

ARDP

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North Under Fire: Insurgency or Conspiracy?

Special Edition

Contains Presentations and Discussions at the Two-Day National Conference on Security and Human Rights in Northern Nigeria, Held at Arewa House, Kaduna, 10-11 June 2014



ARDP

Arewa Research & Development Project

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From the Editor-in-Chief

How Worse Will It Get for the North?

By every measurement, except perhaps casualty figures, the devastation brought about by the ongoing insecurity and violence in the Northern States of Nigeria would soon surpass the intensity of the 30-months civil war against the 'Biafra' rebels that ended in 1970. Worse still, the increasingly incomprehensible 'insurgency' by 'Boko Haram' and the seemingly insincere but brutal and uncoordinated counter-insurgency by the armed forces is threatening everyday social activity in the North. For sure, the North is currently caught in vicious crossfire between a rabid 'insurgency' and a costly catastrophic acts of the nation's armed forces.

Since 2009, thousands of Nigerians have lost their lives with tens of thousands maimed and millions displaced and dispossessed. The frontline states of Adamawa, Borno and Yobe are now ghosts of themselves while 'insurgents' and all manner of bandits are able to strike at will whether in Abuja, Bauchi, Benue, Gombe, Nasarawa, Plateau, Kano, Kaduna, Katsina, Taraba or Zamfara States. To add insult to injury, hundreds perhaps even thousands including students of the Government Girls' Secondary School Chibok remain in captivity of the terrorists. Going forward, these various conflicts prevalent in the North are straining social cohesion and

inter-communal relations almost to breaking point. The consequent devastation of the political fabric and the socioeconomic sector of the region could never be quantified.

Quite unfortunately, the unfolding complex manifestation of the socio-political crisis that had engulfed the nation is neither concretely studied nor are there serious attempts/efforts by the political leadership of the country to come-up with nationally-based strategic program of action to deal with the legion of the economic, social and political challenges

Quite unfortunately, the unfolding complex manifestation of the socio-political crisis that had engulfed the nation is neither concretely studied nor are there serious attempts/efforts by the political leadership of the country to come-up with nationally-based strategic program of action to deal with the legion of the economic, social and political challenges

threatening the survival of Nigeria as a single political community.

On the contrary, and quite regrettably, chauvinistic and sectionally motivated agenda by the apex political leadership of the country has assumed the status of a 'national policy'. The North in particular now faces total war of various dimensions. Total war encompasses many forms of conflict or combat. It could be psychological, as in the case of psychological warfare or war psychosis. It could be propagandistic or polemical, and of course it is physical. While terrorist war is fiercely on in Nigeria, the conventional war has not yet started but in the social and popular media it is fully on. The trends are mainly neo-Biafranist in a so far failed attempt to create a Southern Nigerian alliance against the North.

Thus, we find many conspiracy theories parading around, in casual national discourse and in the media, that tend to show positive correlation between terror activities and the complicities of top government functionaries and organs – including the armed forces. Matters are made worse by lack of desired thorough public investigations of these terror episodes being committed. In fact, there has consistently been lack of adequate public briefings and explanations with a view to getting to the roots of the problems that one would ordinarily expect from government that very much answers its name.

In an attempt to confront the challenges we face daily, the Arewa Research and Development Project (ARDP) under the auspices of Arewa House-Center for Historical Documentation & Research, Ahmadu Bello University, in collaboration with Mambayya House-Centre for Democratic Studies and Training, Bayero University, Kano, and the Centre for Peace

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Studies, Usman Danfodio University, Sokoto, convened a Conference on Security and Human Rights in Northern Nigeria on June 10th and 11th at the Arewa House, Kaduna, which brought together experienced minds in administration, intelligence, military and security issues as well as academics, lawyers, activists, politicians, elder statesmen and youths to deliberate on all issues dealing with the challenges of insecurity and human rights violations in Northern Nigeria.

This edition of the *ARDP Newsletter* contains most of the written submissions by key speakers and discussants at the Conference. General discussion from participants during plenary sessions was extremely rich in content analysis and prescriptions of course of action needed from all stakeholders. It would seem clear that the challenge entails collective responsibility. 'Every generation has a mission, either to fulfil it or to betray it'.

Dr. Kabiru S. Chafe
Director, Arewa House
EDITOR-IN-CHIEF

Welcome Address by the ARDP Convener, Dr. Usman Bugaje

PROTOCOL

Let me welcome each and every one of you to this conference on Security and Human Rights in the North. I am very delighted that many of us have made the time to come and discuss the issue of Security and Human Rights in the North. I am particularly encouraged and pleased with the presence of the Governor of Borno State Alh. Kashim Shetima, clearly the most embattled of the Governors in the North and an array of very experienced, if retired, officers of the armed forces, police and state security services from the North. Your presence here, sirs, not only underscores the significance of security today, but also gives us the confidence that we have the requisite human resources and expertise to address our daunting security challenges.

It is everybody's knowledge that the Northern part of this country is going through an unprecedented security challenge. The North has for some time now been the theatre of an increasingly fierce insurgency, growing and debilitating banditry and a destructive internecine ethno-religious clashes, which have over the last



dozen or so years consumed thousands of precious lives, traumatized its population, dislocated its society and paralysed its economy. During this period poverty has more than doubled, school enrolment has been drastically reduced, adding to the ten or so million children out of school, perhaps the largest in the world, and productive capacity of the North substantially undermined,

further confounding our troubles as a people and bringing the North to its wit's end.

Condemnations by leaders across the country, assurances by heads of security agencies and the annual budgetary allocations for security have neither changed much nor appear to be able to change much. Even as the North groans under all these, its population would appear to have to brace up for more trouble ahead: as

farmers can neither go out to farm, nor can people keep and rear animals; not even trade between markets, famine, despair, and chaos appear to be looming large on the horizon. We have to ask, how much more can its population take before they succumb? Exactly whence and when is succor coming? If it doesn't, what happens?

Of course this is exactly why governments exist. The constitution of the Federal Republic of Nigeria, like the constitutions of many countries, is explicitly clear on this. In other words government exists primarily and principally to provide security to life and property. The corollary is just as weighty and compelling, that a government, which fails to provide security to its citizens would have failed in its basic responsibilities and would have failed to justify its very existence. The Federal Government has been battling to live up to its expectations as it faces this rather enormous security challenge that is showing no signs of abating. Already the military are reinforcing the police in 33 of the 36 states of the federation, the largest

deployment of troops in peacetime to confront an amorphous insurgency whose violent and devastating campaign has now attracted both international and regional coalitions to assist the largest deployment of troops for internal security. Even then citizens are not feeling any safer yet.

Indeed, responsibility for security does not lie on the shoulders of government alone; security in every

society, as far back as Greek antiquity, is a collective responsibility. Citizens, therefore, share in this responsibility even as government alone takes final and ultimate responsibility. Indeed citizen's participation is critically necessary for any security architecture. Our New National Security Strategy has appreciated this much. But this participation of citizens is contingent on and often a measure of the trust, which citizens have in

Indeed citizen's participation is critically necessary for any security architecture. Our New National Security Strategy has appreciated this much. But this participation of citizens is contingent on and often a measure of the trust, which citizens have in their government.

their government. Where human rights of citizens are violated, even in the name of security, or where citizens are humiliated in the name of security, this trust becomes tenuous. Thus, violations of human rights, not only erodes trust, but actually breeds discontent, making citizens to perceive the state which ought to protect them as predatory, which further undermines the multi tract strategy of the New National Security Strategy. This therefore speaks to human rights concerns and locates these concerns squarely within the security configuration.

The Federal Government has undoubtedly been making efforts, but these efforts have come under increasing criticism from within and outside the country. Committees after committees have not come up with much to cheer. Even the Northern governors have had their committees; all, apparently, to no avail. In these circumstances it has become necessary for citizens, especially citizens of the North, to come together to reflect deeply and constructively for ways to tackle this grave crisis. It would appear that the time has come for citizens to rise

to the occasion. As Edmund Burke would say, “the only thing necessary for the triumph of evil is for good men (and women) to do nothing.”

The Arewa Research and Development Project, ARDP, which is located in Arewa House, Center for Historical Documentation and Research, Kaduna, in collaboration with other similar centers in some of the universities in the North, like the Mambayya House at Bayero University, Kano and

the Center of Peace Studies at the Usman Dan Fodio University Sokoto, and a few others, have found it necessary to bring Northern leadership and expertise together to brainstorm over these important, nay compelling security problems facing the country, with a view to proffering solutions that will complement and reinforce what both government and non government actors are doing. Let me remind the leaders of the North, or what has remained of them, that the North and indeed this

Thus, violations of human rights, not only erodes trust, but actually breeds discontent, making citizens to perceive the state which ought to protect them as predatory, which further undermines the multi tract strategy of the New National Security Strategy.

No responsible leadership would ever abandon its people and its country. Where they did, as in Liberia and Somalia, the consequences have been tragic and history would never forgive or be kind to them.

country need you today like never before. You can't afford to abandon your primary constituency, the very cradle that nurtured you and made you what you became or what you are, at this very hour of its greatest need. No responsible leadership would ever do this to its people and its country. Where they did, as in Liberia and Somalia, the consequences have been tragic and history would never forgive or be kind to them. Your Excellencies, distinguished ladies and gentlemen, in the

circumstances we find ourselves today, we can neither be neutral onlookers nor complacent, we must find a solution with or without government.

The objectives of the conference will therefore entail:

- i. Examining the etiology and prognosis of the security challenges facing the country.
- ii. Making a critical review of Government and non-governmental efforts.
- iii. Exploring wide-

ranging ways citizens can complement and support government efforts that are result oriented.

- iv. Considering how to address the huge human rights issues and consequent trust deficit for measurable wider benefits.
- v. Setting up a mechanism to monitor the various efforts and consider alternatives in the event of eventualities.

It is expected that this conference will provide an opportunity to the various security agencies to address the cream of Northern leadership and expertise on their efforts as well as their challenges in dealing with the current security challenges. The conference cannot therefore be a gathering for government bashing that comes to nothing, but a gathering of responsible introspection and creative interaction that will focus on the way out of this imbroglio. This gathering must be informed by the need to collectively salvage our only country and to avoid the kind of catastrophe that had befallen some societies in



Maj Gen Emmanuel Abisoye (rtd) and Chief Paul Unongo discussing during recess at the Conference

Africa whose leaders were complacent in times of similar crisis.

It is hoped that this kind of engagement will engender the kind of trust and confidence essential to citizen-government collaboration. While the conference is also expected to clarify a number of issues and improve citizen appreciation of the efforts to

tackle this menace, it will also come up with clear resolutions on the responsibilities of citizens and the kind of collaborative efforts necessary for addressing both the security and the human rights challenges. Your Excellencies, Distinguished ladies and gentlemen, let me once again welcome you to this conference and urge you to give it your uttermost

attention and wits. I have no doubt in my mind we have in this hall what it takes to solve our security problems.

May God give us both the guidance and the courage to say the right thing and do the right thing. I thank you for listening.

Speech by the Chief Host, His Excellency Alh. Mukhtar Ramalan Yero, the Governor of Kaduna State

PROTOCOL:

Once upon a time, Northern Nigeria used to be a region of peace, unity and prosperity. The people lived happily as brothers and sisters, irrespective of differences in tribe or religion. They shared with joy and there was no agitation on who leads because equity, fairness and justice were the order. This pleasant narrative is now history owing to an unprecedented level of insecurity, killings and destruction that is fast becoming norm in some parts of the region.

It is with these sad thoughts of the present and nostalgia for the past that I address you this morning. Let me welcome all participants to this conference and I humbly appreciate the foresight of the organisers for this effort, which no doubt targets at identifying causes and proffering solutions to our present predicament as a



people. The time for concerted action is indeed long overdue, it is therefore a welcome idea when notable institutions in the region, wade into the situation, with a view to assisting government find workable strategies that could improve security.

Distinguished invited guests, ladies and gentlemen, security undoubtedly comes top on all other responsibilities of government. In other words, government exists primarily to provide security of life and

property. It is based on this Constitutional obligation, that our administration in Kaduna State, continuously accords security the highest priority.

On assumption of office 18 months ago, we identified the people as key to security, peace and stability of the State. Consequently, shortly after assumption of office, we initiated Peace and Security building process which is hinged on dialogue and genuine reconciliation among the various conflicting groups in the state.

As you are already aware, Kaduna State in the past witnessed series of crises that truncated development and also created physical barriers between diverse people in the State. It was unfortunate that variance in ethnicity and religion were negatively exploited to cause violence

that resulted in loss of lives and property.

We therefore held interactive sessions, where diverse people in the State were provided with a platform to consistently dialogue, as a means of entrenching amicable conflict resolution model.

The State Government convened dialogue sessions in each of the three senatorial zones in the state, where stakeholders including; traditional rulers, clergy men, youth, women and community leaders all met to share experiences on the causes of conflicts in their communities, while also suggesting ways to forestall future occurrence.

At the sessions which were held in Kagoro in Southern Kaduna, Rigachikun in the Central Zone of the state and Zaria in the Northern Zone, participants were allowed to freely express their feelings on the conflict situation in the State and proffer means of reaching peaceful resolutions.

The recommendations from the sessions have been collated, which formed the basis for a comprehensive roadmap on lasting peace and security that is presently

being implemented by Government.

Presently, the peace and security forum has been embraced in all nooks and crannies of the state, communities have replicated the dialogue sessions initiated by our administration. We have also mandated all Local Government Councils to ensure that the initiative becomes firmly rooted in all communities in the State.

This initiative has recorded tremendous success with several communities witnessing the signing of peace pacts between groups

that were hitherto in conflict with each other.

In the same vein, our administration has improved the capability of the State Joint Security Task Team codenamed 'Operation Yaki' with modern patrol vehicles and communication gadgets. Forty (40) well equipped patrol vans were procured for the task team to improve surveillance and crime control across the state.

We also provided communication facilities and other security equipments to the outfit. The administration went ahead to refurbish all patrol vans used by the

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'Operation Yaki' and distributed same to Police Divisional Headquarters across the State. We will continue to support all security agencies operating in the State towards enhancing law and order so that citizens can go about their lawful businesses without fear of intimidation or crisis.

Suffice it to say that this approach to peace building is the secret behind the present peaceful atmosphere in Kaduna State. I have always maintained that peace cannot be achieved by force or by the number of security personnel deployed in the streets; it can only be achieved through the genuine willingness of the people to keep peace and to coexist as one irrespective of their differences. Security presence is merely complimentary and a way of curtailing the activities of criminals as well as law enforcement.

Distinguished invited guests, ladies and gentlemen, responsibility for security cannot be left to Government alone. Indeed citizens' participation is crucial for any security strategy. But this participation is contingent upon the measure of trust, which citizens have in the government. It is therefore

It is therefore imperative to state that, the Military cannot win the present war against insurgents without support of the people.

imperative for Government to respect the rights of citizens by providing basic expectations of the people. In Kaduna State, we are mindful of the need to strictly respect the fundamental rights of all citizens.

It is therefore imperative to state that, the Military cannot win the present war against insurgents without support of the people. Our security forces must endeavour to build confidence in the people, by respecting their rights during operations. That will engender popular citizens' action against insurgency. People will actively turn against the insurgents by providing relevant information to security forces.

In these regards, the military must avoid civilian casualties during operations, stop extra-judicial killings as well as end destruction of properties

of innocent civilians. There should also be effort at extending humanitarian assistance to victims by the military social responsibility unit. This will surely boost confidence and win the people over to the side of Government.

We cannot afford complacency in the face of our present predicament. It is time to elicit the support of all stakeholders in ending not only insurgency, but also all other crisis situations bedeviling the North. Our present situation is pathetic; let us therefore make sacrifices necessary for Northern rebirth, so that we don't bequeath a disjointed region to our future generations.

Once again, I welcome you all to Kaduna and wish you fruitful deliberations. Thank you most sincerely for listening and God bless us all.

Keynote Address by His Excellency Alhaji Kashim Shettima, the Governor of Borno State

PROTOCOL:

My very distinguished elders here, ladies and gentlemen, security is an obligation we owe each other; security is a shared business; we all have responsibility to champion it, if for no body else, at least for ourselves and the communities we reside. No crisis-ridden community in Nigeria is a distant cousin; every troubled community in Nigeria is indeed,

a next door neighbor to the safe areas because like I have sometimes said, trouble is mobile.

In the past, we only read issues of suicide attacks from happenings in the Middle-East. If some ten years ago, anybody had predicted that a day would come when a Nigerian man would tie bombs round his body and blow himself for the sole purpose of murdering and inflicting severe pains on a larger number of fellow Nigerians, such prediction would have been regarded less than what comedians



like Basket Mouth say on the podium. Today, we have gone past the stage of suicide attacks being exclusive to male members of the Boko Haram. A woman was on Sunday, reported to have bombed herself just to kill others. This is the extent of our problem.

If Boko Haram succeeds in overrunning the Northeast as they seek, they will surely want to extend greater havoc to other parts of the North and if they overrun the North, they would want to extend to the South. Crisis of any type has got a life of its own which depends on something for

survival.

As humans we depend on oxygen. Crisis depends on negligence. And this negligence can be in different forms. Negligence can be in the form of parents or teachers failing to guide and instill the right habits in children to keep them out of crime from cradle; negligence can be in the form of Government at whatever level, failing to create and provide jobs

to citizens in order to make crime unattractive; negligence can be in the form of Government failing to work hard to get the right intelligence at a good time or refusing to act appropriately with the right wares, where the intelligence is available. Negligence can take the form of citizens and societies failing to report or resist alien individual or group habits at early stages; negligence can be in the form of alien habits being taken for granted either by citizens, community leaders or Government; negligence can even take the

form of elders, individual citizens and institutions failing to seat together discuss problems either at early or advanced stages to proffer solutions. By organizing this event, therefore, the Arewa Research and Development Project might have succeeded in crushing one big form of negligence.

I will like to thank the Arewa Research and Development Project (ARDP), for inviting me to present a keynote address at this opening ceremony that marks this very important Conference on Security and Human Rights in Northern Nigeria. I think a conference like this has come at a very critical lifetime of Northern Nigeria. That our august body chose to bring those of us the beginners to mix up with some of the most distinguished sons and daughters of Northern Nigeria, and other equally distinguished Nigerians, is a reflection of the seriousness of purpose that underscores the work of the ARDP. I am not surprised that this is so, anyway. The concept note, which accompanied the invitation I got for this conference, said of the ARDP, that "it is located in Arewa House, Centre for Historical Documentation

and Research, Kaduna". All of us from this part of Nigeria know what the haloed precincts of Arewa House represent in our history.

It was within what became Arewa House, that the late Sir Ahmadu Bello, Sark of Sokoto, provided the extraordinary leadership that transformed Northern Nigeria from the 1950s up to the tragic coup of January 1966. It was therefore no accident that subsequent leaders of our region chose to dedicate this building to research into every aspect of the life of Northern Nigeria and its people. Starting from the pioneering work done by the late Professor Abdullahi Smith, right up to those at the helms today, the Arewa House has remained a special

institution dedicated to very original, pioneering and enriching scholarship. That ARDP is part of this tradition, becomes easier to appreciate; and the decision to organize a conference such as this, is further indication of the very unique relevance of this body. When I look around the hall, to behold the array of leaders and intellectuals gathered today, I can only conclude that all over Northern Nigeria, there is a realization and acceptance of the critical situation we face today, in terms of our security challenges and how they impact on the abilities of our people to enjoy the human rights enshrined in our Constitution; the African Charter on Human and Peoples Rights as well as the UN Declaration on Human Rights.



Alhaji Zanna Umar Mustapha, Deputy Governor of Borno State with Dr. Kabiru Chafe & Chief Paul Unongo at the Conference

We are passing through some of the most difficult security challenges in Nigeria's modern history. Not since the tragic events of the 1960s, which culminated in the Nigerian Civil War, has Nigeria been so challenged in its security architecture. I say this as the Governor of Borno State, which is at the epicentre of a most vicious, bloody and anarchic insurgency. The Boko Haram insurgency has drenched our society in blood and systematically, it has been responsible for a creeping destruction of the harmony of communities in huge swathes of Borno State especially, but also in other states of Northern Nigeria. The insurgency threatens the order of human and civilized existence and the ability of the State to provide the security and the welfare which Nigeria's Constitution says is the basis for the existence of the State. This is on the one hand.

On the other hand, we have seen the systematic spoliation of several other communities in other parts of Northern Nigeria, as a result of the spike in conflicts between nomadic groups and settled agricultural communities, as have been repeatedly reported by the media, in states like Benue,

Kaduna, Taraba and Plateau. In the past couple of years, new forms of banditry have emerged around Birnin Gwari, in Kaduna State, and in Zamfara State, whereby groups of bandits have entered communities to rustle cattle, kidnap women and lay to waste communities whose livelihoods are disrupted and have been pushed further and further to the desperate margins of social existence.

Several questions come to my mind all the time I reflect on our unfortunate situation in Northern Nigeria today. How did we arrive at this sorry pass? Why did we allow the security situation to deteriorate to the point where we now devote so much physical and intellectual energy as well as resources, to attempting to beat back the multi-pronged patterns of security challenges in our society? Were there no early warning mechanisms to have detected the portents coming to haunt our society? Did we as leaders play the ostrich or were we too busy tendering our individual comforts and so could not be bothered by the gradual approach of the monster of discord that metamorphosed into insurgency and general lawlessness? What really happened and what is the solution?

The Boko Haram insurgency has drenched our society in blood and systematically, it has been responsible for a creeping destruction of the harmony of communities in huge swathes of Borno State especially, but also in other States of Northern Nigeria.

Distinguished ladies and gentlemen, we are gathered here to discuss security and human rights and this is apt. However, if I must be honest and you should know this, for us in Borno State, our people are far from issues of human rights, our concerns are about human existence due to the frequency and ease with which the Boko Haram elements snuff out lives out of our citizens. Boko Haram slaughters; shoot and crush innocent people, destroy communities and public establishment for the fact that citizens do not share their violent ideology of murder and destructions. To the Boko Haram, the life of a Muslim who doesn't share the sect's ideology is as condemned as that of a Christian or a traditionalist.

This group of misdirected few amongst us has continued to unleash horror and of course, do so much harm to the integrity of the religion of Islam. They have killed thousands of innocent souls in Borno State and destroyed property worth tens of billions of Naira.

I had blamed different forms of negligence as basis of our unfortunate ordeal. There is one form of negligence that I didn't mention, but which to me, is one of the major factors, standing on our way to ending the Boko Haram. There is a supreme negligence of understanding the Boko Haram crisis itself and this makes it stubbornly difficult to make prescriptions.

Only days ago, my friend, the Minister of Information, the chief spokesman of this country, Labaran Maku, trivialized the Boko Haram crisis by blaming it on Borno State Government. Maku, is the one to educate not just Nigerians but the entire world on what constitutes Boko Haram. However, the driver happens to be blind. What would make someone really disturbed is that Maku was supervising Minister of Defence for some time. No one might ever know the extent he might have inflicted his understanding of the Boko Haram on Security Chiefs he had to work with. Maku spoke just days after the President, Commander-in-Chief, Dr Goodluck Ebele Jonathan

said after the Paris summit, held recently, that the Boko Haram attacks began in 2002. He only corroborated what we know, what has been reported. In 2002, a group of men, then nicknamed Taliban, established a territory in border village called Kanamma in Yobe State which the sect code named Kandahar. The first attack of the sect was in that village in 2002. The group went underground, resurfaced in 2004 and attacking Bama and Gwoza in Borno; again went underground and resurfaced in 2007 in Panshekara in Kano for attacks on police; went underground and came out again in 2009 in Borno and some parts of Bauchi in what looked like a non-violent movement at that time, under the late Mohammed Yusuf. In July 2009, the sect launched serial attacks on police formations in Bauchi and Maiduguri towns. They went underground and returned in 2010 and here we are today. In between the periods they were going underground and resurfacing one can again see negligence somewhere along the line.

The Boko Haram crisis is highly misunderstood by many people, some of whom, unfortunately, are in

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position to form part of those that will make decisions to fight it. Let's not forget that Maku is a member of the Federal Executive Council. There is the unfortunate saying that Boko Haram is an agenda to stop a southern President from doing his job. Of all the attacks by the Boko Haram from 2002, their major attacks were in 2009 when Mohammed Yusuf was killed under a northern President, Umaru Musa Yar'adua.

The attacks snowballed into 2011 till date. So, what are we talking about? I am deeply worried about the misunderstanding of the Boko Haram because the solution lies in all of us understanding it and facing it with sincerity. The problem is that those who do not understand the crisis can inflict others that might include those in position to directly deal with it. The misconception can trickle from the topmost level to the ground fighter and this is very dangerous.

As we have seen with the schoolgirls' abduction in Chibok, the victims became the accused. This is the danger of deliberate misunderstanding or distortion. Then, they say the Borno State Government is not supportive in the fight against insurgency. Borno State has spent over ten billion naira and still spending, on co-funding the counter insurgency

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operations in Borno State. We have donated Armoured Patrol Vehicles to Police, donated about 400 Hilux patrol vehicles to security agencies, we fuel and maintain these vehicles, we provide other material logistics for operations. We support families of police and military men killed in combat. Only last week, we gave police funds to give a million naira to every family of 16 policemen recently killed. We have done same to soldiers and we are still doing. We generate information from communities that we pass on to the military to analyze process and get their

intelligence which they compare with other sources they should have. We fund the youth volunteers that are called the civilian JTF. We funded their training, kitted them, gave them patrol vehicles and we pay them stipends, yet some people say we are supporting insurgency.

Frankly, the military, police and Department of State Service in Borno State have been trying given the circumstances. Many of them have laid their lives for Borno State and Nigeria and we are in their debt.

We need to address the

*What seems certain to me is that over the past couple of decades, we have built an increasingly **UNCARING** society, where the few rich have become extremely rich and continue to get richer.*

security situation confronting us as a basis of our rights to life. What seems certain to me is that over the past couple of decades, we have built an increasingly **UNCARING** society, where the few rich have become extremely rich and continue to get richer. We have an economy that is much touted as growing rapidly, but is an economy that is not trickling down prosperity to the mass of our people. As I have always said, beneath the mayhem of Boko Haram, underneath the nihilism of Boko Haram lies the underlying cause which is social exclusivity and extreme poverty. Once we engage the youths, once we create jobs, this nihilism, this madness will evaporate. At our current rate of population growth, we are expected to double our

population every 22 years. By 2035, we are expected to hit the 400 million mark. We are projected to become more populous than the United States of America. What are our plans for these millions we are bringing forth?

Oil is our main source of revenue. With the technology of hydraulic fracking and horizontal drilling, 15 African nations are expected to become oil producing countries by 2016; the United States of America which was one of the major importers of our oil is no longer a major player in our oil export. It is projected to become the largest producer of oil soon because of the new technology of oil sourcing. The price of oil is hovering around 108 dollars at the moment, by the time

more countries export, some experts project that the price of oil will fall whether we like it not even though we hope not, by the time oil price falls to between 35 or 40 dollars per barrel or the prices slashes by 50% from 108 dollars, how much will be available to take care of an increasing population? Like I have always said, most of us leaders are mostly concerned about this election and the next one; we do not care about what happens in between the two elections.

The solution to Boko Haram for us in Northern Nigeria is agriculture. Land rather than oil is the most precious of all natural resources. The North has the most of agricultural potentials. Nigeria spends nearly 20 billion dollars annually on imported food stuffs. We are the greatest food importing nation. The North can divert these funds when we produce what the rest of the country needs. In Borno state, for the first time in 20 years, we funded the cultivation of 7,000 hectares of wheat in conjunction with the Chad Basin Development Authority which created 28,000 jobs through allocation of a hectare to a farm family of four. We have set up an Agricultural Transformation Team. At the moment we have imported over 400 containers of Agro equipment. We have imported 50 units of sprinkler and centre pivot

irrigation equipment at a pilot stage which we are already installing at a new farm site. We have sent 50 unemployed graduates of Agriculture for three months train-the-trainers course on modern Agriculture at a University in Thailand, more trainees just completed their course in India. We are not neglecting other sectors of education, healthcare, etc.

We are doing those things as much as confronting the security challenges we face, assured that in Borno, we have over 1,200 years of history. That long history was not a lineal story of smooth success. Our ancestors faced their own challenges and they overcame them. That is why we believe that even though the situation that we face with the Boko Haram insurgency is very challenging; we will also overcome. We are therefore sowing the seeds of the future with the choices we are making today. It is my hope that this Conference on Security and Human Rights will help us to examine all the issues at stake and proffer

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the types of solutions that can enrich the processes of policy formulation and execution all over Northern Nigeria.

I am glad to note that you have brought together very competent individuals to examine the various issues that can assist in getting a rounded perspective on Security and Human Rights

Nigeria. I wish you a very successful conference, and on behalf of the government and people of Borno State, I will like to thank you for inviting me to give a keynote address at this very crucial intervention.

Thank you very much for your attention!

Opening Remarks by the Chairman, Wantaregh Paul Unongo, OFR



I feel greatly honoured to be called upon to chair this very timely and enormously important conference on what amounts to the total social, economic, and political health of the North, Nigeria and Africa as a whole.

These are not the best of times for security and human rights in Nigeria, especially the North. We are victims of terror and the conditions that breed terror.

Let us pause to consider the issues before us. Security, for a start is a totalistic condition

that refers to our protection and well-being. It may also be defined as safety and development put together. For without these two, our lives are meaningless. In fact, we cannot live at all. Human rights, in addition, are basic to our existence. And they are well defined in the

United Nations Universal Declaration on Human Rights, which is the global standard and orthodoxy on human rights. We also have the African Charter on Human and People's Rights which is some form of Africanization of the global dicta. At the national level, chapter four of the Nigerian Constitution of 1999 is explicit on human rights. Those rights that prescribe the conditions for our existence, and justify our Nigerian, African, and global citizenship.

What then are these rights? In a nutshell, they are our rights

to life, to association, to expression, to education, to health, and the broad indicators captured by the essentials of infrastructure, basic needs, and social services, to freedom from oppression, to dignity, to personal liberty, to free expression, to freedom of conscience and worship, freedom of ownership of private property, freedom of private and family life, freedom of movement, to mention the major rights. During this conference we shall be looking at the critical and specific issues, questions, and challenges of security and human rights in the North today.

Why are we experiencing terrorism in the North today? What are the effects? How are we handling terrorism in the North today? By we, I mean we citizens, our religious leaders, our community leaders, our economic and political leaders, and above all our state and federal governments. I hope that this conference will effectively address these concerns.

An Overview of the Challenges of Insecurity in Northern Nigeria

By: Chom Bagu

Introduction: Let me first commend the organizers of this Conference for making such great effort to bring us all here. The situation in the North has become desperate requiring some catalytic action.

However, we must know that one workshop or conference will never be enough for adequate synergy to be developed that will bring northerners to think and act together. My task today is to give a general view of the security challenges in the North. I don't need to bore you with definitions of security because there are security experts better placed to take on that task. I only need to say that insecurity in the North is more than physical; it includes psychological and mental security which manifests not only in our seeking instant gratification and the gluttony, desperation to acquire wealth by any means possible and the penchant for total control of the political space by our political class.

The point also needs to be



added that insecurity among the elite in the North makes it very difficult for the type of reflection that is required to find solutions for the challenges of insecurity in the region. The organizers of this workshop must therefore find ways that key elements in the North can discuss these delicate issues in an objective and dispassionate manner.

A General Overview of Insecurity in Northern Nigeria.

All the efforts to build unity in the last decade have not been fully successful as we still have fractious leadership. Today however, we are united in victimhood

and suffering. None of the three geo-political regions of the North has been spared the violence, none the suffering and sense of hopelessness.

Four different types of violence can be identified in Northern Nigeria today: None of the three geo-political regions of the North has been spared the violence, the suffering and sense of hopelessness.

Four different types of violence in Northern Nigeria today:

- i) In the North West, we have rural banditry and livestock theft that have crept up from the shadows and become hurricanes sweeping hundreds to their untimely death. Though rural banditry and livestock theft predates Nigeria's independence, its present form and scale is frightening and unprecedented.

Osamba¹, a Kenyan Sociologist has argued that war, the deteriorating environment, proliferation of small and light weapons and break down of social norms created a set of complex forces that converted banditry into a commercial activity. Though this analysis was conducted on Kenya, it is so true of Nigeria. More so that criminals previously feasting on illegal bunkering of petroleum have now been upgraded into key political lords swimming in unimaginable wealth and influence.

ii) Communal violence in the North Central across Plateau, Kaduna, Nassarawa and Benue States starting as inter-ethnic violence has blossomed into more than a decade of tit-for-tat war between herders and farmers. At the center of this war is livestock theft that started as cattle rustling but has now assumed commercial dimensions run by criminal rings. It must be noted that when livestock theft became so rampant, herders were compelled to

recruit cattle-less herders to help them protect their herds. However, as time went on, these initially hired armed men evolved into multi-ethnic criminal gangs. The unfortunate part of this development is that whenever these gangs attacked, it was alleged that it was Fulani herdsmen-giving a purely criminal activity an ethno-religious colouration.

ii) In the NorthEast, we have a full blown terrorism that is now on rampage. This terrorist movement defies any definition or

characterization and does not seem to have any properly defined agenda apart from the killing of innocent people.

iv) The fourth source of violence is associated with the Fulani. Because the Fulani are in confrontation in several states in the North Central region, there has evolved a trend that anywhere there is violence between the Fulani and other groups, the Fulani are assumed guilty. Yet, in many cases, the Fulani are

Because the Fulani are in confrontation in several states in the North Central region, there has evolved a trend that anywhere there is violence between the Fulani and other groups, the Fulani are assumed guilty. Yet, in many cases, the Fulani are mere victims.

mere victims. A shocking incident took place in the first week of April this year when the Federal Government sent troops to attack Fulani locations in Kaduna, Benue, Nasarawa and Plateau. The question is what legal process was undertaken to establish the guilt of the Fulani to merit a democratic government sending troops to kill a specific ethnic group?

3. The level and intensity of this violence is unprecedented and is planting the roots of anarchy in the region. Anarchy because this violence is taking place at a time of extremely weak and uninspiring leadership at

national, regional and state levels, an increasing horde of unemployed, uneducated youth and deligitimation of the security forces.

4. The frightening dimension of this phenomenal violence is that there has been no educated response. The government has a single answer-military force while the political class has not even ventured to present a serious alternative while thousands of our people are being murdered daily by rural bandits, terrorists and criminals.

5. The security forces have not presented real alternative to the victimized people of the North, their brutality has in many cases either equalled or even

surpassed that of the bandits making it difficult sometimes for the people to make a choice of who is the least evil.

6. Contrary to what we are told daily by the military information machine, the Nigeria military has lost its global respect and reputation. Its addiction to "roadblocks" in the North while terrorists, criminals and rural bandits are on rampage in rural areas continues to puzzle Nigerians.

7. Should it not have become obvious to our security leadership that these Road Blocks have become centers of humiliation and violating the dignity of Nigerians while providing very little security as far as citizens are concerned?

8. What are we seeing?
- a. People are arming:
 - i. The franchise for criminality is being democratized
 - ii. Youth whom we claim are the future, are being wasted as they are pushed into violence and drugs
 - iii. The population has been impoverished, dislocated and traumatized to such a level that the region may likely lose a generation of youth who have seen

Contrary to what we are told daily by the military information machine, the Nigeria military has lost its global respect and reputation. Its addiction to "roadblocks" in the North while terrorists, criminals and rural bandits are on rampage in rural areas continues to puzzle Nigerians.

There is need to consider a new community Security architecture that is people-centred and owned. This architecture should include traditional rulers, locally trained, documented and supervised vigilantes, religious leaders and the police, who will collect information, strategize and act to prevent, mitigate and manage violence and security.

- iv. nothing but violence all their growing up years
- iv. Abdication of responsibility by non-military actors (leaders, but also civil society, international community) to develop a response has added to despondency in the region.
- v. The dreams of transformational leaders who can inspire change that people can believe in continue unrealized.
- b. Where are we now?
 - I. State of emergency - but what next?
 - ii. NE Nigerians wondering "are we Nigerians?"
 - iii. Military & security logic still only actors "on the ground"
- iv. Attacks elsewhere (Abuja, Kano, Jos) - BH cells or not, they test the resiliency of communities and the state
- c. How did we get there?
 - i. Breakdown of Law and Order multiple forms of violence may be coming under the BH label)
 - ii. Structural Challenges(poverty/ inequality/deindustrialization)
- 9. What are we thinking should happen?
 - a. We must shift from a mentality of "what we are against" to "what we are for"
 - b. This requires a paradigm shift:
 - i. The hard approach has not worked and will never work. In fact this approach is driven by money and not military science

because everyone knows that "hard" military approach has never defeated guerrilla force, where it has done so has been at such high human cost.

- ii. There is need to consider a new community Security architecture that is people-centred and owned. This architecture should include traditional rulers, locally trained, documented and supervised vigilantes, religious leaders and the police, who will collect information, strategize and act to prevent, mitigate and manage violence and security. The Civilian JTF has showed the potential efficacy of localizing the security of the people into manageable intelligible forms that is inexpensive
- iii. This approach will support communities to bring the crisis under control, by:
 - * Supporting community level protection activities
 - * help raise voices of people in the affected area
 - * prevent recruitment into violence within the broader region and
 - * ensure that human rights are protected.

Human Rights in Conflict Zones: The Case of Northern Nigeria

By **Mal. Buhari Bello**

INTRODUCTION:

“Today, inter-state conflicts are relatively rare, but the number of internal wars within a given state is increasing. Throughout the African continent, the Nation is finding it difficult and or impossible to co-exist with the State. Nationalist, regionalist, ethnic and religious sentiments are rising, and the State is being challenged by these forces. The result of this development on humankind is devastating. Violent conflicts in various degrees of intensity rage with massive social, economic and humanitarian consequences.”

The foregoing quote aptly captures the reality in many climes in the globe particularly on the continent of Africa and more particularly, the Northern part of Nigeria.

The recent history of our dear country has been characterized by various landmarks of terror, internal conflicts and tensions. This reality is more palpable in the last three years where reports of killings, maiming, kidnapping and displacement resulting from this malaise have in a manner of speaking 'gone out of the roof'. The

northern part of Nigeria, an area hitherto regarded as one of the safest regions of the country, is gradually turning into a theatre of war. Various remedies and measures proposed and tried notwithstanding, this national albatross has not only remained a recurring feature of the country's socio-political panorama, but it has in recent times assumed a frightening dimension with the attendant human rights violations such as war crimes, crimes against humanity, destruction of lives and properties, kidnappings, rape, torture etc, as exemplified in the recent clashes between communities as well as law enforcement and armed groups in parts of the country particularly the North.

This paper will therefore examine briefly the definition of conflict, human rights, x-ray in detail the current conflict/security



highlight some imperatives of the observance of human rights norms during internal conflict and tensions. By so doing, we shall attempt to look at statehood and the duty to protect citizens, examine the relationship between human rights and security and explain the imperatives of main-streaming human rights into law enforcement operations during internal conflicts. The paper will further attempt to raise apparent observations and concerns resulting from the military interventions in internal conflicts as well as x-ray the developments with

the barometer of National, Regional and International Human Rights Instruments relating to conflict situations and thereafter conclude.

WHAT IS CONFLICT?

The saying that no two human beings are exactly the same connotes expectation of individual differences in thoughts and character and behaviour. It is these individual differences that underline the human rights expectation of equality of treatment irrespective of status, belief, thoughts, association, etc.

Ironically, the foregoing cherished cornerstone of respect for different opinions and positions is the very foundation for conflict. The question to ask then is what is conflict?

Oxford Advanced Learner's Dictionary, (7th Edition) defines conflict as 'a situation in which people, groups or countries are involved in a serious disagreement or argument.' It went further to say 'a situation in which there are opposing ideas, opinions, feelings or wishes.'

According to *Wikipedia*, a free online encyclopedia, **conflict** refers to some form of friction, disagreement, or discord arising within a group when the beliefs or actions of one or more members of the group are either resisted by or unacceptable to one or more members of another group. Conflict can arise between members of the same group,

known as intergroup conflict, or it can occur between members of two or more groups and involve violence, interpersonal discord and psychological tension, known as **intergroup conflict**.

From the foregoing, it is apparent that conflict is inherent in any human society; the intensity of conflict in any society is however influenced by a number of factors which is either, social, economic, religious or political or a combination of all.

Conflict in any clime irrespective of the cause has tremendous implication on the security and welfare of such society. This more so when the conflict is violent and involves the use of arms such as the one in parts of Nigeria particularly the Northern part of Nigeria.

WHAT IS HUMAN RIGHTS?

Human rights are the basic rights and freedoms to which all humans are considered

entitled: the right to life, liberty, freedom of thought and expression, and equal treatment before the law, among others. These rights represent entitlements of the individual or groups vis-à-vis the government, as well as responsibilities of the individual and the government authorities.

International momentum to establish a legal order that would prohibit state-sponsored human rights abuses surged during World War II, as the scope of Nazi atrocities became known. The UN Charter, adopted in 1945, declares that the highest purposes of the organization are "to save succeeding generations from the scourge of war..., to reaffirm faith in fundamental human rights..., to establish conditions under which justice and respect for...international law can be maintained...and to promote social progress and better standards of life in larger freedom."

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Three years after the organization's founding, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR) to explicate the human rights expressed in the Charter. The UDHR's preamble declares that human rights are the foundation of freedom, justice, and peace.

Many conflicts are sparked by a failure to protect human rights, and the trauma that results from severe human rights violations often leads to new human rights violations. As conflict intensifies, hatred accumulates and makes restoration of peace more difficult. In order to stop this cycle of violence, States must institute policies aimed at human rights protection. Many believe that the protection of human rights "is essential to the sustainable achievement of the three agreed global priorities of peace, development and security."

NORTHERN NIGERIA IN CONFLICT

Violence and insecurity in Northern Nigeria has increased over the years mainly in the form of urban riots, ethnic and sectarian conflicts, armed conflict between insurrectional groups and the security agencies at specific flashpoints. Examples are the cities of Kaduna, Kano and Jos, whose populations are cosmopolitan and the ethnic

Violence and insecurity have undermined public safety across the region and scarred its economy and development. Thousands of lives have been lost during the insurgency.

conflicts between the Jukun and the Tiv in Taraba or the Tiv and their neighbours in Plateau and Nasarawa States or the conflict over grazing land between Fulani herdsmen and the farmers across the region and the various ethnic and sectarian clashes in the three States of the North East of Borno, Yobe and Adamawa, where anti-establishment armed groups such as Boko Haram have emerged and leashing terror on the populace.

Violence and insecurity have undermined public safety across the region and scarred its economy and development. Thousands of lives have been lost during the insurgency. The attacks increased during the first three months of 2014, with almost daily killings, bombings, thefts and destruction of schools, homes and businesses as well as the recent kidnapping of the Chibok girls. According to Amnesty International, at

least 1,500 people were killed in that period. Several weeks earlier, the National Emergency Management Agency (NEMA) reported that more than 1,000 people were killed and 249,446 displaced (one in five of the total population) since January 2014 in Borno, Yobe and Adamawa States.

In Borno State, the attacks had destroyed 882 classrooms as at August 2013; in Yobe State, all schools were shut from June to September 2013. On 6th March 2014, the federal government closed five Federal Government Colleges (also known as Unity Schools) in Adamawa, Borno and Yobe States, ordering their estimated 10,000 students to relocate. Thousands of children have been withdrawn from schools by parents for fear of attacks in a region already noted as educationally backward in the country. Economic activities have been similarly disrupted.

In September 2012, more than 25 masts and base stations in Maiduguri were destroyed affecting communications rights of the people and setting back efforts to improve telecommunications in the region.

Insecurity in the North has also deepened religious and regional fault lines, reversing some of the country's hard-won gains in building tolerance, national unity and stability. Assaults on groups with religious undertones by insurgent group have strained inter-faith and intra-faith relations throughout the country. This development has far reaching implications on the freedom of association and religion of the people.

While efforts by government to address this national challenge through deployment of military to affected areas and the declaration of state of

emergency are acknowledged, numerous complaints still abound of such efforts not been approached from the human rights perspective thereby underrating the propensity of violations and abuses that are likely to result from the involvement of security personnel especially the military in internal security operations.

STATE OBLIGATION TO PROTECT CITIZENS DURING CONFLICT SITUATION

The State obligation to protect citizens covers peaceful as well conflict situations. In fact, the STANDARD of protection required is higher during conflict situations. To this extent, there are domestic and international instruments that provide for State responsibilities to ensure that its agents either take steps or abstain from doing certain acts that have the potential of violating citizens' rights

during conflict situations.

A combination of the provisions of local, regional and international instruments which will be considered in this paper usually forms the content of rules of engagement which law enforcement personnel engaged in conflict situation are expected to comply with. Some of these instruments include:

THE GENEVA CONVENTIONS OF 1949 AND THEIR TWO ADDITIONAL PROTOCOLS:

Nigeria is a State party to the four Geneva Conventions of 1949 and their two additional Protocols of 1977, the Principal International Humanitarian Law Instruments. Many of the specific rules included in these treaties, and all of those set out below, in any event also form part of customary international humanitarian law and are thus binding on all parties to any conflict, including non-State armed groups. Violations of many of these rules may amount to war crimes.

A fundamental rule of international humanitarian law is that parties to any conflict must at all times “distinguish between civilians and combatants”, especially in that “attacks may only be directed against combatants” and “must not

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Individuals, whether civilians or military, who commit certain violations of international humanitarian law and grave abuses of human rights can be held these actions under international criminal law.

be directed against civilians.” A similar rule requires parties to distinguish between “civilian objects” and “military objectives.” These rules are part of the fundamental principle of “distinction.”

For the purposes of distinction, anyone who is not a member of the armed forces or a party to the conflict is a civilian, and the civilian population comprises all persons who are not combatants. Civilians are protected against attack unless and for such time as they take a direct part in hostilities.

Intentionally directing attacks against civilians not taking direct part in hostilities, or against civilian objects (in the case of non-international conflicts, medical, religious or cultural objects in particular), is a war crime. The principle of distinction also includes a specific rule that “acts or

threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.”

The corollary of the rule of distinction is that “indiscriminate attacks are prohibited.” Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.

Individuals, whether civilians or military, who commit certain violations of international humanitarian law and grave abuses of human rights can be held

these actions under international criminal law.

All States have an obligation to investigate and, where enough admissible evidence is gathered, prosecute genocide, crimes against humanity and war crimes, as well as other crimes under international law such as torture, extrajudicial executions and enforced disappearances.

Grave breaches of the Geneva Conventions and Additional Protocol I and most other serious violations of International Humanitarian Law are war crimes. Definitions of these crimes are included in the Rome Statute (Statute of the International Criminal Court). The list of war crimes in Article 8 of the Rome Statute basically reflected customary international law at the time of its adoption, although they are not complete and a number of important war crimes are not included.

According to the Rome Statute, certain acts, if directed against a civilian population as part of a widespread or systemic attack, and as part of a State or organizational policy, amount to crimes against humanity. Such acts include, among others, murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of

fundamental rules of international law, torture, persecution, rape and other sexual crimes, and enforced disappearances.

IMPLICATIONS OF THE EXISTENCE OF NON INTERNATIONAL ARMED CONFLICT IN NIGERIA

There have been debates as to whether the situation in the North Eastern part of Nigeria qualifies as a non-international armed conflict to warrant the applicability of the relevant treaties to the parties in the conflict. The question to ask is what amounts to non-international armed conflict?

The International Committee of the Red Cross (ICRC) has defined a non-international armed conflict as: “protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State [party to the Geneva Conventions]. The armed confrontation has reached a minimum level of intensity and the parties involved in the conflict must show a minimum of organisation.”

Particularly on the Nigerian situation, the Office of the Prosecutor of the International Criminal Court in November 2013 found as follows:

“In terms of organisation, the Office has considered the hierarchical structure of

Boko Haram; its command rules and ability to impose discipline among its members; the weapons used by the group; its ability to plan and carry out coordinated attacks; and the number of Boko Haram forces under command. The Office has concluded that Boko Haram fulfils a sufficient number of relevant criteria to be considered an organised armed group capable of planning and carrying out military activities. With respect to the level of intensity of the armed confrontations between Boko Haram and Nigerian security forces, the Office has analysed over 200 incidents occurring between July 2009 and May 2013. In particular, the Office has assessed the extent and sustained nature of such incidents, as well as their seriousness; the frequency and intensity of armed

confrontations; their geographical and temporal spread; the number and composition of personnel involved on both sides; the mobilization and the distribution of weapons; and the extent to which the situation has attracted the attention of the UN Security Council.... In view of the above, the required level of intensity and the level of organization of parties to the conflict necessary for the violence to be qualified as an armed conflict of non-international character appear to have been met.”

From the foregoing, there is no doubt that the fighting in North-Eastern Nigeria meets the required criteria for it to be considered as a non-international armed conflict. The principal consequence is that the norms of International Humanitarian Law (IHL) under the relevant provisions of the Geneva



Conventions become applicable to regulate the circumstances under which parties to such a conflict may lawfully take human life in the theatre of conflict in line with the standards stipulated by Common Article 3 of the Geneva Conventions.

RULES OF ENGAGEMENT IN RELATION TO NON-INTERNATIONAL ARMED CONFLICT

Article 3 of Geneva Convention provides that Persons taking no active part in the hostilities like civilians, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- * violence to life and person, in particular murder

The germane question to ask about the conflict in Northern Nigeria is whether the rules of engagement are being kept in its prosecution both on the side of the government of Nigeria and the terrorists.

of all kinds, mutilation, cruel treatment and torture;

- * taking of hostages;
- * outrages upon dignity, in particular humiliating and degrading treatment; and
- * the passing of sentences and the carrying out of without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- * the wounded and sick shall be collected and cared for.

The germane question to ask about the conflict in Northern Nigeria is whether the rules of engagement are being kept in its prosecution both on the side of the government of Nigeria and the terrorists. School children are being kidnapped, there have been cases of torture, inhuman and degrading treatment, rape, abduction, bombing of civilian population, churches, mosques, villages are attacked and houses and farms burnt, etc.

INTERVENTIONS TO PROTECT HUMAN RIGHTS

Responsibility to protect human rights resides first and foremost with the State itself. This is the Nigerian Government's primary responsibility.

The government has also ratified the relevant Geneva conventions and is also bound by the mere fact that

these conventions constitute Customary international law which apply to all nations. Therefore it is the responsibility of the government of Nigeria to bring before the local Court all those suspected terrorists and other rogue elements and prosecute them under the relevant laws and conventions for the various crimes committed. It is already apparent that Boko Haram has waged war on Nigeria and could be prosecuted for treasonable felony and other crimes perpetrated against the Geneva Convention and the Statute of the International Criminal Court, such as war crimes, crimes against humanity, taking of hostages, rape, torture, cruel, and inhuman and degrading treatment, etc.

There is also the need to prosecute the war against Boko Haram and the other armed conflicts in Northern Nigeria in such a way that members of the Nigerian Army may not be susceptible to prosecution in Nigerian Courts or at the International Criminal Court. In many cases, however, public authorities and government officials institute policies and carry out actions that violate basic human rights. This was the conclusion of several reports released by the National Human Rights Commission recently concerning the Baga incident and the shootings at Apo, Abuja, recently.

As we pointed out earlier, the government has the primary duty to protect life and property. The government must show its willingness to

bring to book any officer who may have gone beyond the rules of engagement in the prosecution of the war against terror in Northern Nigeria. The inability or unwillingness to prosecute such officers could open an avenue for the internal criminal court to assume jurisdiction against terror in Northern Nigeria.

RESPONSIBILITY AND ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS IN THE CONFLICTS IN NORTHERN NIGERIA

Nigeria became a State party to the Rome Statute establishing the International Criminal Court on 27 September 2001. It therefore follows that the International Criminal Court has jurisdiction over crimes (as prescribed by the Rome Statute) committed on Nigerian territory or by Nigerian nationals from 1 July 2002 onwards.

Nigeria remains bound by its obligations under international human rights law. And all parties to the conflict, including non-state armed groups such as Boko Haram, are bound by the rules of international humanitarian law (IHL).

All States have an obligation to investigate and, where enough admissible evidence is gathered, prosecute crimes against humanity and war crimes, as well as other crimes under international

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law such as torture, extrajudicial executions and enforced disappearances.

The international criminal court which was established to deal with cases of grave violations of human rights under the Geneva conventions was established on the principle of complementarity. This means that its jurisdiction is complimentary to that of National Courts and can only be invoked where the Government is unable or unwilling to prosecute the offenders.

This was made obvious from the preamble to the Statute which under paragraph 10 commenced by “Emphasizing that the International Criminal Court established under this Statute shall be complementary to national criminal jurisdictions.”

Article 1 of the ICC Statute states “An International Criminal Court (“the Court”) is hereby established. It shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and shall be complementary to national criminal jurisdictions.”

As a result of the complementarity principle, the Court shall determine that it has no jurisdiction where:

- (a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution;
- (b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State genuinely to prosecute;
- (c) The person concerned has already been tried for conduct which is the subject of the complaint;
- (d) The case is not of sufficient gravity to justify further action by the Court.

In order to determine unwillingness in a particular case, the Court shall consider, having regard to the principles of due process recognized by international law, whether one or more of the following exist, as applicable:

- a) The proceedings were or are being undertaken or the national decision

purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court.

- b) There has been an unjustified delay in the proceedings which in the circumstances is inconsistent with an intent to bring the person concerned to justice;

- c) The proceedings were not or are not being conducted independently or impartially, and they were or are being conducted in a manner which, in the circumstances, is inconsistent with an intent to bring the person concerned to justice.

HIGHLIGHTS OF SOME HUMAN RIGHTS VIOLATED IN THE CONFLICT SITUATION IN NORTHERN NIGERIAØ EXTRAJUDICIAL, SUMMARY AND ARBITRARY EXECUTIONS

The right to life is rightly regarded as the most important right. Other rights are often said to be value added to the right to life.

Interestingly, this very important right is one that is mostly threatened during conflict situations. Little wonder then that the right to life is protected by national, regional and international instruments. Some these provisions include:

“Every person has a right to life, and no one shall be deprived Intentionally of his life, save in execution of the sentence of a Court in respect of a criminal offence of which he has been found Guilty in Nigeria...” **Section 33, Constitution of the Federal Republic of Nigeria, 1999**

“Human rights are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right” **Article 4, African Charter on Human and Peoples' Rights**

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” **Article 6(1), International Covenant on Civil and Political Rights**

Despite the protection for the right to life provided for by national, regional and international instruments, cases of extrajudicial, summary and arbitrary executions by the security agencies continue to occur in Northern Nigeria.

Reports have it that 'security forces appear to have repeatedly used firearms against civilians when there is no imminent threat of death or serious injury and have intentionally used lethal force in circumstances other than when it was strictly necessary to protect life'.

Both the Military, Security forces and Boko Haram and other rogue elements fermenting conflict in Northern Nigeria are alleged to have continued to commit serious human rights violations in the various conflicts in the region. Since 2009, thousands of people suspected of having links to Boko Haram are said have been extra-judicially executed or unlawfully killed by the Nigerian army and police. Hundreds more have been victims of enforced disappearances and since 2012, thousands of suspects are alleged to have died in military and police custody. Members of the Boko Haram and other rogue elements in many parts of the North are equally guilty of the same violations if not more.

UNLAWFUL ARREST, DETENTION AND EXTRA JUDICIAL KILLINGS.

Allegations are also rife that both Boko Haram, other rogue elements and the various Joint Task Forces (JTF) set up by the military frequently conduct executions in which civilians are arrested en masse and detained for lengthy periods, often without charge or trial and without access to their families and lawyers.

Reports have it that 'security forces appear to have repeatedly used firearms against civilians when there is no imminent threat of death or serious injury and have intentionally used lethal force in circumstances other than when it was strictly necessary to protect life'.

TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Every individual is entitled to respect for the dignity of his person, and accordingly

(a) no person shall be subjected to torture or to inhuman or degrading treatment;

(b) no person shall be held in slavery or servitude; and

(c) no person shall be required to perform forced or compulsory labour. **Section 34 (1), Constitution of the Federal Republic of Nigeria 1999**

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited. **Article 5, African Charter on Human and Peoples' Rights**

“Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. No exceptional circumstance whatsoever, whether a state of war or a threat of war, internal political stability or any other public emergency, may be invoked as a justification of torture. An

order from a superior officer or a public authority may not be invoked as a justification of torture” **Article 2, Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment**

Despite the provisions of the above mentioned human rights instruments, prohibiting torture, cruel, inhuman or degrading treatment or punishment, there are allegations of wide spread torture, cruel, inhumane and degrading treatment against the Nigerian military and security agencies and also against Boko Haram and other rogue elements in Northern Nigeria.

NIGERIAN STATEHOOD AND THE DUTY TO PROTECT ITS CITIZENS.

The sole reason for existence of statehood is the maintenance of law and order for the security of all citizens and the protection of Human

Rights. Most decent climes have constitutional provisions to underscore this. S.14 (2) (b) of the Constitution of the Federal Republic of Nigeria provides that:

“The **security and welfare** of the people shall be the primary purpose of government”.

Security and the natural law of self preservation go hand in hand. Citizens in any organized society having surrendered some of their rights to state for collective protection, therefore expects government to live up to the responsibility of securing the citizens. This logic underscores the prohibition of self-help in certain cases. People are not expected to take laws into their own hands. The rationale behind this reasoning is that the state is there to protect its citizens and to create an environment

Citizens in any organized society having surrendered some of their rights to state for collective protection, therefore expects government to live up to the responsibility of securing the citizens. This logic underscores the prohibition of self-help in certain cases.

forealization of human rights. Citizens have only a limited right vested in them to protect their person or property which is guaranteed by the right of private defense. There is no right of private defense in cases where there is adequate time to have recourse to public protection. It follows therefore that where there is high recourse to self help by citizens due to inadequacy of state protection such as we see in many parts of the country, leads to the conclusion of the inability or unwillingness of the government to adequately protect its citizens.

HUMAN RIGHTS AND SECURITY

Since the events in the United States on 11 September 2001, the intensity of policy debates on how to reconcile security and particularly counter terrorism measures with basic human rights standards has been on the upward trend. Security operatives always hold human rights advocates in suspicion and reckon that the advocates dwell only on the behavior of state authorities than they are with crimes and criminals. This they believe is done without adequate regard to the responsibility of the state to protect the welfare and security of persons within its borders. They believe that in dealing with criminals and terrorists, there should be no room for legal niceties usually

canvassed by human rights advocates.

Contrary to the foregoing widely -held assumptions, security and human rights are not mutually exclusive. They are also not inversely proportional to each other. Rather they go together and form an integral whole. The provision of security itself is the most basic human rights protection obligation of governments. As a matter of fact, security officers are first line human rights defenders by virtue of the very nature of their work.

In a bid to address the challenges thrown up by internal conflict and tensions, many countries, including Nigeria, have introduced a number of measures ranging from policies to laws. Because of pressures that tension and conflict brings to bear on national security, some of these policies and measures including laws have been adopted without adequate consideration of their impacts on fundamental rights and freedoms.

Amongst other things, these measures with far reaching human rights implications have created:

- new crimes and other offences in the form of the Nigerian **Terrorism (Prevention) Act, 2011**
- new detention and questioning powers for police and other

- security agencies
- new powers for government to proscribe suspected terrorist organisations
- New means of controlling people's movement and activities.

Security measures particularly in conflict periods have the propensity to profoundly impact on fundamental human rights and freedoms protected under the constitution and international treaties that the Government has committed to uphold.

AREAS OF HUMAN RIGHTS CONCERN ON GOVERNMENT POLICIES AND INTERVENTIONS AIMED AT ADDRESSING INTERNAL SECURITY CHALLENGES WITH RECOMMENDATIONS:

A close scrutiny of various government and law enforcement interventions and engagements reveal the following areas of concern:

- a. The reports and complaints of alleged disproportionate use of force even at the slightest provocation by security forces. To address this, there is need to impress on the military and other security agencies on the need to always

adhere to the rule of law and respect for the fundamental rights of the populace in accordance with international best practices. This has become imperative in the light of numerous complaints to the National Human Rights Commission on allegations of instances where the security agencies have tended to respond with disproportionate force to protests, demonstrations or other forms of civil disobedience whose magnitude is far less than the present security challenges in parts of the country, particularly in the North or in the Niger Delta.

- b. The usual strategy to monitor the cyberspace (especially the internet) with the view of tapping telephones and hence intercepting communications between persons. This has the potentials of leading to violations of human rights. This would appear to be an invasion of fundamental right of the populace to privacy as provided

The practice of identifying and profiling individuals or groups who are suspected of engaging in internal conflicts and tensions particularly terror-related activities or whose activities seemingly tend toward terrorism must be viewed with utmost wariness.

in section 37 of the 1999 Nigerian Constitution, as amended.

- c. The practice of identifying and profiling individuals or groups who are suspected of engaging in internal conflicts and tensions particularly terror-related activities or whose activities seemingly tend toward terrorism must be viewed with utmost wariness. The danger inherent in profiling is that, besides the apparent breach of the constitutionally guaranteed right to associate and belong to bodies or groups of one's choice which it engenders, the tendency of witch-hunting perceived political enemies

looms large and is a veritable cause for concern, given the propensity of politicians to brow-beat their opponents into submission using every conceivable scare tactics.

On the whole however, I believe government efforts at formulating measures aimed addressing internal conflicts and tensions are in line with the constitutional responsibility of government, which provides that: "The **security and welfare** of the people shall be the primary purpose of government" as enshrined in S.14 (2) (b), Constitution of the Federal Republic of Nigeria. However, the measures should be methodically implemented taking into consideration the human rights concerns herein raised. *Steps in this direction would* reassure the populace of the government's resolve

to strictly adhere to the rule of law and to respect, promote and protect their fundamental rights in the fight against terrorism and other social vices.

Having classified the conflict situation in the Northern Nigeria as meeting the criteria for a Non International Armed conflict and given the serious and credible allegations that war crimes and crimes against humanity have been committed by both sides, government should ensure that thorough, independent, impartial and transparent investigations are conducted to bring the perpetrators to justice and ensure reparation for the victims of these crimes.

RESTORING HUMAN RIGHTS IN THE PEACE BUILDING PHASE

Just as we shape out strategies to protect human rights in conflict situations in Northern Nigeria, we must also prepare for restoring human rights in peace time. In the aftermath of conflict, violence and suspicion often persist. Government institutions which bear the main responsibility for the observation of human rights, are often severely weakened by the conflict or complicit in it. Yet, a general improvement in the human rights situation is essential for peace building and rehabilitation of conflict-torn societies. Apart from the horrendous crime committed in Northern Nigeria, there is also the case of internally displaced persons (IDPs) and refugees that are also victims in such

conflicts. It is important to address these humanitarian issues immediately and constantly.

CONCLUSION

The protection of civilians is a human, political and legal imperative that recognizes the inherent dignity and worth of every human being. The responsibility for ensuring civilian protection should be respected by the government.

It was the Former UN High Commissioner for Human Rights Mary Robinson who said that “ it is necessary to ensure that the requirement to combat terrorism is not used to clampdown on freedom of expression, legitimate dissent and freedom of association and so on” To overcome the problems of protecting civilians in armed conflicts in Northern Nigeria, there is need for a comprehensive doctrine to guide the protection of civilians in armed conflicts coupled with political will to defend the defenceless.

There is need for policymakers to take steps towards filling the gaps that exist between reporting situations of the plight of civilians in the armed conflicts in Northern Nigeria and the necessary action of bringing appropriate responses. Forward planning is needed for a comprehensive doctrine, rules of engagement, and better training of troops to protect civilians. Serious attention must henceforth be paid to the Military if they are

to cope with the challenges of the present armed conflict in Northern Nigeria. A timely decision by the authorities would enable security operatives to protect civilians with an appropriate mandate and adequate resources. The idea is for security operatives to be able to deter potential perpetrators of violations of the fundamental rights of civilians. This requires, inter alia, adequate training of security operatives, proper equipment, a robust and practical mandate and flexible interpretation of rules of engagement. The rules of engagement must be adequately entrenched in the laws of the land. Recently, the National Assembly passed a law on counter terrorism. The inadequacy of the law to cope with the present security challenges has led to an amendment of the law once more. It is hoped that the necessary sensitisation of the public and members of the armed forces on the law will follow to ensure that the fight against terrorism and insecurity is a collective effort.

To end this presentation, permit me to adopt this quote from the United Nations Global Counter Terrorism Strategy (General Assembly Resolution 60/288.

“The promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the promotion of human rights are not complementary goals, but reinforcing.”
Thank you.

The Security Architecture and Prospects of Sustainable Peace in Northern Nigeria

By: Mohammed Sambo Dasuki, the National Security Adviser



Protocol

It is my pleasure to be here today and I thank you for inviting me to share my views with participants at the two day conference being organized on the theme "SECURITY AND HUMAN RIGHTS IN NORTHERN NIGERIA".

AN OVERVIEW OF THE SECURITY ARCHITECTURE AND PROSPECTS FOR PEACE IN NORTHERN NIGERIA

The National Security Architecture of any country is a junction of the history, culture and experience of that particular country and Nigeria is no exception. Before independence, matters of security and intelligence in Nigeria were handled by a department of the Governor General's office and after independence by the Prime Minister's office, when the E-Department of the

Nigerian Police and Military Intelligence were the only existing security agencies. Later, a cabinet office was created to handle political, economic and socio-cultural matters. There was a permanent secretary in the then cabinet office to which the security units that were in existence at the time reported. Subsequently, the Nigeria Security Organisation (NSO) was

established in 1976 and a Director-General appointed to oversee activities of all the security agencies, (with the exception of the Directorate of Military Intelligence-DMI) which was then divided into, internal security, and external security under the Ministry of external Affairs as it was then called.

The Military coup in 1985 brought further changes, when the NSO was abolished and in its place three agencies were created namely: Defence Intelligence Agency for military related security, National Intelligence Agency for external security issues and State Security Service for internal security issues. The National Security Agencies decree of 1986 also made provision for the position of the coordinator under section 4-(i) of the Decree. This was subsequently slightly amended with the NSA Instrument, which specified the coordinating functions of the National Security Adviser and established the advisory bodies, such as, the National Defence Council and the National Security Council.

Nigeria's current security architecture is based on the following:

- i. The Constitution
- ii. Various Instruments enacted by the Executive arms of government to establish and regulate the functions of the security agencies, such as the NSA Act.
- iii. The Acts of the National Assembly on the establishment, powers and functions of various agencies
- iv. Pronouncements of Government from time to time re-clarifying existing rules, regulations and procedures,
- v. Activities and decisions of the National Security Council,
- vi. Activities and decisions of the Joint Intelligence Board,
- vii. Presidential decisions and directives,
- viii. Government circulars issued/Amended on ad-hoc basis,
- ix. Terrorism Prevention Act 2013 (Section 1A)

In broad terms, Nigeria's National Security Architecture is divided into two broad areas, internal and external security: Section 217(3) of the 1999 Constitution says the armed forces are charged with the junctions of:

- a) Defending Nigeria from external aggression
- b) Maintaining its territorial integrity and securing its borders from violation on land or sea or air.
- c) Suppressing insurrection and acting in aid of civil authorities to restore order when called upon by the President, but subject to such conditions as maybe prescribed by an Act of the National Assembly. While this part of the constitution specifically refers to the Armed forces, it is equally applicable to

the security agencies as the Armed Forces and security agencies have to work together. 217(2) a and b refer to the protection of the country from external while (c) deals with internal security challenges.

It is a fact that currently, most of the security challenges confronting Nigeria are internal, with some external connections.

Apart from the constitution, two other legislations provide for the establishment of the security agencies. These are: The National Security Agency Decree of 1986 and the NSA

It is a fact that currently, most of the security challenges confronting Nigeria are internal, with some external connections.

instrument No. 2 dated 23rd May, 1999, which disbanded the Nigerian Security Organisation and created three security agencies charged with different aspects of National Security. It specified that the establishment of National Security Agencies namely the Defence Intelligence Agency, the National Intelligence Agency and the State Security Service. It also specified the general duties of these agencies as well as the principal officers of each of the three agencies. The acts made provision for a coordinator on National Security, with the duty of:

- a. Advising the President on matters concerning activities of intelligence agencies.
- b. Making recommendations in relation to the activities of the intelligence agencies to the President as contingencies may warrant.
- c. Correlating and evaluating reports relating to national security and providing approved dissemination of such intelligence
- d. Doing such other



things in connection with the foregoing provisions of this section as the President may from time to time decide.

From all the above, it is clear that the President is at the top of the organizational structure, followed by his National Security Adviser, who has coordinating functions over all the security agencies. Thereafter comes the heads of the three agencies DIA, NIA, SSS- Similarly are the heads of

para-military and non-para-military agencies .It should be borne in mind that the Military and the Police are directly keyed into this structure as far as intelligence and security matters and operations of those two organizations are concerned. Other Para-military agencies, such as the Immigration Service, Customs, Civil Defence, BFCC,NAFDAC,NAPTIP, FAAN,NIMASA etc., also have to key-in to be coordinated likewise, being that many aspects of their activities have bearing on National Security issues.

Coordination

While the National Security Adviser is charged with advising the President on matters relating to security in general as well as the security agencies in particular, there are formal organs established by Law to strengthen and formalize harmonious working relations and decision making process among security and intelligence agencies. These are:

- a. The National Defence Council
- b. the National Security Council
- c. The joint Intelligence Board
- d. The Intelligence community committee
- e. The National Security Council Appeals committee.

Both the National Defence council and the National Security Council are chaired by the President with the Vice-President as the Vice-Chairman. The joint Intelligence Board, Intelligence Community committee and the National Security Council Appeal Committee are chaired by the NSA.

The National Security Council is charged with the responsibility for matters relating to (a) Public Security and (b) Generally to deal with issues relating

to structure, and other matters concerning agencies setup under the National Security Agencies Act. The National Defence Council advises the President on all matters concerning the defence of the sovereignty and territorial integrity of Nigeria.

In general, The President has the power under the National security Agencies act to (a) make provision for the composition of membership and appointment to the advisory councils (b) make provision for the structure of the agencies set up under the National Security Agencies Act (c) the manner in which the power of each agency is to be exercised and the conferment on specified officers of the agencies, of the powers of a superior officer and (d) such other matters concerning or incidental to any of the matters mentioned in the National Security Agencies Act, as the President may deem fit.

Review of incidents, policies and strategies.

The National Security Council is charged with the responsibility for matters relating to (a) Public Security and (b) Generally to deal with issues relating to structure, and other matters concerning agencies setup under the National Security Agencies Act.

The JIB and ICC both chaired by the NSA provides the platform for security, intelligence, paramilitary agencies and others whose junctions have bearing on intelligence to meet at regular intervals to review current security challenges and make appropriate recommendations or decisions. The two bodies make for a coordinated interaction and sharing of intelligence as well as concerted focus on critical issues concerning security challenges.

There are other avenues for interaction among heads of security agencies, such as, ad-hoc meetings summoned by the National Security Adviser, of some relevant agencies to review a

particular, urgent, security challenge. Committees are also set up from time to time to dissect and make recommendations on complex security issues. On regular basis, reports are forwarded by heads of security agencies to the NSA concerning intelligence recently acquired, with suggested recommendations on the way forward.

As with most dynamic systems, intelligence and security issues cannot be straight jacketed all the time, there is flexibility in response to events, in ways and manner that can best address such problems.

To avoid a situation where agencies are always reacting

to developing events, there is provision for estimates, which while based on current reality, they can project events that are likely to occur in the future, and what should be Nigeria's response to them.

Cooperation with Foreign Partners/Countries

Given the global nature of security challenges, Nigeria has developed a system of cooperation with other countries, in particular their intelligence and security services, on matters of security and intelligence. This has been achieved through Memorandum of Understanding (MOU) or sometimes through bilateral and multilateral consultations where matters

of mutual security concerns are discussed with pro-active decisions taken. Some of these co operations have been under the auspices of bi-lateral, tri-lateral or quadripartite national security commissions, or sometimes at regional or continental level Exchange of intelligence on regular basis is carried out with many foreign friendly countries. The fact is that no country can successfully tackle all her security challenges alone without input and cooperation from other countries which have had similar experiences, or in position to provide some lead into ongoing operations or investigation.

Border Security Agencies

Another very important aspect of Nigeria's security architecture has to do with the border control agencies, such as the Immigration Service and the Nigeria Customs Service. These two Para Military agencies perform important functions in safe guarding Nigeria's land, sea and air borders. The importance of their function is now urgent given the prevailing security challenges of terrorism, smuggling of small arms and light weapons, human trafficking and cross border crimes. The Immigration and Customs have to work hand in hand with other security agencies, such as, the State

The fact is that no country can successfully tackle all her security challenges alone without input and cooperation from other countries which have had similar experiences, or in position to provide some lead into ongoing operations or investigation.

Security Service and the Nigeria Police Force to ensure that all areas of law enforcement and border access control are adequately covered. The Federal Airports Authority of Nigeria FAAN, whose main Junction is the management of airport facilities, is also another agency that provides necessary security safeguards in conjunction with the Immigration, Customs, Police, SSS and other agencies working for the provision of comprehensive security at the Nation's airports.

Meeting New Challenges

From time to time, as in most nations, new security challenges do crop up in Nigeria, which require drastic solutions in terms of reconfiguration of the National Security Architecture. A recent example is the incidence of Boko Haram insurgency. Government's response was the creation of a Counter Terrorism Directorate, under the Office of the National

Security Adviser. The Counter Terrorism Directorate collects all intelligence and coordinates activities of all security agencies as they relate to terrorism. Staffs of the directorate are drawn from all the security agencies and paramilitary institutions. The coordination and interface with other security and



paramilitary, agencies involve policies, training and operations. To encapsulate all the strategies, a document referred to as the National Counter Terrorism Strategy (NACTEST) has been produced to guide security agencies and re-focus their policies and operations in the fight against terrorism and related issues.

The establishment of the Counter Terrorism Directorate was not the first time government would set up an agency to meet unfolding security challenges. The Nigerian Maritime Security and Safety Agency (NIMASA) was created in 2007 to address the security challenges in Nigeria's maritime sector. Other such agencies are likely to be established from time to time depending on the emergence of security challenges. We are currently developing a new National Security Strategy document that includes citizens' participation. The National Security Architecture is subject to

review to ensure that the structure on ground can adequately meet the security challenges confronting the nation. It is a dynamic and constantly evolving process.

Efforts towards Sustainable Peace

One of the main reasons for the crisis and insecurity in the north - is unemployment, lack of educational

opportunities, and lack of opportunities for self-actualization and areas which to channel their energy. The Federal Government has also realized that many parts of the North has lagged behind in economic and development terms. To address this issue,

Committee on continuous Dialogue, headed by the Minister of Special Duties, which was recently constituted.

The Government is also pursuing major initiatives that would transform the socio-economic fortunes of

the region. It is believed that, in addition to improving the lives of the people, these initiatives would also make it less attractive for the youths to be recruited by terrorist. In this regard, the President has set up a committee known as the Presidential Initiative for the North-East

(PINE). The committee is currently working with the North East states and development partners to produce a blue print for the re-development of the, post-state of emergency period. The Participation of development partners, such as, the EU and British DFID, is to ensure transparency and the development of a blue print in line with international best practices. The initiative will

outline short, medium and long term measures for rejuvenating socio-economic activities in the region.

The PINE programme would be funded by the Federal and State Governments as well as the development partners. The development partners have already pledged several billions of Naira for the programme. It is expected that the arrangement concerning the budget for the PINE programme would be concluded by the end of 2014. The government has also put in place a Victims Support Fund (VSF).

The office of the NSA is also involved in an ongoing exercise organized by an NGO, Humanitarian Dialogue (HD) Center based in Geneva, targeted at the various ethnic groups in Plateau State. The HD programme has brought together the eight (8) ethnic groups in Plateau, Hausa, Fulani, Birom, Anaguta, Afizere, Ibo, Yoruba and South-South, over the last one year to discuss among them thorny issues on which they disagree, with focus on peaceful resolution of the crises and the way forward. The Pastoralist/Farmer crisis, which is becoming a significant part of the problem in Plateau State, was equally examined. The HD Jos Forum is about to conclude its Dialogue

Government is cognisant of the importance of adopting a multi-dimensional approach to dealing with these issues as well as the scourge of terrorism. To this end the government has started implementing recommendations contained in the report of the Presidential Committee on Dialogue and Peaceful Resolution of the Security Challenges in the North.

Government is cognisant of the importance of adopting a multi-dimensional approach to dealing with these issues as well as the scourge of terrorism. To this end the government has started implementing recommendations contained in the report of the Presidential Committee on Dialogue and Peaceful Resolution of the Security Challenges in the North. This includes an Advisory

sessions and has made some far reaching recommendations, agreed to by all the community leaders. The next phase is how to get the State Government, the Communities and other stakeholders to implement recommendations arrived at.

The office of the NSA has embarked on a programme to protect the Critical National Infrastructure and Assets of the country (CNAI). In this regard, a comprehensive list and current conditions of all critical national assets of the country has been made. These assets include strategic government and private buildings such as NNPC Hq, Police HQ, Federal Secretariat, universities all over the country, schools buildings in primary, secondary and tertiary institutions, research and public institutions, airports, radars, oil and gas pipelines and flow stations, roads, rail network, communication antennas, PHCN facilities and many others. After the compilation of the list, location and conditions of such assets, their level of vulnerability and how to protect them were assessed. A master plan is now in place for the protection of the assets. Especially vulnerable to terrorist vandalisation are telecommunication masts and facilities in the North-East. The masts have been destroyed on a number of

occasions not only in the North-East but in many other parts of the country. The protection of Critical National Assets is part of the National Security Strategy of Nigeria.

Another area where considerable time and resources have been devoted is cyber security. The use of internet, telephone, computers, social media and all forms of communication technology brought about by advances in science and technology as well as globalization has meant that the world is now truly a global village, where one part of the world can be connected to another very distant part within seconds. While communication technology

is good and has positive uses, it can also be misused to the detriment of the country.

Foreign influences and ideas can be directly or surreptitiously introduced into Nigeria if not carefully monitored. Also, matters of sensitive nature can be assessed or corrupted without our knowledge. To avoid unwanted intrusion into our data base and communications system, the Office of the NSA in conjunction with relevant stakeholders' such as the Nigerian Communications Commission (NCC) and the Ministry of Communications and Technology have taken appropriate steps to formulate a cyber-security policy as well as

The office of the NSA has embarked on a programme to protect the Critical National Infrastructure and Assets of the country (CNAI). In this regard, a comprehensive list and current conditions of all critical national assets of the country has been made.



technological steps to safeguard Nigeria's cyber space.

While security of the nation and its people is the main focus of the Office of the NSA it has been realized that the root causes of insecurity can be found in other areas, such as, poor educational and health facilities, food shortages, lack of job, agriculture, youth unemployment etc. Consequently some of the security designs have taken into consideration, political, economic and socio-cultural factors. Efforts are being made, in collaboration with other agencies and MDA's to work out a holistic solution to Nigeria's security problems.

Countering Violent Extremism.

Education could be a vitally important tool in countering violent extremism. Improving education outcomes will no doubt increase opportunities for youth, reducing marginalization and in turn decrease the potential for radicalization. However, providing quality education alone is not enough. It must be coupled with interventions and education policies aimed at countering violent extremism. Ideally, this should be focused where youths are most vulnerable to radicalization. CVE through education is not solely about the content of our curriculum it also depends on providing a

safe and constructive environment which is best achieved when the relationship between communities and educational institutions are nurtured and strengthened through dialogue.

The persistent threat of radical ideology has resulted in embittered groups that are in direct confrontation with the state. While the military approach may have achieved appreciable results. A more complete approach is required to counter the persistence of violent radicalization. Nigeria's CVE programme aims to stem the tide of radicalization, reduce the incidence of violent activities, change the behavior of violent extremists and counter the narrative extreme groups promote while promoting core national values.

- * The CVE programme seeks to identify the underlying causes of radicalization (social, cultural, religious and economic) and develop strategies that provide solution.
- * Introduce measures to change the attitudes and perceptions of potential recruits.
- * Package and disseminate the right messages to the

- populace through strategic communication.
- * Assess the impact of insurgency on the welfare and well being of affected communities.
- * Create opportunity and hope for people in the affected communities and restore their faith the government.

The Directorate of Behavioral Analysis (DBA) under the office of the National Security Adviser's Counter-Terrorism department is charged with the prevention module of our counter-terrorism strategy. The Programme has three streams:

- 1) **C o u n t e r Radicalization:** focuses on community engagement, economic and education-based projects. Positioned to stem the flow of recruits and reduce the potential for radicalization.
- 2) **De-radicalization:** aims to reintegrate extremists and their families back into society through a number of activities, including prison interventions and vocational training.
- 3) **S t r a t e g i c Communication:** seeks to produce a counter-narrative, presenting moderate Islamic views as a stark contrast to violent extremism and promoting core national values.
- 4) In addition to these programs ONSA is conducting training in



Human Rights and Rule of Law for the Armed Forces. All military personnel have been sensitized on international humanitarian law and their human right obligation.

Public Enlightenment

The Office of the NSA, in conjunction with the Military and other security agencies has made efforts to sensitize the general public on dangers of violent extremism and has taken many steps to reach out to members of the public, through radio and television jingles and advertisements and several workshops organised for print and electronic media practitioners on the need to educate members of the public on one hand, and report accurately and responsibly when dealing with security issues on the other.

A centralized information centre headed by the DG National Orientation Agency has been set up to measures to sensitize members of the public on the need to be security conscious and brief them on

ongoing activities of the security agencies will be on a continuous basis for as long as insurgency persists.

Conclusion

Nigeria's National Security Architecture like many similar designs is dynamic and geared towards responding to emergency security challenges; it will keep shifting and changing in design to keep up with emerging trends. So also are the efforts of the government to ensure that lasting peace and security returns to the North-East and Nigeria in general.

The current National Security Architecture is based on an existing but strong foundation, which has served the country, right from colonial days to the present time.

The Government will be ready to make necessary adjustments as the need arises so as to be on top of the security situation.

Opening Remarks by the Chairman Roundtable Discussion Panel

Maj Gen Emmanuel Abisoye (rtd), CFR

COURTESIES

I would like to formally thank the organizers of this conference- The Arewa Research and Development Project (ARDP) for inviting me to be the Chairman for this Session. Before inviting the experts who have been slated to address these subjects of Security and Human Rights in Northern Nigeria, permit me ladies and gentlemen to tell you a small story.

On the 13th of February, 1976, Nigeria was awoken by martial music instead of the usual signature tune on Radio Nigeria. Lieutenant Colonel Bukar Dimka's voice came over the airwaves - Fellow Nigerians.....and so on and so forth. He ended his address to the nation by saying..... we all are together.

There was a *coup d'etat* in which our illustrious Head of State, General Murtala Mohammed was assassinated among others. At his trial when he was captured four weeks later, Dimka told me this story: "After my broadcast, I headed for the rendezvous where I was to meet the head of our political group. When I got there, I was denied entry by the security guards and so I turned and headed for Ikeja Military Cantonment. On Ikorodu Road, I switched on the car radio to listen to my

Suddenly I realized that I had placed a curfew on the nation from 0600hrs to 1800hrs instead of 1800hrs to 0600hrs. Wow! What a terrible blunder, I said to myself. I immediately turned and headed back to the Radio House at Ikoyi to correct the mistake. We were almost through when the young man assisting me said to me Oga you better look out of the window. Soldiers are here o. On looking out of the window, I realized that the Radio House had been surrounded by soldiers. I immediately abandoned everything and headed for the back exit to escape from the building. On getting down, I headed straight to where two Non-Commissioned Officers (NCOs), a Staff Sergeant and a Corporal were standing. They were leaning against the barbed wire fence. When I got to them, I stood still, looking at them.

The Corporal suddenly said "no bi you bi Dimka?" on hearing this, the Staff Sergeant, who had his rifle slung over his left shoulder,



immediately brought it down to on-guard position, with his fore finger on the trigger. My heart that was already panting almost jumped out of my body. The Corporal also took on-guard position. The one minute or so that I stood before them was like eternity; I was so afraid I shook like a jelly. Suddenly, the Staff Sergeant lowered his guard and grunted angrily - bicos of you, we neva chop since moni, yes, bicos of you, we neva chop since moni.....aiki banza. He then fixed his gaze on me like a cobra ready to pounce on its prey; I was transfixed. suddenly and still in anger, he slung his rifle, planted his

right foot on the barbed wire and pulled up the upper part with his right hand. The Corporal followed suit. I got the message and immediately dived through the opening created for me and I ran off like the wind”.

Ladies and gentlemen, we are here to address the security problems in our Region and to find workable solutions to them. Let me warn that without food security, anything we attempt to put in place is "aiki banza". In other words, as far as the soldier is concerned, food security is the No 1 Security. And I agreed with him!

At creation, God gave man

- The right to life;
- The right to be fruitful;

- The right to multiply;
- The right to subdue the earth; and
- The right to dominate all creation except man.

In other words, God did not authorize man to dominate man, rather, God demanded that man should love his fellow man as himself. For avoidance of doubt, man went a stage further to document these rights as Fundamental Human Rights under the Charter of the United Nations Universal Declaration of Human Rights.

Obviously some of these rights if not all of them have been trampled upon and basterdised in the recent past and are still been violated here in our precious Fatherland. Right now, we

have a full scale urban guerilla war-the most difficult warfare in our hands attracting national and international attention and begging for immediate solution. This all important conference therefore, must come up with workable and urgent solution(s) to these human and material waste. We must diagnose the root causes of these wonton destructions and we must have the political and moral courage to stop them.

The forces against our nation are overwhelming; we therefore have no choice but to turn to the Almighty God and cry to Him that these forces that did not create Nigeria shall perish from Nigeria and from her atmosphere in Jesus Name. Amen.



President Jonathan with past Leaders

Human Rights and the Security Situation in Northern Nigeria: Dimensions and Challenges

By Prof. Kyari Mohammed

Introduction

During our December 2013 conference on “The North and Strategies for Sustainable Development” in this same hall, we identified the Boko Haram insurgency as the most potent threat confronting the Nigerian state in the aftermath of the civil war. Expectedly the Northern States, the theatre of the conflict are worst affected than the rest of country. Similarly, we also identified the rising cases of banditry in the north-west and North-Central States, as well as the recurring and intermittent wars on the Jos Plateau as serious threats to national stability and progress. Since our last meeting there has been an escalation in all of these conflicts and a widening of the area of operations by the Boko Haram, as if to taunt us. All these conflicts have impacted negatively on social cohesion, strained relations between communities, which had hitherto lived in peace, and deepened distrust, and animosity in areas with previous history of conflicts. As part of our prognosis of these crises we identified politics as the main driver of insecurity in Nigeria. In this

some of the major drivers of radicalization of the Boko Haram, and conclude that unlawful killings and massive human rights abuses remain the key driver of radicalization since 2009.

The inability to effectively manage the July 2009 Boko Haram eruption especially the unlawful and gory killing of its leadership and followership led to the radicalization and militarization of the movement. These killings went viral on the internet and the international media forcing the Federal Government to render a half hearted apology and a promise to prosecute those involved. These killings, the refusal to prosecute offenders, and the destruction of their places of worship remain the major demands of the Boko Haram in all attempted dialogue with government. This early



extra judicial killings and the continuation of these human rights abuses in our view are primarily responsible for the persistence of the insurgency. The brutality of the insurgents has increased proportional to the rights abuses by Nigerian security officials.

In the fight against insurgency the voice of reason has been dwarfed by that of those bent on the military option. The Borno Elders and Leaders of Thought, the Nigerian Bar Association in Borno State and high-ranking judicial officers have called for moderation to no avail. These organizations had insisted that there cannot be peace without justice but their cries were not heeded.

The cases of extra judicial killings, dragnet arrests, detention without trial, torture, etc is too numerous and so well-known not to detain us here. Both the Amnesty International (2013, 2014) and the Human Rights Watch (2013) have documented these abuses extensively. According to AI's recent report (2014:4), at least 1500 people were killed in the first quarter of this year alone by Boko Haram in the North-East, half of whom were civilians. The report concludes that:

“People are living in a climate of fear and insecurity, vulnerable to attack from Islamist armed group Boko Haram on the one hand and facing human rights violations at the hands of the very state security which should be protecting them.”

This situation led the AI to designate the conflict as a civil war.

The Road to Sambisa

The Nigerian state woke up with the April abduction of nearly 300 schoolgirls in their dormitories by Boko

Haram. Before Chibok, several girls had been abducted and forced into sex slavery, in Konduga secondary school in February this year, and numerous other isolated incidences in Ngarannam, Marte, Kirenowa and the environs of Gwoza. The abductions are still on going. However, it was the sheer number of the

immensely, apparently proportionate to military offensive, or more. And the capacity of the Nigerian state to apprehend these crises seems to be waning considerably. This perhaps explains the hand wringing, buck passing and the “invitation” to foreign powers to “assist” Nigeria in the fight against terror.

The Boko Haram has gradually evolved from a rag tag army of rabble-rousers to a very destructive force capable of sometimes inflicting defeat on Nigerian forces from time to time.

The Boko Haram has gradually evolved from a rag tag army of rabble-rousers to a very destructive force capable of sometimes inflicting defeat on Nigerian forces from time to time. Following their ejection from urban Maiduguri

Chibok incident as well as the taunting by Shekau, that he was going to sell them off, that provoked international outrage; which may have compelled the Nigerian state to respond, belatedly and half heartedly. In the last two years the theatre of the conflict has been expanded to include all parts of the North, Benue, Nassarawa, Taraba, Katsina and Kaduna. This is in addition to the well-known conflict zones of the North-East as well as North-West and North-Central. As is common knowledge the lethality as well as brutality of the attacks has increased

and other urban centres, where they had taken refuge among a thoroughly cowed population, the insurgents have now taken to massive attack on defenseless civilians in the rural areas in revenge. They have targeted villages, schools, places of worship - both Muslim and Christian, as well as abducted young men and women. It took the April abduction of the Chibok schoolgirls and the #BringBackOurGirls campaign to force government and the international community to act.

The increasing cases of human rights abuses including extra judicial killing of suspects, and the slaughtering of unarmed civilians in the style of Boko Haram has dented the image of Nigerian security both locally and internationally. Some of these abuses have already gone viral on the social media; the military authorities have denied that their soldiers were the ones in the pictures. The counter-insurgency efforts seem to be faltering and there is need for a reassessment. The National Security Adviser's "soft options" rolled out early in the year promises some glimmer of hope but this laudable efforts have been drowned by discordant tunes from Abuja.

Reality Check

The reality on ground indicates that a military conclusion to the Boko Haram insurgency is not impossible but very unlikely in the short term. Following the Kabiru Turaki Committee and the National Security Adviser's soft options, some form of constructive engagement with moderate elements of the Boko Haram need to be explored. The mantra of not negotiating with terrorists has been busted by the recent L'Affair Bergdahl, in which the USA has in its enlightened self-interest traded some Taliban prisoners for its soldier in captivity.

The acrimony, mud slinging, accusations and counter accusations between some officials of the Federal Government and governments of the States under emergency rule; and the open politicization of the insurgency can only strengthen the insurgents and dampen the morale of troops on the ground. The Federal Government needs to see the insurgency as the national tragedy that it is, and respond accordingly. The politicization of this crisis can only make its resolution difficult.

The profiling and targeting of Fulani herdsmen in parts of central Nigeria, and using the Nigerian military to massacre them, is another serious threat to the peace and security of not only the North but the country at large. No ethnic or occupational group should be targeted for the perceived infractions of a few of its members. In a number of instances the "Fulani" herdsmen were discovered to be non-Fulani after all.

Way Forward

An inability to apprehend the situation and lack of political will to address it complicated and prolonged the Boko Haram crisis, and made its resolution difficult. The one-track military option as the only solution is another cog in the wheel of resolution. An over bloated military ego, a

mouth watering trillion naira defence budget that must be spent, some rogue security officials with motives other than the national interest have all combined to make the military option untenable. The military needs to reassess its strategy by involving the local communities in a constructive manner, and stopping human rights violations.

The Federal Government must make up its mind on how it intends to deal with the insurgency. The discordant tunes coming from its multiple spokespersons do not portray it in good light. Is the government willing to engage in some form of negotiation with the insurgents or not? If it does not intend to negotiate, how does it intend to secure the release of the Chibok girls, for example? Similarly, how does the government intend to protect vulnerable citizens in the largely ungoverned areas of Borno, Yobe and Adamawa states where Boko Haram has been wreaking havoc with impunity? And how does it intend to arrest the escalation of the crisis and widening of the theatre of conflicts to places as far afield as Abuja, Jos and Kano? What steps are being taken to ensure that the state of emergency is lifted in the affected states so that elections are conducted there in 2015? For if the insurgents

through escalation are able to force “stoppage” of elections in the affected states, this will not only send wrong signals internationally, but has the potential of scuttling an already tottering democratic experiment. These are some of the concerns that the government of Nigeria needs to address in the run up to 2015.

Response of State Governments:

The governments of Adamawa, Borno and Yobe states, under emergency rule for more than one year at a stretch are in difficult position, as whatever posture they take on the insecurity is viewed with suspicion by the central government. This is compounded by their inability to direct affairs relating to security even though they are, in theory, the chief security officers of their respective states. Security matters under emergency rule are in the hands of garrison commanders. The state of emergency and its politicization between a PDP controlled federal government and opposition APC states; and the recent statements attributed to the President that PDP States are safer than opposition controlled States does not augur well for the polity, neither does it help in the resolution of the crisis.

The Governors of the affected States have literally become mayors providing no more than social services

and infrastructure, supporting the military with money and logistics, and providing relief to victims of insurgent attacks. The current situation calls for effective collaboration between all tiers of government as envisaged by the NSA's “soft option”, if the fight against terror must be won.

Community Response: As insurgents attack, kill and maim citizens and pillage their farms and barns, the communities of the affected areas feel abandoned and vulnerable. Many communities in border areas close to Niger and Cameroun republics have fled across the borders to escape the fighting. There is lack of

synergy between the communities and security agencies. Security agencies accuse communities of harboring Boko Haram, and of not giving actionable intelligence on the insurgents. The communities accuse the military of killing them, abridging their rights and treating them as sympathizers, sponsors or insurgents. This mutual distrust and recrimination and counter recrimination is perilous to the fight against insurgency. All hands need to be on deck. The security agencies must show that they are capable of, and willing to fight the insurgents, and the communities must cooperate, if the fight must be won.

This mutual distrust and recrimination and counter recrimination is perilous to the fight against insurgency. All hands need to be on deck. The security agencies must show that they are capable of, and willing to fight the insurgents, and the communities must cooperate, if the fight must be won.

While some international support may be welcome, the current abductions should not be used as an excuse to plunge the whole Sahel region into an avoidable war with deleterious consequences for the stability of the region. The role of foreign powers should be restricted to the areas of intelligence sharing, technology, capacity building, post blast forensics, etc.

The threat of famine is real and imminent due to the massive displacement of rural populations, inability to harvest last season's crops and plant this year's. These coupled with unrestrained pillage and burning of villages and their limited food supply indicate the possibility of a war-induced famine in the affected communities.

What can these affected communities do? They have done a lot. They had refused sanctuary and pushed the insurgents to the rural areas, and have resorted to protecting themselves. These valiant villagers need to be supported to build community resilience

through supervising and perhaps arming them. However they need to do more. These communities should highlight and document the plight of victims, whether from insurgents or State Security. Troops should act as if they are there to protect the citizens if they must enjoy the support of local communities. Communities must support troops in the field even if that means attracting the ire of insurgents, but the troops must also protect the communities at all cost, if they must continue to earn their trust and confidence. The relationship between troops and communities must be symbiotic and mutually

reinforcing, otherwise the war against insurgency cannot be won. Some form of community policing involving the citizens must be evolved before communities resort to defending themselves as witnessed by the valiant efforts of the inhabitants of Kala in Kala-Balge LGA recently, where villagers armed with Dane guns, bows and arrows repelled a Boko Haram attack, killing close to 200 of them.

Response of International Community: Following the Chibok abductions the international community has finally appeared on the scene. The direct involvement of foreign forces on Nigerian soil is not good for the nation. While some international support may be welcome, the current abductions should not be used as an excuse to plunge the whole Sahel region into an avoidable war with deleterious consequences for the stability of the region. The role of foreign powers should be restricted to the areas of intelligence sharing, technology, capacity building, post blast forensics, etc.

The international community should know the limits of its intervention lest their intervention leads to escalation and region wide crisis. There should be no boots on the ground and no armed UAVs should be used.

Understanding the Insurgency in the North East: An Overview

By A. A. GADZAMA, OFR, mni

A good starting point for understanding the current insurgency in the North East is to look at what precipitated the emergence of the challenge in the first instance. Of the many factors that fuelled and feeds the unfortunate situation is, the economic backwardness, pervasive poverty and the systematic decline in good governance in the region in recent years. The North East is today adjudged the most backward part of the country despite its abundant natural and human resources. The sub region especially Borno and Yobe States have no industries or other means of employment that can absorb their teeming youths. Governments at the State and Local Government levels are the only sources of employment. Unemployment thus feeds the ranks of the extremist responsible for the current insurgency.

The fact also needs to be noted that, the decline in performance that has characterized local and state Government administration in the country in the last fifteen years is more pronounced in the North

East. From investigations, the failure of Governments to meet the aspirations of the populace has also played a role in the eruption of the current insurgency. It is incontestable that there exists a nexus between the level of poverty and the disaffection in the current crises. Related to this is, the issue of mal-administration and insensitivity of Governments to the plight of the common man. From recent investigations, there is the widespread belief in the region that democracy as practised today has alienated the common man and is

perceived as only for the elites. At the moment the feeling that the Government cares less to what is happening to them is high in the sub region.

It is worthy of note that, the insurgency in the North although at the moment more pronounced in the North East has the potentials of spreading to other states if nothing is done. This is simply because of the widespread poverty and impoverishment prevalent in the other states. The fact is, the current insurgency in the North is a socio economic

It is incontestable that there exists a nexus between the level of poverty and the disaffection in the current crises. Related to this is, the issue of mal-administration and insensitivity of Governments to the plight of the common man.

issue largely borne out of lack of development and collapse of socio values. This transcends any one state.

There is also no denying the fact that the religious ideology of those behind the current insurgency is a

being used to attract people into the Sect. There is also the belief that the failure of the national security system to evolve appropriate strategies to deal with the challenge over time has contributed to the current dilemma. The use of force has never defeated

productive, Education and literacy in this context are also important. The lessons that should be taken away are, an effective counter terrorism strategy must be one that embodies subtle approaches of confidence building, reorientation and

The use of force has never defeated insurgency anywhere contrary to the belief in some quarters. Use of force instead alienates the populace and pushes them into the hands of the extremists.

development. This underscores the soft approach strategy recently canvassed by the National Security Adviser. But most important is, the role of intelligence. The whole process must be intelligence driven.

contributory factor. The doctrine of the Boko Haram is substantially at variance with mainstream Islam. The Sect claims they want to establish Shariah in the North. This, however is doubtful as generality of moslems have distanced the faith from such claims. The fact however remains this is the sentiment and deceit

insurgency anywhere contrary to the belief in some quarters. Use of force instead alienates the populace and pushes them into the hands of the extremists. A system of well thought-out deradicalization and strengthening of mainstream beliefs that emphasizes equity, fairness and justice in such a situation is adjudged more

Actionable intelligence must determine any operational action in every situation. Related to this is the fact that any effective strategy against insurgency must embody both anti and counter terrorism components.

This submission also underscores the fact that the current insurgency in the

The other challenge that has worsened the insurgency in the North East is the influx and proliferation of arms. Borno and Yobe States are known corridors of arms influx into the country. These states are believed to be destinations of arms from Libya, Mali, Chad and Sudan, states that are terribly unstable and contending with internal instability.

North East cannot be understood without appreciating the geographical peculiarities of the region. States in the North where the insurgency is rampant border the neighbouring countries of Cameroun, Chad and Niger. The borders with these countries are unimaginably porous. The policing of these borders are virtually non-existence. The security agencies manning the borders

are terribly ill equipped and understaffed. It is disheartening that none of the borders is policed with modern capabilities such as radars and technical surveillance tracking devices. Even basic border security equipments such as motor vehicles and trained man power are lacking. These inadequacies explain the ease with which insurgents attack communities in the North East and disappear into

the neighbouring countries.

The other challenge that has worsened the insurgency in the North East is the influx and proliferation of arms. Borno and Yobe States are known corridors of arms influx into the country. These states are believed to be destinations of arms from Libya, Mali, Chad and Sudan, states that are terribly unstable and contending with internal instability. The belief is, insecurity in the North can only be decisively dealt with if the porous borders are well policed to interdict the influx of arms and persons of security interest. As things are at the moment, the porous borders are the weakest link in the country's National Security configuration.

The other dimension of the insurgency in the North that needs to be properly understood is the fact that it has metamorphosed from a local to an international challenge. The Boko Haram over the years has established links with militant groups in countries like Mali, Mauritania, Sudan and Chad.

There are reasons to believe that the Sect also has safe havens in Cameroun, Chad, Central Africa Republic and Niger. These are the reasons

responsible for the Sect's transnational linkages and support. Their network in fact extends beyond the sub region. The result is, the insurgency in the North today has become part of the global terrorist challenge. Effective strategies to deal with the challenge must take this into account.

The conclusion from this brief overview is, the insurgency in the North East is to a large extent the consequence of underdevelopment, poverty and unemployment. The disconnect between Government and people is particularly a serious predisposing factor. The near collapse of governance in the affected states is responsible for this. This fact is buttressed by a recent survey that observed that nearly all local government councils in the affected states are not functioning as expected. It is ironical that some of the State government are equally not doing better. The rate of unemployment in the affected states is particularly very alarming. Conservative estimates put unemployment in the North East today at about 45%, Public disaffection as a result is unbelievably high. The resultant frustration definitely fuels the extremism. A reversal of

The conclusion from this brief overview is, the insurgency in the North East is to a large extent the consequence of underdevelopment,

the current state of affairs through people centred development, employment and systematic deradicalization of the aggrieved populace is necessary.

As observed earlier, a change in strategy in the counter insurgency efforts is necessary. An intelligence driven soft approach is the key. Also, there is the strong belief in informed circles that anything short of a well-articulated Marshal plan in the North East may not stem the drift to insurgency. Also,

considering the fact that about 25% of the affected states are border communities with neighbouring countries, expediting action on the Border Development Commission will definitely help. The political will as was the case in the militancy in the Niger Delta is also key to overcoming the current challenge.

This Brief is but an overview. Thank you.

Security and Human Rights in Northern Nigeria

By Alhaji Hassan Zanna Boguma
(on behalf of the Borno Elders Forum)

Protocols

Thank you so much for the invitation to participate in today's conference on security and human rights in Northern Nigeria organized by the Arewa House in collaboration with three remarkable institutions at no better time than now when the North and particularly the North East has been turned into a theatre of war where humanitarian crises has become too enormous with towns and villages displaced, Internally Displaced Persons on the increase and hardship borne by citizens living in these areas becoming more alarming.

I am grateful for your invitation and also proud to carry with me the goodwill of our Chairman, Amb. Usman Gaji Galtimari, that of our leader Dr. Shettima Ali Monguno, CFR and greeting of peace from the peace loving people of my State and the entire North East.

We meet at a time of great tension, tension deeply rooted in historical factors

that go beyond any policy debate or discussions.

Background

Northern Nigeria is witnessing its worst Civil and communal disturbances because of the so called Boko Haram insurgency. The States severally affected are Borno, Yobe, Adamawa, Bauchi, Kano, Gombe, Kaduna, Plateau, Niger and to some extent Kebbi.

It is the biggest threat to the corporate existence of Nigeria since the Civil war; innocent citizens living in the affected states are caught between the Boko Haram upsurge and to some extent, the Nigeria security agencies' unprofessional conduct. It is

true that a large number of people have been massacred, tortured and abducted on mere suspicion.

The conflict which started as minor skirmishes in Maiduguri has today escalated throughout the North and killed over 4000 people including the leader of the sect in 2009. More than 680 have been killed in January 2013 alone. The specter of attacks changed since 2010 as illustrated by the bombing of the UN office in Abuja, the Nigeria Police Force Headquarters and other places like Damaturu, Maiduguri, Kano and Abuja.

The Expansion of alleged Boko Haram activities to other parts of the country suggests the existence of



cells in many Nigerian states. Victims of Boko Haram are both Muslims and Christians, but the attacks on Christians and other places of worship have created a new dimension of hatred and suspicion between communities and the two major religions.

Today, criminal groups and

Many operatives and civilians had been caught with sophisticated arms and ammunitions but there has been no explanation from the authorities.

organizations are using the name of Boko Haram to commit banditry, abductions, theft, killing, rape and armed robbery. While condemning the operations of Boko Haram in all its ramifications, it must be agreed that they lack the professional conduct, sophistication and precision with which some of the attacks were carried out.

Many operatives and civilians had been caught with sophisticated arms and ammunitions but there has been no explanation from the authorities. The Federal government has in custody some of the criminals who have operated and posed as Boko Haram. Such names have been made known to the public. It becomes pertinent to emphasize that the forces

presently against the country's security are greater than the original version of Boko Haram. It is imperative that the authorities especially at the national level to come to terms with current suspicions that there are ulterior motives behind the expanded bombings going on in various parts of the country. It could be recalled that Mr. President himself said that his government including his

security branches have been infiltrated by elements of Boko Haram. What is missing up to the present is that the President has failed to expose and take action against those elements which unfortunately, further fuels the suspicion of official complicity in the whole crises known as Boko Haram today.

The intervention of the Military (The JTF) in putting down the crisis at the early stage was welcomed by the people. However, lately, the conduct of their operation turned the situation sour and there appears to be a loss of trust between them and the people. There is a perceived impression as if it is an invading force from a foreign country. Several efforts by elders from the affected areas to mediate between government and the sect floundered as a result of mutual mistrust. As a result of that failure, the situation has continued to go on unabated.

From 2009 to date, the Boko Haram's campaign against the Nigerian State has been spectacular with a systematic campaign of intimidation around the local population. The aims of the group appear to be:-

- i. To engage the Nigerian State in violent conflict with the aim of discrediting its capacity and integrity.
- ii. To enhance its image among Nigerian Muslims as defenders of their rights and dignity;
- iii. To engage in violent acts against non-Muslim to reduce their numbers in "Muslim" areas through

relocations; and triggering conflicts between Muslims and non- Muslims which will further polarize the two in spatial and political terms

- iv. To create a substantial influence over a physical part of the Nigerian State in which Islamic laws and practice govern private and public lives of the people.

The Boko Haram had however suffered major setback and recorded success. Primarily, it has succeeded in bringing down the bulk of security assets and infrastructure of the Nigerian State and has attracted and retained attention and visibility, two key aim of terror. It has also suffered stresses and fragmentation. It losses in leadership, manpower and expertise and morale had been substantially made up by intensification of measures of control over areas where it had strategic advantages. The government has made credible incursions into its rank and file, accumulating valuable intelligence which however does not appear to have been productively utilized.

There is evidence that the original Boko Haram has spawned one or two Groups which appears to function

Although there is no direct state involvement in the activities of Boko Haram, there is a strong suspicion that interests with the capabilities of Boko Haram and with actions which include prolonging the conflicts and weakening the social structures of particularly Northern States are also active in this conflict.

with total or substantial autonomy. Its loose structure and decentralized command and control gave its operation flexibility and reach; but it has also suffered massive infiltration of people with varying levels of commitments to its goals. The spread of IEDs technology and other military weapons, as well as availability of small arms and capacities to acquire local intelligence and utilize the cover of the community have all helped in creating a movement with many variants capable of sustaining its hostility for a long time to come.

State Involvement

Although there is no direct state involvement in the activities of Boko Haram, there is a strong suspicion

that interests with the capabilities of Boko Haram and with actions which include prolonging the conflicts and weakening the social structures of particularly Northern States are also active in this conflict. The localization of the conflict in and around towns and cities in Borno and Yobe suggests that the presence of the JTF and 7th Division is both impacting on the operation of the group, as well as intensifying the strategic imperative of retaining control and influence by the group.

The Nigerian State has been consistent in its strategy of fighting the insurgency by the deployment of force against a foe with a variety of tactics and targets. This strategy has been basically

The security deployed to fight the insecurity is the obvious beneficiaries. Security gulped N923 billion in 2012 budget and N3 Trillion in the 2013/14 budget which must be spent. This is in addition to the over N300 Million that is spent by the Borno State Government monthly on these agencies to support their operations.

a failure. Attempts to engage the insurgents in dialogue failed because of insufficient political will, and the powerful influence of security interests. A political narrative has defined the insurgency as a resistance against the Jonathan administration has also been a strong disincentive for engaging politicians in discussing options and strategies.

Who benefits from the In Security

The groups waging war against the Nigerian State appears to believe that they can win the war in the long run, or at least avoid defeat and total collapse. The state has also been poorly served by its elaborate institutions and capacities which could

have been mobilized to bring this conflict to an end, or limit its damage. Massive financial resources deployed towards the threat make its sustenance beneficial to those who benefit from spending funds for purchase of equipments, training and payments for operational expenses. The question now is who benefits from this widespread insecurity? As mentioned above, there are as many beneficiaries as there are different shades of Boko Haram. The security deployed to fight the insecurity is the obvious beneficiaries. Security gulped N923 billion in 2012 budget and N3 Trillion in the 2013/14 budget which must be spent. This is in addition to the over N300 Million that is spent by the Borno State

Government monthly on these agencies to support their operations. This level of insecurity puts the military in charge of security and partly governance in the emergency states.

The second beneficiaries of the insecurity is the National leadership of CAN which seem to fuel the crisis. Fortunately Christian leaders in the North especially Bishop Mathew Hassan Kukah and Idowu Faeron have consistently and continuously called for restrain against reprisal attacks, Bishop Kuka always condemn Boko Haram and attacks as a “grand design by some religious and political leaders when he rhetorically asked:

“When Christian or Muslim claim self defense, are they replacing the C in C of the Armed Forces of Nigeria? do these religious/Political leaders who make such calls have a judiciary to try suspects or a barrack/posts to hold suspects? Do these religious /Political leaders believe they can resolve political and administration problems of law enforcement and justice? Or are they simply calling on their people to take the laws into their hands”.

The State's response to Humanitarian Crisis

Since the start of the renewed insurgency in 2010 to date, the number of violation of human rights and International humanitarian laws has been on the increase. The activities of the insurgents is no doubt a crime against humanity but the extra judicial action of those to contain it is also a violation of the principle of the International humanitarian laws and human rights of citizens.

We have lost so many of our citizens to extra judicial killings by men of our security forces. Arbitrary and disproportionate forces were used against innocent civilians, communities were destroyed as a result of attacks on formations, arrests and detentions were at will and without trial. Inhuman treatment leading to disease and death, rape and extortion all in the name of fight against terrorism has become synonymous with the operation in Borno and indeed in the States in the North East.

The deliberate disregard of the areas and lack of response from the appropriate authorities which led to the death of many citizens is also an abuse on our rights as citizens.

with the responsibility of protection of its citizenry is more liable of the crime for its deliberate failure in providing such responsibility.

The Politics of Abduction of the Chibok School Girls

The politics of abduction of the Chibok school girls also added another dimension to the insecurity and the suspicion of a conspiracy theory in the whole crisis and its operation.

After wasting our time on finger pointing and senseless politicking, the Federal government finally overreached itself following the unfortunate, dastardly and atrocious kidnapping of our

girls from their school in Chibok.

First the Government denied the story, believing the girls were indeed not kidnapped and that the whole abduction story was a mastermind to embarrass the President and dim his chance for re-election in 2015, just as in the case of the insurgency. In fact the same day the girls were kidnapped, our President was dancing 'azonto' at a campaign rally in Kano, not minding that a few hours earlier 75 innocent citizens were bombed in Abuja. When the reality dawned on the Administration that this was not a fluke, it reacted by doing nothing. It took 19

We have lost so many of our citizens to extra judicial killings by men of our security forces. Arbitrary and disproportionate forces were used against innocent civilians, communities were destroyed as a result of attacks on formations, arrests and detentions were at will and without trial.

Since the news of the April 15th kidnapping of our girls, our Nigerian Government has been conspicuously invisible either in rescue mission or even giving relief to the affected families.

made any public statement acknowledging the abduction, which is, almost 3 weeks in a hot pursuit of the abductors and unsuccessful rescue operations.

Since the Malaysian Flight MH 370 lost contact with air traffic on 8th March, 2014 with 239 people on board, the Ocean has not known peace. Its surface, beneath and shores have been combed ceaselessly with no end in sight even when it had become obvious that there would be no survivors. Unaccountable investigative leads have been followed to unravel what went wrong and how.

The same can be said of the

South Korean Ferry disaster. Since the mishap occurred on 16th April 2014; the government has not ceased deploying resources to rescuing the survivors, recover the bodies of the victims, give succor to the families affected and investigate what went wrong. Yet the Prime Minister resigned because he felt his government could not prevent the tragedy and also felt handling of the disaster was below accepted standards.

Since the news of the April 15th kidnapping of our girls, our Nigerian Government has been conspicuously invisible either in rescue mission or even giving relief to the affected families. Our President even aborted a

planned visit to Chibok.

Offer of assistance by Foreign Nations

While we welcome and commend the offer of assistance by our Foreign Friends to find our girls and return them safely to their parents, which confirms our belief that the war against terrorism is a global battle that needs all hands to be on deck, it also confirms the earlier calls by individuals and organizations on the government to take its case to ECOWAS and AU so that the entire Sahel region which become the play ground for terrorists can become a focus of sub-regional and regional attention.

We thank all the friendly Nations and global organizations that have expressed solidarity with our country in our hour of need, and urge those that have offered assistance to ensure it extends beyond finding our girls to crushing the extremists and defeating terrorism once and for all. However, we submit that ultimately, the security and safety of our citizens should be the primary responsibility of the Nigerian government led by President Jonathan, and the government must not abdicate its responsibility

simply because of parochial interests.

The government's response to Boko Haram has reached a stalemate – a situation of parity in impacts. The strategic stalemate is to Boko Haram's advantage for it wins as long as it exits and continues to disrupt and terrorize. Government Policy needs to reform in a few important areas:-

1. Development of coordinated counter-terrorism strategy:

Presently, there is poor coordination between and integration of military means and political and economic objectives. There is no publicly known counter-terrorism strategy guiding the response to Boko Haram, and the impact of this can be seen in at least 3 ways: first is the chaos and confusion surrounding the government's intention to explore a negotiated settlement by dialoging with Boko Haram. One minute the government forward and seeks to dialogue and grant amnesty to Boko Haram, the next minute the government rules it out. There are mixed

signals from the government. Second is the lack of use of coordination of Military, political and economic means, yet successful counter-insurgency requires close coordination of military, political and economic means and objectives.

2. Build a new intelligence gathering infrastructure:

In 2012, Nigerian announced plans for a new intelligence Fusion Centre to coordinate, improve and integrate intelligence gathering and sharing

across agencies. we need to obtain more timely and actionable intelligence form local sources in the areas affected by Boko Haram. we would also like the government to establish an office at the special Anti-Terror Coordinator.

3. Improved intelligence:

The solution to preventing, limiting and responding better to Boko Haram attacks does not lie in deploying more troops but in improving intelligence and

The government's response to Boko Haram has reached a stalemate – a situation of parity in impacts. The strategic stalemate is to Boko Haram's advantage for it wins as long as it exits and continues to disrupt and terrorize.



increasing force enablers. The fight against Boko Haram will be enhanced if government focuses on these two elements.

4.Improve contingency planning: Most Major Militaries around the world have plans for the major challenges they are likely to face. we need to begin to create plans and coordinate training exercise that reflects the challenges we face. In this manner our security apparatus must be better prepared if and when a situation arises.

5.Pursue and Align Military with Politically Negotiated Solutions: Boko Haram is unlikely to be defeated militarily. Most insurgencies are ended through some form of negotiations. Government must develop a strategy along the lines of the policy followed by Late President Umaru Yar'adua regarding MEND insurgency in the Niger Delta, at least to the extent that we use employment and other rehabilitative incentives to separate the rank and file among Boko Haram leadership.

6.De-radicalization strategy: The Northern region is in urgent need of a

The Northern region is in urgent need of a counter-radicalization programme to prevent many more young people (illiterates and unemployed) from being radicalized.

counter-radicalization programme to prevent many more young people, illiterates and unemployed from being radicalized. Such strategies would require initiatives to counter violent extremist ideology and create positive incentives against radicalization of young people in the region,

7. Regionalize ECOWAS & AU Response: The Government to solicit the operational involvement and

assistance of ECOWAS and AU, including deployment of multinational security operations across the Sahel to track and hunt down Boko Haram operational chains. It is clear that Boko Haram is no longer a 'Nigeria-only' problem, but now a regional security problem that requires regional responses.

8.Effective information Management and Strategic Communication: The government needs to reform the way information is



released and managed on Boko Haram. This goes beyond official information management and government agencies to include working with print, electronic and online media organizations, and local grassroots information channels.

9. Economic Development plans for Northern Nigeria:

The proposed recovery fund for the North East by Government is grossly inadequate. The region requires massive efforts for sustainable rehabilitation programme. Economic revival should go beyond providing substantial funds; it has to be guided by clear objectives, roles of public and private sectors and civil societies and should include provision for social services in education, health and environment.

10. Involve Civilian Peace Building Organizations:

Uniformed personnel are never peace builders. The government needs to urgently involve local peace building organizations, including NGOs and CSOs in designing peace building initiatives for the North East.

Conclusion

In conclusion ladies and gentlemen, our nation stands on the rim of crisis. A stupendous national disaster

If we do not act decisively, the demands of the moment will find us wanting and history will issue a legacy that shows the feats to which this nation can aspire when it stands united and strong against the threat of evil.

beacons. But, this current leadership can help avert disaster if they wake up to what true governance is. The time for excuses and half-measures is long past. The well being of the nation hangs in the balance. If we do not act decisively, the demands of the moment will find us wanting and history will issue a legacy that shows the feats to which this nation can aspire when it stands united and strong against the threat of evil.

Negligence as Major Factor in Insecurity

By Maj. Gen Saleh Maina (Rtd)

PROTOCOL

Mr Chairman
Ladies and gentlemen

PREAMBLE

1. I feel very proud as a Northerner as well as highly honoured to be recognised not only to be invited by the Arewa House/Arewa Research and Development Project, but also to make short input / contribution as discussant in this very crucial conference. May the Omnipotent guide and reward you.

NEGLIGENCE

2. Section 14 (2)(b) of our constitution states that "the security and welfare of the people shall be the primary purpose of government." This golden principle applies to any type of government whether democratic, autocratic, military, gerontological or whatever. The Nigerian government has not ensured this in Northern Nigeria.

3. The problem or what compounded our security situation is lack of timely intervention, or, simply put, our collective negligence to indicators of insecurity.



We all clearly saw the indicators, yet ignored them or bluntly refused to take the appropriate or timely action or intervention.

4. The Deputy Governor of Borno State has traced briefly the history of Boko Haram from 2002, (from Taliban to "Kandahar") 2004 2008 2009 and 2010 to day. As I said in Kano months ago at a meeting of Northern leaders and elders prior to the ongoing National Conference,

there is no excuse for Boko Haram to continue to exist beyond December 2009. This is because I was the GOC 3 Div (Jos) in 2009 when late President Umaru M. Yar'Adua gave clear orders on 27 July 2009 to security agencies to use everything in their power to protect lives and property and restore normalcy. By 29 July 2009, the operation was completed successfully and the leader of Boko Haram was arrested and handed over to the Nigeria Police in accordance with the correct procedure.

5. There is no excuse for B/Haram operations to continue or the organization to exist beyond December 2009 or spill into 2010 if all

had sincerely done their jobs. What I mean here is that the government / administration at all levels ought to have set up mechanisms / administrative injects / measures to address the issues related to the causes of the insecurity, pacify aggrieved minds as well as preventive measures to avoid recurrence. We did not do any of these. Sadly, we all went to sleep ie none of the measures above was taken by anyone. Boko Haram was therefore given or had ample opportunity and time to re-group, re-organize, re-fund, re-strategize and re-plan. Their implementation of the plan has left us collectively helpless over the last 4 years.

6. There is no need for me to go into details of what has happened over the last four years or so of the operations of security agencies to manage the current insecurity in Northern Nigeria. It is however sadly very clear to all that apparently one agency, the Nigerian Army, was solely tasked or the lead

agency to manage the security challenges in Northern Nigeria not only in the North East/Boko Haram.

7. The activities of security forces or the Nigerian Army is very questionable. Both the Army and the operation seem to be poorly managed and intention / objectives very doubtful in my opinion. For example, for four years, the Nigerian Army has not been able to enter/overrun the so-called Sambisa Forest. I ask you all: where do you have a forest in the Sahel Savannah? The Sahel Savannah is neighbouring/next to the Sahara Desert. Do

you know the terrain called forest? How big is Borno State itself not to talk of the Sambisa Forest that for more than 4 years, the great Nigerian Army has not been able to penetrate?

8. The above has left Nigerians and indeed the world (following comments of world leaders particular in Europe as well as US Senators McCain and Clinton) to question the sincerity of the Federal government.

Indeed the allegations and counter-actions by Borno State Governor and from the media outfit of the President as well the public are clear indicators of lack of clear directives, insecurity and poor management of the

The activities of security forces or the Nigerian Army is very questionable. Both the Army and the operation seem to be poorly managed and intention / objectives very doubtful in my opinion.

Army. The murder of Maj Gen M Shuwa as well as the creation of an empty and toothless 7 Division of the Nigerian Army in Maiduguri supports this assertion. Consequently, the above couple with actions and utterances of government officials has resulted in loss public confidence on government and loss of public trust as well as the reliance on security agencies, particularly the Nigerian Army to protect them.

Enough of the nonsense that Boko Haram is faceless! Dr Datti, Comrade Shehu Sam as well as the Presidential Amnesty Committee set up the President under the chairmanship of the Minister for Special Duties (Tanimu Turaki) have all had a direct contact with the Boko Haram members.

WAY FORWARD

I suggest that government should:

- a. Decide to sincerely address the security challenges hi order to restore peace, law and order.
- b. The National Security Council should review the activities of the security agencies with a view to reorganize and give c l e a r directives/orders; identify the threats and task the appropriate agency/agencies.
- c. Adopt carrot-and-st i c k approach/method ie security operations g o i n g on simultaneously with dialogue with the insurgents. Enough

of the nonsense that Boko Haram is faceless! Dr Datti, Comrade Shehu Sam as well as the Presidential A m n e s t y Committee set up the President under the chairmanship of the Minister for Special Duties (Tanimu Turaki) have all had a direct contact with the B o k o H a r a m members. Even the USA Government last week negotiated with the Taliban for the release of a US military personnel

- d. Implement the recommendations of the Presidential A m n e s t y Committee, Gaji Galtirnari

P r e s i d e n t i a l C o m m i t t e e , Solomon Lar Presidential Committee as well as submissions made by Borno - Yobe Elders and Northern Elders Forum directly to the President.

- e. Comprehensive rehabilitation ie reconstruction of schools, places of worship, medical facilities etc as well as addressing youth restiveness and unemployment.
- f. A n y o t h e r measure(s) that would forestall recurrence of such security threats in future.

Thank you all for listening.

Security and Human Rights Challenges in Northern Nigeria

By Barr. Rhoda Ako

The questions or problems of Security and Human Rights are in the front burner of national discourse in Nigeria today. While the whole country may be concerned about this twin challenge, the main theater of action is Northern Nigeria and the focus is on terrorism, especially as manifested in the activities of the group known as the **Jama'atu AhlusSunnah lid Da'awati wal Jihad**, also known as Boko Haram. Boko Haram is interpreted to mean western education is bad or a sin, or as a rejection of Western education. However, the devastation of the group's activities in Northern Nigeria suggests more than the ordinary eye can see. My focus here will be on the damage caused by Boko Haram and its bearing on Security and Human Rights.

Both Security and Fundamental Human Rights are provided for in the 1999 Constitution of the Federal Republic of Nigeria as amended. Chapters 2 and 4 are very clear on the questions of Security and Human Rights. Chapter 2 section 14(b) states that security and the welfare of

the people is the primary responsibility of government. This section clearly marries the concerns of security and welfare in a manner that tallies with my definition of security, which is protective and developmental.

Human Rights are well defined in global, regional and national documents and instruments. Perhaps the ultimate definition of human rights is as influenced by the European Enlightenment and State in the French Revolution's Declaration of the Rights of Man and the Citizen, and as elaborated by the United Nations system in its Charter and subsequent declarations and positions on Human Rights. The bottom line is that security and development are fundamental human rights.

The interpretation of these concepts in practical life may determine who to blame or hold responsible when they are threatened or cease to exist. The simple argument is that certain factors cause insecurity. These could be psychological, sociological, economic, political, demographic or environmental. Psychopaths,

Social discrimination and xenophobia could also endanger individual and public safety or security, and economic conditions of poverty, illiteracy, unemployment or underdevelopment are certain causes of social conflict, violence or criminality.

for example, could endanger themselves and society at large if they have the opportunity to do that.

Social discrimination and xenophobia could also endanger individual and public safety or security, and economic conditions of poverty, illiteracy, unemployment or underdevelopment are certain causes of social conflict, violence or criminality. The political factors have to do with unhealthy political contests or conduct, bad governance, injustice and political mischief. Youth bulge theories, for example, are related to demographic factors, while environmental

conditions have seen pastoralists clash viciously with farmers and the rise of militancy in the oil-producing communities of the Niger Delta, while religious intolerance has also exacerbated social insecurity.

The point is that the causes of insecurity in society are multi-faceted and require holistic and multi-dimensional approaches at solution. In fact they require proper analysis, not hasty, prejudiced and politicized conclusions. This is what the Northern Elders' Forum and men and women of goodwill have been telling the Federal Government of Nigeria.

What we have witnessed so far in Nigeria is a scale of killings and the destruction of property as well as economic ruin that amounts to a full scale war. This is a war that so far, nobody can account for the thousands of human beings that have been killed and the value of the physical and economic damage caused, and since the rules of engagement are not clear, it is difficult to dismiss cases of genocide. It is also difficult to understand who is sponsoring terrorism in Northern Nigeria. There are too many stories making the rounds about religious Boko Haram or its political, governmental, official, or criminal variants.

Some allege an initial deliberate nonchalant attitude by government on the basis of the Yoruba saying; **“Gambari kpa Fulani, ko se jo”**. Let them kill themselves.

Some military officers assigned to the North-East were alleged to be engaged in Biafran-revenge killings. General Mohammed Shuwa, a civil war hero was murdered in his house. Government sources on the Boko Haram issue lack credibility and there is so much official manipulation of ethnicity, religion and region that the national leadership cannot be trusted. There is massive propaganda that the north dislikes President Jonathan because he is a southern Christian. The truth is the North made Olusegun Obasanjo, a southern Christian President of Nigeria before Jonathan. This type of propaganda is not new in Nigeria. During the Nigerian civil war the story around the world was that the war was a northern Muslim genocide against the southern Christian Igbo. The truth was that the Commander-in-Chief and the commanders, officers and men of the Nigerian Army were mainly northern Christians.

BOKO HARAM or any form of terrorism violates people's human rights and destroys development. Improper analysis and understanding

can lead to even more damage from wrong or mischievous responses. While the violations of people's rights from terrorism are visible, what is invisible is the associated violations of extra-judicial killings, like that of the Boko Haram leader Mohammed Yusuf, and the ongoing ethnic-cleansing and genocide in the name of counter terrorism activity.

There is no doubt a South-Eastern plan to subdue the North and revenge Biafra. Hate communication is rife in the social and popular media. Hate communication is bad, because it instigated the genocide in Rwanda and inflamed the Nigeria Civil War.

Those who claim that the North or the Hausa-Fulani want to dominate or Islamize Nigeria are mistaken and seem merely intend to cause disintegration in Nigeria. There are several pro-Biafran groups operating openly in Nigeria.

Nigeria is at war, a war which has assumed different dimensions. Terrorism is one variant with several inexplicable dimensions. We in the North, as Christians, Muslims and animists, condemn terrorism. #BRING BACK OUR GIRLS, #BRING BACK OUR WOMEN, #BRING BACK OUR CHILDREN, NOW AND ALIVE, AND STOP ALL KILLINGS IN THE NORTH is our cry.

Security and Human Rights in Northern Nigeria

By Barr. Festus Okoye



Introduction

Northern Nigeria made of 19 States and the Federal Capital Territory, Abuja, is at a cross road. It is faced with grave security and human rights challenges. Some of the States are faced with serious security challenges collectively referred to as insurgency. Insurgency and its variables have manifested in different forms. We have had insurgency associated with political thugs trained by politicians. We have insurgency associated with anger at the extra judicial execution of the leader of the insurgents. We have insurgency associated with the fallout of the 2011 general elections. We have insurgency associated with

fifth columnists in and out of government.

The fight against insurgency has led to serious breaches of the fundamental rights of the people leading to deaths, maiming, and destruction of properties. It has also led to internal displacement of people and created serious refugee problems for Nigerians living in the border areas. This has also led to very serious challenges of cohesion and peaceful coexistence between the various religious and ethnic communities.

Some States in Northern Nigeria are also faced with serious ethnic and religious challenges. Some are plagued by serious challenges between farmers and herdsmen. Others are faced with challenges occasioned by “unknown gunmen” that commit various degrees of atrocities and disappear into thin air. Most of the States are also faced with other challenges that are also evident in other States of the Federation including robbery, kidnapping and other forms of crime and criminality. Some of these challenges are rooted in the inability or refusal of the Nigerian

government and its components in providing the basic necessities of life to the ordinary people leading to anger and frustration. We therefore have rising cases of unemployment that feeds and fuels certain types of crime. We also have as an adjunct to unemployment serious cases of drug abuse that have rendered so many young people useless and some of them have been recruited by criminal gangs to perpetrate mindless crimes that defy logic and reason. Northern Nigeria is also plagued by the “poverty that speaks for itself”.

Amidst these challenges are the broad cocktail of rights guaranteed the people under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the African Charter on Human and Peoples Rights and various international instruments.

Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 (as amended) contains a galaxy of provisions guaranteeing and protecting the fundamental rights of the Nigerian people. These includes the right to life (Section 33), the right to the dignity of the human person

(Section 34), the right to personal liberty (Section 35), the right to fair hearing (Section 36), the right to private and family life (Section 37), the right to freedom of thought, conscience and religion (Section 38), the right to freedom of expression and the press (Section 39), the right to peaceful assembly and association (Section 40), the right to freedom of movement (Section 41) and the right to freedom from discrimination (Section 42). These rights are not absolute. Some of them can be derogated from under extraordinary circumstances provided for in the Constitution itself.

Section 45 of the Constitution provides that nothing in Sections 37, 38, 39, 40 and 41 shall invalidate any law that is reasonably justifiable in a democratic society (a) in the interest of defense, public safety, public order, public morality or public health; or (b) for the purpose of protecting the rights and freedoms of others. Section 45(2) also provides that an Act of the National Assembly shall not be invalidated by reason only that it provides for the taking, during periods of emergency of measures that derogate from the provisions of Section 33 or 35 of the Constitution; but no such measures shall be taken in pursuance of any such Act during any periods of

emergency save to the extent that those measures are **reasonably justifiable** for the purpose of dealing with the situation that exists during that period of emergency: Provided that nothing in Section 45 shall authorize any derogation from the provisions of Section 33 of the Constitution except in respect of death resulting from acts of war or authorize any derogation from the provisions of Section 36(8) of the Constitution.

It is instructive to note that Section 45 of the Constitution does not provide for any form of derogation from Section 34 of the Constitution dealing with inhuman and degrading treatment other than those provided in Section 34 itself. This means that no person shall be subjected to torture or to inhuman or degrading treatment during periods covered by Section 305 of the Constitution.

However, Section 45 of the Constitution provides that nothing in Sections 37, 38, 39, 40 and 41 of the Constitution shall invalidate any law that is **reasonably justifiable in a democratic society in the interest of defense, public safety, public order, public morality or public health; or for the purpose of protecting the rights and freedoms of other persons.** Section 45(2) also provides that an Act of the National Assembly shall not be invalidated by reason only that it provides for the taking, during periods of emergency, of measures that derogate from the provisions Section 33 or 35 of the Constitution but no such measures shall be taken in pursuance of any such Act during any period of emergency save to the extent that those measures are reasonably justifiable for the purpose of dealing with the situation that exists during that period of emergency.



The challenge facing Northern Nigeria and the Nigerian State is in balancing respect for the fundamental rights of the people and fulfilling its obligation of providing for the welfare and security of the people. The resolution of this challenge will in the long run define Northern Nigeria and its people and residents.

National Security and Rise in Crime

It is axiomatic that when there is rise in crime and criminality, there is a tendency for the citizens to demand that the State should be tough on crime. Being tough on crime in this sense is a tacit endorsement by the people for the State to jettison the observance of human rights and due process in dealing with the security challenges facing the State. It means that the people are ready to look the other way when people's rights are being violated in the fight against crime and criminality. It is also an endorsement by the people that in the circumstances of their reality, human rights norms have become an impediment to good governance and a cover for criminals to continue to terrorize the State and its citizens. Discourse on rights and insistence on rights in such circumstances becomes at most academic.

Technically, many of the States in Northern Nigeria are under military rule and

occupation. In almost all the States, the military is assisting civil authority provide internal security. The implication of so doing is that while most of the States in Northern Nigeria are technically under the rule of law and due process, in reality, they have the marks of States under emergency rule. In law however, only Borno, Yobe and Adamawa States are under emergency rule.

National Security and National Security Agencies

It is the primary responsibility of the Nigerian State to provide for the welfare and security of its people. It is also the responsibility of the Nigerian Police Force to maintain law and order in the federation and protect the property of citizens and non citizens. It is the responsibility of the Military to protect and defend the territorial integrity of Nigeria from external aggression and to assist civil authorities in the maintenance of law and order when requested to do so.

Sections 214 and 217 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides for the establishment and maintenance of an army, navy, air force and other security agencies for the purpose of defending Nigeria from external aggression; maintaining its territorial integrity and securing its

borders from violation on land, sea, or air; suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the President, but subject to such conditions as may be prescribed by an Act of the National Assembly; and performance of such other functions as may be prescribed by an Act of the National Assembly.

Nigeria's National Defence Policy on the other hand focuses on the protection of Nigeria's interest under the ambit of the constitution. Its mandate includes the following: Protection of Nigeria's sovereignty, citizens, values, culture, interests, resources and territory against external threats; provision of defence as well as strategic advice and information to Government; promotion of security consciousness among Nigerians; response to requests for support for civil authority; participation in disaster management and humanitarian relief operations both at home and abroad; assistance to government agencies and levels of government in achieving national goals; protection of Nigerians wherever they may reside; ensuring security and stability in the West African sub-region through collective security; participation in bi-lateral and multi-lateral operations and contributing to international peace and security.

The National Security Agencies Act, Cap N74 of the Laws of the Federal Republic of Nigeria, 2004 established the Defense Intelligence Agency; the National Intelligence Agency; and the State Security Service for the effective conduct of national security. Under the Act, the Defense Intelligence Agency's mandate includes:



- a. The prevention and detection of crime of a military nature against the security of Nigeria.
- b. The protection and preservation of all military classified matters concerning the security of Nigeria, both within and outside Nigeria
- c. Such other responsibilities affecting the defence intelligence of a military nature, both within and outside Nigeria as the President, or the Chief of Defence Staff, as the case may deem necessary.

Under the same Act, the National Intelligence Agency is charged with responsibility for:

- a. The general maintenance of the security of Nigeria outside Nigeria, concerning matters that are not related to military issues; and
- b. Such other responsibilities affecting National intelligence outside Nigeria as the National Defence Council or the President, as the case may be, may deem necessary.

In the same vein, the State Security Service is charged with responsibility for:

- a. The prevention and detection within Nigeria of any crime against the internal security of Nigeria;
- b. The protection and preservation of all non-military classified matters

concerning the internal security of Nigeria and;

- c. Such other responsibilities affecting internal security within Nigeria as the National Assembly or the President, as the case may be may deem necessary.

Section 4 of the National Security Agencies Act, Cap N74 of the Laws of the Federal Republic of Nigeria allows the President of the Federal Republic of Nigeria to appoint a Coordinator for National Security and charged with the responsibility of:

- a. Advising the President on matters concerning the intelligence activities of the agencies
- b. Making

recommendations in relation to the activities of the agencies to the President, as contingencies may warrant

- c. Correlating and evaluating intelligence reports relating to the national security and providing the appropriate dissemination of such intelligence within Government, using existing facilities as the President may direct
- d. Determining the number and level of staff to be employed by each agency established pursuant to section 1 of this Act and organising the transfer and posting of staff, especially the transfer and posing of existing staff of the Nigerian Security organisation established pursuant to the Nigerian Security Organisation Act 1976, repealed by Section 7 (1) of this Act;
- e. Doing such other things in connection with the foregoing provisions of this section as the president may, from time to time, determine.

Security and Human Rights in Difficult Circumstances

There is no doubt that section 305 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) gives the President the power to declare a state of emergency in any part of Nigeria. A state of emergency is an extreme measure designed to deal with serious emergency situations. That is why the National Assembly as the tribune of the people is involved in the details of emergency proclamations.

Article 4 to the International Covenant on Civil and Political Rights (ICCPR),

permits States to from certain rights guaranteed by the ICCPR in "time of public emergency". Any measures derogating from obligations under the Covenant, however, must only be to the extent required by the exigencies of the situation, and must be announced by the State Party to the Secretary-General of the United Nations In Nigeria, during periods of national emergency, the Constitution permits the National Assembly to make laws to derogate from certain fundamental rights guaranteed in the Constitution. The caveat is that the laws so made must be laws that are "reasonably justifiable in a democratic society in the interest of defence, public safety, public order, public morality or public health"

However, the Constitution does not permit derogation from Sections 33 and 35 of the Constitution dealing with right to life and right to personal liberty. Derogation from them is only permitted during periods of emergency. An Act of the National Assembly can therefore provide *for the taking, during periods of emergency, of measures that derogate from the provisions of Section 33 or 35 of the constitution; but no such measure shall be taken in pursuance of any such Act during any periods of emergency save to the extent that those measures are reasonably justified for the purpose of dealing with the situation that exists during the period of emergency. Provided that nothing in section 45 of the constitution shall authorize any derogation from the provisions of Section 33 of the Constitution except in respect of death resulting from acts of war or authorize any derogation from the provisions of Section 36(8) of the Constitution.*

In an article I did for Thisday Newspaper before the declaration of emergency rule in Borno, Yobe and Adamawa States, I posited that:

We must acknowledge the fact that Nigeria is faced with serious internal and external security challenges. These challenges threaten the unity

and stability of the Federal Republic of Nigeria and the evidence is there for everybody to see. Some of the State Governments especially in Northern Nigeria allocate almost half of their federal allocation to security concerns and security related activities. The issue of internally generated revenue in some of the States is almost none existent as businesses have closed down and people have fled the states. Some of the State Assemblies in some of the States operate like a Parliament in exile as the Legislators live and operate from contiguous states and the venue of the sitting of the Parliament is a matter of national security. It is therefore in the interest of the people of Nigeria that the internal security challenges are resolved as quickly as possible.

Nothing justifies the deliberate killing of women and children who need protection during periods of internal security challenge. Nothing justifies the leveling of a whole community just because of the misdemeanor of a few people.

However, nothing justifies the conduct of internal security operations on the basis of revenge. Nothing justifies collective punishment for the victims of internal security challenges. Nothing justifies the deliberate killing of women and children who need protection during periods of internal security challenge. Nothing justifies the leveling of a whole community just because of the misdemeanor of a few people. Women and children deserve maximum protection. Protection of unarmed populations targeted by insurgents is a cardinal principle of international law and international humanitarian law but when the protector becomes the aggressor, the civilian populations are left unprotected and vulnerable. The incontrovertible fact as at today is that innocent persons were caught in the cross fire between the insurgents and the multinational joint task force. These include women and children and innocent civilians. This is the crux of the issue and it is very disturbing and pathetic. It is true that technically Nigeria is not at war. But the reality of the situation is that Nigeria is at war. Low intensity warfare is going on in Nigeria and the cost in terms of human casualty is enormous. We have been living and continue to live in denial of this fact and this

complicates the challenges of governance in Nigeria. If we accept the fact that we are at war, then it will be possible to define the terms of engagement for the armed forces of Nigeria especially when they are engaged in internal operations. It is incongruous for the military to be in control of internal security in almost half of the states of the federation and we still deny that Nigeria is not under military occupation.

The sad aspect of this whole episode is that constitutionally, the primary duty of the Nigerian military is the protection of the territorial integrity of Nigeria. They are only empowered to assist civil authorities in times of emergency when requested to do so. This clearly shows that the military are not primed to perform civil duties and when they are invited to do so, there should be clear rules of engagement.

These rules of engagement ensures that the fundamental rights of the citizens as guaranteed in chapter IV of the Constitution of the Federal Republic of Nigeria, 1999(as amended) are respected and observed. It ensures that civilians caught in arms conflict especially women and children are removed from harm's way when a major operation is to be undertaken in their territories or areas of jurisdiction. This is also in

conformity with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Code of Conduct for Law Enforcement Officials.

Article 2 of the Code of Conduct for Law Enforcement Officials clearly states that in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons. Article 3 of the same Code also provides that Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. This means that the use of force must conform to PLAN (Proportionality, Legality, Accountability and Necessity). Under this principle every effort should be made to exclude the use of firearms, especially against children.

Article 5 of the Code also provides that no law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability

or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Furthermore, the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides that Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons. For the same purpose, it should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bullet-proof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.

The Basic principles also provide that law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any

promise of achieving the intended result.

More fundamentally, it provides that whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall:

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;*
- (b) Minimize damage and injury, and respect and preserve human life;*
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;*
- (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.*

Principle 10 of the Basic Rules on the use of Firearms by Law Enforcement officials also provide that law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.

Based on the Provisions of the Code and the Basic Principles, governments shall ensure that arbitrary or

With the military providing internal security in most states of Northern Nigeria, there have been serious cases of violations of the rights of persons at military checkpoints. Innocent citizens are sometimes humiliated at such checkpoints on frivolous excuses.

abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law. When this happens exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from the Basic Principles.

With the military providing internal security in most states of Northern Nigeria, there have been serious cases of violations of the rights of persons at military checkpoints. Innocent citizens are sometimes humiliated at such checkpoints on frivolous excuses. People have been extra judicially executed on mere suspicion of being suspects to crime. The right to freedom of movement and association has in some circumstances been curtailed and people generally live in fear and anxiety.

The Terrorism (Prohibition) Amendment Act, 2013

In 2011, pursuant to terrorist activities in Nigeria, the National Assembly promulgated the Terrorism (Prevention) Act, 2011 to deal with serious security challenges in the country.

Section 25(3) of the Terrorism (Prevention) Act, 2011 provides that a Judge in Chambers may, pursuant to an expert application, grant an order for the detention of a **suspect** under the Act for a period not exceeding 2 months. Section 25(4) also provides that the Judge in Chambers may, pursuant to an exparte application, grant an order for the detention of a suspect under the Act for a period not exceeding 30 days.

However, the Terrorism (Prohibition) Amendment Act, 2013 which amends the Terrorism (Prevention) Act,

No. 10 of 2011 changed the entire jurisprudence of presumption of innocence. It has sanctioned detention without trial and detention during trial which is alien to our judicial system.

Under the said amendment, the court may, pursuant to an ex-parte application, grant an order for the detention of a **suspect** under the Act for a period not exceeding 90 days subject to renewal for a similar period until the conclusion of the investigation and prosecution of the matter that led to the arrest and detention is dispensed with.

Furthermore, by section 27(2) of the amended Act any officer of the law enforcement or security agency may use such force as may be reasonably necessary for the exercise of the powers conferred by subsection (1) of section 27 while section 27(3) provides that a person found on any premises or place or in any conveyance may be detained by the relevant law enforcement officer of any agency until the completion of the search or investigation under the provisions of the Act.

The Terrorism (Prohibition) Amendment Act and Human Rights

By our jurisprudence, any law that derogates from the fundamental rights of the Nigerian people must be reasonably justifiable in a democratic society and must

be such that is designed to meet the exigencies of the moment. The adversarial system of our jurisprudence operates on the basis of presumption of innocence and anchored on the fact that every suspect is presumed innocent until proved guilty before a properly constituted court of law.

The Terrorism (Prevention) (Amendment) Act, 2013 has reversed the presumption of innocence and sanctioned detention without trial. With the amendment, it has dealt a mortal assault and completely extinguishes the presumption of innocence and denies suspects in the criminal justice system their due process rights from the point of arrest till the conclusion of prosecution.

This impunity, I presume accounts for the refusal of the security agencies to charge suspects of terrorism to court. Some of the suspects I dare say were arrested before the amendment to the Act.

For instance, on the 10th day of January 2014, the Defence Headquarters said that President Goodluck Jonathan had ordered the release of 165 suspected terrorist. These are people arrested in the course of military operations against the Boko Haram in the North Eastern part of the country.

The military spokesperson,

Chris Olukolade, stated that “Over 165 persons apprehended in the course of military operations on terror in three states in the North-East are to be released from custody in compliance with Presidential directive”. Nigerians were also informed that a 19-member team comprising senior officers comprising the military, police, officials of Federal and State Ministries of Justice, Immigration, Prisons and Customs officers was set up by the DHQ in July, 2013. The team was saddled with the responsibility of examining, classifying and recommending appropriate actions against detainees apprehended during operations in the North East. On December 4, 2013 the team recommended that 500 out of almost 1,400 of the Boko Haram suspects screened, face immediate trial. The team recommended the release of 167 of the detainees from detention and a review of about 614 inconclusive cases.

Till today there is no evidence that any of the 500 suspects recommended for immediate trial have been taken to any court of law. There is no information on the case of those to be reviewed. There is no the State paid any form of compensation to any of those arrested and illegally detained over a long period of time.

CONCLUSION

The security challenges in Northern Nigeria are not enough justification for the wholesale violation of the rights of innocent citizens. The humiliation of citizens at checkpoints cannot by any stretch of imagination be justified. The arrest and detention of suspects ad infinitum cannot be justified under any guise. Rather, such actions win more converts for the insurgents and harden the minds of those that can easily be de-radicalized. The Nigerian people and the various security agencies must find the right balance between security and human rights. This is why the security agencies and the Nigerian government must adopt a citizen's approach to tackling the security challenges in the region. The government must secure some level of elite consensus on what is possible and what is not possible. Without such a consensus, the people will see some of the security agencies engaged in internal security operations as an army of occupation and will not give them any form of cooperation.

It is in our national interest to observe the rules of engagement in internal security operations. The National Assembly must also urgently amend aspects of the Terrorism (Prohibition) (Amendment) Act, 2013 that sanctions detention without trial as such is alien to our

jurisprudence. The security agencies and the Federal Ministry of Justice must also without delay commence the trial of suspects recommended for trial while those released and who are found to be clean must be rehabilitated.

More importantly, governments at all levels must see the welfare and security of the people as its primary and fundamental purpose. Extreme poverty is at the root of some of the security challenges facing Northern Nigeria. Governments at all levels must therefore see the reduction of extreme poverty as a matter of national emergency. It does not take much to establish skills acquisition centers for the youths. This the governments must do if youths are to be meaningfully engaged. Governments in Northern Nigeria must also engage in deliberate policy of confidence building. So many businesses have relocated and so many people have left the Northern geopolitical zone. Governments in the states with serious security challenges must therefore demonstrate a capacity to provide for the welfare and the security of everybody in the State.

Fundamentally, the Northern elite must speak with one voice in condemnation of

acts of terrorism and internal security breaches. Clerics and traditional rulers must also do the same. The refusal to speak collectively against acts of terrorism, ethnic and religious violence gives the impression of acquiescence. It is tragic that farmers have been displaced and food crisis with its attendant implications looms. It is tragic that shops and businesses in some parts of Northern Nigeria have relocated. It is more tragic that Nigerians especially of Northern Nigerian extraction are in different countries as refugees and internally displaced persons. It is important to isolate those that hide the commission of crimes under the garb of religion from religion itself. Isolating them will give the ordinary people the impetus to discern what is religious and what criminal.

It is also important for the power elite in the North to hold a balance between the contending religious and ethnic persuasions. Without a sense of justice and equity, the people will never trust their governments and will constantly see those holding the levers of power from the prism of ethnicity and religion. Public officers must therefore demonstrate publicity in their actions and utterances their commitment to their oath of office and that

is to treat all persons in their territories equally and without discrimination.

Furthermore, it is also imperative to create a third force to act as a buffer and a check on groups and organizations with extremist positions. It is clear that some of the existing socio cultural groups and organizations are entrapped in the challenges besetting the country and are therefore not in a position to show good example on harmonious living. A third force with clear development goals and propelled by a humanist ideology can lead Northern Nigeria back to prosperity and economic growth.

The various governments in Northern Nigeria must find the political will to prosecute those that commit criminal offences under the cover of religion and ethnicity. The refusal of the various governments to prosecute offenders breeds impunity and empowers others to do the same knowing that there is no consequence for acts of impunity.

We must however acknowledge that without a resolution of the internal security challenges in the North of Nigeria, it is difficult to achieve peace and stability in other parts of the country.

Security and Human Rights in Northern Nigeria

By Barr. Abdul Mohammed



ABSTRACT

The security challenges in Nigeria, starting from 2009 has caused a lot of concerns to the entire country. These concerns resulted from the havoc wrecked to the entire country by the dreaded Boko Haram Sect. We have witnessed several attacks from the far corners of the North East to the Federal Capital Territory of Nigeria. The situation has so degenerated that even the President of Rwanda who is yet to finish curbing the crisis of the Lord's Resistant Army led by wanted fugitive, Joseph Kony, had the

effrontery to throw some indecorous jabs at the President of Nigeria and the Prime Minister of Pakistan, who is still battling with the Pashtun faction of Taliban in his country, hypocritically turned down the invitation of Nigeria to attend the World Economic Forum for Africa. The security situation was so bad that a bomb blast took place at the same spot twice within the span of two weeks in the suburb of the Federal Capital Territory. This paper attempts to discuss the security situation in Nigeria and review the human rights obligation of the Nigerian State in the prosecution of the war against the insurgents and provide possible panaceas towards tackling the security challenges in the Country.

INTRODUCTION:

The level of insecurity in Nigeria is currently challenging the Nigerian State. The battle is taking unprecedented dimensions with the insurgents attacking military installations, schools, airports and convoys of military and traditional rulers. My discussion will touch on the

legal obligations imposed by the Nigerian Government under International Law especially as it relates to the rights of victims of internal crisis and the rules of engagement in combatants during internal warfare within a country.

My discussion focus on Nigeria's Obligation under International Law, the attitude of the Nigerian Government in the performance of its obligation will use some case studies in the review of the enforcement of human right in Northern Nigeria since the advent of the Boko Haram Insurgency.

I shall also consider the operations of the Terrorism Prevention (amendment) Act 2013 viz-a-viz the constitutional rights of the individuals accused of terrorism as it relates to detention and trial of persons accused on terrorism.

NIGERIA'S OBLIGATION UNDER INTERNATIONAL LAW.

Nigeria accepts and enforces the International Customary Law for providing remedy

where there has been a breach of a legal right as contained in the maxim “*Ubi jus ibi remedium*”. Even when Nigeria was not practicing democracy as a form of government, it had retained the enforcement of citizen's right. In the case of *Nemi v. Attorney General of Lagos State and Anor* the Court of Appeal held that:-

... let me say that it is not enough that we have ratified the African Charter on Human and Peoples Rights and the Universal declaration on Human Rights. **“We must move with the rest of the human race in the implementation of those rights, while the Executive may take steps to examine, or set in motion, ways of improving human right situation. The Judiciary should actively show its readiness to complement or indeed surpass the efforts of the Executive by an inspiring judicial approach to, or definition appropriate and feasible. The observance of human right is a tribute of the rule of law. The rule of law is the first principle of democracy as exemplified in the doctrine of separation of law which is antithetical to autocracy.”**

All extra judicial deaths or injuries contravenes Articles 4, 5 and 7 of the African Charter of Human and Peoples Right. Nigeria is also bound by the resolutions 2, 3, 4, and 5 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and **Articles 2 & 5 of the Code of Conduct for Law Enforcement Officials**. By the provisions of Article 3 of the Geneva The Article provides;

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, **shall in all circumstances be treated humanely**, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- a. violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

... let me say that it is not enough that we have ratified the African Charter on Human and Peoples Rights and the Universal declaration on Human Rights. We must move with the rest of the human race in the implementation of those rights

Unfortunately Nigeria has consistently frustrated any attempt to make it perform its obligation under International Law. For instance Government White Paper on the Report of the Presidential Committee on the Security Challenges in the North-East Zone of Nigeria are replete with calls on the government to pay compensation to victims of the internal crisis.

(2) The wounded and sick shall be collected and cared for

Nigeria is a signatory to the United Nation's General Assembly Resolution on the Declaration of Basic Principles of Justice for the Victims of Crime and Abuse of Power. By this resolution, the Nigeria accepts that "Victims" of fundamental right abuse are persons who, individually or collectively, **have suffered harm, including physical or**

mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, ...

The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

Also section 33 of the 1999 Constitution prohibits all forms of extra judicial killings except in circumstances permitted by law through the use of reasonable force.

ANALYSIS OF THE APPLICATION OF THESE SECTIONS BY NIGERIA IN ITS FIGHT AGAINST TERRORISM AND INSURGENTS

Unfortunately Nigeria has consistently frustrated any attempt to make it perform its obligation under International Law. For instance Government White Paper on the Report of the Presidential Committee on the Security Challenges in the North-East Zone of Nigeria are replete with calls on the government to pay compensation to victims of the internal crisis. For instance, findings 50 of the White Paper contains the following:

Paying compensation to orphans and widows of the victims of the crisis. The Comments of the Government to the Recommendation is as follows:

Government accepts these recommendations but notes that in paragraph 50(7) that Government will only assist victims but not pay compensation.

Again when the Presidential Committee on the Security Challenges in the North-East submitted its report, it also suggested that the Government should reconsider paying compensation to victims of the *Boko Haram* insurgency. But it was widely reported that government's Policy is Zero Compensation to Victims of *Boko Haram*. This led the Socio-Economic Rights and Accountability Project, SERAP, to petition the President of Nigeria urging it to "reverse the recently announced policy of zero compensation for victims of *Boko Haram* attacks." This has not been done. The stance of the Nigerian Government is contrary to its obligation as contained in Article 8 of the Universal Declaration of Human Right which provides that:

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

And Articles 2 (3)(b) of the International Convention On Civil And Political Rights which provides as follows:

Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

Also Articles 14 of the Convention Against Torture And Other Cruel, Inhuman and Degrading Treatment or Punishment provides that:

Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

CONSTITUTIONAL RIGHTS AND THE TERRORISM PREVENTION (AMENDMENT) ACT 2013

Terrorism and insurgency are a serious and great crimes against humanity. However all persons accused of committing terrorism are entitled to a right to personal liberty, the right be presumed innocent until found guilty and a right to be tried.

(a) Right to Personal Liberty:

Section 35 and 36(5) of the Constitution of the Federal Republic of Nigeria, 1999, guarantees the right of persons to liberty. We shall review the constitutional provisions of the protecting accused persons viz-a-viz the extent of the encroachment or derogation of that right by



the Terrorism Prevention (Amendment) Act 2013. Sections 35(3) of the 1999 Constitution provides that *“Any person who is arrested or detained shall be informed in writing within twenty four hours (and in a language that he understands) of the facts and ground of his arrest and detention Section 35(4) provides that “Any person who is arrested or detained in accordance with subsection 1(c) of this section shall be brought before a court of law within a reasonable time, and if not tried within a period of:*

- a. Two months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail; or*
- b. Three months from the date of his arrest or detention in the case of a person who has been released on bail He shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date.*

By Section 35(5):
 In subsection (4) of this section, the expression a “reasonable time” means:

- a. In the case of an arrest or detention in any place where there is a court of competent*

“Any person who is arrested or detained shall be informed in writing within twenty four hours (and in a language that he understands) of the facts and ground of his arrest and detention Section 35(4) provides that

“Any person who is arrested or detained in accordance with subsection 1(c) of this section shall be brought before a court of law within a reasonable time.”

jurisdiction within a radius of forty kilometres, a period of one day; and

- b. In any other case, a period of two day or such further or such longer period as in the circumstances may be considered by the court to be reasonable*

Thus from the above, a person arrested for any offence is entitled to be presented before a judge or magistrate within twenty four hours of his arrest or “such longer period as in the circumstances may be considered by the court to be reasonable”. Right from the wordings of the section it can be seen that a court is

empowered to encroach on the right to liberty such that a person could be detained beyond the constitutionally provided period. Hence it was submitted that “a close examination of these exceptions will lead to the inescapable conclusion that the right is not a right against the Legislature but against the Executive.” Thus, once there is a duly enacted law, the rights so provided can be encroached. By the provision of section 27(1) of the Terrorism Prevention (Amendment) Act 2013:-
 The Court may, pursuant to an ex- parte application grant an order for the detention of a suspect under this Act for a

period not exceeding 90 days subject to renewal for a similar period until the conclusion of the investigation and prosecution of the matter that led to the arrest and detention is dispensed with

It seems from this enactment, there is no limit as to the number of times that the holding authority approach the court for obtaining a detention order and renewal as the Act provides that the detention could be “until the conclusion of the investigation and prosecution of the matter that led to the arrest and detention is dispensed with”.

It is submitted that this provision is a window for gross abuse of a person's right. The time the State require to conclude investigation after they must have gathered reasonable evidence before the arrest is made is a period of ninety days and renewable without any limit.

This provision is subject to abuse and requires continuous vigilance by lawyers and civil rights activist in the implementation of this section. The Court has had course to pronounce in the old case of *Nwankwo V Queen* 12 months delay

between the time of arrest and actual trial before the Court is an abuse of the right of liberty. It is hoped that no judge will extend the order for detention in perpetuity so that we don't see ourselves returning to the dark days of the military era where perceived political enemies could be detained for times without end under the guise of investigation being conducted under the Terrorism Prevention (Amendment) Act. This fear is not only restricted to political foes, it also extends to ordinary citizens who have no access to counsel to fight for their release in the event of their detention:

(b) Right to Fair Trial
 Section 36 of the 1999

Constitution guarantees a fair trial of the accused person of whatever offence for which he may be accused of. This right is not defined however it has been given several judicial interpretation to include the twin pillars of natural justice and the right to a public trial. It has also be interpreted to mean the notion which a reasonable man who witness the trial will leave the court with after the conclusion of the trial. We are concerned here with the right to trial in public. Section 34(4) provides that:

Whenever any person is charged with a criminal offence, he shall, unless the charge is withdrawn, be entitled to a fair



hearing in public within a reasonable time by a court or tribunal: Provided that -

(a) a court or such a tribunal may exclude from its proceedings persons other than the parties thereto or their legal practitioners in the interest of defence, public safety, public order, public morality, the welfare of persons who have not attained the age of eighteen years, the protection of the private lives of the parties or to such extent as it may consider necessary by reason of special circumstances in which publicity would be contrary to the interests of justice;

(b) if in any proceedings before a court or such a tribunal, a Minister of the Government of the Federation or a commissioner of the government of a State satisfies the court or tribunal that it would not be in the public interest for any matter to be publicly disclosed, the court or tribunal shall make arrangements for evidence relating to that matter to be heard in private and shall take such other action as may be necessary or expedient to prevent the disclosure of the matter.

The right to fair trial in public is significant because of the concept of justice which requires that justice is not only to be done but should be seen to have been done. In the case of *Scot v. Scot* by Lord Shaw stated the rationale why trial should be conducted in public when he stated that:

“In the darkness of secrecy, sinister interest and evil in every shape have full swing... where there is no publicity there is no justice, publicity is the very soul of justice... it keeps the judge himself, while trying under trial. The security of securities is publicity.”

The right to fair trial in public is significant because of the concept of justice which requires that justice is not only to be done but should be seen to have been done.

It seems that the exception provided under section 36(4) allows for some trial to be conducted in secret. Trial of suspected terrorist have in recent times been conducted in secret in view of the fear of witnesses that their exposure to the gallery in court could cause them harm and danger of unimaginable proportion hence the enactment of sections in the Terrorism Prevention (Amendment) Act of some assuaging sections to accommodate the fears of potential witnesses. Section 34 of the Terrorism Prevention (Amendment) Act provides for some certain exceptions.

SubSection 1 provides:

The court may, on its own or on a motion by the Attorney-General or a relevant law enforcement or security agency, protect a witness or any person in any proceeding before it where it is satisfied that the life of the person or witness is in danger and take such measures as it deems fit to keep the identity and address of the witness or person secret\ \ \ \

proceeding in camera in order to protect the identity and location of witnesses and other persons.

SubSection 3 provides:

The court may also decide, in the public interest and national security that

- (a) *all or any of the proceedings pending before the court shall not be published in any manner; and*

or security agency, in the interest of public safety or order, exclude from proceedings for any offence under this Act any person other than the parties and their legal representatives.

Thus it seems that a trial under the Terrorism Prevention (Amendment) Act can be conducted in secrecy once there is an application or where a judge finds that it is in the interest of justice to do so. It is submitted that this provision should not be given

SubSection 2 provides:

The measures which the court may take under subsection (1) of this section may include the-

- (a) *holding of the proceeding at a place to be decided by the court;*

- (b) *avoidance of the mention of the real name and address of the witness or person*

In its orders, judgments or records of the case, which are accessible to the public; or

- (c) *issuing of a direction for ensuring that the identity and address of the witness or person are not disclosed;*

- (d) *undertaking the*



- (b) *t h a t s u c h proceedings shall be adjourned and the accused persons detained pending when the Attorney-General is able to guarantee the safety of the witnesses and other persons involved in the matter*

Subsection 4 provides :

The court may, on an application by or on behalf of the relevant law enforcement

the scope which it does not have so that the public should also have access to the proceedings even if in limited form so that the public will have an opportunity to access the manner of the trial and determine whether justice was done in each circumstances.

OTHER AREAS OF CONCERN

With the wide range of powers in the Terrorism Prevention (Amendment) Act 2013 what is stopping the law enforcement agents from prosecuting persons accused of terrorism? We are concerned that there are a lot of abuses of human right by the Nigerian Forces under the guise of fighting terrorism

and insurgency. For Instance on 20 September 2013, members of the Nigerian Forces invaded an uncompleted building in Apo where they used lethal force and killed 8 people leaving twelve persons with various degrees of injuries. This led to a lot of public outcry which caused the Senate of the National Assembly to set up a committee to investigate the killing. The Committee had a public hearing and submitted its report. The Committee found that all the victims of the killing are not members of the *Boko Haram* Terrorist Group but may have interacted with them “**unknowingly**” while living as tenants in the uncompleted building. During the hearing at the Senate, the Commander, Guards Brigade who led the raid to the uncompleted building was engaged as follows:

That given that some innocent persons were caught in the crossfire in the well intentioned operation, can some compensation be recommended for them? *He responded saying that if compensation would heal wounds he has no objection.*

Rather than pay compensation to the victims it was thought that making such a recommendation will

indict the military and dampen their morale, consequently the Senate failed to do so. This is an aberration and a misunderstanding of the purport of reparation and compensation. It is true that there are likely to be victims who might be caught up in the cause of the prosecution to the war against the insurgents. These victims if properly repatriated and compensated will consider the pain as one of the prices they will pay for the provision of security by the State and will not hold any grudge. Once they begin to begrudge the State, they could in themselves be transformed into enemy of the State and use the non

compensation as the justification for their transformation and instead of the Federal Government reducing the number of insurgents by its action, the Federal Government is seen as the enemy of both the insurgents and the people who it set out to protect in the first place. Hence the reason why it is imposed as a duty by the Committee of civilized nations that compensation and reparation be paid to victims. This was aptly put by SERAP in its letter to the Federal Government when it wrote that;

“In the wake of the devastation by *Boko Haram*, compensation and reparation programmes are absolutely

It is true that there are likely to be victims who might be caught up in the cause of the prosecution to the war against the insurgents. These victims if properly repatriated and compensated will consider the pain as one of the prices they will pay for the provision of security by the State and will not hold any grudge.

essential to deliver justice to the victims of human rights abuses precipitated by the group. **Paying compensation and reparation to victims of human rights abuses by *Boko Haram* is a matter of rights and not charity.** Refusing or failing to pay adequate compensation and reparation to victims is to buy impunity for perpetrators”



SERAP is seriously concerned about the policy of your government that there will be no compensation paid to victims of *Boko Haram* attacks. **This policy is a clear violation of the country's international human rights obligations and commitments to provide effective remedies, including compensation and reparation to victims of serious human rights abuses** such as those perpetrated by *Boko Haram*. **The attacks against innocent citizens by the *Boko Haram* constitute gross violations of international human rights law, having being systematically perpetrated, and affecting in qualitative and quantitative terms, the most basic rights of human**



beings, notably the right to life and the right to physical and moral integrity of the human person,”

Again it is the law that all allegations of extra judicial death should be investigated by a coroner inquest so as to ascertain that the killings falls within the valid exceptions permitted by law. The utility of the Coroner's Inquest cannot be over emphasized. It assists the populace to know that all deaths will be subjected to

scrutiny so as to safeguard any form of criminality in the prosecution of the war against insurgency.”

Shocking reports received from the Amnesty International Report raises a lot of concerns. There are allegations of high handedness by security forces in Borno, Yobe and Adamawa. The Amnesty International reported that:

According to Amnesty International's research at least half of the deaths are civilians , killed in attacks by

Boko Haram. More than 600 people, mainly former detainees, were killed by the security forces following attack by Boko Haram on the military barracks in Maiduguri on 14 March. These killings amounts to crimes against humanity and war crimes.

We are concerned that the State considers the Boko Haram insurgency as a reaction of the North to undermine the Government of President Goodluck Ebele Jonathan. It is our view that this belief undermines the war against Boko Haram and is part of what is causing the Military to give the Sambisa Forest a larger than life scale

in spite of the fact that the same military have surmounted greater forest during the civil war with less budget and sophisticated armoury.

Second there is the conspiracy theorist that have consistently argued that the insurgency is aimed at destabilizing the North so as to achieve some sinister goal. Moreso where there are allegations that it is helicopters that are used to provide supplies to the insurgents in their camps and the manner in which the rag tag army of the insurgents in 2009 transformed to the very sophisticated militant group armed to the teeth and

capable of causing the kind of havoc we are witnessing now.

CONCLUSION

This is a National Challenge and we are all willing to support the government to fight it out. It is also pertinent that cases of abuse of human right be investigated, culprits tried and victims compensated. Cases of allegation of corruption in the manner in which the allowance meant for the officers and men posted to fight the insurgents be investigated and persons found indicted be subjected to trial and possible conviction. We need our military to go to this war with all the morale they can muster. Also the allegation that the military are under armed is very disturbing, hence the increase in the casualty and the further courage of the insurgents. We cannot go to this war with less military might, not with the budget since 2009 and what the insurgency could do with the belief that they have a better armoury than the Nigerian Military forces.

Long live the Federal Republic of Nigeria.

Also the allegation that the military are under armed is very disturbing, hence the increase in the casualty and the further courage of the insurgents.

Goodwill Message from the ACF

By Col. JIP Ubah (rtd), ACF Secretary General

Protocol

Arewa Consultative Forum (ACF) very highly appreciates the efforts of the Arewa Research and Development Project, ARDP for organising this very crucial brainstorming session.

ACF is also very grateful to be invited and afforded a space on the jam-packed two-day programme to present a message. The very array of intelligentsia assembled with our respected elders and senior citizens and leaders of the North present/represented here, vividly captures the gravity of the situation. Clearly, the urgent need to act, not just to discuss the worsening security breaches and Human rights violations, especially against the North at this time, cannot be overemphasized.

I have the permission of the ACF leadership added to my privileged status and singular honour of being here, to remind this august gathering some facts we cannot and should never let slip out of our focus, concerning the image of Nigeria as a Nation, the importance of the North in the scheme of things whether economic or social-cultural, local and international.

First Point: The colonialists recognized the need to build

on the well established system of administration in the North and had to use it as their foundation for governing an amalgamated entity called one Nigeria - The **Indirect Rule**

Second Point: At independence, our leaders had a clearer vision of the need for compromise, recognizing that **UNITY IS STRENGTH**, and embracing common pursuit of equity, justice and tolerance. For example (a) They conceded the Presidential office (through ceremonial), to the opposition party; and ministries of Finance, information, education and foreign affairs etc to the South.

Third Point: After May 1999 when they sensed that the military seemed determined to give civil democracy some chance, three (3) groups of seasoned and benevolent elders emerged, each speaking for the Northern interest. But they recognized the need for **One North, One People, One destiny**, and more importantly, **ONE VOICE**. So the three groups came together at a meeting on Tuesday 31st October, 2000 - the magic year to be known as ACF. So why so many voices today?

- Loss of focus or agenda? Not exactly.
- Greed, insensitivity and self serving leadership? Largely yes!
- Lack of know-how and inadequate resources? NO!

Fourth Point: Where is ACF Now and what has ACF being doing?

Membership: Everybody here, especially the organizers, speakers - all the participants irrespective of zonal, religious and political or ideological inclination/affiliation. Once he/she is of Northern descent. So, Middle-belt Forum, Northern Elders Forum/Council (NEF/NEC), Northern Governors Forum (NGF) should not erase the bond of brotherhood and family tie. Northern Nigeria is destined to remain One Family.

Activities: ACF has been engaging in activities aimed at maintaining the peace and unity and trying to encourage the practice of good governance and development. Due to time constraint, only a few examples will suffice

1. The 10th Anniversary was celebrated in a grand style in this very hall on 29th April,

2010. A great Northerner Chief Sunday Awoniyi, the *Aro of Mapa/ was honoured with a Foundation.*

2. 5th & 6th **December, 2011** witnessed the hosting of **Northern Conference on Peace and Unity for Development** at the Murtala Square. Bishop Kukah, Prof. Elaigwu, Barr JB Dau du and many other eminent scholars pointed out our woes and proffered well thought-out solutions. Before its one-year anniversary, ACF presented the ROAD MAP to our Governors. If they thought well of the package, as words from the elders, we are still monitoring to see the impact.

3. On the inauguration of the current leadership of ACF on 18th February, the National Working Committee visited the Chairman of the Northern Governors' Forum with a **Protest Letter on the deteriorating security in the North** on 6th March, 2014. ACF decried the unwarranted castigation and vilifying of Borno State Governor and demanded more serious attitude by the leadership at all levels of government, especially greater commitment by our governors.

4. On the **6th and 14th May:** ACF convened a meeting of some Former Service Chiefs and Security Agencies to brainstorm the outcome was a Press Statement on Page 55 of **Leadership Newspaper** of 14th May, 2014. The message, through truthful, did not sound palatable.

5. On **30th May, 2014:** ACF issued a communiqué on the lopsided allocation of Federal Government special Scholarship Scheme handled by the National Universities Commission. This was carried on page 60 of Weekly Trust of Saturday, 30th May, 2014.

6. **Fifth Point:** It may interest the August gathering to know that the ACF in collaboration with the Sir Ahmadu Bello Memorial Foundation (SABMF) organized a **Retreat** for the Northern Delegates to the 2014 National Conference and set up a think-tank which produced the North's position on Key Issues before the Conference. Some of the facts presented caused a reasonable upset in the preconceptions of some Southern delegates.

7. Conclusion

The ACF sincerely commend the effort of ARDP for organising this two-day session to address the security challenges and human rights violations against the North.

We, as ACF, stand by our position against the continued Emergency Rule in the North eastern States of Adamawa, Borno and Yobe as it has achieved little success after a whole year and has rather witnessed deteriorating situation, increased horror and trauma with more lives lost and more villages wiped out during the emergency rule than before it was imposed.

ACF will continue to frown at the lack of serious approach to the issue of the abducted Chibok female students and the continued ineffective intervention of the Federal Government, especially before the outcry by ordinary citizens, and the belated call for international assistance. We demand speedy action on their release. The emotional trauma of the parents and the national embarrassment are enough.

ACF will remain non-partisan in approach to issues of national interest. She will continue to work for one Nigeria, though we are confident that with selfless and dedicated leadership Northern Nigeria should never be afraid of any threat of break up. The battle for security peace and harmony in the North should be more insistent and pragmatic.

Once more we commend the effort of the ARDP and thank all the participants. God bless all.

Goodwill Message from UNESCO

By Prof. Hassana Alidou, UNESCO Regional Director, Abuja

Protocol....

Distinguished Ladies and Gentlemen,

I am honoured to be here today to participate in this very timely conference on security and human rights in Northern Nigeria. I would like to thank the organizers for inviting me here today.

The opening lines of the UNESCO constitution give us a clear message and mandate:

Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed...Peace must be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

In this spirit, UNESCO has been engaged in the work of the United Nations in counter terrorism -- we contribute to the *Counter Terrorism Implementation Task Force*, and this contribution is underlined in the *Global Counter Terrorism Strategy*.

In this context, we started a project on "Conflict

Prevention and Countering the Appeal of Terrorism in Nigeria through Education and Dialogue," in 2012. The project started with mapping to identify the necessary components for building a culture of peace and non-violence; organized town hall meetings and sensitization workshops in the regions to promote dialogue and peace; and developed a training manual which we launched yesterday in Abuja.

As is our modus operandi, we have partnered with various national

institutions through this process: with the Ministry of Women Affairs and Social Development, training activities were conducted for women leaders on conflict resolution and early warning; with the National Institute for Cultural Orientation we organized a successful dialogue for traditional leaders on their role in promoting peace in Nigeria. This was held in Kaduna. With the Institute for Peace and Conflict Resolution we held town hall meetings as a method of promoting dialogue and peace.



In UNESCO we believe that countering violent extremism must start in the minds of women and men. It begins by giving everyone a stake in the present and confidence in the future. It must be built on bridges of dialogue between cultures and faiths, to deepen understanding and solidarity. It must be taken forward by independent, inclusive and pluralistic media. It must start with peace education, with textbooks and curricula that teach human rights, with schools systems that are tolerant.

Yes, the security agencies have a role to play. But this has to be supported by dialogue and promotion of tolerance among religious, political and ethnic groups in the society.

People in the academia have a major role. Social research must inform policy to enable leaders tackle the problems of society successfully. I urge you researchers to work on new paradigms, new thinking, new ideas on how we can all live together in peace and prosperity. How can we make the schools safer for

boys and girls? How can we protect the teachers? What should we do about our basic value systems? How should the democracy in the country evolve to deal with ever-changing challenges and opportunities? How shall we ensure that young people are gainfully employed so they will use their energies positively? All these are questions the academia should continue exploring and provide policy solutions to government and other actors including ourselves in the international s y s t e m .

UNESCO has a programme called Management of Social Transformations. This deals with research and knowledge on policies that fit into the dynamic changes in society globally. I call upon the academia here to take advantage of this UNESCO programme and network with our global expertise on issues that Nigeria is facing, especially in the North.

Once again let me thank you the organizers for inviting me. I am sure at the end of this conference we shall benefit from your

ideas on how to do more to promote peace, security and human rights in this region of the country.

I wish you fruitful deliberations.

Communique issued at the end of a Two Day Conference on “Security and Human Rights in Northern Nigeria”

The Arewa Research and Development Program (ARDP) under the auspices of Arewa House - Centre for Historical Research and Documentation, Ahmadu Bello University, Kaduna, in collaboration with the Centre for Peace Studies, Usmanu Dan Fodio University, Sokoto and the Centre For Democratic Research and Training, Mam bay a House, Bayero University Kano, organized a two-day conference on Security and Human Rights in Northern Nigeria on the 10th and 11th June, 2014.

The conference drew participants from a broad spectrum of the cream of Northern Leadership comprising of retired military and security personnel, retired top public servants and academics with particular expertise in their fields of specialization. Participants were also invited from the business community, women and youth groups.

The objectives of the conference were

- Examining the etiology and prognosis of the security challenges

facing the country.

- Making a critical review of Government and non-governmental efforts.
- Exploring wide-ranging ways citizens can complement and support government efforts that are result oriented.
- Considering how to address the huge human rights issues and consequent trust deficit for measurable wider benefits.
- Setting up a mechanism to monitor the various efforts and consider alternatives in the event of eventualities.
- To build the requisite confidence and assurance amongst the diverse peoples of the North that the present challenges can be surmounted.
- To reassure Northerners that there are people across all strata that are sufficiently concerned about the plight of the region even if the federal

government and the region's nineteen governors are reluctant, unable or incapable to act.

The conference notes and expresses concern that:

- The weakening nature and perhaps the failure of the Nigerian State to protect lives and property as well as its inability to provide basic infrastructure and social services and guarantee freedom and rights of citizens, cumulatively accounts for the current state of siege in which the North now find itself.
- The increasing seeming emasculation and low moral and combat weakness of the military saddled with the responsibility of prosecuting the war.
- The reluctance of the federal government to equip an army that is increasingly becoming corrupt, lazy and ultimately running out of ideas

on modern warfare, particularly urban guerilla warfare, which is what is happening in the north.

- Failure in human and economic development, especially sectors like education, health, water and sanitation services as a primary source and driver of the terrorism.
- The fact that the insecurity engendered by the terrorism has stunted economic growth in the region.
- The general conduct of the military and how the fundamental rights of the citizens of the north are being violated in clear breach of the rules of engagement. It is expected that the military will adhere strictly by the rules of engagement in order to gain the confidence of the people thereby build the trust that is *sine quo non* to any successful prosecution of such a war.
- The failure of a whole army division specifically created to fight terrorism

and based at the theatre of war, in a situation where, special forces inclusive of the police, can do the job.

- The intensity of northern bashing by authors and commentators in the social media shall be seen as a sort of declaration of war by other means on the north by advocates of disunity.
- The seeming deliberate federal government agenda of skewing employment, appointments and scholarship against the north. Exclusion has throughout history been a major source of alienation and conflict in itself and by itself.
- The futility of the numerous check points and the harassment and humiliation of citizens that go with it, which elicit resentment and robs the fight against terrorism that vital community support and corporation.

The Conference therefore resolved as follows:

- * The need to devise means and ways by citizens of the northern states on how to complement government's efforts, or lack of it in combating the terror ravaging the region.
- * The desirability of replacing the current National Youth Service Corps (NYSC) with a two-year compulsory national service scheme for the youth with military training. This scheme should be designed to accommodate university graduates, national diploma and NCE holders.
- * Appeal to Nigerians to be vigilant on the war psychosis and psychological warfare being waged in the social media against the north in particular and Nigeria in general.
- * A strong appeal for increase in northern unity at all levels – political, business, religious, traditional leaders and the ordinary citizen. This is to secure the unity of Nigeria although

the north will NOT insist on this unity at all costs.

- * There should be greater transparency in the trial of Boko Haram and banditry suspects. Their arrest and prosecution should be made public for Nigerians to know who they are and what motivates them. This treatment must be extended to their sponsors.
- * Marshall Plan and Recovery Program for the north, to be headed and managed by a prudent, incorruptible leadership.
- * Considering the obvious lack of political will and the endemic corruption which undermines the fight against terrorism, the northern leadership must start considering alternatives and immediately too.
- * To create a Committee made up of Human Rights experts to pursue the Human Rights issue in the fight against terror.
- * To create a Committee to

monitor the military engagement with the Boko Haram terrorist and ensure that where they fail, the northern leadership provides alternatives.

- * To impress on the media and human rights organizations, particularly AL-Jazeera, CNN and Amnesty International to desist from mislabeling the Boko Haram terrorists as Islamists. They should call them by their proper name, terrorist hiding under Islam.
- * The need to inculcate in our citizenry on the imperative of communal efforts in arresting the current security problems in the region and the drift in all other sectors.
- * Soldiers who behave like “occupation army” cannot get the confidence and co-operation of their victims.
- * The need for the federal government to enter into dialogue with all neighboring countries and agree on strategies of

ending terrorism in Nigeria and insecurity in Nigeria.

- * The north must be treated like any other region of the country in terms of employment opportunities, appointments and scholarship grants like the Niger Delta area.



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