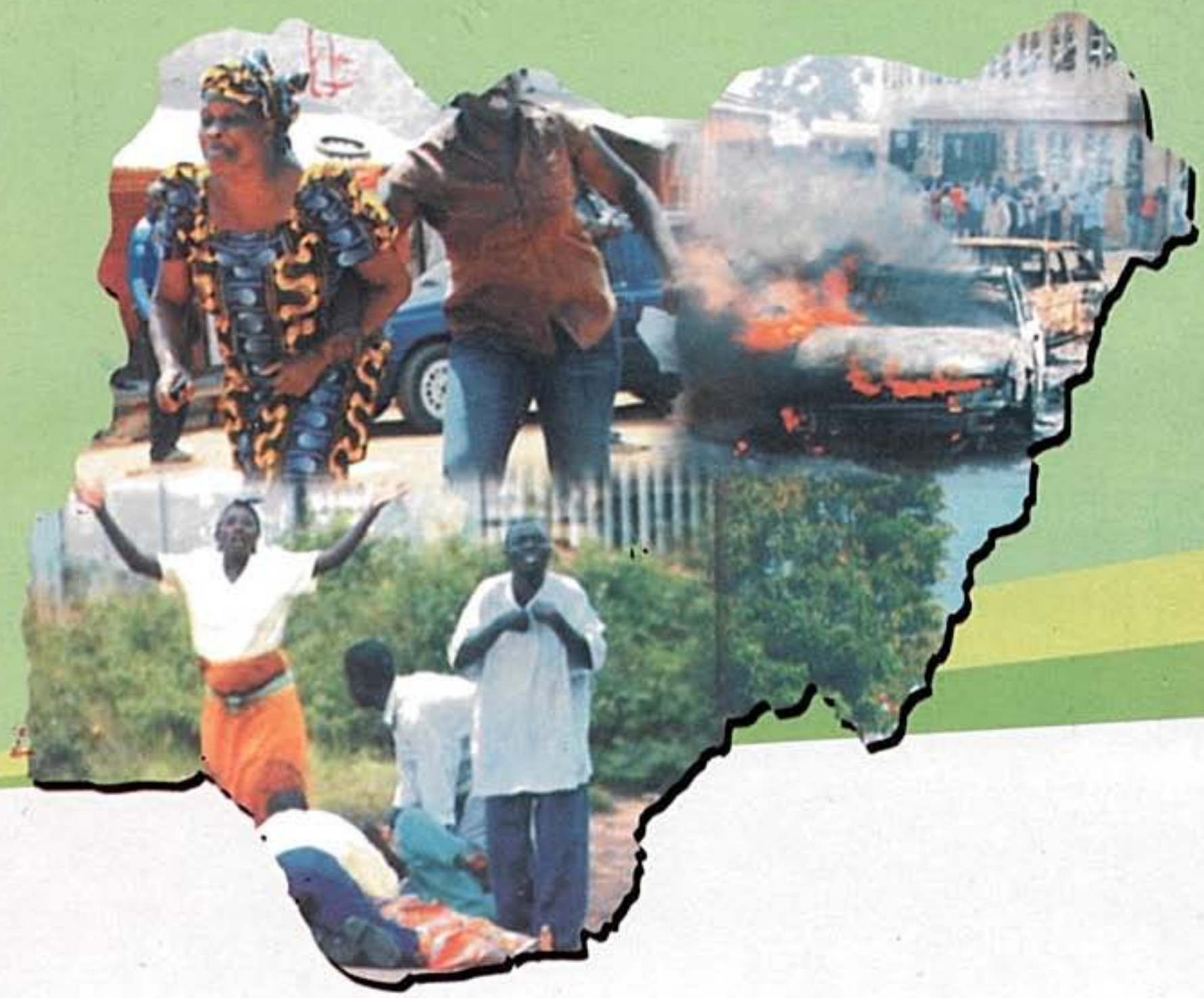
PEACE AND SECURITY
AS IMPERATIVES FOR
NATIONAL DEVELOPMENT

A Collection of papers presented at the 2011/2012 Quarterly Lectures Series of the Institute for Peace and Conflict Resolution



Edited by
Joseph H.P. Golwa

INSTITUTE FOR PEACE AND CONFLICT RESOLUTION (IPCR)
UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)

First Published 2013

PEACE AND SECURITY
AS IMPERATIVES FOR
NATIONAL DEVELOPMENT

A Collection of the *Papers Presented at the* 2011/2012 Quarterly Lecture Series of the Institute for Peace and Conflict Resolution

Edited by

Joseph H.P. Golwa

This publication is funded by **UNDP**

Publishers:

Institute for Peace and Conflict Resolution (IPCR)
Abuja, Nigeria
IPCR, 2013
First Published 2013

ISBN 978 – 978 – 933 – 960 - 0

Produced and Printed by
Gideon Oguns Printing Company
No.1 JEFAP Road, Opposite NIPOST, Suleja
Tel: 0806158225
E-mail:gideonprince2001@yahoo.com

Contents

Acknowledgements:

The Institute for Peace and Conflict Resolution (IPCR) is grateful to all those involved in the projects and activities leading up to the publication of this volume. Our special thanks go to Dr. Daouda Toure, UN Resident Coordinator and UNDP Resident Representative in Nigeria. Despite the trying moments occasioned by the suicide bombing of the UN House in Abuja, the UNDP still stood firm and resolute in ensuring that the task of peace building and conflict management continued and was sustained in Nigeria.

We are grateful to Professor Sam Egwu and Dr. Abiodun Onadipe, both of the Governance Unit of the UNDP, for the robust relationship witnessed between IPCR and UNDP over the years. It is this relationship that has translated into many UNDP-supported programmes and activities of IPCR, among which activities leading to this publication is one. We specially thank Mr. Matthew Alao for the technical and operational support the Institute has always received from him all these years of our collaboration with the UNDP and particularly during these public lectures.

We are thankful to the Director-General of the Institute for Peace and Conflict Resolution, Dr. Joseph Golwa for his work as content editor and to the authors for their insightful contributions. We have no doubt that their innovative ideas and policy recommendations will move the peace and security debate in Nigeria steps further. Our appreciation also goes to Barrister Paul Andrew Gwaza for coordinating this publication and for his invaluable input.

Finally, we are compelled to thank Mr. Babatunde Olalekan and other staff of IPCR who worked collectively and individually to ensure the success of the public lectures at the various times they held and the publication of its outcome.

Emmanuel Mamman
Desk Officer and Programme Coordinator

Preface

It is no little challenge to initiate and come up with thought-provoking, national-orientated and accepted themes for public discussion especially in this moment of increasing security challenges in our country. One may often be tempted to gear all scholarly dialogues toward the current menace posed by the Boko Haram's incessant violent attacks and bombings. Yet, other very important sectors of our polity are calling for attention and discourse in order to make policy recommendations for greater efficiency and improvement in the way and manner they discharge their national mandate.

On its part, the Institute for Peace and Conflict Resolution (IPCR) has the mandate to initiate and carry out studies and research into causes, trends, dynamics and effects of conflicts and peace promotion in Nigeria and Africa. The Institute achieved this through field work, seminars and conferences and advocacy programme by which it develops and offers policy advice to the government. For these reasons, it initiated the compiling of this collection of lectures. In 2011, the Institute organized series of quarterly public lectures in partnership with the United Nations Development Programme (UNDP) where current and strategic national themes were discussed. The objective of the initiative has been to push the national debate forward by proposing and discussing alternative ways of understanding and seeking new approaches to doing things in the country towards achieving peace and development. Renowned peace scholars and practitioners in public and private sectors were invited to deliver papers to a large audience of stakeholders, management and staff of the Institute. Insightful issues were discussed and perspectives shared, and significant contributions made to enrich the reports of the events. This effort which we believe will further enlighten the public and make them have a feel of what we are doing is tagged: Peace and Security Imperatives for National Development. Given the

importance of this initiative and the special message the works would convey to the Nigerian and African public. This maiden edition is being edited by the Director General and Chief Executive of the Institute.

The collection is divided into six sections. Section one is the introduction. This is followed by an article written by Dr. Joseph H.P. Golwa, the Director General of the Institute for Peace and Conflict Resolution, titled, Contending Issues in Contemporary Challenges to Peace and Security in Nigeria. He raised and interrogated critical issues affecting state-building processes in Nigeria and argued that these issues are as immutable as they have remained, and continued to be relevant in informing policy formulation and implementation.

Section 3 is titled Post-2011 Presidential Election Violence in Nigeria: Peace and Security Imperatives, by Professor Dakas C.J. Dakas. The legal luminary outlined the challenges of democratic practice in Nigeria especially in the context of elections. The way Prof. Dakas x-rayed the circumstances before, during and after the 2011 elections that led to the violent conflicts in some parts of the country sheds a lot of light on the issues that propel post-elections in Nigeria.

The paper on Criminal Justice System and the New Security Challenges in Nigeria by Professor Muhammed Tawfiq Ladan is the subject/title of section 4. He delved into the historical background of our national violent crises in which poverty and corruption played enormous role. Prof. MT Ladan however, proffered suggestions on how these challenges can be overcome. Prominent among them are the collective responsibility of all citizens, review of Nigeria's criminal justice system, adherence to rule of law, accountability and transparency of government and stakeholders,

adoption of national peace policy, implementation of anti-terrorism and evidence acts, among others.

Dr. Abdullahi Shehu's lecture on Corruption and Conflict in Nigeria: Implications for Peace, Security and National Development is in Section 5, where he tried to establish the linkage between corruption and conflict. Using empirical data from his position as a sub-regional anti-corruption crusader, Dr. Abdullahi Shehu enumerated the effects of the hydra-headed problem that has ravaged the nation since independence. He correlated corruption with almost all the violent conflicts being experienced and expressed the hope that if we are able to confront corruption, Nigerians will live in peace and harmony because of the intricate relationship between corruption and conflict. He therefore said all hands must be on deck in order to defeat the social vice.

In the sixth section of the book, the erudite Professor Obiora Chinedu Okafor from York University, Toronto, Canada, interrogates the vexed issue of socio-cultural fragmentation within the broad post-colonial African context before narrowing it down to the Nigeria situation. He examined the contributions of international law and the problem of socio-cultural fragmentation in the continent.

It is my belief that this collection will be found very useful and interesting as Nigeria marches towards a peaceful harmonious, stable and prosperous society. I recommend it for all who are yearning for her peace and development.

Joseph H.P. Golwa
Director General
Institute for Peace and Conflict Resolution
Abuja

Introduction:

Peace and security are critical issues for development of any nation. In Nigeria, the issues of peace and security have occupied the centre stage, especially since our return to democratic rule in 1999. Since then, Nigeria has witnessed violent conflicts of unimaginable proportions. She has experienced various kinds of conflict arising mostly from religious intolerance at both intra and inter levels, inter-ethnic rivalries, feeling and claims of injustice, marginalization and inequity, political differences and development related challenges.

The consequences of these conflicts on our economy and more importantly, the life of the people and general development and progress are enormous. When violent conflict erupts in a society, among the things that are of principal concerns are the humanitarian aspects and the need to deal with ~~the~~ vulnerable people who have lost their means of livelihood as a result of conflicts; the security aspect which derives from possibility of trafficking in illegal arms, resulting in armed robbery, kidnapping, and the rise of ethnic militia among others; and lastly the problem of emotional stress and trauma which the victims always suffer, a situation which may remain with them throughout their lives.

Research into the dynamics of conflicts in Nigeria indicates that there is no region that is spared of the scourge of conflicts. From North to South, East to West, the experience has been one of violence and or discrimination directed at fellow Nigerians for various reasons. It seems that the diversity of Nigeria which should have been a source of strength is now the cause of conflicts, a trend which must be arrested immediately. Thus, for some people, chieftaincy contests may be the trigger for violence while for others, it is a question of who is or is not an indigene of a community. The others are struggle over resources, and ethno-religious rivalries. The trend is worrisome especially when there exist many conflict entrepreneurs in the polity.

In response to these challenges therefore, the Institute for Peace and Conflict Resolution has embarked on conducting of regular lecture/dialogue sessions with a view to stirring up an intellectual thought and discourse on thematic or topical areas that will bring about proper understanding of how best to manage our diversities for development, rather than allow it threaten our very existence. This explains the very care with which the topics were selected.

Indeed, experience shows that election conflicts can elevate social tensions and provoke deep violence, especially when the electoral processes itself is questioned by some stakeholders, or where those seeking to retain or gain political power have cared less about resorting to use of extraordinary measures, including the use of force to win by all means. Violence is also most likely to erupt in situations where there are other underlying or root causes of conflict, such as exclusion, inequality or history of ethnic tensions.

History of election violence in Nigeria can be said to date back to between 1960 and 1999 when Nigeria produced only two elected governments. However, the April 2011 elections though adjudged to be one of the freest and fairest in Nigeria's history, is unarguably the bloodiest.

In the Strategic Conflict Assessment project carried out by the Institute in 2003, we have been able to establish that conflicts in Nigeria can be categorized into ..... One thing that is clear from the research is the primacy of the role which Peace Education and sensitization can play in our collective efforts towards unity and integration. Lectures, seminars, workshops, roundtables and documentation of these endeavors are veritable avenues towards encouraging and actualizing this.

The enormity of threats to peace and security posed by violent conflicts cannot be overemphasized. Therefore the role of the various agencies and stakeholders in peace and conflict resolution in Nigeria is undoubtedly numerous given the critical challenges our country is facing today. There is need for stocktaking, policy and system reviews and the overhauling of institutions and structures that the country rests on. Attitudes and orientation of our people must change for good. Nigeria must begin to look inward very frankly and wholesomely so as to fashion out appropriate measures to address the current security challenges.

This publication seeks to achieve the target of providing policy options and direction based on result-oriented research, and in the process build the capacity of Nigerians and indeed Africans to scientifically and effectively intervene in conflict spots to secure the society and sustain democracy and development where the principle of the rule of law and human dignity are respected and reign.
This book therefore is a compendium of the lectures. The topics are covered in a straightforward, non-technical manner which allows readers to quickly understand the discussions. Each chapter deals with topics treated in the order they were presented within the two year period.

Joseph H.P. Golwa
Director General
Institute for Peace and Conflict Resolution, Abuja

CONTENDING ISSUES IN CONTEMPORARY CHALLENGES TO PEACE AND SECURITY IN NIGERIA

Joseph H.P. Golwa

Fear has been constant in every tension and confrontation in political Nigeria. Not the physical fear of violence, not the spiritual fear of retribution, but the psychological fear of discrimination, of domination. It is the fear of not getting one's fair share, one's dessert.[1]

Abstract:

The paper draws from current challenges to peace and security which informed the selection of the lecture series themes for 2011. It identifies questions of national cohesion and integration, competition over resource control and allocation, inequity, legal origin, and inclusiveness as key contending issues that have posed sustained challenge to peace and security in Nigeria. It analyses the origin of these issues and their connections to contemporary peace and security challenges, as they are manifested in incidents of sectarianism, terrorism, and other violent crimes that are threats to peace and security in the country. The paper contends that inadequate and improper management of these issues have unfortunately led to their eventual transformation into lethal, violent and deadly contestations the country is currently witnessing. The paper admits that though there had been significant commitment by the state and other relevant stakeholders to address these contending national issues, certain gaps are still identified to exist needing urgent attention. The paper proposes timely, preventive, scientific, multilevel, integrative and proactive intervention mechanism of all state and non-state stakeholders in effectively addressing these contending issues. However, our analysis of the impact of these issues to contemporary peace and security challenges in Nigeria would be incomplete without making such futuristic projections on possible peace and security threats and nature of responses to them.

[1]Kirk-Greene, A.H.M. (1975) "The Genesis of the Nigerian Civil War and the Theory of Fear", Nordic African Institute, Uppsala

I.Introduction:

In his book The Genesis of the Nigerian Civil War and the Theory of Fear, Kirk-Greene (1975) wrote that the nature of interactions among the various ethnic, religious and regional groupings in Nigeria is characterized by competitive struggle over scarce resources in the country thereby posing threats to peace and national security. This perception of domination which Kirk-Greene foresaw 38 years ago has continued to intensify has intensified and militarized genuine agitations of the various groups in the country. In emphasizing the point further, Professor Obaro Ikime (1986) observed that:

> *The ethnic problem in Nigeria is indeed the National Question around which a great deal of all our national life revolves, and in the name of which all sorts of crimes have been perpetrated against the nation. It is this issue which has produced the 'we want our man' syndrome in Nigeria's national politics….*

The nature of these socio-cultural interactions in Nigeria has implications for national unity, cooperation, integration, and ultimately national development. This fact was aptly captured over twenty years ago in the Newswatch Magazine (1990) inter alia:

> *Every appointment by government is scrutinized to ascertain whether the appointee is a Muslim or Christian, a northerner or a southerner, a Northern Christian or Southern Muslim. It is not enough that the appointees are Nigerians and are competent to hold those positions….*

In supporting these submission, and arriving at an in-depth and coherent understanding of the contending state-building issues in Nigeria, Professor (Mrs.) Jadesola Akande identified the following triggers: (a) the fear of the predominance of one state over another; (b) over-concentration of powers; (c) lack of consensus politics and government based on a community of interests; (d) absence of truly integrative national political parties; (e) non-establishment of the principle of public accountability for office holders; and (f) inequitable system of revenue allocation as some of the basic problems challenging the Nigerian state.

In achieving the objectives of this paper therefore, we have reviewed these arguments and contend that the issues are not new, but have immutably metamorphosed and taken different and violent character in today's national live. The ultimate consequences are that they still pose serious threats to peace and national security. And as constant variables in our national consciousness, there should be genuine and concerted efforts towards addressing these challenges to peace and security.

The remaining part of the paper is divided into five. In section 2, we identified some of the contending issues to peace and security in Nigeria. Particularly, issues of national unity, cohesion and integration, competition over resource control and allocation, inequality, legal origin, and inclusiveness. In section 3, we outline the manifestations of the contending issues to peace and security in Nigeria to include sectarianism, terrorism, intolerance, corruption and general state of insecurity. In section 4, we analyze the strategic responses over the years to these contending issues in the country. Some of these responses include lingua franca, state and local government creation, principle of federal character, establishment of relevant institutions, rotational presidency, derivative formula, federalism, and adoption of a bi-cameral legislature and so on. In section 5, we draw-up a framework for future national engagements, especially through a conflict sensitive approach or mechanism that is scientific, timely, integrative, proactive and preventive. Section 6, concludes the paper on a cautionary note that unless these issues are tackled with greater sense of urgency as they emerge, they will remain a thorn in the flesh, posing serious threats to peace and national security.

II. Contending Issues in the Challenges to Peace and Security in Nigeria:

By contending issues, the paper is working on the assumption that Nigeria like any other human society is not immune to conflict which have characterizecharacterized and defined social interactions. Hence, the processes of state-building in Nigeria since independence have been tortuous because of ethnic, regional, sectional and religious diversity of Nigerians. Yet, Nigeria's diversity are accentuated by political factors when these diversities are mobilized, manipulated and politicized in the unending struggle over resources.

(a) The Challenge of National Unity, Cohesion and Integration:

Nigeria's ethnic, sectional and religious diversities ought to serve as source of national unity, cohesion and integration but unfortunately this has over the years constituted serious threat to peace, security and national development because the elites have always tended to manipulate these identities for their parochial interests. The contestations as represented by the diversity of the country are expressed in three broad layers, namely political, ethnic and religious. Before a thorough discussion of these expressions, it should be noted that with a population of over 140,000,000 people, over 400 ethnic nationalities and adherents of the two most populous religions in the world (Christianity and Islam), Nigeria is obviously one of the most diverse countries in the world.

Politically, the amalgamation of the Southern and northern protectorates in 1914 brought together peoples of diverse historical and cultural background into one political space to chart a new future. Despite this obvious challenge of diversity, the commitment of the colonial government towards ensuring the unity was demonstrated in a number of policies aimed at fostering cultural, political, social and economic ties among the various groups in the new nation. Akande (1985) has aptly captured this, thus:

> Thus, from the time of amalgamation of the two protectorates with the colony of Lagos, Nigeria became committed to a united federation. Its commitment arose from its acceptance of federalism as a particular kind of function arrangement between diverse communities for living together and working together nationally whilst preserving a measure of separately entity. The quantum of unification and the quality of unity that has been achieved has obviously varied according to the exigencies of time and circumstances.

Indeed, that the unity of the polity could be described as varying according to exigencies of time and circumstance is stating the obvious because the creation of regions in 1954 and retention of same at independence heightened the fears of the ethnic minorities that formed the fulcrum of the 1957 Minorities

Commission. This is so because the regional governments were demographically situated in favour of the three major ethnic groups with Hausa-Fulanis in the Northern region, Igbos in the Eastern region and Yorubas in the Western region. These ethnic groups effectively deployed their population to maximally dominate and control access to both political and economic resources in the regionS. In fact, Mustapha (2006:4) noted that 'the ethnic minorities in each region were forced to accommodate as best as they could given the rising tide of majoritarian hegemony in each region." Similarly, the adoption of federalism did not diffuse power as expected, but accentuate the fears of minority ethnic groups especially those in the Niger Delta and Middle Belt areas who viewed it as capable of oppressing them. They persistently therefore clamoured for new regions, states or in some cases local governments of their own. This eventually led to the creation of the mid-western region out of the old western region, 12 states, 19 in 1976, 21 states in 1987, 30 states in 1991, 36 states in 1996 (Sklar, 2004) and local government areas in Nigeria.

This much was underscored by Former President Olusegun Obasanjo (1979: 377) when he saw through the crystal ball and observed that:

> Any Government as a human institution will have its shortcomings. But one major cause of failure of civilian administration in this country was that our leaders then concentrated on the part and ignored the whole; hence regionalism, tribalism, sectionalism and ethnicity became the order of the day.

Regionalism continued to define and characterize political party politics in post-independent Nigeria, especially in determining where the President, Vice President, Senate President or Speaker of the House of Representative should come from. Recently, this political attitude permeated the judicial arm of government, with elevation of Justices to the Court of Appeal and Supreme Court taking regional and zonal considerations. Though this development is viewed as having the capacity of giving all section of the Nigerian society some sense of belonging the other flip side of the coin is that justice is being seen to be sacrificed on the altar of regional or zonal considerations. Therefore, he/she who comes to justice must better be fortunate to come with clean hands to meet his/her man there at the temple of justice to dispense justice for him/her or be ready for injustice.

Post-independence party politics in Nigeria clearly shows the intense disunity in the country as it continues to take sectional, regional or ethnic pattern. Apart from its clear manifestation in the first republic when the big three[2] ethnic groups dominated the politics of the three regions, in the party politics of the second republic Nigerians witnessed the same thing. During the second republic the Yoruba Action Group of the first republic assembled or regrouped under Chief Obafemi Awolowo in the Unity Party of Nigeria (UPN), the Igbo group found identity in the Dr. Nnamdi Azikwe led Nigerian Peoples' Party (NPP), and the Hausa-Fulanis assembled in the NPN that produced President Shehu Shagari, a Hausa-Fulani man from Sokoto State. One obvious character manifested by the minority ethnic groups during the second republic was that each chose the political party that represented their interest best. So also did the Tiv ethnic group of the middle belt moved themselves in the NPN, as Plateau people formed alliance with the Dr. Nnamdi Azikiwe's NPP. The Delta people formed alliance with the ruling NPN as against the dominant political party in eastern part of the country, which was NPP. This centrifugal tendency continued to heighten disunity and acrimony amongst diverse groups that eventually resulted into intense internecine clashes, which snowballed and manifested at different times in our political history in forms of violent ethno-religious conflicts, military coups, political violence, militancy, economic sabotage, and so on.

In fact, at no time was this tendency manifest as events unfolded following the ill-health of late President Umaru Musa Yar'adua. The background to this was that following the political imbroglio of the annulment of the June 12, 1993 presidential election and the oppressive handling of the protestations by the late General Sani Abacha's military junta, the national feeling and empathy was for the Yorubas to produce the next president. Chief Olusegun Obasanjo eventually won the 1999 and 2003 presidential election, though the 2003 election was keenly contested both at the polls and court by General Muhammadu Buhari, it was the 2007 general elections, that set the tone for violent nature of post 2011 presidential election conflicts in some parts of northern Nigeria. This was in the sense that the ruling People's Democratic Party fielded Umaru Musa Yar'adua and Goodluck Ebele Jonathan as presidential and vice presidential candidates respectively, based on

[2]A phrase refering to the main founding fathers of Nigeria, Sir Ahmadu Bello, Dr. Nnamdi Azikiwe and Chief Obafemi Awolowo

a gentleman arrangement that provided for zoning of elected and appointive positions to respond to agitations of marginalization and cater for national unity and integration. Unfortunately, after winning the elections, the president died midway into his tenure. Even though we know that God is the author of life, President Yar'adua's death was to some bookmakers a fulfillment of their conviction that former President Obasanjo deliberately chose late President Yar'adua because he was already succumbing to terminal ill-health, which President Obasanjo already knew about. In this, such analysts all fail to believe that all authority come from God alone, and not determined by any old, outgoing or new leader. In fact, before the demise of President Yar'adua, the media was awash with debates over who was politically legible to be president, and whether the vice president is legible to complete Yar'adua's tenure, even in the face of very clear constitutional provision on who should succeed him. This insistence must be viewed from the regional and religious sentiments that characterized choice of persons to vie for elective or occupy appointive offices.

The narration of the scenario that ushered in the 2011 presidential elections were that a northern Muslim president (Yar'adua) could not complete his first tenure in office because of sudden death, and a southern Christian vice president (Goodluck Jonathan) had to complete the tenure. This marked the watershed and beauty of our constitution's testing. This was a greater challenge because a southern Christian (President Obasanjo) served and completed his eight years tenure before handing over. Secondly, since the north conceded the president of the country to the south in 1999, the north felt it should be given the exclusive slot to the presidency. This sentiment was exploited by the Malam Adamu Ciroma led Northern Political Leaders' forum (NPLF) who argued in one of the communiqué issued at the end of one of their meetings that:

> "The Northern Political Leaders Forum met on Thursday, March 10, 2011 in Abuja and considered … a very wide variety of well-meaning Nigerians on the forthcoming general elections and resolved as follows:
> a. That it remains committed to the unity, stability and good governance of Nigeria and the peaceful co-existence of its peoples regardless of sectional, ethnic and religious affiliations. That it is only in an atmosphere of peace, trust, sincerity and good faith that Nigeria as a young and fragile

federation can stabilize, thrive and develop to its full potential.

b. That political leaders have a responsibility to insist that the societies to which they belong and the political systems within which they operate be built on enduring principles. They must resist the temptation and the attraction of temporary personal gain and ensure that their actions ultimately serve the best interest of the people they purport to represent.

c. In the light of the above and regardless of the outcome of the recent presidential primary elections, the Forum will continue to stand on the principles it has espoused, i.e. justice, equity and fairness to all, encapsulated in the principles and practice of zoning and rotation of public offices among the diverse peoples of Nigeria, as enshrined in the Nigerian Constitution and in the constitution of the ruling political party of today. It calls on Nigerians to seize the opportunity of the forthcoming general elections to reestablish and strengthen these principles in order to secure long term peace, unity and political stability in the country."[3]

The Congress for Progressive Change (CPC) however did not share the view of the Northern Political Leaders' Forum (NPLF), but had acceptance as demonstrated in all political rallies and campaigns across states of northern Nigeria. In fact, in the build up to the 2011 presidential election, in one of its political rallies in Jos, Plateau State, the conflict-prone city of Jos witnessed another round of violent conflict as youths clashed with security operatives resulting in the death of about three persons, several other persons injured and properties destroyed[4]. Though, the CPC and its presidential candidate did not share the perspective of NPLF on zoning, the party believed the PDP had not improved the living standard of Nigerians therefore should be voted out.

Little wonder therefore that after the 2011 presidential elections, violent conflict broke out in some states in northern Nigeria resulting in loss of lives and property. In fact, Nigeria Police have said a total of 520 persons lost their lives in the violence that followed the 19 April presidential elections in some states in the Northern part of the country. One hundred and fifty-seven

[3] Newspaper source http://ireports-ng.com/2011/03/11/northern-leaders-forum-dumps-jonathan-insists-on-zoning-as-sss-hunts-iyorchia-ayu-others/ last visited on 14th August, 2012

[4] http://elombah.com/index.php/component/content/article/36-omoba/pointblank/5800-blame-buhari-for-jos-deaths-and-violence-at-cpc-rally-v15-5800

churches, forty-six mosques and one thousand four hundred and thirty-five houses were burnt. The police further reported that about 437 vehicles and 219 motor-cycles were also burnt by rioters during the violence. The rioters set ablaze five properties belonging to the law enforcement agencies in various areas of the North, 77 persons sustained various degrees of injuries in the violence that followed the election in which President Jonathan was declared winner of the presidential election, and a total of 22,000 persons were displaced as a result of the violence[6].

It has become obvious from the discussion so far that the identified layers of disunity and lack of national cohesion and integration are interwoven, because political elites have taken advantage of both ethnic and religious identities as effective instruments for political gains. This is so because the two major religions, Islam and Christianity, have adherents that are polarised along the geographical north and south dichotomy, therefore, religion is new found bride in the arsenal of some political elites in the overall struggle over resources. In deploying this strength, these elites being conscious of the fact that religion and ethnicity could easily appeal to sentiments of the vulnerable ignorant mass population, manipulate those sentiments to achieve their very narrow ethnic, political and group objectives (Usman, 1980, 1987; Kukah, 1993; Olupana, 1997; Gwamna, 2004; Harr, 2005; Wada, 2006; Sanusi, 2007). Ordinarily, the common philosophical and Abrahamic origins of the two religions should lay the basis for happy national co-existence since each has normative aspects governing behaviour on earth and transcendental one's life of one after death. In these aspects, the two religions may in fact share certain things in common in that they have the same ideas about what is right and what is wrong. Unfortunately, the unity that is supposed to emanate from this support for orthodox religion has yet to emerge. Unfortunately again, these manipulative tendencies have continued to make it difficult for the different religions today to have proper understanding of their faiths so as to bequeath a legacy of unity in diversity of religion, as well as provide a patriotic basis patriotism to the younger generation. This tendency is a threat to galvanising national unity, integration and cohesion.

Another critical factor that has constituted a challenge to the quest

[5] http://www.thenigerianvoice.com/nvnews/96140/1/ogoni-self-government-verdict.html, last visited on Friday, 17th August, 2012

for national integration is the overarching problem of perceived marginalization and exclusion from access to politico-economic resources and the attendant politics thereof. This situation has been expressed in the intermittent clamor for secession by militia wings of the ethnic and regional groups represented in the country. For instance, following the annulment of the elections of the acclaimed winner of June 12, 1993 Nigerian Presidential Election, Chief MKO Abiola, the Oodua Peoples' Congress (OPC) and some of their elites threatened secession from Nigeria on the basis of the feeling of exclusion and marginalization by other sections of the country, especially the north. The military government of General Sani Abacha deployed brutal strategies to suppress all forms of protestations that trailed the annulment of the elections by military president and northerner, General Ibrahim Badamasi Babangida. Similarly, the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) demand for the state of Biafra in the post-civil war Nigeria was an expression of perceived exclusion from the socio-economic and political mainstream of Nigeria, especially during the 1999 – 2007 democratic dispensation. In the same token, various organizations in the Niger Delta of Nigeria threatened to secede if they were denied control over natural resources explored from their areas. Interestingly, the Arewa Peoples' Congress (APC) representing the interest of the North are not as vociferous as the other groups in asking for separate existence probably for the reason that the region has been in control of political power in Nigeria for the greater part of the existence of the Nigerian state. Recently, a faction of the Movement for the Survival of Ogoni People, a socio-cultural organization of the Ogoni people in Rivers State declared their attainment to self-government, in August 10, 2012 when the factional President/spokeman, Dr. Goodluck Diigbo said:

> "Going by international law, it is only the Ogoni people that have the right to freely determine our own political status, which we did since August 26, 1990 through the Ogoni Bill of Rights. Then, we waited for 22 years. To let the government of Nigeria or another ethnic group in Nigeria declare self-government for the Ogoni, would mean that the Ogoni have abdicated their own responsibility. We have acted non-violently and lawfully for self-government within Nigeria, and we have never made any U-turn."[7]

[7] The resource control issue was in fact central to the first revenue allocation commission (the Phillipson-Adebo Commission) set up in 1946 though the Hicks-Phillipson Commission of 1951 was the first to spell out the distributional criteria (see Dibua, J.I., "Citizenship and Resource Control in Nigeria: The Case of Minority Communities in the Niger Delta" in Afrika Spectrum 39 (2005) 1, pp. 5-28).

While writing on the common features of ethnic militias in Nigeria, Agbu (2004) observed these common attributes: the uncritical use of violence; a preponderance of youth membership; ethnic identity affiliations; movements of a predominantly popular nature; demanding change over the status quo except for the Arewa Peoples' Congress which is against the calls for a Sovereign National Conference or a National Conference as the case may be. Most of all the other ethnic organizations and the militias are in support of a Conference of ethnic nationalities that will address the imbalances in the Nigerian Federation.

The point being made here is that in the drive towards national unity, cohesion and integration, the missing link is the absence of effective instrument of peace and social inclusion by successive administrations that would give Nigerians sense of belonging and integration.

(b) The Challenge of Competition over Resource Control and Allocation:

The problem of resource control and allocation was much less acute during colonial period when agricultural was the mainstay of the national economy than now, because the power to raise revenue was vested in the hands of the Native Authorities out of which the central government took a share. The contest over revenue allocation and control is one of the most contentious issues in Nigeria's history, as it has been expressed in the controversial revenue formula to be shared between the central government and the federating units.

Historically, the colonial government set up the Phillipson-Adebo Commission in 1946 to devise a formula for revenue allocation. It was the Hicks-Phillipson Commission of 1951 that clearly spell out the criteria for revenue allocation to include, derivation, need, national interest, population and even development. The commission concluded that 100 per cent of mineral rents and royalties and the proceeds from cash crops be retained in the region where it was derived. In 1954 and 1958, the colonial government again set up the Chick Commission and Raisman Commission, both of which reduced the derivation formula to 50 per cent, which was retained by the 1963 Republican constitution.

However, with the advent of military in 1966, and their unitary style of governance, the 50 per cent derivation formula was further reviewed downwards.

In fact, between 1969 and 1970 a committee consisting of Federal and States Commissioners of Finance under the chairmanship of Chief Obafemi Awolowo resolved that as national wealth and gift of nature, no community can lay absolute claim to the ownership of any resource including crude oil. They argued that rather, the wealth generated from crude oil should be used for the overall development of the country (Omoweh, 1998: 36-37). Therefore, by Decree No. 13 of 1970, the Federal Military Government retained 55 percent, while 45 percent went to host states on the basis of derivation. Again by Decree No. 9 of 1971, the rights of states in minerals in their continental shelves were abrogated and vested on the central government, thereby excluding the proceeds of offshore oil exploration from the derivation arrangement. It further provides that the 'ownership and title to the territorial waters, continental shelf as well as royalties, rents and other revenues derived from or relating to the exploration, prospecting or searching for or winning or working of petroleum from the seaward appurtenance of the states' are vested in central government.

The downward trend continued and by 1979 the derivation allocation to oil producing states was stopped (Esajere, 2001). The 1979 constitution of the Federal Republic of Nigeria retained the onshore/offshore dichotomy by providing in Section 40 (3) that the central government has exclusive right over offshore natural resources. In 1982, the Shagari administration enacted a law that allocated 1.5 percent of the proceeds from oil to oil producing states on the basis of derivation. The next improvement, in terms of upward review of the derivative formula came in 1992, when the military regime of General Ibrahim Babangida raised the derivation of oil producing states to 3 percent.

The 1999 Constitution of the Federal Republic of Nigeria increased it to 13 percent when it provided in Section 162 (2) thus:

> …. The principle of derivation shall be constantly reflected in any approved formula as being not less than thirteen per cent of the revenue accruing to the Federation

Account directly from any natural resources.

When former President Olusegun Obasanjo convened the National Political Reform Conference in 2005, the oil producing states asked for 50 percent of the share of oil revenue, but they were offered 19 percent up from the 13 percent, but the oil producing states' delegates turned the offer down as totally inadequate. Commenting on this, Obi (2008:11-12) observed thus:

> The sharing of oil revenues was again a source of acrimony at the National Constitutional Reform Conference in 2005 where most of the delegates were nominated by the state and federal governments. The conference ended up in a deadlock over its inability to reach an agreement (between northern and southern delegates) the demand of delegates from the Niger Delta for an upward increase in the derivation formula from 13 to 25 per cent, and a progressive increase within five years to 50 per cent (IRINnews 2005). This further increased the frustration of the people of the Niger Delta and fuelled demands for the restructuring of the Nigerian federation in ways that decentralized power and emphasized local autonomy and resource control.

Currently, the central government gets over 50 percent, states 35 percent and the Local Government Areas share less than 15 percent. The decision of the oil producing states to reject the 19 percent derivation ended the 2005 political reform conference as the delegates worked out of the conference in protest.

Table 1: Share of Derivation 1960-1999

Year	Share of derivation
1966	50%
1975	45% of onshore, all off shore should be allocated to the central government
1979	20 % of onshore
Early 1980s	5% onshore
1993	3% onshore
1999	13%onshore

It is pertinent to also note that the oil resource struggle is not restricted to the struggle between the federal versus state governments, but is even evident among the states in the Niger Delta area that ought to be unity by common challenges of the environmental pollution. For instance, Rivers State has dispute with Akwa Ibom state over some oil wells, and on the other end, Cross Rivers state has been battling sister Akwa Ibom state over about 71 oil wells. This inter-state dispute is obviously accentuated by the fact that the number of oil wells by a state determines the amount the state gets as derivative fund from the Federation Account (FA).

(c) The Challenge of Inequality:

It has been the argument of most scholars that colonialism entrenched a systemic inequality in Nigeria. In a study titled; Horizontal Inequalities in Nigeria, Ghana and Cote d'Ivoire: Issues and Policies, Arnim Langer and Abdul Raufu Mustapha observed that:

> Horizontal inequalities (HIs) are inequalities among groups with common felt cultural identities. These identities follow different lines across societies and across time. They include ethnic, religious, racial, or regional affiliations. HIs are multidimensional, including inequalities in access to political, economic and social resources, as well as in cultural recognition and status. Not only does unequal access to political, economic, and social resources and inequalities of cultural status have a serious negative impact on the welfare of members of poorer groups, but the presence of severe HIs, especially where consistent across dimensions and across salient group identities, has also been shown to increase the likelihood of the emergence of violent conflict in multiethnic societies.

In one of his studies of inequality in Nigeria, Mustapha (2007) in fact, attributed the state of inequality in the country to very wide and complex range of factors of history, geography, cultural

orientation, religious affiliation, natural resource endowments, current government policies and past colonial policies.

There is no overstating the fact that Nigeria's political history contributed a lot to the colonial educational policy, because while Southern Nigeria received western education, Northern Nigerians were hesitant, and this created a huge gap between the regions from the early colonial contact till date. Equally, the early contacts made the southern part of the country to have higher institutions and students than the northern part. The fact that the northern part of the country was late in receiving western education and since they have fewer educational institutions is reflected in its capacity to put forward candidates for recruitment in both private and public gainful employment. This is important because the higher the educational attainment level, the lower the incidence of poverty. Poverty is concentrated among persons with no educational background and those with only primary education.

The 2010 National Bureau of Statistics Report shows that 60% of the national wealth is in the hands of 20% of the country's population. The same report shows the rising level of poverty in Nigeria, with 60.9 per cent of the Nigerians, approximately 100 million lived in abject poverty in 2010. This clearly points to the growing frustration and the attendant rising wave of violence in some parts of the country in recent times. The Nigeria's situation is a case of the rich are getting richer, while the poor are getting poorer. And since the majority of the people are living below the poverty line, it is an early warning sense to the few rich that the level of inequality should be addressed early enough to check the trends of frustration permeating the polity.

TABLE 2 ZONAL INCIDENCE OF POVERTY BY DIFFERENT POVERTY MEASURE

Zone	Food Poor	Absolute Poor	Relative Poor	Dollar Per Day
North Central	38.6	59.5	67.5	59.7
North East	51.5	69.0	76.3	69.1
North West	51.8	70.0	77.7	70.4
South East	41.0	58.7	67.0	59.2
South South	35.5	55.9	63.8	56.1
South West	25.4	49.8	59.1	50.1

Source: National Bureau of Statistics, Nigeria Poverty Profile 2010, published in January, 2012

Table 2 shows the prevalence of poverty in the country. It is most pronounced in northern states than the southern states, which may explain the connection between poverty and incidences of violent conflict, since we have argued that inequality is occasioned by unemployment or poverty and will lead to frustration and eventually to group violence. Writing on the situation in the Niger Delta, Whittington (2001) noted that, "the oil region in Nigeria seems to be stuck in a time warp, with little real change since oil was discovered 45 years ago. Away from the main towns, there is no real development, no roads, no electricity, no running water and no telephone.''

(d) The Issue of Legal History, Origin or Tradition and Conflicts:

Legal origin is a style of social control of the general aspect of political, economic, social, religious and cultural life (La Porta, 2008: 286). According to Konrad Zweiget and Hein Kots (1998: 72), "…the style of a legal system may be marked by an ideology, that is, a religious or political conception of how economic or social life should be organized." It is tracing the different ideas and strategies about law and its purpose that are developed over the centuries. These ideas and strategies were incorporated into specific legal rules, and also into organization of legal system, as well as the human capital and beliefs of its participants. The central assumption here is that the legal history of a country is highly correlated with a broad range of its contemporary legal rules and regulations, socio-cultural, political and economic outcomes. Thus, when the English common law was transmitted or transplanted into Nigeria, through conquest and colonization, the rules, human capital and legal ideologies were transplanted. Despite therefore, local legal reforms, the fundamental strategies and assumptions of English common law system survived and have continued to exert substantial influence on those outcomes of state's policies and behaviors.

The test case for the legality and origin of Nigeria came when some Governors in northern Nigeria introduced the Shari 'a criminal code in their states. They argued that the received English Legal System is responsible for the prevalent cases of corruption, disarticulations and moral decadence in the society. They advocated that Shari 'a criminal law has the potential of sanitizing the society of such ills. Zamfara State House of Assembly accordingly passed five laws to wit;

(a) Sharia Court (Administration of Justice and Certain Consequential Changes) Law No. 5, 1999;
(b) Sharia Court of Appeal (Amendment) Law No. 6, 2000;
(c) Area Courts (Repeal) Law No. 13, 2000;
(d) Sharia Penal Code Law 1999;
(e) Sharia Criminal Procedure Code Law No. 18, 2000.

These laws provide for the establishment, composition and jurisdiction/grades of Shari'a courts, and makes general provision for the administration and implementation of Islamic law. The second provides for the jurisdiction of Shari'a Court of Appeal of the state to hear and entertain appeals from the decisions of the Shari'a courts in both civil and criminal matters decided on Islamic law. The third repealed the Area Courts Law in the state and makes transitional provisions for the take off of Shari'a courts. The fourth makes provision for the substantive Shari'a Penal Law and the criminal law to be applied in the state. In other words, the law codifies the offences in their classifications along with the stipulated punishments. The last one provides for the rules of practice and procedure to be followed and applied by the Shari'a courts established in the state.

Suffice it to say that the introduction of Shari'a criminal law in some states in northern Nigeria led to violent conflicts, which left many persons dead and properties worth millions of naira was destroyed. For instance, in Kaduna State, Abdu (2010: 173 – 174) observed that the Judicial Commission of Inquiry reported that 1, 295 persons were killed and unspecified number of persons were missing; 10,000 persons sustained various degrees of injuries; 123 churches and 55 mosques were burnt; Individuals collectively lost N 4, 927, 306, 603.00 and organizations lost the total of N1, 445,881,115.00.

The idea of adopting the Islamic (Sharia) legal system in some states in Nigeria has been found a ready appeal to use by Boko Haram Islamic insurgency. This mission has remained central to the sect's agenda which they now desire to use not only for Islamisation of the north but the entire country. The consequence is the mayhem and violence experienced across the country today.

(e) The Challenge of Exclusion:

Since independence, Nigeria has been faced with the problem of the composition of an inclusive government that will be acceptable by majority of Nigerians. And as noted previously, ethnic, religious and regional politics had bedeviled political parties in Nigeria right from the first Republic to the present Nigeria. Suffice it to say that it was difficult for one of the leading political parties in the first republic to form a government without alliance. Therefore, the Sir Ahmadu Bello's Northern People's Congress (NPC) entered into alliance with the Nnamdi Azikiwe's NCNC to form the Federal Government at the center. Even with that, the dominant political party in the western Nigeria, Chief Obafemi Awolowo's Action Group and other minor political parties such as the Northern Elements
Progressive Union, the United Middle Belt Congress, Bornu Youth Movement were excluded from the mainstream scheme of things.

(f) The Challenge of Globalization:

Globalization refers to the compression of the world and the intensification of consciousness of the world as a whole. It is the catchword for a shrinking world in which interactions and linkages between peoples, economies, environmental conditions, and cultures increasingly permeate the borders of the nation-state (Nsongurua Udombana, 2002). It is common to identify globalization with cultural uniformity and to contrast it with cultural diversity. Others, however, link it to the proliferation of intergovernmental organizations and transnational interest groups concerned with human rights, the environment, or economic issues, and to the emergence of a new normative framework, distinct from classical international law, for "global civil society" and "cosmopolitan democracy". What is important is that globalization is not just an esoteric phenomenon: "it refers not only to the emergence of large-scale world systems, but also to transformations in the very texture of everyday life" (Giddens, 1996). It is a real world phenomenon, "affecting even intimacies of personal identity" (Ibid). "To live in a world where the image of Nelson Mandela is more familiar than the face of one's next door neighbour is to move in quite different contexts of social action from those that prevailed previously" (Ibid).

What is obvious from this discussion is that there is feeling of

injustice at the various levels of our historical development, manifesting as follows:

a. Inequity in development stages, yet development is guaranteed by good governance;
b. Sustained demographic increase in the midst of scarce resources;
c. increases the incidents of proliferation of small arms and light weapons for self defence;
d. increases in the incidents of violent conflicts and heightened crime and insecurity;
e. increases in the use of social media as a function of technological advancement, which use cannot be easily controlled.
f. increasing emergence in the polity of militant and insurgent groups.

The fact that socio-political, religious and economic dynamics changed too fast due to forces of globalization it will mean that existing responses to contending issues are equally challenged on a consistent basis.

I. The Manifestations of these Contending Issues in Nigeria:

(a) Military Coup: Though most of the Military coups ousting other administrations were motivated by one of these contending issues or the other, we will focus on early two military coups as selected cases. The first is the January 15, 1966 coup that ended the first republic, and the second is the Major Gideon Orkar led aborted military coup. The first military coup was led by Major Patrick Chukwuma Kaduna Nzeogwu, an Igboman that eventually led to the killing of the premiers of Northern and Western regions. The fact that the military commander, Major General Aguiyi Ironsi and the coupists hailed from Eastern region made other parts of the country to perceive the coup as an Igbo affair and a grand design to further regionalize their agenda against other regions. In the case and character of the Major Gideon Orkar led military coup on the other hand, it was aimed at splitting the country into two, in protesting perceived exclusion and marginalization perpetrated by then military President General Ibrahim Babangida's regime. The Gideon Orkar coupists believed

Babaginda regime was pursuing a core Northernization agenda which represented Islamization and fulanization of Nigeria.

(b) Ethno-religious divide: In view of habitual manipulation of other primordial identities by political elites, the north-south divide is further perceived to run along, north-Muslim and south-Christian at the same time laced with ethnic chauvinism. As Prince Bola Ajibola (2012) noted, "In Nigeria, three things are intertwined - religion, politics and ethnicity - and the three are beclouded with corruption, poverty and insecurity." For instance, the Jos April 12th 1994 conflicts between the Hausa-Fulani Muslims and Anaguta, Afizare (Izere) and Berom Christians centered on the appointment of one Aminu Mato, a Hausa-Fulani Muslim as Jos North LG Chairman of the Caretaker Committee by the Military government. When Alhaji Muktar a Hausa-Fulani again became coordinator of the Federal Government initiated National Poverty Alleviation Programme (NAPEP) in 2001, tensions resume immediately along the old lines of ethnic and religious divide. The belief was that apart from these ethnic groups- Anaguta, Afizare and Berom, other ethnic groups are "settlers" and Muktar a non indigene should not therefore have been appointed over them the "indigenes", to be NAPEP coordinator in "their own local government area". Thus, in September 2001 the city of Jos was engulfed in violent ethno-religious conflict.

(c) Insecurity: The alarming rate of poverty and youth unemployment in the country has some linkage with the recorded cases of armed robbery, kidnapping, thuggery, extortion, advanced fee fraud, oil bunkering, rape, murder and other crimes in the country. The local media is daily awash with reported cases of security operatives parading criminals for committing one form of crime or the other.

(d) Militancy/Insurgency: As noted earlier, most youth wings of the socio-cultural organizations in Nigeria have resorted to militant activities to press home their demands to the states or federal government. In fact, before the granting of unconditional amnesty to the Niger Delta militants, the area was saturated with militant

[9] http://www.dawodu.com/nzeogwu2.htm
[10] http://www.dawodu.com/orkar.htm

groups perpetuating crimes to press home their demands. The most challenging is the recent insurgency of the Boko Haram Islamic sect, which has killed, maimed, bombed and destroyed lives and property. - also in the attempt of making a statement that is based on extreme religious or ideological platform.

II. Analysis of Responses to Contending Issues in Nigeria:

1. **Lingua Franca:** The adoption of a lingua franca for enhancing communication and creating a common cultural sense of togetherness and collective ownership became imperative. The sense in this by the colonial government was to bring about unity, integration and cohesion amongst the diverse ethnic and linguistic groups in Nigeria and other former colonies in the world. In Nigeria, English language was made the official language that was taught in schools and used on state correspondences and other official issues. However, because of the need for effective representation, Nigerian laws allow for the use of some Nigerian languages to be used in legislative debates in the parliament.
2. **Creation of Regions/States/Local Government Areas:** In response to the perceived exclusion of ethnic minorities in the country, especially in the Niger Delta area, the mid-western region was created to give them a sense of belonging which was the focus of the Willink commission that considered the plights of minority ethnic groups in the country during colonial period. Subsequently also, the General Gowon's regime through decree (States (Creation and Transitional Provisions) Decree 1967 No. 4) dividing Nigeria into twelve states, six in the Northern Region, three in the Eastern Region and three in the Western Region minus the colony Province which later coalesced with the former Federal Territory of Lagos into Lagos State, as solution to the problem of disunity and exclusion and giving people a greater sense of belonging (Akanke, 1985: 17). In fact, Mustapha (2007:9) eloquently observed that; "The first wave of reforms started in 1967 and included dismantling the old regional institutional framework and replacing the regions with smaller states, making ethnic mobilisation more difficult. The objectives were to: (a) deny regional elites the institutional framework for ethno-

regional politics; (b) create administrative cleavages within ethnic majorities; (c) give administrative autonomy to ethnic minorities; and (d) tilt the balance of power away from the regions in the direction of the centre."

3. **Majoritarian Presidency:** In order to ensure and build national unity, integration and cohesion, the 1979 constitution requires that a candidate will only be declared winner of a presidential election if such a candidate: (a) gets a national majority of votes cast; and (b) crosses a threshold of not less than 25% of votes cast in at least two-thirds of all the states (Mustapha, 2007: 9-10). Section 134 (2) provides that "A candidate for an office of President shall be deemed to have been duly elected where, there being more than two candidates for the election – (b) he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the states in the federation and the Federal Capital Territory, Abuja."
4. **Principle of Federal character of National Institutions:** The inclusion of the Federal Character principle in the 1979 constitution was in response to the strong ethno-regionalism that existed in Nigeria at that time. The philosophy behind it was to ensure that with regard to employment and opportunities into office or positions in the public service, one ethnic group or state does not dominate the state powers to the detriment of other sections of the federation. It meant to ensure interethnic integration and representation in the country. Section 14 (3) 1979 and 1999 provide thus:

   The composition of the government of the federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or in any of its agencies.

   Section 272 (1) 1979 Constitution further defines 'federal character' as: "the distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty, and give every citizen of Nigeria a sense of belonging to the

nation". Besides the definitions, the constitution also offers a set of guidelines to enforce the Federal Character

5. **Prescription that Political Parties Must Not be based on any Ethnic, Religious or Regional Concentration, but Must have National Spread:** Unlike what was obtained in the first republic that eventually resulted in the untimely collapse of that republic, the 1979 and subsequent constitutions, especially the 1999 constitution requires political associations to have national spread before they are legible for registration by the electoral body. Section 222 of the 1999 Constitution set out certain restriction on formation of political parties in the country, makes it compulsory for all political parties to be open to all Nigerians, irrespective of place of origin, circumstance of birth, sex, religion or ethnic grouping. It further prohibits political parties carrying logos with ethnic or religious connotations or give the appearance that the activities of the association are confined to a part only of the geographical area of Nigeria. The pitfall that this constitutional provision sought to avert was principally the sectional and ethnic leaning of political parties, especially the three dominant ones of the first republic namely, Northern People's Congress (NPC), Action Group (AG) and the National Congress for Nigeria and the Cameroons (NCNC).
6. **National Youth Service Scheme:** As one of the policies designed for national reconciliation and integration following the bloody Nigerian civil war (1967-1970), the military regime of General Gowon established the National Youth Service Scheme The objective of the Scheme, as it were, was to ensure that Nigerians get acquainted with the culture and customs of other parts of the country. In fact, corp members who distinguished themselves are rewarded, and they are encouraged to intermarry to foster the bond of unity and national cohesion. Certificate of participation in the scheme is thus made a criterion for legibility for employment in public organizations and vying for political offices in the country. Recently however, the scheme has come under serious attack with members being killed during violent conflicts across the country, especially during the 2011 post-presidential elections in some states in northern Nigeria. That the Scheme has remained unshaken and resilient shows it is a credible response mechanism for peace.

7. **Establishment of Unity Schools:** The unity schools became prominent after the climax of the three years internecine civil war that threatened the unity of the country between 1967 and 1970. Federal government therefore established these schools across the country and young Nigerians were sent across the country away from their home states to learn and appreciate other Nigerian cultures and environment for the purposes of national integration.
8. **Establishment of Relevant Response Institutions:** In response to the challenges to peace, security and development in Nigeria, government has established institutions to mitigate conflict issues as they come. For instance, during General Ibrahim Babangida's regime OMPADEC was established to respond to the peculiar challenge of development arising from oil exploration in the area. Subsequent interventions in that regard included the creation of the Ministry of Niger Delta Affairs, Niger Delta Development Commission (NDDC), etc. Other relevant and critical institutions were however also established for similar purposes in the country, for example, the National Directorate of Employment, National Programme for the Eradication of Poverty (NAPEP), Institute for Peace and Conflict Resolution (IPCR), National Orientation Agency (NOA), National Emergency Management Agency (NEMA), among others.
9. **Rotational Presidency/Zoning Formula:** Though it is a contentious strategy, the principle of rotational presidency as an "understanding" of the political parties and elites, is a stabilizing mechanism in Nigeria as it has averted the political tragedy that preceded the annulment of June 12, 1993 presidential election widely acclaimed to be won by the late Chief MKO Abiola. In fact, the aborted 1995 constitution provides for rotational presidency in its section 229, but such consideration was not provided for in the 1999 constitution. But there seems to be an unwritten law in the country, that apart from merit, the office rotates among the various sections of the Nigerian society, particularly between north and south. This indeed is being popularized by political parties for their elective purposes and practices. The debate on whether the rotational presidency should revolves around the north/south divide or the six geo-political zones would

continue, though the constitution does not recognize either of the two.

10. **Appointment of members of the Federal Executive Council from each of the states of the Federation:** Section 147 (3) of the 1999 constitution provides that in appointing minister of the government, 'the President ***shall*** appoint at least one minister from each State, who shall be an indigene of such State'. This helps against any feeling of marginalization.
11. **Adoption of Federalism:** Section 2 (2) of the 1999 constitution provides that 'Nigeria shall be a Federation consisting of States and a Federal Capital Territory.' By this provision, the constitution endorsed the principle of federalism that was introduced into Nigeria by the Richards constitution of 1954. Nevertheless, the first military regime reversed the trend by establishing a unitary form of government, with relevant governmental powers concentrated in the central government. However, the government of Yakubu Gowon reverted to federalism which continued up till its inclusion in both the 1979 and 1999 constitutions. The then Head of State, the late General Murtala Muhammed emphasized that the basic aim of federalism in Nigeria is to promote the unity of the country while providing adequately within that unity for the diverse elements in the country (Akande, 1985:27).
12. **Adoption of a Written and Amendable Constitution:** Another constitutional response to these contending issues is that the Nigerian constitution is written and drafted in a flexible manner to give room for amendment as the need arises. The 1999 constitution has undergone two amendments within its over twenty years of existence that injected innovative provisions that would ensure national unity, equality and provision of basic services to the teaming number of Nigerians. It is currently undergoing another amendment by the National Assembly with the federal executive, judiciary, state governments and Nigerians making meaningful contributions to it. The overall objective of these inputs is to bring about some appreciable level of balance in the polity.

III. Conclusion: The Framework for Future National Engagements for Peace, Security and National Development:

We have identified and discussed five contending issues and twelve intervention strategies, yet the question still remains that why are we still experiencing internecine violent conflicts in Nigeria? We have also seen that current security challenges and conflict have historical, constitutional and governance dimensions. It is obvious from our analysis that these challenges persist because previous responses have been inadequate and ineffective and need further review. In other words, since most of the current challenges have historical antecedents and structural in nature. They require going back to the root causes to address them. As a result, contemporary challenges have manifested in various forms of violence or grave insecurity, namely; proliferation of small arms and light weapons, and increase in ethno-religious crises as well as various forms of opposition agitation against the state. Examples are the *Maitatsine and Boko Haram* religious insurgents whose emergence has been made easy because of failure to prevent the building and rebuilding of their cells and their further recurrence from the roots.

In the face of these challenges, the country needs a well crafted framework for future national engagement. It is our considered view that the country's failure to fund peace research over the years has a link to current inability to get to the root of conflicts. How would this be possible through research and intervention strategies that would be institutionalized and credible data built for guiding continuous policy direction. We recommend therefore that while it is obvious that the forces of globalization would continue to heighten conflict and insecurity cases in the sub-saharan Africa, and most especially in Nigeria, a clear understanding of the situation becomes inevitable. Stakeholders must shade the old toga of making policy decisions without undertaking a comprehensive Peace and Conflict Impact Assessment (PCIA) of the issues at stake, which will require the expertise of peace practitioners. Secondly, future engagements must underscore the importance of preventive measures through the establishment of an effective and functional conflict early warning and early response system that integrates relevant stakeholders at community, local, state and federal government levels. Thirdly, future engagements require constant, timely and efficient update of intervention programmes to assess outcomes,

successes and failures. Fourthly, engagement strategies must be people-driven and participatory (that is multilevel), with all stakeholders giving some sense of ownership of the strategy. This is so because of the fast changing dynamics of conflicts in Nigeria. Fifthly, future engagement must consider the nature of advocacy to ensure that they are strong enough, effective and result-oriented, with clear objective of peace promotion and conflict prevention.

It is the basis of these understanding that informed the decision of the Institute for Peace and Conflict Resolution to engage critical stakeholders at all levels in dialogue and capacity building, especially with regard to conflict-sensitive approach to development, in order to effectively mainstream peace into development processes. The Institute has provided appropriate training to relevant stakeholders so as to build their capacity in this regard.

Finally, the critical place of good governance at all levels in minimizing the divisive forces and in upholding the unity of the polity without necessarily destroying our diversity is always acknowledged. Through provision of good governance, the society would evolve a mechanism that modifies the present system to suit our mental, social, economic and political development and ensure the miniaturizing of the potential of separation. Through the institutionalization of good governance, the means for orderly, credible and peaceful political transition in a democratic setting, devoid of ethnic, religious or sectional rancor would evolve. Through it too, the rule of law will become a culture in the socio-political lives of the citizenry for an enduring polity.

Reference:

1. La Porta, R. et al., "The Economic Consequences of Legal Origins", in Journal of Economic Literature, vol. XLVI, June, 2008, 46:2, pp. 285-332. Also on http:www.aeaweb.org/articles.php?doi=10.1257/jel.46.2.285
2. McNeill, John Robert, and William H. McNeill, 2003, The Human Web: A Bird's-Eye View of World History, New York and London: Norton.
3. Ikime, O. "Towards Understanding the National Question," Keynote Address to the National Seminar on the National Question in Nigeria, organized by the Department of History, A.B.U., Zaria at Abuja 4th September, 1986.
4. Newswatch, October 8, 1990 (Special Edition on the National Question: One Nation, Many Destinies?)
5. Federal Government of Nigeria, Report of the Political Bureau (Lagos, 1987), Vol. 2, pp. 460
6. Kirk-Greene, A.H.M. (1975) "The Genesis of the Nigerian Civil War and the Theory of Fear", Nordic African Institute, Uppsala
7. Akande, J., "Constitutional Developments" in Aguda, T.A. (edt.), The Challenge of the Nigerian Nation: An examination of its Legal Development (1960-1985), 1985, Lagos: Nigerian Institute for Advanced Legal Studies, pp. 1-26
8. Kukah, M.H. (1993), Religion, Power and Politics in Northern Nigeria, Ibadan: Spectrum
9. Nsongurua Udombana, How Should We Then Live? Globalization and the New Partnership for Africa's Development, 20 Boston University International Law Journal 293 (2002)
10. Anthony Giddens, "Affluence, Poverty and the Idea of a Post-Scarcity Society," in 27 Development And Change, 365 (1996)
11. Gwamna, J.D. (2004), "Ethnic Conflicts and Political Development in Africa: The Challenge for the Church", BETFA Journal of the Ogbomoso Circle, 3, 2004, 42 – 56
12. Olupona, J.K. (ed.) (1993), Religion and Peace in Multi-Faith Nigeria, Ile-Ife: OAU University Press
13. Sanusi, L.S. (2007), "Politics and Shari'a in Northern Nigeria", Soares, B.F. and Otayok, R. (ed.), Islam and Muslim Politics in Nigeria, Basingstoke: Palgrave Macmillan, 177-188
14. Usman, Y.B. (1980), For the Liberation of Nigeria, London: New Beacon Books.
15. Wada, M. (2006), "Emerging Trends in Inter-Ethnic Relations and ethno-Religious Crises: Some Implications for the Survival of Democracy in Nigeria", Olayemi, K., et al (ed.), Inter-Group Relations in Nigeria During the 19th and 20th Centuries, Makurdi: Aboki Publishers, 533-549
16. Newswatch, October 8, 1990 (special Edition on the National

Question: One Nation, Many Destinies?)
17. Suberu, R., (2001, Federalism and Ethnic Conflict in Nigeria, United States Institute of Peace, Washington DC
18. Agbu, O., (2004) Ethnic Militias and the Threat to democracy in Post-Transition Nigeria, Research Report No. 127, Arikainstitutet, Uppsala
19. Omoweh, D.A. (1998), "Shell and Land Crisis in Rural Nigeria: A Case Study of the Isoko Oil Area", in Scandinavian Journal of Development Alternatives and Area Studies 17 (1998) 2 & 3: 17-60
20. Esajere, A., "Nigeria's Tortuous Path to Genuine Derivation, in The Guardian, January 8, 2001
21. Sklar, R., "Unity or Regionalism: The Nationalities Question" in Rotberg, R.I. (ed.), Crafting the New Nigeria: Confronting the Challenges, 2004, CO: Lynne Rienner, pp. 39-59
22. Mustapha, A. (2006), Ethnic Structure, Inequality and Governance of the Public Sector in Nigeria, Democracy, Governance and Human Rights Programme, Paper No. 24, November 2006, United Nations Research Institute for Social Development (UNRISD)
23. Abdu, H., Clash of Identities, Kaduna: DevReach Publishers, 2010
24. Heneghan, T., Poverty And Injustice Drive Nigeria's Sectarian Violence in http://www.reuters.com/article/2012/07/11/us-nigeria-violence-interfaith-idUSBRE86A0KP20120711, where he interview Prince Bola Ajibola, last visited on August 15, 2012
25. Mustapha, A., Institutionalising Ethnic Representation: How Effective is the Federal Character Commission in Nigeria?, Oxford: Center for Research on Inequality, Human Security and Ethnicity (CRISE) Working Paper No. 43, June, 2007
26. Whittington, J, in the British Broadcasting Corporation (BBC) News, December, 2001
27. Obi, C.I., Nigeria's Niger Delta: Understanding the Complex Drivers of Conflict, Lecture Series on Africa Security, 2008, The Nordic Africa Institute

POST-2011 PRESIDENTIAL ELECTION VIOLENCE IN NIGERIA: PEACE AND SECURITY IMPERATIVES

Delivered on 17th July 2011 by Professor Dakas CJ Dakas, Ph.D, SAN

Professor Dakas CJ Dakas, Ph.D, SAN

> The vigor of…democracy rests on
> the vote of each citizen...
> Democracy is endangered when
> people believe that their votes do
> not matter or are not counted
> correctly.[11]

I. Introduction

In April 2011, Nigeria conducted, among others, a presidential election which is widely acclaimed by local and international observers as one of the most credible elections in Nigeria's political odyssey. Regrettably, and paradoxically, the outcome of the election was blighted by an orgy of violent reactions, especially in parts of Northern Nigeria. In response, the federal government set up a 22- member panel led by Sheikh Lemu to, among others, unravel the causes of the violence and make recommendations on the way forward.

Against the backdrop of this reality, this discourse underscores the imperative of credible elections, examines, albeit briefly, the context and paradox of the 2011 presidential elections, having regard the violent response to its outcome, and charts an agenda for action consistent with peace and security imperatives.

II. The Democratic Entitlement and the Imperative of a Credible Electoral System in Nigeria

Article 21 of the Universal Declaration of Human Rights, 1948, enshrines the right of everyone to "take part in the government of his country, directly or through freely chosen

Commission on Federal Electoral Reform, Building Confidence in U.S. Elections: Report of the Commission on Federal Electoral Reform, September 2005, at 1; http:// www.american.edu/Carter-Baker (accessed on July 17, 2010).

representatives" and the "right of equal access to public service in his country". More specifically, Article 21(3) is to the effect that "[t]he will of the people shall be the basis of the authority of government". The will of the people, the Article further provides, "shall be expressed in periodic and genuine elections…"

Furthermore, Article 25 of the International Covenant on Civil and Political Rights, 1966[12], avails "every citizen" the "right and the opportunity", without distinction and without "unreasonable restrictions", to (a) take part in the conduct of public affairs, directly or through freely chosen representatives; (b) vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and (c) have access, on general terms of equality, to public service in his/her country.

"Free and fair elections", in the words of the Justice Uwais-led Electoral Reform Committee, "are the cornerstone of every democracy and the primary mechanism for exercising the principle of sovereignty of the people" and are "therefore a crucial requirement for good governance in any democracy". [13]

A flawed electoral process invariably produces a flawed outcome that negatively impacts on the quality of representation in governance. As the Committee rightly observes:

> The intrinsic relationship between the successful conduct of free, fair, credible and acceptable elections and the institutionalization and consolidation of democracy in nations is widely acknowledged… [E]lections are fundamental building blocks of democracy. Failure to conduct credible and acceptable elections in a polity often generates outcomes that stunt the growth of democracy, on the one hand, and the development of the nation, on the other. [14]

[12] December 16, 1966, 999 United Nations Treaty Series (1966): 171.

[13] Report of the Electoral Reform Committee, Vol. 1, Main Report, December 2008, at 1.

[14] Ibid., at 76.

Regrettably, prior to the April 2011 elections, "[t]he aspirations of Nigerians for a stable democracy have been constantly frustrated by, among other things, poor administration and the conduct of elections,"[15] having regard to the fact that "election administration has been profoundly inefficient, characterized by muddled processes, and lacking in the desirable attributes of 'free and fair' elections, a situation which often induces acrimony and even violence.[16]" It was this realization that prompted former President Yar'Adua's undertaking to "raise the quality and standard of our general elections and thereby deepen our democracy"[17], which he fulfilled, in part, through the establishment of the Justice Uwais-led Electoral Reform Panel and the submission of some of its recommendations to the National Assembly, with a view to the reform of Nigeria's electoral system. Unfortunately, apart from the recent minimal amendments to the Nigerian Constitution which, though commendable, fall short of expectations, comprehensive electoral reform has been held hostage by the horse trading, political gerrymandering and filibustering that often characterize the legislative process.

Given this reality, and in spite of the modest success recorded in the April 2011 elections, the imperative of a credible electoral system must firmly and consistently be inscribed on the agenda of national discourse and concrete action in Nigeria. Indeed, the quality of an electoral process is critical to its outcome. When an election is neither periodic nor genuine and the public loses confidence in the electoral system, democracy is in peril. Once lost or betrayed, it often takes an awfully long time – as well as strong resolve and commitment – to regain public trust and confidence. In more specific terms, a flawed electoral system which, in turn, undermines public confidence in the system:

1. Subverts the sovereignty of the people (Under section

---

[15] Attahiru M. Jega, "Election Administration in Nigeria – Organizing The 2007 Elections" in Robert A. Pastor (ed.), Nigeria: Electoral Reform: Building Confidence for the Future, Report of a Conference Co-hosted by Shehu Musa Yar'Adua Foundation & American University Center for Democracy and Election Management Report, at Shehu Musa Yar'Adua Centre, Abuja, from March 17-19, 2005, at 30: http://www.american.edu/ia/cdem/pdfs/aaun_conf_proceed.pdf (accessed July 25, 2010).

[16] Ibid.

[17] President Umaru Yar'Adua, Inaugural Address on Assumption of Office on May 29, 2007, quoted in ibid., at 6

14(2) (a) of the Constitution of the Federal Republic of Nigeria, 1999, "sovereignty belongs to the people…from whom government…derives all its powers and authority.");

2. Undermines the legitimacy of the government. The declaration of a candidate as the winner of an election and the validation of that declaration by a court or tribunal, without more, confers only legality on the outcome. As noted elsewhere, "[a] government that has neither a mandate nor an agenda anchored on the welfare of its people is like a rudderless ship that sails against tempestuous tides in a rocky terrain."[18] Good governance is anchored on a leadership whose overriding consideration is the welfare and security of its people. Indeed, as section 14(2) (b) of the Nigerian Constitution provides, "the security and welfare of the people shall be the primary purpose of government." Any government that abdicates this sacred obligation is deluding itself and precariously basking on a volcano. A government that is detached, aloof and insensitive to the welfare of its people has, therefore, lost its mission and focus.
3. Renders the task of governance very difficult and perilous, because the electorates believe that they owe no allegiance to the government. Without legitimacy, it is very difficult for the government to mobilize the citizens to channel their energies and resources towards the development of the country. A legitimate government earns the authority to govern. A legal government, bereft of legitimacy, governs by the sheer force of power;
4. Constricts the democratic space and, in turn, stunts the growth and development of democracy;
5. Engenders voter apathy. Just as no discerning investor invests in the stock of a company whose fortunes are on a

[18] Dakas CJ Dakas, "A Panoramic Survey of the Jurisprudence of Indian and Nigerian Courts on the Justiciability of Fundamental Objectives and Directive Principles of State Policy", in Epiphany Azinge & Bolaji Owosanoye (ed.), Justiciability and Constitutionalism: An Economic Analysis of Law (Lagos: NIALS Press, 2010), 262 at 321.

downward spiral, a discerning electorate will not "invest" in an electoral system which is unlikely to produce the much-vaunted dividends of democracy. As Lewis rightly points out,

> [c]itizens are unlikely to invest their hopes and aspirations in the political process if they believe that outcomes are pre-ordained, and their voice does not matter. When the public becomes disillusioned by a flawed electoral process, they are likely to withdraw into apathy or cynicism, sometimes becoming aggravated and militant;[20]

6. Occasion election boycotts, in which case the outcome is unlikely to represent the will of the people. In jurisdictions where a particular voting percentage is required before an election is adjudged valid, this often necessitates run-off elections at great human and material costs;
7. Aggravates political enmity, as the loser sees himself/herself as a victim of personal and institutional conspiracy. Where, however, the process is credible, even the loser is satisfied with the outcome;
8. Aggravates the plight (and often militant responses) of minority groups for whom the outcome of the election is further proof of their emasculation and marginalization;
9. Produces an electorate that readily welcomes or acquiesces in unconstitutional changes of government, particularly where the new regime is perceived as Messianic;
10. Generates avoidable, costly and rancorous election petitions, whose outcome sometimes raise more questions than answers (especially where the courts/tribunals give conflicting and inexplicable

---

Dakas CJ Dakas, "A Panoramic Survey of the Jurisprudence of Indian and Nigerian Courts on the Justiciability of Fundamental Objectives and Directive Principles of State Policy", in Epiphany Azinge & Bolaji Owosanoye (ed.), Justiciability and Constitutionalism: An Economic Analysis of Law (Lagos: NIALS Press, 2010), 262 at 321.

Ibid.

decisions or are perceived as corrupt);

11. Generates violence before, during and after elections. Instability in the polity, in turn, undermines local and foreign investments and concomitantly stunts economic growth and development.

III. The Context and Paradox of the 2011 Presidential Election and the Violent Reactions to its Outcome: A Snapshot

The April 2011 presidential election in which the incumbent, President Goodluck Ebele Jonathan, was declared the winner is widely acclaimed by both local and international observers as a landmark in Nigeria's political odyssey. Regrettably, as earlier pointed out, the outcome of the election was tainted by an orgy of violence, especially in parts of Northern Nigeria. The number of people who lost their lives is staggering, with estimates ranging from several hundreds to thousands. The violence transformed thousands of spouses and children into widows, widowers, and orphans. A lot more sustained debilitating injuries, while others still grapple with the psychological trauma of the loss of loved ones and exposure to senseless bloodletting and mayhem. Thousands of people became internally displaced (IDPs). Properties estimated at billions of naira, including places of worship, were destroyed. The tourism and hospitality industry is still reeling from the negative impact of the violence; so is the challenge of attracting foreign investments.

How does one explain a rather paradoxical situation in which an election that is widely acclaimed as free and fair, in spite of some drawbacks, is met with an orgy of violence? While it is beyond dispute that some Nigerians had – and still have – legitimate grievances about the conduct of the 2011 presidential election, I am of the firm conviction, as I pointed out in an interview I granted The Nation newspaper, published on May 16, 2011, that:

> This is due, in part, to the toxic environment created by the zoning imbroglio - and the sense of entitlement it encapsulates - which

[20] Peter M. Lewis, "Troubled Election Outcomes as a Threat to Democracy: A Global Perspective", in Robert A. Pastor (ed.), op. cit., at 16.

> was orchestrated by some political gladiators. This was, in turn, exacerbated by illiteracy, poverty, unemployment and the manipulation of religious and other sectional faultlines of the Nigerian polity.

Without prejudging the findings of the Sheikh Lemu-led post-election violence panel, it is imperative that the Panel constructively engages this and other critical perspectives.

IV. Peace and Security Imperatives: Agenda for Action

In charting an agenda for action, it is worth recalling the fact that the preamble to the Constitution of the Federal Republic of Nigeria, 1999, expresses the "firm[] and solemn[] resolve[]" of Nigerians to live in "unity and harmony as one indivisible and indissoluble Nation". Accordingly, pursuant to section 15(2) thereof, "national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin…ethnic or linguistic association or ties shall be prohibited." Sub-section (3) imposes on the Nigerian State the duty to: (a) provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation; (b) secure full residence rights for every citizen in all parts of the Federation; (c) encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic associations or ties; and (d) promote or encourage the formation of associations that cut across ethnic, linguistic, religious or other sectional barriers.

In furtherance of this objective, the State undertakes, pursuant to sub-section (4), to "foster a feeling of belonging and of involvement among the various peoples of the Federation, to the end that loyalty to the nation shall override sectional loyalties."[21] In this vein, it is worth underscoring the fact that the National Youth Service Corps (NYSC) scheme was established to, among other things, develop common ties among Nigerian youths, promote national unity and integration and develop a sense of corporate existence and common destiny of the Nigerian people. It is

appalling that some youth corpers who served as ad hoc staff during the elections were caught in the crossfire of the orgy of violent reactions to the outcome of the presidential election. None the less, I do not subscribe to the view that the NYSC scheme should be abolished. In spite of the fact that the NYSC scheme grapples with some challenges, it is, properly deployed, a veritable tool for engendering a mutually reinforcing relationship among Nigerians and constructing a credible framework for national integration. The INEC, in collaboration with the security agencies, should take proactive measures to secure the lives and properties of the youth corpers. This should be complemented by a robust and credible insurance scheme.

We need to leverage the infinite possibilities that the information super highway avails in order to build bridges – across religious, ethnic and other sectional divides – and concomitantly engender a veritable platform for reconciliation and rebuilding of shattered lives and relationships. We should constructively optimise communication networks and linkages such as social networking sites to facilitate better understanding and mutual respect among Nigerians. For instance, the Institute for Peace and Conflict Resolution (IPCR) and other relevant agencies, as well as NGOs, should establish a viable presence on Facebook, Twitter, Google+, etc, predicated on the theme of civic education, reconciliation, peace, conflict prevention, management and resolution.

Given the captivating and profound influence of theatre in depicting reality and agenda setting, the IPCR and other stakeholders whose mandate encapsulates peace and security should partner with Nollywood, with a view to exposing the perils of violence and reinforcing the virtues of tolerance, mutual respect and harmonious communal relations.

It is further imperative to underscore the necessity of sustained education and public enlightenment on the uses and abuses of religion, with a view to, among other things, checkmating the manipulation of religion, especially by the elite, religious bigots, conflict entrepreneurs and misguided politicians. Religion is a

matter of personal conviction. It is not a matter of compulsion. We must eschew and denounce the convoluted reasoning that religion can be decreed notwithstanding the fact that section 38 of the Constitution of the Federal Republic of Nigeria, 1999, guarantees freedom of religion, including the freedom to change one's religion or belief. Therefore, religion must never be imposed or misconstrued as a licence for intolerance and deployed as an instrument of lawlessness. Nigerians should, therefore, practise their faiths in an atmosphere of mutual respect and tolerance.

The best form of insurance against terrorism – including terrorism unleashed in the name of religion – is to root out the root causes of terrorism. In Resolution 60/28 of September 20th 2006, the United Nations General Assembly identifies the "conditions conducive to the spread of terrorism" to include "prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance", but emphasizes that "none of these conditions can excuse or justify acts of terrorism." With particular reference to the often contentious issue of religion, a few vocal elements have hijacked the religious space, radicalised and deployed it to unleash terror on an innocent majority. It is imperative that the silent majority reclaims this space through constructive and productive engagement with religion. For instance, how can a community reading of the Koran, whose opening phrase and every chapter begins with "In the name of Allah, Most Gracious, Most Merciful", provide authority for the mayhem that some Muslims unleash on non-adherents of the Islamic faith in the name of jihad? How can a community reading of the Bible, which describes Jesus as "the Prince of Peace", provide justification for the mayhem that some Christians unleash on non-adherents of the Christian faith?

---

[21] Regrettably, although section 13 of the constitution is to the effect that "[i]t shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply" the provisions of section 15 and other provisions of Chapter II of the constitution which embodies "fundamental objectives and directive principles of state policy", section 6(6) (c) renders these provisions non-justiciable. Thus, these sparkling provisions risk being dismissed as political shenanigan and mere tissue paper guarantees.

We must reckon with the fact that this is a battle for hearts and minds. As America's experience in Afghanistan and Iraq has taught us, the shock and awe of military might, without more, can only give rise to Pyrrhic victory.

Playing politics with an issue as sensitive as security is akin to a ticking time bomb. It often explodes, occasions monumental loss of lives and properties and further destabilises the polity. Therefore, all stakeholders in Project Nigeria must avoid actions that pander towards short-term political expedience and should, instead, focus on working towards bequeathing a worthy legacy to the next generation. We must eschew the politics of exclusion, horse trading and high stakes power play often predicated on personal aggrandizement and sacrifices the interests of the people on the altar of political expedience. It is, therefore, incumbent on all political actors to subordinate their personal ambitions to the overriding cause of Project Nigeria. This is the time for statesmanship and not political jockeying. Neither is this the time for brinkmanship or strategic positioning. Those who profess to be democrats must act in a manner consistent with democratic ethos. They must walk the talk and come to terms with the imperative need to pursue their grievances through lawful means.

The security agents are often ill-equipped, ill-motivated and sometimes entangled in the labyrinth of the politics of religion and other sectional faultlines. There is, therefore, the imperative need for professionalism in the law enforcement community, provision of necessary equipment and capacity building of law enforcement agents, in order to better equip them to discharge their responsibilities creditably.

The government, in collaboration with civil society, must, as a matter of priority, invest in building the capacity of stakeholders in conflict prevention, management and resolution.

The government must resolve to definitively put an end to the culture of lawlessness and impunity that crises fester on. The government must, therefore, muster the political will to implement the reports of commissions of inquiry into various crises in the

country without fear or favour, affection or ill will, in an open and transparent manner that inspires confidence in the system.

Under section 14(2)(b) of the Constitution of the Federal Republic of Nigeria, 1999, "the security and welfare of the people shall be the primary purpose of government." Accordingly, government has an obligation to, among other things, provide conducive environment for the productive engagement of the teeming unemployed youth who are often recruited and deployed to unleash mayhem in the name of religion and other sectional interests. Without doubt, a poverty-stricken community is a depot from which to recruit merchants of death who unleash mayhem on the society.

On the imperative need to raise the bar of our engagement with the electoral system, the following points are pertinent: First, the integrity of the election managers, at every stage of the process, is critical to the credibility of the electoral system. The election managers must be people of proven character, fairness, impartiality, independence and patriotic zeal. A situation where an electoral umpire, ostensibly acting the script of an overbearing and vindictive executive, descends into the arena, shifts the goal post in the course of the game or refuses to provide a level playing field for the electoral contest, as was typical of the Maurice Iwu-led INEC, endangers democracy and the entire polity. For instance, in the scathing words of Oguntade, JSC,[22] the Maurice Iwu-led INEC "willfully and recklessly" attempted to exclude a particular candidate from the 2007 presidential elections and "persisted in the design to exclude" him "even if it meant frittering away a lot of taxpayers' money." On the other hand, while the integrity of the current Chairman of INEC, Professor Attahiru Jega, is widely acclaimed, we must look beyond him as a person and, more importantly, situate him in an institutional context. This reinforces the need to build credible and sustainable institutions that transcend the vagaries of regime and personnel change.

Second, it is imperative need to insulate the electoral body from political manipulation and financial stranglehold, and thereby secure its independence, through, inter alia, a credible

---

Oguntade, JSC, Dissenting Opinion in Abubakar V Yar'Adua (2009) ALL FWLR (Pt. 457), 1, at 179.

process of appointment and security of tenure of the election managers and adequate funding. The recent constitutional amendment which, in part, makes the funding of INEC a first charge on the Consolidated Revenue Fund of the Federation, is commendable. However, it is only a modest beginning and needs to be wholistically anchored on the Justice Uwais-led Electoral Reform Panel Report, which has earned widespread commendation from a vast majority of Nigerians.

Third, internal democracy must be strengthened and institutionalized in the operations of all political parties. A situation where "garrison politics" is the order of the day, the influence of money is palpable, "godfatherism" holds sway and determines the outcome of party primaries bodes ill for the electoral system and undermines public confidence in the entire system.

Fourth, the imperative of a credible, preferably digitalized, voters register cannot be over-emphasized. The 2011 voters' registration exercise – conducted by the Jega-led INEC – is a marked improvement on previous exercises but there is still enormous room for improvement. The imperative of a credible voters' register that is easily updated as a matter of routine, to reflect new eligible voters (on turning 18), deaths, migration, etc, without the laborious and costly ritual of large-scale updates that are often a huge drain on public funds cannot be over-emphasized.

Fifth, the electoral system must be transparent and anchored on a credible, accountable system of checks and balances. Political parties and their candidates, the press and civil society organizations must be carried along at every stage of the electoral process, including the registration of voters, the distribution of ballot materials, collation and announcement of results, etc.

Sixth, the integrity of electoral materials, such as ballot papers and ballot boxes, must not be compromised. As Onnoghen, JSC, pointed out in his dissenting opinion in Buhari V INEC:

> …you cannot conduct an election properly so called without valid ballot papers…How is

> one to know which ballot papers were sent to Sokoto, Katsina, Ebonyi etc., when the ballot papers were not in booklet form and numbered serially? Even within the particular State where the ballot papers are sent for election, how do we know if ballot papers meant for one Local Government Area or ward are not diverted and used in another or even not used at all but stuffed into the ballot boxes and counted as votes? How can we determine a genuine ballot paper from fake one…?[23]

Seventh, the polling day activities, including the casting of votes, the collation of votes, the announcement of results, etc, must be transparent and free of manipulation, intimidation, violence, corruption and other electoral offences. Regrettably, these offences are sometimes perpetrated by or with the active complicity of some unscrupulous security agents.

Eighth, all valid votes must count and all ballots must be accounted for in a transparent manner.

Ninth, domestic and international election observers/monitors must be mainstreamed into the planning and conduct of the elections.

Tenth, electoral offenders must be promptly and vigorously prosecuted and punished, in order to serve as deterrence to others.

Eleventh, the electoral laws must be consistent with the imperative of broadening the democratic space, as enunciated, inter alia, in INEC & Anor V Balarabe Musa & Ors.[24]

Twelfth, the courts and tribunals – to the extent that they are, in a sense, an extension of the electoral system – must be fair, impartial and incorruptible. Regrettably, the conduct of many judges handling election petition matters leaves much to be desired. Such judges are a disgrace to a profession that prides itself as noble and to an institution that prides itself as the custodian of

---

[23](2009) ALL FWLR (Pt. 459), 419, at 620-621.

[24](2003) NWLR (Part 806) 72, esp. at 150.

justice and must, therefore, be promptly disciplined and/or prosecuted without fear or favour, affection or ill-will. As Charles Evans Hughes succinctly remarks:

> A poor judge is perhaps the most wasteful indulgence of the community. You can refuse to patronise a merchant who does not carry good stock, but you have no recourse if you are haled before a judge whose mental or moral goods are inferior. An honest…, able and fearless judge is the most valuable servant of democracy, for he illuminates justice as he interprets and applies the law…[25]

Thirteenth, engendering a credible electoral system in Nigeria further requires coordinated and sustained civic education, public enlightenment and conscientization, grassroots mobilization and engagement.

Fourteenth, a virile and enlightened civil society, particularly one bolstered by a vibrant, objective and responsible press, is critical to the enthronement of electoral reform and good governance. Without an enlightened and vigilant citizenry, it is very easy for the elite, as well as ethnic and religious bigots to manipulate, inter alia, religion and ethnicity, transform them into Weapons of Mass Destruction (WMD) and imperil the Nigerian Project.

The imperative of good governance (including engendering justice and non-exclusivity in terms of access to opportunities and resources that constitute the common wealth) cannot be over-emphasized. The tragedy is that many African States are not repositories of popular sovereignty but oppressive institutions masquerading under the garb of Statehood. As Mutua rightly argues in an incisive article,[26] although "a variety of causes" account for Africa's predicament, "there has been a reluctance in policy and academic circles to identify the overriding cause". He hinges this "conspiracy of silence" on, inter alia, "the unwillingness

[25] Charles Evans Hughes, quoted in Itse Sagay, Recent Trends in the Status and Practice of the Rule of Law (Ibadan: ASUU Press, 1988), at 36.

[26] Makau Wa Mutua, "The Interaction Between Human Rights, Democracy and Governance and the Displacement of Populations", 37 International Journal of Refugee Law (1995): 39-40, 43-45.

and the fear to acknowledge that, with few exceptions, post-colonial political elites have largely failed Africa". Those who hold a contrary view are "either ignored or, worse, stigmatized as lackeys of outsiders", as it becomes fashionable to "point accusing fingers at outsiders, at the global economy, and at the colonial rulers for the unspeakable misery which has become the lot of Africa". Accusing African elites of engineering "the bulk of the continent's woes", he asserts that "some countries in Latin America and Asia have demonstrated that the colonial legacy and a hostile global economy need not permanently lock an undeveloped country out of the twentieth century". Accordingly, if potentially wealthy or viable African States "mire themselves in chronic turmoil…how can they legitimately cry wolf?" In the circumstance, he believes that "[t]he verdict is clear: the primary cause of [Africa's predicament] is bad, undemocratic government". Consequently, "the one issue that will determine whether Africa lives or dies [is] the democratization of African societies".

V. Conclusion: Food for Thought on the Politics of Zoning and Entitlement.

1. Martin Luther King: Judge people "by the content of their character."
2. The Bush Family: George H.W. Bush was the 41st president of the US; his son, George W. Bush, became the governor of the state of Texas and later the 43rd president of the US; his younger brother, Jeb Bush, is a former governor of the state of Florida.
3. Hillary Clinton is from the state of Illinois; is married to Bill Clinton, who is from the state of Arkansas; moved to the state of New York and successfully run for election to the US Senate and was thereafter

appointed Secretary of State by the Obama administration.

4. "The family that produced Barack and Michelle Obama is black and white and Asian, Christian, Muslim and Jewish. They speak English; Indonesian; French; Cantonese; German; Hebrew; African languages including Swahili, Luo and Igbo; and even a few phrases of Gullah, the Creole dialect of the South Carolina Lowcountry."[27]

1. "The election of Barack Obama…has finally broken the greatest barrier of prejudice in human history. And I believe that for us here in Nigeria, we have lessons to draw from this historic event. There are prejudices arising from differences in tribes, zones and regions. But we should examine ourselves in the light of this experience and conduct ourselves purely as Nigerians, to serve Nigeria and to serve humanity." [28]

[27] Jodi Kantor, "A Portrait of Change: Nation's Many Faces in Extended First Family", New York Times, January 20, 2009, at 1.

[28]Vincent Ikuomola, "World Leaders Hail Obama", The Nation, November 6, 2008, at 1.

THE CRIMINAL JUSTICE SYSTEM AND THE NEW SECURITY CHALLENGES IN NIGERIA

Delivered on 12th September 2011
by Professor Muhammed Tawfiq Ladan, PhD

Introduction:

This lecture aims at realizing the following objectives: -

1. To underscore the importance of the criminal justice system by highlighting the objectives of the system in Nigeria; and by indicating how the unfortunate spate of criminal acts of kidnapping, corruption, acts of terror being unleashed on innocent and defenceless civilians etc impact on national and human security and development;
2. To revisit the paradox of Nigeria, land of poverty in the midst of plenty with a view to underscoring the urgent need to address the root causes of youth involvement in violent crimes;
3. To provide a basis for understanding the factors responsible for the perceived new security challenges facing Nigeria;
4. To identify pointers to the new security challenges and the nature of the pressures being mounted on the criminal justice system;
5. To conclude with some recommendations.

2. Objectives of the Criminal Justice System and the Impact of Crime on National and Human Security, Democratic Governance and Development:

The Criminal Justice System in Nigeria aims at realizing the following objectives: - To sustain the Rule of Law by preventing crime wherever possible; by controlling crime through detection of the culprit, when crimes are committed; by convicting the guilty and acquitting the innocent; by dealing adequately and appropriately with those who are guilty and by giving proper effect to the sentence and orders which are imposed on the guilty by competent court of law/tribunal; and by ensuring a post-release attitudinal change or positive reintegration of offenders into the society.

Irrespective of the typology of crime, it is obvious from the above that the principal organs (the law enforcement agencies, prosecutors, court of law and Justice and the prisons) in the administration of criminal justice in Nigeria have an onerous task ahead in trying to achieve the above lofty objectives in the interest of justice (for the accused, the society and the victim of crime) and for the promotion of sustainable development.

But the important question here: - is Nigeria's crime problem partly responsible for its persistent poverty and underdevelopment?

The short answer seems to be affirmative. Hence three broad impacts of crime are discussed below: -

a) Crime undermines the state: By destroying the trust relationship between the people and the state, thereby undermining democracy, peace and security. Aside from direct losses of national funds due to corruption, crime can erode the tax base as the rich bribe tax officials and the poor recede into the shadow economy. Corruption diverts resources into graft-rich public works projects, at a cost to education and health services.

b) Crime destroys a nation's social and human capital: - By degrading the quality of life and standard of living of citizens and forcing skilled manpower to move overseas; victimization, as well as fear of crime, interferes with the development of those who remain. Crime impedes access to possible employment and educational opportunities, and it discourages the accumulation of legitimate assets.

c) Crime drives business away from an insecured nation: - By driving up the cost of doing business, investors see crime in development countries like Nigeria as a sign of social instability. Tourism, of large and growing importance for developing countries like Nigeria, is an industry especially sensitive to crime, especially kidnapping, terrorism and armed robbery. Further, corruption is even more damaging, perhaps the single

greatest obstacle to both human and national development.

3. Revisiting the Paradox of Nigeria: - A Land of Poverty in the Midst of Plenty and the New Security Challenges

This part of the paper aims at establishing the nexus between the above paradox and the recent involvement of youth in violent crimes of kidnapping, armed robbery and terrorism as well as ethno-religious violent conflicts across the federation.

It is a paradox that Nigeria is a rich country (with a foreign reserve of over 40 bn dollars in 2007 which sharply dropped in 2011 to $33.5 bn dollars; $8.1 bn dollars excess crude account; where the total government budgetary allocation to Federal, State and Local Governments in 2010 stood at N5.8 trillion naira; youth literacy rate at 80.2% etc) inhabited by the poor. Her poverty profile in statistical figures according to recent reports indicates that Nigerian people live in one of the 20 poorest countries in the world. The national poverty trend which stood at 54.4% between 2004 and 2009, sharply rose in 2011 to 70% (105 million) of Nigerians are now living below the poverty line. Out of this 70% are the majority rural poor between the ages of 25-60 yrs.

In terms of absolute poverty line by geo-political zone, the North-East has retained the title of the poorest zone in Nigeria since 1985, with the highest incidence of poverty (Ranging between 54.9% - 72.2%) followed by the North-West and North-Central. Further, with a Gini index of 50.6%, Nigeria is among the top 20 countries in the world with the widest gap between the rich and the poor. Hence, poverty in Nigeria is undoubtedly the face of the North. The 3 Northern zones put together constitute the poorest economy followed by the South-South.

Included in this troubling reality is the double digit unemployment rate (from 10.9% in 2007 to 12.9% in 2009/10) with over 12 million unemployed youths, mostly educated, able-bodied and potentially productive.

According to the Governor of Central Bank, such high incidence of poverty threatened national economic growth and development.

Similarly, a double-digit unemployment rate, with particular reference to youth, in a rich country like Nigeria, is necessarily a potential source of social instability and a real threat to national security and democracy.

More troubling today, is the fact that in the context of such a

high incidence of poverty and unemployment, 25% of the national budgetary allocation goes to the National Assembly to the detriment of the core social welfare ministries put together (i.e. education, health, water and agriculture).

In the face of the incessant kidnappings, bombings allegedly committed by militant sectarian groups like Boko Haram and ethnic militias like MEND, among others, the first important question is not who did what and how, but why the emergence of militant sectarian groups and their resort to violence in registering their local grievances and demands? More importantly is the question that remains unanswered: - What happened to the intelligence gathered and/or shared in relation to who were the suicide bombers or persons responsible for the 1st October 2010 Abuja 50th anniversary bombing; the Mogadishu barracks, Suleja and Force Headquarters bombings etc all before the most recent unpardonable UN House Abuja bombing? Must the Nigerian public (as equal stakeholders in crime prevention and control) beg the law enforcement/security agencies for information sharing even under the new Freedom of Information Act? Or should the public be allowed to continue to spread or swallow from the media baseless rumours? Where is the religiosity, if not patriotism, of Nigerians who watch, celebrate and/or shield in their communities all those who, knowingly, perpetrate such heinous crimes (irrespective of their sectarian or ideological stand or geo-political zone of origin)?

Understanding the Factors Responsible for the New Security Challenges Facing Nigeria and the Mounting Pressures on the Criminal Justice System:

First, is the problem of undue emphasis (in both policy and practice) on the pursuit of National/State Security to the disadvantage of human security. The goal of national security is on the defence of the state from external threats. By contrast, the focus of human security is the protection of individuals against both violent and non-violent threats to their lives and human dignity.

Security of state does not automatically mean security of peoples. Protecting citizens from foreign attack is certainly a necessary condition for the security of individuals, but it is not a sufficient one. Indeed, during the past century, far more people have been killed by their own governments than by armies from abroad.

Human security and national security should be – and often are – mutually reinforcing. But this is not always the case. Human security can be threatened both by weak states which allow

armed groups, warlords and militias to flourish, and by strong states which themselves commit abuses such as torture and summary execution.

The "broad" concept of human security, first outlined in the 1994 Human Development Report from the United Nations Development Programme, argues that human security rests on two pillars: freedom from want and freedom from fear. The broader view of human security includes food security, adequate shelter, security from poverty, and sometimes from "threats to human dignity". Its proponents rightly argue that hunger, disease, and natural disasters kill far more people than war, genocide, and terrorism combined. And these threats are often inter-related.

Human security entails taking preventive measures to reduce vulnerability and minimize risks, and taking remedial action where prevention fails. A human security approach therefore highlights the need to address the root causes of insecurity and ensure the safety of people in the future. In short, human security provides an enabling environment for human development. Where violence or threat of violence as we have in Nigeria today makes meaningful progress on the development agenda impossible, enhancing safety for people becomes a prerequisite. Indeed, promoting human development can also be an important strategy for furthering human security.

The above problem is manifested in the paradox of Nigeria earlier discussed; and further manifested in the poor implementation of the constitutional obligations imposed on the government (at all levels) by chapter two of the Constitution, namely, to promote the security and welfare of the people as the primary purpose of government (section 14(2)(b) and to ensure the progressive realization of the fundamental social, economic, political, educational, foreign policy and environmental objectives for the common good of all (sections 13-20 of Cap. 2 of the 1999 Constitution).

The Second factor stems from the unaddressed problem of the deculturised youths, who could become potential recruit into the terrorist cells. The deculturised youths, inter alia, suffer from poverty, unemployment, destitution, lack of education, or even, disillusionment after education and ultimately become frustrated and alienated from society. This reserve of individuals thereby become ready to put their own and other peoples' lives at risk in the carrying out of especially violent crimes in society. This class of youths sees no one being interested in them, and they, have no approval reference point anymore within the legitimate society.

Therefore, organized criminal syndicates certainly finds them useful, and usually gives them help, protection, and an element of identification with an authority figure, but harnessing their aggressive and destructive drives for the benefit of their syndicates.

The question here is, whose responsibility is it to help Nigerians verify claims of responsibility for all the bombings and kidnappings in the last one year, allegedly committed by local militant groups BOKO HARAM or MEND; or is any criminal syndicate group facelessly responsible but making claims in the names of BOKO HARAM and MEND due to their vulnerability to organized criminal syndicates and past negative records of behavior?

The above paradox is not a license for any militant sectarian group to engage in acts of violent crime. At this point it is noteworthy that neither Ethnicity nor Religion per se is a source of conflict except where they are politicized or manipulated for selfish ends.

From the perspective of Islam, as a misunderstood, misconceived, misinterpreted and misapplied by both Muslims and non-Muslims, the Holy Quran warns Muslims against extremism and declares terrorism as both sinful and a crime against humanity (where loss of lives of innocent and defenceless civilians are involved). Islam, as a religion of truth, peace and justice for all, urges state authorities to bring to justice all perpetrators of crimes without fear or favour but in accordance with due process of law.

The third factor is about the restrictive perception of the problem of crime prevention and the impact of crime on national development ONLY from the law enforcement perspective. This denies our criminal justice system the ability to effectively address some of the root causes of crime and threats to democratic governance as well as increase the crime prevention profile.

Some of the root causes of acts of kidnapping terrorism and corruption etc in Nigeria needing urgent attention include: - a) poor implementation of constitutional measures to address past socio-economic and political injustices, inequities and imbalances and a feeling of, among the diverse Nigerian populace, a sense of marginalisation, discrimination, exclusion and disadvantage; (b) failure by the state to effectively prevent and control the proliferation of Small Arms and Light Weapons (SALW) and their possession by militant sectarian and ethnic militia groups, among others; (c) the negative culture of do or die politics and the struggle for the sharing of national cake at the centre (distributive

federalism) arising from undue concentration of power and resources at the federal level (centre) to the disadvantage and impoverishment of the federating units (states and LGAs); (d) rising unemployment rate among youths; (e) politicization of ethnicity and manipulation of religion by the elites for their selfish ends thereby providing a fertile ground for extremism, intolerance, ethno-religious violent conflicts and perpetual cycle of recriminations or revengeful killings.

The above three broad factors point to the perceived new security challenges facing Nigeria. Some of which are identified as follows: -

i. The challenge of embracing faithfully the paradigm shift from state security to prioritised human security consistent with the constitutional obligations placed on all levels and arms of government in Nigeria (Sections 13 to 20 of Cap. 2).

ii. The challenge of building and sustaining trust and confidence between law enforcement/security agencies and the public, particularly communities, civil society groups and the private sector, as equal stakeholders in crime prevention and control as well as peace building efforts consistent with the National Peace Policy.

This is very critical for communities and groups in many parts of the country who recently see the government as sanctioning alleged summary executions, forced disappearances, other excesses as a form of abuse of power committed against their locals in the name of law and order domestic operations.

iii. The challenge of strategic efforts in combating trans-border crimes, movement and proliferation of Small Arms and Light Weapons in the ECOWAS sub-region consistent with Article 51 of the ECOWAS Protocol on the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security. This article is

specifically devoted to taking preventive and control measures, among others, against the illegal circulation of small arms in West Africa.

iv. The challenge of effective coordination and collaboration in intelligence gathering and sharing between law enforcement and other security agencies about the existence, growth and activities of militant groups, for effective crime prevention and control and the promotion of peace and security nationwide.

v. The challenge of enhancing access to justice in criminal matters. Failure of states to provide citizens with protection from crime and access to a justice system (which dispenses justice fairly, speedily and non-discriminatory) impedes sustainable development. All people have a right to go about their lives in peace, free to make the most of their opportunities. They can only do so if the institutions of justice and law and order protect them in their daily lives. States with poorly functioning criminal justice system and poor crime prevention and control mechanisms are unattractive to investors, so economic growth also suffers.

The resultant consequence of the above challenges is the mounting pressures on the criminal justice.

5. Pressures on Criminal Justice

When discussing the task of enhancing criminal justice, it is important to have some sense of the multiple pressures that are being placed on criminal justice systems. These pressures include increasing demands for access to justice. These demands for access to justice come from many quarters and are placing increasing expectations on criminal justice systems throughout the world.

One demand for access to justice is the need to respect the rights of those suspected and accused of crime, basic rights reflected in the 1996 International Covenant on Civil and Political

Rights and related standards. The need to respect these rights is particularly great given the increased emphasis on security and anti-terrorism efforts in recent years.

Another demand for access to justice is the need to protect vulnerable groups whether they are racial, ethnic, or religious minorities or those with disabilities who experience high rates of crime victimization or the victims of gender-based violence and abuse of children. The victims of crime, including groups who are disproportionately subject to crime victimization, demand better protection and at times an enhanced role in the criminal justice system. They look to the 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power as well as to other international standards relating to the rights of women, children and the rights of minorities to be free from discrimination.

There is also national, regional and international pressure to deal with serious crimes such as terrorism, organized crime, human trafficking and trafficking in drugs and firearms. International co-operation is required to fight these crimes and national systems must comply with international commitments. The Rome Status creating the International Criminal Court speaks to demands for accountability for the most serious crimes. Such forms of accountability cannot always be achieved within domestic systems of criminal justice.

There is also an increasing recognition of the important role of criminal justice in achieving good governance and Millennium Development Goals such as peace, security, poverty alleviation, human rights, democracy, good governance and the protection of the vulnerable. This is especially the case with respect to transitional democracies. In such contexts, there is a need for capacity building and compliance with basic international and regional standards. At the same time, these developments should proceed on the basis of an increasing awareness in many developed nations that putting more money into policing, prosecutions and prisons have not necessarily produced greater satisfaction with criminal justice or an increased sense of security of justice.

6. Enhancing Access to Justice through Criminal Law and Procedure Reforms

Over the years our criminal justice system has been identified with the following challenges. These include:

- chronic delay in the trial of cases,

- lack of effective coordination amongst the agencies of the criminal justice system- the police, prisons, prosecutors and the courts,
- absence of clear and consistent sentencing guidelines,
- growing number of awaiting trial inmates,
- problem of 'holden' charge,
- Limited alternatives to imprisonment,
- Dichotomy between federal and state offences,
- Indiscriminate transfer of investigating police officers.

The sordid face of our criminal justice system has over the years expressed itself in the plight of the more than 20,000 remand inmates in our prisons nationwide.

In order to address the above challenges various attempts have been made/are ongoing in the following areas: -

Legislative Reform Bills have been presented to the Federal Executive Council for adoption as executive legislations and now pending before the National Assembly for due passage into laws; Review of the Holding Charge Remand Procedure; Reform of the Bail Procedure to Check Abuse of the Right to Bail and Protect Remand Prisoners (Awaiting Trial Inmates); Enhancing Access to Justice through Judicial Reform; Enhancing Access to Justice for the Vulnerable Groups through Legal Empowerment, Financial and Legal Aid.

7. Conclusion and Recommendations

It is evident from the above analysis that Nigeria is currently experiencing some measure of terrorism with the attendant pressures being mounted on the criminal justice system and new security challenges happily noted by the Council of State (on Tuesday, 6th September 2011 emergency meeting in Abuja on insecurity in Nigeria).

Accordingly, the following are the viable options for Nigeria: -

1. The urgent need for greater inter-agency collaboration and cooperation in law enforcement, intelligence gathering and exchange for effective prevention and control of terrorism and terrorist financing as defined and criminalized by the most recent Anti-Terrorism and Money Laundering Acts 2011.

2. Addressing the root causes of youth involvement in violent crimes and ethno-religious violent conflicts entails the promotion of good governance and prioritizing investment in human security and human development in a sustainable manner.
3. Pursue vigorously enhancement of the capacity (human, technical, material and financial) of criminal justice personnel through training, reform and re-organisation, information gathering and exchange, research analysis, and dissemination of information on terrorism and terrorist financing as well as proliferation of SALW in West Africa.
4. Conflict Prevention and Peace – Building: - The country has witnessed recurrent conflicts since the attainment of independence. Government response to these conflicts which is largely characterized by a "fire brigade" approach, points to the absence of a systematic and institutionalized way of obtaining early warming signal. If such is in place, it would be possible to anticipate conflicts by detecting the various flashpoints of violent conflicts that have torn many communities asunder.

   For the purpose therefore, of designing effective conflict prevention and peace-building strategy, government needs to put in place the structure, requisite personnel and equipment for monitoring conflicts and transform existing conflict situations into enduring and sustainable peace.

   However, it is a requirement for success that such conflict management schemes be inclusive to include community leaders (of both "settlers" and "natives"), religious leaders, traditional rulers, CBOs and NGOs involved in conflict management and human rights, intellectuals and researchers, and women groups and leaders.

   In recognition of the role of the media in promoting conflicts through information (mis)management, it is necessary to expose media practitioners to the importance and need for moderation, less sensationalism, integrity and professionalism. This

can be done through continuing peace education workshops and seminars aimed at sensitizing media practitioners to the national political objectives of building a united, strong and prosperous society in the context of diversity and pluralism.

REFERENCES:

1. Ladan M. T., Enhancing Access to Justice in Criminal Matters: - Possible Areas for Reform in Nigeria: in The Nigerian Bar Association, Abuja (2011), Nigerian Bar Journal. Vol. 7 No. 1 August 2011 at pp 31-64.
2. The International Bank for Reconstruction and Development/the World Bank, Washington DC (2008). Mini Atlas of Human Security at pp. 1-2.
3. Federal Republic of Nigeria, Abuja (August 2011): Nigeria's 4th Periodic Country Report: - 2008-2010 on the Implementation of the African Charter on Human and Peoples' Rights in Nigeria at pp. 10-13.
4. Sections 13-20 of the 1999 Constitution of the Federal Republic of Nigeria.
5. See United Nations Office on Drugs and Crime, Vienna (2005): Why Fighting Crime Can Assist Development in Africa: Rule of Law and protection of the Most Vulnerable: Summary at pp. 9-59.
6. Federal Republic of Nigeria (2009): National Peace Policy at pp. 28-42.
7. See Ladan M. T., Constitutionalism and the Challenges of Ethnic and Religious Diversity in Nigeria: - Which way forward for Peace. Being a Paper Presented at a 2-day National Stakeholders' Conference for Peace in Nigeria. Organized By: The Institute for Peace and Conflict Resolution, Abuja in Collaboration with the Initiative for Peace, Empowerment and Tolerance International (IPET). Venue: Congress Hall, Transcorp Hilton Hotel, Abuja. Date: - 24TH – 25TH May, 2010.

Corruption and Conflict in Nigeria: Implications for Peace, Security and National Development

Delivered on 21st November 2011
by Dr. Abdullahi Shehu

1. Introduction

The twin problems of corruption and violent conflict are the two most enduring challenges to governance, stability, national security and national development in Nigeria since independence in 1960. They also represent two most chronic challenges of human development across most of the developing world. What is very troubling about these problems is that they appear to occur together or in some form of co-relation. If the global data on corruption, conflict and human development are considered together, they reveal a very disturbing pattern. Most of the countries that are rated in the 'most corrupt' category are also the countries with the lowest human development index (HDI). Interestingly, the same countries have also gone through internal armed conflict or are highly prone to conflict. These data suggest that corruption, conflict and national development are closely associated. Furthermore, in all the countries that have experienced political violence and crisis recently, deposed or threatened regimes have been accused of massive corruption and wholesale looting of the public treasury – Somalia, Liberia, Sierra Leone, Cote d'Ivoire, Egypt, Libya, Tunisia, etc. Do these consistent patterns represent just a simple coincidence or do they suggest a relationship between corruption and conflict? If there is a relationship, what might it be? It is crucial to explore these questions further and probe the possible relationships behind the observable association in order to facilitate policy formulation for peace, security and national development. Therefore, this paper explores the relationship between corruption and conflict in Nigeria, and how any such possible relationship impacts on peace, security and national development.

In Nigeria (a country in the low HDI category), it is evident that as corruption becomes more endemic, deadly conflict has exacerbated, not only in terms of number of conflict-related deaths, but also in its geographical spread – there is hardly any political zone in the country that has not experienced some form of political

violence and armed conflict since the end of military rule in 1999. This observation prompts a number of questions: is there any relationship between corruption and conflict? If yes, what is the nature of that relationship? How does interaction between the two affect peace and development in the country? The purpose of this paper is to attempt to find answers to these questions. This introductory section examines the global literature on what is known about the relationship between corruption and conflict. In the second section, attempt is made to match the theoretical findings with the reality of the Nigerian context. Thus, insight is drawn from other parts of the world where the presumed relationships have been studied and documented. The third section deals with the implications of corruption and conflict for peace, security and national development in Nigeria. The final section draws the conclusion of the entire paper and suggests a set of recommendations for addressing corruption and armed conflict in pursuit of the twin objectives of national security and national development.

2. Corruption and Conflict: the Global Literature

While considerable analyses exist on corruption and armed conflict, the effects of corruption on political instability and violence (or the effects of political instability and violence on corruption) have not received adequate scholarly attention. The scanty literature that attempts to link corruption to armed conflict appears controversial. Theobald (1990: 130) argued that 'the political ascendance of naked self-interest intensifies social inequalities, encourages social fragmentation and internecine conflict and propels a corrupt society into an unremitting cycle of institutional anarchy and violence'. This view has, however, been challenged for its lack of historical and cultural contextualization. Johnston (1986) and Szeftel (2000) have demonstrated the wide divergence of experiences with regard to the relationship between corruption, development and politics, using the recent history of Asian, African and Latin American countries. Afterall, Cohen et al. (1981), Charap and Harm (1999), and Le Billon (2003) have shown that corruption is 'endogenous' to many political structures and indeed contribute to political order. Several possibilities can be put forward about the presumed relationship between corruption and conflict. Jens Andvig (2007: 2) argues that:

(a) Corruption is an important cause of conflict,

weakening the government at the same time, causing grievances and discontent;
(b) Corruption prevents conflicts, by bribing competing contenders for power;
(c) Corruption and violent conflicts are basically co-flux phenomena caused by the same or closely connected mechanisms; and
(d) Corruption is irrelevant for the outbreak of conflicts: no causal links exist.

However, these are important views, much of which have not been subjected to rigorous evidence-based analysis. Besides, there are empirical evidences which refute some of the views above. For example, with respect to (a), there are countries where the prevalence of corruption has not resulted in any serious internal armed conflict. A good example is Bangladesh, which is traditionally rated as one of the most countries in the world.[29] Countries with the same Corruption Perception Index (CPI) do not necessarily share the same experience in terms of armed conflict. It is, therefore, difficult to state categorically that corruption causes conflict. It is also difficult to sustain the position in (b), since endemic corruption has not been able to prevent armed conflict in Nigeria, Sierra Leone, Liberia, Somalia, etc. The last position (d) is also hardy tenable, since it denies the relevance of corruption to the analysis of conflict. Given the centrality of economic development and governance factors in the outbreak or fuelling of armed conflict, and given their crucial importance in the resolution of prolonged conflicts, as well as post-conflict peace-building, it is hard to deny the significance of corruption in the emergence, duration and resolution of conflict. However, if the two phenomena are related, how do they interact? By arguing that corruption and conflict are two phenomena that change together by reason of some other mechanisms, position (d) offers an opportunity to further explore the conditions under which corruption and conflict behave in similar ways.

Samuel Huntington's Political Order in Changing Societies provides the earliest insights into the conditions under which corruption and violent conflicts have been closely associated. Huntington observed that the functions, as well as the causes, of corruption are similar to those of violence, and argued that both are encouraged by the process of modernization; both are

[29] See the Corruption Perception Index (CPI) published by Transparency International (TI) each year.

symptoms of the weakness of political institutions in the process of modernization. In his words, 'the society which has a high capacity for corruption also has a high capacity for violence' (Huntington, 1968: 63). In other words, corruption and conflict are encouraged by modernization, are symptomatic of weak political institutions and are prevalent in societies where opportunities for mobility outside of politics are few.

This position is two-pronged. The first one is that rapid modernization processes are characterized by 'political mobilization' increasing faster than political 'institutionalization'. Political institutionalization is the process by which institutions and procedures acquire value and stability. It is a stock that handles political demands, and it is the level of institutionalization (a build up of political and organizational capital that delivers the supply of relevant political services) while the demand is based on faster-moving political expectations (Huntington, 1968: 12). These two dynamics are generated by the process of modernization, which today manifests in various forms, including, liberalisation, marketisation, democratization, globalization, etc.

Huntington's second, rather more controversial position is that corruption may reduce political violence. In sum, while modernization increases both corruption and instability, corruption reduces the effect of modernization on latent violence, particularly when group pressure for policy change is mitigated by corruption and vertical social mobility exists. This argument has been further elucidated upon by Scott (1969: 122) who how the instance of a political party's ability 'to organize and provide material inducements (often corruptly) operates as a means of solving, for the time being at least, conflicts that might otherwise generate violence'. For Bardhan (1997: 1394), while corruption may generate economic inefficiency, some sharing of these spoils of office is to be tolerated for the sake of keeping ethnic envy and discontent under control.

Le Billon (2003: 415) supports this line of argument when he noted that conflicts may arise more from changes in the pattern of corruption, than from corruption itself. For him, the pattern of corruption may be changed by domestic or external shocks (such as the end of the Cold War together with the enforcement of new international standards in public finance, democracy and 'good

governance' which have, over the last decade, resulted in a decline in public rents), contributing to conflict, particularly when corruption is pervasive.

To fully appreciate this seemingly controversial argument, there is need to carefully examine what is meant by corruption. There is no comprehensive, universally agreed definition of corruption. The most frequently used definition, however, sees corruption as 'the abuse of public office for private gain' is offered by Transparency International (TI). Yet this definition tends to focus narrowly on the malfunctioning state institutions and fails to consider the broader range of subjects, including non-state actors, such as the private sector and non-governmental organizations. Johnston (1986: 1003) offers four types of corruption – market, patronage, nepotism and crisis – using the number of suppliers and the stakes involved. Johnston uses these categories to develop typology of corruption and conflict: Market corruption involves 'routine stakes of exchanges' and many suppliers dispensing corrupt benefits, leading to an integrative and very stable society. Patronage corruption involves few suppliers but routine stakes involves large networks. This is also integrative and stable. Nepotistic corruption involves extraordinary stakes and a few suppliers within a kinship and friendship network. This kind of corruption is disintegrative outside the immediate network and likely to be unstable. Finally, crisis corruption involves multiple suppliers and extraordinary stakes, and is the most unstable and disintegrative.

Building on this typology of corruption, Le Billon (2003) argues that the potential degree of conflictuality associated with corruption thus responds to legitimacy and competitiveness. In other words, the perception of certain corrupt practices, which may not be considered acts of corruption but cultural practice; that is, within the boundaries of acceptable behaviour for the elite (the politicians, the military, the business community, or the general population). The legitimacy of corruption is therefore defined by the legitimacy of control over resources; with conflicts arising when this control extends beyond the mutually recognized resource boundaries of social networks or fails the rules of reciprocity. Similarly, the corruption of politics through a system of patron–client relationships guided by private interests can ensure some degree of political stability due to the prevalence of reciprocity among political actors (Le Billon 2003: 415-416). The degree of conflictuality associated with corruption is also related to its level of competitiveness.

Using examples from Cote d'Ivoire and the Democratic Republic of Congo (DRC), Faure and Me´dard, (1982) and Le Billon (2003: 416) show that the distribution of the spoils of office among different and possibly antagonistic groups and regions in divided societies can help to stabilize a country's political and economic systems. This may happen in various ways. Le Billon argues that the ruling elite may use a tacit institutionalization of corruption within the hierarchy of state institutions as a powerful instrument for retaining the allegiance of its individual members (such as military and security chiefs, as well as local/regional power holders) and organizations by providing both an inescapable economic incentive (access to rents/bribes) and a disciplinary threat (dismissal for corruption). Le Billon (2003: 416) further argues that patronage corruption can be also integrative when funds are channeled outside by ruling elites through a parallel budget used for political purposes, such as patronage or electoral campaigning, thus 'often sustaining a stable—if not just—political order'. This line of argument had already been suggested by Charap and Harm (1999) who see corruption as a tool to create order from a situation of anarchy. Empirical evidence from the DRC showed that Mobutu was able to sustain a political order by co-opting opposition and buying allegiance through regularly reshuffling of lucrative positions in his government. Mobutu enjoyed political order until the erosion of public rents from the mid-1980s onwards and the democratization taking place from 1990 onwards coincided with the rise of competitive forms of corruption within his administration and the military, leading to the ultimate collapse of the regime in 1997 (Emizet, 2000).

Andvig (2007: 18) has used the following illustration to advance Huntington's thoughts: young secondary school leavers without employment are more likely to engage in political activity than the average citizens. However, if their later demands for employment are not brought into the political system in legitimate ways due to a low degree of 'political institutionalization', they may get their family to pay a bribe so they can get a job (as teachers, policemen, etc). Alternatively, they may join a violent rebellion where their education may be put to some use to make violent social demand. Thus, where institutions are unable to cope with all the new demands that arise under a modernization process in legitimate political ways, excess demand is released in either of two ways: on the one hand, individual agents will seek to get access to and influence the political and bureaucratic apparatus through

corruption; on the other hand, excess demand stimulates attempts to organize access to the collective decision-making through group violence (Andvig 2007: 18).

Thus, modernization can generate either corruption or violent conflict, depending on the level of political institutionalization (institutional capacity) to legitimately and effectively address faster-growing political mobilization (demands for social, economic and political inclusion and participation). Yet, where such demands are released through corruption, violent conflict tends to be mitigated. What is implied, though not articulated in all of these, is that institution building is vital to mitigating corruption and violent conflict in the process of modernization.

An important body of literature that is very useful for understanding the interaction between corruption and violent conflict has emerged from the 'greed' and 'grievance' debate, stimulated by the World Bank research group. Focusing essentially on armed rebellion in civil wars, the debate makes a distinction between greed and grievance as two motivations for violent conflict. Collier & Hoeffler (2001), writing for the World Bank, showed through their research that extensive corruption may stimulate both greed and grievance. As public resources meant for urgent public investment are being diverted into private pockets grievances are likely to be stimulated against public power-holders.

The greed and grievance framework provides a very important tool for understanding how corruption fuels (not cause) conflict. Mauro (1995) had already shown that economic grievances can result from the negative impact of corruption on investment and economic growth. Such grievances may occur when allocation of public resources to sectors which have limited opportunities for corruption (such as education) is undermined in favour of high opportunity ones (such as defence) (Mauro 1998). Corruption can also fuel conflict by exacerbating social inequalities (Gupta et al., 1998). Conversely, the ever-expanding wealth of corrupt power-holders increases the incentives for outsiders to seek public offices through violence. Andvig (2007: 24) stretches the observation further that extensive bureaucratic corruption, particularly when connected to armed forces and tax collection, increases the likelihood of a successful rebellion as the apparatuses of the state and its military capability are compromised. Thus, while extensive

corruption may stimulate both greed- and grievance-motivated rebels, it increases their chances of winning military struggles. During such conflicts, corrupt transactions are likely to involve bribes to military, the police, border guards and customs officials to facilitate weapons smuggling. Bribes may also be used by non-state actors to buy vital military information from public officials to secure military advantage over the state.

Yet, corruption alone is not enough to sustain political order. The literature points out that the simultaneous use of corruption and violence repression has been a vital instrument of order by ruling elites, particularly in divided societies. Le Billon (2003: 421) uses examples from Indonesia and Nigeria to show how the simultaneous use of corruption and state (or state-sponsored) violence enabled rulers to contain off large-scale conflict, at least for long periods of time. In this line of reasoning, violence can be said to aid corruption. Under such circumstances, ending conflict may not be a priority agenda for the ruling elites as the war economy becomes the avenue for corrupt enrichment. This means that conflict resolution or post-conflict peace-building may be prolonged or may never be achieved for a long time in a context where corruption is pervasive (Keen 1998). Le Billon (2003: 422) shows that 'defence related contracts, wages of ghost soldiers, licensed looting, reliance on imports, prevalence of parallel markets, or impunity for ruling groups offer opportunities for corrupt practices' in the course of armed conflict. The efficiency and morale of armed forces can also be undermined when it is corrupted and this can work to delay victory and prolong military battles.

At a much higher level of corruption, Patrick Chabal and Jean-Pascal Daloz have argued that political elites deliberately operate the state informally in order to enhance their narrow interests. One of the ways in which they do so is to manipulate violence as a profitable resource (Patrick Chabal and Jean-Pascal Daloz 1999: 4-13). The foundation of this observation is cast in the neo-patrimonial model of the African state by which the formal institutions of the inherited colonial state is said to have been de-bureaucratised by post-colonial rulers, so that the state operates through informal processes. Public institutions are therefore compelled to operate through the informal networks of clientelism and nepotism, which allows rulers allocate political offices and privileges to their clients on the basis of patronage rather than any

professionalism criteria (Médard 1982; Rotchild and Chazan 1988; Eisenstadt 1992). Some writers have even dared to observe that it is the 'criminalisation' of the state by its elites that significantly cripples its bureaucratic effectiveness (Bayart and Hibou 1999). This process involves the entrenchment of criminal practices at the heart of the institutions of government, including the private use of the public security forces, the privatisation of violence and participation of rulers in the semi-clandestine economy. In such cases, corrupt elites are part of an informal network that includes state and non-state actors who serve as vectors of violence.

The transition from armed conflict to peace also offers an attractive opportunity for corruption. Le Billon (2003: 423) points out that in the context of persisting violence and a weak regulatory environment, ruling and business elites view the peace, as well as democratic elections as a political and economic opportunity, and are often willing to use corruption to gain extra leverage. Conversely, corruption plays an important role in buying the peace during post-conflict transition, at least in the short-term. In most programmes of post-conflict Disarmament, Demobilisation and Reintegration (DDR), cash handouts are used to defuse potential unrest among ex-combatants and to induce surrender of weapons and accelerate demobilization (Berdal, 1996). This is a form of corruption which becomes necessary to buy the support of potential spoilers for the peace process.

Other important insights have come from the resource curse literature. It has been proved that countries rich in natural resources have higher levels of corruption than countries with fewer resources (Leite and Weidmann 1999), and that higher levels of natural resources (measured by the share of primary goods export in GDP) increase the likelihood of civil war outbreak. Michael Ross (2003: 35) warns that dependence on natural resources invokes the resource curse of civil war, by creating a 'rentier effect' and weakening the institutional capacity of the state. The most emphasized of mineral resources is petroleum oil, which has been closely associated with political instability in the producing countries. 'Petro-states' or countries whose economies depend on revenues from oil exports have been found to experience the 'paradox of plenty' (Terry Karl 1997 & 1999). The paradox of plenty refers to the process by which the inflow of vast amount of petro-dollars produces deep social and political crisis (including riots, conflicts and civil wars) rather than serves as an

opportunity for surmounting the obstacles to development such as poverty, inequality and social exclusion. The case of the Niger Delta discussed in the subsequent section is a good example. The risk of conflict in petro-states when income per capita from oil exports is relatively low, because oil rents in low-income petro-states are often distributed through patronage networks, which increases rent-seeking and, consequently, the probability of violence (Basedau and Lacher 2006: 14-24). The central message from the foregoing is that low-income petro-states have a high tendency to distribute oil rents through a system of political patronage which generates social contradictions, such as exclusion and high inequality.

If this is transposed on Huntington's theory of modernization, low-income petro-states (such as Nigeria) as opposed to high-income petro-states (like Saudi Arabia) are usually lacking in the institutional capacity to accommodate political mobilisation which accompany modernization because oil-rents are not invested in institutional development to ensure effective delivery of services and welfare to the population. Such rents are rather shared through informal networks of relationship among the elites as the main channel of corruption. This produces social, political and economic exclusion whose victims would seek a redistribution of the oil rents either by offering to serve as clienteles of the ruling patrons and reproduce the logic of corruption or by taking up arms in rebellion. Yet, even among those who seek violent means, grievance may not be the most defining motivation. The desire to share in the booty of corruption (greed) may be the main drive, in which case conflict and violence are mutually reinforcing.

It is also crucial to note from the above literature the criminalization of the state through corrupt practices manifest in the pre-conflict, conflict and post-conflict phases. Before the outbreak of conflict, the inability of weakened public institutions to delivery services and to mitigate grievances prepares the ground for either greed-based or grievance-based conflict. During the actual conflict phase, the criminalization of state bureaucracies reinforces the use of violence. State security officials may succumb to the offer of bribes and pass deadly weapons or strategic intelligence to rebels and insurgents. [30] Bribery of security and

[30] Regretably, the Boko Haram group had alleged that it had penetrateted the security and intelligence circles in Nigeria. Whether is calim is true of false is not as important as the security and intelligence agencies under taking a scrutiny (re-vetting) of their personnel to ascertain this allegation.

customs officials would equally permit cross-border smuggling of weapons to be used in the conflict. Furthermore, security and political elites, as well as militias may all operate as members of organized criminal networks that use violence to advance narrow commercial and political interests. At the post -conflict phase, the flow of huge financial aid for peace-building is highly attractive to elite capture and corruption. This would reinforce grievances and support a relapse from the fragile transition to another cycle of violence. In addition, conflict entrepreneurs may work with corrupt political elites who have vested interest in the conflict to frustrate the implementation of peace-building programmes.

The body of literature considered above has focused more or less on public sector corruption. The interaction of conflict and private sector corruption has largely been neglected. In a petro-state like Nigeria where the all-important petroleum industry is dominated by private companies, particularly the multinational corporations (MNCs), the private sector corruption requires close examination. This is particularly important, given the insight from Nigeria where the close association of MNCs with the ruling elite has been closely associated with political violence and conflict in the Niger Delta. An attempt is made to fill this gap in the subsequent section of the paper, which examines the interaction of corruption and conflict in the context of Nigeria.

3. Corruption and Conflict in Nigeria

As can be deduced from the literature reviewed above, the relationship between corruption and conflict is very complex, though they both change in the same direction in response to the process of modernisation or shocks. This is more pronounced in fragile resource rich countries with weak institutional capacity. As a highly diverse low-income petro-state, Nigeria provides a perfect context for the complex interaction of corruption and armed conflict. Both corruption and conflict have increased dramatically with the transition from military autocracy to popular democracy. The transition itself is a process which began in 1999 and is far from consolidated, let alone completed. This means that public institutions are yet to fully mature in capacity to effectively address the political mobilisation occasioned by the new democratic space. Since the mid-1980s, Nigeria has also been experimenting with economic liberalisation under the pressure of the so-called

Washington Consensus. The country is also moving from a traditional economy towards a modern economy as dictated by the pressures of globalisation. The simultaneous rise of corruption and armed conflict within this context of modernization is discussed below.

4. Corruption and the Structure of the Nigeria's Democracy:

Corruption is the most topical issue of governance discourse in Nigeria today. A starting point for discussing the subject would be the incursion of the military into politics early in the history of self-rule. The dominance of military rule in the political history of the country (over 32 years out of the 51 years since independence) has meant that the fledgling norms of accountable governance and the rule of law, which came with the short-lived First Republic, were systematically replaced by a political culture defined by dictatorship, patronage and corruption. It has been argued that military rule, particularly in the late 1980s and through the 1990s, institutionalized corruption as a way of political life and survival. The only widely acknowledged honourable exceptions have been the administrations of Murtala/Obasanjo (1975-1976) and Buhari/Idiagbon (1983-1985), both of which fought corruption in a 'comprehensive, practical, transparent and non-partisan' manner (Shehu 2006: 86), but which ironically were also the shortest-lived in the history of the country.

The pioneer Executive Chairman of the Economic and Financial Crimes Commission (EFCC), Nuhu Ribadu, declared in a British Broadcasting Corparation (BBC) interview in 2006 that Nigeria lost about US$380 billion to corruption between independence in 1960 and the end of military rule in 1999. The pervasiveness of corruption and its corrosive effect on national development was clearly recognized by the new civilian administration that came to power following the transition from military rule to democracy in 1999. In his inaugural speech on 29 May 1999, the newly sworn-in President Obasanjo observed succinctly that:

> The impact of official corruption is so rampant and has earned Nigeria a very bad image at home and abroad. Besides, it has distorted and retrogressed development.

> Our infrastructures – NEPA, NITEL, Roads, Railways, Education, Housing and other social service were allowed to decay and collapse. All this have brought a situation of chaos and near despair. This is the challenge for us.

In that same speech, the President set anti-corruption as priority of government. Commitment to this avowal was given practical expression through the enactment of the Corrupt Practices and Other Related Offences Act in June 2000 and the establishment of the Independent Corrupt Practices and Other Related Offences Commission (ICPC) in September of same year. In addition, the Economic and Financial Crimes Act was enacted in December 2002, establishing the Economic and Financial Crimes Commission (EFCC). Both the ICPC and the EFCC were given broad legal powers to investigate and prosecute cases of corruption and related financial crimes. With staff strength of 1,700 personnel and budget for 2010 standing at US$60 million (Human Rights Watch 2011: 8), the EFCC, in particular, has grown to become the frontline anti-corruption agency in the country.

In spite of the above initiatives, the current era of democracy in Nigeria has been assessed by close observers as sinking further in the morass of corruption. Some of the well-known allegations of grand corruption against the Obasanjo Administration (1999-2007) have been cited by Shehu (2006: 90-92). A research conducted by the Human Rights watch in 2007 estimated that during the eight (8) year period of the Obasanjo Administration, the country lost between US$4 billion and US$8 billion annually to corruption[31]. The shared perception in the country today is that corruption has grown worse with every passing day and that its increasing entrenchment has continued to defy institutional counter-measures.

This should not come as a surprise given the fact that the nature of politics in the country, as described in the introduction of this paper, provides a wider structural framework in which corruption is deeply embedded and which constrains the operation of any well-meaning anti-corruption institution. The broader political architecture of the country is a web of patronage relationships, and therefore serves as a most supportive environment for the growth and virulent reproduction of corruption across a wide spectrum of the national society. This is very evident in the way by which

[31] The study is cited in Human Rights Watch 2011, p. 6

political offices are acceded to. Since 1999, elections have been more stolen than popularly won. 'Democratic' leaders have been more selected by patrons (Godfathers) than elected by the people. Political offices are therefore occupied to service the demands by patrons for financial returns which can only be met by embezzled public funds (Human Rights Watch 2007: 33).

Corruption appears to be the strongest bond that holds the members of the ruling elite together, such that members who have either been accused or convicted of corruption received open and overwhelming support of the ruling political class. A very graphic illustration of this dimension of politics in Nigeria is the widely publicized sentencing of former chairman of the Nigerian Ports Authority (NPA) and former Deputy Chairman of the ruling People's Democratic Party (PDP), Bode George, for corrupt splitting of contracts to two and a half years in prison. When he came out of prison in February 2011, Bode George was hosted to a wasteful church 'thanksgiving' service attended by leading senior government and PDP officials, including former President Obasanjo (Adeniji 2011, Aziken et al 2011 & Godwin et al 2011). The trial and/or conviction of other top politicians on charges of corruption, including former state Governors across the country, revealed the same pattern of overwhelming solidarity and open shielding by the ruling class.

A higher level of this patrimonial politics manifests through political interference in corruption cases involving highly 'connected' individuals. More recently, the Office of the Attorney General and Minister of Justice was alleged to have unilaterally quashed corruption cases involving high-profile politicians, as demonstrated in the cases against the former Governor of Delta State, James Ibori, in 2007 and a Deputy health Minister in January 2011 (Ribadu 2009 & Human Rights Watch 2011: 31). These cases reveal the extensive political control of anti-corruption agencies and their lack of professional autonomy to fight corruption dispassionately. The use of the judiciary (mainly the courts) to 'kill' the trial of high profile politicians on corruption charges has also become a new trend in the systemic spread cross the architecture of governance in the country. The most common instruments used by the courts to stop such trials include frustrating delays in court hearing,[32] plea bargains[33] and the granting of dubious (sometimes

[32] Cases of corruption brought against some former governors, ministers and legislators and other high profile government functionaries have been pending in Federal High Court and Court of Appeal for over four years.

[33] A glaring example was the case of former governor of Edo State, Chief Lucky Igbinedion, who was convicted of corrupt enrichment and would have been jailed but was given a fine of paltry 3.5 million naira through plea bargain.

perpetual) injunctions against prosecution, as was effectively used in the cases of the former governors of oil-rich Delta and Rivers States.[34] The deep-seated corruption of the judiciary has recently manifested in the scathing scandal of influencing the outcome of election petitions involving powerful governors, sparking the current reform in the sector (The Sun 2011). The situation has also informed the repeated strident calls by the Executive Chairman of the EFCC for the establishment of special anti-corruption courts to fast-track the prosecution and trial of accused persons. All these constitute a flip-side of the selective (mis)use of anti-corruption agencies against domestic political opponents and shielding the clienteles of the regime, particularly during the last few years of the Obasanjo era (Human Rights Watch 2007: 31-36) when the ill-fated 'Third Term Agenda' dominated political debate. The forgoing analysis demonstrates how the entire political system and the distribution of political power are constructed on the foundation of corruption, and how formidable it is to fight corruption.

5. Armed Conflict and Insecurity Since 1999:

Although the struggle for independence in Nigeria did not involve violent liberation struggle as was the case in Southern and (some) East African countries (Angola, Kenya, Mozambique, Namibia, Zimbabwe and South Africa), the country emerged in 1960 with its fair share of internal political contradictions. These contradictions, which were suppressed by the exigencies of colonial predation, began to manifest among the various indigenous political groups as soon as self-rule was granted by the British. They were given expression through intense rivalry among the federating Northern, Western and Eastern Regions, and fuelled disquiet fears of domination among the ethnic minorities as the large ethnic groups viciously struggled for control of the central (federal) government and its resources. The resultant crisis produced the Tiv Riots of 1962, the election and census related mass violence of 1964/1965 in the Western Region, and the first military coup of 1966, all of which escalated into the crescendo of the bloody civil of war (the Biafran War) of 1967-1970. Although there has been no civil war since 1970, the period from then up to the democratic transition in 1999 saw increased frequency of, military coups (both attempted and

[34]The former governor of Rivers State, Peter Odili, in particular, was able to secure from the court a perpetual injunction to prevent his arrest, prosecution or trial in an allegation relating to 25 billion naira which he was accused of using to float a private airline.

successful), and an intractable outbreak of violent communal (ethnic, religious and resource-based) conflicts across the country. The list of these conflicts is very long and few instances that are easily remembered include the Kano riots, the Maitatsine riots, the Ife-Modakeke conflict, the Tiv-Jukun conflict, the Ijaw-Istekiri conflict, etc.[35] In spite of this turbulent past, the transition to democracy in 1999 can be veritably seen as a watershed in the dynamics of conflict and insecurity in Nigeria.

Since 1999, old conflicts seem to have escalated while new ones have exploded across diverse parts of the country. The long-standing crisis in the Niger Delta steadily escalated into armed confrontation with government troops by the beginning of the Obasanjo Administration in1999, and a full-blown insurgency by the mid-2000s, featuring the operation of well-organised armed militants. From about the same time, communal armed conflict has become very frequent in nearly all of the parts of the country and it appears that the Nigerian state has lost the capacity to resolve them. The list of these conflicts is almost interminable, including the Tiv-Jukun conflict, the Warri Conflict, the Umuleri-Aguleri conflict, the Sagamu conflict, the Kaduna riots, the Jos Conflict, etc. Apart from the Niger Delta conflict, which considerably receded due to the Federal Government Amnesty Programme and Post-Amnesty Reintegration from late 2009, the Jos conflict has now become a most intractable security problem for the government, turning Plateau State into one of the new hotbeds of political violence in the country. The period has also coincided with the emergence of what is now referred to as ethnic militias across the country, making competing political demands on the central government through violent pressures.[36] A few examples of these militias include the O'oduwa People's Congress (OPC) in the Southwest, the Bakassi Boys and Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) in the Southeast, the Arewa People's Congress (APC) and Hisba in the north, and the Egesu Boys, the Niger Delta People's Volunteer Force (NDPVF), and the Movement for Emancipation of the Niger Delta (MEND) in the Niger Delta.[37]

---

[35]For an exhaustive list of these conflicts, see the report of the Strategic Conflict Assessment published by the Nigerian Institute for Peace and Conflict Resolution in 2003.

[36]See Ahmadu Sesay, Ukeje, C., Aina, O., and Odebiyi, A., (eds), Ethnic Militias and the Future of Democracy in Nigeria, 2003; Nnamdi Obasi, Ethnic Militias, Vigilantes and Separatist Groups in Nigeria, 2002; Akinyele, R., 'Ethnic Militancy and National Stability in Nigeria: A Case Study of Oodua People's Congress', 2001; and Tunde Babawale, 'The Rise of Ethnic Militias, De-legitimisation of the State, and the Threat to Nigerian Federalism', 2001

[37] See Nnamdi Obasi, Ethnic Militias…op.cit

Other new threats to national security that have gained ascendancy recently include serious organized crimes, election-related violence, and violent extremism. Serious organized crimes, such as oil-bunkering and kidnapping were initially associated with the Niger Delta conflict. However, with the gradual resolution of that conflict from late 2009, kidnapping appears to have migrated to the rest of the country, predominantly the South East zone. Overall, kidnapping, armed robbery, car snatching and ritual killings have continued unabated throughout the country, defying the capacity of the Nigeria Police Force (NPF). Since 2003, elections have served as a new fulcrum for conflict and political violence. Political mobilization before, during and after elections have featured assassinations, arson, violent disorder and criminal damage in different parts of the country. The most recent instances have been the post-election violence, which broke out across many of the northern states following the April 2011 general elections. The most troubling form of insecurity in the country is the campaign of violent extremism, predominant in the North eastern states. The most fearsome manifestation is the Boko Haram group operating from Maiduguri, which has continued to launch indiscriminate fatal attacks on the civilian population and institutions of criminal justice (the police, courts and prisons) in the north eastern states and the Federal Capital Territory (FCT). The use of explosives and suicide bomb attacks on targets in urban locations since 2010 have spread terror among the national population and have presented the most daunting security challenge to the Nigerian state since after the Biafran War. In spite of the heavy deployment of military, intelligence and police operations in the zone, Boko Haram has continued to effectively challenge the authority of the Nigerian state by launching deadly attacks almost on a daily basis.[38] From the foregoing, it is obvious that the relevant institutions of the Nigerian state have increasingly demonstrated a lack of capacity to deliver the conditions of peace and national security for citizens.

What then is the role of corruption in all of the scenarios of conflict and how does conflict, in turn, shape the dynamics of corruption in Nigeria? The relationship is considered in the three main phases of the conflict cycle: before, during and after conflict. The analysis will place emphasis on the three most recent conflicts in the

[38]Hamza Idris, '... Bombings rock Damaturu', Weekly Trust, Saturday, 05 November 2011; James Bwala, 'Boko Haram: Suicide Bombers Hit Military Base', The Tribune, 05 November 2011; BBC News, 'Nigeria bomb attacks 'kill dozens' in Damaturu', 5 November 2011; The Vanguard, 'Multiple explosions rock volatile Maiduguri – Residents', Friday, November 4, 2011

country, which have also been the most serious since the end of the Biafran War: The Niger Delta conflict, the Jos conflict, and the Boko Haram crisis.

6. Corruption and Conflict Prevention in Nigeria

The linkages between corruption and conflict in Nigeria can be captured under three mutually reinforcing dynamics:

1. Corruption in Nigeria is both criminal and monopolistic
2. The literature suggests that corruption reproduces greed and creates incentives for unregulated competition for resources.
3. Corruption undermines the capacity of Nigeria to mitigate normal social conflict and create avenues for redressing injustice.

Much has been discussed above on the endemic nature of corruption in Nigeria. What needs to be added is the nature of corruption in the country. This exacerbates the condition of social inequality and social exclusion of a large segment of the population. Recent international assessments of the Millennium Development Goals (MDGs) in Nigeria have revealed dismal government performance, given the pervasiveness of poverty and very high levels of unemployment, particularly among the youths. A 2005 UNIDO report is cited to have estimated that about 80% of revenues from Nigeria's oil and natural gas are controlled by 1% of the country's population. The rest 20% goes to the 99% percent of the population. As a result, Nigeria had the lowest per capita oil export earning put at $212 (N28, 408) per person in 2004 (Afeikhena 2005:15). By simple logic, the 80% were calculated to live below the poverty line. The diversion of huge pubic funds away from physical and human development has meant that those who do not have access to the control or sharing of those funds are shut out of the booty. The UNDP 2006 Human Development Report on the Niger Delta gives a graphic picture of how Nigeria's type of corruption intensifies desperate conditions of socio-economic exclusion and is at the heart of youth restiveness in the region. According to that report, the enormous revenue devolved to the states and local governments in the region, from the Federation Account, Derivation Fund (13%) and the NDDC fund did not have their desired impact. This is largely because the development

agenda of the authorities have not been people-centred and participatory (UNDP 2006: 16). The same UNIDO report cited in Afeikhena (2005:15) above notes that Nigeria had about $US107 billion of its private wealth belonging to the 1% of the population held abroad. The net result is that most Nigerians, including the Niger Delta people, are excluded from the benefits of the oil wealth, while most of the wealth has not been invested within the country, exacerbating the conditions of poverty.

However, the centralization of oil-revenues and its monopolization by the elite has generated increased pressure to share in the spoils of office by those left out. Political mobilization since 1999 has therefore been very intense, involving a zero-sum competition to capture the reins of power. It has been discussed above that elections in Nigeria, at least until 2011, were more of selection processes. They have also been characterized by violence – assassination of aspirants, the use of violence to steal votes and the reactionary expression of violence against dubious election outcomes – even in the 2011 elections, all showing that the stakes of exchange in political office are extremely high. The numerous agitations of the peoples of the Niger Delta for greater local control of the oil wealth since independence, which have become increasingly strident in the last decade, also demonstrate the increasing desire to participate in the restrictive patronage system. The dismal performance of the NDDC and the abysmal predation of public funds by the Governors of the Niger Delta sates between 1999 and 2007 lend credence to the inordinate greed and competition that Nigeria's monopolistic and criminal corruption generates among aspirants to the patronage network. Past governors of the major oil producing states (Bayelsa, Delta and Rivers) have been accused of large scale corruption. One has been convicted and jailed for plundering the resources of his state on a massive scale, while one escaped arrest over a 105-counts charge for looting up to 10 billion naira from his state, though is facing trial for grand corruption in the United Kingdom.

Competition for the centralized oil wealth is not limited to the Niger Delta, but is replicated in all the states of the Federation, where the same logic of monopolistic patronage creates exclusion and deepens social inequality. The UNDP Human Development Report (2010) ranks Nigeria among the low HDI category of

countries. Yet, given the huge financial resources accruing to the Nigerian state from the oil and gas sector, the widespread social exclusion veritably represents what has been termed 'want in the midst of plenty' (International Crisis Group 2006) across the country. Yet, it is not the greedy aspiration of the excluded for the spoils of office that degenerate into armed conflict. Rather, political violence results from the inability of the Nigerian bureaucracy to respond efficiently to the popular demands fuelled by the frustration of social exclusion propelled by the new climate of democratic freedom and participatory politics.

Ironically, years of unmitigated corruption appears to have undermined the capacity of the state to resolve or address popular demands thrown up by the process of modernization, including day-to-day social conflicts which are normal in all societies. It is common knowledge that the failure of the central state to address the grievances of the Niger Delta peoples allowed those grievances to fester and snowball into the current armed conflict. Lacking in institutional capacity to address the problems, successive administrations had used the instrument of violence to suppress the demands. There was hardly any viable state institution to lead the process of negotiations until the Amnesty Programme started by the Yar'Adua government. The same logic of state repression through the deployment of government troops to conflict affected areas is replicated in conflicts in Jos and the Northeastern states (the Boko Haram phenomenon).

7. Corruption and Conflict Management/Resolution

The process by which armed conflict has been managed also provides another avenue for examining the interaction between corruption and conflict. Well-threaded path of responding to armed conflict has been the dispatch of trigger-happy troops to the conflict theatre. Troop deployment is crucial for crisis management, provided that there is a robust political framework in place to address root causes and programmes in place for transforming the conflict on to non-violent spheres. However, until the establishment of the Niger Delta Amnesty programme, there had been no effective, institutional(ised) approach to problem solving with regard to armed conflicts in Nigeria. The most common, and probably the only, non-military approach to conflict management has been the setting up of judicial commissions of inquiry.

A judicial commission of inquiry is an ad hoc, post-facto response to armed conflict and is meant to serve two main purposes. One is to investigate the causes, on the basis of which policy recommendations are made in order to prevent reoccurrence. The second purpose is to identify perpetrators for appropriate sanctions, which should serve as deterrence. Yet, while nearly all the major episodes of political and communal conflict have been investigated by various judicial commissions, the resultant recommendations have never been implemented, and the same conflicts have continued to reoccur over time. A good example is the Jos conflict, which appears to have remained intractable and which has been the subject of various commissions of inquiry. The non-implementation of past recommendations received a central attention of the report of the Justice Lemu Panel set up by the Jonathan Administration to investigate post-election violence in April 2011, which report was submitted in October 2011. The first recommendation of that panel, and perhaps the most important, is that the Federal Government should promptly commence implementation of past recommendations. Some of the well-known panels that easily come to mind are the Babalakin Judicial Commission of Inquiry into the Bauchi State Civil Disturbances; the Karibi Whyte Judicial Commission of Inquiry into the Kafanchan Disturbances; the Niki Tobi Judicial Commission of Inquiry into the Plateau State Disturbances; the Justice Sankey Judicial Commission of Inquiry into the Wase and Langtang Disturbances; and the Justice Disu Judicial Commission of Inquiry into the Plateau State Disturbances, again.

The replication of judicial commissions of inquiry without commitment to actual implementation of the catalogue of recommendations so far generated not only demonstrates waste of scarce resources, but more importantly speaks volumes about the extent of corruption in the hierarchy of governance in the country. It suggests that government is not sincere with the population in addressing conflict and insecurity or powerful actors who are in or close to the government and have vested interests in those conflicts have blocked any attempt to implement the recommendations. If the first suggestion is the case, it shows that government has something to hide from the governed and consequently acts against the public interest of national security. If the second suggestion is the case, it would mean that the private interest of some people matter more to government than the public concern of national security.

Even the deployment of troops to conflict theatres has served to fuel and sustain conflicts where there are elements of corruption. Some military and security personnel within the military Joint Task Force (JTF) in the Niger Delta have been alleged to be involved in criminal activities bothering on corruption and thus sustained the war economy there. Asuni (2009: 4-5) gives a hint on how many top Nigerian politicians and military officers, both serving and retired, were actively involved in and facilitated the large-scale oil bunkering business at the peak of the conflict in the Niger Delta. Interestingly, the proceeds from oil theft were used by the militants to buy weapons and ammunition, helping to sustain the armed groups that were fighting the federal government troops. Corruption within the security institutions also facilitated the smuggling and proliferation of deadly weapons used in the Niger Delta conflict (Asuni 2009: 40. Thus, elements within the military deployment worked to sustain the war economy by facilitating oil bunkering in which senior politicians were involved. Elements within the Nigerian army have also been found to sell weapons illegally from the military arms depot in Kaduna to the Niger Delta militants. Although the officers involved were dismissed, the act proves how corruption within the military works against the objective of military deployment in conflicts. On various occasions, many victims of the Jos conflict have made open allegations of bias and criminal massacre of civilians by personnel belonging to the military Special Task Force (STF) deployed to maintain peace there (Amnesty International 2011a). With reference to the Boko Haram crisis, Amnesty International and other leading human rights organizations in Nigeria issued a joint statement in July 2011 condemning the unlawful killings in Maiduguri by the intervention military force deployed to quell the violence (Amnesty International 2011b). The crisis of public confidence and legitimacy around the military in Nigeria generated by unprofessional behavior and corruption have served to reinforce grievances against the state and sustained existing armed conflicts. Beyond the Niger Delta, the proliferation of small arms and light weapons used by Boko Haram fighters and those in the Jos conflict calls for effective governance within the agencies of border security, internal security as well as defence. The most heinous cold-blood massacre of innocent civilians in Damaturu, Yobe State, by the Boko Haram in early November 2011 and the attacks on the UN House in Abuja in August 2011 by the same group[39] reveal the frightening weakness of security institutions in intercepting and preventing major threats.

[39] Boko Haram claimed responsibility for both attacks.

8. Corruption and Post-Conflict Peace-Building

Corruption in post-conflict situations is increasingly being appreciated globally within the nexus between corruption and conflict. It was the subject of the 14th UNDP International Anti-Corruption Conference (IACC) in 2010.[40] The conference discussed lessons learned from seven UNDP commissioned case studies of anti-corruption interventions in post-conflict countries in different parts of the world, including Afghanistan, the Democratic Republic of Congo, Guatemala, Iraq, Sierra Leone, South Sudan, and Timor Leste. The growing interest is driven by the realization that conflict and corruption are closely linked and that the prevalence of the latter in a post-conflict situation may lead to a relapse into violence. A major finding of the conference was that corruption undermines legitimacy in post-conflict situations, weakens the fragile state and jeopardizes stability. Some of the key challenges identified in those cases include the legacy of conflict-related corruption, the dilemma between stabilizing and destabilizing corruption, available wealth of resources caused by large aid inflow for reconstruction, existence of significant natural resources, and the lack of genuine political will to deal with these problems.

The conditions listed above accurately describe the current situation in the Niger Delta where post-conflict peace-building appears to be a major challenge for the government. The Amnesty succeeded in de-escalating the violence in the conflict, but peace in the region remains precarious and the risk of relapsing into violence is still very high. To date, recalcitrant bands of militants still wreck havoc in the creeks and illegal oil-bunkering has not been completely annihilated, providing opportunities for conflict entrepreneurs to make brisk business out of illicit arms trade, oil bunkering sponsorship of violence around local elections. The considerable inflow of money through the NDDC, the Post-Amnesty Programme and the federal allocations are all vulnerabel to corruption, unless special safeguard measures are put in place. Government (at all levels) has yet to demonstrate the political will to fast-track physical development and drastically reduce the level of poverty in the region. If top politicians and military/security officials continue to engage in the bunkering business, illicit arms trade, and organized crime are likely to generate new lucrative war economies for conflict entrepreneurs. One key issue that currently threatens the fragile peace is the management of the funds

[40] The Conference was titled 'Anti-Corruption Challenges in Post-Conflict and Recovery Situations', and held on 12 November 2010.

allocated for the re-integration of disarmed militants. In early 2010, the post-Amnesty programme suffered some setbacks as some aggrieved ex-militants did not receive their allowance. There was widespread perception that the funds were being embezzled, leading to violent protests and threats to 'return to the creeks'.

9. Implications for Peace, Security and National Development:

Discussing the implications of corruption and conflict for peace, security and national development in Nigeria is a very complex exercise. It is tempting to separately consider the implications of corruption for national development, on one hand, and the impacts of conflict on peace and national security, on the other. Yet, the analyses above demonstrate the very intricacy of the relationship between corruption and conflict, such that their interaction can have a very complex set of impacts on national security and development. Further still, and this makes this discussion even more complicated, national development and national security are not as insulated from each other in the real world as they have been portrayed in scholarship. Development and security have always gone hand-in-hand. There is now an increasing recognition among international development agencies that security is not just a development issue but that there can be no development without security (DFID 2002; World Bank 1999). Conversely, it is widely accepted that development and governance failures are at the roots of most of the deadly internal conflicts of the post-Cold War era, and that radicalisation can only be countered by human development.

Corruption and conflict have combined to stultify national development in Nigeria in many dimensions. The vast amount of several hundreds of billions (in US dollars) that has been lost to corruption since independence represents the value of the lost opportunity to finance national development. Much of that money could be more gainfully employed to develop a strong industrial sector and diversify the economy away from dependence on oil and the inherent national security predicaments of the resource curse.

The money could also have been invested in critical social sectors of health, education, physical infrastructure and job creation. The chances of reinvesting such stolen development resources have become even more remote as most of it is moved out of the country and lodged in foreign accounts. While figures may not be accurate due to the clandestine nature of corruption and illicit capital flight, most of US$250 billion allegedly embezzled by former Governors and politicians between 2005 and 2007 alone were hidden away in Western banks and Offshore Financial Centres (GIABA 2008: 4-5). According to the World Bank (2007: 11), every US$100 million of those stolen potential development finance could have funded 3.3 to 10 million treated bed-nets, first-line treatment for over 600,000 people for one year, HIV/AIDS management, water connections for 250,000 households, or 240 kilometers of two-lane paved road. In a country where the employment-to-population ratio has declined over the last decade (UNECA 2011: 39), and where the MDGs are likely not to be met (UNDP 2011; World Bank 2011), billions of dollars lost to corruption could have been used to create jobs and drastically cut down the huge army of unemployed youths who are readily recruited as the 'foot soldiers' for all the armed conflicts across the country. As revealed by the on-going probe by the Nigerian Senate, corrupt practices perpetuated by public servants is to blame for the pervasive poverty in the country and the overall economic challenges confronting the nation (Onochie 2011).

Furthermore, the concentration of the wealth of Nigeria in the hands of only 20% of the population translates into a very dangerous level of social inequality, resulting in economic and political instability (Global Financial Integrity 2009: 17). Deep social inequality is a critical indicator of underdevelopment and a major national development challenge. Its further deepening, which follows inexorably from corruption, moves the country away from the objectives of poverty reduction and sustainable development.

Rampant corruption in the security and criminal justice sectors has robbed Nigerians the chance to enjoy conditions of public safety and peace for a sustained period of time. Corruption in the security sector particularly has diminished the state capacity to maintain effective law and order across the country in the face of high levels of violent crimes. The Nigeria Police Force (NPF) was rated the most corrupt public institution in the country and the worst in terms of quality of service delivery in 2003 (Federal Ministry of Finance 2003). The open looting of the Police Equipment Fund (PEF) set up by the Obasanjo administration and the seeming unofficial 'settlement' of the resulting court case is just one of many instances in which deep-seated corruption within the NPF has been revealed. The loot, amounting to billions of Naira, represents the loss of a rare opportunity to capacitate the NPF with modern technology and facilities for preventing and fighting crime and conflict. The penetration of the entire criminal justice system by rampant corruption denies the majority of the population (particularly the poor and the vulnerable) access to justice, which is a core objective of development. The lack of access to justice for many provides opportunity for seeking redress through violent channels, with the potential of triggering armed conflict. This has been proved time and again as protagonists in most of the recent armed conflicts in the country have complained of long-standing structural injustice.

Endemic corruption in the security sector is reflected in the misallocation of scarce resources to address Nigeria's growing internal security threats, inefficiency and inappropriateness of security policies, absence of a coordinated national security strategy, ineffective early warning and conflict prevention mechanism, and gross inadequacy of crime prevention and law enforcement. All of these add up to reinforce pervasive fear in society and undermine human security. They also slow down national development partly because human security is an important objective of development, and partly because insecurity hampers the mobilisation of private enterprise in support of national development efforts.

Most importantly, corruption within the electoral system has a corrosive effect on conflict and national development. When the wrong persons are irregularly elected into office, they do not have the real mandate of the people, and would therefore have no legitimacy. Allowing the wrong people to get into key public offices, including the legislature has the implication of producing bad laws, bad policies, wrong decisions, and ultimately stunting development.

One of the implications of the insecurity situation in the country is that almost all the state governments have built airports, some of which are not viable, but with a view to reducing the hardships and related accidents in road transport. That is a welcome development. However, it has now become a tradition that state governors no longer travel by commercial airlines, but by chartered flights with public funds that were not properly appropriated. Some of the more endowed state governors have even purchased their own aircrafts, which are also used for their unofficial travels. If this trend is not controlled, it might lead to a serious drain on the resources of the states.

10. Conclusion

Accumulated evidence suggests that corruption tends to be prevalent during the most intense phases of modernization (Williams and Doing 2000 & Williams 2000). In Nigeria, the process of democratization since 1999 is a marked indicator of modernization. Democratization itself has also been closely associated with insecurity, particularly at the initial stages. Most of the internal armed conflicts of the 1990s in Eastern Europe and Africa are linked to the initiation of political liberalisation and democratic transition (Diamond 1996 & Uvin 1998). Rising insecurity was associated with democratic transition in Latin America (Kruijt and Koonings 1999 & Koonings 1999). The process of democratization, it is observed, permits the expression of ancient hatreds among rival nationalist groups in divided societies (Geertz 1963 & Hannum 1996). This is more likely to occur in fragile states (with weak institutions) than in all democratizing states (Rupesinghe 1992: 3). However, such conflicts typically decline as democracy consolidates. The reason is that at the early stages of democratisation, elites use competitive corruption to contain popular pressure for democratisation and exclude internal opponents, which in turn provokes violent

conflict. This is most likely to happen when elites are threatened by rapid political change and when the expansion of participatory politics occurs faster than the emergence of strong civic institutions (Snyder 2000: 13, 29, 32, 36 & 266). Comparative studies have lent credence to this observation, showing that the risk of violent conflict is high where democratisation is incomplete as opposed to dictatorships or consolidated democracies (Regan and Henderson 2002). Thus it is the subversion of the transition process by state elites whose patronage privileges are threatened by the workings of genuine democracy that spark off violent conflict in the course of democratisation rather than the process itself (Luckham 2003: 19). These conditions aptly encapsulate the democratization process in Nigeria, as has been discussed in the paper.

Whether motivated by greed or grievances, armed conflicts in Nigeria have much to do with corruption. Ruling elites resort to violence to maintain corruption, using it to prolong their rule beyond legal mandates as the ill-fated Third Term Agenda in 2006 clearly revealed. Marginalized politicians and would-be rulers are tempted by the availability of corrupt rents and seek to wrench power through organized violence. The entrenched corruption of those in power provides the motivation for the pauperized and hopeless segments of the population or economic interest groups to support or participate in an armed rebellion, as has been the case in the Niger Delta, the Jos and Boko Haram conflicts. Finally, corruption truncates the consolidation of democracy and institution building, thus undermining the capacity of the state to manage conflicts in Nigeria. As pointedly noted by Charap and Harm (1999), attempts to root out corruption under such conditions without efforts to create legitimate political processes may lead to anarchy rather than economic efficiency by destabilizing the existing hierarchy and order, thereby aggravating internal conflict.

Conversely, some conflicts have helped to terminate corrupt and predatory rule, thereby opening the way for dialogue and promotion of positive governance reforms in societies. Examples include post-Taylor Liberia and post-Aristide Haiti. However, in Nigeria, conflicts have degenerated into large-scale violence and even further illegitimate and predatory rule at various levels, in turn, prolonging the duration of those conflicts. Following from the above observations, some recommendations are made in the

following section to address the problems of corruption and conflict in Nigeria.

11. Recommendations

The Federal Government, which has primary responsibility for national security and anti-corruption, should:

- Ensure that reports of Commissions of Enquiry into civil disturbances and violent conflicts are sincerely implemented with a view to bringing the perpetrators and their supporters to justice and to serve as a credible deterrence
- Facilitate a legitimate political process by bolstering the capacity and professional autonomy of the Independent National Electoral Commission (INEC)
- Strengthen transparency and accountability over the management and distribution of oil revenues
- Invest massively in infrastructure, education, and health
- Invest massively in job creation and youth programmes
- Demonstrate clear and observable political commitment to the fight against corruption
- Bolster the capacity and professional autonomy of anti-corruption institutions
- Identify institutional entry points in governance systems, such as access to information and social accountability and transparency
- Adopt an institution building approach to governance – bolster the capacity of public institutions for effective service delivery
- Develop a national security strategy that is aligned with anti-corruption and national development priorities
- Undertake transformation of the security sector – establish effective mechanisms of external and internal accountability within the defence and security forces; inculcate firm discipline among troops serving special operations (Niger Delta, Jos, Northeast, etc), establish a transparent process over the stockpiling and management of weapons collected from disarmed combatants
- Ensure better coordination of anti-corruption and security institutions for information sharing and joint action on illicit arms importation, funding of political violence around elections, funding of political parties
- Foster local/downward accountability of development and reconstruction funds flowing to the Niger Delta.

Bibliography

1. Adams P. (1991) Odious Debts: Loose Lending, Corruption and the Third World's Environmental Legacy. Earthscan: London
2. Addison T (ed.). (2003) From Conflict to Recovery in Africa. Oxford University Press for UNU/WIDER: Oxford
3. Adeniji, Gbenga (2011) 'Bode George: Mega reception for an ex-convict,' Punch (Lagos), March 1
4. Afeikhena, J., (2005), 'Managing Oil Rent for Sustainable Development and Poverty Reduction in Africa', Paper presented at the UNU-WIDER Jubilee Conference: Thinking Ahead: The Future of Development Economics, Helsinki, www.wider.unu.edu/conference/conference-2005-3/conference
5. Ahmadu Sesay, Ukeje, C., Aina, O., and Odebiyi, A., (eds), (2003) Ethnic Militias and the Future of Democracy in Nigeria.
6. Akinyele, R., (2001) 'Ethnic Militancy and National Stability in Nigeria: A Case Study of Oodua People's Congress'.
7. Allen C. (1999) Warfare, endemic violence and state collapse. Review of African Political Economy 81: 367–384
8. Amnesty international (2011) Loss of Life, Insecurity and Impunity in the Run-Up to Nigeria's Elections. AFR 44/005/2011
9. Amnesty international (2011) Unlawful killings by the Joint Military Task Force in Maiduguri must stop. AFR 44/013/2011, 13 July
10. Andvig, Jens Christopher (2007) 'Corruption and Armed Conflicts: Some Stirring Around in the Governance Soup', NUPI Working Paper No. 720, Oslo, May
11. Ashley DW. (1998) The failure of conflict resolution in Cambodia: causes and lessons. In Cambodia and the International Community, Brown FZ, Timberman DG

(eds). Asia Society: New York; 49–78

12. Asuni, Judith Burdin (2009) Blood Oil in the Niger Delta, United States Institute of Peace (USIP) Special Report 229

13. Aziken, Emmanuel et al (2011) 'Anger, shock greet lavish reception for Bode George,' Vanguard (Lagos), February 28

14. Babawale, Tunde (2001) 'The Rise of Ethnic Militias, Delegitimisation of the State, and the Threat to Nigerian Federalism',

15. Bardhan P. (1997) Method in the madness? A political-economy analysis of the ethnic conflicts in less developed countries. World Development 25(9): 1381–1398 (September)

16. Bayart J-F, Ellis S, Hibou B. (1999) The Criminalisation of the State in Africa. James Currey: Oxford.

17. Bayart, Jean-Francois, Stephen Ellis and Béatrice Hibou (eds.) (1999), The Criminalization of the State in Africa. Oxford: James Curry

18. BBC News, 'Nigeria bomb attacks 'kill dozens' in Damaturu', 5 November 2011

19. Berdal M. (1996) Disarmament and Demobilisation After Civil Wars. Oxford University Press: Oxford

20. Burke J. (2001) You can rent Afghanistan, but you can't buy it. The Observer, 14 October

21. Bwala, James (2011) 'Boko Haram: Suicide Bombers Hit Military Base', The Tribune, 05 November

22. Chabal P, Daloz J-P. (1999) Africa Works: Disorder as Political Instrument. James Currey: Oxford

23. Charap J, Harm C. (1999) Institutionalized corruption and the kleptocratic state. International Monetary Fund Working Paper WP/99/91, Washington, DC

24. Cohen Y, Brown BR, Organski AFK. (1981) The paradoxical nature of state making: the violent creation of order. American Political Science Review 75(4): 901–910

25. Collier P. (2000) Economic causes of civil conflict and their implications for policy. World Bank: Washington, DC

26. Collier, P. & A. Hoeffler (2001), 'Greed and grievance in civil war', World Bank Policy Research Working Paper no. 2355, Washington DC: World Bank

27. Collier, P., A. Hoeffler & D. Rohner (2006), 'Beyond Greed and Grievance: Feasibility and civil war', CSAE Working Papers no. 10, Oxford: Centre for the Study of African Economies

28 Diamond, Larry (1996) 'Is the Third Wave Over?' Journal of Democracy 7: 3 (July)

29. Eisenstadt, Samuel (1973) Traditional Patrimonialism and Modern Neopatrimonialism. Beverly Hills, CA: Sage

30. Enweremadu, David U. (2009) 'Ending the Vicious Circle: Oil, Corruption, and Violent Conflict in the Niger Delta', a paper presented at the conference on Violence and Conflict in West Africa, organized by IFRA Nigeria at the Ahmadu Bello University, Zaria, on 17 November

31. Faure, Y., and Me´dard J-C (eds) (1982) Etat et Bourgeoisie en Coˆte d'Ivoire. Karthala: Paris

32. Federal Ministry of Finance (2003) Corruption and Governance Survey. Abuja: FMF

33. Geertz, Clifford (1963) 'Primordial Sentiments and Civil Politics in the New States', in Geertz, Clifford (ed), Old Societies and New States. New York: Free Press

34. GIABA (2008) Mutual Evaluation Report of Nigeria.

35. Gupta, S., Davoodi, H., and Alonso-Terme, R. (1998) 'Does Corruption Affect Income Inequality and Poverty?', International Monetary Fund Working Paper No. 98/76. IMF: Washington, DC

36. Harrison, G. (1999) Corruption as 'Boundary Politics': the State, Democratisation and Mozambique's Unstable Liberalisation. Third World Quarterly 20(3): 537–550Human Rights Watch (1999), 'The Destruction of Odi and Rape in Choba', Human Rights Watch Report (22 December)

37. Human Rights Watch (2002), 'Military Revenge in Benue: A Population under Attack', Vol. 14(2A)

38. Human Rights Watch (2002), 'The Bakassi Boys: The Legitimization of Murder and Torture', Vol. 14, Number 5

39. Human Rights Watch (2003), 'The O'odua Peoples' Congress: Fighting Violence with Violence', Vol. 15, No. 4(A)

40. Human Rights Watch (2005), 'Rivers and Blood: Guns, Oil and Power in Nigeria's Rivers State', Briefing Paper (February).Found at:

http://hrw.org/backgrounder/africa/nigeria0205/niger ia0205.pdf

41. Human Rights Watch (2007) Criminal Politics: Violence, "Godfathers" and Corruption in Nigeria, Volume 19, and No. 16 (A), October

42. Human Rights Watch (2011) Corruption on Trial? The Record of Nigeria's Economic and Financial Crimes Commission

43. Huntington, S. (1968) Political Order in Changing Societies. Yale University Press: New Haven, CT

44. Huntington, S. P. (1968), Political Order in Changing Societies. New Haven, CT: Yale University Press

45. Hannum, Hurst (1996) Autonomy, Sovereignty, and Self-Determination. Philadelphia: University of Pennsylvania

46. Idris, Hamza (2011) '... Bombings Rock Damaturu', Weekly Trust, Saturday, 05 November

47. Institute for Peace and Conflict Resolution (IPCR) (2003), Strategic Conflict Assessment Report. Abuja: IPCR

48. International Crisis Group (2006) 'Nigeria: Want in the Midst of Plenty'. Africa Report No. 113

49. Jacques, Andy (ed.) (2005), Fueling Poverty: Oil, War and Corruption, London: Christian Aid

50. Johnston M. (1986) 'The political consequences of corruption: a reassessment'. Comparative Politics 18(4): 459–477

51. Karl, Terry (1997), The Paradox of Plenty: Oil Booms and Petro-States. Berkeley: University of California Press

52. Karl, Terry (1999), 'The Perils of the Petro-State: Reflections on the Paradox of Plenty,' Journal of International Affairs, Volume 53, Issue 1

53. Keen D. 1998. The Economic Functions of Violence in Civil Wars. Oxford University Press: Oxford

54. Koonings, Kees (1999) 'Shadows of Violence and Political Transition in Brazil: From Military Rule to Democratic Governance' in Koonings, Kees and Dirk Kruijt (eds.),

Societies of Fear: The Legacy of Civil War, Violence and Terror in Latin America. London: Zed Books.

55. Kruijt, Dirk and Kees Koonings (1999) 'Introduction', in Koonings, Kees and Dirk Kruijt (eds.), Societies of Fear: The Legacy of Civil War, Violence and Terror in Latin America, London: Zed Books

56. Le Billon P. 2000. The political economy of transition in Cambodia 1989–1999: war, peace and forest exploitation. Development and Change 31(4): 785–805.

57. Le Billon P. 2001b. Angola's political economy of war: the role of oil and diamonds 1975–2000. African Affairs 100(398): 55–80

58. Le Billon, Philippe (2003) Buying Peace or Fuelling War: The Role of Corruption in Armed Conflicts, Journal of International Development, 15, 413–426

59. Leite, C. & J. Weidmann (1999), 'Does Mother Nature corrupt? Natural resources, corruption and economic growth', International Monetary Fund Working Paper no. 99/85, Washington DC

60. Luckham, Robin (2003) 'Democratic Strategies for Security in Transition and Conflict', in Cawthra, Gavin and Robin Luckham (eds.), Governing Insecurity: Democratic Control of Military and Security Establishments in Transitional Democracies, London: Zed Books

61. Major General Abdurahman Dambazau (2008) quoted in Vanguard (Niger Delta), August 28, 2008

62. Mauro P. 1995. Corruption and growth. Quarterly Journal of Economics 60(3): 681–712

63. Mauro P. 1998. Corruption and the composition of government expenditure. Journal of Public Economics 69(2): 263–279

64. McMullan M. 1961. A Theory of Corruption. Sociological Review 9(2): 181–201

65. Me´dard J-F. 1998. La crise de l'etat ne´o-patrimonial et l'evolution de la corruption en Afrique sub-Saharienne. Mondes en De´veloppement 26(102): 55–67

66. Médard, Jean-Francois (1982), 'The Underdeveloped State in Africa: Political Clientelism or Neo-patrimonialism?' in

Clapham, C. (ed), Private Patronage and Public Power: Political Clientelism and the Modern State. London: Frances Printer

67. Mehlum, H.; K. O. Moene & R. Torvik (2006), 'Institutions and the resource curse', Economic Journal, 116 (508): 1–20

68. National Accord (2011) Report of the Presidential Committee on pre- and post-elections violence, 24 October

69. "Nigerian leaders 'stole' $380bn", BBC News Online, October 20 2006

http://news.bbc.co.uk/2/hi/africa/6069230.stm (accessed November 2, 2011

70. Noorani, AG. 2000. A Report on Kashmir. Shrinagar

71. Nye JS. 1967. Corruption and political development: a cost–benefit analysis. American Political Science Review LXI(2): 417–427

72. Obasi, Nnamdi (2002) Ethnic Militias, Vigilantes and Separatist Groups in Nigeria

73. Omonobi, Kingsley & Aginam, Emeka (2011) 'Yobe Bomb Blast: CPs Face Dismissal for Negligence', Vanguard, Wednesday, November 9

74. Onochie, Bridget C. (2001) 'Nigeria loses N3tr yearly to public service graft, Senate panel alleges', The Guardian, Friday, November 4

75. Oritseet, Godwin et al (2011) 'I've now learnt my lesson – Bode George' Vanguard (Lagos), February 27

76. Rashid, A. 2000. Taliban: Islam, Oil and the New Great Game in Central Asia. Tauris: London

77. Regan, Patrick and Errol Henderson (2002) 'Democracy, Threats and Political Repression in Developing Countries: Are Democracies Internally Less Violent?' Third World Quarterly, 23 (1)

78. Ribadu, Nuhu (2009) Statement made in the UK on the money laundering charges against former Delta State Governor, James Ibori

79. Rupesinghe, Kumar (1992) 'The Disappearing Boundaries between Internal and External Conflicts,' in

Kumar Rupesinghe (ed), Internal Conflict and Governance. Basingstoke: Macmillan Press Limited

80. Ross, Michael (2003), 'The Natural Resource Curse: How Wealth Can Make You Poor', in Ian Bannon &Paul Collier (eds.) Natural Resources and Violent Conflict: Options and Actions. Washington D. C.: World Bank.

81. Rothchild, Donald and Naomi Chazan (eds.) (1988), The Precarious Balance: State and Society in Africa. Boulder: Westview Press

82. Sachs, Jeffrey and Andrew Warner (1995) 'Natural Resources Abundance and Economic Growth', National Bureau of Economic Research, Cambridge: Working Paper 5398, December

83. Schubert, Samuel R. (006) 'Revisiting the Oil Curse: Are Oil Rich Nations Really Doomed to Autocracy and Inequality?' in Oil and Gas Business

84. Scott JC. 1969. Corruption, machine politics and political change. American Political Science Review LXIII(4): 1142–1158

85. Shehu, Abdullahi Y. (2006) Economic and Financial Crimes in Nigeria: Policy Issues and Options. Lagos: National
Open University of Nigeria

86. Smith, Daniel J. (2007) A Culture of Corruption: Everyday Deception and Popular Discontent in Nigeria. Princeton: Princeton University Press

87. Snyder, Jack (2000) From Voting to Violence: Democratisation and Nationalist Conflict. New York: W. W. Norton & Company

88. Subair, Gbola et al (2011) 'World Bank Cautions FG on Oil Subsidy Removal, Slams Nigeria over Low MDGs Record, FG Raises Advisory Panel', Tribune, 26 October

89. Szeftel M. (2000) 'Between governance and underdevelopment: accumulation and Africa's "catastrophic corruption"'. Review of African Political Economy, 84: 287–306

90. The Vanguard, 'Multiple explosions rock volatile Maiduguri – Residents', Friday, November 4, 2011

91. Theobald R. (1990) Corruption, Development and Underdevelopment. Macmillan: Basingstoke. Verschave F-

X. 1997. La Francafrique: Le Plus Long Scandale de la Re´publique. Stock: Paris

92. Tsa, Godwin (2011) 'Corruption: Clark asks CJN to declare state of emergency in judiciary', The Sun, Thursday, November 03.

93. UN Economic Commission for Africa (UNECA) (2011) Economic Report on Africa 2011: Governing Development in Africa – the Role of the State in Economic Transformation. Addis Ababa: UNECA

94. Williams, Phil (ed) (2000) Trends in Organised Crime. Washington D.C. Vol. 5, No. 3

95. Williams, Robert and Alan Doing (eds) (2000) Controlling Corruption: The Politics of Corruption, Volume Four. Cheltenham: Edward Elgar Publications

96. Yuwana, Oghohgo O. (2011) 'Why Nigeria may not meet MDGs, by UNDP', The Guardian, Wednesday, 26 October

International Law and the Challenges of Socio-Cultural Fragmentation in Post-Colonial African States such as Nigeria: Normative Frameworks, State-Building Praxis, and the Way Forward

Delivered on 29th March 2012
by Professor Obiora Chinedu Okafor*

1. Introduction:

May I begin by thanking the Director-General and Staff of the Institute for Peace and Conflict Resolution for the opportunity to give this public lecture. I am also grateful to everyone here present for finding the time to attend this event.

In the main, this paper tackles three related questions: How has international law dealt with the fact of socio-cultural fragmentation within post-colonial African states such as Nigeria; what – in that context – has the contribution of international law to the accentuation of internecine conflict within those states been; and how can international law and institutions contribute to the amelioration of this kind of intra-state conflict in Nigeria and beyond?

Given the centrality of the concept of socio-cultural fragmentation to the discussion that follows in this paper, it is important to define it at this early stage. For our purposes here, that concept denotes the presence within an established state of a number of robustly competing socio-culturally-differentiated groups, each with a claim to some portion of the territory and resources of the given state. This concept is preferred to the concept of ethnicity because, unlike the latter, it does not carry much conceptual baggage and allows the theorist/practitioner to imagine inter-group conflict as basically rooted in competition for usually scarce social, economic and political resources, and not as inherent in the mere fact of the

existence within the same space of groups of persons who do not share the same ethnic identity.[41]

The paper is divided into the following segments. Following this introduction, section II explores the challenge of socio-cultural fragmentation that tends to confront post-colonial African states such as Nigeria; a challenge that has too often spawned internecine conflict. In section III, an outline of the contribution of international law to the accentuation of such internecine conflict in post-colonial African states such as Nigeria is offered. Section IV then outlines the emergent international law framework for the amelioration of internecine conflict in Post-colonial African states such as Nigeria. In section V, the imperative of managing some of Nigeria's state-building challenges within the international normative crucible is discussed. Section VI makes a case for the establishment in our time of an African Special Commission on National Minorities and Inter-Group Equality. In section VII, the paper is concluded with some summative remarks.

2. The Challenge of Socio-Cultural Fragmentation within Post-Colonial African States such as Nigeria:

It is hardly controversial to argue that the relationship between almost all postcolonial African states (including of course Nigeria) and the national minorities which form the bulk of the ranks of the sub-state groups that constitute nearly every one of these states has, to say the least, been highly problematic. Less well recognized in the literature is the fact that this problematic situation has been, and will, for the foreseeable future remain, the central problem of post-colonial African statecraft.[42] Nevertheless, most observers of African politics would agree that as the Constitutive Act of the African Union has itself declared "the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent."[43] Yet, since nearly every single one of

---

[*] Professor of International Law, Osgoode Hall Law School, York University, Toronto, Canada; Gani Fawehinmi Distinguished Professor of Human Rights, Nigerian Institute of Advanced Legal Studies, Abuja, Nigeria (2011-2012); and Member, UN Human Rights Council Advisory Committee. Parts of this paper are based on some of my earlier work. See O.C. Okafor, infra note 1; and O.C. Okafor, "Righting," Restructuring, and Rejuvenating the Postcolonial African State: Toward an AU Special Commission on National Minorities" (2005) 13 African Yearbook of International Law 43. I am grateful to the Director-General of the Institute for Peace and Conflict Resolution, Dr. Golwa, for his kind invitation to deliver this lecture, and to Barrister Paul Andrew for his touching interest in, and voracious readership of, my scholarship. I also wish to thank Martin-Joe Ezeudu for his able research assistance.

[41] See O.C. Okafor, Re-Defining Legitimate Statehood: International Law and State Fragmentation in Africa (The Hague: Martinus Nijhoff, 2000) at 94-98 and 115 endnote 4.

[42] See O.C. Okafor, "After Martyrdom: International Law, Sub-State Groups, and the Construction of Legitimate Statehood in Africa" (2000) 41 Harvard International Law Journal 503 (hereinafter "Martyrdom").

[43] See the Preamble of the Constitutive Act of the African Union, supra note 4.

these conflicts in Africa has quite remarkably been internal, or better still intra-state, in nature,[44] and since virtually all of these intra-state conflicts have involved tensions over the practical enjoyment (or the lack thereof) of group rights/interests within the relevant states, it appears that inter-group conflicts (mostly of the majority/minority type) have at the very least been one major impediment to the effectiveness of postcolonial African states such as Nigeria. What is more, based on my own careful observation of the dynamics of the politics of state formation in Africa, I am of the view that the seemingly incessant inter-group tensions that underlie almost all of the intra-state conflicts that occur within postcolonial African states such as Nigeria is – at least in terms of its scale, prevalence and consequences – the key African state-building problem of our time. This point is easily illustrated.

Throughout its postcolonial history, and even before, the postcolonial African state has been typically beset by inter-group tensions, crises, and violence. As Makau Mutua has brilliantly shown, viewed from the perspective of the desirability of generally cohesive or widely accepted states with a reasonable chance of attaining effectiveness, the postcolonial African state never really had a chance in the first place.[45] A brief review of a sample of such states will serve to illustrate the nature of the structural illegitimacy that has seriously threatened the viability of the postcolonial African state. In the Democratic Republic of the Congo (i.e. the former Zaire), "multiple secessions and inter-ethnic conflict followed [its] independence" from Belgium in 1960.[46] Chief among these tensions and conflicts was the secessionist rebellion of the people of the Katanga area (later called Shaba).[47] That some, if not most, of these tensions and conflicts have survived to this day, mostly via their exacerbation, manipulation and reification by relevant political elite is in part ably illustrated by the minority rights and secession claims made before the African Commission on Human and Peoples' Rights in the now famous and relatively recent Katanga Case.[48] In Rwanda, longstanding tensions, conflicts, and violence between the Hutu numerical majority and Tutsi minority eventually escalated into one of the most well-known genocidal episodes in human history.[49]

---

[44] See U.J. Udombana, "Unfinished Business" supra note 4 at 59.
[45] See M. Mutua, "Putting Humpty Dumpty Back Together Again: Dilemmas of the Post-Colonial African State" (1995) 21 Brooklyn Journal of International Law 505.
[46] See M. McNulty, "The Collapse of Zaire: Implosion, Revolution or External Sabotage?" (1999) 37 The Journal of Modern African Studies 53, at 54.
[47] Ibid at 62.
[48] See Katangese Peoples' Congress v. Zaire (1996) 3 International Human Rights Reports 136.
[49] See H.M. Hintjens, "Explaining the 1994 Genocide in Rwanda" (1999) 37 The Journal of Modern African Studies 241.

While Rwandan society has to some extent begun the long process of recovery and reconciliation, there is as yet no reliable evidence that the underlying tensions that led to the genocide have fully died down. The at least ten year old conflict in Burundi (which, in Udombana's fitting words, left that country "paralyzed," and which killed well over two hundred thousand people) is similarly based on structural tensions between a fearful but powerful minority and a historically subordinated numerical majority. Though that conflict is now formally over, there is little evidence to suggest that the inter-group resentment and tensions that spawned it are no longer prevalent, even if in a milder form. Just as the decades old inter-group conflict in the Sudan between the somewhat "Arabized" North and the "non-Arabized" South waned and ended in a peace deal and the eventual peaceable secession of the Southern portion of that country, a similarly destructive inter-group conflict broke out in the Darfur region of that same country.[50] While a peace deal was signed in mid-2006 by some of the sides to the Darfur conflict (the central regime in Khartoum included), there is little room for so optimistic an assessment that would declare most inter-group tensions "dead and buried" in that vast but deeply troubled country.[51] More generally, Joel Ngugi was correct when he noted that Africa's "indigenous peoples" (who are almost always also minority groups) have been subjected to very serious ill-treatment that has too often generated high tension, conflict and violence.[52] While the foregoing is by no means a comprehensive rendering of the inter-group tensions and conflicts that afflict the post-colonial African state, it suffices to illustrate the centrality of such tensions and conflicts to statecraft in Africa, as well as its status as the key challenge of contemporary African state-building praxis. [53]

In Nigeria, the only recently subsided upsurge in violence in the oil-rich Niger Delta region, instigated for the most part by the militant wings of the various minority rights movements that populate that area, only underlines the intensity of much inter-group tensions in Africa's vastly most populous country.[54] The Biafran war that was fought mostly in the Igbo-dominated Eastern

[50] See Human Rights Watch, Darfur: Humanitarian Aid under Siege (New York: Human Rights Watch, 2006) at 6.

[51] The Guardian (Nigeria), 17 May 2006.

[52] See J. Ngugi, "The Decolonization-Modernization Interface and the Plight of Indigenous Peoples in Post-Colonial Development Discourse in Africa" (2002) 20 Wisconsin International Law Journal 297.

[53] For other examples, see L.A. Jinadu, "Explaining and Managing Ethnic Conflict in Africa: Towards a Cultural Theory of Democracy," Lecture Delivered at the Uppsala University Forum for International and Area Studies, 5 February 2004 (on file with the author).

region of Nigeria in the late 1960s is perhaps the most negative consequence of this kind of inter-group tension.[55] But as we all know, and probably need not belabor, Nigeria currently labors under the yoke of far-too-many conflicts of varying levels of intensity (ranging from the simmering to the outrightly violent). And, as rooted in competition for scarce political, social and economic resources as they almost always are, the fault lines of all-too-many of these conflicts are clearly socio-cultural. They tend to be conflicts between or among socio-culturally differentiated groups.

It is important, however, to note that as, I have shown elsewhere, contrary to the conventional wisdom, this tendency to be characterized by tensions, crisis and violence – one which has marked and marred the history of postcolonial African states such as Nigeria – is not uniquely African, and has less to do with the much touted incapacity of Africans to govern themselves or to build large and effective centralized states than with the daunting challenges of state-building posed by the particular character of the specific kinds of state-formation processes that produced the postcolonial African state as we currently know it. [56]

Thus, the serious national minority problems that face postcolonial African states such as Nigeria are mostly structural in nature.[57] This does not of course discount the role of human agency in the generation of these problems. The structural nature of this problem stems for the most part from the structural illegitimacy of almost all such states in Africa.[58] In the main, such illegitimacy has derived from the postcolonial African state's lack of sufficient affinity with its constituent sub-state groups, and its origins as a generally unalloyed external imposition rather than as a largely organic entity created through an internal process of consensus-building.[59] And although all states are a product of conflict, consensus and contrivance, it must be remembered that the postcolonial African state is by far the most contrived of them all, especially in recent history!

---

[54]See Human Rights Watch, 'They Do Not Own This Place': Government Discrimination Against 'Non-Indigenes' in Nigeria (New York, Human Rights Watch, 2006) at 7-8; "Militants Kill 4 Policemen in Port Harcourt" Thisday, 15 May 2006, on-line: http://www.thisdayonline.com/nview.php?id+48166&printer friendly=1 (visited 15 May 2006).
[55]See Frederick Forsyth, The Dogs of War (New York: Viking Press, 1974).
[56]See O.C. Okafor, "Martyrdom," supra note 2 at 504.
[57]Ibid, at 504-514.
[58]Ibid, at 504.
[59]Ibid.

3. An Outline of the Contribution of International Law to the Accentuation of Internecine Conflict in Post-Colonial African States such as Nigeria:

As my previous work demonstrates, certain doctrinal tendencies of international law (such as the facilitation of homogenization[60] and peer-review)[61] have traditionally facilitated the process via which postcolonial African states such as Nigeria have tended to coercively retain their restive sub-state groups, almost always with profoundly negative implications for the legitimacy, stability, peacefulness, and effectiveness of the relevant states.[62] Given the deep socio-cultural cleavages and serious structural tensions that characterize such states, this conflictual and often violent result is not all that surprising.[63] As the linkages among specific traditional doctrines and tendencies of international law, the structural illegitimacy of the postcolonial African state, and the generation of conflict within many such states, has already been well explicated in other books and articles, I will not dwell on it here in any detail.[64] What I will do is outline the main thrust of the arguments being made here.

The first argument relates to the accentuation of conflict as a result of international law's facilitation of the homogenization of the internal social sphere of states. As used here, the term "homogenization" refers to the tendency in international law to facilitate the largely coercive attempts by states to "form cohesive, culturally unitary nations out of their distinct, diverse component polities." In the (now waning) traditional international law order, the European idea/model statehood, based on the fusion and conflation of "nation" and "state," to form nation-states, has strongly dominated. For e.g., traditional international law did not allow the application of the self-determination norm within established states, and did not at first put forward any strong set of minority group rights capable of dictating the establishment of deeply pluralist internal state structures. While practical concerns about the ill-effects of the disunity that could result from the socio-cultural differentiation that exists in virtually all African states may have justified some of the vigorous attempts by African leaders to unite their populations around a common identity and "erase" social differences among their peoples, the coerciveness of the

[60] See Ibid, at 518.
[61] See ibid, at 515.
[62] See O.C. Okafor, "Re-Defining" supra note 1 at 53-77.
[63] See O.C. Okafor, "Martyrdom" supra note 2 at 505 and 521-526.
[64] For example, see O.C. Okafor, "Re-Defining" supra note 1.

approach that too many such leaders have taken toward the attainment of this otherwise lofty goal is far less understandable. Attempts to (more or less) coercively homogenize populations characterized by socio-cultural fragmentation have historically produced a fertile ground for internecine strife in post-colonial African states (such as Nigeria). In the hope of preventing the disintegration of their states all-too-many leaders (with the notable of exception of those who ruled Nigeria) eschewed the practice of federalism, minority rights, rotational presidencies, local autonomy, and other forms of decentralized governance. Even in Nigeria where federalism was more or less embraced, the fact of military rule here for the vast majority of our existence as a country tended to distort and even defeat federalism. Such tendencies toward the over-centralization of state power invariably led to struggles by minority and other sub-state groups for more local autonomy. This is true even of Nigeria where "federalism" is more deeply entrenched than elsewhere in Africa. Traditionally international law did very little to discourage this kind of state-building praxis. It was therefore in this first way that international law as a normative framework helped derail state-building praxis and accentuate conflict in post-colonial African states such as Nigeria.

The second argument here relates to the accentuation of conflict by international law's preference for "peer-review" rather than "infra-review." As used here, "peer review" refers to the tendency in international law to facilitate "the process of determining state legitimacy…according to the ipse dixit or "say so" of other states in the world community. This determination is not necessarily made with reference to the nature or qualities of the candidate state, or of any of its constituent sub-state groups." In the (now waning) traditional international law order, a state was historically considered legitimate not chiefly because it treated its sub-state groups (especially minorities) well, but primarily because other states in the world accepted it as a legitimate state. This attitude has helped free post-colonial African states such as Nigeria from the imperative of paying much more attention than has been the case to their internal (as opposed to external) legitimacy; i.e. their acceptability among the sub-groups that constitute them, especially the minority groups. In the result, many post-colonial African states have lacked sufficient internal legitimacy, even while enjoying a high degree of external legitimacy. Given this international legal environment, these states (dominated as they

often were by one or more sub-groups) too often dealt unfairly, even violently, with their own minority groups. This led, almost invariably, to heightened tensions and conflict, as the subordinated and/or oppressed groups in most such states sought to reverse status quos that they viewed as unjust. It was therefore in this second way that international law as a normative framework helped derail state-building praxis in these post-colonial African states, and in turn helped accentuate conflict.

Nevertheless, it should be noted that despite contributing to the accentuation of internecine conflict in Nigeria (and the rest of the African continent), international law can contribute as significantly to the more effective management of such conflicts. Some of the ways in which that normative order can, and has begun to, do so are discussed in the next section of the paper.

4. An Outline of the Emergent International Law Framework for the Amelioration of Internecine Conflict in Post-Colonial African States such as Nigeria:

As we have seen, until relatively recently, international law had tended to favor, rather than counter, certain attitudes that detracted from the observance of the rights of minority or less powerful sub-state groups, an attitude of the law that conduced to the accentuation of social tension and conflict in the relevant states. As we have seen, the law has tended to favor the coercive retention of sub-state groups within established and generally homogenizing states, while paying scant attention to the "say so" or infra-review of such groups regarding the legitimacy of their continued membership within these established states, a legal orientation that helped accentuate intra-state conflict. These two attitudes (i.e. homogenization and peer-review) tend to run against rather than adhere to the minority group rights that are becoming entrenched in international law. Thankfully, as strong and dominant as they remain, these attitudes have begun to wane in significant though still slight measure. [65]

For, happily, international human rights law, especially articles 1 and 27 of the International Covenant on Civil and Political Rights; article 1 of the International Covenant on Economic, Social

[65] See also D.F. Orentlicher, "Separation Anxiety: International Responses to Ethno-Separatist Claims" (1998) 23 Yale Journal of International Law 1, at 3-4.

and Cultural Rights; articles 19-23 of the African Charter on Human and Peoples Rights; and the (formally non-binding) Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, imposes reasonably clear obligations on states to respect the rights of their constituent sub-state groups, especially those who are minorities within those states.[66] It is no secret that most African states have at the formal level consented to be bound by most of these obligations. These minority rights include the right of such groups to use their own languages, to participate fully in political and economic life, to self-determination (at least in the form of local autonomy), to maintain their own associations, and to non-discrimination. The African Charter, to which virtually every African state (including Nigeria) has adhered, mandates inter alia the equality of all the sub-state groups that constitute each African state,[67] outlaws the "domination of a people by another,"[68] guarantees the right of all peoples to "existence," and "self-determination,"[69] guarantees the right of all peoples to freely control their wealth and natural resources,[70] guarantees the right of all peoples to development,[71] and clearly states that "colonized or oppressed peoples shall have the right to free themselves from the bonds of domination."[72]

Remarkably, these rights, even when they involve self-determination, apply within established states such as postcolonial African states.[73] The term "peoples" has been applied to the internal context in a long line of cases interpreting the relevant provisions of the African Charter. The Katanga Case is the most notable of such cases.[74] Others include the Endorois case,[75] the Ogoni case,[76] the Mauritania cases,[77] Kevin Mgwanga Gumne case,[78] et al. In all of these cases, the term "peoples" in Articles 19-23 of the

---

[66] See the International Covenant on Civil and Political Rights, 1966, 999 UNTS 171;
the International Covenant on Economic, Social and Cultural Rights, 1966, 993 UNTS 3; the African Charter on Human and Peoples Rights, 1981, (1982) 21 ILM 58; and the Declaration on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, GA Res. 47/135. 18 December 1992.
[67] See article 19.
[68] Ibid.
[69] See article 20(1).
[70] See article 21.
[71] See article 22.
[72] See article 20(2).
[73] See U.O. Umozurike, *The African Charter on Human and Peoples' Rights* (The Hague: Martinus Nijhoff, 1997) 53-54.
[74] See *Reference Re Secession of Quebec* (1998) 2 S.C.R. 217. See also O.C. Okafor, "Entitlement, Process, and Legitimacy in the Emergent International Law of Secession" (2002) 9 International Journal on Minority and Group Rights 41.
[75] See 27th Activity Report 2009-2010, Annex V.
[76] See *Social and Economic Rights Action Centre v. Nigeria*, (famously referred to as the Ogoni Case), 15th Activity Report 2001-2002, Annex V, para. 56.
[77] See Communications 54/91, 61/91, 98/93, 164/97-196/97 and 210/98, *Malawi African Association and Others* v. *Mauritania*, Thirteenth Annual Activity Report 2000. Full text of decision also available at <http://hrlibrary.ngo.ru/africa/comcases/54-91.html> (accessed 25 May 2010)
[78] Communication 266/2003, 26th Activity Report 2009, Annex IV.

African Charter was held to include the sub-state or ethnic groups that make up virtually all post-colonial African states, including Nigeria. What is more, a small number of African states have begun to include minority group rights in their own domestic constitutions, albeit to varying degrees.[79]

The effect of the application of the benefits of these rights (to self-determination, permanent sovereignty over resources, and development), and other such minority group rights, to the internal sphere of states is that under contemporary international law, these states cannot now stand lawfully configured, nor can they be in future re-configured, in ways that significantly violate any of these minority group rights. As such, lawful state-building praxis ought henceforth to be framed and shaped by the dictates of these norms. Thus, if such praxis are to become more lawful, appropriate and effective in post-colonial African states such as Nigeria (both in terms of adherence to the relevant international law imperatives and in the sense of doing the right thing) those who lead the processes of state-building on the African continent must begin to pay far greater attention to the dictates of the international human rights law (especially the contents of the minority group rights provisions in the African Charter) that seek to orient state-building on the continent.

Yet, as is widely recognized, like statecraft elsewhere, state-building praxis in post-colonial African states such as Nigeria has generally not been nearly as attentive as it ought to be to this last imperative. For the most past, the postcolonial African state continues to muddle through and endanger its corporate future by coercively retaining its constituent groups, and scarcely attending as adequately as it ought to, to the infra-review of its constituent sub-state groups.

5. Managing Nigeria's State-Building Challenges within the International Normative Crucible – the Resource Control/Revenue Allocation Question as an Example:

[79]See section 235 of the *South African Constitution* which states that: "The right of the South African people as a whole to self-determination, as manifested in this Constitution, does not preclude, within the framework of this right, recognition of the notion of the right of self-determination of any community sharing a common cultural and language heritage, within a territorial entity in the Republic or in any other way, determined by national legislation." See http://www.strategicassessments.org/library/resources/South_Africa_Constitution.pdf (visited 20 May 2006). See also K. Henrad, *Minority Protection in Post-Apartheid South Africa* (Westport, Connecticut: Praeger, 2002) at 116. And article 39 of the Constitution of the Federal Democratic Republic of Ethiopia contains self-determination (up to and including secession rights), language, cultural and political representation rights for all its constituent "nations, nationalities and peoples." See http://www.ethiopar.net/English/cnstiotn/conchp32.htm (visited 20 May 2006).

What, if anything, do the foregoing exposés on the character of the state-building crisis that afflicts the post-colonial African states such as Nigeria, and on international law's contributions to both the accentuation and amelioration of internecine conflict in post-colonial African states such as Nigeria, tell us about how to make our state-building praxis in this country more respectful of the rights of our national socio-cultural minorities, so as to make such praxis much more effective in the long run? What lessons may we learn from the relevant discussions about how to deal more effectively and appropriately with some of the very important (albeit contentious) state-building questions that currently confront us as a country, such as those relating to: (1) resource control, revenue allocation and the derivation/deprivation equation; (2) rotational presidency and zoning; and (3) calls in some quarters for the convening of a sovereign national conference? In the discussion that follows, I will examine the resource control/revenue allocation question as an illustrative example.

Let me begin this examination by making bold to state that contrary to the suggestion in the dominant stream of national discourse, Nigeria does not really have a revenue sharing or allocation problem. What we do have in reality is a huge revenue generation problem. Let me explain. The fact that every month the states that constitute the Nigerian federation send representatives to a revenue-sharing meeting in Abuja to collect their monthly revenue which has been allocated according to a pre-set formula, and the fact that they all-too-often quarrel about the formula or the amount allocated, does not mean that in reality the country has a revenue sharing problem. What these facts rather suggest is that virtually all of these states (all of them well-endowed in one way or the other in human or material resources) have failed in their duty to internally generate sufficient revenue to run their affairs and have come to depend so much on revenue that is handed down to them by the federal government, but which is in fact almost entirely generated from a very small portion of this country. This is why I say that as a country what we have is in reality a revenue generation (and not a revenue sharing) problem.

The shift in mindset that is called for by the above claim is essential if Nigerian society must be rescued in the long run from a downward socio-economic and therefore political spiral. For the current revenue-sharing mindset dis-incentivises and suppresses

creativity and hard work among those lucky enough to be called upon to lead these states, and breeds a culture of over-dependence by all and sundry on the oil resources of one small part of this country. And this – in the end – is bad for even the non-oil producing states which have almost no incentive to innovate with the resources that they do have. Pray, how many non-oil producing states have innovated with adding value to their rich agricultural produce so they can grow rich from the revenue accruing from the export of such value-added produce? How many of them have made bold to build on their rich human resource potentials, foster technological innovation such as software writing, and create little Japan's or Singapores in their backyards? One or two exceptions do of course exist but the overall record is in these connections is basically dismal.

But quite apart from this economic argument, there is an international (human rights) law argument that suggests that the shift in mindset that I have just called for is in fact legally required when due regard is paid to the provisions of the African Charter on Human and Peoples' Rights (the African Charter) and the emerging jurisprudence of the African Commission. First of all, as was pointed out in a previous section of this paper, it should be noted that Article 21 of the African Charter guarantees to all peoples (including sub-state groups such as the Ogoni, or Ijaw, or Kanuri) the right to freely dispose of their wealth and resources, and to adequate compensation if they are dispossessed of such resources. This is basically the right of sub-state groups to permanent sovereignty over their resources.[80] And the fact that such sub-state groups enjoy such rights under the African Charter was recently confirmed in the celebrated Endorois case, which originated from Kenya.[81]

Similarly the African Commission has also found that the sub-state groups that constitute post-colonial African states such as Nigeria (and not merely the entire populations of such countries) are guaranteed the right to development by Article 22 of the African Charter. In the Endorois case, the commission felt able to declare that this normative entitlement means that:

---

[80]See "Permanent Sovereignty over Natural Resources", G.A. Res. 1803 (XVII), 17 U.N. GAOR Supp. (No.17) at 15, U.N. Doc. A/5217 (1962). See also Nico Schrijver, Sovereignty over Natural Resources: Balancing Rights and Duties (Cambridge: Cambridge University Press, 1997). See also B. Ugochukwu, O. Badaru, and O.C. Okafor, "Group Rights under the African Charter on Human and Peoples' Rights: Concept, Praxis and Prospects" in M. Ssenyonjo, ed., The African Regional Human Rights System: 30 Years after the African Charter on Human and Peoples' Rights (The Hague: Martinus Nijhoff, 2012) at 101.

[81]See the Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of the Endorois Welfare Council v. Kenya, 27th Activity Report 2009-2010, Annex V.

[T]he Respondent State bears the burden for creating conditions favourable to a people's development. It is certainly not the responsibility of the Endorois themselves to find alternate places to graze their cattle or partake in religious ceremonies. The Respondent State, instead, is obligated to ensure that the Endorois are not left out of the development process or benefits. The African Commission agrees that the failure to provide adequate compensation and benefits, or provide suitable land for grazing indicates that the Respondent State did not adequately provide for the Endorois in the development process. It finds against the Respondent State that the Endorois community has suffered a violation of Article 22 of the Charter.[82]

With regard to the African Commission's interpretation of both the right to permanent sovereignty over natural resources and the right to development, what is most noteworthy is that: the fact that such sub-state groups must be compensated for the "taking" of their resources clearly means that those resources are theirs in the first place! This is the basic premise of contemporary African international human rights law, i.e. under the law of African Charter, a treaty that has in fact been domesticated in Nigeria and which has been an integral part of our domestic laws for a long time.[83] In the face of this governing legal regime, it is only appropriate that our state-building praxis should evolve to take cognizance of its dictates and imperatives.

In this last connection, let me make what some may see as a somewhat radical suggestion but which I see as vital to the revitalization, in the long run, of our national politics and economy. This suggestion proceeds from the premise that as, I have already argued, it makes sense to suppose that were oil revenues not to be as readily available to the thirty-six states as they are today, many of them will have much more of an incentive to develop other sectors of their economies, and even innovate new areas of economic endeavor. As such, I argue that one important way of forcing a sustainable Nigerian renaissance – one that will protect us from the eventual decline in (and even lack of) oil revenues that we will face sooner rather than later – is to find a way to slowly but progressively/steadily deprive all the non-oil producing states of revenues from that commodity, while at the same time progressively ceding back a portion of those oil revenues to the oil

[82] Ibid.
[83] See the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap 10, Laws of the Federation 1990.

producing states, to a maximum of 50%. The other half of the revenues (a tax that oil-producing states must pay to the federal coffers) could be saved in a sovereign wealth fund or some such investment device. This scheme has to be implemented very slowly in order to avoid unnecessary suffering in the non-oil producing states – say at the rate of 5% per annum. The idea requires more detailed study, but this could be implemented over a 10 year transitional period. In this transitional period, the revenues that would have previously gone to the affected non-oil states could be placed in a special fund or bank to be managed by a specially constituted group of technocrats from Nigeria and abroad who would deploy the money to fund deserving investments in and by the non-oil states in other areas of their economies that would create income and jobs in those states (like agriculture or computer software/hardware production, or tourism, or film production). And so the idea is not to take away the oil revenues from the non-oil producing states and leave them with nothing during the transitional period, but to structure an economic disincentive to their over-reliance on oil revenues while providing an incentive to them to develop their non-oil economic potentials. , how much oil does Japan or China or Korea have? And although the USA has more oil reserves than Nigeria, it does not rely nearly as much on oil revenues. Now, of course, to emphasize, ideas like this require much more study before they can be implemented. But I do stand firmly by the underlying points that have been made, which are that we must begin to wean ourselves of our gross over-dependence on oil revenues, and begin to think more in terms of incentives and disincentives in attempting to forge a Nigerian economic renaissance. This is an example of the ways in which our state-building praxis could be revised to both incentivize economic productivity and wealth creation, as well as comply with the international (human rights) law imperatives of respecting the sovereignty of constituent groups over their natural resources and ensuring their enjoyment of their right to development.

6. Toward an African Special Commission on National Minorities and Inter-Group Equality:

But how can such restructuring and rejuvenation in the state-building praxis of postcolonial African states such as Nigeria be facilitated, bolstered and sustained in order to prevent, manage and even resolve many of the conflicts that afflict these polities? Remarkably, it is noteworthy that by writing self-determination or

minority rights norms into their constitutions, and by establishing federal and power-sharing state structures, some African states have begun – albeit mostly at a formal level – the effort restructure and thus rejuvenate their polities. For example, South Africa has made a move to establish a Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities;[84] and Nigeria now operates a functional Federal Character Commission, and indeed the Institute for Peace and Conflict Resolution (on whose platform I am giving this public lecture).

Yet, as important, necessary, and commendable as these domestic efforts are, the structural crisis of state legitimacy in Africa (that has been generated by the national minority and socio-cultural fragmentation problems that have afflicted the postcolonial African state since its very beginnings) is far too serious and far too key and widespread as a source of conflict and violence on the continent to be left entirely to the vagaries of domestic politics. As such, there is a need for a meta-state or supra-state mechanism to be devoted to the imperative and urgent task of helping to rejuvenate the postcolonial African state via its systematic righting and restructuring. The amelioration of so central a state-building challenge as the state-fragmentation and internecine conflict problem in Africa deserves the concerted efforts of all interested parties on the continent. It certainly deserves the attention of our continental institutions.

Aside from the seriousness of the state legitimacy crisis in Africa arising from challenges of ill-managed socio-cultural fragmentation, another reason that commends the establishment of such a meta-state mechanism is the need to deploy relatively triadic structures in the attempt to manage or resolve the national minority questions that have led to the structural legitimacy crisis that afflicts the post-colonial African state. By a triadic structure is meant the management or adjudication of disputes by "a relatively detached and independent third party."[85] In contrast to a triadic model, a dyadic conflict management structure is one that is limited to the parties to the dispute themselves or to the parties and an institution that is controlled by one of them. A good, and in fact common, example of such a dyadic structure is a situation in

[84]See Section 181 of the Constitution of Republic of South Africa; and the First Periodic Report of South Africa to the African Commission on Human and Peoples' Rights, 2001 (submitted 2005) (on file with the author).

[85] See O.C. Okafor, "Entitlement" supra note 34 at 56.

which a dispute between a majority group that extensively controls and dominates the central government of a country and one of the minority groups in that country is referred to an organ of that same central government. In the intensely multi-national African state context, as elsewhere, where majority sub-state groups often exert extensive control of the central government much to the detriment of the minority groups, and where inter-group trust is – to say the least – lacking, triadic structures (i.e. the injection of an external institution or body as the central dispute manager) are likely to be significantly more effective than the inevitably dyadic structures of the kinds of domestic mechanisms deployed toward the management of inter-group tensions and conflict within such states. This is because among the weaker sub-state groups within these states, triadic dispute management mechanisms tend to inspire far more confidence than dyadic models regarding the fairness – and therefore the legitimacy – of the process of dispute management, and of its outcomes. And since the very tensions and conflicts that are to be subjected to dispute management tend to originate from a sense of deprivation, unfair treatment, and being dominated, and are unlikely to be doused or ameliorated when the dissatisfied minority or less powerful sub-state group is not fully confident of the fairness and legitimacy of the dispute management process and outcomes, it is only reasonable to conclude that non-triadic dispute settlement models are less likely to be effective in such circumstances. This much is recognized in Tim Murithi's conclusion that:

> *"There is therefore a vital third party role that the African Union [a meta-state institution] can play in all future crisis situations on the continent, by intervening in the tense situations before they escalate."*[86]

Also embedded in Murithi's call for the deployment of more triadic mechanisms toward the management of inter-group tensions and the structural crisis of legitimacy that afflicts the postcolonial African state is an expressed preference for the deployment of an inter-African institution to do this job. Despite the budgetary difficulties that such inter-African bodies often face, this is – in my view – the correct posture to adopt. For, to be optimally effective, the proposed meta-state mechanism must still

[86]See T. Murithi, The African Union: Pan-Africanism, Peacebuilding and Development (Aldershot: Ashgate, 2005). Emphasis supplied.

be inter-African and "owned" by Africans. It must not be perceived as a foreign body imposed on Africans by those with whom Africa has not had a happy history of intervention. This is largely because of the well-documented incidence of post-colonial "immune reaction" within virtually every African state to foreign, especially unilateral non-African interventions.[87]

As such, other than because of the budgetary problems that it often faces, being the foremost inter-African institution of our time, the African Union (AU) is well suited to host and provide the kind of mechanism that is being suggested here. For one, the Constitutive Act of the African Union recognizes the imperative "need to promote peace, security and stability…[in Africa]."[88] Clearly, there is no more important way to promote peace, security and stability within Africa than the effective management of the deep-seated and large scale national minority and state fragmentation problem that afflicts the postcolonial African state. Secondly, since the African Charter on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights, and the African Court on Human and Peoples' Rights (the primary norms and processes relating to the vindication and enjoyment of self-determination and minority rights in Africa) are all AU institutions, [89] the AU can help to more peaceably re-orient state-building in postcolonial African states such as Nigeria by facilitating the application of these norms in the domestic context. Thirdly, as a relatively detached third party which enjoys significantly greater legitimacy in Africa than other such international institutions, the AU can play a key triadic and preventive role in ensuring the fairness, legitimacy – and therefore effectiveness – of negotiated attempts to restructure specific African states according to the dictates of the relevant international norms, especially as mandated in the minority protection clauses of the African Charter. It is in these ways that the AU can play a key role in the rejuvenation of the postcolonial African state.

However, in order to be able to play this historic role effectively, the AU ought to establish a new, dedicated, semi-autonomous sub-institution that will be devoted to the national minority question that has seriously troubled postcolonial African

[87]See F. Deng, "State Collapse: The Humanitarian Challenge to the United Nations" in I.W. Zartman, ed., Collapsed States: The Disintegration and Restoration of Legitimate Authority (Boulder: Lynne Rienner, 1995) at 211.

[88]See the Preamble of the Constitutive Act of the African Union, supra note 4. On the identity and nature of the AU's institutions, See N.J. Udombana, "The Institutional Structure of the African Union: A Legal Analysis" (2002) 33 California Western International Law Journal 69

[89]For more on this point, see R. Murray, Human Rights in Africa: From the OAU to the African Union (Cambridge: Cambridge University Press, 2004).

states such as Nigeria since their very beginnings. Aside from the fact that a crisis that is so central and consequential for Africa as the socio-cultural fragmentation problem in most African states deserves far more attention than it can get from any institution that multi-tasks and is not focused on this one basket of issues, existing AU institutions are simply not suitable for the task. Focused as it is on the adjudication of legal disputes, the new African Court on Human and Peoples' Rights is not equipped to serve as a preventive body and is simply not suited to the intensely political task of attempting to douse inter-group tensions within states well before they escalate into conflicts. Although more of a political animal (if still quasi-judicial in nature), the African Commission on Human and Peoples' Rights is clearly more suited to reaction (in deciding cases brought before it) than active direct intervention in tense situations as a way of preventing conflict and violence. And although there is little that prevents it from developing its incipient preventive capacity, it is better for it to focus on its more developed adjudicatory function. What is more, the African Commission is already burdened with a multitude of tasks to an extent that obstructs its ability to focus squarely on the national minority question in Africa. This is of course not to discount the ways in which both the African Court and the African Commission can empower minority groups in Africa by providing them with an avenue for highlighting their claims of deprivation and oppression at the hands of majority groups and/or the state.[90] As importantly, even though they are equipped with some preventive capacity and charged to perform some preventive functions, other AU bodies such as the Assembly of Heads of State and Government, the Executive Council, and the Peace and Security Council for Africa are simply far too politicized or much too broadly focused to perform fairly, legitimately, and effectively, the kind of focused, dedicated and specialized function that is needed to tackle squarely the national minority question in Africa.[91] It is for all of these and other such reasons that I am of the view that, at the very least, existing AU institutions need to be buttressed through the creation of a new, specialized and dedicated institution.

Much in line with my earlier call for an OAU Special Commission to undertake the same kind of tasks, it is proposed here that this new body, this new dedicated, focused, and

[90]See T. Murithi, supra note 46 at 105.
[91]For a description and analysis of the nature of these organs, see N.J. Udombana, "Unfinished Business" supra note 4 at 67-87.

specialized preventive inter-African institution, be styled the AU Special Commission on National Minorities and Inter-Group Equality. Even aside from my own earlier calls for the establishment of this kind of body, recognition of the necessity for the creation of this type of avenue for the ventilation and management of sub-state group (especially minority group) grievances within states is not new. For instance, Gudmundur Alfredsson and Danilo Turk had long called on states to allow such groups increased access to both international policy-making and implementation bodies.[92] Similarly, Diane Orentlicher has also called for "binding arbitration procedures" to perform this kind of function.[93] More specifically, Tim Murithi has recently urged the appointment of an AU Special Representative on Peacebuilding, to perform somewhat similar, if broader, functions as the proposed special commission. [94]

To be composed of three eminent and influential African leaders, one of whom must hail from one of the three most influential African countries of our time, this proposed semi-autonomous new commission is for the reasons already canvassed, likely to be more effective than existing AU institutions at tackling the national minority and socio-cultural fragmentation question in Africa. The eminence and moral authority of the three special commissioners will endow the commission with a reasonable degree of influence on the relevant African Governments. The fact that the commission is to be composed of three eminent persons rather than a single commissioner has the advantage of facilitating the greater institutionalization of its dispute prevention/management process rather than its over-personalization. This is an important feature given the struggle in many African states to overcome their own unhappy postcolonial histories of personal rule, and also given the need for the Commission's decisions to be subjected to internal checks and balances. In this way will the proposed Commission differ from the High Commissioner on National Minorities established by the

[92]See G. Alfredsson and D. Turk, "International Mechanisms for the Monitoring and Protection of Minority Rights: Their Advantages, Disadvantages and Interrelationships" in A. Bloed, L. Leicht, M. Nowak and A. Rosas, eds., Minority Human Rights in Europe: Comparing International Procedures and Mechanisms (Dordrecht: Martinus Njhoff, 1993) at 181.
[93]See D.F. Orentlicher, "Separation Anxiety: International Responses to Ethno-Separatist Claims" (1998) 23 Yale Journal of International Law 1, at 74-77.
[94] See T. Murithi, supra note 46 at 109.

Organization for Security and Cooperation in Europe (OSCE).[95] Furthermore, the autonomy of the AU Special Commission from African states, and even from the main political Organs of the AU, will also help bolster and cement its triadic character, thus enhancing the perceived legitimacy of its processes and decisions, and enhancing its effectiveness in the long run. The Commission will also have the significant advantages of specialist expertise, resulting from its dedication to a single basket of related issues. Such expertise will be important if the commission is to quickly become effective in tackling this central and devastating problem of the postcolonial African state. Given how urgent and imperative the resolution of the state fragmentation question is in Africa, and how devastating to the continent its ill- or non-resolution has been thus far, these advantages – no matter how slight they may seem – are important nevertheless.

7. Concluding Remarks:

In conclusion, may I reiterate that the overall (take-home) point that has been made here is that contemporary international human rights law has much that is useful to say to us about the orientation of state-building praxis in post-colonial African states such as Nigeria; and that we must begin to take its norms more seriously in future if we are to achieve the kind of more just and peaceable reconfiguration of the Nigerian state that we all wish for. I thank you all for your attention.

[95] See O. Brenninkmeijer, The OSCE High Commissioner on National Minorities: Negotiating the 1992 Conflict Prevention Mandate (Geneva: PSIO, 2005).

Notes on Contributors:

1. **Abdullahi Shehu,** A national of Nigeria, Dr. Shehu was educated at the Ahmadu Bello University and the University of Abuja, Nigeria, for his B. Sc. and M. Sc. degrees in International Relations. He obtained a PhD in Criminology at the University of Hong Kong, specializing on anti-corruption and money laundering. Shehu is a member of the International Association of Financial Crimes Investigators (IAFCI); member of the Hong Kong Society of Criminology; and member of the Nigerian Society of International Affairs. He was appointed Secretary of the Presidential Task Force on Financial Crimes in Nigeria in 1991; Assistant Director, Financial Crimes; Deputy Director/Head of Department of Financial Crimes in the Office of the Special Adviser to the President on Drugs and Financial Crimes; Special Assistant to the Special Adviser to the Head of State on Economic Affairs, Drugs and Financial Crimes. In these capacities, Dr. Abdullahi Shehu represented Nigeria at many bilateral and multilateral meetings and negotiations on Drugs and Financial Crimes Control, including the UN Ad-Hoc Committee on the Elaboration of the Transnational Organized Crime Convention. He led the Nigerian delegation to the UNODC/GPML regional Workshop in Grand Bassam, Cote d Ívoire, which initiated the establishment of an Inter-Governmental Action

Group against Money Laundering in West Africa (GIABA). He has worked as expert/consultant on money laundering control for the West African Institute for Financial and Economic Management (WAIFEM), and has provided training to money laundering compliance and law enforcement officers in the English Speaking West African countries. He also worked as consultant to the International Development Law Organization (IDLO) on a number of projects/program including contributing as a co-lead person at the International Expert Group Meeting (IEGM) on Anti-Corruption, which produced a Report containing concrete initiatives, projects and plans of action submitted to the Italian Ministry of Foreign Affairs for on ward submission to the international development assistance community; as well as facilitating a 2 week IDLO training program for senior judicial, prosecutors and law enforcement officials from Georgia and Nigeria on anti-corruption in 2005. Dr. Abdullahi Shehu has demonstrated expertise in the area of anti-corruption and money laundering control during his tenure as Program Expert (Anti-Corruption) at the United Nations Office on Drugs and Crime (UNODC) from 2003 to 2005. Under the UN Global Program against Corruption, his main tasks included capacity building for anti-corruption policies and mechanisms, promoting integrity in public and private sectors, governance/public sector reform and money laundering, including asset recovery. Upon return to Nigeria and before his assumption of duty in GIABA, he was the Director, EFCC Training and Research Institute, Abuja, Nigeria. Dr. Abdullahi Shehu has written and published extensively on anti-corruption, governance and

money laundering. His popular book entitled "Economic and Financial Crimes in Nigeria: Policy Issues and Options" was presented to the public in Nigeria on 30 May 2006. Since May 2006, Dr. Abdullahi Shehu has been Administrative Secretary and later Director General of the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA).

2. **Dakas Clement James Dakas,** He is a Senior Advocate of Nigeria (SAN) and a Governing Council Member, International Association of Law Schools (IALS), Washington DC, USA (2008-2011); former Attorney-General and Commissioner for Justice, Plateau State. He was Associate Professor/Reader, Department of International Law and Jurisprudence, Faculty of Law, University of Jos, Nigeria. He graduated from the faculty of Law, University of Jos, Nigeria, in 1990 with a first class law degree and also holds postgraduate law degrees from the University of Jos, Nigeria and New York University School of Law, New York, USA. A prolific author who has to his credit over thirty (30) scholarly publications and is currently the Head of the Department of International Law, Nigerian Institute of Advanced Legal Studies (NIALS), Abuja-Nigeria.

3. **Golwa Joseph Habila Ponzhi,** Director General, Institute for Peace and Conflict Resolution, Abuja-Nigeria. B.A.(Hons) History, Ahmadu Bello University, Zaria (1978), M.Sc, International Relations and Strategic Studeis, University of Jos (1986) and Ph.D, International Law and Diplomacy, University of Jos, (1997). He started his career with the Plateau State Government in 1979 as Information Officer and he was appointed Chief Press Secretary/Director of Media Services by the first elected Executive Governor of Plateau State, Chief Solomon D. Lar in 1980. He served in that capacity between 1980 and 1992. In March, 1992, he was appointed the Executive Secretary, Plateau State Christian Pilgrims Welfare Board. From 1993 to April, 2000, he served as permanent secretary in various Ministries of the Plateau State Government. He joined the Institute for Peace and Conflict Resolution in 2000 and rose to be the Director General in August, 2006. Dr. Golwa has served in the various federal and state governments' committees, especially as Special Adviser to the Plateau State Administrator on Media and Reconciliation during the State of Emergency, as well as chairman of the study Group that organized the Plateau Peace Conference. He is published widely in both national and international journals on issues that range from peace, security, development and international affairs.


Prof. Muhammed Tawfiq Ladan

4. Ladan Tawfiq Muhammed, LL.B(1986), LL.M(1990) and Ph.D(1997)) is a Professor of Law with specialization in comparative jurisprudence, humanitarian, human rights, gender and development, environmental, security and development laws at the Department of Public Law of the Faculty of Law, Ahmadu Bello University, Zaria, Kaduna State, Nigeria. Promoted in October 2004 to the rank of Professor of Law. Professor Ladan is a member of the World Jurist Association, Washington DC, USA; IUCN Academy of Environmental Law; Association of African Environmental Law Scholars; a Hubert Humphrey Fellow, USA; and member, Nigerian Society of International Law. Prof. Ladan is the author of over thirty journal articles, over forty conference/seminar papers and twelve authored and edited books. Among his authored books are: - Materials and Cases on Public International Law, 2008, ABU Press Zaria, Nigeria, 1008 pages; Law and Policy on Health, HIV-AIDS, Maternal Mortality and Reproductive Rights in Nigeria (2007: - Faith Publishers, Zaria, pp.225); Biodiversity, Environmental Litigation, Human Rights and Access to Environmental Justice: - A Case Study of Nigeria (2007: - faith Publishers, Zaria, pp.178); Materials and Cases on Environmental Law and Policy (2006: - 514 pages); Migration, Trafficking, Human Rights and Refugees Under International Law: - A case study of Africa (2006: 405 pages, ABU Press, Zaria); Introduction to International Human Rights and Humanitarian Laws (2001: - 471 pages: - ABU Press,

Zaria); Introduction to Classical and Islamic Jurisprudence (2006: - 416 pages, Malthouse Press Ltd, Lagos); Election Violence in Nigeria (2005: - 253 pages, AFSTRAG-Nigeria, Lagos); A Handbook on Sharia Implementation in Northern Nigeria: Women and Children's Rights Focus (2005: - 202 pages, LEADS Nigeria, Kaduna). Prof. Ladan's qualifications include among others, LL.B (1986), LL.M (1990) and Ph.D (1997) (A.B.U) with specialization in international humanitarian law, human rights and administration of criminal justice. Prof. Ladan's teaching experience spans across 22 years (1987-2009) as a lecturer and Professor of Law at the Faculty of Law, Ahmadu Bello University, Zaria, Nigeria, and as a visiting Professor of Law to the Faculty of Law, Usman Dan Fodio University, Sokoto. Prof. Ladan's research experience in 22 years at the Ahmadu Bello University, Zaria, the National Human Rights Commission of Nigeria, Abuja (1997-99) and as a Hubert Humphrey International fellow/scholar, USA (1999-2000) enabled him to complete 8 post-doctoral research works published in 8 books on migration, trafficking, human rights and refugees, humanitarian, and environmental laws, reproductive health rights/maternal mortality and HIV/AIDS in Nigeria, election violence, women and children's rights, human rights law and practice. Dr. Ladan has published over 30 journal articles and presented over 40 conference papers in Nigeria, Kenya, South Africa, Ghana, Denmark, Gambia, UK, USA, Libya, Sudan, Cameroon, Brazil, Tunisia, Dubai, Canada, etc.

5. **Professor Obiora Chinedu Okafor** is a Professor of International Law at the Osgoode Hall Law School of York University, Toronto, Canada (one of Canada's top law schools); and a member of the UN Human Rights Council Advisory Committee. He joined York University after holding faculty positions at the University of Nigeria and Carleton University. He has over 20 years of teaching experience as a university teacher and researcher. A pioneering figure in the Nigerian community in Canada, he was the first ever African to be appointed to a full chair in law in Canada. Listed in WHO'S WHO IN BLACK CANADA (First Edition in 2002; the Second Edition in 2006; and the Web Edition in 2011). He has received numerous academic honors including the 2010 Canada-wide Prize for Academic Excellence of the Canadian Association of Law Teachers (the first black scholar ever to receive this nation-wide honor); the Canadian Governor-General's (Head of State's) Academic Gold Medal; the Award of Excellence of the Canadian Association of Black Lawyers; election to the European Science Foundation's Peer Review Pool; and Osgoode Hall Law School's Teaching Excellence Award in 2002 and 2007. He has also served as an SSRC-MacArthur Foundation Visiting Scholar at Harvard Law School's Human Rights Program and as a Canada-US Fulbright Scholar at MIT. For several years now, Professor Okafor has served as a Visiting Professor at the International Institute of Human Rights, Strasbourg,

France, and at a number of other universities. He has also served as an expert panelist for the United Nations Working Group on People of African Descent, and as an international human rights consultant for the British Department for International Development. Professor Okafor has published extensively in the fields of international law. He is the author or editor of 6 books, from such publishing houses as Cambridge University Press and Martinus Nijhoff. Professor Okafor has also published nearly 60 journal articles and other scholarly writings. Professor Okafor is a public-spirited and patriotic Nigerian intellectual who has continued to serve his motherland with dedication and enthusiasm even while living in the Diaspora.