THE IMPLICATIONS OF HUMAN RIGHTS AND VIOLENT CONFLICTS IN NIGERIA: ISSUES AND PROSPECT

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Abstract

Human rights violations all over the world occur due to political interpretation whether or not these rights deserve to be respected. The idea of human rights as a concept predates human existence and governance. These rights are inalienable and deserving of by virtue of humanity. Man's existence would not have been realistic without the existence and preservation of these rights. However, these rights must be observed, enforced and protected. Rights are natural and not man-made thus the raging war against subjectivity is the core essence for the struggle for human rights respect, protection and recognition by state actors and its institutions. Conflict is inevitable in any organization; however, the dimension at which violent conflicts are being perpetrated in Nigeria is unprecedented. The article examined the causes, the perpetrators, and the effects of violent conflict on the people and national development in Nigeria. This is with a view to establishing development challenges in Nigeria and proffer pragmatic solutions. Nigeria is faced with an unprecedented wave of different but overlapping security crises from kidnapping to extremist insurgencies – almost every corner of the country has been hit by violence and crime. The scale of the insecurity threatens the very fabric of Nigerian society.

Keywords: *Human Rights, Violent, Conflicts*

1.0 Introduction

The Constitution of the Federal Republic of Nigeria 1999 (CFRN 1999) stipulates that its essence is to promote the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of our people. The Constitution of the Federal Republic of Nigeria[1] states that "the security and welfare of the people shall be the primary purpose of government." The primary responsibility for ensuring security and protection of basic human rights rests with each country, since they alone are the contracting parties to the relevant international treaties.[2] Nigeria as a country has become zones for violent confrontations and the causes are viewed in different forms. The upsurge of violent conflicts is related to issues of religion, ethnicity, stressful public policy, student unrest, cultism and extra-judicial activities.[3]

One of the predominant issues arising from violent conflict is the abuse and misuse of ethnicity for selfish political and economic gains. Some people especially those in public office often mobilize on ethnic lines to further their political and power base. The military coups and reprisals that followed the country's

[1] Constitution of Federal Republic of Nigeria 1999 (as amended) S.14(2)(b).
[2] U.N. Doc. A/51/306 (Aug. 26, 1996).
[3] H Mueller and J Tobias, *The Cost of Violence. Estimating the Economic Impact of Conflict* (London: The International Growth Centre 2016).

independence were tainted by ethnic cleavages.[4] When people mobilize on ethnic lines it is not often for the good of the people, but people very often are made to believe that once they support the person from their ethnic group they will get the benefits of power, which very often do not come to them. Some few ethnic warlords or so-called ethnic leaders find it easy to appeal to the sentiments of people from their ethnic groups to fight unnecessary battles. People can be made to fight over lands on common boundaries between ethnic groups, fight for the politician from their village and defend their so-called ethnic cause.

Also, the colonial masters left behind unstable and weak political institutions and failed to build integrated federating units; there was no sense of common unity and oneness among the diverse ethnic groups, and struggle over uneven natural resources in the nation.[5] All these have led to constant rivalries, tension, instability and struggle to overcome domination from other ethnic groups.[6] Insecurity in all its manifestations could precipitate violent conflicts. When a people are plagued by and feel a sense of insecurity, some are bound to be violent to secure their lives.

Security of persons can be threatened by a number of environmental factors.[7] The relationship between the environment and human rights is that humans are ecologically embedded beings. That is humans are utterly dependent upon and vulnerable to changes in their relationships with the non-human world.[8] First, environmental degradation and depletion of resources such as oil and clean waters have been a cause of or contributory factor in violent conflict in Nigeria and many parts of the world.[9] Secondly, access to clean air and water is crucial for human life. Sustainable access to a sufficient quantity and quality of food is dependent on the environment in important ways and can clearly be regarded as crucial to human security and to the fulfilment of human rights.[10] Thirdly, human security are threatened when people are removed from their land because of environmental threats, whether these threats are pollution, such as oil spills, other chemical spills, or radioactive contamination, or from flooding and rising sea levels, or landslides and soil erosion.[11]

Several actions and activities have been found to have always triggered violent conflict. However, behind every issue of violent conflict in Nigeria are men, who grouped themselves as insurgents, pastoralists, and bandits among other violent groups. Violent conflict is a precarious issue obstructing every phase of the development process in Nigeria. The damaging effect on the economy, especially on the means of livelihoods of Nigerians, especially those who are inhabiting conflict-affected areas, is worrisome. Conflict

[4] G S Samuel, "Ethnicity and Religious Conflicts: A Threat to the Survival of Nigerian Society." *Unity, Democracy and Development in Nigeria in the 21st Century: Issues, Challenges and Way Forward*. (Ibadan: Jilat Publishing Company, 2005) 149-155.
[5] *ibid*
[6] *ibid*
[7] UDHR 1948 art 3.
[8] M Goodhart, *Human Rights: Politics and practice* (New York: Oxford University Press 2009)
[9] *Ibid*.
[10] *Ibid.*
[11] *Ibid.*

is responsible for the low welfare of people, and consequently imposes costs on an individual's economic prospects,[12] such that, when one's health is declined, the cost of securing good health is already imposed.

Violent conflict in Nigeria has resulted in a large number of internally displaced persons. Unlike some nations of the world, where natural disasters have led to peoples' displacement, Nigerians are mostly being displaced by violent conflict.[13] Most of the population at the Internally Displaced Persons' camps are women and children, while most of the women are widows and most of the children are orphans.[14] The widows and orphans at the IDPs' camp are abused, physically and mentally tortured, educationally abandoned, faced with socio-economic difficulties, and have no access to basic nourishment.[15] All these contribute to the violations of human rights.

2.0 Theoretical Framework

2.1 Natural Law Theory

This school of thought tells us that law is rational and reasonable. Natural law proposes that laws are a logical progression from morals. Therefore, actions that are considered to be morally wrong will be against the law. Natural school of law is generally regarded as the law of nature, divine law or the law that is universal and eternal in nature. It has been given different meanings at different points of time and though it is created by man, it is found through the nature of an individual. It is mostly influenced by religion. The central idea of this theory is that there is a higher law based on morality against which the validity of human law can be measured. There is a belief that there are certain moral laws that cannot go against without losing its moral or legal character. If legislation is not moral it is not law. There is an essential connection between law and morality in this school of law.[16]

The school believed that man had the power of reason which is guided by observation to attain a true understanding of the universe – thus believe that the world of nature could be governed by man - made laws and became the subject of rationalism.[17] Natural Law means what is Fair, Just or Right. The protagonists of this school hold that there are certain objective principles in every man telling him what is fair, just or right, motivating him to do what is good and abstain from what is evil. From the naturalist point of view, the law of reason and what is conscionable, fair and just should prevail in all activities of man. If individual in the society apply the use of strict adherence to reason in their everyday interaction with other members of the society, they will fully understand that life is given by God thus sacrosanct and need not be taken away by means of violent conflicts.

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[12] J C Odozi and R U Oyelere, "Violent Conflict Exposure and Economic Welfare in Nigeria" [2019] (334) *Global Labor Organization*.

[13] Internally Displaced Monitoring Center, "Nigeria: Country Information" <https://www. internal displacement.org/countries/Nigeria>20 September 2023.

[14] I S Mohammed, "Post Boko Haram Insurgency, Nigeria's National Security and Emergent Threats." (2018) *Journal of Humanities and Cultural Studies R&D*, 3(2), 1-15.

[15] C H Zastrow and K K K Ashman, Understanding Human Behaviour and the Social Environment. (Belmont: Brooks/Cole Cengage Learning 2010).

[16] L Kumar, 'Natural School of Law' https://blog.ipleaders.in/natural-school-of-law/ accessed 2 November 2023.

[17] *ibid*

2.2 Sociological School of Thought

This school of thought believes that, Law is a social phenomenon which exists for the needs of human beings which is organized and which must embody within its rules, the fundamental principles and values of society.[18] To them the essence of law is the protection of the interests of society and individuals by coordinating those interests likely to lead to conflict.[19] According to them, a legal rule without compulsion is like a fire which does not burn. They reasoned further that every legal rule owes its origin to some purpose and law emerges from social struggles over purposes[20]. And that the law is intended by society as a means of achieving desired objectives and that its purpose is to guide and protects the interests of society.[21]

It is believed that every law brings its origin from the local values of the generality of the population and such laws must perform the act of social engineering. The fact is that people in a country have no common values as a result of multiplicity in ethnic composition creating a situation where laws are made sometimes and these laws create dissatisfaction and disunity in a society. From the sociological school of law and its relevance to this article, the law regulating the conduct of individual is embedded in the Constitution of the Federal Republic of Nigeria. The legislators must make continually more humane and better laws which provide equal opportunity and protection for members of the community, while the jurist furnishes both the judge and the legislators with every essential information, data and statistics which will facilitate an unimpeded delivery of social justice to the people.

3.0 National Legal Framework

Constitution of the Federal Republic of Nigeria, 1999 (as amended)

Chapter Four of the 1999 Constitution of the Federal Republic of Nigeria as amended is devoted to fundamental human rights provisions. Out of the fourteen (14) sections which make up the Chapter, eleven (11) contain various human rights provisions.[22] The Constitution emphasized that, every person has a right to life[23], 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. Similarly, every individual is entitled to respect for the dignity of his person[24], and accordingly; no person shall be subject to torture or to inhuman or degrading treatment; no person shall he held in slavery or servitude; and no person shall be required to perform forced or compulsory labour.[25] More so, every person shall be entitled to his personal liberty[26] and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law: in execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty; by reason of his failure to comply with the order

[18]L.B Curzon, *Jurisprudence* (M & E Handbooks Law Macdonald & Evans Press 1979)48.
[19] S I Oji, *Introduction to Legal Method* (Ababa Press Ltd 2011)11.
[20] Meaning, nature and Functions of Law, https://law.uok.edu.in accessed 10 September 2023.
[21] *Ibid.*
[22] Constitution of Federal Republic of Nigeria 1999 (as amended) ss. 33-43.
[23] *Ibid* s.33.
[24] *Ibid* s.34.
[25] *Ibid* s.34(a-c)
[26] *Ibid* s. 35.

of a court or in order to secure the fulfillment of any obligation imposed upon him by law; for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence.[27]

A person shall be entitled to a fair hearing[28] within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality. Further, 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. Also, every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty; shall be entitled to be informed promptly in the language that he understands and in detail of the nature of the offence; be given adequate time and facilities for the preparation of his defence; defend himself in person or by legal practitioners of his own choice; examine, in person or by his legal practitioners, the witnesses called by the prosecution before any court or tribunal and obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court or tribunal on the same conditions as those applying to the witnesses called by the prosecution; and have, without payment, the assistance of an interpreter if he cannot understand the language used at the trial of the offence.[29]

This section also guarantees and protects the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications.[30] It was also made clear that, every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.[31] No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction ceremony or observance relates to a religion other than his own, or religion not approved by his parent or guardian.[32] Similarly, No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.[33] Also provided for in this section is that, every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference.[34] It further emphasized that, every person shall be entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions.[35] To further protect the rights of citizens, the section provides that, every person shall be entitled to assemble freely and associate with other persons, and in

[27] *Ibid* s.35(a-c).
[28] *Ibid s.*36.
[29] *Ibid* s.36(a-e).
[30] *Ibid* s.37.
[31] *Ibid* s. 38.
[32]*Ibid* s.38(2).
[33] *Ibid* s. 38(3).
[34] *Ibid* s.39.
[35] *Ibid* s.39 (2).

particular he may form or belong to any political party, trade union or any other association for the protection of his interests.[36] This section also provides that, every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereby or exits there from.[37]

These human rights provisions in the Constitution re-emphasize the importance of human rights and the need for its respect and protection. The constitution does not only provide for these human rights but also goes further to provide for a redress mechanism in case of any breach or likely breach. Hence anyone who alleges that his rights have been contravened, being or likely to be contravened can approach a court of competent jurisdiction for redress.[38]

4.0 Institutional Framework

National Human Rights Commission

The National Human Rights Commission of Nigeria (NHRC), affiliated with the African Commission on Human and Peoples' Rights, was established by the National Human Rights Commission (Amendment) Act of 1995 to promote and protect all human rights in Nigeria. The Commission serves as an extra-judicial mechanism which safeguards the human rights of the Nigerian population. It monitors human rights in Nigeria, assists victims of human rights violations, and helps in the formulation of the Nigerian Government's policies on human rights.[39] This institution was initiated to comply with the demands of the African Charter on Human and Peoples Rights, United Nations Charter, Universal Declaration on Human Rights and other international treaties as a signatory to these frameworks. In 2010, it was amended to accommodate quasi - judicial powers to summon persons, acquire evidence, award compensation and enforce decisions. The power to visit any place of detention without violating detainees' rights is also recognized in the act.[40]

The Commission shall deal with all matters relating to the promotion and protection of human rights guaranteed by the Constitution of the Federal Republic of Nigeria, the United Nations Charter and the Universal Declaration on Human Rights, the International Convention on Civil and Political Rights, the International Convention on the Elimination of all forms of Racial Discrimination, the International Convention on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and other international and regional instruments on human rights to which Nigeria is a party;[41] monitor and investigate all alleged cases of human rights violations in Nigeria and make appropriate

[36] *Ibid* s. 40.
[37] *Ibid* s. 41.
[38] *Ibid* s.46(1).
[39] National Human Rights Commission Act s.1, 1995, 2010 as amended.
[40] *Ibid* s. 6(1)(d-e).
[41] National Human Rights Commission Act s.5(a).

recommendations to the Federal Government for the prosecution and such other actions as it may deem expedient in each circumstance;[42] assist victims of human rights violations and seek appropriate redress and remedies on their behalf;[43] undertake studies on all matters pertaining to human rights and assist the Federal, State and Local Governments where it considers it appropriate to do so in the formulation of appropriate policies on the guarantee of human rights;[44] publish and submit, from time to time, to the President, National Assembly, Judiciary, State and Local Governments, reports on the state of human rights promotion and protection in Nigeria;[45] organise local and international seminars, workshops and conferences on human rights issues for public enlightenment;[46] liaise and cooperate, in such manner as it considers appropriate, with local and international organizations on human rights with the purpose of advancing the promotion and protection of human rights;[47] participate in such manner as it considers appropriate in all international activities relating to the promotion and protection of human rights;[48] maintain a library, collect data and disseminate information and materials on human rights generally;[49] receive and investigate complaints concerning violations of human rights and make appropriate determination as may be deemed necessary in each circumstance;[50] examine any existing legislation, administrative provisions and proposed bills or bye-laws for the purpose of ascertaining whether such enactments or proposed bills or bye-laws are consistent with human rights norms;[51] prepare and publish, in such manner as the Commission considers appropriate, guidelines for the avoidance of acts or practices with respect to the functions and powers of the Commission under this act;[52] promote an understanding of public discussions of human rights issues in Nigeria;[53] undertake research and educational programmes and such other programmes for promoting and protecting human rights and coordinate any such programme on behalf of the Federal, State or Local Governments on its own initiative or when so requested by the Federal, State or Local Government and report concerning the enactment of legislation on matters relating to human rights;[54] on its own initiative or when requested by the Federal, State or Local Government, report on actions that should be taken by the Federal, State or Local Government to comply with the provisions of any relevant international human rights instruments;[55] refer any matter of human rights violation requiring prosecution to the Attorney-General of the Federation or of a State, as the case may be;[56] where it considers it appropriate to do so, act as a conciliator between parties to a complaint;[57] where it considers it appropriate, with the leave of the court hearing the proceedings

[42] *Ibid* s. 5(b).
[43] *Ibid* s. 5(c).
[44] *Ibid* s. 5(d).
[45] *Ibid* s.5(e).
[46] *Ibid* s.5(f).
[47] *Ibid* s.5(g).
[48] *Ibid* s.5(h).
[49] *Ibid* s.5(i).
[50] *Ibid* s.5(j).
[51] *Ibid* s.5(k).
[52] *Ibid* s.5(l).
[53] *Ibid* s.5(m.)
[54] *Ibid* s.5(n).
[55] *Ibid* s.5(o).
[56] *Ibid* s.5(p).
[57] *Ibid* s.5(q).

and subject to any condition imposed by the court, intervene in any proceeding that involves human right issues.[58]

The commission executes its mandate through the establishment of a National Action Plan which features effective complaint mechanism, enlightenment seminars, workshops, rallies and continuous reengineering of its strategies. Aside upholding human rights, it creates avenue for research and awareness on human rights issues in Nigeria. In post conflict situations, the commission advocates for the rights of vulnerable groups such as women, children and Internally Displaced Persons (IDP); call out defaulters; investigate abuses; establish dialogues and human rights centred negotiations; collaborations for effective post conflict performance; evaluate government's post conflict actions and policies and obtaining justice and reparation for victims of conflict.[59]

5.0 International Instruments condemning Human Rights Violations

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights which was adopted by the UN General Assembly on 10 December 1948 as a result of the experience of the Second World War. With the end of that war, and the creation of the United Nations, the international community vowed to never again allow atrocities like those of that conflict to happen again. World leaders decided to complement the United Nations (UN) Charter with a road map to guarantee the rights of every individual everywhere.[60] The drafters were representatives with different legal and cultural backgrounds from all regions of the world, it set out, for the first time, fundamental human rights to be universally protected.

The Declaration consists of a preamble and 30 articles, setting forth recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world; freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people; that human rights should be protected by the rule of law; that it is essential to promote the development of friendly relations between nations; reaffirmation of their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom; the promotion of universal respect for and observance of human rights and fundamental freedoms by member States.[61]

The UDHR emphasized that; all human beings are born free and equal in dignity and rights and they are endowed with reason and conscience and therefore should act towards one another in a spirit of brotherhood.[62] It stated further that, everyone is entitled to all the rights and freedoms set forth in this Declaration, without

[58] *Ibid* s.5(r).
[59] *Ibid* s.6(2)(a-e).
[60] Charter of the United Nations, art. 55 (c).
[61] Universal Declaration of Human Rights Preamble.
[62] *Ibid* art. 1.

distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty.[63] Most importantly as further expressed the declaration is that, everyone has the right to life, liberty and security of person.[64] And no one shall be held in slavery or servitude and slavery and the slave trade shall be prohibited in all their forms.[65] In fact no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.[66] Everyone has the right to recognition everywhere as a person before the law[67] and all are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.[68]

The development of codified human rights standards since the Second World War has been one of the great achievements of the international community. These standards have proved invaluable in determining measure that can safeguard human life with dignity. The UDHR is now truly universal, in the sense that almost every country is a member of its declaratory body.

5.1 Issues Arising from Violent Conflicts

Several actions and activities have been found to have always triggered violent conflicts. However, behind every issue of violent conflict in Nigeria are men, who grouped themselves as insurgents, pastoralists, and bandits among other violent groups. Thus factors that triggered conflicts ranges from insurgents' activities, armed banditry cataclysms, farmers/herders conflict, poverty and inequality between/among different groups, unemployment, ethnic diversities and differences, failure of the social contract, culture of impunity among the public officers, and activities of religious extremists. The oppression of people and the violation of their human rights can make people to be restless.

5.2 Insurgents' Activities

Insurgents and their activities are one of the major causes of violent conflict in Nigeria. The insurgencies in Nigeria have continued to grow in strength and complexity, as well as becoming a thorn in the side of Nigerians and Nigeria. The insurgencies in Nigeria include but are not limited to: the Movement for the Survival of Ogoni People (MOSOP), MASSOB, NDPVF, MEND, the Niger Delta Avengers (NDA), and BokoHaram.[69]

Out of the insurgent groups, Boko Haram remains dreadful and was designated a terrorist group by the United States in 2013. Boko Haram has carried out about 1,639 large scale acts of violent attacks in Nigeria,

[63] *Ibid* art. 2.
[64] *Ibid* art. 3.
[65] *Ibid* art. 4.
[66] *Ibid* art. 5.
[67] *Ibid* art. 6.
[68] *Ibid* art. 7.
[69] B I Okolo and A AAkubo, 'BokoHaram Insurgency in Nigeria: Implications for National Security and Restorative Justice' <https://www.accord.org.za/ajcr-issues/boko-haram-insurgency-in-nigeria/> accessed 19 November 2022.

with the death toll of about 14,436 people, 6,051 of which sustained various degrees of injury, with more than 2,063 hostages across the Northern parts of Nigeria.[70] Different reasons have been canvassed for the upsurge of insurgencies in Nigeria, which include inequality, or the wide gap between the elite and the masses; unfulfilled political and economic promises; high unemployment rate, poverty, injustices, human rights abuses; and poor service provisions, among other reasons. All of these issues lead to frustration and make people aggressive, consequently bringing about the floating of the insurgent's group which many people are driven to join for self-assistance and sustenance.[71]

5.3 Armed Banditry Cataclysms

The incessant cases of armed banditry have become a daunting challenge, particularly in Nigeria. It has also become a matter of concern to the public because of its recurrence, crime-tainted dimension, as well as the threat it poses to peace and security. The patterns of banditry in Nigeria can be categorized into four types: cattle rustling, village raid, highway robbery, and kidnapping.[72] Banditry activities have always resulted in violent conflict whenever the dastardly activities are being carried out, and this phenomenon has always led to the stealing of livestock; assaults, injuries, and deaths of people; destruction of properties; and large-scale displacement; as well as creating sustained fear in the heart of inhabitants. Within a spate of eight years, several casualties have been recorded, while several millions of Nigerian has been lost through bandits and banditry activities.[73]

5.4 Farmers-Herders Conflict

Violent conflicts between herders, also referred to as pastoralists, who are largely of Fulani ethnic extraction from Northern Nigeria, and local farmers in agrarian communities in the central and southern parts of Nigeria have taken a precarious turn in recent years. A new and more dangerous phase to the issue are the "new factors assumed to underpin conflicts, such as political, religious and ethnic drivers,"[74] which have continued to threaten the country's security and stability. In recent years, the herders' conflict against the farmers has become more coordinated and sophisticated. Given the incessant, offensive, and destructive attacks of the herders on their victims, the Global Terrorism Index (2015) has ranked the Fulani's herdsmen as a militant group. Not only this, but the Fulani's herdsmen also became the fourth most deadly terror sect in the world after the Boko Haram, ISIS, and al-Shabaab, in that order.[75]

The Fulani herdsmen are said to have murdered several thousands of people, especially in the central and the southern parts of the country. Herders recently have claimed far more lives than the Boko Haram insurgency, such that, in the first half of 2018 only, more than 1,300 casualties were recorded in the violence

[70] *ibid.*
[71] *Ibid*.
[72] Okoli and Ugwu (n437).
[73] *Ibid*.
[74] Erondu and Nwakanma (n436).
[75] Global Terrorism Index: Nigerian Fulani Militants Named as Fourth Deadliest Terror Group in World. (2015) <https://www.independent.co.uk/news/world/africa/global-terrorism-indexHatfield Graduate Journal ofa6739851 .html.> accessed 15September 2022.

involving herders and farmers, while hundreds of thousands are being displaced, a situation which has continued to sharpen ethnic, regional, and religious divides in Nigeria.[76]

5.5 Failure of the Social Contract

The high increase in violent conflict in Nigeria is also due to the failure of the social contract. A social contract is based on the relationship between the political structures and the betterment of the people. It is the coming together of people to form the political destiny of a nation, and the recognition of the effectiveness of freedom in determining social action.[77]According to the CFRN 1999, the Federal Republic of Nigeria shall be a State based on the principle of democracy and social justice.[78] As a result, ''sovereignty belongs to the people of Nigeria from whom government through the constitution derives all its powers and authority''.[79] This constitutional provision defines and establishes the social contract that exists between the Nigerian people and its representatives in government. The stability of society is grounded on the contract between the governed and the government. People accept the government as long as it provides the necessary services to them, while the contract can breakdown when the government fails in the provision of social services.[80] The CFRN 1999 stipulates that the security and welfare of the people shall be the primary purpose of government.[81] This is the center point of the social contract. It is the baseline through which the existence of the contract can be judged. Since the country became independent in 1960, it has not recorded a breakthrough in the area of rendering effective services to the people. This causes violent conflict as the deprived citizens on many occasions troop out to register their grievances, to which the government responds by sending security agents to quash the protests, a step which on several occasions aggravates rather than ameliorates the situation.[82]

5.6 Activities of the Religious Extremists

The CFRN 1999[83] and the African Charter on Human and People's Rights[84] guaranteed the right to freedom of association. These rights are also guaranteed under the International Covenant on Civil and Political Rights (ICCPR)[85] as well as the Universal Declaration of Human Rights (UDHR).[86] The violent conflict in major parts of the Northern Nigeria that claimed many lives of the citizen is based on religious intolerance. The CFRN 1999 clearly stated that: every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.[87]

[76] Olagbaju and Awosusi (n438).
[77] Falaiye and Okereagbe (n436).
[78]CFRN 1999 s. 14(1).
[79]*Ibid* s. 14 (2)(a).
[80]Falaiyeand Okereagbe (n436).
[81]CFRN 1999 s. 14 (2)(b).
[82]Falaiye and Okereagbe (n 436).
[83]CFRN 1999 s.40.
[84]ACHPR 1981 art.10.
[85] ICCPR 1966 art.22.
[86]UDHR 1948.
[87]CFRN 1999 s. 40 (1).

Although Islam and Christianity remain major religions in the country, the resentment between the two religions has become one of the major issues confronting the country. Ordinarily, religion is expected to be one of the key factors for the integration of diverse ethnic groups. However, in Nigeria, it has become a tool or weapon for fomenting trouble, as a result of "narrow-mindedness, misunderstanding, fundamentalism, and fanaticism of religious adherents."[88]

6.0 Implications of Violent Conflict for Nigerians and Nigeria's Development

It is not news that Nigeria from time to time is again afflicted with violent conflict. The issues that trigger violent conflict in Nigeria include political, ethnic, socioeconomic, and religion, among other issues. While violent conflict remains unabated, its implications on Nigerians and Nigeria's development are immeasurable and unquantifiable. Violent conflict is a precarious issue obstructing every phase of the development process in Nigeria. Its damaging effect on the economy, especially on the means of livelihoods of Nigerians, especially those who inhabit conflict-affected areas, is worrisome. Conflict is responsible for the low welfare of people, and consequently imposes costs on an individual's economic prospects,[89] such that, when one's health is declined, the cost of securing good health is already imposed.

Violent conflict in Nigeria has resulted in a large number of internally displaced persons. Unlike some nations of the world, where natural disasters have led to peoples' displacement, Nigerians are mostly being displaced by violent conflict. According to UNHCR, as of 2019, over 3.3 million Nigerians have been displaced in north-eastern Nigeria alone, not to mention other parts of the country.[90] Similarly, according to the Internally Displaced Monitoring Centre, a total of 2,583,000 people have been displaced internally in Nigeria, as of 31 December, 2019.[91] Most of the population at the Internally Displaced Persons' camps is women and children, while most of the women are widows and most of the children are orphans.[92] The widows and orphans at the IDPs' camp are abused, physically and mentally tortured, educationally abandoned, faced with socio-economic difficulties, and have no access to basic nourishment.[93]

Violent conflict also puts pressure on the health facilities and personnel. In Nigeria, whenever violent conflict occurs, it always results in casualties, both death and injury. It has brought serious burdens and emergencies to the health sector. The fact that the activities do lead to the destruction of health care facilities and infrastructure has further heightened the pressure on the health personnel, as it requires rationing of the remaining facilities and resources among the victims.[94] Violent conflict has always led to a situation where children are exposed to armed conflict either directly or indirectly. This can leave children injured or harmed, and the injury or harm sustained may persist across such children's lives and may even be

[88] OAfolabi (n446)
[89] Odozi and Oyelere (n42).
[90]UNHCR (n43).
[91]Internally Displaced (n44).
[92] Mohammed (n45)
[93] Badiora (n47).
[94]Badiora (n47).

transferred to subsequent generations given birth to after the conflict has ended.[95] Beyond this, health personnel are always at risk in the course of performing their daily activities during periods of violent conflict, as many of them on such occasion have met their untimely death.[96]

On businesses, a peaceful environment attracts both local and international investors, as nobody would want to engage or set up a business in a hostile environment. Conflict has led to a decrease in trade, investments, and production,[97] and has led to the relocation of businesses. Besides, the resources which would have been channelled toward building the infrastructural amenities for the betterment of Nigerians are frequently diverted to build the security system.[98] Thus, violent conflict has become a conduit pipe for draining the country's resources. Violent conflict also brings about disruptions to school activities. Violence and attacks against civilian populations and fear of fresh attacks are keeping teachers away from continuing their teaching-learning activities. This has forced many parents to stop sending their children to school, especially when school children are been kidnapped by the insurgent's group in the course of perpetrating their violent activities.

On the country's economic development, the violent conflict did not only impede the progress of economic development but has also brought about an increase in the level of poverty and negatively impacted the various sectors of the economy of Nigeria. Violent conflicts on many occasions have dealt a drastic blow to Nigeria and Nigerians by impeding their economic activities, *vis-à-vis* obstructed market and trading development, shattered the productive assets, thwarted investment, and restricted the trust between/among market actors.[99]

Violent conflict disrupts economic activities by creating fear in the minds of the people, which has led to the postponing of investments. It has also led to the breakdown of political institutions and weak enforcement of the law,[100] and as such, led to the destruction of business properties, loss of resources, and closing of businesses. All conflict activities and violent practices are detrimental to the general development of the country. It is only when there is peace that development can take place and that without peace no meaningful development can be achieved.[101]

7.0 Constitutional and Legal Guarantees on Human Rights Protection

In Nigeria, the CFRN 1999 provides that 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

[95] A Kadir and Others, 'Effects of Armed Conflict on Child Health and Development: A Systematic Review <https://www.ncbi.nlm.nih.gov/pubmed> accessed 20 September 2023.
[96] A Adegbami, 'Insecurity: A Threat to Human Existence and Economic Development in Nigeria' [2013] (3)(6) *Public Policy and Administration Research*, 8-13.
[97] International Monetary (n212)
[98] Nwagboso (n213)
[99] Mercy Corps' 'The Economic Costs of Conflict in Nigeria' <https://www.mercycorps.org/ research resources/ economic-costs-conflict-nigeria.> accessed 20 September 2023.
[100] Mueller and Tobias (n3).
[101] *Ibid.*

he has been found guilty in Nigeria[102]. Similarly, a person shall not be regarded as having been deprived of his life in contravention of the provision of the CFRN 1999, if he dies as a result of the use, to such extent and in such circumstance as are permitted by law, of such force as is reasonably necessary.[103] By the tenor of such provision, no Nigerian citizen or resident can be deprived of his life. The only apparent exception to such right to life under the CFRN 1999 is where a Court of competent jurisdiction has ordered a death sentence where an accused person has been found guilty in the case of an offence that attract capital punishment. The relationship between human rights as a class of rights is that it cuts across virtually all activities of the citizens whether it is the first generation of human right, second generation or even the more contemporary advocacy on socio-economic rights. These rights constitute an integral part of the day to day governance of the lives of the citizenry. The prevalence of terror attacks in the form of kidnapping, hostage taking and abductions and bombings all constitute violent violations of human rights.[104]For instance, in the following circumstances there are clear violations of human rights. When suicide bombers attack a market place or other public places like schools, hospitals, churches and mosques, such bombings kill the citizens, and such directly constitute gross violation of human rights which are contrary to the provisions of section 33 of the CFRN 1999 in its third amendment.

When terrorists, bandits and kidnappers abduct, torture, rape or starve young girls as in the case of Chibok and Dapchi girls abductions, it constitute a gross violation to their right of the dignity of the human person guaranteed under the CFRN 1999;[105] when they forcefully convert their abductees from their original religious faith to become Muslims as in the case of Leah Sharibu by the Boko Haram sect against her constitutional right to the freedom of thought, conscience and religion. When they are incarcerated in the illegal homes of the terrorists like in the notorious Sambisa forest or any other form of space or receptacles that deprive their abductees from their freedom of movement constitute a gross violation of their rights to personal liberty guaranteed by the CFRN 1999.[106] When they forcefully violate them sexually and marry them off forcefully, it amounts to a bridge of their rights to freedom of thought[107]and right to private and family life guaranteed by the CFRN 1999.[108]

The above examples are representatives of some of the several rights violated by unchecked and unbridled terror attacks on Nigerian citizens. It is indisputable that there are several more incidences of violations of human rights on account of religious extremism and terrorism.[109] Similarly the unprovoked killings and the destruction of communities by the Fulani militia and herdsmen group against farmers and arable land communities is a breach of fundamental right to life and right to live peaceably. The ethnic and religious violence which results to killings of persons of diverse ethnic groups and religious beliefs as in the case of

[102] CFRN 1999 s33(1).
[103]*Ibid*s s33(2).
[104] CFRN1999 s.33.
[105]*Ibid* s.34.
[106]*Ibid* s35.
[107] *ibid* s38.
[108]*Ibid*s s.37.
[109]E M Adam and Others, 'Civilization to the Dark Ages: Addressing Violation of Human Rights in Northeast Nigeria' [2019] (58) (3) *European Journal of Social Sciences*, 56.

Jos, Kaduna and other hotspots in Nigeria also is a breach of constitutional guarantees on right to life. Also the right to move freely is guaranteed under the CFRN 1999 [110] as such every Nigeria is entitled to move freely throughout Nigeria and to reside in any part of Nigeria. However the ethnic tensions and religious conflicts have hugely limited Nigerians from exercising this constitutional right.

All international and municipal human rights instruments are united in their proclamations of the right to life. The UDHR[111] and the ICCPR,[112] respectively provide that, everyone has the right to life, liberty and security of person, and that 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, and the right to life shall be protected from conception. States have an obligation to safeguard life. This will, for instance, entail taking appropriate steps to promote security, and to prevent murder and other crimes threatening life.[113] Similarly the African Charter on Human and Peoples' Rights (ACHPR) provides that Human beings 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 his right.[114]

7.0 Summary of Findings

a. Violent conflicts negatively impacts on the enjoyment and respect for human rights. Human rights abuses are largely occur in times of violent conflicts as this often leads to a state of lawlessness and chaos. As such rights of persons are highly infringed upon and violated owing to violent conflicts. The effects of violent conflict on human rights in Nigeria amongst others includes: dispossession of people of the necessities of life; displacement of people; losses of limb; and loss of life.
b. That violent conflict in Nigeria could not be dissociated from bad governance manifesting in inequality, injustice, unemployment, and poverty, among others.
c. That religious fanaticism and extremism has become a negative tool for radicalizing the people which in turn breeds ethnic and religious violence and contributes to the high rise of violent conflicts in Nigeria.
d. That violent conflict has led to the destruction of few infrastructural facilities in Nigeria; ruined many economic businesses; and chased away foreign investors.
e. Violent conflict brought about an increase in crime rates, and consequently an increase in security spending.
f. Violent conflict is a clog to national development, beyond this it is capable of jeopardizing the corporate existence of the nation.

8.0 Conclusion

Violent Conflict has negative consequences on human rights as well as the development of any nation. Going by the analysis of the social contract, the state exists to protect and provide for the needs of the people. It is shown that insurgents' activities, armed banditry cataclysms, farmers-herders conflict, poverty and inequality between/among different groups, unemployment, ethnic diversity and differences, failure of the social contract, a culture of impunity among the public officers, and activities of the religious extremists,

[110]CFRN 1999 s.41.
[111]UDHR 1948 art 3.
[112]ICCPR1966 art. 6.
[113] X v. Ireland, App. No. 6040/73, 44 CD 121 (Eur. Comm'n of H.R.) (1974).
[114]UDHR art. 4.

among other reasons, have induced violent conflict in Nigeria. In Nigeria today, a large number of people are living from hand to mouth and many people are hopeless, helpless, and hapless. The resultant effects are frustration and aggression, which have been leading to violent conflict year-in and year-out in Nigeria. Most of the youth population, who were at the center of all violent conflict in Nigeria, repeatedly joined the illicit activities to keep their bodies and souls together and put food on their tables. This article concluded that as long as inequality persists, and a large number of people living in poverty and penury continue to increase, the numbers of frustrated, aggrieved, and aggressive people will continue to rise, and as such, violent conflict will remain.

9.0 Recommendations

a. Restructuring of the Nigeria State

There is latent injustice in the current structure of the Nigerian federating units. There is a hypo-concentration of power at the centre which has a strong tendency for sidelining large rural populations with little or no access to social justice from the Nigeria's central governing apparatus. For governance to be effective, its impact must trickle down to the lowest social strata of the state, budgetary allocations that put about 65% of the federal budget in faraway Abuja, with a large and needlessly expensive paraphilia of governance, so little or not all get down in terms of social service to the level of the grass root. There is palpable disenchantment and disconnect between the local citizens and the all-powerful central government especially with the other 2 tiers of government been rendered fiscally ineffective and almost seen as appendages of the central government. Therefore, a restructuring of the federating system by way of decentralizing power to the federating units will directly turn such units into Centre of localized economic development and individual involvement.

b. The urgent need to address the issue of poverty and inequality

The government and other stakeholders in Nigeria's governance and administration should first address the issue of poverty and inequality. This can be achieved through quality governance, by putting in place committed, visionary leaders to man the affairs of the country. Similarly, the records of would-be leaders of the country must be properly vetted and scrutinized before they can be allowed to compete for coveted public offices.

c. Holistic Approach by Government in Enforcement of Human Rights

The agencies of the Federal/state and Local government of Nigeria should invigorate the regime of enforcement of human rights by proactive preventive measures against all sorts of violent conflicts such as ethnic violence, religious crisis, communal clashes and terrorism.

d. Less Involvement of the State in Religious Matters

The Nigerian Constitution on its 3rd amendment describes the Nigeria state as a secular state. Strangely despite such a constitutional provision, the central and some state government sponsor pilgrimage to Jerusalem, Mecca and Medina without an amendment of the Constitution. The government builds mosques and ecumenical worship centres at the airports, stadia, government houses and several governmental

institutions. These all amount to needless wastage of scarce resources which could have been effectively used to augment the deplorable socio-economic conditions of the very poor.

e. Prosecution on Institutions and Leaders spreading Extreme Religious and customary teachings

There is an urgent need for Government to prosecute individuals and bodies found to be propagating extremism on ground of ethnicity, religious or customary views. This will deter others from continuing to spread hatred and ethnic sentiments and fanatic in the minds of its followers.

f. Resource Control

The fear of marginalization has led to the call for resource control. Violent conflict in Nigeria can only be tackled if the obnoxious policy on resource control which vests all minerals in the hands of the centre while regions and communities where these minerals are found are abandoned with nothing. There must be restructuring of the Federalism currently in place in Nigeria. The people should control what they produce as this will reduce the nation - wide agitation for self-determination which has led to the violent conflicts in most regions of the country.