constitutional duties, among others factors, is now blamed on the over-centralization of the force (Agwanwo, 2014; Egunjobi, 2016). To address this problem, two options remain the most common views. While some are calling for the decentralisation of the current NPF through the establishment of state police, others are emphasising the need for reform or reorganisation of the force to serve Nigerians better.

For the proponents of the establishment of state police, they argue that it will help in curbing the current high rates of recurring criminal acts in the polity as it is expected to comprise officers who understand the language, geography and the peculiar security challenge of the people they would be policing (Agwanwo, 2014). To advance this

particular argument, this view is worth sharing:

One argument for the establishment of state police is based on the need to reduce crime to its barest. Crime occurs in every “community” and is perpetrated by those who in most cases, come from that community or locality. To deal with crime therefore, there is an urgent need to ensure that “locals are absorbed and posted to their various localities to fish out the criminals (Agwanwo, 2014:170).

Beyond the argument for absorbing locals in addressing local security challenges, the call for state police will unravel the current “nominal role state governor’s play as the Chief Security Officer of their states” (Agwanwo, 2014:170). The argument has been that while the constitution stipulates that state governors are the Chief Security Officers of their respective states, in reality they lack such power to function. Instead, the Commissioners of Police who are appointed by the Inspector General of Police does such function. Furthermore, since Nigeria operates a federal system of government, it is argued that the roles and responsibilities of the protection of lives and properties of the citizens shall be decentralised like in other federal democracies such as in the USA (Agwanwo, 2014). It is advanced that such calls are for the “constitutional devolution of power to establish, organise, maintain and control the police by sub-national units making up the Nigerian federation” (Egunjobi, 2016:1). Similarly, such creation of state police will reduce the current youth unemployment that in itself is considered a security threat to most communities and the nation in general.

While the call for state police is considered advantageous by some quotas, these calls have also received criticisms championed by eminent Nigerians such as the former President of Nigeria, Dr. Goodluck Jonathan, current President Muhammadu Buhari, former Inspectors General of Police, Sunday Ehindero and Mohammed Abubakar, and the Northern Governors Forum, among other stakeholders (Agwanwo, 2014). Their fears may not be divorced from the experiences Nigerians have had during the era of Native Authority Police that operated under the then local government in the Western and Northern regions in the 1960s (Egunjobi, 2016). As reported by the scholars, while the idea of state police may be theoretically good, in this political environment in Nigeria, the fear is that the system may be abused by some sitting governments as was the case in the 1960s (Agwanwo, 2014; Egunjobi, 2016). The best option therefore according to this group is the advancement of the effective reformation of the current NPF to serve all Nigerian better. They further argued the multiplicity of state police formations with different state laws can be very difficult to manage especially in a complex country like Nigeria. Even more worrisome is that with many states of federation unable to pay their salaries for months, the funding of state police is unlikely.

**Removal of Immunity Clause, Appropriate Role of Tradition Rulers and Recognition of Indigenous People:** section 308 (1-3) of the 1999 constitution of the Federal Republic of Nigeria (as amended) provides that no criminal or civil proceedings shall be instituted or continued against a person holding the office of the President or

Vice-President, Governor or Deputy Governor while in office. Some advocates of restructuring are calling for the removal or review of this section because it gives room for the abuse of entrusted power. The argument is that, this immunity clause had been abused by the holders of the key executive offices without due recourse to rule of law of the land and accountability to the people. While this position remains valid, there are fears that if this objective is attained most elected executive officials will be distracted from delivering their basic duties and responsibilities to the citizens. This means that, while the idea is considered a good one it should however be treated with caution especially by considering the current political environment in Nigeria characterised by lack of genuine opposition.

In another case, the roles of traditional rulers in Nigeria are not constitutionally recognised with clearly defined roles or responsibilities. Hence, some individuals and groups are advocating for constitutional recognition of traditional rulers in Nigeria with clearly defined responsibilities not the current advisory roles in local decision making through Emirates and kingdoms. Their main argument is that during pre-colonial, colonial and early post-independence era traditional rulers were key players in the area of governance in various regions and capacities in the country. This was until 1976, when the then military government introduced a uniform local government administration system in the country. Consequent upon this, traditional rulers were insulated from politics and formally assigned advisory roles which are not binding on the elected local government authority (Fatile and

Adejuwon, 2009). This therefore means the return to status quo to pre 1976 where most traditional rulers in the country had constitutionally assigned roles and responsibilities.

In another respect, the indigenous people of Federal Capital Territory (Abuja) under the banner of Original Inhabitants Development Association (OIDA) are calling for the amendment of the 1999 constitution of the Federal Republic of Nigeria to reflect the cosmopolitan nature of Abuja. The indigenes are calling for the establishment of an elected office of the governor just like other states of the federation. The current appointment of a minister by the President they insist is not justifiable as there would be more accountability and development if a governor were to be elected by the citizens of the area. Hence, the OIDA proposes a restructuring based on the devolution of power from the federal authorities to Federal Capital Territory Authority (Daily Trust, 2017). The Abuja locals are not the only ones in this quest. There are calls from Lagos (former capital of Nigeria) due to its cosmopolitan nature, as well as its strategic importance to the nation's development, that there shall be an established office of the mayor as in the case of other big cities in the world.

### **Constitutional Basis for Restructuring Nigeria's Federalism.**

While most of the issues raised earlier are considered valid, the shoddy practice of federalism in Nigeria has resulted in the emergence of ethnic, regional or religious based groups most of which are militant in nature championing one agitation or another for the internal autonomy of their people as captured below:

In current Nigeria's case, its realities reflect this thinking, with over 250 tribes and ethnic groupings mostly guided or misguided by different religions and regions in the country. The relevance of Afenifere, Ohaneze N'digbo, Arewa Consultative Forum, Southern Leaders Forum, and Ijaw National Congress etc- each representing sectoral cleavages said it all (Abbas, 2016:221).

With some of these other groups in this bracket such as the Odua People Congress (OPC) in the West, Movement for the Survival of Ogoni People (MOSOP) in the South-South, Movement for the Actualization of Sovereign State of Biafra (MASSOB) in the South-East, Arewa Consultative Forum (ACF) in the North among others (Abbas, 2013; 2016; Ezeji-Okoye, 2009), they remain nothing but arrow heads of their different social and political cleavages. Over the years, other issues that have been presented and defended by the socio-political groups include the rotational presidency, claims and counter claims of marginalization, local government financial autonomy, sovereign national conference, adopting unicameral legislature in place of the bicameral legislature at the national level, among several others. While these issues among several key others as indicated above have been in discussion over the years, fiscal restructuring could be achieved through the rebuilding of the economic landscape through good governance, transparency and accountability.

It should however be noted that in some cases, most aspects highlighted require reorganisation or constitutional amendment. This is due to the fact agitations for restructuring are affected by one constitutional section or the

other. Therefore, for a meaningful restructuring in Nigeria to take place, a total overhauling if not amendment of the entire 1999 constitution of the Federal Republic of Nigeria (as amended) is considered an alternative. This means that going by section 9 (2) of 1999 constitution of Nigeria (as amended), an Act of the National Assembly for the alteration of this constitution, shall not be passed in either House of the National Assembly unless the proposal is supported by the votes of no less than two-third majority of all members of that House and approved by resolution of the Houses of Assemblies of not less than two-thirds of all the states.

However, depending on area or aspect that requires restructuring, it has been advanced that; one reason for restructuring is to improve national unity and peace for peaceful co-existence, political stability and balanced national development. With regards to implication for the restructuring, Nigeria's constitution provides a legal basis for the general operation of government (levels and organs) as well as the procedure for amendment through a joint resolution of the National Assembly and States Houses of Assemblies. It means that amending Nigeria's constitution for the purpose of restructuring requires an approval of the two-third majority of the 36 State Houses of Assemblies (SHOAs) across the country, particularly with regard to fiscal restructuring and true federalism to scale through. This is also to take into consideration the number of states across geographical regions of the country and their economic positions.

### **Conclusion and the Way Forward**

Basically there is no doubt that the federal system of Nigeria is in serious crisis due to agitation for restructuring and resource control. However, in spite of the shortcomings of federalism being practiced in Nigeria, federalism is still the only suitable system of government that can be used to govern a heterogeneous multi-cultural and religious society like Nigeria. As the political system continues to evolve, and change forms and structure, it is expected that an acceptable federal system that will take care of agitations from the every component units may emerge. This however requires that all Nigerians resolve to love and appreciate one another and respects each other's desire and feeling towards achieving one united, and prosperous Nigeria through selfless determination, commitment, sacrifice and patriotism.

In order to address the ongoing agitation for restructuring and resource control, the paper hence suggests the following:

1. Where it is considered necessary, and for the purpose of promoting national unity and political stability, relevant constitutional sections being sought for change should be amended with national interest as the main guiding post.
2. The government at all levels of governance structure should address corruption in order to achieve meaningful development across regions of the country.
3. A number of issues raised for restructuring, cannot be addressed in isolation of the effective and efficient implementation of government's socio-economic policies and programmes through strict adherence to the constitution.

4. It is a reality that every region in Nigeria is in a serious developmental crisis that requires people centered

utilization of the federal, state and local government's allocation meant for the welfare of the citizenry.

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# Fragility of the Nigerian State and the Challenge of Boko Haram Violence

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**Abstract:** The state as a part of the socio-political system is expected to maintain the stability of the system and facilitate the delivery of public goods in the best interest of the populace. When the state fails in its responsibilities to effectively cater for the needs of the people or, when it fails in its socio-economic responsibility to the people, it is automatically calling for alternative to itself. The abysmal failure of successive administrations in Nigeria to address the challenges of poverty, unemployment and inequitable distribution of wealth among ethnic nationalities, ultimately resulted to anger, agitation and violent crimes against the Nigerian state by some individuals and group. Boko Haram violence has exposed the fragility of the Nigerian state. The deadly Islamic group in Northern Nigeria which has embarked on suicide bombing, guerrilla warfare tactics, kidnapping, and all kinds of atrocities all in the bid to impose extreme Islamic ideas on Nigeria has led to the loss of several lives and properties, displaced many, destroyed hundreds of schools and government buildings and devastated an already ravaged economy in the North East, one of Nigeria's poorest regions. This paper emphasized the centrality of the state in the Boko Haram violence; it explains that the fragile character of the Nigerian state is responsible for the Boko Haram violence. It also explored the integrity as well as the efficacy of the state response to Boko Haram violence, as well as a critical look at the character and context of the Nigerian state. It adopts the qualitative methodology and deploys data from secondary sources. This paper however concludes that even if the state defeats Boko Haram

terrorists, it might not be an end to the resistance against it. The reason is that the structures and Institutions of the Nigerian state are designed in a way that gives room for dissent and anti state struggles, and until that context of fragility is addressed, even if Boko Haram violence is quelled, another is likely to arise.

**Keywords:** Boko Haram, Fragility, Nigerian State, North East, Violence

## **Introduction**

The Nigerian state is a state in constant crisis, there is never a hiatus from this; from the inception of the state till now, the state in Nigeria has been faced with one crisis or the other and the inability of the state revisit this context of violence and the neo-patrimonial character also explains the sequence of continuous violence from various group against the state. It is too simplistic an explanation that human condition problems are solely responsible for the various violence as that of Boko Haram experienced in Nigeria; such explanation does not take into consideration the character of state formation and the institutional basis of the state, its neo-patrimonial character. All these explain the fragile character of the Nigerian state and her inability to effectively put an end to the continued violence against it.

The Boko Haram violence is one of such violence against the state, even now, their mode of operation, persistence and strategies has further exposed the fragility of the Nigerian state and the fact that it completely lacks the capacity to effect its manifest destiny of law and order, as well as the fact that it has completely lost the control of the monopoly of the instrument of violence.

State fragility and the challenge posed by Boko Haram will be explored in this paper. The paper is divided into five sections. The first part introduces the context of fragility as well as explains the problem that necessitates the paper;

the second section explores the various literatures on the current issue and the theoretical frame work. The third section critically explores character of the Nigerian state. The fourth section explains state fragility and the challenge of Boko Haram violence, while the last section gave suggested recommendation on how to deal with the issue.

## **Introducing the Context of Fragility and Violence**

The state has a manifested destiny; only she has the capacity to create an enabling environment for development. Though in modern times, the state is not the only institution that is responsible for development, but it is the only institution that is responsible for creating the enabling environment for advancement and improvement in human condition and economic qua social development (Ninalowo, 2010). The state is a force within society with coercive powers and monopoly of force; it is the only institution with this power. Even the state is a class within the various classes that permeates society, but the state as a class rises above society and mediates between the various classes in the society, thus the state is a neutral class, it is a neutral institution and it is also the medium of expression for the society and its various institutions and classes.

The state mediates between the various classes in the society on contractual basis since the state is expected to be a product of a social contract or call it a societal contract. The state determines politics, it is itself political and

responsible for the allocation of values in the society, the state determines who gets what, when and how of society's limited resources. The life of the individual in the state is been influenced by this core responsibility of the state since in the Aristotelian parlance, an individual has no life outside the state, it is the state that gives him humanity, the absence of the state makes him vice versa.

Ninalowo (2010) posited that inability of the state to effectively perform its responsibilities thus fulfilling its own part of the social contract has led to chaos and crisis in some parts of the world, specifically insecurity at all levels of human existence and the worsening of the human conditions in some places in the world. This inability has led to the emergence of none state organizations which manifest as insurgent groups or terrorist organizations acts as resistance to the state and has continually question the legitimacy of the state and its power to exercise its manifest destiny. They have arisen to question the monopoly of the state as a dominant institution that determines the affairs of men. As they are of the opinion that the state has failed woefully in its responsibility to them and therefore they seek for a right to determine their lives, they make immediate demands on the state and they expect to get it in time, the inability of the state to meet up with their demands often leads to violence and unconstitutional activities, some even go to the extent of demanding their own neutral existence, a state of their own independent of the state of the commonwealth. The core of the matter here is that the inability of the state to meet up with its responsibility often creates a backlash in the form of groups

carrying out violence against it to seek their own ends on their own.

Osaghae (2010) in his examination of the concept of state fragility alludes that when one considers the state as the mainstay of political order, her roles are justifiable, but the challenge has always been that the state has not always been able to play the roles expected of it. Perhaps this is reasons why some of these states have been typified as failed, weak and rogue, thus associating them with underdevelopment. The argument here is that the state has been unable to play its role and sometimes have even failed abysmally in this regard especially in the Somalian situation, therefore given rise to anti state groups. This is however very common in some clime especially in Africa of which our case Nigeria is a part.

Brock et al (2012) stated that despite the heterogeneity in the world of states, there are some basic functions which all states are expected to fulfill in order to be qualified as states. Among these are the provision of both security and material well-being. Failure to provide these two public goods is not simply expressions of doing things differently but evidence of doing them badly. In this sense, the terminology of failed, weak, or fragile states is not descriptive, but also has a normative connotation: states are not functioning as they should. Thus the extent to which a state is able to fulfill that global historical mandate of promoting or enhancing the quality of life of the citizenry is a fundamental measure as to the degree to which such state is designated to be either responsible/successful or unsuccessful or constituting failure or failed state (Ninalowo, 2010).

It is against this fundamental background or context that this paper

would be examining the Nigerian state and its ambiguities, its fragility and Boko Haram violence which have beclouded the peace of the country for more than a decade.

Political violence, conflict, and crisis have become essential characteristics of the political process (Anifowoshe, 1982). The Nigerian state has been a state in perpetual crisis given the nature of its formation; it has witnessed series of violence both political and terroristic. The violence ranges from the Kano Riots of 1953, to the census crisis, the 1964 western election crisis and the organized pogroms of 1966 against the Ibos in the North. But in 1980, a group called the Maitatsine perpetuated violence in northern Nigeria, the stated aim of the sect was to confront materialism and purify the Islamic practice (Agbonifo, 2014).

Boko-Haram though has had an uneasy reign of violence and terror in Nigeria, but has been responsible for the death of thousands in Nigeria despite efforts of the Nigerian security forces at tackling the menace. The point at which they transformed from being a radical religious organization in North-east Nigeria to being an insurgent terrorist organization having regional ramifications with global connection has been a subject of contestation. The role of the state in this, and its response has also been controversial. Boko Haram had perpetrated violence not only in the North-eastern part of the country which is their home, given the terrain, but also in some core northern states like Kano, Niger, Sokoto and even the Federal Capital Territory, Abuja.

Scholars defer on when Boko-Haram started in Nigeria, but there is a consensus that though it could actually

be traced beyond 2002 but 2002 marked the beginning of their activities in the country. They became militant in 2009 after the gruesome killing of their leader, Mohammed Yusuf by the Nigerian Security Establishment and since then they have rained terror and violence on Nigeria with impunity in spite of the efforts of the state at curbing and eradicating them.

The Nigerian state has thus failed to live up to its responsibility, it has been helpless in the face of this crisis and have only resorted to the use of the conventional military method of curbing this menace which has yielded no result. The state has failed to identify the major causality for this violence or pretended not to know which is also responsible for its festering for this long. The argument is however that the fragile nature of the Nigerian state has made it impossible to address core socio-economic problems which has a concomitant effect on the economic environment and the social relations of the people, the Nigerian state is not a failed state in the example of Somalia and others, it is a fragile state that is not capable of enhancing development. Thus given rise to the various anti-state violence especially the Boko-Haram violence which is the core of this paper.

### **Statement of Problem**

What kind of state is continually susceptible to crisis and immediately it is done with one; it is immediately faced with another? From independence till date, the state in Nigeria has continually experience one crisis or the other. The speed with which another raises its head after one is quelled is phenomenal. All these crises seem to always be the advanced form of the previous ones, thus no problem or

challenge is effectively solved or eradicated.

The Boko Haram violence is an advanced form of the previous ones in the north eastern region such as maitatsine, Niger-Delta crisis might have worn a new cloak, but it has always been there, the Fulani herdsmen/pastoralist crisis has always been there and several other of such. One of the identifying characters of Nigerian state is susceptibility to crisis and lingering on of such. Within just seven years of independence the Nigerian state has exploded into several crises which culminated in the civil war of 1967, perhaps there is a context of violence; it is this context that explains the various wars fought within the territory of the state.

The Nigerian state is not exempted from the above explanation, the fragile nature of the state in Nigeria has resulted in various form of sociopolitical violence and crises and also resistance against the Nigerian state, ranging from insurgency in the Niger-Delta staged by the militants to Boko-Haram. Hence the Nigerian state given its character and nature and the precarious nature of its fragility have found it difficult to effectively perform its duties, the consequence of which are the various manifestation of sociopolitical upheaval and violence, including Boko-Haram. The objective of this paper is to interrogate the fragile character of the Nigeria state and to see the extent it has exacerbated conflict.

### **Review of Literature**

Before delving directly into Boko Haram, it is important to place the group inside Nigeria's larger context of varying social, economic, religious, and political factors in order to have a more nuanced understanding of why the

group exists and where it is possibly headed. It is within this environment of challenges and enable Boko Haram operates, finds sanctuary, and draws recruits.

Gourley, (2012:2) examined the operating environment of Boko Haram; he highlights the socio economic conditions that prevailed in Northern Nigeria and in Nigeria as a whole. He is of the opinion that these socio-economic conditions gave rise to Boko Haram and sustains the group. The economic system in Nigeria according to him faces a substantial number of challenges which has translated into open protests to influence the political system. Illiteracy and poverty continue to ravage the northern region despite the efforts of various groups to curb them. The author also believes that the socio-economic conditions are not alone. They exist alongside religious issues and governance failure and political challenges created by rampant endemic political bribery and corruption at the local level. The concomitant effect of all these factors is the Boko Haram violence. Adesoji (2010) in similar vein, highlights these environmental conditions which are socio-economical, they include mass poverty, inequality of opportunities, improper use of resources, revulsion of injustice, lack of educational opportunities, ignorance, corruption and unemployment. Corroborating Gourley (2012) argument, Isa (2010) posits that states that are been affected by Boko Haram activities as a result of abject poverty, lack of basic infrastructure, high level of illiteracy, unemployment, dwindling fortunes in agriculture as a result of the negative effect of climate change, the almajiri system of

education and the unproductive nature of the northern economy.

Aliyu, Moorthy and Idris (2015) wrote that the key issues that gave birth to Boko Haram include poverty, corruption, unemployment among the youths, armed robbery, moral decadence and the problem of bad governance. Following this line of thought is Sope Elegbe; the research director of the Nigerian Economic Summit Group (NESG) who posits that rising poverty in Nigeria is accompanied by increasing unemployment. Unemployment is higher in the north than in the south; this alongside radical Islam explains growing violence in the north (as cited in Oxford research group, 2011, p. 4). It is obvious from the foregoing that socio-economic factors which are obvious creation of the nature and character of the existing state in Nigeria are responsible for the anomaly called Boko Haram violence or insurgency.

These crops of scholars are of the opinion that the major factor responsible for the upsurge of the Boko Haram violence is the condition of the human life which basically point to their socio-economic well-being. In similar vein, Bintube (2015) in a survey carried out in the north-eastern region disclosed that the root cause of Boko Haram phenomenon is the inherent self-sustaining nature of its driving force stemming from ignorance, poverty and illiteracy. He buttressed his argument with empirical evidence when he argued that socio-economic factors were the major influences responsible for the insurgency; which a lot of scholars have agreed that these social economic factors is the root causes of Boko Haram activities in Nigeria.

The London Times (Anonymous 2010) saw the uprising as symptom of the social breakdown that has made Nigeria so prone to violence (As cited in Abimbola, 2010 p. 7). Still on the socio-economic thesis, Achebe (2012, p. 250) believes that the economic deprivation and corruption in the north warrant Boko Haram. To him, these twin problems produce and exacerbate financial and social inequities in a population, which in turn stimulate political instability. Arguing from this point of view, the Boko-haram implore all kinds of religion tactics, fundamentalism to sway the local citizenry that they are fighting an holy war, thus gaining sympathy and also increased their recruitment and support base, which they capitalize by adopting the unconventional warfare tactics to unleash havoc on the lives of ordinary citizens.

Agbibo (2013) also submits that relative deprivation and the history of Militant Islam is responsible for the Boko Haram violence in Nigeria. Aliyu, Morthy and Idris (2015) contend that bad governance, poverty, corruption, unemployment among the youths, armed robbery, and moral decadence are the root causes of Boko Haram. The Oxford Research Group also share the same line of argument in their work on Boko Haram, they believe that the socio-economic context should be given more emphasis in the analysis of the Boko Haram violence. Harnischfeger (2014) posits that the young militants in Maiduguri or Potiskum have good reasons to hate the representatives of the state. He wrote that their rebellion is born out of poverty, illiteracy, and unemployment; hence a response to social neglect. Harnischfeger however puts a poser which would lead us to the next strands of arguments in literatures.

He stated that interpreting the rebellion as a protest against the declining living conditions is not in consonance with the statements of Boko Haram leaders who insists that the insurrection is religious.

What can be stated absolutely about Boko Haram is that it represents an element of the Nigerian Muslim dominationism that has not been satisfied with the current state of the imposition of Sharia since 2000. Its believe hold considerable appeal to dissatisfied elements throughout Northern Nigeria (Cook, 2011).

This is a deviation from the socio-economic poverty thesis which seems to be a general opinion. Cook (2011) brought our attention to something far more critical not only in the context of the Sharia argument but in the direction of the fact that there could be some less considered issues which could serve as explanation to the violence in Nigeria. The Sharia line of argument was total in his work; he was however convinced beyond doubt that the Sharia factor is primary in the consideration of the Boko Haram violence in Nigeria. He however alluded to the frustration felt by Muslims that none of the northern states in Nigeria have effectively implement Sharia which perhaps is the reason for the rise of Boko Haram, first in Maiduguri and then throughout the Northeast part of Nigeria.

Succinctly speaking, the failure to effectively implement the Sharia law in the Northern region is probably the reason for the emergence of Boko Haram. Following this line of argument is Abimbola (2010); who expressed it in the context of partisan politics and political patronage, he argued that the introduction of Sharia in some parts of Northern Nigeria beginning from 1999 appear to inspire closeness between

Yusuf and the ruling class since their decision aligned with his plan to promote strict adherence to Islamic law, but he was disappointed at the type of Sharia introduced which fall short of his standards, thus putting him in a situation to reach a conclusion that the ruling elites were not serious Muslims or that their western education was hindering or limiting their commitment. He continued in his line of Sharia politico thesis citing Omipidan (2009) who posits that Yusuf's fraternization with the political class possibly informed his willingness to use his group to assist the political elite to secure political power that would in turn be used to protect and possibly advance his career. His abandonment by the political class could have hastened his dissent to violence to effect change.

McConnell (2009) posits that failure to attach the Sharia based law to social welfare schemes, the implication of which would mean that the dividends of Sharia are not forthcoming; the reality of this is the radicals stepping in to demand fully beneficial Islamic state (as cited in Abimbola, 2010). Barna (2014) having cited socio-economic factors as necessitating Boko Haram also contend that the implementation of the Sharia law is considered by some as incomplete and lacking in meaning as it is not effectively dealing with the fundamental issues like corruption or poverty, she further stated the lack of connection between the Sharia law and a social welfare system in states in Northern Nigeria is cited as a potential reasons for Yusuf's dissatisfaction with its introduction, hence falling short of his standards. Dearn (2011) also submits that there is no doubt that many Muslims were not satisfied with the

adoption of Sharia law in 12 northern states between 1999 and 2001, because they felt it was either too watered down and discriminatory in favour of the rich and highly placed or that the whole of the Nigerian state should have been Islamized.

Harnischfeger (2014) also argued following this line of thought posit that at the height of the Sharia campaign, most political and religious leaders in the far north supported the introduction of harsher Islamic laws, yet made sure that these laws were implemented only in a selective and half-hearted way. The politicians are however responsible for Boko Haram because of the political gimmicks they played in the adoption of Sharia, they did not go for Sharia because they wanted religious purification in the north but for political motives, and then when they could not put Sharia into full practice nor continue with it, they set ablaze the incendiary centrifugal forces of religious fanaticism cum violence that we are all witnessed to.

It would be very difficult to leave out the Sharia thesis in the blossoming of the Boko Haram violence in Nigeria, especially giving the insincerity of the politicians in its application and adoption without due regards to the religious atmosphere of the North. The moment they introduced Sharia, they gave room for divisive tendencies that they might not be able to engage nor handle, they empowered radical Islamic groups who also seized this opportunity of Sharia to advance their interests. Harnischfeger contends that no Northern Muslim wants to leave in a Taliban-like regime even though they find it difficult to formulate an alternative if they distance themselves from the militants, it does not however

mean that the Militants could count on widespread support. In other words, as Montclos (2014,) argue that the radical form of Sharia that Boko Haram wants to impose does not correspond at all to the demand of a very large majority of Nigerian Muslims, which has been openly criticized by Islamic clerics. The core of the matter is that all hell was let loose when Sharia was introduced.

Another perspective on Boko Haram violence in Nigeria from literatures is that expressed by Kukah (2012), a scholarly clergyman from Northern Nigeria, he is of the view that bad governance is responsible for the Boko Haram violence in Nigeria. He went further by reiterating the effect of bad governance, corruption, total lack of security and welfare have all constitute the reality of our daily lives, thus in the eyes of the sect members, the persistent corruption, collapse of public morality, injustice and so on could only be attributed to those who govern. They thus reason that those who govern us have acquired their tools by gaining western education. The author argued (As cited in Agbiboa, 2013, p. 9).

Ojukwu (2011) submits that naturally, conflicts and violence can set in, in a state where there is crisis of governance and bad leadership which might be what elicited or provoked the current political disorder in the Northern region. The author argued that bad governance is one of the most theoretical explanations for state collapse. According to him, the phenomenon of governance emphasizes leadership, the manner in which political state leaders manage, use or misuse power to promote economic development or pursue agenda that undermine such goals. The author explained that governance must be

reflective of the various institutions that pervade the state, hence to him, there would not be good governance if there is no good leadership; the absence of both is responsible for the violence of Boko Haram. Hence, the emergence of Boko Haram is a direct consequence of government failure to provide the basic human needs of the citizenry (Ugwu, 2015). He continued by stating that the prevalence of abject and dehumanizing poverty; bad governance; high rate of unemployment; hunger and disease; rising tides of social unrest among others are the indicators of the failure of governance which according to him have created the breeding ground for the rise and escalation of Boko Haram insurgency.

Ilechukwu (2014) also surmised that corruption in government, unfavourable state of the economy among other factors is responsible for the radicalization of Boko Haram. Muzan (2014) in addition argued on a general note that religious & ideological discontent, political alienation, unemployment, poverty and discrimination are causative factors of insurgency in Nigeria. Council of foreign relations in the United States (2010, 2011) submits that governance failures is often how extremist groups have historically taken hold, resulting in political gains, as exemplified by Hezbollah in Lebanon and Hamas in Palestine. (as cited in Gourley 2012, p. 4)

In similar vein, Clinton (2009, p.1) on her visit to Nigeria noted that the most immediate source of disconnect between Nigeria's wealth and its poverty is the failure of governance at the federal, state and local level...lack of transparency and accountability has eroded the legitimacy of the

government and contributed to the rise of groups that embrace violence and reject the authority of the state (As cited Agbibo, 2013).

Oviasogie (2013) took a radical state-centric turn when he argue that state failure is responsible for Boko Haram activities in Nigeria; He went further to state that the characterization of Nigeria as a failed state has impacted in making it a breeding ground for terrorism. The problem with this line of argument is that even the author finds it difficult to reach a conclusion on whether Nigeria is actually a failed state especially given the fact that the various conceptualizations of a failed state depicts a situation of anarchy and loss of the state coercive powers. He stated again causal factors such as corruption, poverty and ignorance as causatives of terrorism even after the state failure thesis; this is however contradictory since the state failure thesis is inclusive of the causatives he outlined. Also, the fact that a state possesses the characters of corruption, poverty and ignorance does not make it failed; hence, the emergence of Boko Haram does not necessarily mean that Nigeria is a failed state. All these further expose the controversial nature of the state-failure thesis.

In similar vein, Okorie and Adebajo (2014) argued contrary to the above line of thought, he opined that the Nigerian state is not failed but fragile, as the characterization given for its failure only reinforces its fragility; characteristics such as poverty, corruption, low economic growth, unstable and divided population, legitimacy crisis, weak and ineffective and unstable political institutions and bad governance. All these are product

of the crisis of governance in the context of state-fragility.

The International Crisis Group (2014) also contends that the socio-economic conditions of resource curse and rampant, entrenched corruption constitute the context from which Boko Haram emerged. The group noted as it has done in previous reports that “bad governance, sustained economic hardship; rising inequality and social frustration are fostering the growth of radical extremist groups” (p. 8). According to the group, there is a complicated link between politics, governance, corruption, poverty and violence in Nigeria. They also cited declining human development resources, growing alienation and radicalization as factors to be considered in the emergence of Boko Haram.

Another interesting work is that of the United States Institute for Peace Special Report (2012,). They believe that Boko Haram is a creation of violence which was perpetrated against it by the Nigerian state. The institute is of the opinion that the way the Nigerian State handled the Boko Haram group is responsible for their resorting to violence. They opined that weakness in the institutions of politics and the security services creates a political situation where such threats to stability are not dealt with until violence is a certainty. Their only method of dealing with any threat against the state is violence. Boko Haram according to the institute was created under these circumstances. Aliyu et al (2015) also contends that political, external forces and lack of counter insurgency approach by the Nigerian government which are busy fighting the symptoms and not the root causes have been

identified as some of the major factors which has contributed in worsening the situation in the north eastern part of Nigeria.

Insurgency in Nigeria is unconnected with frustration caused by high rate of poverty, unemployment, weak governance, religious fanaticism and Islamic catechism known in Arabic as the Almajirai system, social inequality among others (Okoli et al, 2014, Akinbi, 2015). Aro (2013) in similar vein argued extensively that the same factors responsible for the emergence of other militant armed groups in Nigeria are also responsible for the emergence of Boko Haram. In fact, He took a cynical stance when he argued that Boko Haram is not the first militant group to arise in Nigeria and would not be the last, the reason he cited was that the factors that creates enabling environment for militant insurgency still persist in the country. These factors according to him are: ideology, unemployment, poverty, corruption and lack of development, fictitious fact and ignorance, failure of governance and good leadership, social justice, marginalization and neglect, human right violation and frustration. Aro defined fictitious facts as those facts that do not directly or physically exist; their existence can only be proved with the instrument of faith. They are facts that cannot be directly confirmed. Aro also reiterated a point espoused by the United States Institute For peace which opined that Boko Haram is a product of the Nigerian state, particularly the way they were handled by the state security apparatus. The implication of this argument is that Boko Haram as it is today is as a result of the way they were handled by the Nigerian security forces. Hence Boko Haram metamorphosing from a Dawah to an arms-bearing sect

was in part the making of the Nigerian security forces which approach the situation as one of law and order and thus responded as such, there was no attempt to see the issues raised by the movement in a broader multifaceted prism as political, social and economic (Mohammed, 2014).

Following this comprehensive state centric causative, Stevenson (2014, p. 3) in a comparative study of Boko Haram, ISIS, and Al-Shabaab stated that these three groups emerged out of crisis within their respective states. He went ahead to state specifically in page 25 of his study that the rise of Boko Haram in Nigeria could be traced to the challenges of governance in the North east, aggressive police response and prison breaks. But one would probably not be surprised giving the nature and character of the Nigerian state, the state itself is a law and order state, that is its colonial tradition and formative character, thus the post-colonial Nigerian fragile state is not different.

Mohammed in the process of setting a background for the emergence of Boko Haram by an examination of historical Islamic dynamics in Northern Nigeria argued thus:

The development of radical Islamist ideology in North-eastern Nigeria has drawn its inspiration from both internal and external sources. The external factors include the worldwide resurgence of radical Islam owing to the US global war on terror and the general decline in the living conditions in Muslim-majority countries, coupled with internal economic problems of urban destitution and rural decay in this part of Nigeria. A large pool of Almajirai and urban unemployed were conducive to the emergence

of Boko Haram (Mohammed, 2014, p 30).

Hence following Stevens's (2014) argument, the Nigerian state is a state in crisis, this crisis which is not exactly absence of law and order or violence simply means failure of governance or the continuous and consistent incapacity of government to deliver public goods. It is in this atmosphere of incongruity and failure and crisis that Boko Haram emerges.

Akuva, Zumve and Ingyoroko (2013) argued critically that corruption and dysfunctional state system is singularly responsible for terrorism in Nigeria. They believed that the root cause of terrorism in Nigeria is corruption and they collectively agreed that intellectual effort should be focused on the official corruption and if there is any need to do critical analysis on the emergence of Boko Haram. They surmised that economic deprivation, marginalization, frustration, and desperation experienced by the larger population of Nigeria which is a consequence of official production are the fundamental cause of terrorism in the present day Nigeria. Hence Boko Haram violence (my emphasis) is the underlying function of prolonged failure of the Nigerian state to deliver purposeful good governance. They added that religious and ethnic factors cannot be ignored as factors to be considered causatives of terrorism in Nigeria.

Adelabu & Oladele (2015) in line with the following argument also contend that terrorism (Boko Haram violence) which started as a form of state backed violence is a threat to the Polity. The nature and character of the Nigeria state is an invitation or call to anarchy which has led to political landscape open to various surge of uprisings and conflicts.

Due to the pluralist nature of Nigeria state, the issue of religion and ethnicity is now been implored as a protest groups under various disguises.

They reiterated that the greatest asset the Boko Haram sect has is the level of unemployment, infrastructural decay and official insensitivity to poor Nigerian. Oarhe (2013) reasoned that Nigeria with its ready pools of unemployed labour force, exploitative and unrepentant politicians, radical fundamentalist; large chunk of population prone to violence offers competitive advantage for militant and terrorist organizations. Hence, according to him, Boko Haram insurgency is provoked and reproduced by diverse factors, many of them mutually interactive. They include new patterns of social inequality; disjunctive process of democratization; criminal networks and other adverse effects of globalization and also, the perverse effects of mass media. Chinwokwu (2013) cited executive lawlessness, neo imperial elites, government insincerity and insensitivity, marginalization, unemployment and underemployment, absolute poverty, oppression among others as the root causes of Boko Haram violence in Nigeria. Hence, it is therefore partly the failure on the part of the leadership in the North and government to uphold the tenets of constitutions as contained in sections 16 and 17 of the 1999 constitution that has produced the social upheavals and terror that confronts the country (Adigbuo 2014). He added that this is what informed many analysts to argue that the principal cause of Boko Haram zealotry is the systemic failure of the political leadership to solve the nagging problem of poverty in the land.

Islam must however be examined through the prism of conservatism, modernism and fundamentalism. Fundamentalism is the most marginal. It perceived the existing political system as not effective and corrupt. The fundamentalist cite dysfunctional condition of the Nigerian state as the reasons for their actions (Chalk, 2004 as cited in Adigbuo, 2014, p. 3).

The existing literatures also do not consider the nature and character of the Nigerian state as it pertains to the rise of Boko Haram violence which would be interrogated in the present paper, the present work aim at unifying all these arguments and subsume them in the context of state fragility which would also bring to the fore other political economic issues that are culprit in the phenomenon of Boko Haram violence.

### **Theoretical Framework**

For this work, the Structural Functional theory is adopted as a framework of analysis. Structural functionalism has a sociological background. It developed from the works of Radcliffe-Brown, Talcott Parsons, and Robert K Merton. But it was brought into political science through the works of Easton, Gabriel Almond, and Coleman etc. Structural functionalism envisions society as a system of interconnected parts and they stress how these different parts work for the good of the system. Almond alongside his colleagues, Coleman and Powell on different occasions had explained the structural functionalist theory. Almond and Powell in 1960 using structural functionalism compared political systems in developing and developed areas. In the process, they see the state as a political system, instead of powers with its legal connotation, they used functions, instead of offices they used roles;

instead of institutions which direct thinking towards formal norms, they used structures and instead of public opinion and citizenship training, they preferred political culture and socialization. They described political system as that which allocates values by means of policies; the allocations are authoritative; and its authoritative allocations are binding on society as a whole (Fisher, 2010). Almond contends that political systems perform input and output functions. The input functions are: Interest articulation; interest aggregation; while the output functions are: rule making, rule adjudication, rule implementation. The system also performs the function of political communication, system maintenance and adaptation functions through political socialization and recruitment of people.

The fulcrum of Structural Functionalism theory is that systems which is an elaborate connotation for state has inbuilt structures which carry out designed functions for the survival of the state or political system. There is an organic relationship between these structures to the extent of an interrelated functioning so as to avoid system failure or system collapse. Hence, chaos arises if any part of the political system fails to perform its function.

The state itself is part of societal system and it could be considered as a political system. As a part of the societal system, there are functions expected of it to maintain the stability of the system. Systemic failure arises when the state fail in its responsibility to perform its functions. And as political system, the state becomes endangered when the structures of the state witness challenge in the performance of their functions.

Based on this theory, one can attempt an explanation that the structures of the Nigerian state has failed in its manifest functions to maintain the political system. The Boko Haram violence shows a lot about this failure in the political system

From the above explanation, the theoretical frame work of analysis explains that the fragility of the state is the fragility of the political systems and the structures whose designed functions determines its stability, the inability of the parts that makes up the political system to effectively perform the functions of input, output and system maintenance has affected the delivery of good governance that are capable of delivering public goods in the interest of the populace, hence, resistance and protest against the state such as Boko Haram violence. This extrapolation is not stressing the complete failure of the political system but rather the ineffectiveness and decay of the parts. This puts the state in a situation of fragility with dialectical conflictual patterns of actions and structures with political processes that legitimizes inequality and negative human conditions. This enmeshed the state in a cesspool of crisis and violence, against itself and against the people, consequently leading to such realities as the Boko Haram violence.

### **The Character of the Nigerian State**

The Nigerian state no doubt is a colonial infrastructure. It is an imposed state with an imperialist agenda. The colonial state however is a necessary infrastructure that was designed to remedy the hailing western capitalism. It was actually not meant to engender any meaningful development. The Nigerian state in its inception is not only a distorted version of the state but

it also facilitated the distortion of existing local pre-colonial structures. It was Olowu (1994) that argued that colonization has been the most important factor in the evolution of the modern African state. He added that colonialism sets the boundaries of the state, provided it with state structure, constitution, governance systems, bureaucracy, etc., as well as linked Africa with the global economy in a centre-periphery fashion. Hence, the structural weakness of African states can be traced to the colonial period and the peculiar nature of the political institutions that were imposed on the African societies by their colonial masters. Ekeh (1975) also alluded to this when he stated that it is to colonialism that any valid conceptualization of the nature of African politics must look. See also Alavi (1972) and Osaghae (1998).

The colonial state immediately displaced the pre-colonial state; this was the aim if imperialism was to be effectively perpetuated. It not only displaced the existing structure but also distorts and attempts a structural disarticulation of these pre-colonial structures. In his analysis of the colonial state, Olowu (1994) argued strongly that the colonial state is a state of conquest, created and sustained by force of arms, its emergence displaced and bastardised pre-colonial state structures, this it did for two reasons which are:

First, the colonial state was based on a theory of racial superiority best articulated in Lord Lugard's 'dual mandate'. It therefore had to supplant whatever 'inferior' institution it met. Secondly, the colonial state was short of personnel even for the purpose of affecting its overriding agenda of

extracting resources for the benefit of the metropole. To be able to secure law and order, it adopted an 'indirect rule' system whereby local chiefs were transformed into local potentates with absolutist powers similar to those of the colonial governors, even where there were stateless societies, the colonial authorities created 'warrant chiefs' (Olowu, 1994, p. 6)

It becomes easier to understand the dysfunctional character of the state system in Nigeria given the above historical exegesis. The character of the Nigerian state is a product of its colonial character, also, most of the characteristics of the colonial state also go for the post-colonial states since the state was inherited and not dismantled, it was just a mere change of baton. In addition, the colonial state from the above exposition is a law and order state and it explains the integration of the Nigerian state into the world capitalist system.

This analysis of the nature of the Nigerian state reveals that over concentration of power at the centre at the expense of the centrifugal arrangement is responsible for the various violent resistance on the state which itself is a direct consequence of structural and institutional inequality and economic neglect. Danjuma (2014) argued that because of the despotic and overbearing character of political leaders in Africa, the state has been entangled in basic and obvious contradiction of too much concentration of power at the centre at the expense of weak economies or low economic performance. He further argued that the economic crisis in most African states gave rise to the emergence of opposition political bodies and interest

groups that question the basis and legitimacy of their leaders. Danjuma cited Schraeda (2004)

The inabilities of most African leaders to meet with the yearnings and aspirations of her citizenry make the government rely heavily on the instruments of coercion in order to secure compliance. The struggle for power or access to the state resources eventually leads to sectarian violence in these countries. This further expands the problems of African states because it has greatly exposes their weaknesses, ineptitudes as well as their inability to maintain, defend and control their respective territories..... Some other studies on the nature of African states suggest lack of stable political system and development is responsible for the spate of political crisis in these countries. The failure of some of these states for instance Nigeria to perform or meet some of its basic functions and needs has been sole responsible for the creation of vigilante groups or ethnic militias that have been perpetuating violence against individual citizens (Danjuma, 2014).

The complexities of politics in Nigeria and the incompatibility between the state as an offshoot of society and the society itself creates contradictions that endanger the continuity of the Nigerian project. This is a peculiar nature of most African states, What Ekeh called the two publics. Ekeh argued that:

When one moves across western society to Africa, at least, one sees that the total extension of the western conception of politics in terms of a monolithic public realm morally bound to the private realm can only be made at conceptual and theoretical peril. There is a private realm in Africa. But this private realm is

differentially associated with the public realm in terms of morality. In fact, there are two public realms in post-colonial Africa, with different types of moral linkages to the private realm. At one level is the public realm in which primordial groupings, ties, and sentiments influence and determines individual's public behaviour. I shall call this the primordial public.... The primordial public is moral and operates on the same moral imperatives as the private realm. On the other hand, there is a public realm which is historically associated with the colonial administration and which has become identified with popular politics in post-colonial Africa. It is based on civil structures: the military, the civil service, the police, etc. Its chief characteristic is that it has no moral linkages with the private realm. I shall call this the civic public. The civic public in Africa is amoral and lacks the generalized moral imperatives operative in the private realm and in the primordial public. The most outstanding characteristic of African politics is that the same political actors simultaneously operate in the primordial and the civic publics (Eke, 1975, p. 92-93).

Eke added that the dialectical relationship between the two publics foments the unique political issues that have come to characterize the nature of African state and its politics.

The central issue in this analysis of the nature of the Nigerian state as a causative of insecurity is the fact that its incompatibility with the societal moral structure is as a result of the fact that it is a foreign infrastructure. It was not allowed to evolve from the societal

legal structure but rather a product of colonialism; hence the institutions of the state have a peculiar alien character. Thus according to Olowu (1994), the emphasis of this kind of distorted state seems to be on power to the exclusion of ethics and a complete reliance on western conceptions of authority and imported western institutions of government such as the legislature, executive, military etc., without the attending norms supporting them. This has alienated the African states from the past and the people.

It is this disjuncture between the state and society that underlie the legitimacy crisis which debilitates the state in Africa (Osaghae, 1998). Hence the amoral nature of politics and the prevalence of two divisive publics in Nigeria are responsible for the contradictions that beset the Nigerian state. Insecurity is just one out of the numerous consequences of these contradictions. This according to Ake (1989) as cited in Olowu (1995) arises because the state belongs to few, it does not belong to all, and therefore a large portion of the society is stateless. The implication of this according to Olowu is that the state becomes non-accountable and does not respond to the wishes of the people. As such, these stateless individuals (my emphasis) are subjected to the oppression of the strong ones. This generates violent clashes and weakens the capability of the central authority to maintain effective control over the people therefore giving rise to various typologies of the state (Danjuma, 2014). The Nigerian state is characterized by class inconsistencies and complexities as no class can effectively lay claim to it, it has a dysfunctional hegemonic class arrangement or order incapable of

staring it out of crisis. No one single class can lay claim to the Nigerian state, hence, there is no hegemonic hold or influence.

Another character of the Nigerian state as captured by Osaghae (1998) He posited that the federal system adopted in 1954 which has been in decline since late 1970s underlies some of the peculiar features of politics in Nigeria. Principal among these according to Osaghae is the legitimization of accommodationist demands which are intolerable in most other African states. This includes demands for equitable power, resource and power sharing, which frequently involve extra-parliamentary tactics by aggrieved groups. Another of these features is the live and let live political culture which moderate political competition in a way that makes monopolization or domination of state power by a single group unacceptable.

A third feature is the deflection of conflict of local nature to the states and local government leaving only conflict of national significance to the center. This federal character of Nigeria inherited from the colonizers has generated questions of national significance that has continued to query the logic and integrity of the Nigerian project. Call it national question but the fact is that they had their antecedents in the colonial state and since inception these questions have been a protest on the federal state and the Nigerian project. This thematic issue of state formation and its peculiar character explains the Boko Haram violence. It first and foremost infects the state with a fragile character which in turn explains the various violence and protest against the state of which Boko Haram violence is one in many.

## **State Fragility and the Challenge of Boko Haram Violence**

What kind of state is faced with the challenge of armed groups, in what kind of state would violence such as that of BH linger for long with many casualties and hundreds of thousands of internally displaced persons? This paper has emphasized the fragility of the Nigerian state as an evidence to explain and justify the reason why it seems helpless and incapable in the face of BH violence. It is also worthy to note that one of the peculiarities of this fragile context of violence is that a fragile state begets contradiction and opposition for itself and even if it succeeds in quelling one, it is faced with another, this is because of its structures and neo-patrimonial leadership who sees the state as a personal property to acquire private ends, therefore rendering a large portion of the population stateless. We defined this context as that of violence because right from its inception, the state in Nigeria is always in one crisis or the other, facing one armed group or the other. This context of violence breeds and sustains armed groups violence and also this violence reinforces state fragility. Having set a contextual background for the BH and other armed groups violence, the next step would be to interrogate the fragile context conceptually and examine the core characteristics of fragile states and then establishing the challenge posed by BH.

Our connotation of fragility is in line with Brock et al (2012) which posits that the normal connotation of ascribing a state has failed, weak and fragile states is not only descriptive, but also has a normative connotation: states is not functioning and is not meeting up to her responsibilities. In justifying the

neo-patrimonial character of the fragile states, Brock et al (2012) stated that fragile states are dominated by social forces and political groups who use the language of modernity and development to give legitimacy and subsequent exploitation of the state as a source of private enrichment and accumulation, hence fragile states are states on the brink; they do not have what it takes to effectively perform the function of statehood, it is an ineffective state in a precarious condition, it is however not a failed state. Hence, fragile states are often characterized by ongoing violence and insecurity, a legacy of conflict, weak governance and inability to deliver public goods (World Bank, 2007 as cited in McLoughlin, 2012, p. 8).

Political instability, economic failure, social dislocation, institutional and policy weaknesses and failures are all integral elements of state fragility which by definition gives primacy to the political correlates of statehood (Osaghae 2010). He further argued that fragile state lacks the capacity to function as an effective or capable state. In order words, the emphasis of state fragility concept is not only on personality or leadership but on institutional capacity and structural functionality and efficacy. Development Assistance Committee (DAC) of the OECD suggests that states are fragile when state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development and to safeguard the security and human rights of their populations (OECD 2007 as cited in Brock et al 2012).

Osaghae argued that a fragile state cannot function effectively as a responsible state because it lacks the

capacity, he continued by citing von Einsiedel (2005, p. 15) who wrote that such state has lost its power to confer identity, lost its legitimacy and can no longer assure security. It is no longer able to maintain the monopoly of the instrument of violence (Ignatieff, 2002, p. 117 as cited in Osaghae 2010) and it is vulnerable to collapse and conflict, in order words, according to Osaghae, fragile states have the potential to self-destruct, they are vulnerable to collapse. He cited some features of fragile states which are worth noting in this work, they are:

- Weak and ineffective bureaucracy, civil service and public agencies;
- Lack of capacity to enforce rules and regulations and exercise effective jurisdiction over its territory and to defeat/control opposition groups, militants, rebel forces, warlords, urban gangs and the like, leading to the recent concept of ungoverned territories;
- Lack of capacity to extract surplus and taxes, and manage resources and the economy.
- Endemic legitimacy crisis manifest in problematic national cohesion, unequal and contested citizenship, disorderly, inconclusive and violent elections, and contestations for state power as well as challenges to the validity of the state.....
- Unstable and divided population torn apart by fractured social fabric, minimum social control and pervasive strife that encourage exit from rather than loyalty to the state.
- Weak regulatory and conflict management institutions, including police and other security forces, credible judicial structures and access to justice, all of which encourage resort to conflict-ridden, violent, non-systemic and extra-

constitutional mode of grievance articulation and redress seeking.

- Decay and collapse of physical and social infrastructure, especially the health, education and social service delivery sectors....

The Nigerian state evinces most of these characteristics, it is worthy of note to state that these characteristics did not just surface, they arise as a result of the peculiarity of the state creation process and has been there since the inception of the Nigerian state. It is this condition and context that necessitates the emergence of the radical Islamic group called Boko Haram and it would still be this condition that would give rise to a much more anti state armed group even if Boko Haram is defeated except if these conditions are collectively and immediately addressed. The logical reason is that fragile states fight war on several fronts and because of the flexibility of their social political enclaves and the already heated polity and the fact that the state does not have effective control over its territory, the instruments of violence freely comes in and go out at will creating an incendiary for a cesspool of violence. Fragile states like Nigeria are always at war but in their own case, they are always at war with themselves. Fragile states are held together by force of arm and usually have a very strong centre, the reason is that they cannot afford to have a weak centre or else, the already precarious mansion would fall like a pack of card. They are what Alavi (1972) called the law and order state or the overdeveloped state. Nigeria typifies this analysis.

To further our analysis of the fragility of the Nigerian state, it might be necessary to take a critical look at the Fragile State Index by the Fund for

Peace. The organization examines state fragility in all countries of the world by looking at three core factors which are economic, social and political/military which are further divided into some sub groups. The higher the score, the greater the instability in such country and vice versa. The Fund for Peace argued that in spite of the peaceful election which was against all expectations, the underlying drivers have not gone away. One wonders what the organization meant by 'underlying drivers,' In this case, they meant that the triggers of violence are still very much there, because the factors of fragility still remain and even if the state survives a stage, it is not a guarantee that it would sit back because it is a systemic thing which eventually triggers violence.

Boko Haram has effectively taken advantage of this context of fragility and had become one of the deadliest terror groups in the world. They have defied all effort at taming them and have resorted to suicide bombing of soft targets and deploy the tactics of unconventional warfare to unleash mayhem on Nigerians.

For the year 2015, The Vanguard newspaper (July 12, 2015) reported that 444 people were murdered by BH in 39 days after President Muhammadu Buhari was inaugurated. Vanguard newspaper (September 21, 2015) also reported that at least 54 people had died in the previous day coordinated strikes by BH with 90 injured, but residents that were caught up in the explosions said as many as 85 lost their lives. The paper claimed that Nigerian Authority have continued to downplay the enormity of the attack. The Cable online news media in Nigeria did a detailed compilation of all BH attacks

that took place in 2015, at the end of it; the death toll of all BH attacks in 2015 alone was 4,780.

The Information above has shown that in the last few years, BH has practically operated with impunity and without any serious hindrance from the Nigerian state. In just few years of their emergence, they have grown to become one of the world's most feared and deadliest terrorist groups. The extent at which they perpetrate violence on the Nigerian state seems unprecedented in the history of the country even as the data above has shown. The above information clearly exposes the fragility of the Nigerian state and its inability to perform its manifest function of law and order and security of lives and property.

Boko Haram engages in well-coordinated simultaneous attacks on a continual and daily bases across the northeastern zones even outside it to the northwest and federal capital territory, Abuja, they carry out targeted assassination and bank robbery and even take on security forces. Since 2009 till date, the rate in which violence is being carried by Boko Haram on a daily basis is so enormous. The information above also shows that the state and its security apparatus cannot gather intelligence or lost the capacity because of the spate of the attacks. However, the most important is the fact that the BH violence is a war against the state.

The context of violence that Boko Haram takes full advantages of the extant issue of state formation in Nigeria. This root cause is what is ignored and substituted with the conventional symptoms of unemployment, Islamic radicalism, porous border, corruption and the likes. The state is central in the emergence of

Boko Haram violence, the state formation determines the strength, capacity and preparedness of the state to handle issues such as Boko Haram irrespective of the number of times they occur. But porous and conflict based formation character of the state which itself is precarious and fragile making it susceptible to every wind that blows makes it prone to every dissent, the fragile formation itself is founded upon dissent. It is the fragile character of formation of the Nigerian state that reinforces dissent and violence directed at the state such as Boko Haram and these crises in turn further reinforces state fragility. Hence the much talked about problem of federalism, corruption, Islamic radicalism, porous border, bad leadership is all symptoms of state fragility. Thus the state fragility having its root from the character and formation of the Nigerian state explains the susceptibility of the Nigerian state to violence, why it lingers and never truly quelled except that it takes another shade.

### **Conclusion**

This paper has established the centrality of the state in the Boko Haram violence. It explains the fact that state fragility is responsible for BH violence in Nigeria. The work however explained that even if the state defeats the BH terrorists, it might not be an end to violence against it, the reason being that the structures and the institutions of the state are designed in such a way that it gives room for dissent and anti-state struggles and until that context of fragility is addressed, even if BH violence is quelled, another is likely to arise.

### **Recommendations**

The real issues need to be addressed and not the symptoms. The real issue is the crisis of state formation, the state in Nigeria is not original to the people hence majority of the people do not identify with it and all seek for their own state to cater for their needs. The fragility of the state in Nigeria is a function of its formation. The present nature of the Nigerian state would continue to give room for dissent and anti-state struggles.

An overhauling of the Nigerian federalism and re-institutionalization of true federalism is recommended; this of course is not possible without a major amendment of the constitution. This amendment must be witnessed by representatives of the six geopolitical zones. Alternatively, a truly sovereign national conference, a genuine sovereign national conference that is not limited in the sphere of the matters it is meant to discuss, the so called no go areas must be the areas that must first and foremost be addressed is also recommended.

Groups of people whether diverse or not must negotiate their way to statehood whether through war or through a round table. The state formation process and the state itself must be owned by the people and not a foreign infrastructure and to own the state is to own its formation process. Until this fundamental issue of state is addressed; even if the government succeeds in defeating BH, there are other groups armed to the teeth ready to take on the state to seek redress to their grievances

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# Deconstructing the Doctrine of State of Emergency in Nigeria: A Human Security Perspective

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**Abstract:** This article aims at deconstructing the notion of ‘State of Emergency’ as it is conceptualized within the Nigerian context. Though a federal state, under Section 305 of the 1999 Constitution of the Federal Republic of Nigeria as amended, only the President is empowered to declare a ‘State of Emergency’ in the country or any part of it with the exclusion of the States and Local Governments. Though Section 5(2)(a) vests in the Governor the executive powers of his state, he is not empowered to exercise emergency powers rather Section 305 (4) requires him to request the President to proclaim same in the event that any of the situations specified in subsection (3) (c), (d) and (e) of the same section. Meanwhile, Section 2 (2) of the same Constitution describes Nigeria as a federation consisting of states and a federal capital territory. Besides, Sub-section (3) describes the conditions that warrant such a proclamation to include war, looming threat of invasion, collapse of public order and safety, incidence of natural disaster as well as any other danger that undermine the existence of the federation while ignoring the threats to human security that equally undercut the sovereignty, territorial integrity and independence of the country. Drawing from comparative analysis of qualitative data collected through secondary sources and appropriating of the theoretical paradigm of human security, this paper argues that the theory and practice of state of emergency in Nigeria is too reductionist and unitary in jurisdiction. The paper therefore recommends an expanded application of the doctrine of State of Emergency in terms of scope and jurisdiction to include threats to human security as well as the exercise of emergency powers by the three tiers of government that make up the federation.

**Keywords:** Federal State, Human Security, Jurisdiction, Nigeria, Emergency Rule

## **Introduction**

I assume unhesitatingly the leadership of this great army of our people dedicated to a disciplined attack upon our common problems.... I am prepared under my constitutional duty to recommend the measures that a stricken nation in the midst of a stricken world may require.... But in the event that the Congress shall fail to take (the necessary measures) and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis - broad Executive power to wage war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe (Roosevelt, 1933 cited in Agamben, 2004, pp 11-22)

From the classical political theorists including eighteenth Century English philosopher, John Locke, the exercise of emergency powers had long been a subject of immense concern (Relyea, 2007). Though popular for his advocacy of a government of laws and not of men, however, John Locke opined that circumstances may arise when the executive must exert a wide discretion in meeting special exigencies or emergencies for which the legislative power provided no relief or existing law granted no necessary remedy (Relyea, 2007). When confronted by threats to their existence, states resort to emergency regimes (which include state of emergency, state of exception, state of siege and martial rule) which permit them to legally suspend the law and violate human rights (Kamga, 2015).

In Nigeria, under Section 305 (1) of the 1999 Constitution as amended, only the President is empowered to declare a state of emergency in the Federation or any part thereof. Meanwhile, Section 2 (2) of the same Constitution describes Nigeria as a federation consisting of states and a Federal Capital Territory arising from which, Section 5 (2) (a) vests in the Governor of a State the executive powers of that state while Section 176 (2) describes the Governor as the Chief Executive of his state which invariably makes him the Chief Security Officer of that state underscoring the formal division of governmental powers among the component units that make up the federation. This notwithstanding, the Governor is not empowered by the same constitution to declare a state of emergency within his domain rather Section 305 (4) stipulates that the Governor of a state, may, with the sanction of a resolution supported by two-thirds majority of the House of Assembly, request the President to issue a proclamation of a state of emergency in the state when there is in existence within the state, any of the situations specified in subsection (3) (c), (d) and (e) of the same section and such a situation does not extend beyond the boundaries of the state.

Subsection (3) identifies the conditions that can warrant such a proclamation to include when: the Federation is at war, the Federation is in imminent danger of invasion or involvement in a state of war, there is actual breakdown of public order and public safety in the Federation or any part thereof requiring extra ordinary measures to avert such

danger, there is an occurrence or imminent danger, or the occurrence of any disaster or natural calamity affecting the community or a section of the community in the Federation, there is any other public danger which clearly constitutes a threat to the existence of the Federation or the President receives a request to do so in accordance with the provisions of subsection (4) of the constitution and in extreme situation where the Governor fails to make the request as provided for in subsection (5) (The Guardian Newspaper, 2004; Lawyers Alert, 2013).

The aforementioned conditions are preoccupied with the traditional belief that a state of emergency is declared in response to circumstances threatening the state's existence such as natural cataclysms, invasions and general insurrections (Kagma, 2015). Besides, they fail to consider the federal structure in the country with formal division of powers among the component units. However, exceptional situations that call for a state of emergency transcend threats to the sovereignty, territorial integrity and political independence of a state to include those conditions that pose serious threat to human existence and by extension the survival of the state. Threats to the survival, livelihood and dignity of individuals and communities which are fundamental to national security should equally fall within the parameter of what constitute a state of emergency.

The above scenarios have raised two pertinent analytical issues bothering on scope and jurisdiction: what should be the scope in terms of the situations that could precipitate the declaration of a state of emergency? Secondly, which authority (s) in terms of tier (s) of

government within the Nigerian state should have jurisdiction to proclaim a state of emergency in Nigeria? This study is significant in two ways. Firstly, the paper appears to be one of the foremost attempts at employing a people-centred, context-specific, comprehensive, multi-sectoral and prevention-oriented paradigm (human security approach) at interrogating the notion of state of emergency both in theory and practice within the Nigerian context as there is quite insignificant number of studies in extant literature on this particular aspect of Nigerian government and politics. Secondly, its policy implications are overly remarkable considering the escalating wave of humanitarian emergencies in Nigeria (the highest ever since the civil war ended in 1970) that have not only threatened the survival of the country but also challenged the capacities of government at all levels in discharging their responsibilities to the citizens.

### **Historicizing the Doctrine of State of Emergency in Nigeria**

Historically, the idea of state of emergency could be traced to Rome when a dictator who was a temporary officer was appointed to provide ad-hoc leadership in a national emergency (tumultus) by repulsing attacks from abroad or quelling internal rebellion (Fatile and Ejalonibu, 2014). However, it was not until the 18th and 19th Centuries that European Constitutions cautiously started to elaborate the notion of a constitutional state of emergency though they characteristically left the essential information to separate legislation (Sheppele, n.d. as cited in Sheeran, 2013). To properly situate the evolution of a state of emergency in Nigeria, it is imperative to look at the country's

colonial heritage. Following the scramble for Africa by European powers between 1884-85, Berlin Conference was organized to partition Africa among the contending colonial forces. In that rush to partition the continent into spheres of influence, the diverse political cultures, language or social organization of the indigenous Africans were not taking into consideration (Ocheje, 1999). The implication of this is that in all the colonized territories, colonial officials were granted extensive administrative power with little or no institutional checks making the colonial administration extremely centralized, bureaucratic and pseudo-military (Ocheje, 1999).

Owing to the belief that good government was not dependent on institutional limitations but rather on the wisdom of men, the unfolding scenario in the British colonial administration was reminiscent of the state of emergency as can be seen for instance in the Orders-in-Council that empowered Commissioners to promulgate ordinances for the administration of justice, revenue generation, and generally for the peace, good order and good government of all persons in the colonies (Seidman, 1970 as cited in Ocheje, 1999). The fallout from this institutionalized alienation between the colonial state and the aborigines is that when self rule was finally granted to Nigeria in 1960, some of the laws were passed on the country; a good example is the administrative law where bureaucrats and other state officials enjoy very broad discretionary powers in their dealings with the people and often times, due process was relegated to the background in criminal law and procedure which permit

preventive detention and extensive but hardly supervised police powers and in constitutional provisions which grant emergency powers (Ocheje, 1999).

Based on this orientation, upon the exit of the British colonialists from Nigeria, all the constitutions from the 1960 independence constitution to the current 1999 constitution as amended made provisions for the exercise of emergency powers. In 1962, the then Prime Minister of Nigeria, Tafawa Balewa, citing lack of properly constituted government in western Nigeria and the need to maintain peace, order and tranquillity throughout all parts of the federation in the face of the political turmoil that engulfed the Action Group (AG), declared the first state of emergency in the Western region pursuant to Emergency Powers Act of 1961 (Teniola, 2017). As a fallout of this, series of Emergency Powers Regulations were promulgated by the Governor General comprising Emergency Powers (General) Regulations, 1962 (LN No 54 of 1962); the Emergency Powers (Detention of Persons) Regulations, 1962 (LN No.64 of 1962); the Emergency Powers (Restriction of Orders) Regulations, 1962 (LN No.65 of 1962) (Udoma 1994 as cited in Fatile and Ejalonibu, 2014).

Also, in an effort to de-escalate the ethnic tension that enveloped Nigeria in the aftermath of the counter coup of July 27, 1966 that led to the assassination of the then Head of State and Supreme Commander, General Aguiyi Ironsi, the military administrator of western region, Brigadier General Adekunle Fajuyi and many others, the former Head of State, General Yakubu Gowon, declared a state of emergency on May 27, 1967 and carved out twelve states from the four regions

(Encyclopedia Britannica, 2014). Similarly, on May 18, 2004, following sectarian violence between Muslim and Christian communities in Plateau State that started since September 2001 and claimed as many as 2,000 lives, former President Olusegun Obasanjo, citing Section 305 of the 1999 Constitution of the Federal Republic of Nigeria, imposed a state of emergency on Plateau State, suspending the Governor and State House of Assembly (Aluko, 2004). Also, following the conflict between the executive and legislature in Ekiti State, former President Olusegun Obasanjo, declared a state of emergency in that state on October, 2006 in order to ensure that peace and orderliness returned to the Ekiti State (Alemika, 2013 as cited in Fatile and Ejalonibu, 2014).

History repeated itself on December 31, 2011 when former President, Goodluck Jonathan declared a state of emergency in 15 local government areas spread across 4 northern states of Borno, Niger, Plateau and Yobe following a series of bombings by the dreaded Islamic Sect, Boko Haram (Onuah and Cocks, 2011). Finally, as a result of series of attacks that climaxed to the forceful seizure and occupation of territories in parts of north-eastern Nigeria by Boko Haram, the administration of Goodluck Jonathan on May 14, 2013, declared a state of emergency in three north-eastern states of Adamawa, Borno and Yobe which was extended twice at the expiration of the first duration of six months (Ekujumi, 2013).

### **Exploring the Basic Concepts**

Two fundamental concepts form the conceptual thrust of this discourse, namely state of emergency and human security. This segment explores these

concepts with a view to clarifying and situating their meanings for the purpose of shared understanding.

### **State of Emergency**

According to Lord Dunedin in *Bhagat Singh vs King Emperor*, “a state of emergency is something that does not permit of any exact definition but connotes a state of matters calling for drastic action” (Dunedin, n.d. as cited in *Laws of Bangladesh*, 2012). On his part, Stephen Marks (Marks, n.d. as cited in *Laws of Bangladesh*, 2012), defines emergency as a situation which results from a temporary condition, which places institution or the state in a precarious position, which leads the authorities to feel justified in suspending the application of certain principles. As noted by Roumy, (2006 as cited in Kamga, 2015), the notion of a state of emergency, state of siege or state of exception as it is known in various climes is not only pervasive but also rooted in the past having derived its doctrinal foundation from canonical maxim *necessitas non habet legem* which when translated in English language means that necessity knows no law or necessity creates its own law.

Though prevalent but varies from country to country and from situation to situation, the rationale behind the idea as Kamga (2015) noted is to serve as a soothing measure to remedy the inadequacy and deficiency of the law as well as provide a contingent solution geared towards addressing a particular emergency. Two key separate but compatible elements of a state of emergency have been identified: a legal framework consisting of the constitutional and legislative bases for the state of emergency and an operational framework involving the organizational structure and strategic

plans for dealing with the state of emergency (Law and Powers, 2005).

### **Human Security**

The human security paradigm which was introduced in the 1994 global Human Development Report (HDR) is defined as people's safety from chronic threats and protection from sudden hurtful disruptions in the patterns of daily life (Dorn, 2017). The key components of human security as contained in the 1994 HDR are 'freedom from fear' and 'freedom from want' (UNDP, 2013). At the centre of human security approach is the survival, livelihood and dignity of human populations. The basic features of the human security paradigm are: people-oriented (focus on the individual as the centre of analysis), multi-sectoral (widened understanding of threats and causes of insecurity), comprehensive (all embracing approach at tackling human insecurity rather than disjointed unconnected responses), context-specific (recognition of the fact that there is variation in insecurity across different settings and proffering of solutions that address particular situations they seek to address) and finally prevention oriented (focus on the root causes of a particular threat, ways of mitigating the impact and where possible prevent the occurrence of current and future threats) (United Nations, 2014).

Human security has seven distinct but related dimensions: economic security, food security, health security, environmental security, personal security, community security and political security. Economic security includes insured basic income and employment as well as access to such social safety net; food security deals with access to basic nutrition and food

supply; health security encompasses access to safe water, living in a safe environment, access to health services, prevention of diseases as well as basic knowledge of how to live a healthy life; environmental security addresses issues such as prevention of pollution, guide against deforestation, conservation of irrigated land, prevention of natural disasters such as droughts, floods, cyclones, earthquakes etcetera; community security deals on the preservation of commonly held values, abolishment of ethnic discrimination, prevention of ethnic conflicts and the protection of indigenous people and lastly, political security that aims at protecting human rights and well-being of all peoples as well as protection of the populace against state repression (UNDP, 2013).

### **Deconstructing the doctrine of State of Emergency in Nigeria: A Human Security Perspective**

Since independence in 1960, all the constitutions enacted by the country clearly define state of emergency from the perspective of threats to the country's sovereignty, territorial integrity and political independence. Consequently, Section 305 of the 1999 Constitution as amended empowers the President to issue a proclamation of state of emergency in the federation or any part thereof. Sub Section (3) stipulates that the President shall have power to issue a Proclamation of state of emergency only when: (a) the Federation is at war; (b) the Federation is in imminent danger of invasion or involvement in a state of war; (c) there is actual breakdown of public order and public safety in the Federation or any part thereof to such extent as to require extraordinary measures to restore peace and security; (d) there is a clear and

present danger of an actual breakdown of public order and public safety in the Federation or any part thereof requiring extraordinary measures to avert such danger; (e) there is an occurrence or imminent danger, or the occurrence of any disaster or natural calamity, affecting the community or a section of the community in the Federation; (f) there is any other public danger which clearly constitutes a threat to the existence of the Federation; or (g) the President receives a request to do so in accordance with the provisions of subsection (4) of this section. The above provisions suggest that emphasis has been more on the threats affecting the territorial integrity of the country.

However, from that 1962 when the first emergency rule was proclaimed till date, there have been several threats to human security within the federation that ordinarily should lead to the declaration of a state of emergency. Looking at the seven components of human security as highlighted in the segment on conceptual issues above, incidents of persistent poverty and unemployment (economic security threats); hunger and famine (food security threats); deadly infectious diseases, unsafe food, malnutrition, lack of access to basic health care (health security threats); environmental degradation, resource depletion, natural disasters and pollution (environmental security threats); physical violence, crime, terrorism, domestic violence as well as child labour (personal security threats); inter-ethnic, religious and other identity based tensions (community security threats); political repression as well as human rights abuses (political security threats) (UN, 2009) have become symptomatic of the country's national life. Yet, these humanitarian

crises have not led to the proclamation of a state of emergency. Suffice it to say that often times in Nigeria, the government comes up with statements suggesting that it has declared a state of emergency in certain sectors of the country's national life (statements such as the federal government has declared a state of emergency on education, hunger, health, economy among others), however, such pronouncements are mere rhetoric as they do not translate to a proclamation of a state of emergency because as Ozbudun & Turhan (1995) observed, for a declaration to constitute an emergency rule, the law must grant extraordinary powers and as such, any proclamation of a state of emergency that is not supported by the grant of extraordinary powers does not amount to an emergency rule in the ordinary sense of the word.

On the threats to economic security, poverty is so widespread and persistent in Nigeria that the latest poverty report by the National Bureau of Statistics (NBS) indicates that about 112 million Nigerians (that is 67.1 per cent) of the entire population of 162 million live below poverty level (Ahiuma-Young, 2016). The situation is so critical that the International Labour Organization (ILO) has estimated that nothing less than \$10 trillion will be required to eradicate poverty in Nigeria and other developing countries from 2016 – 2030 (Ahiuma-Young, 2016). Also, the NBS observed that 29 million Nigerians are jobless as the unemployment rate in Nigeria rose from 13.9 per cent in the 3rd Quarter of 2016 to 14.2 per cent in the 4th Quarter of the same year (Vanguard Newspaper, 2017; National Bureau of Statistics, 2017). Meanwhile the Bureau has projected an increase in the unemployment rate in the 4th

Quarter of 2017 as a result of the economic recession experienced in the country (Danjuma, 2017).

As disturbing as these revelations are, the Nigerian government has not deemed it necessary to take extraordinary measures to address these economic challenges. However, as far back as October 1923, as a result of the depreciating value of German Mark, the government invoked Article 4 of the Constitution to declare a state of exception to be able to cope with the fall of the currency; thus, corroborating the inclination in modern times to conflate politico-military and economic crisis (Attell, 2004). Also in 1933, in order to cope with the "Great Depression", extraordinary and unlimited powers (through a series of Statutes culminating in the National Recovery Act of June 16, 1933) were delegated to US President, Franklin Roosevelt to regulate and control every aspect of the economic life of the country (Attell, 2004). In recent times, amidst biting economic crisis, President Nicholas Maduro of Venezuela, issued a decree that assigned extra powers to him to tackle the country's economic challenges (Hutt, 2016). The basic need of man (food) is not left out. Comparing agricultural research ratings of countries such as Brazil, India, and China among others, international experts noted that while those countries are moving upward, Nigeria is sliding downward on yearly basis with attendant increase in food insecurity in the land heralding danger of malnutrition and famine (Umoru, 2017). Conversely, in Malawi, arising from worsening food shortages occasioned by drought which has subjected about 2.8 million people (close to 20 per cent of the total

population) to food insecurity, the President, Peter Mutharika, declared a state of national disaster to address the problem (Aljazeera, 2016).

Health services are also facing serious threats. In the entire northeast, 6.9 million people are living in areas with inadequate health services including more than 68 per cent of the 1.8 million Internally Displaced Persons (IDPs) living in host communities across Adamawa, Borno and Yobe states (United Nations High Commissioner for Refugees, 2017). Also disturbing is the fact that interventionist programmes are being hampered by lack of qualified staff and essential medicines as well as the destruction of health facilities. Report from World Health Organization (WHO) shows that at least one third of more than 700 health facilities in Borno State have been utterly ruined while one third of the remaining facilities are not functioning at all (Ogundipe and Olawale, 2016). According to the report, 35 per cent of the 743 health facilities in Borno State are completely destroyed, another 25 per cent partially damaged and only 34 per cent are intact (VOA News, 2016). 31 per cent of the 481 health facilities that have not been damaged are not functioning for lack of access due to insecurity while almost 60 per cent of the facilities have no access to safe water; 35 per cent have no access to any water at all and 3 out of 4 (73 per cent) facilities lack enough chlorine stocks to decontaminate the water used in the facility ((Ogundipe and Olawale, 2016). In Slovakia however, following the resignation of 2,400 doctors that rejected pay rise offer of £300, the Interim Prime Minister, Iveta Radicova, declared a state of emergency on November 28, 2011 at 15 state-run hospitals (Vilikovska, 2011; Boyd, 2011).

On environmental threats, Nigeria is reported to have one of the most environmental records in the world (Tasihu, 2010). In the Niger Delta region for instance, as a result of oil exploration and exploitation by the oil companies, there is an alarming rate of environmental degradation. According to the Director, Health of Mother Earth Foundation, Mr Nnimmo Bassey, since more attention is given to oil exploitation with less on maintenance, the soil, foods and ecosystem have been contaminated (Enietan-Matthews, 2015). Similarly, in the northern part of the country, an environmentalist, Desmond Majekodunmi has estimated that hundreds of thousands of people will become environmental refugees arising from climate change and unabated deforestation that have caused desert encroachment (Onoh, 2014). Furthermore, more than half of Nigeria's primary forests is lost to deforestation while erosion due to flood is occurring at an increasing and alarming rate (Tasihu, 2010). Compared to what is obtainable in some other countries, Nigeria has not taken extraordinary measures to address these threats. For instance, former US President, George Bush, placed two American states of Mississippi and Louisiana under emergency rule following the Hurricane Katrina threat in 2005 (Hutt, 2016). Also, a state of emergency was declared in Japan in 2011 due to the massive tsunami that affected the three nuclear reactors housed by the Fukushima power plant (Hutt, 2016).

Threats against persons and their belongings are quite prevalent. Crimes such as murder, manslaughter, infanticide, concealment of birth, rape and other physical abuses against

human beings are widespread while those against human belongings such as stealing, receiving stolen properties, obtaining property by false pretence, robbery, burglary and house breaking are common (National Bureau of Statistics, 2017). According to the crime statistics for year 2016 released by the NBS, out of a total of 125,790 cases reported, offence against property recorded the highest with 65,397 cases reported followed by offence against persons which stood at 45,554 reported cases (National Bureau of Statistics, 2017). Conversely, in Trinidad and Tobago, arising from the killing of 11 people in a couple of days, the Prime Minister, Kamla Persad-Bissessar declared emergency rule for 15 days on August 21, 2011 to halt the violent activities of rampaging thugs bent on unleashing havoc on the country (BBC News, 2011).

Community security threats are not left out. With its multi-ethnic nature, Nigeria has been experiencing inter-ethnic, religious and other identity based tensions. In the conflict prone "Middle Belt" region for instance, impunity for cycles of uninhibited and unpunished violence between nomadic Fulani pastoralists and farming communities has promoted its spread to other areas. In February, 2016, for two weeks, in retribution for the killing of their cattle, armed herdsmen attacked 11 communities in Benue killing many people; the case is not different in Ukpabi Nimbo of Enugu state where similar attacks on April 25, 2016 left 12 people dead while Korum Orawua and Gidan Bature communities in Taraba state were not spared as violent attacks of May 7, 2016 led to the death of 6 people (Human Rights Watch, 2017). However, in Myanmar, sectarian

violence between Buddhists and ethnic Rohingya Muslims in the town of Meiktila in central Myanmar that displaced over 8,000 people, destroyed more than 1,000 homes and buildings, including mosques and left over 40 people dead, prompted the proclamation of a state of emergency on March 22, 2013 (Reliefweb, 2013). Also, on March 5, 2007, a state of emergency was declared in Vanuatu after clashes on March 3, 2007 at the capital Port Vila between Islanders from Ambrym and Tanna resulted in three deaths and destruction of property (The Economist Intelligence Unit, 2007; BBC News, 2017).

Lastly, repressive activities of the government and human rights abuses constitute the major threats to political security among Nigerians. A report by the Amnesty International describes the human rights situation in Nigeria as “pretty shocking”. The human rights organization notes that women, men and children live in continuous fear of murder and abduction by Boko Haram and of arbitrary arrest, unlawful detention, torture and even executions at the hands of security forces (Obi, 2015). However, it is worthy to note that arising from Chinese intervention in the Korean war that lasted between 1950-1953, former US President, Harry Truman, declared a state of emergency by beckoning on the American people to help construct an “arsenal of freedom” over threats to Americans by what he proclaimed “Communist Imperialism” (History.com, 2009).

The pertinent question however is whether these threats to human security can justifiably constitute emergency that necessitates the proclamation of a state of emergency? For constitutional theorists certain limitations abound with

reference to circumstances that can lead to the declaration of state of emergency. In their view, while international law has a role to play in establishing the propriety and or otherwise of invoking emergency powers, they further argue that emergency powers mainly apply to procedures rather than individual rights and that a balancing test (proportionality test) is applicable and finally that emergency powers can only be invoked in extreme circumstances (Helgadottir, 2012). Though a country’s constitution or legislation normally describes the circumstances that can give rise to a state of emergency, identifies the procedures to be followed, and specifies limits on the emergency powers that may be invoked or the rights that can be suspended, however, important international treaties provide guidelines regulating emergency situations (Oraa, 1992 as cited McGoldrick, 2004, Law and Powers, 2005). For instance, The European Convention of Human Rights and Fundamental Freedoms (ECHR) and the International Covenant on Civil and Political Rights (ICCPR) - stipulate that states are to observe the following principles in the proclamation of a state of emergency (Law and Powers, 2005, p.2):

- temporality: this refers to the exceptional nature of the declaration of a state of emergency;
- exceptional threat: the crisis must present a real, current or at least an imminent danger to the community;
- declaration: the state of emergency must be announced publicly; this informs citizens of the legal situation and reduces the possibility of a de facto state of emergency, that is, a situation whereby the state restricts human rights without officially proclaiming a state of emergency;

- communication: notification of the measures taken must be made to other states and relevant treaty-monitoring bodies; for example, if a state is to derogate from its obligations under the ECHR or ICCPR then it must inform the Secretary General of respectively the Council of Europe or the UN of its derogation, the measures it has taken and the reasons therefore, as well as the termination of the derogation;
- proportionality: the measures taken to counter the crisis must be proportional to the gravity of the emergency situation; this applies to the area of application, their material content and their duration;
- legality: human rights and fundamental freedoms during a state of emergency must respect the limits provided for by the relevant instruments of international and national law; furthermore, a state of emergency does not imply a temporary suspension of the rule of law, nor does it authorise those in power to act in disregard of the principle of legality, by which they are bound at all times;
- intangibility: this concerns the fundamental rights from which there can be no derogation, even during times of emergency.

Though different states may be subject to different international obligations with respect to emergencies (Oraa, 1992 as cited in McGoldrick, 2004), however, let us focus on the more universal international provision on public emergency as provided in the ICCPR. Pursuant to Article 4 of ICCPR, states parties to the present Covenant may take measures derogating from their obligations under the Covenant when there is public

emergency that threatens the life of the nation and the existence of which is officially proclaimed (United Nations, 1976). According to the ICCPR, a threat to the life of the nation includes: a threat that affects the whole of the population and either the whole or part of the territory of the state and one which threatens physical integrity of the population, the political independence or the territorial integrity of the state or the existence or basic functioning of institutions indispensable to ensure and project the rights recognized in the Covenant (Helgadottir, 2012).

What then constitutes these exceptional circumstances? Are they limited to only military and territorial threats? According to the 18th Century English philosopher, John Locke, the prerogative of exercising emergency powers which is not limited to wartime or even to situations of great urgency, is justified if it is exercised for public good (Cook, 1947 as cited in Relyea, 2007). The implication of this is that the rationale for the proclamation of a state of emergency can arise from diverse situations such as armed action against the state by both internal and external forces, natural calamity, civil unrest, an epidemic, a financial or economic crisis or a general strike (Law and Powers, 2005). Also, Criddle and Fox-Decent (2012 as cited in Fatile & Ejalonibu, 2014) corroborated this view when they averred that governments all over the world have over the past Centuries, declared states of emergency in reaction to a multiplicity of real and perceived crises, including not only the threats of foreign military intervention and insurrection but also political unrest, general civil unrest, criminal or terrorist violence, labour strikes, economic emergencies, the collapse of public

institutions, the spread of communicable diseases and natural disasters.

Having x-rayed the exceptional circumstances that can lead to the declaration of a state of emergency, another challenge is that more often than not dictators hide under the cover of public emergency to repress and deny fundamental rights of the populace. For instance, in the 1970s (during the Cold War), there was an international state of emergencies “epidemic” witnessed in countries like Argentina, Brazil, Chile, Egypt, India, Ireland, Malaysia and Pakistan as a result of political unrest whereby those who disagreed with their governments were regarded as dissidents, agents of international enemy and threats to national security; a development that led to idea of “national security doctrine” (broadly defined to encompass the capacity of the state to defend against external and internal aggression and insurgency) which provided political and ideological grounds for dictatorships to deal brutally with opponents of the regime (Abiola, 2011). In a country like Nigeria with adverse records on human rights, what is the guarantee that widening the scope of issues that can justify the proclamation of a state of emergency will not worsen the situation?

Worried by the above scenario, in the Spring (from April 30 to May 4) of 1984, the American Association for the International Commission of Jurists (AAICJ) initiated a colloquium co-sponsored by the International Commission of Jurists (ICJ), the Urban Morgan Institute of Human Rights and the International Institute of Higher Studies in Criminal Sciences,

comprising 31 distinguished experts, with the aim of examining the limitation and derogation provisions in ICCPR, with a view to identifying their legitimate objectives, the general principles of interpretation which govern their imposition and application as well as some of the main features of the grounds for limitation and derogation (Abiola, 2011; ICJ, 1985). The outcome of this gathering was the adoption of Siracusa Principles on the limitation and derogation provisions in the ICCPR. Cognizant of the fact that there is always a gap between the existence of rules and implementation with a view to ensuring compliance, the ICCPR has set in motion two systems of monitoring: one is that states parties are required to submit periodic written reports to be examined by the Human Rights Committee (HRC) (an independent body of experts that monitors implementation of the ICCPR by its parties) on their implementation of the ICCPR rights, including the effect emergency powers on such rights (Boerefijn, 1999 as cited in McGoldrick, 2004); two, is a system that permits individual petitions under the First Optional Protocol to the ICCPR (OPI) (Sandy, 1998 as cited in McGoldrick, 2004).

Relying on the monitoring mechanisms, ICCPR has through the HRC examined human rights developments in so many countries. In 1995, for instance, after discovering that the conditions stipulated in the legislative and judicial systems of Estonia might not ease access to citizenship of non-Estonians residing in the country as well as voicing concern over the congested prisons and long-lasting detention of refugees, the HRC encouraged Estonia to go on with its reforms in order to

build a democratic civil society where human rights will be totally respected (United Nations, 1995). Also, in the case of Hong Kong in 1995, in the course of examining the fourth periodic report of the United Kingdom relating to Hong Kong in accordance with state party's compliance with the ICCPR, the HRC regretted that the legal system in Hong Kong violated Article 25 of the ICCPR on issues of participation of the citizens in public affairs and as such, called for respect for gender equality, strong and independent judiciary committed to human rights, bringing into force anti-sex discrimination ordinance and the establishment of equal opportunity commission (United Nations, 1995). For Nigeria, the HRC in 1996 recommended that its measures which abrogated or suspended Constitutional rights, themselves be abrogated and any future derogation comply strictly with Article 4 of the ICCPR (McGoldrick, 2004).

In 2001, concern was raised regarding article 17 of the Croatian Constitution on derogation from the human rights provisions of the constitution during emergency and the HRC sued for a suitable legislation to address the situation (United Nations, 2001). In the case of Canada, the "notwithstanding" clause in section 33 of the country's constitution was described by HRC as being incompatible with Article 4 of the ICCPR (UN Doc., n.d. as cited in McGoldrick, 2004). Gabon was not left out as it was urged to immediately adopt and incorporate all relevant provisions of Article 4 of the ICCPR into the Constitution (UN Doc., n.d. as cited in McGoldrick, 2004). In 2014 in Nepal, the HRC advocated the need for legal and practical solutions to continued impunity for the most serious

human rights abuses such as war crimes, torture and enforced disappearance as well as lack of accountability and reparation for victims (OHCHR, 2014).

On the issue of jurisdiction to declare a state of emergency, an indispensable feature of a federal state is the formal division of governmental powers and functions between the central government and the component units that make up the federation. Section 2 (2) of the 1999 Constitution of the Federal Republic of Nigeria as amended describes the country as a federation consisting of states and a federal capital territory. Section 5 (2) (a) of the same constitution vests in the Governor of a state the executive powers of the state and Section 176 (2) describes the Governor as the Chief Executive of his state. The implication of this that just as the President is the Chief Security Officer of the whole federation, the Governor is the Chief Security Officer of his state. However, under Section 305 of the Constitution, only the President is empowered to proclaim a state of emergency in the federation or any part thereof. Such a power is not extended to the Governor within his area of jurisdiction. The question begging for an answer is whether this is the practice in other federal states? Let us look at the arrangement in some countries around the globe.

In New Zealand, the Civil Defence Emergency Management Act of 2002 empowers the government and local authority the power to declare a state of emergency either over the entire country or within a specific region like the local state of emergency declared on September 4, 2010 as a result of the Canterbury earthquake (New Zealand Legislation, 2002). In Canada, the

current Emergency Act empowers both the federal government and any of the provisional governments to declare a state of emergency (Government of Canada, 2003). The US is not left out as a state governor or local mayor may declare a state of emergency within his or her jurisdiction like the one declared by Washington Governor, Jay Inslee on December 10, 2015 due to flooding and landslides caused by heavy rains (USA Today, 2015).

### Conclusion

This paper has sought to deconstruct the idea of state of emergency in Nigeria using the human security approach. After comparing the theory and practice of state of emergency in Nigeria both in scope and jurisdiction with what suffices in other climes especially federal states operating presidential

democracy, the study concludes that the notion of state of emergency within the Nigerian context is not only narrow in scope but also defies the cardinal principle of a federal state whereby governmental powers are divided among the federating units with each unit having and exercising jurisdiction over matters within its domain. Deferring to the paradigmatic orientation of human security, the study therefore recommends an expanded conception of the doctrine of state of emergency in Nigeria and the grant of concurrent jurisdiction to the three tiers of government in the exercise of extraordinary powers in dealing with emergencies within their domain depending on the magnitude of the situation and the resources available.

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# **Militarisation of Oil and Environmental Politics in Nigeria: Armed Resistance, State Responses and Peace Prospects in the Niger Delta Region**

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**Abstract:** The contradictions inherent in interests of stakeholders in oil politics have escalated to armed confrontations in the oil-producing Niger Delta region of Nigeria. Years of unrealised development aspirations of the Niger Delta people and environmental crisis in relation to oil spillage and gas flaring have encouraged resistance against the oil industries and the state in the region. The manner of this resistance and state responses have undergone the process of militarisation in the last decades. The paper, which is qualitative in nature and thus drawing much from secondary data establishes that a series of political solutions, including support for zoning of Nigerian Presidency to the Niger Delta, and policy initiatives such as the amnesty programme for militants have helped to subdue the crisis. However, oil and environmental politics remains militarised for the state and resistant groups in the Niger Delta. Consequently, this article seeks to examine the nature and context of the socio-political crisis in the Niger Delta and the challenges and prospects for sustainable peace in the region.

**Keywords:** Amnesty, Armed Conflict, Niger Delta, Peace, Security

## **Introduction**

The rise of Goodluck Jonathan as the first Nigerian Vice-President (2007-2010) and President (2010-2015) from Niger Delta is a political landmark in the region and Nigeria as a whole. Also, the introduction of Amnesty Programme (AP) for militants in the region by late President Umaru Yaradua in 2009 is significant to peacebuilding in the region. Although these factors delegitimised militancy and created relative peace in Niger Delta, it is not totally a holiday for pirates, kidnappers and the disaffected (ex-) militants. However, the peace process became disrupted at an alarming rate between 2015 and 2016 when the Niger Delta Avengers (NDA) among other groups renewed militancy in the region. The groups like their predecessors hanged their grievances on unrealised development aspirations of the people of oil producing Niger Delta region, which is connected to the aggressive quest to maximise profit at minimum cost to oil corporations, and the centralisation, corruption and militarisation measure of the oil-dependent Nigerian federation at the detriment of the region.

Regardless of recent development, ecological crisis born out of the activities of Oil Corporations, economic underdevelopment and political marginalisation of the Niger Delta people in Nigeria continue to be major sources of grievances in the region. Though the region's history is not without violence or aggressive advocacy, the oil producing communities have peacefully protested their political marginalisation and ecological vulnerability until the socio-political and environmental conditions developed more frostily and state

responses also become actively militarised. These largely encouraged the emergence of radical movements seeking to challenge the oil beneficiaries namely, oil corporations, state and federal governments and some members of the political class. Despite a series of political and policy initiatives however, crisis has remained an enduring subject in oil and environmental politics in the Niger Delta. Against this background, the article seeks to examine nature and the context of the crisis, and the prospects for peace, in the Niger Delta region.

## **Oil and Environmental Politics in the Niger Delta**

Oil prospecting in Nigeria dates back to 1908 when a German firm established a bitumen company to undertake exploration for bitumen in the coastal area between Lagos and Okitipupa (Oketa and Tobi, 2001:155). Before the colonial windup, oil was discovered in Oloibiri community in 1956 by Shell D'Arcy, a company that received a sole concession to operate in Nigeria in 1937. Production in commercial quantity commenced in 1958. The country's production capacity rose from initial 5100 barrels per day (bpd) in 1958 to 900,000 bpd in 1970 and now 2.7 million bpd in 2017 (NNPC, 1999; 2017). The discovery of oil in Niger Delta was celebrated in the region, in the hope that oil increases their ability to influence the central government to better their condition. This is important for a region that is dominantly populated by several ethnic minority groups, who are contending with 'majoritarian dictatorship' of Hausa/Fulani, Igbo and Yoruba in the federation.

Oil accounts for about 40% of Nigerian Gross Domestic Product (GDP) and 70% of government revenues. The aggressive global oil quest that follows the 1970s oil shock is a landmark in Nigerian political economy history. Skyrocketing oil price in 1970s brought post-civil war Nigerian military elites, led by General Yakubu Gowon, in contact with petrol-dollars, which has continued to dictate the breath of Nigerian government and politics till date. In an attempt to consolidate the oil field for gushing transnational investors, the Mineral Act of 1914 was replaced with Petroleum Act of 1969. For effective control of the natural resources, most especially the fossil fuel, government introduced the Land Use Decree in 1978, apportioning all landed property to the state governments on behalf of the federal government.

In an attempt to create favourable condition for the investors, little attention has been paid to the condition of the oil producing communities. The implications of Land Use Act in Niger Delta is that the federal government collect rent fees, while the state government received compensation on lands use by oil corporations, hence, individuals and their oil rich communities are alienated. The crisis busted when government's claim to ownership of land began to flood the feudal system that premised the region's subsistence culture. The local communities were made to understand that the resources: air, land, and water that link them with their ancestors are no more under their jurisdiction. Though similar claims to ownership of land dated back to colonial era, but such claims remain largely abstract, for it has

not really displaced the traditional land lords system in the region.

In addition to land alienation, Niger Delta was further ecologically threatened by the activities of the oil corporation that causes excessive oil spillage in host communities. Between 2000 and 2015, Nigeria reportedly produced 33,136,101,351 million standard cubic feet (mscf) of natural gas, amidst which 31 per cent or 10,290,099,374 mscf were flared. At the same time, 2.4 billion metric tons of oil was lost mostly spilled in the Niger Delta (NNPC, 2000-2015). The implications of both oil spillage and gas flaring ranges from displacement of job to violent clashes for the control of little created by surplus available resources. Omotola (2006:10) pointed out that "for one thing, due to incessant oil spillages, the people have been deprived of their main sources of livelihood, that is fishing and farming. This is because oil spills have inflicted unimaginable levels of damage on farmlands and rivers such that they can no longer sustain soil nutrients and aquatic resources". Aghalino (2011:177) further acknowledge that "the health of the environment and the lives of the people are intertwined with the health of the water system. The food, water and cultural identity of many local people are closely related to the delta ecosystem". Also, the relationship between reduction in tradition opportunities (farming and fishing), without another, can be a better stepping stone to understand competition for scarce resources that has been created by abundance in the region.

The implications of environmental degradations extend to declining health condition in some of the communities.

Chronic cough, catarrh, stooing, headache, miscarriage, cholera and many other form of sickness have been reported. Beyond physical deprivation or displacement, the impact of oil spillage extends to spiritual life of these communities. For example, the Ogoni environment which once teemed with wildlife, was the food basket of the region and the abode of Ogoni spirits and deities, has been reduced to a wasteland by an ecological war waged by Shell (Agbonifo, 2011:254). The natural environment that conserves community's ancestral spirits is said to have been affected by the denaturalisation of the environment and vulnerability of their descendants.

The politics of oil spillage propel numerous demands from compensation to autonomy by various oil producing communities. These demands informed a blame game between government and oil companies. Not until the emergence of Ken Saro-Wiwa and his Ogoni-led uprising, government continued to wallow in an enclosed belief that the activities of the corporation causes oil spillage and they should be responsible to the communities whose environment are damaged with limited state regulation to that effect. Equally, Ukeje (2001:342) observed that Niger Delta 'also witnessed an acute neglect by the oil companies, who argue that it is beyond their corporate callings to play the role of an alternative government and provide social amenities and infrastructure to their host communities. It is believed by the corporations that finance of any infrastructure facility should go hand in hand with target goal of maximising profit not community service'. Hence, development was not given adequate attention by concern

stakeholders in the Niger Delta perhaps until recently.

As part of the efforts to deny responsibility for environmental degradation and ignore the required interventions, government and the oil companies have considerably embarked on aggressive and expensive propaganda against the claims of the host communities. Because of this information deficit, we are out of touch with reality and are also standing on a dangerous shelf of oil-dependent, corporate-induced information starvation (Hoffmann, 1999:105). Aghalino (2009:285) pointed out that "there is of course the warped declaration that oil pollution does not degrade the environment to the extent popularly imagined. Before now, spill studies conducted by oil companies, or their consultants, attempt to minimize, or at best deny, the environmental and socio-cultural impact of oil pollution". Specifically, Shell International reportedly launched a £20 million corporate communication campaign in March 1999 in order to boost the company's tarnished reputation following several public relations disasters. Equally, after Ken Saro-Wiwa and eight other Ogoni leaders were hanged, the government was reported to have paid some foreign media to counter-information on its inhuman act that received international criticism (Omotola, 2006).

For regime survival amidst Nigeria's patrimonial politics, government have embarked on some development spearheaded policies in the region. One of the government policy responses include state creation and derivation (Amuwo, et al, 1998). Niger Delta is now made up of 9 of the 36 states in the federation, compared to 1960 when it

was peripheral of both Eastern and Western regions. The revenue collectable by oil producing states for derivation was also raised from 1 per cent in 1970s to 13 per cent since late 1990s, although it is below 50 per cent as obtainable in the early 1960s. Various institutions were also created to manage oil and environmental politics in the region. The Niger Delta Development Board (NDDDB) was established in 1961, Oil Mineral Producing Area Development Commission (OPADEC) in 1992, Niger Delta Development Commission (NDDC) in 2000 and National Oil Spill Detection and Response Agency (NOSDRA) among others. For all these efforts, however, there are concerns whether the government is only doing this to ensure peace and security for the benefit of the oil sector, or is it genuinely interested in human development in the region without oil-motivation (Usodike and Isike, 2009)

Oil corporations in Niger Delta also embarked on corporate social responsibility to reduce its own blame in the oil politics. At the core of the corporate social responsibility is the recognition that profitability and social improvement go hand in hand (Eberly, 2008:49). Barnes (2005:12) pointed out that “of the five Shell companies operating in Nigeria, four have community development offices. One devotes \$60 million a year, or 3 percent, of its in-country operating budget, to community development”. In most cases, oil corporations construct roads, schools and clinics and provides scholarship, employment opportunities, drugs, electricity and portable water in many host communities in the Niger Delta. Despite these efforts, however, political corruption undermines the

prospect planned actions. The alliance between national elites and local elites for self-satisfaction conspire against the development of the region. While local elites embezzled the funds allocated from the federation account into the region, the national elites have decided to keep their eye blind to this, in order to retain some of their supporters. Oil Corporations also bribe state officials to overlook or downplay the misdeeds in their activities. In this manner, there are allegation that local elites and relatives are largest beneficiaries of some of the so called corporate social responsibility.

### **Militarisation of Resistance and State Response**

The grievances of the Niger Delta people over oil and environmental politics in Nigeria assumed a phase of both civil and militant mobilisations against the state and oil corporation in the last three decades. However, the history of anti-state mobilisation in the Niger Delta can be traced back to the pre-colonial era, when Jaja and Nana consciously defended their economic interests against British Imperial state. The declaration of Niger Delta Republic by Isaac Boro and 150 volunteer forces on February 22, 1966 in Tantonabau, which latter turned to 12 days revolution, is historically significant in the region's political advocacy. The rise of Ken Saro-Wiwa marked a turning point in the history of advocacy in the region, as it concretised the politics of oil spillage and attract the attention and partnership of environmentalists and human right advocates nationally and globally. Mass unemployment, poverty, land alienation for peasant population and displacement of aquatic employees, raised grievances against the state and oil corporations. Timid and inadequate state responses in implementing

environmental and minority friendly policy, and the whole complexity surrounding distribution of oil wealth further popularised the anti-state mobilisation in the region.

Though Nigerian government has always employed ‘carrot and stick’ response to advocacies in Niger Delta, blood spillage characterised its record of crisis management in the region. Starting with civil advocacies, the cost of production disruption and its effect on state revenue, propelled government to deploy and maintain combat ready military and police to defend its interests shared with oil corporation and non-oil producing states in the Niger Delta. Aghalino (2006:311) observed therefore that “while it may be cynical, for oil, Nigerian government is prepared to submerge the Niger Delta in blood. In a way it may be fair to stress that the shedding of blood has been part of Nigerian government’s oil policy.”

Ibeanu and Momoh (2008:14) also pointed out that “the Nigerian state is itself a source of insecurity. State security agencies constitute a veritable threat to the security of the citizens of Nigeria. More often, rather than restore peace and order, they exacerbate crises, ramping up social and political tensions”. Besides, there are many counter-advocacies that introduced confusion and animosity, with direct or indirect involvement of actions or inaction of the state, which inspired a series of communal and ethnic conflicts in the Niger Delta.

The Nigerian state has deployed security forces, which have records of campaigns of terror against the people of the Niger Delta, through a series of operations of various military task forces, Rivers state Task Force and the Joint Task Force that is compliment by

the activities of mobile police known as ‘kill and go’, State Security Service (SSS), and the Directorate of Military Intelligence (DMI) (Aborisade, 2010:77; Osaghae, 2008:202). State campaigns of terror are evident in Egbema (1989-91), Oburu (1989), Umuchem (1990), Bonny (1992), Egi-Obaji (1994), Tai-Biara (Ogoni) (1994), Ubima (1995), Odi (1999) (Chukuezi, 2009:101). During the Ken Saro-Wiwale Ogoni uprising, his people were assaulted by the military and police (either regular or camouflaged as neighbouring militias). At the same time, government is believed to have instigated Andonis and Okirikas against the Ogoni people in 1993. In this process, more than 1,000 people lost their lives and 30,000 people rendered homeless (Omotola, 2009: 139). In response to the killing of twelve policemen by Egbesu Boys of Africa in Odi, Bayelsa State, in November 1999, President Olusegun Obasanjo deployed troop into the village. This operation reportedly emptied the village and left about 2000 villagers dead, while 50,000 people were displaced. Gbaramatu Kingdom in Delta State is another hotspot of state terror in Niger Delta the turn of the 21st century (Tamuno, 2011).

The Niger Delta conflict began as genocide but later became a war. At the initial stage, government is believed to assault helpless citizens that raised their interests in the oil politics; this led to the rise of radical armed groups against the state, its security forces and the oil interests that they are defending in the region. As a witness and victim of the genocide era, Ken Saro-Wiwa predicted the “war in the delta” (Maier, 2000:110). Collier (2010:103) observed that “guns became necessary if your

opponents have them". The presence and activities of the military in the region radicalised civil society groups in the region. The security forces reign like imperial king in this region; their activities include extra judicial killing, assassination, and disguised invasion of hostile villages inform of inter-community warfare (Aborisode, 2005; Joab-Peterside, 2005; Tamuno, 2011). The security support received by the corporations from the state, popularised the belief that government value oil more than human security in the Niger Delta. It is thus paradoxical that rather than guarantee social and economic security, oil became a source of insecurity to the aborigines, and rather than a guarantor of human security in the delta, the state has become its major violator (Sampson, 2009:31). Hence, state (military) and corporate (ecological) terror inspired the militarisation of Niger Delta youths.

The militarisation of state responses to civil advocacies in the Niger Delta militarised some of the advocacy groups and their strategies in the region. In a bid to improve security against the state, some of them energised community spirit for militant mobilisation. Different armed groups thus emerged to coherently platform sporadic uprising into organised militancy. Amidst this, there were the Egbesu Boys of Africa (EBA), the Niger Delta Peoples Volunteers Force (NDPVF), the Niger Delta Vigilant (NDV), the Movement for the Emancipation of Niger Delta (MEND), the Niger Delta People's Salvation Front (NDPSF), the Coalition of Militant Action (COMA), the Bayelsa Volunteers, the Niger Delta Resistance Movement, and the Niger Delta Militant Force Squad (NDMFS). Some

of the groups started as a political machinery, and subsequently developed into militant platform for societal grievance (Tamuno, 2011). Some also started as a pirate groups, cult and other forms of criminal gangs (Ukiwo, 2007). Raging communal and ethnic conflicts in the region in the turn of 21 century also encouraged youths to pick up arms. Equally, factionalism and fractured movement also led to proliferation of militant groups in the Niger Delta.

The Niger Delta crisis is attended by kidnapping, sabotage, maritime piracy, insurgency, and opens confrontations with state force by militants. Annually, hundreds of people fall victim of kidnapping by militants, pirates and opportunists for ransom, which can range from N500,000 to N1 billion (Oyewole, 2016a). Grievous youths constantly vent their anger on the oil corporations with attacks against their installations to the detriment of production activities. Oil and gas supply is obstructed through vandalism of pipelines, oil theft and illegal refineries. Shipment of oil and gas and other commodities in the Niger Delta, Nigeria's territorial waters and the Gulf of Guinea and their supply in the global market is threatened by frequent attacks, kidnappings, hijackings and theft by pirates and armed robbers (Oyewole, 2016b). More alarming, state security forces are also targeted for attack to undermine perceived government-corporation hard-line. The implications of this hotness is felt through reduction in oil production by corporation, tax paid to the federal government and insecurity in the region and beyond. Hence, a significant percentage of the oil rent received by the state goes to defence, for

procurement of military hardware to defend oil workers and installations.

Over the years, the widespread civil resistance in the Niger Delta has degenerated into lawlessness and disorder that criminalised many youths. Militancy has turned into a profitable business upon which warlord gained surplus values and from where unemployed youth secured a comfortable monetised living. Decent work does not pay well enough when kidnapping is likely to net a cash haul equivalent to a government employee's entire career earnings (Offiong and Cocodia, 2011:173; Oyewole, 2016a). Hence, Niger Delta militants cannot be denied of criminality and lust for plunder, despite their ideological motivation. Though most of these militant groups have incentives that are beyond grievances that were formerly recognised, they undoubtedly make the region hot for oil corporations and Nigerian government in retaliation for perceived environmental injustice. As militarised state response generates terror in the efforts to undermine environmental terror, the Niger Delta experiences turned out to be "less oil, more blood and more fire" (Ibeanu, 2000:19).

### **Peace by Peaceful Means and its Challenges**

The prevailing insecurity that was witnessed in the Niger Delta since the turn of 21st century has raised the course of the region to the top of national security agenda in Nigeria. Beyond the military and policing responses of the state, a series of conflict management strategies have been explored also in the Niger Delta. Prominent among these are dialogues, political concessions, developmental policy and institutional building.

Amidst these, the emergence of Dr. Goodluck Jonathan as the first indigene of Niger Delta to become Nigerian Vice President (2007-2010) and President (2010-2015) is a significant concession for peace process in the region. Equally, President Yar'Adua (2007-2010) accorded priority to Niger Delta issues, recognised the limitation of military solution, and initiated peace dialogue in 2008. In 2009, the federal government succeeded in negotiating with the militants and other stakeholders in the Niger Delta. In this process, Amnesty was granted to 20,192 militants, of which 15,000 of them surrendered 2,760 assorted guns, 287,445 rounds of different calibre ammunition, 18 gunboats, 763 dynamite sticks, 1,090 dynamite caps, and 3,155 magazines, to receive state pardon (Maiangwa and Agbiboa, 2013:74; Obi and Rustad, 2011:204).

The Amnesty programme entails a robust disarmament, demobilisation and reintegration (DDR). Militants were paid for arms and ammunitions surrendered, as an incentive to embrace amnesty and address proliferation of small arms and light weapons (SALW). Amidst these, the military in collaboration with repentant militants identified and destroyed several militant camps across the creeks of the Niger Delta (Tamuno, 2011). The former combatants who registered for the 42-month period of training, reintegration and rehabilitation in government-designated residential training centers received a monthly allowance of NGN 65,000 (USD 410) over the same period (Maiangwa and Agbiboa, 2013:74). Ex-militants were also sponsored for studies locally and internationally, and encouraged/assisted to set up legitimate

business. Amidst these, security contracts to protect oil installations were given to ex-militant leaders. The Nigerian Maritime Administration and Safety Agency (NIMASA) awarded a pipeline surveillance contract worth \$103.4million (about N15 billion) to Tompolo's company—Global West Vessel Specialist Limited (GWVSL) in 2011. Asari Dokubo, Dagogo, Egberi Papa, got N2 billion contract to also secure the oil pipelines in Bayelsa and Rivers States, while N580 million contract was awarded to Boyloaf's company (This Day, 2013).

The Amnesty programme has received mixed reception among the militants and reactions in the public. Although Amnesty relatively delegalize militancy in the Niger Delta, some militants also rejected it. The post-amnesty campaigns of John Togo, one of MEND commander, and his Niger Delta Liberation Force (NDLF) is a prominent case. This also explain the bombing of a political rally in Bayelsa on 29th December 2010 and 1 October 2010 that almost marred the Nigeria's 50th Independence anniversary celebrations. Equally, the attractive incentives that are attached to DDR encouraged some of the youths that were initially peaceful before the amnesty to embrace violence. This is evident with the emergence of Urhobo Revolutionary Army (URA) in 2011 and Liberation Movement of the Urhobo People (LIMUP) in 2013. Competition for security contracts among militant leaders also led to proliferation of agitation movements like Coalition of Urhobo Ex-Militant Agitators (CUEA), Coalition of Urhobo/Isoko Ex-Militant Leaders and the Urhobo Gbagbako and associated violence (Oyewole, 2018). Though

Nigeria was able to raise its annual production capacity for crude oil from 2008 to 2010, it started to decline again from 2011; while growth in gas produced was consistently followed by decline in the immediate year (NNPC, 2015).

More alarming, the multi-billion dollars amnesty and Jonathan Presidency achieved little success in mitigating the record of criminal violence, such sabotage or oil bunkering, illegal oil refining and kidnapping and armed robbery in waterways and piracy in Nigeria's coasts and the Gulf of Guinea (GoG). At least, 14,986 incidences of sabotage against pipeline were recorded in Nigeria between 2011 and 2015 (NNPC, 2015). Although pirate attacks decline in Nigeria from 40 in 2008 to about 10 in 2011, Nigerian-based pirate groups expanded their operations to the neighbouring countries and the GoG. Benin with no record of pirate attacks in 2010 recorded 20 attacks in 2011 and Togo also recorded 28 between 2011 and 2013 (Oyewole, 2015). Several illegal refineries also emerged across the creeks, and together with vandalism, they added to the environmental crisis and mostly responsible for a series of fire disasters in the Niger Delta region (Onuoha, 2009; NNPC, 2015). Kidnapping for ransom by faceless groups is also undeterred (Oyewole, 2016a).

Although there is a decline in popularity of militant advocacy in the Niger Delta, the root causes of the crisis in the region is yet to be fully resolved despite some progress report in some fronts. There are enduring demand for increase in allocation and transparency with oil revenue, economic development, poverty reduction, job opportunities, and sustainable

environment in the region. While the gas flaring is on decrease, the oil spillage has increased. Oil product loss through rupture and attacks against pipelines rose from 110,380 metric tons in 2009 to 482,810 metric tons in 2015, while gas flared has reduced from 35.42 per cent to 11.65 per cent of total production, which is between 2.1 and 3 trillion mscf (NNPC, 2015). Notably, when Shell spilled 40,000 barrels of oil in Bongain 26th December 2011, and was fined \$5 billion by National Oil Spill Detection and Response Agency (NOSDRA), media war and deceit politics was used to downplay the claimed effects of the spill (Amaize, 2012; Umukoro, 2012). In 2015, however, Shell agreed to pay the residents of the Bodo community in the Niger Delta US\$84 million (£55m) settlement for two oil spills in 2008 and 2009. Hence, 15,600 affected fishermen reportedly received \$3,300 each for losses caused by the spills and the remaining \$30m was used for community project (BBC, 2015).

The Niger Delta peace process also confronted a series of political challenges at the federal level. At the initial stage of Boko Haram crisis, many northern politicians equate the group with MEND. President Jonathan was criticised for political fatigue in criminalising the 2010 Independent Day bombing by MEND. Prior to 2013/2014, therefore, many from the North advocated for amnesty for Boko Haram, creation of Federal Ministry of Northern Affairs, elimination of derivation share of revenue to oil producing Niger-Delta to increase allocation to less developed north, among others (Oyewole, 2013). Some even criticised the idea of sending ex-militants for training abroad in strategic

fields, which can be explored in confrontation against the federation in future. These threatened Jonathan Presidency, one of the bases of a peaceful Niger Delta. In 2012, Asari Dokubo, the founder of NDPVF, "warned that any attempt to remove Jonathan from power forcefully could lead to civil war...It is because of Goodluck Jonathan that we kept quiet. But soon, we will not be able to guarantee our patience any more" (Agbo, 2012:52-53). More ex-militant leaders directly or indirectly declared their support for Jonathan towards the 2015 Presidential election, and raised public fear that the defeat of the Niger Delta indigene in pull will not be taken lightly in the region.

### **Beyond Jonathan and Amnesty: Challenges and Prospects for Peace**

Though Jonathan received more than 90 per cent of the votes in the south-south and south-east, he turned out to be the first President of Nigeria to lose power to an opposition party/candidate through pull. Yet, he was widely commended for dousing tension down and ensuring peaceful transfer of power to opposition party (Adeniyi, 2017). However, the President Muhammadu Buhari's relatively tough stand or appearance against corruption threatened the beneficiaries of state patronage under the Jonathan Presidency in the Niger Delta and beyond. In view of records of allegations of missing funds under Jonathan and contrasting economy, Buhari initiated many probes in the early stage of his administration. Many indicting reports were released about the past administration, and some high-ranking officials were arrested, detained and/or their assets forfeited to government. The new administration also declared its intention not to extend

amnesty programme beyond 2015, when it supposed to wide up, and also launched probe of security contracts awarded to ex-militants. In this manner, Tompolo was declared wanted by the anti-corruption agency. Also, state patronage of ex-militants reduced with the cut of Amnesty budget from N63 billion in 2015 to N20 billion in 2016 (Umoru and Erunke, 2016).

Against this background, several individuals and groups started to emerge and gain popularity in the Niger Delta for their critical opinions and advocacies against what they brand as witch-hunting and sectionalism of the new government. More alarming, the relatively tough disposition of the administration against subversion became noticeable in the militarised war to protect oil facilities in the region. Nevertheless, Nigeria recorded increase in attacks against oil installations, thefts of oil product and proliferations of illegal refineries in the region in 2015/2016. Amidst this, the Niger Delta Avengers (NDA) announced its existence in February 2016 and set the stage for a wave of militancy in the region (Onuoha, 2016). Other militant groups that emerged between February and August 2016 include the Reformed Egbesu Boys of the Niger Delta (REBND), the AdakaBoro Avengers (ABV), the Joint Niger Delta Liberation Force (JNDLF), the Niger Delta Revolutionary Crusaders (NDRC), the Niger Delta Greenland Justice Mandate (NDGJM), the Asawana Deadly Force of Niger Delta (ADFNG) and the Niger Delta Development Movement (NDDM).

The militant movements declared a series of operations codenamed "Operation Red Economy", "Operation Zero Oil" and "Operation Crocodile

Tears". These were accompanied by a series of attacks/bombing of oil and gas pipelines across the region. The militant campaign further worsened the ecological challenges in the region: the bombing of pipelines resulted into oil spills, gas flaring and wildfire, which had negative effects on the environment and the health and means of livelihood of many people in the affected communities. The reduction in oil and gas production/supply as a result of the militants activities and the decline in oil price in the global market, affected the budget of the state governments in the region, to the detriment of their capacity to produce public goods. The federal government lost N20 billion revenue monthly, which is connected to the 2,560 cases of vandalism recorded, in 2016. Due to attacks against gas supply lines, the electricity supplied by the gas power plants also dropped from 3,004MW in December 2015 to 1,715MW in December 2016 (Oyewole, 2018). Also early in 2016, Angola displaced Nigeria as the foremost oil producing country in the continent. Maritime security in the coast of Nigeria, its neighbours and the Gulf of Guinea was also affected by the resurgence of Niger Delta militancy. Pirate attacks and armed robbery against ships in Nigeria's waters rose from 14 in 2015 to 36 cases in 2016 (IMB, 2017).

Against this background, the federal government raised the level of military presence and security engagements in the region. "Operation Delta Safe" was announced by the Joint Task Force (JTF) in June 2016, while "Operation Crocodile Smile" was launched against militancy by the Nigerian Army in August 2016. A coordinated land, sea and air campaign was launched against

militants, pirates and illegal refineries. This led to a series of arrests and intensified search and destroy of camps occupied by armed groups. Hundreds of illegal oil refineries were destroyed in this process. However, this did not bring the militant attacks or sabotage to an end. Besides, many advocacy groups emerged with a demand and campaign for government to employ dialogue to resolve the security challenges. The rising cost of militant attacks also put pressure on the hawk in government to tone down military engagements at a middle of 2016, in order to give political solution a chance. Starting from July 2016, government entered into a series of dialogues with stakeholders in the Niger Delta. The Vice-President, Prof. Yemi Osinbajo also visited all the Niger Delta states and some of oil producing communities, and conducted a series of stakeholders meeting in this process. Amidst these, the pan-Niger Delta group, led by Edwin Clark, call on all the militant groups in the region to cease hostilities and give further dialogue a chance. Between August and September 2016, the group succeeded in persuading all the known militant groups in the region (Oyewole, 2018). Further dialogues have carried on root causes of the regional crisis. The 2015/2016 wave of militancy like its predecessors is mainly anchored on unrealised development aspirations of the Niger Delta people, despite the fast resources that are available in the region for the purpose. This is further complicated by grievances on the environmental challenges in the region. Amidst these, there are widespread political corruption, poverty and inequality and youth unemployment. All these issues were raised in

dialogues with the federal government, and factored into the subsequent Niger Delta development plan in 2017, of which its implementation is another subject of concern.

Prominent among the federal government project in the Niger Delta since 2015 involves rail and road construction and rehabilitation. Modular refinery policy introduced in early 2017 by Acting President Osinbajo to create job opportunities and replace illegal refineries was widely applauded. This will help to create environmentally friendly small scale refineries with safety precaution. At the same time, the attempt to relocate the headquarters of Multinational Oil Companies to the Niger Delta was also popular in the region, even though this was challenged by affected companies and it failed. Though government has committed efforts to clean up oil spill-affected environment in the Niger Delta since 2015, the popular Ogoni clean-up has suffered more delay than expected. Despite some initiatives that raised hope recently, the menace of corruption, poverty, inequality, youth unemployment and environmental degradation remain major challenges to the people of oil rich Niger Delta. Equally, different forms of criminal violence and the militarised state responses in the Niger Delta region of Nigeria has remained a subject of national and human security debates.

### **Conclusion**

This article explored the evolution and recent dynamics in oil and environmental politics, as well as its prospect for peace and conflict in the Niger Delta region. Years of unrealised development aspirations of the Niger Delta people, and environmental crisis in relation to oil spillage and gas flaring

have encouraged resistance against the oil industries and the state in the region. The manner of this resistance and state responses have undergone the process of militarisation in last decades. Amidst these, a series of political solutions, including support for zoning of Nigerian Presidency to the Niger Delta, and policy initiatives like amnesty programme for militants considerably tame some of the crises. However, armed and criminal resistances and militarised state responses remain enduring in the Niger Delta. The level of political corruption, poverty, inequality, unemployment and irresponsibility in environmental management in the oil producing region have continued to encourage anti-state resistances through political and criminal means. More alarming, the crisis endured amidst a series of military campaigns and the attending human rights abuses in the region.

Against this background, there is a need for the federal government to commit sustainable efforts to enhance human development and security. It is imperative to invest in infrastructural facilities and human capacity building, and encourage local initiatives and small scale businesses to reduce youth

unemployment in the region. Policy on modular refineries deserve sustained commitments in this consideration. Institutional capacity to track and manage environmental crisis effectively need to be improved. The legislature need to increase its oversight on the Niger Delta question as it involves development, environmental and security aspiration of the people of the region. The court should be made more attractive to seek redress for land and environmental injustice. The security forces need to maintain adequate presence to guarantee security of lives and properties, and their engagements should involve minimum force and highest respect for the fundamental human rights of all the citizens in their areas of responsibility (AOR). The security forces also need to be well integrated into disaster management strategy in the region. More inclusive decision-making and implementation process will encourage understanding among stakeholders, and more transparent distribution and utility of oil wealth will promote public confidence. These will address some of the root causes of the crisis and increase the prospects of sustainable peace in the region.

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## Terrorism and Conflict-Related Sexual Violence in Africa: Northeastern Nigeria in Focus

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**Abstract:** The emergence of Boko Haram terrorist organization and its subsequent activities in Nigeria posed egregious security challenges not only to Nigeria but several other countries within Sub-Saharan Africa especially Cameroon, Chad and Niger which are contiguous to Nigeria. The conflict oriented and violent nature of Boko Haram became manifest in 2009 and from then, Nigeria has been battling with this security threat and challenges precipitated by Boko Haram. Terrorism and conflicts are usually characterized with wanton loss of lives and properties, sexual violations and abuses (SEA), refugee's crisis, Internally Displayed Persons and other forms of humanitarian crisis. It is based on the foregoing that this work attempts to investigate and interrogate the relationships between Boko Haram terrorism and conflict-related sexual violence/exploitation in North Eastern Nigeria with a view to examining and ascertaining the factors that propelled this phenomenon. It is the position of this paper that rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence used by Boko Haram is a violation of Human Rights. The paper further argued that Boko Haram conflict related-sexual violence/exploitation is not only perpetuated by Boko Haram as the Military, Police, Civilian JTF and some staff of NGOs are also perpetrators. Women are sexually violated by soldiers in the process of countering terrorism. Sex is offered in exchange for protection and relief materials. This research relied on secondary materials and Robert K

Merton's theory of Anomie as tool for analysis. In the final analysis it recommends among others the need to include sexual violence in Nigeria's Terrorism Prevention (Amendment) Act, 2013, so as to criminalize rape which furthers the ends of terrorist groups.

**Keywords:** Boko Haram, Conflict, Forced Marriage, Sexual Violence/Exploitation, Terrorism

## **Introduction**

The history of acts of sexual violence against women committed during wars and conflicts is as old as the history of war. As in the case of rape generally, this form of sexual violence is subsumed in a conspiratorial culture of silence: The victims do not want to talk about it, while society pretends that it does not exist. The result of this conspiracy of silence is manifested in the low record of prosecution and conviction of men who sexually assault women in conflict situations. The global upsurge in terrorism has led to increasing reports of acts of sexual violence committed against women by members of various terrorist organizations (United Nations, 2016).

Sexual violence continued to be employed as a tactic of war, with widespread and strategic rapes, including mass rapes, allegedly committed by several parties to armed conflict, mostly in conjunction with other crimes such as killing, looting, pillage, forced displacement and arbitrary detention. The strategic nature of the violence was evident in the selective targeting of victims from opposing ethnic, religious or political groups, mirroring the fault lines of the wider conflict or crisis. Patterns of sexual violence have also been seen in the context of urban warfare, during house searches, operations in residential areas and at checkpoint (UN, 2017)

In some circumstances, women and girls are themselves treated as the "wages of war", being gifted as a form

of in-kind compensation or payment to fighters, who are then entitled to resell or exploit them as they wish. The past year has also seen the use of women and girls held in sexual slavery as human shields and suicide bombers, denoting their status as expendable "resources" in the machinery of terrorism. In the context of mass migration, women and children affected by conflict, displacement or violent extremism are particularly at risk of falling prey to traffickers owing to the collapse of protective political, legal, economic and social systems (United Nations, 2017).

Over time, countries in sub-Saharan Africa have been faced with myriads of security challenges, ranging from militancy, ethno-religious crisis, political conflict, human and drug trafficking, to trans-border crimes. In recent times however, terrorism and insurgency have become a major security threat to the sovereignty of these countries, particularly the threat of Boko Haram in the Northeast of Nigeria and countries of the Lake Chad region; hence the formation of the Multi-National Joint Task Force as a military alliance to combat terrorism (Tar and Adejoh, 2017). This has stimulated attempts by scholars in several fields and most especially in social science to x-ray and interrogate the phenomenon of Boko Haram terrorism in Nigeria in relations to its impact on national and international security; its impact on trans-national

trade and its impact on economic and educational development in Nigeria.

However, the need to examine the sexuality of terrorism as manifested in the activities of Boko Haram is the push and pull factor for this paper. Sexual molestation and forced marriage has become one major strategy used by Boko Haram against female victims. This accounts for the reasons why some of the released Chibok schoolgirls came back either with pregnancy or with children. Apart from the Chibok girls, there several unaccounted cases of sexual exploitation by Boko Haram. It is based on the forgoing that this paper attempts to investigate and interrogate Boko Haram and conflict-related sexual violence in North Eastern Nigeria.

### **Theoretical and Conceptual Perspectives**

The concept of terrorism is plethora and omnibus in nature. Scholars in the fields of social sciences and other related fields of study have tried to conceptualize it. The concept "Terrorism" is a very difficult one to pin down to a strait-jacket definition essentially because the term or concept has come to refer to a gamut of interlocking variables and trends so much so that once the term is mentioned, it evokes a lot of passion and emotion. The difficulty in defining "terrorism" is in agreeing on a basis for determining when the use of violence (directed at whom, by whom, for what ends) is legitimate. These perceptions are at once geographical, ideological and academic (Buba, 2015).

This view was corroborated by Forest (2010:23) when he asserts that:

Terrorism is a highly contextual phenomenon. Indeed, the old maxim that "all politics is local" holds true for political violence as

well. We sometimes hear a lot of talk about terrorism as if it were a monolithic, easily understood term, but it is really the opposite. Terrorism is a complex issue that has been studied and debated for several decades. In fact, there are dozens of competing definitions of the term, not only among scholars but among policymakers and government agencies as well. But one thing holds constant—terrorist attacks do not occur in a vacuum, but are instead a product of complex interactions between individuals, organizations, and environments (Forest, 2010:23).

There are many different kinds of terrorism, defined primarily by ideological orientations like ethno-nationalism, left-wing, religious, and so forth. And just like there are many different kinds of terrorism, there are many different kinds of contexts in which terrorism occurs. Within each context, we find a variety of grievances that motivate the terrorist group and its supporters, along with things that facilitate terrorist activities (Forest, 2010:23).

Shedding more light on the nature of and context within which terrorism occurs vis-à-vis the galaxies of factors that precipitate terrorism, Hoffman (2006) claimed that:

Within each context, we find a variety of grievances that motivate the terrorist group and its supporters, along with things that facilitate terrorist activities. From decades of research on these grievances and facilitators, two primary themes appear most salient for this research monograph on Boko Haram: preconditions, or "things that exist," and triggers, or "things that happen" (Hoffman, 2006:40).

Terrorism is a method of combat in which random or symbolic victims serve as instrumental target[s] of violence. These instrumental victims share group or class characteristics which form the basis for their selection for victimization. Through previous use of violence or the credible threat of violence other members of that group or class are put in a state of chronic fear (terror). This group or class, whose members' sense of security is purposively undermined, is the target of terror. The victimization of the target of violence is considered extra-normal by most observers from the witnessing audience on the basis of its atrocity; the time (e.g. peacetime) or place (not a battlefield) of victimization or the disregard for rules of combat accepted in conventional warfare... (Schmidted in Adejoh, 2018).

Bruce Hoffman notes, terrorism is "the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change . . . [and] to create power where there is none or to consolidate power where there is very little."<sup>11</sup>

According to Ganor (2008), terrorism is the intentional use of, or threat to use violence against civilians or 'Terrorism is the intentional use of, or threat to use violence against civilians or against civilian targets, in order to attain political aims. Both Laquer and Ganor have similar perception of terrorism looking at it from the angle of threat and violence.

United Nations Secretary General, Guterres (2017) conceptualizes sexual violence is a brutal form of physical and psychological warfare rooted in the gender inequality extant not only in zones of conflict, but in our everyday personal lives. The persistence of such

forms of violence undermines peace and security and shatters community and family ties. The prevention of sexual violence must remain one of our highest priorities. Closely associated with sexual violence is sexual exploitation" and "sexual abuse (SEA). These terms "sexual exploitation" and "sexual abuse" are used to distinguish those who are physically forced to have sex and those who are coerced into it owing to a lack of alternative survival tactics or through ignorance of their rights. "sexual exploitation" is defined as "any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another" and "sexual abuse" as "the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions" (United Nations, 2005).

The term "conflict-related sexual violence", as used in the 2017 Annual Report of the Secretary-General on Conflict-related Sexual Violence, refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. This link may be evident in the profile of the perpetrator (often affiliated with a State or non-State armed group, including a terrorist entity or network), the profile of the victim (who is frequently an actual or perceived member of a persecuted political, ethnic or religious minority, or is targeted on the basis of actual or perceived sexual orientation and gender

identity), the climate of impunity (which is generally associated with State collapse), cross-border consequences (such as displacement or trafficking in persons) and/ or violations of the provisions of a ceasefire agreement. The term also encompasses trafficking in persons when committed in situations of conflict for the purpose of sexual violence/exploitation.

**Theoretical Framework**

This work adopts Robert K. Merton’s theory of deviance. Like many sociologists and criminologists, Robert Merton was interested in explaining the root of social deviance; however, unlike most theorists, who posited that crime and deviance arise from individual causes (such as a biological “defect”) (Cullen & Agnew, 2006), Merton argued that certain groups participate in criminal behaviour because they are “responding normally to the social situation in which they find themselves” (Tierney, 2006). His theory of the five personal adaptations to anomie, also known as “strain theory”, arose from the earlier sociological theory of anomie developed by Emile Durkheim (Gomme, 2007).

Borrowing a term sociologically introduced by Durkheim (1893, 1984), Merton adopts the anomie concept as part of his effort to suggest that biological explanations of deviant

behaviour are inadequate to explain social reality and that, instead, structural conditions should be considered as inducing deviation from prescribed patterns of conduct. Anomie is a sort of psychological “state of confusion” in which an individual observes a conflict between the prescribed and commonplace social goals and the culturally-acceptable, “legitimate” ways to pursue those goals (Gomme, 2007).

Merton (1938) delineates five adaptations that would occur, when an individual realizes that not everyone can achieve the American dream of equal opportunity for economic success: The conformist accepts the goals of society and the means of achieving them, such as a college student; the innovator accepts the goals of society, but rejects the means of achieving them, such as a drug dealer; the retreatist gives up on both the goals and means, and withdraws from society, such as an alcoholic; the ritualist rejects the goals and accepts the means, such as a person who has given up on a promotion, nice car, and punching the time clock to keep what he has; and the rebellion type refers to one who rejects both the goals and means of society, and wants to replace them with new goals and means, such as a militant (Merton, 1938).

Five adaptations of Merton’s strain theory

Modes of Adaptation	Culture Goals	Institutionalized Means
I. Conformity	+	+
II. Innovation	+	-
III. Ritualism	-	+
IV. Retreatism	-	-
V. Rebellion	±	±

(Merton, 1938).

Matrix of Theoretical Framework

THEORY	SUBSTANCE/ TENETS	CRITIQUE/WEAKNESSES
<p>Robert K Merton's Theory of Anomie</p>	<ul style="list-style-type: none"> <li>i. This theory arose from the earlier sociological theory of anomie developed by Emile Durkheim</li> <li>ii. groups participate in criminal behaviour because they are "responding normally to the social situation in which they find themselves</li> <li>iii. that biological explanations of deviant behaviour are inadequate to explain social reality and that, instead, structural conditions should be considered as inducing deviation from prescribed patterns of conduct</li> <li>iv. crime and deviance are caused by an imbalance in social order, when individuals utilize the most efficient and convenient means, including crime, to achieve their goals</li> <li>v. The theory is based on five adaptations which includes: Conformity, Innovation, Ritualism, Retreatism, Rebellion</li> </ul>	<ul style="list-style-type: none"> <li>i. Merton's seems to have presented two different theories( strain and Anomie) with our clearly showing their differences</li> <li>ii. In addition to the fact that Merto always differentiated clearly anomie and strain, these components have not always well distinguished in the literature.</li> <li>iii. The concept of anomie was borrowed from Durkheim's Anomie yet its usage and applications by Merton contradicts that of Durkheim The conceptual ambiguity over Merton's anomie concept is at least partly a result of Merton's own inconsistent use of the term which has led to conceptual cloudiness</li> </ul>

Source: compiled by Adejoh (2018).

In insight into the rebellion type of adaptation clearly shows that the Boko Haram terrorist group and their activities is a rebellion against the Nigeria state. As it was mentioned earlier, the theory proposes that disjuncture of the institutional means and culturally approved goals create strain, which is the basic reason for high rates of crime. Terrorists also reject the cultural goals and the idea of attaining them with legitimate means. Then, they develop their own goals and illegitimate means. The Boko Haram terrorist groups in Nigeria are rebellious groups who rebel against the entire state

system and structure in Nigeria hence their quest to put in place their own system by establishing an Islamic caliphate through means that are considered illegitimate by all legal standards in Nigeria (Adejoh, 2018). Cases of Boko Haram-related sexual violence clearly show that the group is a non-conformist group. They are non-conformist because they are against societal principles of goal attainment. In fact their goals are dialectically opposed to that of the state. Sexual violence which is one of the means and tactics of Boko Haram also contradicts the constitution which is the law of the

land. Sexual violence is a violation of human rights as contained in both municipal and international law yet Boko Haram employs it as a strategy. These clearly justify them as a rebellious and non-conformist group. Any group that carries arms against the state and its ideologies contradicts that of the state is not only rebellious but also non-conformist.

### **Boko Haram and Conflict-Related Sexual Violence in North-Eastern Nigeria**

Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad which in English means "People Committed to the Propagation of the Prophet's Teachings and Jihad. The group which is popularly known by its Hausa name 'Boko Haram' was a local radical Salafist group which transformed into a Salafi-jihadist terrorist organization after 2009. It is based in the northeast of Nigeria, in the areas predominated by the Kanuri people. Loosely translated from the local Hausa language, Boko Haram means, 'Western education or civilization is forbidden.' Put differently, 'Western education or civilization is a sin.

There are divergent views and conflict in the literature as to the actual date of origin and formation as well as the leadership of the Boko Haram sect. Alozieuwa (2012) documented that the confusion not only reflects in the narratives about the exact date, and who the actual founder was, but also as to the true source of these expositions. 'According to Ekwueme (2011), the group came into existence in the 1960s but only started to draw attention in 2002. This view tallies with Imasuen's, 2015; Okpaga, Ugwu and Eme, 2012; Eme and Onyishi, 2014 who maintained that Boko Haram is a

fundamental Islamist sect, formed in 2002 in Maiduguri, capital of Borno state by Mohammed Yusuf.

Though the group first became known internationally following sectarian violence in Nigeria in 2009, it does not have a clear structure or evident chain of command. It has, however, been severally alleged that the group has links with several terrorist networks such as Al-Qaeda, Hezbolla, Taliban etc. Boko Haram has posed a lot of security threat nationally and internationally bearing in mind the spread of its activities to states such as Cameroon, Niger and Chad. There have been series of human rights violations by Boko Haram manifested in the forms of destructions of lives and properties, kidnappings, detentions, force marriages etc. in addition to these is the issue of sexual violence/ exploitations that has characterized the activities of this terrorist group. Sexual violence is both a tactic of war and a tactic of terrorism and this tactic have been manifested and are associated with most terrorist organizations. Sexual violence has variously been described as 'one of the most horrific weapons of war, an instrument of terror used against women (Storr, 2016).

This and some other factors precipitated the UN Secretary's Annual Report on conflict-related sexual violence. Terrorists have also realized that rape can be used effectively as a weapon of terror, without attracting any legal penalty, even in the midst of existing laws which criminalize and prescribe penalties for rape, as is the case in Nigeria. In examining the relationship between terrorism and sexual violence, the United Nations states thus:

The effect of sexual violence employed as a tactic of war or terrorism is to spread fear among the civilian population, with a range of economic consequences, including facilitating the capture of land and property by forcibly displacing residents, with high levels of sexual violence seen during flight and in displacement settings. In addition, this fear restricts women's freedom of movement to continue vital economic activities. The suppression of women's employment and education increases their risk of being exposed to sexual violence, whereas economically empowered women have been shown to provide a buffer against the recruitment and radicalization of their children and other family members and thus against widening and repeating cycles of violence. Livelihood support and structurally transformative reparations can help to break the cyclical connection between poverty and sexual violence. However, despite being the measures that survivors themselves most often demand, they are precisely those least seen in responses to date (United Nation, 2017:7).

Attah (2016:385) corroborated the above view by domesticating it within the context of Boko Haram in Nigeria when he says:

Over the centuries rape has been used effectively by terrorist groups as a weapon of terror. In this context, women's bodies are used by terrorists as battlegrounds, serving the dual purpose of spoils of war and a means of terrorising the populace. The Nigerian fundamentalist group, Boko Haram, has

employed sexual terrorism in its campaign of terror against the Nigerian state and its people. Boko Haram has since 2013 embraced this tactic, which has led to the abduction of hundreds of women and girls, the most outrageous being the abduction of 276 'Chibok girls' that has attracted global concern

Shedding more light on this phenomenon Nossiter (2015:6) claimed that:

This group has embarked on the deliberate use of sexual violence against women as one of its tactics in the terror campaign against the Nigerian state. The sexual violence which humiliates the Nigerian state and its people and also destroys the social fabric of society, where a high premium is placed on the chastity of its women, has had a devastating impact on the victims – physically as well as psychologically. While some of the women rescued from the camps of Boko Haram militants have tested positive for HIV, majority of the rescued women were found to be pregnant.

In an attempt to further analyze and examine the relationship between Boko Haram and sexual exploitation in North Eastern Nigeria vis a vis the effort of the state to counter Boko Haram, the 2017 eighth Annual Report of the Secretary-General on Conflict-related Sexual Violence, states that:

Despite military gains made against Boko Haram, women and girls remain exposed to the risk of sexual violence and other crimes, including being used as suicide bombers. Efforts led by the Government to secure the release of the girls abducted from Chibok and others held in captivity

continued in 2016. Hundreds managed to escape or were rescued, with many returning pregnant or with babies, some having contracted HIV. Their accounts corroborate information received about forced marriage, forced pregnancy and sexual slavery by Boko Haram. Those living in Boko Haram-controlled areas that were compelled to marry insurgents face acute stigma and discrimination. Additional concerns have been raised when women and children released from Boko Haram are held for prolonged periods by the national security forces for screening and detention, often on the grounds that they were married to fighters. Children born to abducted women and girls face ostracism and guilt by association. While religious and traditional leaders have become increasingly open to accepting these women and children, many displaced communities remain deeply distrustful of returnees (United Nations, 2017:12).

Awosusi and Ogundan (2016) were of the opinion that one may never know the full extent of the sexual violence unleashed on Nigerian women by members of the Boko Haram terrorist group, due to the prevailing culture of silence on matters relating to rape in Nigeria. Most victims are not willing to talk about their ordeal because of a fear of stigmatization by other members of society.

Even though it is an established fact that sexual violence/exploitation is one major tactics and strategy used by Boko Haram, it is also possible to ask this question 'to what end' is sexual violence employed? There are contending perspectives on the above question. Some school of thought feel

that since sexual violence is manifested in conflict situations especially because of male dominance of War and conflicts, it is possible that sex abuse by Boko Haram is a way to ease tension, satisfy sexual desires and molest their victims. Sexual violence during conflicts and wars historically evolved from the practice in ancient times when women were regarded as part of the 'spoils of war' to which soldiers are entitled (United Nations, 2016). A dialectical view to the above is the school that sees sexual violence by Boko Haram as a strategy for recreation and perpetuity of their mission, vision and ideology.

This perspective tallies with Nossiter's (2015) when he posits that:

The general opinion regarding the high number of pregnancies among the rescued female victims of Boko Haram's sexual terrorism is that these pregnancies resulted from a deliberate plan by Boko Haram to ensure that the women produce offspring that will continue the insurgency. This viewpoint has been expressed at various fora by government officials and individuals who point at the organised nature of Boko Haram's sexual violence' which 'appeared to point to a deliberate self-perpetuation plan.

United Nations News Centre (2016) captures Zainab Bangura, Special Representative of the Secretary-General of the United Nations on Sexual Violence in Conflict when she says:

I am appalled by reports that hundreds of the recently released female captives were repeatedly raped by Boko Haram militias and compelled to 'marry' their captors. In order to give rise to a new generation raised in their own image, they (Boko Haram

militants) are waging war on women's physical, sexual and reproductive autonomy and rights.

An examination of the entire socio-economic and political architecture of the North East in relations to the standard and quality of lives shows a serious shortfall in Human Development Index. Apart from a geometric increase in population and arithmetic increase in food supply, Nigerians in North East lack basic infrastructures and amenities that can enhance the quality of life in addition to the high degree of illiteracy (Adejoh, 2018). No wonder the UN Secretary General's Report linked sexual violence to economic security when it states that:

There is a demonstrated link between economic security and autonomy, and physical security and autonomy. The present report finds that the vast majority of victims of conflict-related sexual violence come from marginalized, destitute and often displaced communities. Cross-national patterns show a strong correlation between economic desperation and exposure to sexual violence/exploitation, including trafficking, forced prostitution, and resort to harmful coping mechanisms, such as child marriage (United Nations, 2017:5).

It is very apt to point out here that conflict related-violence in North Eastern Nigeria is not only perpetuated by Boko Haram as Security personnel (Soldiers and Police men), Civilian Joint Task Force (CJTF) and civil Societies Organizations (CSOs) and some NGOs have also taken opportunity of their offices to sexually abuse victims of terrorism that they are supposed to guarantee their safety

thereby taking advantage of their vulnerability. This scenario is manifested both in the cause of counter terrorism and in Internally Displaced Person's Camp (IDPs) where sex is exchanged for food and for protection. The vulnerable victims are manipulated by Soldiers, Police men other non-states actors to get free and cheap sex in exchange for food and other materials being shared in the camps.

In late July, 2016, Human Rights Watch documented sexual abuse, including rape and exploitation, of 43 women and girls living in seven internally displaced persons (IDP) camps in Maiduguri, the Borno State capital. The victims had been displaced from several Borno towns and villages, including Abadam, Bama, Baga, Damasak, Dikwa, GamboruNgala, Gwoza, Kukawa, and Walassa. In some cases, the victims had arrived in the under-served Maiduguri camps, where their movement is severely restricted after spending months in military screening camps (HRW, 2018).

Human Rights Watch (2016) further claimed that:

Government officials and other authorities in Nigeria have raped and sexually exploited women and girls displaced by the conflict with Boko Haram. The government is not doing enough to protect displaced women and girls and ensure that they have access to basic rights and services or to sanction the abusers, who include camp leaders, vigilante groups, policemen, and soldiers.

Irregular supplies of food, clothing, medicine, and other essentials, along with restricted movement in the IDP camps in Maiduguri, compounds the vulnerability of victims – many of them widowed women and unaccompanied

orphaned girls – to rape and sexual exploitation by camp officials, soldiers, police, members of civilian vigilante groups, and other Maiduguri residents.

It was in respect to the above that the Inspector General of Police, Ibrahim Idris, set up a special investigation team to immediately probe all cases of alleged sexual abuses, exploitation, harassments, gender-based violence and professional misconduct on Internally Displaced Persons, IDPs, in some North-East states. A statement from Force Headquarters by Force Public Relations Officer, DCP Don Awunah, said:

The IGP, who is irrevocably committed to the protection of all Nigerians, especially vulnerable group such as internally-displaced persons, IDPs, has expressed concern over the submissions in the report and has directed the Special Investigation Panel to carry out a discreet and unbiased investigation into all the cases of abuse and misconduct alleged in the report. “However, the IGP called on Human Rights Watch officials to avail the team more facts that will assist investigation into the alleged 43 cases mentioned in the report (<https://www.vanguardngr.com/2016/11/hrw-report-ig-raises-team-probe-sexual-abuse-idps>).

Over a year that the investigation committee was setup Nigerians still skeptically awaits the findings and report of the committee even though Nigerians have lost confidence in the state especially whenever probe or fact finding committees are set up.

### **Conclusion and Recommendations**

Women and children are usually the most affected victims of terrorism and other forms of conflicts. Apart from being victims of war because of the

masculine nature of conflict, they are also victims of conflict-related sexual violence and exploitations. An examination of the nature and activities of Boko Haram terrorism shows its implications for national and regional security; the paper concludes that Boko Haram conflict has brought about high rate of political instability and socio-economic dislocation in the North East. It also maintains that sexual violence is a strategy used by Boko Haram to ensure continuity and perpetuity of the organization against the will of their victims.

- i. There is need for the Nigerian government and the parties that make-up the Multi-National Joint Task Force to be more committed in the fight against Boko Haram;
- ii. There is the need for government to ensure accountability for sexual violence crimes, improve service delivery and enhance protection measures both in communities and in settings where women and girls seek refuge;
- iii. Socioeconomic reintegration support should be provided to women and girls returning from Boko Haram captivity, who should be considered victims, not affiliates;
- iv. Government should ensure that security personnel engaged in sexual violence are adequately sanctioned to serve as deterrence;
- v. The Terrorism Prevention (Amendment) Act, 2013 is silent about rape and other forms of conflict-related sexual violence hence the need for further amendment;
- vi. There is an argent need to educate security agencies involved in counter terrorism and conflict resolutions the implications of

conflict-related sexual violence both on the victims and on the

image and integrity of the force.

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