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Interrogating Nigeria's Governance Failure through the Prism of Insecurity

By Mike Opeyemi, Omilusi
Ekiti State University, Nigeria

Abstract- The minimum requirements of a social contract are supposed to be delivered by the State, especially one in which democracy and good governance hold sway. Nigeria has never had this; and certain social, political and economic indicators predispose scholars and observers to speculate that Nigeria is destined for classification as a failed state. It has, however, been affirmed that the primary justification for the state is its role as the guarantor of last resort of the personal safety, liberty and property of the citizen. A state that cannot or does not perform this function has no reason to exist. It can be arguably said that no other time since the civil war era has the Nigerian state been seriously engulfed in perennial security challenges that threaten the very foundation of the country than now.

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Interrogating Nigeria's Governance Failure through the Prism of Insecurity

Mike Opeyemi, Omilusi

Abstract- The minimum requirements of a social contract are supposed to be delivered by the State, especially one in which democracy and good governance hold sway. Nigeria has never had this; and certain social, political and economic indicators predispose scholars and observers to speculate that Nigeria is destined for classification as a failed state. It has, however, been affirmed that the primary justification for the state is its role as the guarantor of last resort of the personal safety, liberty and property of the citizen. A state that cannot or does not perform this function has no reason to exist. It can be arguably said that no other time since the civil war era has the Nigerian state been seriously engulfed in perennial security challenges that threaten the very foundation of the country than now. This essay discusses the trends, dimensions and manifestations of insecurity in Nigeria. It interrogates the Boko Haram terrorism in some parts of the country and how it largely reflects failure of governance in the polity.

I. Introduction

The modern state has become, among other things, a provider of goods and services, social insurer, wealth distributor, moral guardian, entrepreneur, keeper of the currency, banker, and economic planner. But it has been an abject failure in each of these roles (Ratnapala, 2006:9). Fuelled by the superpower rivalry that characterized the Cold War period, large portions of the developing world became engulfed in, and consumed by, protracted social conflict and societal warfare. As these societies emerge from years of intense societal conflict in the 1990s and early 2000s, they found their prospects for recovery challenged by their weakened state capacity, deeply divided societies, devastated economies, squandered resources, and traumatized populations (Marshall and Gurr, 2005:13).

Nigeria is not immune from this trend as it has witnessed a civil war and still battling a myriad of security challenges that incapacitate the central government. It is, however, an obvious fact that Nigeria is strategic to the African continent in particular and the entire world community in general. Expectedly therefore, emerging issues and developments concerning the country generate diverse interests across the globe. The reason is not far-fetched. As established by Ayoade (2008:vii), Nigeria is not just one country in Africa. It is also not just one country in the global setting. It is the most populous country in Africa as well as one of the best resource-endowed countries in the world. Its affairs are a concern to others continentally and globally. This is because, for whatever it is worth, in influential diplomatic circles, people believe that as Nigeria goes, so goes Africa". The Centre for Strategy and Technology (2011:2) in one of its occasional series, posits that: Nigeria's geographic and political position in Africa, its single-commodity and soon-to-be-top-20 oil-rich economy, extraordinarily complex demographics, culture of corruption, poor and failing national and human infrastructure, long history of dangerously destabilizing religious and ethnic violence, repeated and potential for future military coups d'état, endemic disease, and its growing importance to the global and US economy present researchers with a myriad of vexing and intractable problems and challenges.

II. Unpacking the Concept of Insecurity

The Penguin Dictionary of International Relations defines security as "a term which denotes the absence of threats to scarce values" (Evans and Newnham, 1998 cited in Malec, 2003). Fayeye (2010:195) defines security as the composition, structure and responsibilities of the security sector. It comprises also the personal and communal state of being secure from a wide range of critical and pervasive threats including but not limited to all forms violence, injustice and violation of human rights. The most accurate and most comprehensive definition of the term "security" is presented, however, in the Russian Federation Rules of Law related to security. Here the term security is defined as "defense of the vital interests of individuals, society, and state from internal and external threats" (ibid).

Security can be seen in two main aspects, internal and external. The internal aspect of security has two dimensions, the security of the people and the security of the state or the government. The security of the people is seen in terms of the satisfaction of the social, cultural, economic, political and human rights needs of the people. The security of the people is the only and best guarantee for the security of the government. The external aspect of insecurity relates to threats of armed invasion from outside the country. The UNDP developed the concept of 'human security' to encompass not just the achievement of minimal levels of material needs, but also the absence of severe threats to them of an economic or political kind: 'Job security,

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income security, health security, environmental security, security from crime – these are the emerging concerns of security all over the world'. In its fullest sense, Nzongola-Ntalaja (2007:96-97) contends, human security includes not only protection against criminal violence but also the promotion of the people's right to basic education, primary health care, water and sanitation, nutrition and reproductive health, as well as the implementation of preventive, relief and rehabilitation measures with respect to disasters, both natural and human made.

If we agree that "security is a state when there are no threats…," this automatically suggests that the opposite state, "insecurity," is identified by particular threats within this area of security (Malec, 2003). The manifestation of human insecurity can be mental, physical and procural. It is based on current agitations or the anticipation of future conditions and needs or both. In broad terms, security then is the basic condition of safety from harm and deprivation, which is applicable to a person, living things, an entity and inanimate objects (Kayode Are, http://www.lagoscountryclub.net/downloads/ PROJECTING % 20 NIGERIA's% 20Security.pdf). As noted by Stewart (2004:3) people may have the potential to do and be many things, yet this potential may be cut off, or people's sense of well-being may be seriously adversely affected with high levels of insecurity. Such insecurity includes the possibility of economic vicissitudes, health crises, and injury or death as a result of criminal or political violence. Sustained political violence may lead to the break-up of communities and families, forced migration and the need to re-establish lives in strange and alien environments, or even a suspended existence in refugee camps. There is no question that if such events are widespread, they have a serious negative impact on many people's lives, and therefore adversely affect the achievement of development.

The state, according to Okpaga et al (2012:80), exists fundamentally for the protection of life and property and ensuring the wellbeing of the citizens. As such, state-based institutions and agencies have responsibility for the security of the citizens. However, certain institutions and agencies are specifically charged with the responsibility for the security of life and property. They include the police, state security agencies, the military, immigration, and prison services. Insecurity refers to the breach of peace and security, whether historical, religious, ethno-regional, civil, social, economic and political that have contributed to recurring conflicts, (which Nigeria has witnessed over the years) resulting in wanton destruction and loss of life and property. Insecurity also manifests in political problems, which according to Bouchat (2010:84), include lack of stability or violence through frequent coups, civil wars and cross-border fighting, dominance of self-serving elites, inadequate citizen representation, and poor or counterproductive government policies.

III. Insecurity in Nigeria: Trends and Dimensions

Since 1999, Elaigwu (2011:213) contends that "an atmosphere of insecurity has enveloped the polity". Before now, the most serious security challenge, however, has been the intensification of the insurgency in the Niger Delta, an area viewed as increasingly lawless and unsafe, particularly for foreign nationals and Nigerians associated with the oil industry, government officials and security forces. (Commonwealth Observer Group, 2007:12-13). Though the amnesty programme of the Federal Government has stemmed the pace of insecurity in the area, cases of crude oil bunkering/theft by hoodlums have intensified while other parts of the country are engulfed in one security challenge or the other. According to the Catholic Bishops Conference of Nigeria, CBCN, (The Nation, 2012:5) Nigerians continue to live in fear and tension despite the acclaimed efforts to beef up security in the nation. Bombings and killings of innocent Nigerians continue in the northern part of the country while periodic murders and armed robberies continue in the southern part. Writing on the state of the nation with particular focus on security, Odunuga (2011) observes that "there are no safe havens anymore. Even fortresses like the Presidential Villa and the National Assembly have had to adopt desperate measures to stave off imminent attacks from the dreaded Boko Haram sect. And, of course, the outcome of that desperation is reflected in the humongous amount set aside to tackle security in the 2012 Budget".

It is observed by Hilker et al (2010) that states often fail to provide adequate security for citizens or undermine democratic governance through acts committed in the name of security calls into question top-down approaches to reducing violence. This ugly development has some implications. As noted in The Punch (2012:13) editorial, investors are wary of coming to a country where their lives and investments are not safe: Nigeria has been on a steady decline in the Global Peace Index. Out of 158 countries surveyed, the country was 117th in 2007, 129th in 2008 and 2009, 137th in 2010, 142nd in 2011 and 146th in 2012. Even a country like Chad is more peaceful than Nigeria. We are only better than such countries as Syria, Pakistan, North Korea, Iraq, Sudan, Congo Democratic Republic, Afghanistan, Libya, Israel, Russia and Somalia- pariah states or nations on war footing.

Nigeria has been perennially unstable due to ethnically and/or religiously motivated crises which have led to the loss of thousands of lives and billions of naira worth of properties. Although Panels are set up to investigate the causes of the crises, their recommendations are never implemented. The inaction

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by responsible authorities to punish the perpetrators of violence sends the signal that it pays to go on rampage. It often fuels fresh cycle of violence (Erinosho, 2012:36). The situation in this regard is both precarious in the rural as well as in the urban areas. Due to the armed and violent conflicts, social services and facilities are disrupted. As noted by Okolo (2009), what the current trend of violence is imprinting on the psyche of Nigerians is that the government security apparatus is incapable of guaranteeing the safety and security of people. This perception creates fear, limiting the people's ability to develop economically. It also limits the state's capacity to attract investors because the perception of insecurity is shared by outsiders. The number of avoidable deaths arising from these extra-judicial and other violent activities has been documented:

It may be correct to say that over 54,000 Nigerians have died outside the law since 1999. Vigilante killings account for at least 15,000 murders; ethno-religious and sectarian violence including Boko-Haram terror account for at least 16,000 criminal deaths; extra-judicial executions by Nigerian security forces led by the Nigeria Police account for at least 21,000 killings, which include Odi, Zaki-Biam and the Niger Delta (i.e. Gbaramatu invasion) massacres. Police killings or extra-judicial executions may have accounted for over 17,000 deaths. The election-related killings since 1999 may also have accounted for over 2,000 deaths. These figures did not include deaths arising from other man-made tragedies such as road accidents, flood menace and those killed by armed robbers including deaths arising from robbery gunshot injuries (Nigeria Daily News,2011).

IV. The Boko Haram Terrorism

Armed groups have increased their use of violent tactics over the past year in the form of kidnappings, battles with security forces, clashes with one another, and car bombs, which is a more recent tactic. Such groups are demonstrating increasingly sophisticated tactics and weaponry, raising concerns about future violence (Fisher-Thompson, 2007 cited in Hazen and Horner, 2007:18). Yet, by failing to take effective measures to stem the tide of violence, the Nigerian authorities have fostered a climate of impunity. They are creating conditions conducive to an escalation of violence (Amnesty International, 2011:6). As can be daily witnessed, such violence has reached a deadly level that glaringly reveals the incapacitation and helplessness of the Nigerian government, particularly with the bombing activities of the Boko Haram Sect. The paradox of Nigeria's security is that instead of the State being the framework of lawful order and the highest source of governing authority, it now constitutes the greatest threat to itself. Forest (2012:90) observes that while the violence in the south of Nigeria is mainly secular and driven by grievances associated with resources and environmental damage, the north has seen far more ethnic, tribal, and religious violence, often manipulated by politicians for political gain and profit-especially in areas where neither Muslims nor Christians are a clear majority. Resource scarcity and ethnic identity politics play a prominent role in the conflicts of this region.

The large number of young unemployed or under-employed graduates in Nigeria constitutes a risk to the security of the country. This situation portends a bleak future for the country because Nigeria is now creating an army of potentially restless, miserable, frustrated and violent young people with reasonable amount of education. This group can easily be mobilized to demand their social and economic rights. It can also become another tool of political violence just as the Boko Haram is to us today (Erinosho, 2012:36). Citing Human Right Watch Report, Leicher (2011) affirms that: although most people had not heard of Boko Haram before its bomb attack on the headquarters of the United Nations (UN) in Abuja in August 2011, the Islamic religious sect has operated in Nigeria for almost a decade since its establishment in 2002. Founded under the leadership of Mohammad Yusuf in Borno state, Boko Haram officially calls itself Jama'atul Alhul Sunnah Lidda'wati wal jihad, or 'people committed to the propagation of the prophet's teachings and jihad.' The Nigerian state allocated the name 'Boko Haram' to the group itself, which roughly translates into 'western education is sin' (ibid). The year 2009 represented a watershed in Boko Haram's history. Immediately following the public execution of its leader, the group launched an Islamic insurrection and began to carry out a series of bombings and assassinations across the Nigerian state.

The sect's membership cut across the broad spectrum of society, but a preponderant number of members came from its poorest groups. Thus, beyond former university lecturers, students, bankers, a former commissioner and other officers of Borno State, membership extended to drug addicts, vagabonds, and generally lawless people. Although the common denominator among all members was their desire to overthrow the secular government and to propagate Islamic law, the oratorical prowess of Yusuf arguably contributed to their mobilization and participation (Michael and Bwala 2009; Omipidan 2009a; cited in Adesoji, 2010:100). Oluwagbemi (2012) avers that Nigeria, with her sordid history of prevalent inter-ethnic suspicion, religious violence and extremism in the north and poor/illiterate population coupled with rising unemployment, dissatisfaction and clueless local and national leadership provides a fertile ground for the terror network.

The governments and the elite are unable to tackle Boko Haram that has morphed into a terrorist organization. Not only is the sect on rampage and the

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governments clueless, the problem has reached a point where the authorities are sadly and shamelessly pleading for dialogue. The government is desperate, and the people themselves are consumed by fear (The Nation, 2012:64). Because of the persistent wanton destruction of life and property, it is gradually turning into a permanent state of affairs in the region. In such a situation, more businesses close down, more people get displaced, and a major chunk of the nation's scarce resources is spent fighting the insurgency. The result is that poverty worsens, and those orchestrating the violence get more members from the population of frustrated Nigerians, and the result is a cycle of violence and poverty (The Nation, 2012:19).

Before 2009 when Boko Haram first forced itself bloodily into public consciousness, there was the Maitasine rebellion which the Obasanjo government succeeded in putting down, largely through the application of force. But the underlying problem that produced Maitasine in the North was not really addressed. Boko Haram is the direct successor of Maitasine. A report on global terrorism by the State Department of the United States (cited in Fafowora, 2012:64) showed that in 2011, 136 attacks were carried out in northern Nigeria by Boko Haram resulting in the death of 590 people. In terms of the global number of casualties in terrorist attacks, Nigeria was placed fifth, after Afghanistan (3,353), Iraq (3,063), Pakistan (2,033), and Somalia (1,103). It was reported that in 2011, there were some 978 terrorist attacks in Africa with Nigeria alone accounting for over 20 per cent. It has been argued that the causes of the sect's insurgency are rooted in socio-economic deprivation, politics, and private doctrinaire sectarian objectives.

While some analysts believe the group is divided into factions, others argue that Boko Haram has evolved into a cell-based organization that remains unified under Shekau's control. Complicating the matter are criminal gangs in the north, including political thugs that are suspected of committing crimes under the guise of Boko Haram. Despite Boko Haram's clandestine nature, the largely consistent pattern of attacks documented in the Human Rights Watch's (2012:11) report suggests a degree of coordination or organizational control within the group. Although there is no conclusive link with jihadist movements outside Nigeria, the modus operandi of the sect, fashioned after the Taliban in Afghanistan, has generated some curiosities. Given its large following and the claim that it had sent members to Afghanistan, Lebanon, Pakistan, Iraq, Mauritania and Algeria for training, it could be that the Boko Haram modeled itself after the Taliban simply to acknowledge its source of inspiration. It could also be that it was meant to attract sympathy and support from the Taliban or related groups. Viewed from another perspective, it could also be that the links actually exist but have not been conclusively proven (Adesoji, 2010:101). However, there are indications that members of the group have received weapons and training in bomb-making and other terrorist tactics from al-Qaeda affiliates in the north and/or east of the continent (Forest, 2012:2).

The Presidency has been, ridiculously, oscillating between the use of force and dialogue as an approach to combating the insurgency. However, the obviously adopted application of force has attracted human rights issues. International organisations, for instance, Human Rights Watch report (ThisDay, 2012), catalogues atrocities for which Boko Haram has claimed responsibility. It also explores the role of the Joint Task Force (JTF), whose alleged abuses, it said, contravened international human rights law and might also constitute crimes against humanity. According to it, government security forces have also engaged in numerous abuses, including extra-judicial killings. The unlawful killing by both Boko Haram and Nigerian security forces only grows worse.

Nigeria's government has responded with a heavy hand to Boko Haram's violence. In the name of ending the group's threat to citizens, security forces comprising military, police, and intelligence personnel, known as the Joint Military Task Force (JTF), have killed hundreds of Boko Haram suspects and random members of communities where attacks have occurred. According to witnesses, the JTF has engaged in excessive use of force, physical abuse, secret detentions, extortion, burning of houses, stealing money during raids, and extrajudicial killings of suspects. These killings, and clashes with the group, have raised the death toll of those killed by Boko Haram or security forces to more than 2,800 people since 2009 http://www.hrw.org/sites/default/files/reports/nigeria1012webwcover.pdf Boko Haram has repeatedly enunciated its objectives, which are to Islamise the northern part of the country, enforce the Sharia law and control territories. In one of its audacious taunts, the group that bombed the UN building and the Police Headquarters, both in Abuja, once told President Jonathan that only his conversion to Islam would bring an end to the insurgency (The Punch, 2013:18). To date, Boko Haram has used car bombs in fewer than a dozen attacks, but each of these has attracted tremendous attention and with the exception of the attack on Nigeria's Police Headquarters, has been extraordinarily deadly. In sum, Boko Haram was once viewed by authorities as a nuisance confined to the far northeast, attacking Christians with machetes and small arms. It has now become the most notorious armed group in Nigeria. It has expanded its attacks in terms of frequency, lethality, and range of targets. While armed assaults were the predominant mode of attack in 2009, the group has added suicide bombings to its arsenal, beginning with the attack against the Abuja police barracks on 16 June 2011. These developments indicate an increasing level

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of capability and sophistication (Forest, 2012:70). However, the group's ideology resonates for many reasons beyond religion. Socio-economic grievances include the huge gap between aspirations of Nigeria's youth and the opportunities provided by the system for achieving a better life. A swelling population amid economic despair creates an environment in which radical extremist ideologies can thrive.

Attempts by the Federal Government to engage the terrorist group in negotiation have been seen as a manifestation of capitulation. In its editorial, the Sunday Punch (2012:13) submits that: Only a failed or failing state negotiates with terrorists seeking to dismember the state. Going by the published agenda of Boko Haram, it is wrong to view its brand of terrorism like the Taliban of Afghanistan, the Basque separatists of Spain or even Palestinian radical groups. These are primarily violent dissident groups seeking independence for their homelands. Not so with Boko Haram which seeks the dismantling of the Nigerian State and the overthrow, by violence, of its constitution. The extremist group shares a perception that Western culture has polluted Islamic values and traditions and views violence as the natural and justified by-product of a cosmic struggle between good and evil. It has, therefore, made no secret of its rejection of the authority of the state and western education, and is bent on expelling Christians and mainstream Muslims that do not subscribe to its narrow, Salafist interpretation of Islam.

Yet, not much has been done by the Northern leaders-by way of intervention- to curb the menace. According to The Punch editorial (2013:16): "It is regretted that many northern leaders still refuse to face up to the implications of the mistake of allowing religious extremists get a foothold in the North. Rather than heed the warning, some northern leaders prefer to sit on a keg of gunpowder, offering tame and untenable excuses for the actions of terrorists, shielding them from arrest and prosecution, and some even allegedly funding them. They have refused to acknowledge the threat posed by Boko Haram as a terrorist organisation. That is why they call for dialogue with the group and falsely blame poverty for their actions. A problem that would have been nipped in the bud has been allowed to fester". The lack of a vibrant local press to articulate the desires and wants of the people who have been culturally conditioned not to question their leaders and who for years were satisfied with the crumbs from the tables of their leaders have all led to a complacency on the part of the leaders who have taken the people for granted (Osuntokun, 2013:21).

In a bid to constructively engage key members of Boko Haram and define a comprehensive and workable framework for resolving the crisis of insecurity in the country (Abati, 2013, http://saharareporters.com), President Jonathan appointed a commission to explore a possible "amnesty" programme for Boko Haram, but the insurgents have shown no interest in laying down their arms. Instead, they are increasingly using tactics associated with international jihadist groups, such as kidnapping and suicide bombs (Campbell, 2013). The sect has repeatedly rejected peace talks, citing the government's insincerity, following a series of failed mediated negotiations (Christian Science Monitor, 2013). In May 2013, the President, however, declared a state of emergency in three states- Borno, Adamawa and Yobe. More troops were deployed in these states with the mandate to take "all necessary action" to "put an end to the impunity of insurgents and terrorists".

V. Nature and Manifestation of Governance Failure

Nigeria's political development has always been punctured by governance crisis and corruption at all strata of the society. There is thus a disconnection between the governed and the government. As comprehensively enunciated by Alemika (2004:1-2): some manifestations of the crisis of the state and governance in the country are (a) inability to guarantee a basic minimum standard of living that accord with human dignity for the majority of the citizens…(b) lingering conditions of political instability, repression and violence; (c) widespread petty and grand corruption; (d) economic decline resulting in capacity under-utilisation, structural distortion.., huge debt burden; (e) very high unemployment rate, especially among young people .. (f) deterioration of socio-economic infrastructure…; (g) widening inequality among individuals and between rural and urban communities; (h) insecurity of life and property due to violent crimes and socio-political violence engendered by competition over resources, and (i) deterioration of the social services- particularly education and health care, which has been made worse by structural adjustment programmes implemented by successive governments since 1986. This situation of anomie has continued to give serious concern to many Nigerians as Kukah (2012:36) rhetorically puts it: how do we explain the fact that after over 50 years, we are unable to generate and distribute electricity, supply water to our people, reverse the ugly and avoidably high infant mortality, set up and run an effective educational system, agree on rules of engagement of getting into power, reverse the circle of violence that attends our elections, contain corruption, instil national discipline and create a more humane and caring society?

The culmination of these failures accounts for repeated poor performance of the country on the Global ranking. For instance, out of the 177 countries considered in the 2011 ranking by the Fund for Peace- an American independent non-profit research and educational organization- Nigeria was ranked 14th most failed state in the world. According to the 2011 result

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which is the seventh annual Failed State Index report, the country maintains the same position as that of 2010. Nigeria was 15th in 2009, 18th in 2008, 17th in 2007, 22nd in 2006, 54th in 2005, which means that its 14th position assumes its worst stagnant status since 2007. The fall from 2005 to 2006 was sharp, while it has since then been maintaining the margin of one of the most failed in the world, having a status of being better than just eight other countries (Vanguard, 2011, see also http://en.wikipedia.org/wiki/Failed_state).

The 2012 Failed State Index ranked Nigeria as the 14th most troubled state. Also, in the 2012 Global Peace Index, published by the Institute of Economics and Peace, Nigeria was ranked 146th out of the 158 countries, signifying a decline in peace and stability in the country particularly in the last five years (The Punch, 2012). The ranking evaluates, among other things, the risk of renewed fighting, the resurgence of political instability and terrorist threats http://www. rescuechristians.org / 2012 / 06 / 26 africa -global-peace index-top-10-most-d. Nigeria is also ranked the 6th most dangerous African country. The latest ranking came on the heels of Federal Government's insistence that Nigeria was safe for investment, despite incessant bomb attacks that had killed many people, especially in the North. Fawole's (2012) submission is very pertinent here:

Any government that derogates from this fundamental responsibility (securing lives and property) would soon become irrelevant and obsolescent, as citizens may be forced to resort to self-help for their safety and security, and watch the country descend into Thomas Hobbes' conception of the state of nature where life is nasty, brutish and short. If the government fails to live up to its responsibilities as the domestic security situation demands, Nigeria risks going down the road travelled by the likes of Rwanda, Sudan, and Somalia. Lest we forget, almost a million Tutsis and moderate Hutus were callously slaughtered in Rwanda in 1994 in an orchestrated bloodbath; Sudan had the longest and bloodiest civil war in Africa between the Muslim North and the Christian and Animist South, resulting in the independence of the new Republic of South Sudan last year; an unrelenting bloodbath and ethnic cleansing is still raging in the Darfur region of Sudan; and Somalia which nearly vanished off the global map in the 1990s is today a hellish enclave of warlords, bandits, murderers and pirates.

The abortion of the Nigerian possibility has been long signposted by the total institutional collapse, festering corruption, barefaced fraud, incandescent ethnic and religious violence and ineptitude, total collapse of the value system and entrenchment of official roguery. Nigeria has remained a clay-footed giant, stuttering from one fall to another despite her enormous endowments (Nwakwo, The Guardian, 2012). According to the Minister of Information, Labaran Maku (The Nation, December 14, 2012), "Boko Haram, high-profile kidnapping, corruption, oil subsidy scandal, ethnic and religious strife, negative politics and politicking are some of the issues that smear the country's image at home and abroad". Kidnapping for ransom, especially in the southern states of the country, has become a lucrative business for criminally-minded young men, who seem to be avoiding the high risk involved in armed robbery. For this class of young men, kidnapping has become a multi-billion naira business, where victims are freely targeted, with scant regard for age or social status (The Punch, May 24, 2013). As a matter of fact, Nigeria is now ranked among such countries as Haiti, Iraq, Afghanistan, Chechyna, Philippines, Columbia, Brazil, Venezuela and Mexico as kidnap havens, and is said to have moved up to the third position, behind Mexico and Columbia since 2007. Victims have changed from being predominantly foreign oil workers to Nigerians, including parents, grandparents, toddlers and about anyone who has a relative that could be blackmailed into coughing out a ransom (The Nation, May 21, 2013).

It is said that the nature and character of the state and of its operators, actors and agencies determine the trajectory and quality of governance. Where and when there are negative turning points in the sequences of the use of power and authority, the nation experiences alienation and instability, and sometimes it experiences extreme trouble and grave danger (Oyovbaire, 2007). Thus, as observed by Natufe (2006) "Nigeria is experiencing a fundamental crisis in governance". This perversion of governance flows from Nigeria's corrupt society, culture, and pre-colonial history. It also inflames growing ethnic nationalism across the country (CSAT, 2011:22). Although citizens regularly carry out their voting obligations, their concerns are often not reflected or their rights protected by elected officials in policy-making and governance decisions. The states' failure to respond to citizens' needs despite economic growth has created disillusionment with democracy.

VI. Concluding Remarks

Achieving greater security requires a heightened focus on how insecurity affects the lives and prospects of poor people. Ayoob, 1991 (cited in Sachs, 2003) observes that security strategy has often been focused on external threats in the past, and more specifically external military threats (which, therefore, require a military response). Yet, the nature of future conflicts may require that those concerned with preserving the state's monopoly on force look beyond such traditional categories as "material capabilities and the use and control of military force by states" (Katzenstein, 1996 cited in Sachs, 2003). Instead, planners must address problems such as "environmental pollution, depletion of the ozone layer,

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[global] warming, and massive migrations of unwanted refugees" (Holsti, cited in Sachs, 2003). This submission, no doubt, is aptly applicable to Nigeria today given its level of security challenges. According to Kayode Are (See http://www.lagoscountryclub.net/downloads/PROJECTING%20NIGERIA's%20Security.pdf), Nigeria has a future which is tied to her security. That future depends on events which have shaped her history and are responsible for the present. The linkage of security to the future is predicated on the consequence of coping or not coping with current challenges. The repercussion of security failure can be grave, which then means that security deserves priority attention.

With regard to the Boko Haram menace, it has been observed that terrorism demands painstaking surveillance and forensic intelligence gathering. Experts have always advocated a shift of emphasis from naked force to effective intelligence-gathering since the terrorists are not sitting targets but people who blend easily with the local population. Defeating them requires a ready and trained operational force. This is the preferred strategy globally. Since the Americans were taken unawares during the 9/11 attacks of 2001, for instance, no such terrorist attacks have succeeded again. The same goes for Britain. On a regular basis, terrorists are apprehended in these two countries before they have the chance to carry out their deadly acts. That should be the approach in Nigeria (The Punch, 2013:18).

It has been rightly observed by the UNDP (2012:29) that "the exclusion of key segments of society from political processes often lies at the heart of grievances that, when unaddressed, can incite violence and ultimately undermine collective action". Participatory governance should, therefore, be encouraged in Nigeria to give room for a sense of belonging among the citizens regardless of class status, political affiliation or social background. It is not a good omen for a segment of the populace to feel neglected and inconsequential.

However, beyond the specificities mentioned here, this essay strongly recommends, in a very holistic approach, good governance, as a panacea for Nigeria's security challenges. Though governance is all-encompassing, some of its major attributes will surface in our discussion. Good governance, according to Hamdok (2001:2), presupposes the existence of effective domestic institutions. While the latter are generally few, those that exist are bound to address complex agency problems. What makes government institutions particularly complex is the hierarchical nature of the political power structures, each level being at once a principal and an agent. Good governance is the process where public institutions conducts public affairs manage public resources and guarantee the realization of human rights in a manner essentially free of abuse and corruption and with due regard for the rule of law. The basic tenets of good governance is the degree to which it delivers the dividends of democracy: provision of quality education, potable water, provision of employment , safe guard of fundamental human rights, cultural enhancement, provision of good economic atmosphere for development, and political and social rights (Abdullahi, 2012:1).

The quality of a country's rule of law and access to justice speaks volumes about how a society processes and resolves conflict, armed or otherwise. Despite experiencing different levels of fragility, a functioning law and justice system is essential for protecting civilians, maintaining social order, establishing predictable norms and rules, protecting private property, and ensuring clear proscription and sanctions (UNDP, 2012:56). It has been noted that governance institutions should be efficient and effective in carrying out their functions, responsive to the needs of people, facilitative and enabling rather than controlling, and operate according to the rule of law. These institutions should be tolerant of diverse perspectives, provide equitable access to opportunities and be service-oriented (http:magnet.undp.org/Docs/!UN98-).

Good governance and political will are required to support human development in terms of health and education, legal rights for private enterprise and political freedoms, and the construction and maintenance of a basic physical infrastructure. Such good governance also enhances other economic endeavours (Bouchat 2010:79). This notion is emphasised by Kayode Are (http://www.lagoscountryclub.net/downloads/PROJECTING%20NIGERIA's%20Security.pdf): An appropriate infrastructure for governance, law enforcement, surveillance and protective service delivery creates the conducive environment for the projection of security. It begins with the basic issue of governance. History shows that there is correlation between the willingness of citizens to obey rules or bear the pains of economic or social adjustment dictated by public policy, and the level of trust they have in those who govern them. Good governance depends on good laws and effective instruments of enforcement.

True federalism, devolution of powers and genuine unity founded on respect for minority and opposition rights in a true democratic fashion has been advocated as a panacea against a full blown balkanization come 2015 or beyond (Oluwagbemi, 2012). Also, tackling the problems of corruption, the assurance of good governance and the institutionalization and consolidation of democracy are the instruments likely to douse the volatile situation we now have in the country (Yaqub, 2007:27). As noted by Asiodu (2012:21), the degradation in the quality of governance and unresponsiveness to the real needs of the people seem to be accelerating and must be

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reversed in order to avoid disaster. He argues that what the ordinary man desires is shelter, food, educational facilities to ensure his children's advancement in life and of course adequate and improving availability of power, health and transportation infrastructure. The ordinary man is really not interested in the power struggles among politicians.

It can be said that Nigeria is at the crossroads; it is tottering between integration and disintegration. The forces of the two phenomena are more or less equally matched. It requires an enlightened leadership to swing the pendulum in the direction of stability and cohesiveness of the polity (Yaqub, 2007:32). The essence of this essay, therefore, is to contribute to knowledge just as affirmed by Marshall (2008:21) "that gaining a more succinct understanding of the(se) sequential problems…will enable policymakers and scholars to design better policies of conflict and crisis management so that we can, collectively and effectively, engage in war by other means. In doing so, this better understanding of the global system, its complexities, and its conflict processes will also help in distinguishing between political violence and war (driven by grievance) and organized crime and political predation (driven by greed)".

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From Fry Pan to Fire or from Fire to Fry Pan: a Comparative Critique of Competency of A Child Witness in Nigeria

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Abstract- This paper takes a comparative critique of the Nigerian Evidence Acts 2004 and its 2011 counterpart. Specifically, the paper seeks to tackle the question whether the controversial issues raised against the provisions on competency of a child witness under the 2004 Act have been resolved or they are still rearing their ugly heads under the 2011Act. In tackling this question, the paper relies on the two Evidence Acts as the major statutes. Other domestic legislation of Nigeria relevant for consideration, include the Children and Young Persons Act, the Criminal Procedure Act, the Child Rights Act and the Constitution of Nigeria, (as amended). At the international plane, the Convention on the Rights of the Child, Convention on the Elimination of Discrimination against Women, the African Charter on the Rights and Welfare of the Child and the Protocol on the Rights of Women in Africa are relevant.

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From Fry Pan to Fire or from Fire to Fry Pan: a Comparative Critique of Competency of A Child Witness in Nigeria

Timothy F. Yerima

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I. Introduction

The role of the courts in the administration of justice cannot be undermined. Courts have special responsibility to preserve and enforce the moral pillars upon which our society is built. The judicial powers are vested in the courts but the courts themselves are only vehicles driven by human beings – the judges/magistrates. That is why Lopes L.J., in *Royal Aquarian v. Parkinson*[1], said: "It (the word 'judicial') may refer to the discharge of duties exercisable by a judge or justices in court, or to administer justices, which need not be performed in court, but in respect of which it is necessary to bring to bear a judicial mind …". Judicial power, therefore, is the authority vested in courts and exercisable by judges to hear and decide cases and to make binding judgments on them.[2] Emeritus Professor Ijalaye had once passed the message that "… judicial independence endows the judge with the virtue and power by which he gives every man that comes before him what is due. The judge is expected to do justice to all and sundry." [3]

A judge plays the role of unbias umpires. He does not only see that the rules and procedures of court are kept but also takes forensic examination of the strength of the evidence given by the parties and witnesses in a matter, so that at the end of the trial he pronounces who wins the case. [4] That is why the role of a judge in the administration of justice is comparable with that of "referees at boxing contests." [5]

But a judge cannot perform his adjudicatory role without the testimonies of witnesses given in court or outside the court in certain circumstances. A witness is a person who testifies from the witness box; a person who has direct knowledge of any relevant fact in issue irrespective of his relationship with the party. [6] Evidence of a witness is the common mechanism used for proof. Oral proceedings and the use of witness in proving or disproving cases are the key features of the adversary system. [7] But the first crucial issue is whether the witness is competent to testify. This question becomes imperative because if a witness is not competent to give evidence in the first place, he cannot do magic to give evidence; as doing so will be legally an exercise in futility. But if a person is competent to give evidence, then the second question comes to the fore for determination: that is whether the competent witness can be compelled to give evidence.

Over the years, the provisions of the Nigeria's Evidence Act, 2004, [8]on the competence of child have generated some controversies. It becomes imperative to determine whether these issues have been resolved

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[2] T.F. Yerima, 2005, "Safeguarding Rule of Law in Nigeria's Nascent Democracy: The Role of Judiciary," Fountain Quarterly Law Journal, Vol. 2, No. 2, at 27.
[3] D.A. Ijalaye, 1992, "Justice as Administered by the Nigerian Courts," being a paper delivered at the Idigbe Memorial Lecture Series Five, at 3.
[4] Taiwo Osipitan, 2007, "Competence and Compellability of Witness", in A. Babalola (ed.) *Law and Practice of Evidence in Nigeria,* Ibadan: Sibon Books Ltd, at 379. See also Aondover Kaka'an, 2008, " Case Management and Quick Dispensation of Justice," *Frontiers of Nigerian Law Journal,* Vol. II No. 2, at 435-436.
[5] Osipitan, *Ibid.*
[6] *Ikye v. Iorumbor* (2002) 11 NWLR (pt. 777), 52 at 77.
[7] Osipitan, *supra,* note 4.
[8] Cap. 112 LFN, 2004.

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under the Evidence Act, 2011[9]or they are still rearing their ugly heads under the new Evidence Act. This is the crux of this paper. But before delving into the main intricacies, it is gratifyingly crucial to clear some fogs which may hitherto becloud our understanding of this topic.

II. Meaning of Competency and Compellability of Witness

The terms "competence" and "compellability" of witness, roll together, deals with the rules regulating competence of witness and the circumstances under which such competent witness can be compelled to testify. In the definition of *Cross on Evidence:*[10] "A witness is competent if he may lawfully be called to give evidence." To Tracy Aquino: "Competence is the legal test of an individual's ability to testify as a witness in court. Compellability ensures that a potential witness can be forced to testify, even though he may be reluctant or unwilling to do so." [11] In *Black's Law Dictionary* [12] competence is also explicitly defined as a "basic or minimal ability to do something, especially to testify"; and the word "compellable" is regarded as "capable of or subject to being compelled, especially to testify." Thus, a competent witness is a person who can lawfully be called to give evidence. He is a person who is "fit, proper and qualified to give evidence", to borrow the sentiment of Professor Osipitan (SAN).[13] Distilled from the foregoing definitions is that in certain cases a person may be competent to give evidence and may also be compelled to enter the witness box to testify. But in other cases, a person may be competent to give evidence but cannot be compelled to give evidence.

One point is also germane from the foregoing definitions: any person that is compelled to give evidence must be a competent witness. It depicts that every compellable witness is a competent witness but not every competent witness is a compellable witness. Consequently, it will be an exercise in futility for a court to compel a person who is not competent to testify in court or any place directed by the court. This is predicated on the notions that "the law does nothing in vein nor does it attempt the impossible." The maxims are: *lex nil frusta facit* and *lex non legit ad impossibilia* respectively. [14]

Our law makes it glaring that certain persons by virtue of their position(s) cannot be compelled to give evidence in court even if they are competent to do so. These include: President, Vice President, Governor, Deputy Governor,[15] accused person[16] *et cetera.* Consequently, if a person is not exempted by law to give evidence, he is a compellable witness; and his refusal to give evidence amounts to contempt of court that attracts punishment.

III. A Brief Historical Survey

History has revealed that at the early stage of common law, children were disqualified from testifying. The question of whether they were intelligent and could give intelligent testimonies was not considered. It was felt that children were not naturally intelligent and, therefore, not capable of understanding what they could testify or the nature and implication of giving evidence on oath. The nature of the oath at the early stages of common law was stated in *R v. Hayes:* [17]

> …it was firmly believed that lying on oath would send the perjurer to hell. Oath taking occupied a significant place in the religious and every day existence of the people at that time that no one would die on oath. But with the passage of time, civilization and the advancement of society led to a decline in religious instructions, young children became more unlikely to understanding the religious implication of oath taking.

However, the Eighteenth Century witnessed a change of perception. The reliance on age was dropped. The court concentrated on the children's ability to understand the nature and consequences of an oath. *R. v. Braisier,*[18] is one of the cases that gave preference to intelligence to the age of the child. The court stated, *inter alia,* that*:* "There is no precise or fixed rule as to the time within which infants are excluded from giving evidence but their admissibility depends upon the sense and reason they entertain of the danger in impiety

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[9] This Act repeals the Evidence Act, Cap. E14, Laws of the Federation of Nigeria, and enacts a new Evidence Act, 2011 which applies to all judicial proceedings in or before Courts in Nigeria.

[10] R. Cross and C. Tapper (eds.), 1995, *Cross on Evidence, 8th* edn. (London: Butterworths, at 224.

[11] T. Acquino, 2000, *Essential Evidence,* 2nd edn., Cavendish Publishing, at 205.

[12] B.A Garner (ed.), 2009, *Black's Law Dictionary*, 9th edn., United States of America: Thomson Business, at 322 and 321.

[13] Osipitan, *supra,* note 4, at 381.

[14] D.A. Ijalaye, "Specific Rules of Evidence in Criminal Justice Administration in Nigeria" in Akin Ibidapo-Obe & T.F. Yerima (eds.) *Law, Justice and Good Governance* (Ado-Ekiti: PETOA CO. Nig. Ltd., 2005), at 37.

[15] See Sections 308 of the 1999 Constitution, (as amended). See also the cases of: *Rotimi & Others v. Mcgregor* (1974) NSCC Vol. 9, at 542; *Obih v. Mbakwe* (1984) SC NLR 192; *Tinubu v. I.M.B. Securities Ltd.* (2001) 16 NWLR (Pt. 740); *Fawehinmi v. Inspector-General of Police* (2002) 7 NWLR (Pt. 767); *Alamieyeseigha v. Yelwa* (2001) 9 W.R.N. 94; *Chief Victor Olabisi Onabanjo v. Concord Press of Nigeria* (1981) 2 NCLR 399; *Alliance For Democracy v. Peter Ayodele Fayose & 4 Ors.* CA/IL/EP/GOVS3/03. See also T.F Yerima, 2005, "Balancing Equality before the Law and Executive Immunity in the Nigerian Fledging Democracy: An Imperative", *Legal Thoughts : Ondo State Law Journal* Vol. 1, No. 2, at 1-34.

[16] Section 36(11) of the 1999 Constitution (as amended) provides that: "No person who is tried for a criminal offence shall be compelled to give evidence at the trial". See O. Enemaku, 2012, "The Concept of Crime and the Human Rights of an Accused Person under the Nigerian Criminal Justice Administration", *Human Rights Review. An Int'l Human Rights Journ.* Vol. 3, at 302.

[17] (1971) 1 WLR 234.

[18] (1979) 1 Leach, 199.

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of falsehood which is to be collected from their answers to questions propounded to them by the court."

Again, in the 19th Century, there was a legislative intervention to permit the admission of unsworn evidence of a child as long as the evidence was corroborated by other material evidence. [19] Even in the late 20th Century, Lord McLachlin J. in *R v. W (R)*, pointed out explicitly: [20]

> The law affecting the evidence of children has undergone two major changes in recent years. The first is the removal of the notion found at common law and codified in legislation that evidence of children was inherently unreliable and therefore to be treated with caution… Second, the repeal of the provisions creating a legal requirement that children's evidence be corroborated… revokes the assumption formerly applied to all evidence of children often unjustly, that children's evidence is always less reliable than evidence of adults.

The passing of the Children and Young Persons Act, 1933, also saw another development in the law of a child witness. Under section 38(1), in any criminal case, a child of tender years, who did not understand the nature of an oath, might give unsworn evidence "if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understand the duty of speaking the truth."

However, because of the danger of convicting accused on the uncorroborated evidence of a child, section 38(1) contained a *proviso* requiring that there should be corroborative evidence implicating the accused. This article will review that this was the position under the 2004 Act of Nigeria, but it has been dropped under the 2011 Act. The basis of this provision is the "unreliability of witnesses of tender years" or "because of the obvious danger of accepting such unsworn evidence," [21] or "to ensure that no person is liable to be convicted solely on unsworn testimony." [22] Thus, in *R v. Manser,*[23] it was clearly stated that the unsworn evidence of a child given under section 38(1) "was not to be accepted as evidence at all" unless it was corroborated by a sworn evidence. In *R v. Campbell*, [24] the point was made clear that as a matter of law, the unsworn evidence of one child might corroborate the sworn evidence of another child and vice versa; but a particular careful warning should be given in such a case of the danger of acting on the evidence of children.

It was also stated that as a matter of practice both in civil and criminal cases, even if the child witness gave evidence on oath or the witness was an adult, the court might deem it desirable and necessary to give a corroborative warning. This was predicated on the tacit fact that: "Although, children may be less likely to be acting from improper motives than adults, they are more susceptible to the influence of third persons, and might allow their imaginations to run away with them". [25]

IV. Competency of a Child Witness Under the Evidence Act 2004

The competence of a child witness in Nigeria was governed by the general rule provided under the Evidence Act 2004 that "all persons" (including a children), were competent to give evidence. To this general rule, the section provided further that unless, the court considered that they were prevented from understanding the questions put to them or from giving rationale answers to those questions, by reason of tender years, extreme old age, disease, *et cetera*. [26] Under the Act, there was always a presumption that a child, among other category of persons, was competent to testify, unless the child was incapable of understanding the questions put to him or that he could not give rationale answers to those questions. As the Supreme Court stated in *Onyegbo v. The State*, [27] "when the judge sits alone, he is undoubtly the person whose opinion is relevant." This is buttressed by the use of the phrase "unless the Court considers," in section 155 of the Evidence Act, 2004.

Under the 2004 Act, courts embarked on putting preliminary questions that might not necessarily be connected with the matter before it; and if the child did not understand the questions or gave rationale answers to the questions he would be regarded as an incompetent witness; he would not enter the witness box to give evidence. The incompetency of the child to testify might not necessarily be due to his immaturity or on account of his age; it might be as a result of his "mental infirmity."If from the court's judgment the child answered the questions correctly he would be considered a competent witness; he was neither affected by his "tender years", "disease" or "infirmity."

Having passed the first test, the court would adopt the second test to determine the understanding of the child of the nature of an oath. The second test was adopted to satisfy the requirement of section 180 of the 2004 Act to the effect that "… all oral evidence given in any proceedings must be upon oath or affirmation administered in accordance with the provisions of the

[19] A.O. Enabulele, 2006, "Beyond Sufficient Intelligence & the Ritual of Oath Taking: A Liberalized Approach to the Evidence of a Child", *Ahmadu Bello University Journal of Private & Comparative Law,* Vol. 1, No. 2, at 140.
[20] (1992) 2 SCR 122.
[21] Cross & Tapper, *supra* note 10, at 211.
[22] See *Director of Public Prosecution v. Hester* (1973) A.C. 296, per Lord Viscount Dil horne.
[23] (1934) 25 Cr. App. R.18;
[24] (1956) Q.B. 432.
[25] Cross & Tapper, *supra* note 10, at 224 relying on *R. v. Dossi* (1918) 13 Cr. App. Rep. 158 at 161.
[26] See S. 155 of the Evidence Act 2004 and S. 175 of the Evidence Act, 2011.
[27] (1995) 4 NWLR (pt. 391), at 510.

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oath Act."[28] In the view of Olatawura J.S.C (as he then),[29] section 182 of the Evidence Act appeared to be mandatory to avoid a miscarriage of justice; adding that any witness, whether an adult or a child, who had no regard for truth should not be believed. It would be dangerous to convict on the evidence of such a witness. Section 180 was applied strictly in civil proceedings; its application did not extend to the provisions of section 183 of the same Evidence Act, dealing with the admission of evidence of a child not given on oath in criminal cases. This is one of the sharp distinctions between the 2004 Act and its 2011 counterpart.

The court satisfied the second test by asking the child questions pertaining to the nature and implication of an oath. Questions are directed to such matters as the consequences of telling lies on oath, why people should speak the truth, *et cetera*. [30] Words such as as God, Bible, Church, Holy, Jesus, *Allah*, Mosque, Prophet Mohammed, Qur'an, were used, depending on the religious background of the child.

It is crucial to state that the two tests were required in both civil and criminal proceedings and irrespective of the child's age. The consequence, therefore, was that if the child did not satisfy the first requirement, he was not competent to give evidence both in civil and criminal proceedings. If, on the other hand, he passed the first test but failed the second test, he would give evidence in criminal cases, not in civil cases because the rule in civil cases was strict. The 2004 Act itself did not provide exception where a child witness could give unsworn evidence in civil cases. It was only in criminal proceedings that the Act provided exceptions to the rule that oral evidence must be given on oath or affirmation in accordance with the Oath Act.

Fedelis Nwadialo had observed that if a child did not understand the essence of an oath, he could not properly swear to it and without so swearing he could not testify. The second condition, according to him, involved a higher level of understanding and "generally if it is satisfied, the first is also impliedly satisfied." [31] It is agued that Nwadialo's submission could be accepted only to the extent that it did not apply to evidence of a child witness in civil cases. First, under the 2004 Act; particularly in criminal cases, the fact that the witness did not comprehend the essence of an oath and, consequently, could not swear on it did not mean that he could not testify; he could testify but not on oath, "if in the opinion of the court, such child was possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth".

It is also doubtful if justice could be done in criminal proceedings, if judges had gone straight to apply the second test. "If it is satisfied", Nwadialo concluded; "the first is also impliedly satisfied". This would mean conversely that if it was not satisfied, the first was also impliedly not satisfied. This procedure, it is submitted, would have occasioned a miscarriage of justice because by virtue of section 183(1) of the 2004 Act, the court would still receive the evidence of a child witness who did not satisfy the second requirement; but such evidence must not be given on oath since his understanding of the nature and implication of giving evidence on oath was defective.

It is, however, interested to point out that Nwadialo wondered how a judge would form an opinion about the child's capacity to comprehend the essence of an oath without making an inquiry first to that effect. [32] In any case, it is convincing to adopt the summary of a learnt expert on the Law of Evidence that section 183(1) applied only to criminal proceedings where a child was to give evidence; and where the child, in the opinion of the court, did not understand the nature of an oath. [33]

V. The Requirement of Corroboration in Evidence of a Child Witness

I. *Meaning and Nature of Corroboration*

Corroboration is an exception to the general rule that no specific number of witnesses is required for the proof of facts. It means that the "court can act on the evidence of a single witness if that witness can be believed…truth is not discovered by a majority vote." [34] However, both the Evidence Acts 2004 and 2011 provide for cases in which the evidence of a single witness, no matter how cogent, cannot be accepted by the court. In those cases the evidence must be corroborated. In some other cases, even if the law does not require corroboration, it is necessary and corroboration is required as a matter of practice.

Although, the Acts require corroborative evidence in some cases, they do not define corroboration. Text writers have laid down that a piece of evidence which confirms, reinforces or supports another piece of evidence of the same fact is a corroboration of that other one. It is the act of supporting or strengthening a statement of a witness by fresh

[28] S. 182 Evidence Act 2004 & S. 209(1) Evidence Act 2011. See *Kowa v. Musa* (2006) NWLR (Pt. 972), at 35.
[29] Olatawura JSC (as he then was) in *Sambo v. The State* (1993) 6 NWLR (pt. 300) at 422.
[30] Fedelis Nwadialo, 1999, *Modern Nigerian Law of Evidence,* 2nd edn., Lagos: Univ. of Lagos Press, at 470-471.
[31] *Ibid,* 468.
[32] *Ibid,* 473.
[33] Joash Amupitan, 1998, "Child-Witness in Judicial Proceedings", *Uni Jos Current Journal,* Vol. 4, No. 4, at 128-129.
[34] *Onafowokan v. The State.* (1987) 2 NSCC 1099 at 1111, per Oputa JSC. This is a Common Law principle in *Director of Public Prosecution v. Hester, supra, note, 22*, that has been incorporated in the Nigerian Evidence Act that: "Except as provided in this section, no particular number of witnesses shall in any case be required for the proof of any fact". See S. 179(1) Evidence Act 2004.

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evidence of another witness.[35] "Corroboration does not mean that the witness corroborating must use the exact or very like words, unless the maker involves some arithmetic."[36] Corroboration is the confirmation, ratification or validity of existing evidence from another independent witness or witnesses. In *DPP v. Hester,* [37] Lord Morris of Borth- Gest passed the message that: "The purpose of corroboration is not to give validity or credence which is deficient or suspect or incredible…Corroborative evidence will only fill its role if it is completely credible" Both evidence to be corroborated and the corroborating evidence must be accepted by the court or tribunal. In criminal cases, the corroborative evidence must be independent and capable of implicating the accused in relation to the offence charged. That the corroborative evidence must be independent means that the evidence must come from a different person or source other than the witness such evidence tends to support;[38] and there must be no any likelihood or possibility of collusion between the two evidences. In fact, "the corroboration need not be direct evidence that the accused committed the crime. It is sufficient if it is merely circumstantial evidence of his connection with the crime."[39]

II. *Corroboration Required by Law in Unsworn Evidence of a Child Under the Evidence Act, 2004*

It is important to reiterate that under the Evidence Act 2004, the legal basis for admitting the unsworn evidence of a child in criminal cases is the provision of section 183(1) of the Evidence Act. The provision is *pari materia* with section 38(1) of the Children and Young Persons Act, 1933, which allowed a child to give unsworn evidence in criminal proceedings, provided the child was of sufficient intelligence and understood the duty of speaking the truth.

However, due to the obvious danger of convicting an accused on the unsworn evidence of a child, section 38(1) required corroborative evidence implicating the accused. This *proviso* was incorporated almost *verbatim* into section 183(3) of the Evidence Act, 2004. The legal consequence was that the court could not rely on the unsworn evidence of a child given for the prosecution to convict the accused unless the evidence was supported by independent evidence implicating the accused. It means "such unsworn evidence is inferior in its probative value hence it has to be corroborated by some other material evidence."[40] In *Director of Public Prosecution v. Hester*,[41] the words "other material evidence", was defined as "evidence admitted otherwise than by virtue of section 38."

The basis for the requirement of corroboration in the unsworn evidence of a child under the Act was to ensure that no person was liable to conviction solely on the unsworn testimony of a child. But the independent evidence must be sworn evidence. It has long been recognized by legal authorities that the unsworn evidence of a child cannot corroborate the unsworn evidence of another child. In *Igbine v. The State*,[42] the court said: "The evidence of the victim (Pw3) was damning against the appellant. Going by her evidence, it was the appellant who had nasty indecent assault on her. The evidence of her brother (Pw2), a child under 14 years of age cannot, however, corroborate her own evidence as both gave unsworn evidence."

Also, as a matter of law, the unsworn evidence of one child might corroborate the sworn evidence of another child but the judge has to warn himself of the danger of acting on such evidence. This was the dictum in *R v. Campbel.* [43]

It is noteworthy that where the court receives the unsworn evidence of a child and the latter willfully gives false evidence which would have made him guilty of perjury if the evidence had been given on oath, the child would be liable for the offence under section 191 of the Criminal Code, dealing with false statements in Statements required to be under oath or solemn declaration – and if guilty would be liable to imprisonment for seven years. The 2004 Act only mentioned section 191 of the Criminal Code, though there is the corresponding offence in section 158(1) of the Penal Code. It is pointed out that this anomaly is still *rearing its ugly head* in the Evidence Act, 2011.

III. *Corroboration Required as a Matter of Practice in Sworn Evidence of a Child*

Since section 183 of the Evidence Act, 2004, applied only to unsworn evidence of a child in criminal proceedings, it meant that if a child satisfied the requirement of section 155 and understood the nature and implication of an oath as required by section 180 of the Evidence Act, he could give sworn evidence. Such evidence did not require the application of section 183 because the section was aimed at a child who did not understand the nature of an oath. There was nothing under the Evidence Act, 2004, that said sworn evidence of a child must be corroborated. Over the years, however, courts have held that in practice the judge must warn himself of the danger of convicting an accused based on the uncorroborative evidence of a

[35] Nwadialo, *supra* note 30, at 431. See also S.T. Tar Hon, 2006, *Law of Evidence in Nigeria: Substance and Procedural,* Port- Harcourt: Pearl Publishers, , at 587.
[36] *Dagayya v. The State.* (2006) 7 NWLR (pt. 980) at 667.
[37] *Supra* note 22. See also *Director of Public Prosecution v. Kilbourne* (1973) AC 729 at 745, per Lord Haisham.
[38] *Ukershima v. State* (2003) FWLR (pt. 137) 1117 C.A.
[39] Y.H. Rao & Y.R. Rao (eds.), 2011, *Criminal Trial- Fundamentals & Evidentiary Aspects,* 4th edn., Haryana, India: LexisNexis Butterworths, , at 815. See also Tar Hon, *supra,* note 35 at 587.
40 Enabulele, *supra* note 19, at 142.
41 *Supra* note 22.
42 (1997) NWLR (pt. 519) 101.
43 (1956) QB 432.

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sworn child. In *Omosivbe v. Commissioner of Police*, [44]the court passed the message, *inter alia,* that: "The evidence of a child tender on oath does not require corroboration; although if uncorroborated, it is customary to warn jury or, in the case of a judge sitting as a judge to warn himself, not to convict on such evidence of a child except after weighing it with extreme care."

The necessity of such warning had long been stated that children are more susceptible to the influence of third persons, and may allow their imaginations to run away with them. [45] It is within the discretion of the judge to warn himself of the danger of acting on the un-corroborative evidence of a child to convict an accused. That the warning was not given an appellate court could not quash a conviction of the accused solely on that ground except it was shown clearly that there was a miscarriage of justice.

However, since section 183 of the Evidence Act did not apply to civil cases, it meant that the relevant provisions that determined the competence of a child witness in civil cases were sections 155 and 180 of the 2004 Act. It meant also that in civil cases, if a child did not understand the nature and implication of an oath, he was not a competent witness in civil proceedings. The child's unsworn evidence would not be admissible and if wrongly admitted, any order of court based on such unsworn evidence would be quashed on appeal. [46]

VI. The Innovations or Otherwise Made by the Evidence Act, 2011- *from Fry Pan to Fire* or *from Fire to Fry Pan*

a) *Admissibility of Unsworn Evidence of a Child below the Age of 14 Years*

As far as competence of a child witness is concerned, section 155 of the Evidence Act, 2004 is *pari materia* with section 175 of the Evidence Act 2011 that deals with the first test of a child's competency. It means under both Acts, even a lunatic is competent to testify, unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them. There is always competency, in fact, unless the Court considers otherwise. However, the Evidence Act, 2011 has brought some innovations regarding the admissibility of unsworn evidence of a child and the requirement of corroboration. For the purpose of comparison, it is necessary to reproduce section 209 of the Evidence Act *verbatim:*

1. In *any proceeding* in which a child who has not attained the age of 14 years is tendered as a witness, such child *shall not be sworn* and shall give evidence otherwise than on oath or affirmation, if in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of his evidence and understand the duty of speaking the truth.
2. A child who has attained the age of 14 years shall, subject to sections 175 and 208 of this Act, give sworn evidence in all cases.

A comparison of section 183 and section 209 of the Evidence Act 2004 and 2009 respectively, no doubt, reveals that while the former dealt with the evidence of unsworn child in criminal cases, the latter distinguishes between competence of a child below the age of 14 years and that of a child who has attained the age of 14 years in both civil and criminal proceedings. This is a sharp distinction between the two Evidence Acts. While section 183 was restricted to criminal cases, section 209(1) applies to both civil and criminal cases. Consequently, under the Evidence Act, 2011, unlike its 2004 counterpart, a child who has not attained the age of 14 years is not competent to give sworn evidence.

The legal implication of the provision of section 209(1) is that where a child below the age of 14 years is called as a witness in either civil or criminal proceedings, the court is only required to adopt the first test to satisfy the provision of section 175 of the Evidence Act, 2011, *pari materia* with section 155 of its 2004 counterpart; and if the child passes the test, he can give unsworn evidence, "provided in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of his evidence and understands the duty of speaking the truth". This provision under the Evidence Act 2004 only applied to criminal proceedings. The 2004 Act was applied strictly in civil proceedings to the effect that the child witness, either below the age of 14 years or above the age of 14 years, must understand the questions put to him and giving rationale answers to those questions and the nature of an oath. The criticism of this provision under the 2004 Act emanated from the question whether a child who is statutorily disqualified from giving evidence on oath be required to "possess of sufficient intelligence to justify the reception of his evidence and understand the duty of speaking the truth." The phrase is still *rearing its ugly heads* under the 2011 Act.

It is also gratifying to point out that under section 160 of the Child Rights Act, 2003:

1. In any proceedings, whether civil or criminal, the evidence of a child may be given unsworn
2. A deposition of a child's sworn evidence shall be taken for the purpose of any proceedings, whether civil or criminal, as if that evidence had been given on oath.

It is submitted that, while the foregoing provisions conflicted with section 183 (1) of the Evidence Act, 2004, which restricted the admissibility of unsworn evidence of a child to criminal proceedings, the

[44] (1959) WRNLR 207.
[45] See Cross and Tapper, *supra* note 10, relying on *R.v. Dossi, supra* note 25.
[46] Nwadialo, *supra* note 30, at 471. See also *Robberts v. Baker* (1954) CLY 242 DC.

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conflict has now been resolved by the use of the words: "in any proceedings" in section 209 (1) of the Evidence Act, 2011, thereby allowing the unsworn evidence of a child in civil proceedings to be given.

However, section 209 (2) makes it explicit that a child who has attained the age of 14 years shall give sworn evidence in both civil and criminal proceedings. The Act makes this provision subject to the provisions of sections 175 and 208 of the same Act. This means:

i. Even for a child, who has attained the age of 14 years to give sworn evidence, he must understand the questions put to him or give rationale answers to those questions and also understand the nature of an oath.
ii. The court may discard with the requirement of administering evidence on oath if it is of the opinion that taking of any oath whatsoever according to the religious belief of the child witness is unlawful or because of lack of religious believe, the court is of the opinion that the child witness ought not to give evidence upon oath.

There was no similar provision under the 2004 Act. It is an exceptional innovation brought by the 2011 Act.

b) The Requirement of Corroboration

Section 209(3) of the Evidence Act 2011, dealing with the requirement of corroboration of unsworn evidence of a child is another provision that brings a remarkable confusion to the evidence of a child witness in Nigeria. The sub- section provides:

(3) A person shall not be liable to be convicted for an offence unless the testimony admitted by virtue of subsection (1) of this section and given on behalf of the prosecution is corroborated by some other material evidence in support of such testimony implicating the defendant.

Although, section 209 (1) of the same Evidence Act, 2011 applies to both civil and criminal proceedings, section 209 (3) applies to only criminal proceedings. The combined legal consequences of the two provisions are:

i. Although, under section 209(1) of the Evidence Act, a child, who has not attained the age of 14 years, can give unsworn evidence, it is only in criminal cases that such unsworn evidence requires corroborative evidence implicating the accused (defendant). There is nothing under the provision of section 209(3) to show that the unsworn evidence of a child below the age of 14 years in civil cases require corroboration.
ii. Even in criminal cases, there is nothing under section 209 or any other provision to show that the unsworn evidence of a child, who has attained the age of 14 years, require corroborative evidence implicating the accused person. On the contrary, under its 2004 counterpart, unsworn evidence of a child of whatever age required corroborative evidence in criminal proceedings, implicating the accused person.

It seems the foregoing innovation made by the Evidence Act, 2011, is an incorporation of the view of some scholars in Nigeria. For example, Professor Amupitan had once felt that: "… in order to remove the controversy created by the need for preliminary inquiry or not, a person of 14 years and above should be treated like an adult who could give sworn evidence in the court while a person below the age of 14 years should be considered as a child whose evidence requires special treatment."[47] While the new Evidence Act was pattered along the suggestion of Professor Amupitan, the legislature limited the exception (special treatment) to only criminal cases, thereby compounding the criteria for determining the competence of a child witness in civil cases.

c) Problem of Definition of a 'Child' or 'a Person of Tender Years'

It is expedient to reiterate that section 155 and 175 of the Evidence Acts, 2004 and 2011 respectively, do not use the word "child"; they use the words: "a person of tender years". Section 183 and 209 of the two Evidence Acts respectively use the word "child". It, therefore, depicts that as far as criminal proceedings are concerned the first thing to determine in the application of section 209 is whether the person is a child or a person of tender years. It was expected that the new Evidence Act, would clear the fogs by defining the phrase "a person of tender years" and or "a child," but to no avail. With such lacuna in our Evidence Act, the meaning of a child or a person of tender years, continue to generate tension. According to a commentator:

The omission by the Evidence Act to define who is a child might be deliberate. This is because until lately most jurisdictions did not bother to define who is a child. It is rather left for the court in each particular case to determine whether a person is a child or not. This is to give room for flexibility and to allow each child witness to be treated in accordance with their intellectual abilities and background. [48]

Long before the Children and Young Persons Act was passed in 1933, there was "no precise or fixed rule as to the time within which infants were excluded from giving evidence." Even many years after the passing of the 1933 Act, English Court of Appeal did not only realize the danger of fixing a particular age but also condemned such idea. In *R v. Braisier,*[49] the court frowned against fixing a particular time and age within which infants are excluded from giving evidence…; and in *R. v. Z,*[50] the English Court of Appeal, did not only

[47] Amupitan, *supra* note 33, at 128.
[48] *Ibid,* at 126.
[49] *Supra* note 18.
[50] (1990) 3 W.L.R. 113.

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warn itself of the danger of fixing a particular age but also condemned the idea of a fixed age below which a judge may not find the competency requirement satisfying.

Also in the old American case of *George L. Wheeler v. U.S.,*[51] Justice Brewer declared that there is no precise age which determines the competency of a witness, adding that: "This depends on the capacity and intelligence of the child, his appreciation of the difference between truth and falsehood, as well as of his duty to tell the former…."

In Nigeria, the Supreme Court in *Onyegbo v. State,*[52] relying on its earlier decision in *Okoyo v. The State,*[53] stated, *inter alia,* that "competency to testify is not a matter of age but of understanding and if a child understands the nature of an oath, the provision of section 183 of the Evidence Act becomes irrelevant." The Nigerian Law Reform Commission had reviewed the omission of fixing a particular age of a child concluding that it was dangerous to do so.[54]

Sometimes the word "child" is used interchangeably with the words, "juvenile", "minor" "infant" *et cetera.* Each of these words has been used in different legislation and the age fixed also differs depending on what the statute is aimed to achieve. A commentator, for example, had pointed out that "…under the Electoral Law in Nigeria, the legal age of majority to vote is 18 years, the age limit of acquiring a driving licence under the Traffic Law is 16 years and that of entering into contract agreement is 21 years under the Infant Relief Act, 1874." [55]

Black's Law Dictionary,[56] defines a juvenile as:"A young person who has not yet attained the age at which he or she should be treated as an adult. Section 2 of the Children and Young Persons Act, applicable in the Federal Capital Territory, Abuja, defines a child as "a person under the age of 14 years." The same definition is contained in section 2 of the Children and Young Persons Law of Lagos State, some State Laws of Nigeria[57] and the Children and Young Persons (Harmful Publications) Law.[58] It is glaring in these laws that a child is different from a young person. While the former has been defined as a person under the age of 14 years, the latter is defined as a person who has attained the age of 14 years but under the age of 18 years.[59]

Another procedural law that clearly brings out the definition of a child is the Criminal Procedure Act (CPA), [60] applicable in Southern States of Nigeria. The Act defines a child in section 2(1) as any person who has not attained the age of 14 years. The Criminal Procedure Code (CPC), [61] which is the equivalent of the CPA, applicable in Northern States of Nigeria, omitted the definition of a child. The Penal Code,[62] only pinned down the capacity of a child to criminal liability to 12 years without defining a "child".[63]

Some human rights instruments that Nigeria is signatory have also defined the word "child". The Convention on the Rights of the Child, says "for the purposes of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier."[64]

The African Charter on the Rights and Welfare of the Child, adopted the definition of a child under the UN Convention on the Rights of the Child but excludes the phrase: "unless under the law applicable to the child,…"[65] It is gratifying to say that the foregoing definition has been adopted in Nigeria under the Child Rights Act, 2003 with additional definition of "age of majority" to mean"the age at which a person attains the age of eighteen years."[66]

In the absence of definition of a child under the Evidence Act, over the years, courts have beamed their light in search of the fixed age of a child for the purpose of giving evidence in court. The first case that attempted to revolve the controversy is *Asoguo Eyo Okon & 2 Ors. v. The State,*[67] where the only eye witness to the case was a person under 14 years. Justice Nnaemaka Agu J.S.C (as he then was) adopted and applied the definition of a child in section 2(1) of the Criminal Procedure Act – that is "any person who has not attained the age of 14 years". The Court reasoned that in criminal cases the Criminal Procedure Act and the Evidence Act should not be read in isolation but in *pari pasu* and considered as cognate legislation. His

[51] (1895) 159 U. S. 523.

[52] *Supra* 27. See also *Solola v. The State* (2006). All FWLR (pt. 269) 1751, where the Supreme Court of Nigeria had earlier held that competence to testify is not a matter of age but of intellectual capacity, hence, all persons, by virtue of section 155(1) of the Evidence Act (2004) (now section 175) of the Evidence Act, irrespective of age, are competent witnesses, provided they have the intelligence to understand the questions put to them.

[53] (1972) ANLR 938 at 945.

[54] Amupitan, *supra,* note 33.

[55] *Ibid.* at 127.

[56] Garner, *supra* note 12, at 945.

[56] Garner, supra note 12, at 945.

[57] Laws of Anambra State of Nigeria (Revised edn.), 2000, S. 2.; Children & Young Persons, Cap. 29, The Laws of Kwara State of Nig., Laws of the Kwara State of Nigeria, Vol. 1, 1994; Cap. 34, S. 2.

[58] Laws of Lagos State 2004, Cap. C11.

[59] See for example, Section 2 of the Children & Young Persons' Law.

[60] Laws of the Federation, Cap. C41, 2004.

[61] Laws of the Federation, Cap. C42, 2004.

[62] The Penal Code CAP. 89 Laws of The Northern Nigeria, 1959. Some provisions of this law are contained in the Penal Code (Northern States) Federal Provision Act, CAP. P3, Vol. 13, 2004.

[63] *Ibid.* S. 50 provides: "No act is an offence which is done: (a) by a child under seven years of age; or (b) by a child above seven years of age but under twelve years of age who has not attained sufficient maturity of understanding to judge the nature and consequence of such act.

[64] Child Rights Convention, Art. 1.

[65] African Child rights Charter, Art. 2.

[66] Child Rights Act, S. 277.

[67] (1988) ALL NLR178.

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Lordship did not distinguish between a child and a "person of tender years." It was expected that the 2011 Evidence Act, would over come the anomaly or resolve the controversy but section 175 of the Act, *pari materia* with section 155 of its 2004 counterpart, still uses the words "tender years."

It seems that where a statute under consideration defines the word "child," the court would adopt that definition. For example, if the case involves violation of human rights and a provision of the Child Rights Act, 2003 is in controversy, the definition of a child would mean: "a person under the age of eighteen years."[68] Due to the controversies emanated from the definition of a child or a person of tender years, judicial authorities had shown that age did not really matter; the most important question was whether the child possesses the capacity of understanding the questions and giving rationale answers to them.[69] It is reiterated that the foregoing principles are no longer good Laws in Nigeria in view of the provisions of section 209 (1) of the Evidence Act, 2011 that distinguishes between competence of a child below the age of 14 years and that of a child who has attained the age of 14 years.

VII. Summary of Comparison and Observations

This are paper revealed that the Nigerian Evidence Act, 2011 does not change the provisions of section 155 of the Evidence Act, 2004, because section 175 of the new Act incorporates verbatim the wordings of section 155 of its 2004 counterpart. The new Evidence Act, therefore, still leaves the problem of definition of a child and a person of tender years in controversy.

However, the 2011 Act has brought substantial innovations to the provisions of section 183 of the Evidence Act, 2004 on the admissibility of unsworn evidence of a child witness. While this provision was restricted to evidence of a child in criminal proceedings under the Evidence Act 2004, section 209 of the Evidence Act 2011, applies to both civil and criminal proceedings.

Section 209 (1) is restricted to the evidence of a child who has not attained the age of 14 years. Under the Evidence Act, 2004, such a child could be sworn as a witness provided he understood the nature of an oath. The 2011 Act disqualifies such a child completely from giving sworn evidence; whether or not he understands the nature of an oath. The legal implication of this is that under the new Act, it would be an exercise in futility for the court to adopt the second test to determine whether or not a child, who has not attained the age of 14 years, is competent to give evidence on oath.

Again, while under section 183 of the Evidence Act, 2004, it was not clear whether court must adopt the second test to determine whether a child of whatever age is competent to give sworn evidence, the 2011 Act, having disqualified a child below the age of 14 years from giving sworn evidence, allows a child who has attained the age of 14 years to give sworn evidence in both civil and criminal proceedings. The question whether a court needs to adopt the second test to determine the competence of a child to give sworn evidence is still a controversial issue to be determined by case law.

The most innovative provision under the 2011 Act is section 209(3) dealing with the requirement of corroboration. The 2004 act allowed admissibility of unsworn evidence of a child in criminal proceedings only; and went ahead to require corroboration of the evidence against the accused to secure his conviction. While the 2011 Act allows a child to give unsworn evidence in both civil and criminal proceedings, the Act restricts the requirement of corroboration to criminal proceedings; leaving the requirement in civil proceedings to an open controversy.

Section 209 of the Evidence Act 2011 has resolved the conflict between the Child Rights Act 2003 and the Evidence Act 2004. The Child Rights Act allows the admission of unsworn evidence of a child in both criminal and civil proceedings. The Evidence Act 2004 did not allow the admissibility of unsworn evidence in civil proceedings. This conflict has been resolved by the introduction of the words: "In any proceedings…" under the 2011 Act.

VIII. Conclusion and Recommendations

From the foregoing summary of comparison of the two Evidence Acts, it is glaring that while the Evidence Act 2011 has brought some positive innovations to the 2004 Act, some of the innovations have further compounded the issue of competence and compellability of a child witness.

Again, the controversial question on the definition of a *child* or a *person of tender years* has not been resolved under the new Act. It is our position in this paper that unless the problems are tackled and the controversies resolved, it may be difficult to answer the question whether the innovations made by the new Evidence Act is a movement from *fry pan to fire or from fire to fry pan.* It is against this backdrop that the following recommendations are proffered in this work for a way forward:

A. It should not be in all cases that a child who has not attained the age of 14 years should be disqualified from giving evidence on oath. Where, therefore, a judge is of the opinion that a child below the age of 14 years is competent to give evidence on oath, the court should adopt the second test; and if the child

[68] See Child Rights Act, s. Art. 2.
[69] See for example, Solola v. The State, (supra), note 52.

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passes it, he (the child) should be allowed to give evidence on oath. Section 209 (1) should, at the tail end, include the phrase: *This provision does not apply to cases where the judge is of the opinion that a child, who has not attained the age of 14 years, understands the nature of an oath.*

Conversely, where in the opinion of the judge, a child who has attained the age of 14 years, is not competent to give sworn evidence after passing the first test, the court should adopt the second test to ascertain his competency or otherwise. It is, therefore, suggested that section 209 (2) of the 2011 Act, should be redrafted to include the following words at the tail end: *This provision does not apply to cases where the judge is of the opinion that a child, who has attained the age of 14 years, does not understand the nature of an oath.*

B. The requirement of corroboration should extend to civil proceedings also. Therefore, section 209(3) of the 2011 Act should be amended to read as follows: "A person shall not be liable to be convicted for an offence or *liable for civil wrong* unless…"[70]
C. Although, section 209(2) of the 2011 Act, which allows a child that has attained the age of 14 years to give sworn evidence does not require corroboration, it is suggested that, as a matter of practice, courts should always warn themselves of the danger of convicting an accused person or making the plaintiff liable for civil wrong in such cases without corroboration.
D. Despite the controversy in the definition of a child, each case should be treated on its merit. Where the law under consideration gives the definition of a child, that provision should be read subordinate to the provision of section 209 of the Evidence Act 2011, so that there will be a general definition and a specific definition of a child. It is hoped that if these steps are taken, the law relating to competency of a child witness in Nigeria will be meaningful.

[70] Words in italics are the new words recommended to be introduced in to s. 209 (3) of the Evidence Act, 2011.

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Corruption Identified as a Major Determinant of the Rule of Law in the Emerging Nigerian Democracy

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Abstract- Corruption is a universal crime that pervades every human society. The "inseparable" relationship between mankind and corruption is akin to that of a goat and a yam. The distasteful and unpleasant practice that entails the use of entrusted powers for private gain compromises justice; impedes the rule of law and act antithetically to good governance. Though, corruption is a universal social vice, it has of recent acquired an inglorious reputation in Nigeria since the commencement of our present democratic experiment1. Only recently, Transparency International, the global corruption watchdog released its 2011 report wherein it ranked Nigeria as the 35th most corrupt nation in the world.

Keywords: corruption, transparency, watchdog, dependency-relation, gift-giving, automation, ethnic-loyalty, best practices, agency cooperation, bilateral/ multilateral cooperation and reporting regime.

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Corruption Identified as a Major Determinant of the Rule of Law in the Emerging Nigerian Democracy

E.A. Odike

Abstract- Corruption is a universal crime that pervades every human society. The "inseparable" relationship between mankind and corruption is akin to that of a goat and a yam. The distasteful and unpleasant practice that entails the use of entrusted powers for private gain compromises justice; impedes the rule of law and act antithetically to good governance. Though, corruption is a universal social vice, it has of recent acquired an inglorious reputation in Nigeria since the commencement of our present democratic experiment[1]. Only recently, Transparency International, the global corruption watchdog released its 2011 report wherein it ranked Nigeria as the 35th most corrupt nation in the world. This unenviable record needs redemption because, corruption is not a way of life, or a passing phase that Nigerians should indulge in; rather, it should be recognized as a problem that demand an urgent attention and resolution because of its attendant negative consequences on the rule of law. This article seeks to briefly explain the term corruption with a view to showing how it determines the rule of law. At the end, the article provides useful solutions as to how corruption can be curbed or brought, to the barest minimum in Nigeria.

Keywords: corruption, transparency, watchdog, dependency-relation, gift-giving, automation, ethnic-loyalty, best practices, agency cooperation, bilateral/ multilateral cooperation and reporting regime.

I. Introduction

Corruption as a social disease, vice or crime is not difficult to recognized when observed faithfully. Accordingly, Okonkwo C.O. observed that,

…to corrupt in the present context is to deflect, or to sway someone from a proper performance of his duty…it can also encompass bribery, extortion and other forms of official malpractices[2].

In the words of Lateef Adegbite

The word "corruption" is susceptible to varying definitions. Depending on the sense which it is used, it could denote moral deterioration, depravity, perversion of integrity by bribery or favour. In widest sense… corruption connotes the perversion of anything from an original state of priority; a kind of infliction or inflicted condition[3].

Comprehensively, Oyeyipo T.A. viewed corruption broadly as

The abuse of office for private gain or misuse of office for unofficial ends. In this perspective, corrupt acts include bribery and extortion which necessarily involves at least two parties, influence peddling, nepotism and fraud, use of "speed money", embezzlement, misappropriation of public assets, illegal use of public assets for private gains, over or under valuing or falsification of any other trade-related documents, inflation of contracts, payment of salaries and wages to non-existent ("ghost") workers, abuse and misuse of the legal process, illegal custody of public records or documents and hoarding of valuable public information[4].

Section 2 of the Independent Corrupt Practices and other Related Offences Act simply states that, "Corruption includes bribery, fraud and other related offences"[5]. On the other hand, section 115(c)(i) of the Penal Code[6], provide that,

> Whoever being or expecting to be a public servant accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification whatever, whether pecuniary or otherwise other than lawful remuneration, as a motive or reward…shall be punished with imprisonment for a term which may extend to seven years or with fine or with both.

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[1] The present democratic experiment in Nigeria started on 29th May, 1999

[2] C.O. Okonkwo, "Legal and Institutional Mechanisms Against Corruption in Nigeria", in I.A. Ayua and B. Owasanonye (eds.), Problems of Corruption in Nigeria, (Lagos: Nigeria Institute of Advanced Legal Studies) pp.274-275

[3] L. Adegbite, "Towards the Evolution of a Corrupt-Free Society: The Role and Duties of Citizenry" in B. Ajibola et al (eds.), Perspectives on Corruption and other Economic Crimes in Nigeria, (Lagos: Federal Ministry of Justice, 1991) p.152

[4] T.A. Oyeyipo, "Strides in Anti-Corruption Campaign – The Nigerian Experience" in T.A. Oyeyipo et al (eds.), Judicial Integrity, Independence and Reforms, Essays in Honour of M.I. Uwais (CJN) (Enugu: Snaap Press Ltd., 2006) pp.1-2 (Oyeyipo is a retired Chief Judge of Kwara State High Court).

[5] Cap C.31 Laws of the Federation of Nigeria, 2004

[6] Cap. 105 Laws of Northern Nigeria 1963. See, also section 419 of the Criminal Code Cap C38 Laws of the Federation of Nigeria 2004 applicable in Southern Nigeria

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Corruption is tantamount to robbing the public or many persons at once. This is a greater crime than robbing or defrauding a private person. This is because it affects the rights of many persons. In the imitable words of Hobbes T.,

> Robbery and depeculation of the public treasure or revenue is a greater crime than the robbing and defrauding of a private man: because to rob the public is to rob many at once. Also the counterfeit of public ministry, the counterfeiting of public seals or public coin is greater than counterfeiting of a private man's coin or seal: because the fraud thereof extended to the damage of many[7].

The rule of law on the other hand, in its most basic form, is the principle that no one is above the law. The primacy of the law is a fundamental principle of any democratic system seeking to foster and promote rights, whether civil and political or economic, social and cultural.

Perhaps, the most important application of the rule of law is the principle that governmental authority is legitimately exercised only in accordance with written, publicly disclosed laws, adopted, and enforced in accordance with established procedural steps that are referred to as due process. The principle is intended to be a safeguard against arbitrary governance, which corruption represents. Corruption therefore is antithetical to the rule of law because it undermines the flourishing of the rule of law.

Corruption as a broad term can be specifically identified as political corruption, bureaucratic corruption, economic corruption, and moral corruption. Whatever type it may be, the systematic and endemic nature of corruption and its upsurge in the emerging Nigerian democracy calls for utmost concern, especially when one takes into account the incontrovertible conclusion that corruption compromise justice; impedes the rule of law: and acts antithetically against good governance, by undermining investment. We must bear in mind that lack of investment in turn, slows down national economic growth. This in no time can deprive any government the much-needed resources to invest in critical sectors of national life such as education, health, housing, security, and sound environmental policy. All these have attendant negative consequence on a citizen's right to life[8], education[9], health[10], mobility[11], housing[12], safety[13] and good environment[14].

II. Instances of Corruption under this Democratic Dispensation in Nigeria

The kind of corruption Nigeria is presently engulf in (as a result of bad governance), in this democratic dispensation is not the traditional values of gift-giving and tribute to leaders, which often lead to what Brown Berger described as "polite corruption"[15a]. An example of the above act of corruption can be seen in Chinua Achebe's book, Things Fall Apart, where a stormy and determined young man called Okonkwo went to the "great man" of his Igbo village to ask for a favour.

In seeking the favour in form of a loan of yam seeds to plant on his farm, Okonkwo brought a cock, a keg of palm wine, a kola nut and an alligator pepper. Offering them to the recipient, he said,

> …I have brought to you this little kola, as our people say, a man who pays respect to the great, paves way for his greatness…I have come to pay you my respect and also ask for a favour[16].

Though Brown Berger consider the type of gift Okonkwo gave the "great man" of his village as constituting polite corruption, it should be noted however, that although gift-giving and tributes to leaders may lead to corruption, it is not every kind of gift-giving that constitutes corruption.

Sadly, since the beginning of this democratic dispensation, which began on 29th May 1999, Nigeria has witnessed series of monumental corruption. Indeed, since the commencement of this democratic dispensation, acts of corruption by the "high and mighty" have become the order of the day. Infact, no year has passed since 1999 that we have not been dumbfounded with one act of monumental corruption or the other.

Nigeria will easily remember one Nuhu Aliyu, a retired Deputy Inspector General of Police who in April 2005, declared on the floor of the Senate that there was a brood of crooks, robbers, murderers and fraudsters in the hallowed chambers of the National Assembly.

Senator Aliyu the then Chairman of the critical senate committee on national security and intelligence, was specific about a certain sitting Senator who, he said, he prosecuted for fraud and armed robbery, while he was serving in Edo/Delta axis of Nigeria as a police officer According to him, the distasteful individual is sitting with him in the upper chamber, the senate, as a Senator of the Federal Republic of Nigeria. Though, when challenged to name that particular individual, he

[7] Richard Tuck (ed.)Thomas Hobbes, Leviathan, (Cambridge University Press, 1994) pp.211-212
[8] See, *section 33(1) of the 1999 Constitution of Nigeria, amended in 2001*
[9] See, *section 18(1) Ibid*
[10] See, *section 17(1) Ibid*
[11] See, *section 15(2)(a)*
[12] See, *section 17(1)*
[13] See, *section 14(2)(b)*
[14] See, *section (20)(1)*

[15a] W.N. Brown Berger, "Development and Governmental Corruption – Materialism and Political Fragmentation in Nigeria", *Journal of Modern Africa Studies,* pp.215-233
[15b] *Ibid*

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could not name names. Nevertheless, his assertion attests to the deplorable corruption in Nigeria.

Other examples or instances of acts of corruption are the several indictments of individual for corruption by Economic and Financial Crimes Commission. Because of the prominence of these individuals in national politics, they are referred to as "politically exposed persons" PEP for short, or "high profile cases". Former governors in the person of individuals such as Chimaroke Nnamani (Enugu State), James Ibori (Delta State), Orji Uzor Kalu (Abia State), Boni Haruna (Adamawa State), Jolly Nyame (Taraba State), Lucky Igbinedion (Edo State), Michael Botmang (Plateau State) and Attahiru Bafarawa (Sokoto State) has been inducted by the Economic and Financial Crimes Commission.

It is unfortunate to note that out of the above named governors facing prosecution for sundry corruption, only Lucky Igbinedion former Governor of Edo State was convicted on plea bargain.

At this point in time, the cases involving other named governors are at the hearing stage three years after their indictments. The constant adjournment of the cases involving the indicted governors indicates the influence corruption is having on their trial.

Furthermore, the Siemens scandal, the Halliburton scandal, the National Identification Card scam, the petroleum subsidy removal scandal and Pension Fund fraud, the Capital Market saga, the Banking Sector saga, which led to the conviction of Mrs. Cecilia Ibru and Mr. Erastus Akingbola former Managing Director and Chief Executive Officers of Oceanic Bank and Intercontinental Banks respectively, illustrates unrestrained corruption in high places by public officials under this democratic regime in Nigeria.

Also within this era, Sentor Nuhu Aliyu again accused Senator Ibrahim Mantu, the then powerful Deputy Senate President from Plateau state of corrupt enrichment. According to the outspoken Senator, Alhaji Ibrahim Mantu is the conduit pipe through which hundreds of thousands of dollars were illegally passed on to the senators to promote and pushed the aborted third term bid of President Obasanjo[16]. It will be recalled that the same Alhaji Ibrahim Mantu was accused by Alhaji El-Rufai of demanding 54 million naira bribe before he could be screened as a minister of the Federal Republic of Nigeria shortly after 29th May, 1999.

Other acts of corruption by public officers during this democratic era are as follows: shortly after the commencement of the present democratic experiment on 29th May, 1999, Alhaji Salisu Buhari, the first speaker of the House of Representatives (under this democratic dispensation) was accused of presenting a false master degree allegedly issued to him by University of Toronto. It was discovered that the master degree he claimed to have obtained was false. Consequent on that, he resigned his speakership. This was swiftly followed by the case of Evans Ewerem, the pioneer senate president (under this dispensation) from Imo state. He was Impeached on 18th November, 1999 after the investigative panel found him guilty of name falsification. Evans Ewerem's short tenure was dogged by endless controversy as to whether his real name was Evans or Evan Ewerem.

Dr. Chuba Okadigbo from Anambra state succeeded him. He did not last long as the Senate President of Nigeria's upper chamber, the Senate. He and his deputy, Alhaji Haruna Abubakar were swept out of office and power as Senate President and Deputy Senate President respectively, on 8th August, 2000, after an investigation panel found them guilty of a furniture contract scam running into millions of naira. The duos were sacked as Senate President and Deputy Senate President respectively.

His successor as Senate President was Chief Wagbara from Abia State. Chief Wagbara also did not last long as Senate President. He was swept out of office for allegedly demanding and receiving about 54 million naira bribe on what was then called "the budget scandal saga"[17].

The case of Patricia Ette from Ogun State who became the first female speaker of the House of Representatives is worth mentioning here. She like others was also tinted with corruption scandal. So also was her successor, Dimeji Bankole.

No year passes, since the inception of this democratic dispensation without Nigerians been confronted with one monumental corruption case or the other. The ongoing "bribe for job" scandal currently rocking the Nigeria Civil Defence Corp leadership is a good example[18].

The general perception of Nigerians is that no institution of governance in Nigeria is spared of the crime of corruption. This assertion was strongly attested to by the former President Olusegun Obasanjo when he said,

[16] At the concluding phase of the second tenure of President Obasanjo's Presidency, he allegedly nurtured and sponsored public officers (with public fund) especially, members of both houses of the National Assembly to alter the Constitution of Nigeria so that he will be allowed to contest Presidential Election the third time contrary to the maximum second tenure limitation provided in the Constitution.

[17] He allegedly demanded bribe and received fifty four million naira so as to inflate budgetary allocation to the Ministry of Education headed by Prof. Fabian Osuji from Imo State.

[18] There is an ongoing allegation that top shots of the Nigerian Civil Defence Corp demanded bribes running into thousands of naira from prospective job seekers before they could be employed by the organization.

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Today, rogues and armed robbers are in State Houses of Assembly and in the National Assembly…the judiciary is also corrupt…the police is even worse[19].

Indeed, it is true to say that, it was because of the unending nature of corruption under this democratic regime that the Federal Government under President Obasanjo established the Economic and Financial Crimes Commission and Independent Corrupt Practices Commission. Sadly, inspite of the good intention of the former president with regard to their establishment, the work of Economic and Financial Crimes Commission under the leadership of Alhaji Nuhu Ribadu was so tinted that a lot of Nigerians began to question the Commission's fairness[20].

Writing under the caption "is EFCC only for Enemies?" a columnist wrote that,

With the recent spate of arrest and harassment of mainly political figures and their well known associates, ostensibly in the fight against economic and financial crimes, any doubt about the political agenda behind the establishment of Economic and Financial Crimes Commission (EFCC) must have been cleared. It is an open secret that political figures considered to be in opposition to the recently failed self-perpetuation ambition of the president are the targets of such harassment and arrest by the EFCC[21].

The degradation of a serious economic and financial crime watchdog such as the EFCC to a political instrument of intimidation and vendetta operating with scant disregard to the rule of law and enshrined basic rights is worrisome in a democratic regime. This is because such unwelcomed attitude is capable of undermining the rule of law.

III. Corruption and the Rule of Law

In order to understand how corruption determines or undermine the rule of law in the emerging Nigerian democracy, we intend not to consider corruption from its broad perspectives but its specificities, and they are:

Political Corruption. According to Encyclopedia Americana, political corruption is,

A general term for the misuse of a public position of trust for private gain. Its specific definitions and application vary with time, place and culture[22].

Political corruption therefore is corruption perpetuated by political office holders in a given society, not necessary for the good of the citizens, but the private interest of those involved or the interest of their political party. Political corruption could be in form of vote rigging, vote buying, ballot box snatching, political assassination, manipulation of national or state laws in order to gain political advantage or ascendancy. Tied to the above, all other manner of illegal and unethical political acts aimed at winning election and sustaining power constitute political corruption.

Political assassination determines individual right to life as encapsulated in section 33(1) of the 1999 Constitution of Nigeria as amended in 2011. Equally, ballot box stuffing and snatching and all form of election manipulations and violence violate individual's rights to suffrage or to vote and be voted for.

It is unfortunate to quote that in our present democratic regime there are abundance of acts of political corruption at the local, state, and federal levels of government. For example, on 8th April 2004, the then president, Chief Olusegun Obasanjo, in order to gain political advantage, wrote a letter to Minister of Finance stating in paragraph 3 of the letter that,

As the National Assembly is yet to make the law in respect of any of the newly created Local Government Areas in the country, conducting election into, or funding any of them from the Federation account would clearly be a violation of the constitution.

Consequently, no allocation from the federation account should henceforth be released to the local government councils of the above-mentioned stated (Lagos inclusive) and any other state that may fall into that category.

Reacting to the above directives, the Nigerian Tribune in its editorial captioned, "Arrogation of Power", it observed that,

Rather than the usual arrogation of power by different actors that is witnessed within the Nigerian context, the Nigerian Constitution and the normal practice of federalism provide that disagreement and conflicts among different ties and arms of government be resolved through the law court.

In this regard, there is nothing strange and disturbing about the facts that the Federal Government and some state governments have different position on the issue of creating new local governments. In fact, healthy practice is enhanced through the placement of such contentious position before the law court for a proper and binding judicial interpretation, which could then serve as precedent for future acts.

It would have been proper for the federal government to refer its dispute with some state governments on this issue to the court or encourage other aggrieved parties to seek a judicial interpretation of the issue under contention than peremptorily deciding to enhance its own interpretation as the binding one…

In any case, the truth is that the Federal Government does not possess powers it has arrogated

[19] "NASS v. Obasanjo", back page, Sunday Sun Newspapers, 27th May, 2012. Quoted by Garbadeen, a guest columnist.

[20] The commission under the leadership of Nuhu Ribadu was regarded by most politicians as a government agent set up to tackle corruption involving opponents of the President (Olusegun Obasanjo)

[21] J.N. Mafara This Day Wednesday, 20th July, 2006. P.16

[22] International Edition Vol.8 p.22

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to itself in this regard. This is because, the Federal Government simply because it has and keeps custody of the federation account does not have more powers over the account than other constituent governments. The federal government is under the constitutional imperative to distribute the money in the account according to specified guidelines and thereafter exercised absolute powers over its own allocation but not the Federation[23].

The Supreme Court of Nigeria agreed with the above editorial opinion when it held unequivocally in Attorney General of Lagos v Attorney General of the Federation[24] that,

The power of the President to protect and defend the Constitution cannot justify an act of illegality. Nowhere in the Constitution is the President empowered to withhold or suspend the payment of allocation from the Federation Account to local government councils, or to the state government on behalf of the local government councils as provided by section 162(3) and (J) of the Constitution[25].

The apex court concluded its judgment by lashing the President's action in the following words

"The executive powers of the federation vested on the President which extend to the execution and maintenance of the constitution does not "extend to the president committing illegibility[26]".

Political arrogance as a form of political corruption avoids placing contentious positions before the court of law for a proper and binding judicial interpretation of dispute. This clearly impedes the rule of law by virtue of section 6(6)(b) of the extant Constitution of Nigeria.

Another instance of political corruption exhibited in form of executive disobedience is the case of Governor of Ebonyi State v Isuama[27]. In that case, the respondent was a former Chief Judge of the High Court of Ebonyi State. When steps were commenced by the Ebonyi State House of Assembly to remove him from office, he complained to the National Judicial Council which in turn wrote a letter to the Governor of Ebonyi State urging the Governor to stop action on steps being taken to remove the respondent from office pending the report of the National Judicial Council on the investigation into the allegation against the respondent. The Governor of Ebonyi State did not stop action on the process of removal of the respondent from office and the respondent was removed from office.

The respondent was aggrieved and filed an application to the Federal High Court for an order of certiorari to quash the proceedings and decision of the Governor of Ebonyi State and the Ebonyi State House of Assembly relating to his removal from office. He also sought an order of prohibition to prevent the recommendation and swearing-in of another judge of the High Court as the Chief Judge of the High Court of Ebonyi State.

The main thrust of the respondent's case is that his removal from the office of the Chief Judge of Ebonyi State is contrary to the Constitution of Nigeria thereby undermining the rule of law.

The case later went on appeal to the Court of Appeal. The Court of Appeal unanimously dismissed the appeal. However, on the need and rationale for obedience of law by the citizens and government officials, the court per justice Pats Acholonu (JCA) as he then was held that,

Obedience to the rule of law by all citizens but more particularly by those who publicly took oath of office to protect and preserve the Constitution is a necessity for good government and respect for law because, in a democratic society, where the rule of law is regarded as the norm, it is incongruous for the government to ignore the provisions of the law and the necessary rules made to regulate certain matters[28].

In this case, the failure of the Governor of Ebonyi State to await the report of the National Judicial Council on the allegations against the respondent before taking further action to remove him from office is tantamount to political corruption exhibited in form of executive lawlessness or disobedience. Sadly, this has violated the respondent's right to fair hearing as enshrined in section 36(1) of the 1999 Constitution of Nigeria.

Bureaucratic Corruption. According to the authors of Concise Oxford English Dictionary[29], bureaucracy means "a system of government in which most decisions are taken by state officials rather than by elected representatives". This is also referred to as government by unelected officials[30].

[23] See, the Editorial page of the Nigerian Tribune of Monday 3 May, 2004

[24] Suit No. SC 70/2004 (unreported)

[25] *Ibid*

[26] *Ibid*

[27] (2004) 6 N.W.L.R. (pt.370)511

[28] *Ibid* p. 534 *paras. G-H*

[29] L.T. Lorimer and D.E. Lechner, International Edition, *The New Webster's Dictionary of English Language*, (New York: Lexicon Publications Inc, 1997) p.129

[30] See, *section 42(1)(a) and (b) of the 1999 Constitution of Nigeria as amended in 2011*

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Civil servants, see to the day-to-day running of government ministries, departments, or agencies, be it, judicial, legislative, or executive. Therefore, bureaucracy is synonymous with the public service of a local government, state or federal as the case may be.

Bureaucratic corruption occurs when unelected public officials (civil servants) use their positions to obtain unmerited favours either from members of the public or from public funds under their control. The on-going pension scam, and police pension fraud, where civil servants connived to defraud the pension board and the police pension fund of enormous amount of money running into millions of naira are good examples of bureaucratic corruption. Again, the indictment of the Director General of Nigerian Communication Commission for deliberately withholding issuance of operating license to Nigeria Communication Satelite Limited (NIGCOMSAT) even when the President had given the necessary approvals is indicative of bureaucratic corruption.

Bureaucratic corruption could also be in form of kickback for all manner of services. It could be in form of collusion, procurement fraud, nepotism and favouritism on the part of civil servant. This act lower standard of public service and undermine the right of the citizen at the receiving end of such service. For example, if one is compel by a civil servant to pay for service that is free, such a compulsion amounts to extortion, discrimination and a violation of the right to be treated equally[31].

Tied to the above, all unethical practice, where money or favour are extracted undermine individual right to dignity of human person as envisaged by section 34(1) of the 1999 Constitution of Nigeria.

Economic Corruption. This basically involves all unethical and unlawful acts of persons or institutions which adversely affect the production and consumption of services, money supply, and the rights of individuals. Those who benefit from economic corruptions are possibly the few individuals who are involved in the act while the country in general and the ordinary citizens in particular are made to be at the receiving end.

Take for example, in Kogi State, a six month old baby's name was found in the payroll of Ibaji Local Government Education Authority[32]. The inclusion of such a name amounts to economic or bureaucratic corruption. In the sense that, it provides a conduit pipe for money to siphoned from government treasury. Also, this indirectly affect individual's right to adequate opportunities to secure suitable employment[33]. This is because, the existence of an unsuitable candidate block the chance of a suitable candidate.

Economic corruption can also be in form of vandalism of public facilities, unlawful oil bunkering, bribery by companies, frauds in financial institutions, import and export fraud, stock exchange manipulations, questionable privatization of companies, advance fee fraud, and any other form of financial crimes[34].

Corruption be it economic corruption or other forms of corruption deprives the government of resources to invest in critical sectors such as education, social safety nets and sound environmental management. Where government lacks resources to fund for example, security needs, the right to life and private property guaranteed by the Constitution in sections 33 and 43 of the Constitution will be an illusion: so also the rule of law that places the security and welfare of the people as the utmost aim of government[35].

Judicial Corruption. This form of corruption is usually perpetuated by Judges, Magistrates and their support staff such as clerks, bailiffs, and registrars. They perpetuated this kind of corruption by demanding and receiving bribe to do their lawful duties or grant unmerited favours such as frivolous exparte injunction, false affidavit of service and all other forms of unethical services associated with justice delivery.

This has led to the suspension of some judges from the bench i.e. Honourable Justices David A. Adeniji, Okechukwu Opene and K.D. Akaah of the Court of Appeal Enugu division were allegedly dismissed from service by the National Judicial Council for their corrupt role in the senatorial seat case of Anambra State between Hon. Nicholas Ukachukwu v. Dr. Ugochukwu Uba[36].

It is sad to note that even now, our judiciary, largely as a result of corruption is still bugged down with frivolous ex parte orders, jurisdiction chess game, whimsical and capricious applications entered into in order to delay court proceedings. This act of judicial lethargy propelled by corruption is against the rule of law as enunciated in section 36(1) of the current Constitution of Nigeria.

Instead of a spark of judicial performance which will give hope to Nigerians and guarantee the rule of law, our judicial arm in this era is still saddled with the old habit of allowing our courts to be used by crooks to escape or delay justice.

Most Nigerians would ask: How come our court cannot convict James Ibori, ex-governor of Delta State

[31] Daily Sun, Friday 16th February, 2007 p.10

[32] See, *section 17(3)(a) of the 1999 Constitution of Nigeria as amended in 2011*

[33] See, *section 14(2)(b) of the 1999 Constitution of Nigeria as amended in 2004*

[34] i.e. the defrauding of a Brazilian Bank of about 242 million dollars by Anajemba and her company, Finbaz Nig, Ltd. See also, *Federal Republic Nigeria v. Nwude* (EFC HR 149)

[35] See, *section 17(1) of the 1999 Constitution of Nigeria as amended in 2011*

[36] See, This Day, Monday 6th February, 2006 p.4

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for corruption and a British court did? Is it because of lack of independence or corruption by our judges? Ex-president Olusegun Obasanjo did not mince words when he said of recent that,

The judiciary is also corrupt…they did not see anything wrong with the former governor (James Ibori) but the same sets of evidence was used to sentence him in the United Kingdom[37].

According to General (Rtd) Ishola Williams, Chairman, Transparency International, Nigeria Chapter,

All the judges are just using the election tribunals to make money. All those who had gone through election tribunals are millionaires today. I challenge anyone of them to say no[38].

In similar vein, Justice Kayode Esho, a retired justice of the Supreme Court reportedly said,

It is sad from what the president had said in his keynote address about what is happening in election petitions. He is saying just in a twinkle of the eye that some judges are becoming millionaires. In fact, those of us who have passed through the yoke of being judges, what we hear outside shatters us, because they are not just millionaires as we were told but billionaires[39].

According to a human right lawyer, Morakinyo Ogele in a petition to the National Judicial Council, he alleged that,

Sahara investigations have uncovered how three judges of the Ekiti State Election tribunal received three billion naira bribe to deliver a majority judgment that upheld the legitimacy of the re-run election[40].

When corruption becomes the determining factor in judicial decision, the hope of a poor man will ultimately be dashed because justice which is the public face of the rule of law has been undermined. This is dangerous for the protection of basic rights and the rule of law.

As Akanbi rightly reasoned,

Money they say is the root of all evil. The bench is definitely not in place for making money. A corrupt judge is the greatest cause to afflict any nation. The passing away of a great advocate does not place such public danger as the appearance of a corrupt and/or weak judge on the bench. For in the later instance, the public interest is bound to suffer and…is thus depreciated, mocked and debased.

It is far better to have an intellectually averaged but honest judge than a legal genius who is a rogue. Nothing is as hateful as venal justice. Justice that is auctioned, justice that goes to the highest bidder[41].

Moral Corruption. Whereas, morality is a society's notion of what is right or wrong, law on the other hand is a set of prescribed rule that regulates conducts in a human society. Though morality and law are not the same, it is not always all the time that they are tangential to one another. At times, they are at tandem. That is so, when morality is promulgated as a law. Though moral corruption is pure morality, at times, action that are not legally wrong (but morally wrong) can affect the rights of an individual. For example, sexual immorality, lying, drunkenness, indiscipline and lack of adherence to religious and moral instructions[42].

Moral corruption occurs when protocol officers in government make arrangements for young and vulnerable girls to be "imported from schools" for "entertainment" at state functions. It also occurs when public officers and Chief Executives of public and private institutions go with their "conference bags" (girls/ladies) to conferences and business trips. This form of corruption may graduate to prostitution and allied offences which violates the rule of law and are punishable under our laws.

Secondly, manufacturing and dealing or trafficking in fake and adulterated drugs is another example of moral corruption. This is because it confers unmerited financial gains to those involved in the trade. Sadly, that is detrimental to the health of the consumers of those products. For example, selling and using hard drugs, such as, Indian hemp and cocaine etc.[43] constitute criminal offence in Nigeria. Thus, engaging in them undermine the rule of law.

Moral corruption can also be seen in child trafficking and overall trafficking in humans. It is immoral as well as criminal to traffic in human beings either nationally and internationally. Specifically, sections 11, 21, 23 and 24 of the Trafficking of Persons Prohibition Law Enforcement and Administration (amendment) Act[44], criminalise trafficking in human person for the purpose of making monetary gains.

Tied to the above, the killing of human beings by others for the purpose of trading body parts for financial gain is a form of moral corruption that undermine the rule of law. Only recently, a grand Pa, Alhaji Olasukanmi was caught at Ijegun area of Lagos

[37] He said so while giving a speech at the Annual National Conference of the Academy of Entrepreneurial Studies in Lagos See, Sunday Sun 27th May, 2012.p.71

[38] A. Ayeni, "Billionaire's Election Tribunal Judges", Sunday Sun 28th June, 2010 p.5

[39] *Ibid*

[40] *Ibid*

[41] Justice Akanbi, "The Many Obstacles to Justice According to Law", In *Nigeria Judges Conference Papers* 1995 p.40

[42] P.I.C. Onwochei, "Towards a Corrupt-Free Public Service in Nigeria: A Christian Ethicist's Perceptive, being a paper presented at the National Conference on Restoring Ethical Values in Nigeria, held at Abuja between 24th – 25th January, 2003. Pp.3-4

[43] See, *sections 225, 225A and 225B of the Criminal Code, Cap.38 Laws of the Federation of Nigeria, 2004*. See also, This Day Friday, 24th February, 2006 p.47. See also, Daily Sun, Friday 10th March, 2006 p.38 and Daily Sun, Monday, 6th August, 2007 pp.2-6

[44] See, *Cap.123 Laws of the Federation of Nigeria, 2004.*

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where he confessed to selling human parts for money making[45]. Such a person could be prosecuted under section 242 of the Criminal Code[46] for indignity to human body or remains, as well as section 319 of the Criminal Code[47], if he is responsible for the death of the particular victim.

Examination malpractice in all ramifications is another example of moral corruption. This can occur when a parent spend money to buy question papers for their children before the dates, or on the date fixed for the same examination. Some parents even register their ward in "magic centre" in order to pass at high grades. This is tantamount to moral corruption and it is criminal in nature.

Only recently chairman of the Governing Board of National Examination Council of Nigeria (NECO), Alhaji Maleka Mohammed was reported to have lamented the irreplaceable harm, examination malpractice is causing the education system in Nigeria. This act of corruption that makes the beneficiaries make money and grades not commensurate with their legitimate performance and efforts is detrimental to the efforts of other law-abiding students, thereby undermining the rule of law as contained in section 2 of Examination Malpractices Act[48]. The said law prescribes a fine of N100,000 (one hundred thousand naira) or imprisonment not exceeding 3 years or both for cheating in examination.

Similarly, false claims by spiritualists and traditional doctors of their abilities to heal all manner of illnesses or spiritual attacks, even when they know too well that, that is not true, amounts to moral corruption. Their acts violate or undermine, or determine the rule of law because the unsuspecting victims are made to part with valuables for no job. This type of moral corruption can be conveniently prosecuted under section 419 of the Criminal Code[49]. This is because such acts can constitute offence of obtaining money by false pretence.

IV. The Way Out

The former President of Nigeria, Chief Olusegun Obasanjo said it all. When he said,

Corruption is a cankerworm that has eaten deep into the fabric of the society at all levels. It has caused decay and dereliction of the infrastructure of government and society in physical, social and human terms. With corruption, there can be no sustainable development nor political stability[50].

Indeed, corruption as economic and financial crime in Nigeria is deep rooted, widespread and systematic. It constitutes the greatest obstacles to socio-economic cum political development of Nigeria. This is because corruption has all the potentials to thwart current Nigeria recovery efforts. Therefore, there is an urgent need to genuinely fight corruption in Nigeria.

First, government should adopt people-oriented economic policies to eradicate or reduce poverty. Secondly, there is a need to adopt best practices and conventional public service policies. For instance, when it come to public procurement policy and administration, stringent guidelines for the award of public contracts should conform to international standards for competitive bidding, with emphasis on openness, competition, value for money and best practices. This is to ensure good use of financial resources and enhance competition.

Thirdly, there is the urgent need to strengthen anti-corruption and law enforcement agencies. This can be achieved through capacity building in the areas of investigation and prosecution, infrastructures, funding etc.

Fourthly, the government should engage international organization and foster cooperative efforts to fight corruption. Strengthening of domestic and international cooperation is important for agency cooperation, bilateral and multilateral cooperation. This can enhance facilitation of information exchange, investigation, and prosecution of corruption cases.

Fifthly, there is a continuous need to strengthen institutional frame work of relevant regulators and law enforcement agencies such as the Independent Corrupt Practice Commission, Economic and Financial Crimes Commission, National Fraud Investigation Unit, the Central Bank, the Securities and Exchange Commission etc.

Initiatives such as customer, identification as exhibited in the Central Bank, "Know Your Customer Manual Guidelines" is a step in the right direction. Similarly, reporting regime, records, preservation, awareness, and constant training of employees; periodic inspection and examination etc are equally important in the fight against corruption.

Sixthly, E-payment initiative is a good government policy. This ensures that payments made through the financial system are monitored and traceable. This enable audit trace of expenditure, especially corrupt ones.

[45] See, Daily Sun, Friday 3rd March, 2006 p.2
[46] See, *Cap.38 Laws of the Federation of Nigeria, 2004*
[47] *Ibid*
[48] See, *Cap.E15 Laws of the Federation of Nigeria, 2004*
[49] . See, *Cap.C38 Ibid*

[50] Extract from the speech of Mr. President during the sign-in ceremony of the Independent and Corrupt Practices Commission Bill on 3rd June, 2000

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E-payment, apart from enhancing audit trace, help in the checking of unethical practices, such as, the existence of "ghost workers" or fictitious workers. It also promote accountability and transparency in the management of government resources.

Again, there is a great need to strengthen budget and fiscal transparency. In this regard, the monthly publication of the statutory allocations to the three tiers of government is a good initiative. This is because it can ensure transparency and accountability in resource management.

In addition, there should be a reform in the public service that will ensure a viable management of information system and public sector accounting capacity i.e. through the introduction of automation, computerization of payroll, monetization of benefits and contributory pension scheme. This can engineer a sense of economic and social security capable of reducing the risk of corruption.

Lastly, faith based organization should be co-opted to work with orientation agencies of states and the federal government so as to effect the much needed attitudinal change. This should not be limited to spiritual centres, offices, pages of newspaper and television advertisement. Recreational centres, schools, and tertiary institutions should also be involved. In fact, no facet of Nigeria society should be spare of this enlightenment and indoctrination.

v. Conclusion

Although, it has been argued that poverty, political instability and other social forces put pressure on public officers and non-public officers to be corrupt, the high level of corruption being witnessed under this democratic regime is attributable to bad governance by political office holders, attitudinal tendencies of greed, crave for ostentations coupled with ethics of dependency-relations and ethnic loyalties.

Corruption is not a way of life, neither is it a passing phase that Nigerians should indulge in. It is evident from the above discussion that the consequences of corruption are horrendous. Thus, there is every need to curb corruption, and this requires that all hands should be on deck, if Nigeria must survive the onslaught of corruption.

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Is Islam Misogynic?

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Abstract- The famous floscule that women have no rights in Islam and are subjected to imminent subordination and oppression is true, at least from the contextual point of view. The basis of the rights of women in Islam derives from the Qur'an, which, with respect to women has adopted one egalitarian approach: women are spiritually and morally equal to men. Unfortunately, the huge collection of Sunnah, along with the Hadiths, as a creative and exclusively man's process do not cherish the egalitarian exegesis of the Qur'an thus contains many negative ideas in the context of women, which reflects their position in some Muslim societies today. Thus, one gets wrongly impression that the whole Islamic thought is misogynic.

Keywords: islam, women, qur'an, sunnah, modern legislations.

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Is Islam Misogynic?

Dr. Vesna Stanković Pejnović [α] & Dr. Jana Ilieva [σ]

Abstract- The famous floscule that women have no rights in Islam and are subjected to imminent subordination and oppression is true, at least from the contextual point of view. The basis of the rights of women in Islam derives from the Qur'an, which, with respect to women has adopted one egalitarian approach: women are spiritually and morally equal to men. Unfortunately, the huge collection of Sunnah, along with the Hadiths, as a creative and exclusively man's process do not cherish the egalitarian exegesis of the Qur'an thus contains many negative ideas in the context of women, which reflects their position in some Muslim societies today. Thus, one gets wrongly impression that the whole Islamic thought is misogynic.

Keywords: islam, women, qur'an, sunnah, modern legislations.

I. Introduction

Embarking in any discussion regarding the rights of women in Islam would be practically impossible if we lack preliminary knowledge of the normative structure of Islam i.e. of the Islamic law. At present, there is still no consensus on the content and substance of the Islamic law neither among the Muslims Lawyers or scholars.

The origin of Islamic law remains unclear, because many crucial evidences that would certify its occurrence are lost. Some historical indicators suggests that the Islamic law even in its oldest form was quite sophisticated and derives at beginning of the first half of the eighth century. During its historical development, the Islamic law was was significantly influenced in its early stages by Roman provincial, Byzantine, Sassanian, and Rabbinic law. [1] It is believed that the theoretical development of the law had its vigor in Iraq under the Abbasid caliphate (750-1258 CE) and by 900, c.e., all the main genres of legal literature had been established, including extensive legal compendia *(mabsut)*, epitomes of the points of law *(mukhtasar)*, collections of model legal documents *(shurut, watha'iq)*, collections of model court records *(mahadir, sijillat)*, manuals for judges *(adab al-qadi, adab al-qada')*, collections of responsa *(fatawa, masa'il)*, and manuals of jurisprudence or legal method and interpretation *(usul al-fiqh)*. [2]

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[1] "Law, Islamic". *http://www.encyclopedia.com/topic/ Islamic_law.aspx*. Accessed March 31, 2013
[2] Ibid.

However, any attempt to identify the sources of the Islamic law begins with an explanation of the term Sharia, then the terms Fiqh (Islamic jurisprudence), fatwā (legal opinions / guidance of the Islamic scholars) and madhhab (Islamic law school). The word Shariah derives from the archaic Arabic word denoting "pathway, path to be followed" and has come to mean the path upon which the believer has to tread. [3] From the legal point of view, the term refers to the canon law of Islam and includes the totality of Allah's commandments[4] i.e. the religious law developed by Muslim scholars in the first three centuries of Islam.

The Qur'an is the Islamic book of revelation and its principles and injunctions are regarded as the most important source of the Shariah law however very little of the law is based on the text of the Qur'an itself. Quran does not contain enough laws and codes to ensure full guidance as to what is permitted and what is forbidden for Muslims. The legal scholars found that only 550 Qur'anic verses are of a legal nature and regulate marital, family, and inheritance relations, as well as criminal law and procedural law issues. The rules and principles of the Qur'an are in certain places quite vague and ambiguous; hence enabling their application requires human interpretation. Also, many of these rules are quite general and rarely go into details about a particular issue. For these reasons, there are three additional sources of Islamic law.

The Sunnah (Arabian routed word that means: path, habit, customary law) refers to the traditional Muslim laws claimed to be based on Prophet Muhammad's genuine statements and acts and is contained in accounts known individually as hadith.[5] Hadiths have been the lens through which the words of the Qur'an have been seen and interpreted.[6] The purpose of the hadiths, is same with the Sunnah: to fill gaps or to provide an appropriate solution for all religious matters not addressed within the Quran as the main source of Sharia law and the Muslim are expected to observe and apply them in their personal and social life. Having underscored the importance of the Qur'an and the Hadith as primary sources of the Islamic

[3] Irshad Abdal-Haqq, *Islamic Law: An overview of Its origin and elements in Understanding Islamic Law: from classical to contemporary*, ed. Hisham M. Ramadan, (Maryland: Rowman Altamira, 2006), 4
[4] Ibid
[5] Ann Elizabeth Mayer, *Islam and Human Rights: Traditions and Practices*, (Boulder: Westview Press, 4ed. , 2007), 227
[6] Charlotte Methuen, Methuen, Charlotte, Zeit, Utopie, Eschatologie, Leuven : Peeters, 1999

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tradition, it is necessary to point out that through the centuries of Muslim history, these sources have been interpreted only by Muslim men who have arrogated to themselves the task of defining the ontological, theological, sociological and eschatological status of Muslim women. [7] Therefore, the authenticity of their text is still a very debatable topic among the scholars and possible "hot spot" of our title question.

Ijma refers to the universal consensus reached by scholars of the Muslim community regarding some particular Shariah issue which arose after the Prophet 'death and is not addressed by the other sources of Islamic law. Although the ijma is based on the principle of consensus, there is no generally accepted model or methodology for consultation, so the consensus differs from country to country.

Qiyas is a methodology developed by jurists through which rulings in new areas are kept close to the Qur'an and Sunah because new rulings are based on the Illah (causes) discovered in the legislation of the Qur'an and Sunnah. [8] For example: alcohol has been explicitly declared unlawful, but there is no direct condemnation of heroin, however since both share a common feature i.e. they are intoxicants and alcohol has been declared unlawful because it intoxicates, heroin is also declared unlawful in Islam because, like alcohol, it is an intoxicant. [9]

Finally, whereas Shariah is conveyed mainly through divine revelation (wahy) contained in the Qur'an and authentic hadith, fiqh refers mainly to the corpus juris that is developed by the legal schools (madhhabs), individual jurists and judges by recourse to legal reasoning (ijtihad) and issuing of legal verdict (fatwa)[10] .

II. The Status of Women in Islam and Modern Islamic Legislation

The question of the status and the rights of women in Islam is among the most contentious and most serious issues of the day, not only for the Muslim women and their advocates, but for the entire Islamic world as well. The existing literature regarding the rights of women in Islam is divided in two opposing approaches that dictate different views and positions. Whereas, one holds that Islam is benevolent towards women and grant them special status and respect, others find that the women in Islam are discriminated and oppressed not only in the family but also in the social life in general. The truth is that the Muslim societies place men at the spotlight and guarantee their dominant position, while at the same time tirelessly proclaim that Islam gave more rights and freedom to women than any other religion thus hold women in physical, mental and emotional prison.

It is evident that, today, there are different legislation in different countries applying Islamic law, regarding the status and rights of the woman. It is clear that each country has a different vision of what is the right Islamic way to treat woman. The question that thereupon arises is, what motives different understanding and interpretation of the Islamic rules by the countries whose legal systems are based upon the sacred law of Islam.

There is no explicit discrimination of woman in Qur'an and moreover, the very occurrence of the Qur'an and the Islam as a religion played a revolutionary role in improving the status of women in the Arab world and gaining many rights that previously were not specific for other religions and legal systems. However, many verses of the Qur'an are interpreted and applied in a way that denies equal rights to women, in many gender-biased Islamic jurisdictions today. Let's have a look at some of the basic rights that the Quran provides for women, along with their practical implementation by the states.

1. Right to marriage. Islam gives great importance to the institution of marriage as a vow given among the spouses and the God. Marriage is strongly recommended because of religious, moral and social reasons. According to the Qur'an, the marriage is "mithaqun ghalithun," strong covenant or agreement-nikāh between man and woman. This marriage agreement is entered with their mutual consent prerequisite for the marriage to be valid. Evidently, according to the Qur'an, woman cannot and must not be force to marriage.

Modern national legislation in many Muslim states applies the conservative approach and their laws on personal status require previous consent of the guardians or representatives of women. Such consent is required in Egypt, Iran, Afghanistan, Syria, United Arab Emirates, Yemen and other Middle East countries. In Malaysia, for instance, according to the Islamic Family Law, the approval from the (guardian) is necessary for the marriage to be a valid and this approval may be given by the judge if the guardian i.e. "Wali" refuses to give the approval without any legitimate reason.

Qur'an is silent about the minimum marriageable age and many scholars search for answers in the hadiths. As accepted by most Muslims it is equated to the age of puberty[11] whilst one of the greatest Islamic scholars and Abu 'Abdillah Muhammad

[7] Ibid, 52
[8] http://www.wisdom.edu.ph/Shariah-fiq-usul/qiyas.htm
[9] http://www.unfpa.org/webdav/site/global/shared/documents/publications/2011/De-linking%20FGM%20from%20Islam%20final%20report.pdf
[10] Mohammad Hashim Kamali, *Shariah Law: an introduction*, (Oxford: Oneword Publications, 2008), 3

[11] Mohammad Hashim Kamali, *Shariah Law: an introduction*, (Oxford: Oneword Publications, 2008), 3

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ibn Idris al-Shafi'i believed that the right age for a girl to consider marriage is the age of fifteen[12]

The laws of Muslim countries today have a different position for the minimum marriageable age. Legally, although some of them prescribe more or less reasonable level, (16-18 years) in practice, early marriage is still case for conviction. Under Article 8 of the Iraq Law on Personal Status[13], the minimum marriageable age is 18 years for both men and women, but with special authorization from the court, the age can be reduced to 15 years.

In 1999, Yemen's parliament overturned the provision of Article 15 of the Personal Status Law for the minimum age that was previously set to 15 years for both men and women, thus leaving the door open for entering Child marriages. The state has one of the worst portfolios for children marriages in the world. According to UNICEF, in 2005, approximately 48.4% of the Yemeni women aged 20-24 years were married before the age of 18 (14% before the age of 15) [14]

Neither Saudi Arabia has sanctioned the legal minimum for entering marriage. The practice of child marriage in this country is high. In 2008, a court in this state has refused to annul the marriage of eight years girl and her 58-year-old man. [15] In 2010, the Saudi Commission for Human Rights hired a lawyer to divorce a 12-year-old girl from her 80-year-old husband. [16]

2. Right to divorce. Apart to the Christian maxima "until deaths do us apart" there is no moral rule for dissolution of marriage in the Qur'an. Many verses in the Qur'an recommend the divorce when the relationship cannot meet its goals, i.e as the only solution in the event that men and women cannot overcome their irreconcilable differences. ("Live in harmony or separate peacefully" (Qur'an: 2:231). However, women often face many legal and financial obstacles as well as penalties from the social surrounding when trying to exercise this right. In the national legislation of the Muslim states, the traditional approach for limited right of woman to get a divorce prevail. The common justification for this approach is the woman's emotional nature but also the high amount of the dowry that the husband is required to provide, which remains the property of the woman, as well as his obligation for maintenance. One gets the impression that the right of divorce is indeed a "male" right for unprecedented ease with which they practiced this right: somewhere it is not even necessary to inform the public authorities for the decision of the husband. According to the Algerian code of personal status, the man can divorce his wife without any reason, but a woman can divorce her husband only on certain grounds, such as abandonment, thereby risking to lose the right to financial claims. Furthermore, whereas the Iraqi Constitution, [17] based on Sharia law proclaims equality before the law "without discrimination based on sex, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status" the Iraqi Personal Status Law[18] gives a privileged position of men in divorce, inheritance, and also allows for polygamy.

3. Women and inheritance. The right of inheritance is considered to be one of the most revolutionary steps of the Quran for the emancipation of women, because only a small number of women in the world enjoyed this right up to the modern age. The purpose of the Qur'anic rules for inheritance was to provide all hairs the rights over the family property, including women for their greater security and financial independence. Therefore, the Qur'an provides: "Allah instructs you concerning your children: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [or sisters], for his mother is a sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise." [19]

The rule of this verse that the woman belongs half of the part that man belongs are subject of numerous debates for (un) equal treatment of women in succession and in Islam in general. According to many Islamic scholars, there is no discrimination of women in the field of succession. Reasons why the Qur'an makes such formulation according to them are very reasonable: men throughout their lives are burdened with costs for support of their wives, children and other relatives (sisters, widows, etc.), Unlike women who have no obligation to spend money for their families. [20] Although Muslim countries today are sticking to Qur'anic rules of inheritance, in practice, this right of women is very limited, even when women are economically

[12] Tafsir Al-Jalalayn

[13] apps. americanbar.org/rol/publications/iraq_personal_status_law_1959_english_translation.pdf

[14] For more details see: Early Marriage: A Harmful Traditional Practice, UNICEF, 2005,http://www.unicef.org/publications/files/ Early_Marriage_12.lo.pdf

[15] For more details please see at: http://www. nairaland. com/210667/ saudi-court-tells-girl-aged

[16] For more details, please see at: http://www.msnbc.msn.com/id/36717454/ns/world_newsmideast_n_africa/t/girl-divorces--year-old-husband/#.UKglE4ad8i0

[17] See the translated version of this Code at: http://www.peacewomen.org/portal_resources_resource.php?id=995

[18] Qur'an 4:11

[19] Qur'an 4:11

[20] Shah N. A., "Women, the Koran and International Human Rights Law-the experience of Pakistan", Martinus Nijhoff Publishers, Leideb/Boston, 2006,55

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disadvantaged, which is against the intent of the Qur'an. Another problem is that there are Muslim states and societies in which women are under pressure to give up their hereditary rights in favor of male members of the family.

4. Right to work. "To men is allotted what they earn, and to women what they earn" [21], providing that Islamic laws are observed and modesty is maintained at the working place (Surah An-Nisa': 32). There is hardly any Muslim community that has no restriction over women's mobility, travel, dress code, work and participation in economic development although no limitation or prohibition against women's traveling alone or work participation is mentioned in Quran. [22]

5. Right to education. Acquisition of knowledge is considered as religious duty for both men and women in Islam. The Qur'an states: "Can those who have knowledge and those who do not be alike?' So only the wise do receive the admonition. [23] So only those of His servants who have knowledge (of these realities with a vision and outlook) fear Him. Surely, Allah is Almighty, Most Forgiving". [24] However, in Afghanistan, the Taliban regime considered female education as against Islamic teaching spreading vulgarity in society. But, Muslim women face restrictions in accessing education today. Recently, on 17. April, 2012, female students and teachers were victims of mass poisoning through water in Afghanistan. The responsibility was taken over by the conservative and radical Taliban, in order to send message that a woman's place is in the house, not in the school. This practice, which has not been part of any legislation, today, is guided by reasons that have nothing to do with Islam. Misperception resulting from family circumstances combined with the traditions and customs of certain Muslim countries, and supported by interpretative deviations of religious sources by some conservative and rigid members of the ulema has led to this wrong perception of the right to education of women in the Muslim world.

Although the educational structure of women is getting improved nowadays, unfortunately their participation on the labor market is still very low: Many women with high qualifications have diplomas that serve only as a plain sheet of paper.

III. Conclusion

Violations of human rights of women do not correspond with the original Qur'an orientation. Seen from the analysis above, we can determine that the Qur'an adopted more or less egalitarian access to the rights that men and women share. The general rule for any analysis of the Qur'anic text especially the one pertaining to the rights of women should be considered in terms of socio-economic conditions in which the Qur'an has been adopted and applied.

The Sunnah as a second important source of law is in this regard, very questionable from several reasons. First, it is the result of a creative process and is a human act or rather an act of men (women were not allowed to develop the Sunnah) which affected its content: weakening the autonomy and status of women in society. During the long-term history of Islam, the men abused their self-awarded competence to develop the Sunnah in the direction of oppression of women. Why would Islam subjugate women? Why did God which is the second name of justice, equality and love, allow it? Is Islam indeed a misogynic religion?

Women's rights are not the product of any culture and religion as many Muslim countries call in their intention to ignore the international women's rights, but rather they are product of male oppression throughout history.

According to Abdullah an-Naim, it's most popular propagator, liberal Muslims argue that in our world today there are no monolithic religions and that the rejection of human rights is merely a wish to remain ensconced in tradition. With a moral and political justification of rights in Islamic theology, but inconsistency with human rights, there is a need to redefine Islam within the context of human rights to achieve reconciliation despite issues with compatibility.[25] The right way for this to be achieved is through re-interpretation of Islamic sources within the context of the Qur'an which is a basic moral trajectory for the behavior and the actions of the Muslims. The literal and inconsistent interpretation of Islamic religious texts is certainly counterproductive for achieving justice, as one of the basic maxims in the Qur'an.

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[23] Surah Al Zumar: 39:9

[24] Surah Al-Fatir, 35:28

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Ethnicisation of Violent Conflicts in Jos?

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Abstract- For over a decade now, violent conflict has been a recurring decimal in Plateau State, most especially in Jos the state capital. However, some commentators have examined the simmering conflicts in Jos by adopting mono-causal perspective. Anchored on eclectic model of conflict analysis and with heavy reliance on secondary data, this study examined violent conflict in Jos. The study found that conflicts in Jos and elsewhere are caused by confluence of factors and as such solutions to conflict should embrace the various manifestations of conflict so as to proffer workable solutions.

Keywords: *ethnicity, violence, conflict, jos.*

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Ethnicisation of Violent Conflicts in Jos?

Joshua Segun [α] & Jegede, Ajibade Ebenezer [σ]

Abstract- For over a decade now, violent conflict has been a recurring decimal in Plateau State, most especially in Jos the state capital. However, some commentators have examined the simmering conflicts in Jos by adopting mono-causal perspective. Anchored on eclectic model of conflict analysis and with heavy reliance on secondary data, this study examined violent conflict in Jos. The study found that conflicts in Jos and elsewhere are caused by confluence of factors and as such solutions to conflict should embrace the various manifestations of conflict so as to proffer workable solutions.

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I. Introduction

For some years now Plateau State has been a theatre of violent conflict. Over the past decade, at least 4,000 people have been killed in Jos and smaller cities and villages in Plateau State (Krause, 2011). There has been extensive damage of property, and violent conflicts in the state have taken toll on its developmental prospects. But Jos, the state capital appears to be the epicenter of much of insecurity and the worst site of violence in the state (Higazi, 2011). Episode of mass killing and destruction of lives and property seems to have started from 2001 and continued to 2010 according to (Higazi, 2011) but after 2010 there have been quite a number of episodic violence till date.

In the literature, ethnicity and indigene/settler phenomenon (see Best, 2007; Human Rights Watch, 2006) are often seen as central to violence in the state once known as home of "peace and tourism" that has now become the centre of violent conflict. Still few others like the former Governor of Plateau State, late Solomon Lar (cited in Suleiman, 2011) disagreed with the above assertion by saying politics is the cause of conflict in the region. Some commentators like Philip Dafe Chairman, Christian Association of Nigeria (CAN) (cited in Adi (2011) see religion as the driver of conflict in the region as people that are often victims of violent conflict in Jos and other parts of the state are people that have nothing to do with the politics of Jos but Christians. The position of this paper is that, instead of viewing the aforementioned factors singly as cause of conflict, it is better to treat them holistically as one factor reinforces the other and the fact that mono-causal approach to conflict analysis is inadequate.

For analytical purposes, this study is divided into the following segments: section one introduces the study; section two focuses on conceptualization of the key concepts and theoretical framework; the next section is on the geography of the study area and also an overview of conflict in the region; the next section immediately after this discusses etiology of violent conflicts in Jos, and its implications. The last section is on conclusion and recommendations.

II. Conceptual Premise

a) On Ethnicity

Ethnicity according to Nnoli (1978:5) simply means a social phenomenon associated with interacttions among members of different ethnic groups. He further held that ethnic groups are social formations distinguished by communal character (i.e. language and culture) of their boundaries. In the same vein, Otite (1989:2 cited in Egwu, 1998:56) defined the concept as the contextual discrimination by members of one group against others on the basis of differentiated systems of socio-cultural symbols. According to Nnoli (1989) there are four major attributes of ethnicity: first, it exists in a polity in which there is a variety of ethnic groups; second, it is characterized by exclusiveness which is manifested in inter-ethnic discrimination; third, conflict is inherent particularly in situations of strong competition over limited resources; finally ethnicity involves consciousness of being one in relation to other ethnic groups.

b) On Violence

The concept of violence serves as a catch all for every variety of protest, militancy, coercion, destruction, or muscle flexing which a given observer happens to fear or condemn (Tilly, 1974 cited in Joshua and Oni, 2010). To Anifowose (2011) in order to properly conceptualize violence, it is necessary to distinguish it from force. Force means legal and legitimate use of violence by a government so as to protect the state, while violence carries an overtone of "violating" that is illegitimate use of force by non-governmental individuals and groups. However, in the context of this study, extrapolating from Anifowose (2011) violence is defined as the use or threat of physical act carried out by an individual(s) or a group of people within a geographical enclave against another individual(s) or a group of people and or property, with the intent to cause injury or

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death to person(s) and/ or damage or destruction to property.

c) On Conflict

The word conflict is taken from the Latin word "conflictus" meaning "struck together". Conflict means clash, contention, confrontation, a battle or struggle, controversy or quarrel (Nwolise, 1997:28 cited in Joshua, 2013:33). To " Coser (1956 cited in Joshua, 2013:33)" conflict is a struggle over values and claims over status, power and resources in which the aims of the opponents are to neutralize, injure or eliminate their rivals.

Conflict is coterminous with violence but may not necessarily mean the same. Conflict may or may not be occasioned with destruction of lives and properties. Conflict that is destructive is termed violent conflict. However, if dispute, quarrel or misunderstanding between people or group is not occasioned with threat or actual destruction of lives and properties it is non-violent conflict.

Studies have revealed that proximate groups are often prone to conflict. Little wonder that Hewstone, et. al (2008) posited that groups in proximity are groups in conflict. This is because neighbouring groups are likely to be competitors for scarce resources such as; land, or may be victimized because they posses wealth that can be conveniently confiscated (Glick, 2008). The nexus of the tripartite concepts (ethnicity, violence and conflict) can be seen in the sense that, differences in ethnic groupings may not necessarily results in violent conflict if there is no competition for scarce resources and values which could be material, political or socio-cultural in nature among the proximate groups. In other words, conflict between or among groups may be triggered by confluence of factors. It is therefore not a surprise that Osita (2007) asserted that any engagement with conflict phenomenon in the present day Nigeria must as a matter of necessity grapple with the multiple impacts of the complex nexus among which are: history, economic, political, cultural, religion and psycho-social dimensions of conflict.

III. Theoretical Exposition

Oberschall (2010 cited in Joshua, 2013) argued that no single theoretical framework can be expected to encompass conflict. In the same vein, Akanji (2005) postulated that it is now generally accepted in the conflict literature that conflict is illusive. Consequently, the position taken in this paper study is that a mono-factor based explanation of conflict is inadequate for understanding conflict in Jos, Plateau State and as such eclectic model of conflict analysis is adopted in analyzing conflict in the region.

The central argument of eclectic model is that civil conflicts are precipitated and sustained by confluence of factors which include: cultural, economic, historical, political and social among others which requires a combination of multiple theoretical approaches so as to arrive at acceptable explanations (Sanderson, 1987). Eclecticism holds that any particular problem must be explained from different angles so as to bring to bear diversity of approaches. The importance of this approach is premised on the fact that each approach only provides partial insight into the nature of problem, whereas the combination of approaches gives complete picture of the problem (Sanderson, 1087). By application to Jos case, eclecticism will bring to the fore the multiplicity of factors responsible for conflicts in the region. The strength of this model is seen in its comprehensiveness and inclusiveness in providing the basis for the analysis of multifactor etiology of conflict.

IV. Geography of the Study Area

Plateau State is located in the North-Central zone of Nigeria and forms part of the middle-belt (Higazi, 2011). Jos is the administrative capital of Plateau State and is located in the North-East zone of the country (Onuoha, et. al, 2010). Scholars like Best (2007:4) noted that Plateau State is one of the most diverse states in the Nigerian federation. The region hosts a high concentration of relatively small ethnic communities with over 40 languages (Blench, 2009:2). The major ethnic groups in Jos are the: Berom, Anaguta, and Afizere regarded as indigene groups in Jos and are predominantly Christians; other groups which are often referred to as settlers are the Yoruba, Igbo and the Hausa/Fulani. The Hausa/Fulani group referrers to themselves as Jasawa (people of Jos) to distinguish them from the Hausa/Fulani in other states of the Nigerian federation (Krause, 2011).

Going by the Nigerian census of 2006, Plateau State had as at then a total population of 3, 178, 712 (Nigerian Census, 2006). The state has 17 Local Government Areas. Jos, the state capital is divided into three Local Government Areas; Jos North, Jos South and Jos East. Krause (2011) noted that according to 2006 Nigerian Population Census, Jos North had as at then, a population of 429,300 people; Jos South 306,716 and Jos East 85, 603.

Having taken a purview of the study area, it is important to note that violent conflicts in the region is mostly limited to the indigenes and the Hausa/Fulani population with other ethnic groups in the region being victims most especially when crisis turns religious. What account for this development is not far-fetched from the fact that, while other ethnic groups in the region apart from the Hausa/Fulani see the mselves as settlers and they never contested for ownership of Jos, the Hausa/Fulani claim that they are indigenes and should be treated as such as a result of their long stay in the Jos.

The next section focuses on an overview of conflicts in Jos.

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V. Violent Conflicts in JOS : An Overview

Jos the state capital of Plateau State has witnessed violent conflicts of differing dimensions in 1994, 2001, 2004, 2008 and the last major crisis being that of January 17 and March 7, 2010 (Onuoha, et al, 2010). But since then (2010) there have been cases of secret killings and night ambushes in different in parts of the state and casualties have been on both sides (the indigenes and Hausa/Fulani). Countless churches and Mosques have been razed, and hundreds of lives lost to the crisis (Suleiman, 2011).

Few cases of violent conflicts in Jos are examined below. The first major conflicts in Jos was in 1994 when the indigenes and Hausa/Fulani group engaged in violent confrontation over the appointment of a Hausa candidate to chair the Jos North Local Government Council which was created in 1991 by the military government of Babangida. It is believed that the military regime created the Jos Local Government to satisfy the interest of the Hausa/Fulani population in Jos North. The violence immediately took on ethnic and religious colouration (Sulieman, 2011). In 1998, a small incident between a Berom and Hausa man degenerated into what became known as the Bukuru Gyero road fracas, leading to violence, destruction of property and loss of lives (Egwu, 2004). In fact, Onuoha, et al (2010) noted that between 2001 and 2004 there were about 63 conflicts with ethno-religious undertones around Jos and other parts of Plateau State. In September 10, 2001, it was alleged that some Huasas/Fulanis attacked Barakin Ladi Local Government Area and killed 12 people. On February 24, 2004 another violent conflict engulfed the area in which about 150 houses were burnt and over 265 people killed. The next one was in Yelwa on May 3rd, 2004 which culminated in the declaration of a state of emergency in the state. It is chagrin that despite the declaration of a state of emergency on the May 18th, 2004, violence was still being perpetrated.

In November 2008, local government elections were conducted across Plateau State. However, the conduct of the election in Jos North and the dispute over the results gave vigor to a renewed mass violence in Jos, leading to the death of over 700 people within two days (Higazi, 2011). Before the army and mobile police quelled the violence, houses and other properties were destroyed in the affected areas and churches and mosques were torched (Higazi, 2011).

On Sunday 17, January 2010, another round of bloody violence broke out in Jos. The remote cause was attributed to the desire to retaliate based on what some parties had suffered during the November 2008 bloodbath. It was indeed, a reprisal attack. The immediate cause was connected to a man who had returned to rebuild his home and was prevented and subsequently attacked (Onuoha et al, 2010). The crisis started at Jos Jarawa area of Fraka district, near Dutse Uku and later spread to Angwan Rogo, Bauchi road, Angwan Rukwuba and later to Jos South. At least 300 lives were lost and thousand wounded (Thisday, 2010; Gofwen, 2011).

On March 7, 2010, Jos was rocked again by violent conflict in which hundreds of Fulani herdsmen were said to have invaded three Christian villages of Dogo Nahawa, Ratsat and Zot at midnight. Not less than 500 people were killed in the attack who were mostly women, children and elderly. The attack was interpreted as a reprisal by Hausa/Fulani ethnic group over the January 2010 incident which was claimed to have led to the massacre of many Hausa/Fulani Moslems (Onuoha et al, 2010).

2011 was a particular bloody year. The people that were killed in the first six months runs into hundreds. In fact, between 15 August and 12 September, more than 150 peoples lost their lives, with about 50 records in a week. Victims of the gruesome killings included pregnant women, children and an entire family. The sudden upsurge of violence in this particular period was also accompanied with regular "silent killing" (ICG, 2012).

The city of Jos was rocked with three suicide bombings between December 2011 and March 2012 which Boko Haram was suspected to have orchestrated. The first on Christmas Day 2011, claimed about fifty lives mostly in churches as churches were targeted in the attack (ICG, 2012).

Having given a purview of cases of violent conflicts in Jos, the next section discussed causes of violence in the region.

VI. Etiology of Violent Conflicts in JOS

Some of the factors identified as causes of conflicts in the region are remote and proximate. However, most of the causes identified reinforce one another. As noted by Best (2007) the Fulani attribute causes of conflict in the area to ethnicity, religion and their economic prosperity reflecting in the large herd of cattle they have which made them object of envy to the indigenes. The indigenes argued that they do not envy the Fulanis and that conflict between them often cropped up when their cows (the Fulani cows) destroyed their (indigenes) crops. But the Yorubas in the area view the conflicts as been politically motivated by the politicians in the area. Some of these factors are discussed below.

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VII. Dispute over Ownership of JO S

The Hausa argued that they established Jos, and that it was nurtured by them till it become a modern city without any help from any of the indigenous ethnic groups in Jos. A leader of the Hausa/Fulani community in Jos was quoted to have said:

Historically, Jos is a Hausa settlement and this had been confirmed by Mr. Ames, a colonial Administrator who gave the population of Jos town in 1950 as 10,207, out of which 10,000 people were of Hausa/Fulani origin. Before the arrival of the British, the present location of Jos was a virgin land and the situation as could be seen today shows no concentration of Berom or any of the tribes in the neighbourhood as being seen in the heartland of Jos town (Best, 2007:24).

The Hausa also claimed that the naming of major streets and areas in Jos (Abba Na Shebu, Garba Daho, Sarkin Arab and so on) with Hausa names and the fact that they had produced a total of eleven Hausa Chiefs who ruled Jos up to 1947 authenticate their claims. Thus, having founded and ruled Jos, they cannot be considered as aliens and settlers (Best, 2007).

The indigenes debunked these claims by saying that they were never conquered by the Fulani Jihadists following the Usman Dan Fodio Jihad policy; and that the Hausa settlers came to Jos after the British conquest of the area to work in tin mining industry and were never indigenes. It was after they had settled they re-named those streets in Hausa name (Best, 2007).

VIII. Ethnicity

The heterogeneous nature of Jos and Plateau State in general has been identified as a key factor to the conflicts in the area. Aside this, lines of ethnic identity quite frequently do coincide with religious affiliation. While the indigenes are mostly Christians, the Hausa/Fulani are predominantly Moslems. Which is why conflict between the two groups is often seen as religious (Onuoha et al, 2010).

IX. Political Factors

The balkanization of Jos Local Government Area in 1991 into Jos North and South (while Krause, 2011 said it was divided into Jos North, South and East) by the Babangida's military regime has often been used as a sad commentary in respect of Jos crisis. This is because the exercise gave the Hausa/Fulani group numerical domination in Jos North. Throughout the period of military regime Huasa/Fulani extraction was always appointed to chair the Local Government, a development that pitched the Hausa/Fulani population against the indigenes. A more direct link to this was when local government election in November 2008 sparked violence in Jos North Local Government on the claim by the Hausa/Fulani that Jang's administration planned to rig the election in favour of his cousin, a Berom who contested on the platform of the Peoples Democratic Party (PDP) (Suleiman, 2011). Added to this is the fact that, the Hausa/Fulani group does not feel represented in the government of Jang's, the present governor of Plateau State (ICG, 2012).

X. Religion

Philip Dafes (the Chairman of the Christian Association of Nigeria Plateau State Chapter cited in Adi, 2011 before and Suleiman, 2011) is of the opinion that that violence in Jos is more of religion in the sense that there has been no political party office burnt or destroyed in the crisis but several religious worship centers have been razed. Best (2007) also noted that for the Christian leaders in Plateau state, the Jos conflict is seen as primarily religious. They view the conflict as a campaign to forcefully bring down Christianity in other to impose Islam on the people of Plateau State. In the same vein, HRW (2009) noted that in November 2008 crisis; forty-six churches were vandalized and set ablaze with a number of clergies killed. This is in line with the trend of thought of Suleiman (2011) that blockage of roads during worship and indiscriminate use of speakers among others accentuates violent conflicts in the area.

XI. Youth Unemployment

ICG (2012) noted that lack of opportunities and growing rate of unemployment among youth, especially from the late 1980s, have aggravated tensions in Jos and the rest of the country. Onuoha et al, (2010) equally aligned with this argument that high level of poverty, unemployment and underemployment, especially among youth is a contributory factor to the outbreak of violent conflicts not only in Jos, but Nigeria in general even though the figure of unemployment in Jos is not available.

XII. Efforts at Resolution

Since April 1994, quite a number of commissions of inquiry have been set up to investigate the remote and immediate causes of violent conflict in Jos. They are: Justice Aribiton Fiberesima Judicial Commission of inquiry into the April 1994 crisis; Justice Niki Tobi Judicial Commission of Inquiry into the September 2010 crisis; Presidential Peace Initiative Committee on Plateau State, headed by Shehu Idris of Zazzau, May 2004; Plateau Peace Conference ("Plateau Resolves") 18 August-21 September, 2004; and Presidential Advisory Committee on the Jos crisis, March-April 2010 (ICG, 2012).

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Apart from the peace initiative mentioned above, government has also deployed the Joint Task Force (JTF), and the police to stem the tide of killings in the region. The efforts of the military Task Force has however been undermined by deep-rooted mutual ethnic and religious suspicion between the combatants as the members of the JTF on assignment in the region that are Hausas/Fulani are seen as taken side with the suspected Fulani herdsmen attacking the indigenous tribe. This is because Fulani herdsmen attacks on the indigenous tribes were said to have taken place close to the position of the JTF without such attacks been prevented (Suleiman, 2011).

In addition, ICG (2012) observed that the inability of government to stop the spiral of violence is predicated on the fact that, whenever violence broke out, government always made tough speeches which are not followed with corresponding political action against the perpetrators of inter-communal violence, even after they have been identified by security, intelligence agencies and the local communities. It was observed that some of the people alleged as perpetrators of 2008 crisis were released shortly after arrest. The security agencies hardly inquire about persons alleged of making inflammatory, inciting and provocative speeches. In other words, there seems to be little or no deterrence and disincentive to check the recklessness and impunity of perpetrators of violence.

XIII. Implications of Violent Conflicts in Jos

Violent conflicts in Jos have wide range implications. It has led to destruction of lives, properties and social life. For instance, former President Olusegun Obasanjo in justifying the declaration of the state of emergency in Plateau State stated among others that:
Violence has reached unprecedented levels and hundreds have been killed with much more wounded or displaced from their homes on account of their ethnic religious identification. School for children has been disrupted and interrupted; businesses have lost billions of naira and property worth much more destroyed (Obasanjo, 2004 cited in Mohammed, 2005:4).

Obasanjo (2004 cited in Mohammed, 2005:4) equally observed that visitors and investors have fled or are fleeing Plateau State leading to influx of internally displace persons into neighbouring states with implication for disruption and dislocation of their economies. This development has made the Federal Government and the neighbouring states incurred huge expenses in the management of the socio-political and economic consequences brought about by the near collapse of the state authority and the breakdown of law and order in Jos and some parts of Plateau State.

Similarly, Mohammed (2005) also submitted that, crisis in Jos and other parts of the state has led to the killing and burning of a large number of livestock, residential building and places of worship. He equally added that Jos market that was built with about two million naira in the late 70s was razed down in one of the crises.

XIV. Conclusion and Recommendations

It appears from the analysis above that mono-causal approach to conflict analysis using Jos as a focal point of study is inadequate. This is because conflicts in the region and elsewhere are often caused by confluence of factors. In view of this submission, solutions to violent conflict in Jos and elsewhere should equally encapsulate the various manifestations of conflict. Based on this informed position, some suggestions are made. The rationale for the suggestions is predicated on the fact that "… it is an intellectual obligation not only to analyze the problems of society but also to proffer solutions" (Gboyega, 2003 cited in Joshua, 2013:276). The suggestion made in this regards are as follows: There is need for the government to revisit the issue of citizenship and come up with a position that will bring about better integration of the various ethnic groups in the polity.

The government and the two religions (Christianity and Islam) often in conflict should create a forum that will promote inter-faith tolerance in Nigeria and Plateau State in particular.

Politicians should be re-orientated towards shunning divisive politics and also see the various ethnic groups in the various areas of their jurisdictions as one so as to foster peace.

The Hausa/Fulani should be educated on the simple logic that what they would not permit in their home state(s) they should not canvass for in their host state(s). In other words, if they (Hausa/Fulani) will not allow any non-indigenes to claim ownership in their home states they should not ask for the same privilege in their host states.

Government should embark on mass employment of youth so that they will no longer be ready tools in the hands of desperate politicians or religious zealots.

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Democracy, Terrorism and the Paradox of Insecurity Vortex in Nigeria

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Abstract- This study examines security challenges in Nigeria and its growing effects in the nascent democracy. The cardinal objective of this study is to juxtapose the interconnectivity between Democracy, Terrorism and the insecurity vortex in Nigeria. Using a dynamic generalized method of moments panel data analysis, the study finds that political instability arising from the absence of an enviable political culture, religious intolerance and fanaticism, bad governance, ethnic rivalry, uneven distribution of development projects and amenities, abuse and misuse of power, unemployment and concentration of wealth in the hands of a disproportionate lazy few are some of the factors that threaten security in Nigeria.

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Democracy, Terrorism and the Paradox of Insecurity Vortex in Nigeria

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Abstract- This study examines security challenges in Nigeria and its growing effects in the nascent democracy. The cardinal objective of this study is to juxtapose the interconnectivity between Democracy, Terrorism and the insecurity vortex in Nigeria. Using a dynamic generalized method of moments panel data analysis, the study finds that political instability arising from the absence of an enviable political culture, religious intolerance and fanaticism, bad governance, ethnic rivalry, uneven distribution of development projects and amenities, abuse and misuse of power, unemployment and concentration of wealth in the hands of a disproportionate lazy few are some of the factors that threaten security in Nigeria. The study concludes that without viable alternative options for checkmating the activities of terrorists in the country, it is unlikely that democracy cannot thrive well and human rights cannot be sustained. It therefore recommended among other things that; Nigerian politicians while seeking political power should endeavour to play the game of politics by the rules, government must always strive through good policies and programmes to impact positively on the life of the people, there should be a national philosophy that would serve as a national impulse and guide individual actions and domestic intelligence and surveillance should also be applied as counter-terrorism strategies.

I. Introduction

In this democratic dispensation, the issue of security has remained topical and indeed constituted a serious course for concern not only to the private but also to public individuals in the country. Succinctly put, the security question has, in recent times, emerged as a key concept in Nigeria's struggle for good governance, sustainable democracy and development (Nkwede, 2011). As noted by Agbaje, Diamond and Onwudiwe (2004) its appeal cuts across the nooks and crannies of the society. Despite successive attempts by Nigerian government to address the cancer worm through public policy alternatives such as regional and state mechanisms, federal character principle, inter alia, the security problem still remains a thorny issue in the country and has taken a staggering dimension.

Onyeoziri (2002:26-31) aptly accounted for the centrality of the character of the Nigerian state to the abysmal failure of the management strategies of the security question in the country. Borrowing from Claude Ake (1986) he identified four characters of the Nigerian state that have disabled it from effective response to the security issues. These are the coercive nature of the state because it has been an exploitative state. Secondly, the Nigerian state is quite indifferent to social welfare, thirdly, the state has an image of a hostile coercive force, as a result of its colonial origin as exacerbated by its post-colonial abuses; and fourthly, it lack of autonomy. Consequent upon the above, the state was not seen as a protector of public interest and as such deserves no respect and loyalty.

Apart from the above reasons, it can safely be argued that the efforts to build a virile democracy in a heterogeneous culture with fear of political domination and perceived insecurity, social injustice and absolute neglect to the principles of rule of law have resulted to several unrests, frustrations, deep seated hatred, insinuations and killings which indeed culminated to the current security challenges. As Okpata and Nwali (2013:173) puts it;

> *Political struggles among the political class, politics of rancour and bitterness, ethnic based politics and intimidation of opposition groups, the use of state apparatus to undermine others are the major source of insecurity in Nigerian state.*

The picture painted above has led to various terrorist tendencies in the country as witnessed in many parts of Nigeria via; Niger Delta militias, Boko Haram insurgencies in the North, kidnapping sagasm in the South-East, spate of bombing and killing of innocent souls with reckless abandon and without recourse to the protection of human life which was the foremost reason for the social contract (Hobbes, 1957).

It is against this backdrop that this paper is devoted to periscoping into the juxtaposition of democracy, terrorism and insecurity in Nigeria with a view to proffering a solution to the menace in the country.

II. Conceptual Elucidations

a) Terrorism

The term "Terrorism" is often used imprecisely. Although there have been many attempts by various law enforcement agencies and public organizations to develop more precise working definitions of terrorism. Like all political ideas, the meaning of terrorism has evolved in response to circumstances. It originally referred to methods employed by regimes to control their own populations through fear, a tactic seen in

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totalitarian regimes such as Nazi Germany and Soviet Russia.

Etymologically, "terrorism" comes from the French word terrorisme, which is based on the Latin language verbs terrere (to frighten) and deterrere (to frighten from). It dates to 1795 when it was used to describe the actions of the Jacobin Club in their rule of Post-Revolutionary France, the so-called "Reign of Terror". Jacobins were rumoured to have coined the term "terrorists" to refer to themselves. They were primarily concerned with the cases of arrest or execution of opponents as a means of coercing compliance in the general public.

The United Nations Office for Drug Control and Crime Prevention has proposed a short legal definition of terrorism as the "peacetime equivalent of war crime". It is their believe that the malice associated with terrorist attacks transcends even that of premeditated murder. For the United States Department of Defence, terrorism is conceptualized thus;

> *The calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.*

The above definition tend to be more precise and relativist because views toward particular acts of political violence are often only subjective, and rarely show satisfactory objectivity.

Contemporaneously, terrorism is broader and relies more on the example of the 19th century revolutionaries who use the technique as assassination, particularly the anarchist and narodniks in Tsarist Russia, whose most notable action was the assassination of Alexander, II. Political leaders from Europe, North America, Asia and the Middle East have placed the phenomenon of terrorism within the context of a global struggle against systems of government perceived by those accused of using terrorist tactics as harmful to their interests. Besides, European Union perceived terrorism as destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country.

In Nigeria, part 1(2) of the 2011 Terrorism Act (as amended) comprehends terrorism as an act which is deliberately done with malice, aforethought and which;

a. May seriously harm or damage a country or an international organization;
b. Is intended or can reasonably be regarded as having been intended to;
   i. Unduly compel a government or international organization to perform or abstain from performing any act;
   ii. Seriously intimidate a population;
   iii. Seriously destabilize or social structures of a country or an internal organization; otherwise influence such government or international organization by intimidation or coercion; and
c. Involves or causes, as the case may be-
   i. An attack upon a person's life which may cause serious bodily harm or death;
   ii. Kidnapping of a person
   iii. Destruction to a government or pubic facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a pubic place or private property, likely to endanger human life or result in major economic loss;
   iv. The seizure of an aircraft, ship or other means of public or goods transport and diversion or the use of such means of transportation for any of the purposes in paragraph (b) (v) above.
   v. The manufacture, possession, acquisition, transport, supply or use of weapons, explosives or not nuclear, biological or chemical weapons, as well as research into, and development of biological and chemical weapons without lawful authority;
   vi. The release of dangerous substance or causing of fire, explosions or floods, the effect of which is to endanger human life;
   vii. Interference with or disruption of the supply of water, power or any other fundamental natural resources, the effect of which is to endanger human life;
d. An act or omission in or outside Nigeria which constitutes an offence within the scope of a counter terrorism protocols and conventions duly ratified by Nigeria.

Importantly, it should be noted that terrorist attacks are usually characterized by indiscriminate, targeting of civilians or executed with disregard for human life. As disparaging as it may be, terrorist rarely identify themselves as such, and instead typically use terms that refer to their ideological or ethical struggle, such as; separatist, freedom fighter, liberator, militant, paramilitary, guerrilla rebel, Jihadi and Mujaheddin (both meaning struggler), or fedayeen (prepared for martyrdom).

Whichever way one looks at terrorism, it is understood as an attempt to provoke fear, and intimidation in the main target audience, which may be a government, a whole society or a group within a society. Terrorist acts are essentially designed and may be deliberately timed to attract wide publicity and cause public shock, outrage and fear. The intention may be to provoke disproportionate reactions from government, and the civil society.

b) Democracy

The term "democracy" is perhaps one of the most polemical words in the political dictionary. It has been subjected to so many interpretations and

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adaptations in various parts of the world, that overtime, it has become value-ridden. Again, it has become an alter on which everyone hinges his or her own *exvoto* (Eliagwu 2011, Wiseman 1990, Adams 2004). This is in view of the fact that the concept has undergone various shades of definitions and modifications by scholars of our times and has generated controversies among its adherents based on the interpretations, which they proffer to the terminology (Nkwede, 2011).

Essentially, in the context of the globalization of the world, the impression is often given that "Democracy" is good; to be undemocratic is bad. The Greek originators of the concept must be very confused about it today, based on the problems of Western democracy in Greece in the recent past. Nonetheless, irrespective of the bastardization of the concept in the globalized world, attempt would be made in this discourse to pin down the philosophical and intellectual meaning of democracy. Eliagwu (2011:172) opined that democracy is a system of government based on the acquisition of authority from the people; the institutionalization of the rule of law; the emphasis on the legitimacy of rulers; the availability of choices and cherished values (including freedoms), and accountability in governance. This definition has brought out the ingredients and principles of democracy, which included inter alia; the locus of authority in a democratic polity, the rule of law, legitimacy, element of choice and accountability. These ingredients may be seen as the minimum characteristics of democracy but the institutional framework for their operation may vary from one political domain to the other. Cunningham quoted in Nkwede 2011:72 postulated that;

> *Democracy is justified primarily by reference to individual freedom, where freedom is interpreted as ability of individuals to act on their preferences, granted that individual preferences are also influenced by social norms.*

The above definition suggests that what matters is the degree of democratic control, that is, effective control over shared environment. The more control individuals have, the more democratic institution involving their lives become.

For Amartya (2001:7)

> *Democracy must not be restricted and identified with rule by the majority. This is because democracy has complex demands, which certainly include voting, but also requires the protection of liberties and freedoms, respect for legal entitlements and the guaranteeing of free discussion.*

In essence, democracy is all about rights and responsibilities, but also about equality, justice and fairness. Focusing attention on social contract, democracy does not accept others as citizens and others as slaves; everyone is equal before the law and everyone has equal opportunity, be they male or female, rich or poor, members of the elite class or the masses, minority or majority (Danjibo 2006). Apparently, it is germane to state that it is unequivocally amenable to discern the fact that the concept of democracy has homonymity difficulties.

However, for proper internalization of democracy in contest of this discuss, it means liberty, equality, fraternity, effective citizenry control over policy, responsible and responsive government, honesty and openness on politics, informed and rational deliberation, equal participation, power and virtues. It is also important to note that democracy is not necessarily the most efficient and inexpensive system of government. Rather it is very costly and will really be wishful thinking to assume that democracy is the elixir to all problems of development. It only provides for relative place and a conductive atmosphere for developmental activities.

c) Security

Greene cited in Okpata and Nwali (2013) posited that security is a state of relatively predictable environmental conditions which an individual or group of individuals may pursue its needs without deception of harm and without fear of disturbances or injuries. Ipso facto, security is a man-made scenario covertly or overtly such that each side has its attendant consequence of peace and/or troubles respectively. Relying on the imperativeness of security and in the society, Rockely and Hill (1981) opined that the need for security is confirmed with unfailing regularity because the avalanche of problems emanating from lack of it is too enormous. Because of the enormity of problems which lack of security or insecurity creates within individuals and society, physical leadership rationalize their quests for security, raise and maintain military outfit in order to be strong and effective in the pursuit of its interest in the polity. It could be this that made Akpuru-Aja (1997) to aver that system maintenance against anarchy or absolute lawlessness is an index of peace and security, stressing that system in this view could be a community, a state, a nation or world as the case may be.

Balogun (2004:1) observed that

> *Man's primary and engaging concern has been that of survival and protection; from the vagaries of nature, natural disasters and from the ill-intentions and misdeeds of his fellow man.*

This is amplified by section 14(b) of the Nigerian Constitution (1999), which states inter alia that "the security and welfare of the people shall be the primary purpose of government". This view is further reinforced by the ascertain of Usman (2002:15) thus;

> *A secure nation state is one that is able to protect and develop itself so that it can develop its*

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core values, meet the needs of its people and prove them with the right atmosphere of self improvement.

Nwolise (1988:61), ballary (1991:7) all viewed security as relative freedom from war, safety, freedom from danger or risk. The legitimacy and authority of the state over the people can be sustained only to the extent it can guarantee the security of life and property of the citizenry. This position relates to the positive school of thought represented by Bentham (1748-1832), which sees a society as one that seeks to achieve the greatest good and happiness for the greatest number of its citizens.

Thus, the fundamental rationale of a state is about providing for the needs of the individuals or group of individuals. In a related view, Etzioni (1968:623) argued that;

Societies are expected to provide one or more outlets for the basic needs of their members and to socialize them to accept this. Any society that is incapable of doing this is a deviant society that is; a society whose structure is contrary to human nature and does not allow the satisfaction of human needs.

In this wise, security in an objective sense therefore means the absence of threats to acquire values, while subjectively, it portends absence of fear that such values will be attacked.

III. Elements of Security

The main elements of security that can be isolated from the various operational definitions highlighted above are:

Protection

Safety

- Freedom from danger or risk
- Security from external attacks
- Economic security
- Food security
- Social security
- Environmental security
- Technological security
- Growth and development

Ipso facto, a common fact flowing from the conceptualizations of security is that, it is the life wire of any society and a mandatory task of any government that intends to continue to enjoy the support and legitimacy of the people.

Broadly speaking, security can be classified into two via; internal and external. External security has to do with the security of the nation's territorial borders and her protection from external aggression, while, internal security implies freedom from or the absence of those tendencies which could undermine internal cohesion and the corporate existence of the nation and its ability to maintain its vital institutions.

IV. Causes of Terrorism and Insecurity in Nigeria

Essentially, it is increasingly clear that causes of terrorism are synonymous with factors that threaten security. The two concepts are inter-twined and therefore can be used interchangeably. Apparently, there are many factors causing insecurity in the country and this include inter alia; incessant ethno-religious and communal conflicts, political instability, bad governance, decomposition and attendant lack of efficacy of state institutions, economic stagnation/decline, massive poverty¸ high unemployment, wide income disparities, social dislocation caused by massive rural-urban migration, breakdown of societal values leading to fraud and community unrest etc (Nwachuwku 2011: 75-76).

Similarly Kupolati (1990:321) submitted that

Political instability arising from the absence of an enviable political culture, religious intolerance and fanaticism, ethnic rivalry, uneven distribution of development projects and amenities, and concentration of wealth in the hands of a disproportionate, lazy few are some of the internal threats facing this country.

Other scholars like Ajakaiye (2002:8), and Jega (2007:199) are all in agreement that poverty appears to be the major greatest underlying threats to security in Nigeria. They further opined that a combination of widening gap in income inequality, worsening unemployment situation and perceptions of group discrimination and marginalization based on ethnic, religious, and communal differences, create rigid identity divides based on US versus them syndrome, fan the embers of group hatred and ignite tensions and even violent conflicts. Idowu (1999:131) quoted in Nwachukwu (2011:76) aptly highlighted a multiplicity of factors that threaten security in Nigeria thus;

- Bad and week government;
- Human rights violation;
- Unjust and inequitable distribution of National resources including political posts, industries, investments, funds etc;
- Disunited and un-integrated ethnic groups;
- Ethnic and religious antagonisms and cleavages;
- Weak and poor economy marked by corruption and week currency etc;
- Social-economic hardship, unemployment, hunger, starvation, cashlessness etc.
- Weak military might;
- Coups and military rule
- Communal clashes;
- Unhealthy competition among the ethnic groups for national resources
- Political domination
- Misappropriation of national revenue; and

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- Abuse and misuse of power by some defence and security agents.

V. Manifestations of Terrorism and Insecurity in Nigeria

The security situation in Nigeria is one of the major problems threatening the nascent democratic governance. From disturbing political killing to dare devil banditry, the result is the same helplessness. There is now a bizarre situation where the high and low are gripped by fear. Rather than ameliorating the menace, terrorists have graduated from attacking innocent citizens at night to bombing and kidnapping at will including the law enforcement agents at gun points in broad day light. The current posture of insecurity in Nigeria has become a serious threat to the peace, stability and development of the nascent democracy. Table I and II below shows some cases of bombing and kidnapping in some parts of Nigeria.

Table 1 : Some cases of Bombing and Bomb Blasts in Nigeria from 1986-2012

S/N	DATE	PLACE OF INCIDENTS	SUSPECTS	VICTIMS
1	19/10/1986	Dale Giwa's house: Ikeja, Lagos	IBB	Dele Giwa
2	31/5/1995	Ilorin Stadium	Unknown	Figure not known
3	18/1/1996	Durbar Hotel, Kaduna	Suspect killed but name not available	Figure not known
4	20/1/1996	Aminu Kano Int'l Airport, Kano	Unknown	Figure not known
5	11/1/1996	Ikeja Cantonment, Lagos	Unknown	Figure not known
6	25/4/1996	Air Force Base, Ikeja, Lagos	Unknown	Figure not known
7	14/11/1996	Murtala Muhamed Airport	Unknown	Chief security officer
8	16/12/1996	Not available	Unknown	Col. Marwa's Convoy
9	18/12/1996	Not available	Unknown	Task force on environmental sanitation
10	17/1/1997	Not available	Unknown	Nigeria Army bus hit.
11	22/4/1997	Evans square	Unknown	3 died, several people injured
12	12/5/1997	Abuja Airport	Unknown	Lt Col. Oladipo Diya escapes death.
13	27/1/2002	Ibadan	Unknown	Federal ministry of works and housing: human victim not known
14	26th July 2009	Bauchi state	First clash with security agencies on Dutsen Tanshi.	39 civilians dead, 2 policemen dead, 1 soldier killed.
15	27th July 2009	Yobe state	First attack in Yobe leading to invasion of potiskum divisional headquarters	5 civilians dead, 3 policemen dead
16	29th July 2009	Yobe state	Confrontation with security men at Mamudo village	33 BH dead
17	29th July 2009	Borno state	All night battle between BH and combined security operatives	Scores killed and operational base destroyed
18	7th Jan., 2010	Borno state	BH gunmen on motorcycle fired at a tea shop in Gazangi-Tashan Gandu	3 civilians dead
19	2 April 2010	Bauchi state	Attack on prison at Maiduguri	1 prison warder killed
20	15/5/2010	Warri, Delta state	Niger Delta militants	Figures not available
21	1/10/2010	Abuja	Boko Haram	Figures not available
22	8/4/2011	Suleja, Niger state	Boko haram	INEC office; human victim not known
23	26/4/2011	Maiduguri, Borno state	Boko haram	Figure not available
24	1/1/2011	Abuja	Boko haram	Army market; human victim not known
25	28th Jan., 2011	Bauchi state	Killed governorship candidate of (ANPP,) Alhaji Modu Fannami Gubio	5 injured
26	2 March 2011	Kaduna state	Attack residence of divisional police officer	2 policemen killed

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27	7th April, 2011	Borno state	An explosion of bomb	Many injured.
28	8th April, 2011	Kaduna state	Bomb explosion at independent electoral commission office Suleja	11 civilians killed
29	21st April 2011	Borno state	Two suspected bomb makers	2 BH dead
30	25th April 2011	Kano state	Three bomb blast at Tudu palace Hotel and kano motor park in Maiduguri	Figure not available
31	5 May 2011	Bauchi state	Bomb explosion in Damaturu	1 policemen injured.
32	5th may 2011	FCT Abuja	Attack of Bauchi state government house at Abuja	1 civilian dead, 1 policemen dead others injured
33	5th may 2011	Bauchi state	Attack on two Islamic clerics, Sheikh Goni Tljiam and Mallam Alhaji Abur at his residence	2 Islamic clerics dead
34	9th May 2011	Bauchi state	Attack on Ibrahim Dudu Gobe	I civilian dead and his son injured
35	13 May 2011	Bauchi state	Bomb explosion at Londo Chinki Maiduguri	2 civilians killed
36	15 May 2011	Bauchi state	Bomb exposition at military barrack	3 policemen dead, 2 soldiers dead
37	29th May 2011	Bauchi state	Attack Shehu of Borno's brother, Alhaji Abba Anas Garba El-Kanemi	14 soldiers dead
38	31 May 2011	Borno state	Attack on police station in Maiduguri	1 civilian dead
39	28th May 2011	Borno state	A blast at the mammy market of Shandawanka Barracks	13 civilians dead 40 injured
30	29h June 2011	FCT Abuja	An explosion at Zuba of Kubwa in Abuja	8 civilians lose their legs
31	1 June 2011	Borno state	Attack on police station in Maidurugi	5 policemen dead
32	12th June 2011	Bauchi state	Attack on drinking joint at Damboa	4 civilians dead
33	16th June 2011	Bauchi state	Bomb explosion at Damboa.	4 civilians dead
34	16th June 2011	FCT Abuja	Bomb explosion at force headquarters	2 policemen dead
35	16th June 2011	FCT Abuja	A massive explosion at the national police headquarters building in Abuja	Figure not available
36	4th July 2011	Borno state	Bomb blast	4 civilians dead, 10 injured
37	13th July 2011	Borno state	Bomb blast	5 civilians dead 2 soldiers injured
38	26th August, 2011	FCT Abuja	Bomb blast at UN House Abuja	33 civilians dead 11 UN personnel and several people injured
39	17th Oct., 2011	Borno state	BH storm police barracks	14 vehicle burnt
40	8th Dec., 2011	Kaduna state	bomb blast	15 civilians dead several others injured
41	20th Dec., 2011	Yobe state	Bomb blast	3 suspected BH injured
42	25th Dec., 2011	Niger state	Bomb blast at St. Theresa's Catholic Church	Several people injured

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43	15th Jan., 2012	Gombe	Deeper life Bible church in Gombe	8 worshipers dead 18 injured
44	16th Jan., 2012	Adamawa state	Christ Apostolic church, Jimeta, BH spraying worshipers with bullets	16 worshippers dead
45	21st Jan., 2012	Kano state	Several bomb blast at police stations	200 killed including civilians and policemen
46	27th Jan., 2012	Kano state	Bomb blast	2 civilians injured
47	20th Sept., 2012	Plateau state	Attack on the state capital	9 civilians dead
48	17th Octo., 2012	Plateau state	Attack on security	1 soldier matcheted 3 BH killed

Source: Okpata F. O and Nwali T.B (2013), Chikwem F. C (2013).

Table 2 : selected cases of Kidnapping in the South-Eastern Nigeria 2007 -2010.

Source: Nkwede, J. O. (2011)

S/N	NAME	STATE OF KIDNAP	DATE	RANSOM PRICE	LOCATION
1	Mr. Niu Quijang	Anambra	17/3/2007	N/A	Nnewi LGA
2	Mr. Shey Feng	Anambra	17/3/2007	N/A	Nnewi LGA
3	Mr. Sylvester Unigwe	Anambra	17/3/2007	N/A	Nnewi LGA
4	Chibuike Nkwegu	Enugu	16/12/2008	N5m	University of Nig. Nsukka
5	Rev. Joseph Okoye	Ebonyi	9/6/2008	N/A	Abakaliki Urban
6	Mr. Dave Agwada	Ebonyi	21/8/2008	N/A	Abakaliki Urban
7	Johny Okorafor	Ebonyi	8/11/2008	N10m	Auza Quarters Abakaliki
8	Chief Chris Nwankwo	Ebonyi	5/10/2009	N200m	Country home Ebya Izzi LGA
9	Mr. Juliana Adum	Ebonyi	14/8/2009	N80m	Meat market Abakaliki town
10	Maser Obinna Okpo	Ebonyi	13/11/2009	N/A	Country home Nkaliki town
11	Mr. Guiceepe Canova (manager marlum coy)	Ebonyi	13/06/2009	N20m	Afikpo Abakaliki raod
12	Nkem Owoh	Enugu	26/04/2009	N/A	Nkanu LGA
13	Mr. Pete Edochie	Anambra	16/10/2009	N/A	Onitsha head bridge Onitsha
14	Comrade Wahaba Oba	Abia	11/10/2010	N250m	Umuafoku Obingwa LGA
15	Comrade Sylvester Okereke	Abia	11/10/2010	N250m	Umuafoku Obingwa LGA
16	Comrade Adophus Okonkwo	Abia	11/10/2010	N250m	Umuafoku Obingwa LGA
17	Comrade Sola Oyeyepo	Abia	11/10/2010	N250m	Umuafoku Obingwa LGA
18	Comrade Yakeen Azeez	Abia	11/10/2010	N250m	Umuafoku Obingwa LGA
19	Evangelist Jacob Achilefu	Abia	17/3/2010	N2m	Aba Ikot Ekpene highway
20	Prof. J. U. J. Asiegbu	Imo	20/2/2010	N/A	Okigwe Aba P-H road
21	Prof. B.E. Fakae (VC.RSUT)	Rivers	15/1/2010	N/A	Niger Delta
22	Mr. Victor Udosen	Ebonyi	4/7/2010	N500m	Ivo life camp Ivo LGA
23	Barr. Sylvester Chima Oduko	Ebonyi	6/3/2010	N/A	Okprojo Idima Edda Afikp S.L.G.A
24	Mrs. Grace Ola Oduko	Ebonyi	6/3/2010	N/A	Okprojo Idima Edda Afikp S.L.G.A
25	Dr. Sha Okorie	Imo	26/6/2010	N/A	St. Joseph Hospital Ahiazu Mbaise LGA
26	Mrs. Grace Unatoru	Rivers	25/6/2010	N/A	Shell petroleum dev. Coy PH

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27	Dr. Vin Odoukwu	Imo	3/9/2010	N/A	Orlu LGA
28	15 school children	Abia	29/9/2010	N20m	International school Ekeakpara, Aba.

Source: Nkwede, J. O. (2011)

Primarily, the tables are self expiatory but it is still germane to state that the phenomenon of terrorism in the country especially in Northern Nigeria and the precarious activities of kidnappers in South Eastern Nigeria have dovetailed into gangsterism in recent times. It is reasonable to state that their activities have tremendously destabilized the functions of governments at all levels. Even though the federal government has declared state of emergency in some states in the North, it is not yet clear whether that will bring to an end the activities of these terrorists hence, the need for alternative strategies.

VI. Alternative Strategies for Terrorist Assurance in Nigeria

From the analogy, the possible alternative strategies to the terrorist mayhem are set out below;

First, Nigerian politicians while seeking political power or office should endeavour to play the game of politics by the rules, demonstrate a high sense of spirit of sportsmanship, elevate politics beyond ethnicity and self-aggrandizement, and ensure absolute fulfillment of campaign promises.

Second, government must always strive through good policies and programmes to impact positively on the life of the people. This to a large extent will reduce anger and frustration on the part of the people, often vented in the form of violent demonstration against government and its agencies, and sabotage of public assets and facilities.

Third, there should be a national philosophy that would serve as a national impulse, and guide individuals' action. This philosophy should be one of purposeful leadership, predicated on probity, transparency, and accountability.

Forth, there should be a very one on one vigilant citizenry that is ever inquisitive, probing, evaluating and assertive. Good leadership closely monitored by vigilant citizenry will definitely bring about the best in governance.

Fifth, other stakeholders in the internal security arrangements should be fully engaged. The military, customs, immigration, National Drug Law Enforcement Agency (NDLEA), National Agency for Food, Drug, and Administrative Control (NAFDAC) and other agencies must continue to discharge their respective responsebilities very effectively since internal security is a collective effort and not the monopoly of the police. This can best be assured when every agency plays its own role very well. This is because, a police force operating inside a democracy is not an independent agency; it cannot enforce the law by itself (Flowler, 1979:40).

Sixth, the media, electronic and print, should work to keep at the lowest harmless level, the inherent tension in the relationship between government and the people. They can do this by helping to mobilize, ventilate and channel public input into government policymaking process as a feedback role, the media which is the fourth estate of the realm can also help monitor and evaluate government performance, to ensure that they meet at least the minimum expectation of the citizenry.

Seventh, pre-emptive neutralization is another legitimate strategy. This includes capturing, killing or disabling suspected terrorists before they can mount an attack. Another major method of pre-emptive neutralization is interrogation of known or suspected terrorists to obtain information about specific plots, targets, the identity of other terrorists, and whether the interrogation subject himself is guilty of terrorist involvement.

Eight, domestic intelligence and surveillance is another most counter-terrorism strategies. This involves an increase in standard of police and domestic intelligence. The central activities are traditional; interception of communications, and the tracing of persons. New technology has, however, expanded the range of such operations. Domestic intelligence is often directed at specific groups, defined on the basis of origin or religion, which is a source of political controversy. Mass surveillance of an entire population raises objections on the civil liberties grounds.

Responses to terrorism are broad in scope. Recent development has seen a divergence in social and political responses to terrorism in Nigeria. Nigerians are now confronted with a domestic terrorism based within a domestic religious minority, some recent immigrant, but many native-born citizens. Common targets of terrorists are areas of high population concentration, such as mass transit vehicles (metro and bus) office building, churches and crowded restaurants. Whatever the targets of terrorists, there are multiple ways of hardening the targets so as to prevent the terrorists from hitting their mark. The single most effective of these is bag-searching for explosive, which is only effective if it is conducted before the search subjects enter an area of high population concentration.

VII. Conclusion

Terrorism is a dynamic phenomenon and a persistent societal problem ravaging the country. It is tied to the stability, survival, growth and development of

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any country. A real and potential threat to democratic rule makes it an issue of constant review and discussion, aimed at devising appropriate mechanism for its extermination in the country. Without viable alternative options for checkmating the activities of terrorists in the country, it is unlikely that democracy cannot thrive well and human rights cannot be sustained.

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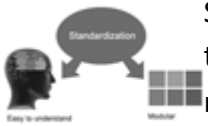


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2. Ethical Guidelines,

3. Submission of Manuscripts,

4. Manuscript's Category,

5. Structure and Format of Manuscript,

6. After Acceptance.

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Approach:

- Use past tense except for when referring to recognized facts. After all, the manuscript will be submitted after the entire job is done.
- Sort out your thoughts; manufacture one key point with every section. If you make the four points listed above, you will need a least of four paragraphs.

- Present surroundings information only as desirable in order hold up a situation. The reviewer does not desire to read the whole thing you know about a topic.
- Shape the theory/purpose specifically - do not take a broad view.
- As always, give awareness to spelling, simplicity and correctness of sentences and phrases.

Procedures (Methods and Materials):

This part is supposed to be the easiest to carve if you have good skills. A sound written Procedures segment allows a capable scientist to replacement your results. Present precise information about your supplies. The suppliers and clarity of reagents can be helpful bits of information. Present methods in sequential order but linked methodologies can be grouped as a segment. Be concise when relating the protocols. Attempt for the least amount of information that would permit another capable scientist to spare your outcome but be cautious that vital information is integrated. The use of subheadings is suggested and ought to be synchronized with the results section. When a technique is used that has been well described in another object, mention the specific item describing a way but draw the basic principle while stating the situation. The purpose is to text all particular resources and broad procedures, so that another person may use some or all of the methods in one more study or referee the scientific value of your work. It is not to be a step by step report of the whole thing you did, nor is a methods section a set of orders.

Materials:

- Explain materials individually only if the study is so complex that it saves liberty this way.
- Embrace particular materials, and any tools or provisions that are not frequently found in laboratories.
- Do not take in frequently found.
- If use of a definite type of tools.
- Materials may be reported in a part section or else they may be recognized along with your measures.

Methods:

- Report the method (not particulars of each process that engaged the same methodology)
- Describe the method entirely
- To be succinct, present methods under headings dedicated to specific dealings or groups of measures
- Simplify - details how procedures were completed not how they were exclusively performed on a particular day.
- If well known procedures were used, account the procedure by name, possibly with reference, and that's all.

Approach:

- It is embarrassed or not possible to use vigorous voice when documenting methods with no using first person, which would focus the reviewer's interest on the researcher rather than the job. As a result when script up the methods most authors use third person passive voice.
- Use standard style in this and in every other part of the paper - avoid familiar lists, and use full sentences.

What to keep away from

- Resources and methods are not a set of information.
- Skip all descriptive information and surroundings - save it for the argument.
- Leave out information that is immaterial to a third party.

Results:

The principle of a results segment is to present and demonstrate your conclusion. Create this part a entirely objective details of the outcome, and save all understanding for the discussion.

The page length of this segment is set by the sum and types of data to be reported. Carry on to be to the point, by means of statistics and tables, if suitable, to present consequences most efficiently.You must obviously differentiate material that would usually be incorporated in a study editorial from any unprocessed data or additional appendix matter that would not be available. In fact, such matter should not be submitted at all except requested by the instructor.



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Content

- Sum up your conclusion in text and demonstrate them, if suitable, with figures and tables.
- In manuscript, explain each of your consequences, point the reader to remarks that are most appropriate.
- Present a background, such as by describing the question that was addressed by creation an exacting study.
- Explain results of control experiments and comprise remarks that are not accessible in a prescribed figure or table, if appropriate.
- Examine your data, then prepare the analyzed (transformed) data in the form of a figure (graph), table, or in manuscript form.

What to stay away from

- Do not discuss or infer your outcome, report surroundings information, or try to explain anything.
- Not at all, take in raw data or intermediate calculations in a research manuscript.
- Do not present the similar data more than once.
- Manuscript should complement any figures or tables, not duplicate the identical information.
- Never confuse figures with tables - there is a difference.

Approach

- As forever, use past tense when you submit to your results, and put the whole thing in a reasonable order.
- Put figures and tables, appropriately numbered, in order at the end of the report
- If you desire, you may place your figures and tables properly within the text of your results part.

Figures and tables

- If you put figures and tables at the end of the details, make certain that they are visibly distinguished from any attach appendix materials, such as raw facts
- Despite of position, each figure must be numbered one after the other and complete with subtitle
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- All figure and table must be adequately complete that it could situate on its own, divide from text

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The Discussion is expected the trickiest segment to write and describe. A lot of papers submitted for journal are discarded based on problems with the Discussion. There is no head of state for how long a argument should be. Position your understanding of the outcome visibly to lead the reviewer through your conclusions, and then finish the paper with a summing up of the implication of the study. The purpose here is to offer an understanding of your results and hold up for all of your conclusions, using facts from your research and generally accepted information, if suitable. The implication of result should be visibly described. Infer your data in the conversation in suitable depth. This means that when you clarify an observable fact you must explain mechanisms that may account for the observation. If your results vary from your prospect, make clear why that may have happened. If your results agree, then explain the theory that the proof supported. It is never suitable to just state that the data approved with prospect, and let it drop at that.

- Make a decision if each premise is supported, discarded, or if you cannot make a conclusion with assurance. Do not just dismiss a study or part of a study as "uncertain."
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- You may propose future guidelines, such as how the experiment might be personalized to accomplish a new idea.
- Give details all of your remarks as much as possible, focus on mechanisms.
- Make a decision if the tentative design sufficiently addressed the theory, and whether or not it was correctly restricted.
- Try to present substitute explanations if sensible alternatives be present.
- One research will not counter an overall question, so maintain the large picture in mind, where do you go next? The best studies unlock new avenues of study. What questions remain?
- Recommendations for detailed papers will offer supplementary suggestions.

Approach:

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Methods and Procedures	Clear and to the point with well arranged paragraph, precision and accuracy of facts and figures, well organized subheads	Difficult to comprehend with embarrassed text, too much explanation but completed	Incorrect and unorganized structure with hazy meaning
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References	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring

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