

The Challenges of Peace and Justice to Developing Nigeria: An Intellectual Apprehension.

Nongo, M-arkyaah* Ejembi, Idoko Benjamin

School of Vocational and Administrative Studies, Benue State Polytechnic, Ugbokolo. P M B 01, Ugbokolo

Abstract

This paper examines challenges of peace and justice in developing Nigeria. It surveys the scenario of armed conflicts in Nigeria and looks at justice system in aiding or abating peaceful relationship or co-existence in the running of the entire country. Secondary data is mostly used and deductive analysis applied. The paper is of the view that, Nigeria's development agenda will completely be halted if peaceful co-relation is not vigorously pursued with proper or sound justice system.

Keywords: Peace, Justice, Armed Conflict, Development, and Nigeria

1. Introduction

Peace and justice are central pillars in building a virile democratic society which consequently produces the desired development. The imperative of peace is recognized and pursued in all societies. In fact, societies where armed conflict or violence exists still justify it by alluding to peace motives. Hansen, (2011) also noted in his narration that peace is a universal desideratum.

To show the centrality of peace, the United Nations has shown a great deal of concern by becoming involved in intervention programmes for peace in so many countries of the world. The Peace and Development Analysis (PDA) where the UN in 2014 became involved in Bougainville region of the Papua New Guinea is a good example. Historically, the stoppage of nuclear weapons production among the UN member nations and a watch on the Eastern States (mostly Islamic) to monitor the prohibition or compliance to this treaty is relevant. This explains why the recent test of ballistic missile launched by North Korea in July, 2017 does not only attract condemnation by the United Nations but a stain warning by the United States America. (BBC News Online, 28 July, 2017)

Peace in Africa (Nigeria) has been breached by so many factors identified to be defective political systems, bad governance, regionalization and globalization, transition to democracy, climate change and new energy sources. (Mackatiani, Imbovah, Imbova, 2014). Unfortunately, the peace breachers have always thought that their actions are rather aimed at peace restoration.

The question of justice and justice administration is also a central theme in developing the confines of Nigeria or Africa as a continent. Human life in Thomas Hobbes state of nature is brutish, nasty and short-lived. Left unregulated, a lot of injustices are perpetrated leaving constituent members of the society in the cruel hands of predators. Odinkalu (2006:142) collaborated this view in his submission that:

Families are regularly unlawfully deprived their ancestral lands and livelihood by the rich and powerful without notice, compensation or relocation. Grieving widows are disinherited by surviving in-laws who grasp assets of the dead with calculated disregard for their traditional kinship obligations to the surviving children.

With the rampant and pervasive miscarriage of both moral and legal justice, families, communities and corporate bodies are adversely affected.

In Nigeria to be specific, these injustices have assumed a complex and frightening dimensions. Peace breaching manifested in the activities of Fulani herdsmen, Boko Haram, Kidnappers etc have increasingly posed a major challenge in forging a development agenda. These groups which seem to be formidable and well organized with identifiable structures operate in identifiable places in a protracted time with little or no interruption.

The legal judicial system which is a State creation seems to be overwhelmed with the dimension this peace breaching has assumed and its simply incapacitated or impotent in check-mating it. A judicial vacuum is thus created needing either a reform or an innovation to provide a sound justice system that can ensure peace and development of the country.

The paper shall look at breaches in armed conflicts in Nigeria, armed conflicts and justice administration, conclusion and recommendations.

Clarification of Terms

Peace: Peace denotes absence war

Justice: Justice can be defined as the quality of being just, impartial, rightness, legitimacy, equity and fairness in awarding of what is due (Adedeji, 2013)

Armed conflict. This denotes wars that are fought not only by regular armies but also by militias and armed

civilians with little discipline and with ill-defined chains of command. Such clashes are in fact often guerilla wars without clear front lines. Another important feature in such conflicts is usually the collapse of the institutions of the state, especially the police and judiciary, with resulting paralysis of governance, a breakdown of law and order, and general banditry and chaos. In some cases, not only are the functions of government suspended but its assets are destroyed or looted and experienced officials are killed or flee the country.

Breaches in Armed Conflict

Nigeria’s socio-cultural and economic milieu has been surrounded with a lot of breaches in form of armed conflicts. It has been perpetrated by both clandestine and non-clandestine groups who appear to be well organized in pursuance of their dastardly acts or goal. Most of these armed conflicts have occurred at the behest of Boko Haram, Fulani herdsmen, armed banditry etc.

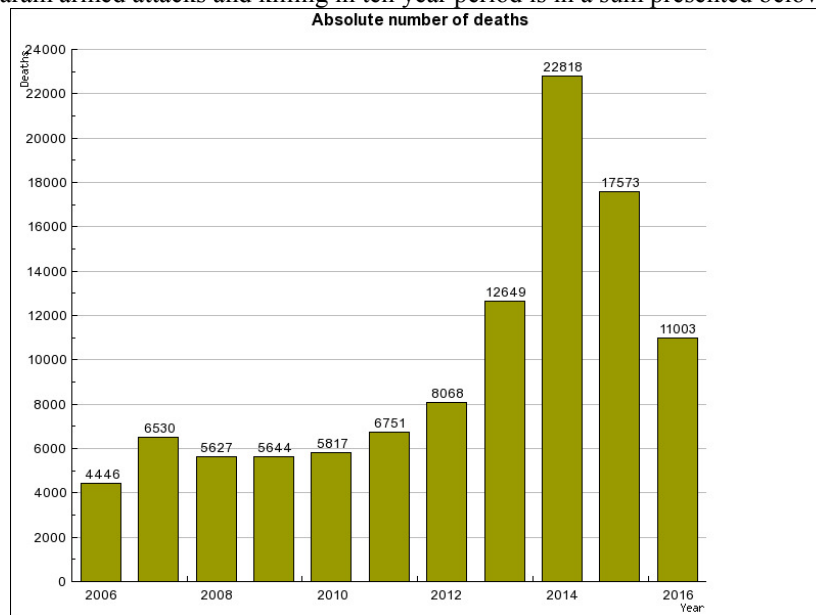
Boko Haram is a socio-cultural organization operating but clandestine with identifiable structure and in discernible places. The structure can be seen in their forms, leadership hierarchy, and sources of their finance and predominantly in the North Eastern Nigeria States of Borno, Adamawa, and Yobe.

Since the commencement and operation of this group, mostly in Northern part of Nigeria, so many armed attacks have been carried out on innocent inhabitants leaving scores of them dead and others carted away into torture, slavery, and forced proselytery.

The Amnesty International Report, (2014) chronicled these armed attacks:

1. “ On Tuesday 11 February, suspected Boko Haram members killed more than 50 people and burnt scores of homes in the village of Konduga also in Borno State.”
2. “ On 25th February, suspected Boko Haram members attacked a college in Yobe State, killing between 43 and 59 students and teachers”
3. “ On 3rd March, suspected Boko Haram members attacked Jakana village in Konduga Local Government Area of Borno State. They killed between 40 and 48 civilians and destroyed shops, and the Police station”.
4. “On 16 February, several villages in Adamawa State were attacked by Boko Haram members. 65 people died in the attacks”
5. “On 26 January, Boko Haram members attacked Kawuri village, Borno State, killing between 52 and 85 people, and destroying the village market. On the same day, in Adamawa State, gunmen suspected of being Boko Haram members attacked a church in Waga Chakawa Village. Between 31 and 47 people were reportedly killed in the attack, including two policemen.”
6. “On 19 January, suspected Boko Haram gunmen attacked the village of Alau Ngawo Fatie, Borno State, killing 18 people and causing many other residents to flee”.

The Boko Haram armed attacks and killing in ten year period is in a sum presented below.



Source: Nigeria Watch, 2016

Judging from the chart, the highest number of victims of the boko haramism was in 2014 when the number death rose to 22,818. According to Nigeria Watch (2016), the figure is even an underestimation because Nigeria media from where the data was generated do not report from rural areas they cannot access. But the decline in the number of deaths after 2014 could be attributed to renewed efforts of the new administration in fighting the

menace.

The inhabitants had lived and conducted their businesses peacefully before the menace of boko haram. This kind of peaceful co-existence is the atmosphere that drives development effort. Conversely, the unprovoked boko haram invasion in armed attacks in identified regions of the North assisted in the deterioration of facilities and other critical factors of development. The affected regions were already noted for their backwardness in development when juxtaposed with other parts of Nigeria hence making the damning effects more pronounced on the communities.

The effects of these go beyond peace breaching to religious, economic and political lives of people. As a result of these attacks and accompanied displacement, killings, and kidnapping, people were not just taken away from their religious practices but forced to practice what they didn't believe prior to the attacks. This amounts to violation of basic human rights of freedom of worship and association.

Their economic lives were also bartered by these infractions. The displacement of people, destruction of farmlands and other business ventures did not only affect the finances of over two million people but created starvation in the region that attracted the intervention measures from the International Humanitarian bodies. (The Vanguard, May 10,2017).

The political participation by the boko haram victims was highly minimized because of the displacement of a sizeable number of inhabitants and the security risk it portends. Voting at the 2015 general elections was seriously affected (Blanchard, 2015).

Despite the heinous crimes committed against humanity, Boko Haram members are at best detainees. The Nigeria justice system has not been able to convict and appropriate punishment melted to any. In fact, some of these detainees were exchanged for a number of kidnapped Chibok girls.

Fulani herdsmen attacks provide another fulcrum for analysis of infractions in armed conflict. Nigeria has in a recent past recorded increased armed attacks of herdsmen on farmers. These attacks have assumed a complex dimension and increased scope. No doubt, the herdsmen through their seasonal migration nature have registered their presence in so many parts of Nigeria but will often go back to the Northern fringes during the rainy period. This coming and going was even predicated on the understanding and acceptance of the indigenous population. In that manner, peace and prosperity prevailed among the migrating herdsmen and indigenous farmers.

Abnormality developed with the insistence and forceful penetration of these herdsmen. This time, resistance from the local farmers was responded with AK47 guns resulting to loss of lives, destruction of property and refugees syndrome.

Benue State among others is the worst hit of the menace of Fulani herdsmen attacks. The following are some of the attacks chronicled from 2013-2017:

- I. No fewer than 100 women, children and Tiv farmers have reportedly been slaughtered in the last two weeks by invading Fulani herdsmen, following the renewed bloodbath and invasion of Tiv communities in Guma Local Government area of Benue state.(Naija Centre News, May 11,2013.)
- II. The Governor of Benue State, Gabriel Suswam was attacked Monday by unknown gunmen suspected to be Fulani herdsmen. The herdsmen have been attacking Tiv indigenes, farmers, killing and maiming villagers with sophisticated weapons.(Naija Centre News, March 12, 2014).
- III. Suspected Fulani herdsmen bearing arms have sacked residence of Egba village in Agatu Local Government Area of Benue State, killing over ninety (90) persons, including women and children, in the early hours of Sunday, March 15.(Channels TV, March 15,2015).
- IV. The Fulani herdsmen have reportedly kidnapped a Policeman after engaging a joint team of the Nigerian Army and Mobile Police Force personnel in Agatu, Benue State in a gun duel. One of the Policemen, Corporal Ebiakpo Akparakazi was also reported missing during the attack. The Benue State Police spoke man ASP Moses Yamu, who confirmed the incident, said that search teams have been sent out to find the missing officer.(DailyPost, April 20,2016).

The attacks were massive and wide spread extending to more than 9 local government areas of the State. Obviously, the attacks affected not only the indigenous population but also the security agencies involved in peace restoration.

Nigeria Justice System and Armed Conflicts.

The justice system is a legal system a country operates to check the human excesses in order to ensure peace and harmonious co-existence. It is the use of rule of law in dealing with conflicts in such a manner that builds trust among members of the society hence making decisions predictable. (Erika Shlaeppi and Chantelle McCabe,2008)

Apart from the Federal Constitution of Nigeria, the International Human Rights Charter states: "Every human being has inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". Nigeria state is therefore bound to implementing or ensuring through her justice system the preservation of the dignity of life.

To the chagrin of the development minded, the pogrom that lasted for up to 5 years was not greeted with appropriate application of justice system to stem the tide. The country operates a Federal Police Force that is charged with the responsibility of arresting, investigating, and charging to court any citizen of the country that is suspected or alleged to be involved in criminal acts anywhere in the country (Police Acts, 2004). But no Fulani man even though seen with rifles of great magnitude (AK 47) was ever taken to and convicted in the law court.

Apparently, this kind of justice system is defective in that, basic fundamental human rights of people are grossly violated; people killed and displaced in their homelands with impunity.

The claim of Miyetti Cattle Breeders in the World Press Conference in Abuja (ThisDay, August 26,2017) condemning the Anti- Open Grazing Law of Benue State, 2017 and that Benue valley(State) was a Fulani occupied territory before the Tivs confirms the crime orchestrated on Benue people by the Fulanis yet the Nigeria justice system is simply blind and inactive.

The effect of this is lack of fair play in the justice system. By implication, the existing Law preserves and protects others and in worst form cattle more than it does to human life. A country of sort is simply a recipe for violence or peace breaching which tantamount retrogression and perverseness not drivers of development.

The complexity of the armed attacks is recognized by HURIWA- a non-governmental organization who after observing the impunity with which the Fulanis have continued to kill innocent people under the existing justice system in Nigeria, took the matter to International Criminal Court (ICC) for investigation. The report:

In our letter sent to the ICC dated September 15th, 2016 the human rights group had invited the ICC to investigate the widespread killings going on in Nigeria especially by armed Fulani herdsmen and to take action to bring the perpetrators to International Justice since the current Nigeria government in doing nothing to address these issues radically.(WorldPress.com.2017)

This is a classical case of State failure which can pave way for unnecessary external or International interference.

Conclusion

Peace and justice are cardinals of and intricately linked to development. To this end, societies normally constitute or develop institutions that would legitimately compel these cardinals. In Nigeria, the Police Force among other security agencies has the responsibility of investigating criminal acts from intent and prosecuting accordingly.

Unfortunately, the events of Boko Haram and Fulani herdsmen in the recent past left much room to be desired. Boko Haramism has caused a lot of infractions depriving the victims of hitherto existing peace. Though, Government has made appreciable efforts in restoring peace in affected places, much still need to be done. The Fulani herdsmen have done even worse by invading communities in Benue State among others in armed attack with sophisticated weapons resulting to a lot of killings and displacement. This has happened in the bare eyes of the Police Force which has not arrested any Fulani man but rather protect his cattle.

Recommendations

Peaceful co-existence cannot be mortgaged if a society will make progress. No cost should be counted too high, no negotiation too hazardous, painful and irrational to be made for peace restoration.

The killing and destruction of this magnitude seen in the Boko haram and Fulani herdsmen activities involves a lot of money hence sponsorship of the pogrom is not doubttable. Government should trace the financiers of the sect and the herdsmen and tackle them from that angle.

Most importantly, the justice system of the country needs be responsive. The Nigeria Police Force with the mandate of igniting the process should not for religious, ethnic or political sentiments left doing its duty.

The herdsmen should be made to stop their predatory and to respect the dignity and sanctity of human life and rights.

References

- Amnesty International Report (2014) Nigeria: More Than 1500 killed in armed conflict in North Eastern Nigeria in early 2014. *Amnesty International Publications*. London: Peter Benenson House
- Adedeji, A.M (2013) Justice, equality and peace: the necessary tripod for national development. *Greener Journal of Social Sciences*. vol 3(1)pp 033-038
- Blanchard, L.P (2015) Nigeria's 2015 elections and the boko haram crisis. *Congressional Research Service*. www.crs.gov
- Channels TV, March 15, 2015
- Daily Post, April 20, 2016
- Erika Shaepfi, B & Chantelle McCabe, G (2008) *Rule of Law, Justice Sector Reforms and Development Co-*

- operation*. SWISS: Swiss Agency for Development and Co-operation.
- Hansen, E (2011) Africa: perspectives on peace, and development. *Peace, Conflict, and Development in Africa: A Leader*. Switzerland: University for Peace
- Mackatiani, C; Imbovah, M & Imbova, N (2014) Peace and development in Africa: prospects and challenges. *International Affairs and Global Strategy*.vol 21
- Naija Centre News, May 12, 2014
- Niaja Centre News, May 11, 2013
- Nigeria Watch Project (2016) *Nigeria Stability and Reconciliation Programme*. Ibadan: University of Ibadan.
- North Korea Conducts New Intercontinental Ballistic Missiles Test. *BBC News Online*, 28 July, 2017.
- Odinkalu, C.A (2006) Poor justice reform for the poor: A framework for reform of customary and informal justice systems in Africa. *The world Bank Legal Review, Law, Equity, and Development*. Washinton DC: IBRD/World Bank
- Police ACT, 2004
- The Vanguard, May 10, 2017
- Thisday, Saturday August 26, 2017
- UNDP (2014) Peace and Development Analysis: Findings & Emerging Prioities World Press.com, 2017