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VIOLENT SECTARIAN CONFLICTS IN NIGERIA: WHY A SOLUTION SEEMS FAR

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ABSTRACT

Nigeria has continued to experience violent sectarian conflicts and it is worrisome that it continues to be on the increase. The reason for this cannot be far-fetched as the challenges of preventing such conflicts are enormous. This is especially true because even with the presence of a legal framework for the prevention of such conflicts, Nigeria is still experiencing an increase which poses questions as to the efficacy of the laws in place and if other factors are responsible. Several factors are often responsible for the increase such as the complex nature of sectarianism, human rights challenges, religion, poverty and unemployment, illiteracy amongst others pose a challenge to curbing of violent sectarian conflicts. It can also be safely asserted that there are factors that limit the implementation of the legal frame work as there is no gainsaying the fact that for any meaningful impact of such laws to be felt in the country, the system put in place must be working effectively. The paper examined the challenges of the prevention of violent sectarian conflicts in Nigeria and argued that these factors are responsible for the prevalence of such conflicts.

1. INTRODUCTION

Sectarian conflicts continue to increase from the early Nigerian state to the present-day Nigeria causing insurmountable loss of lives, destruction of properties and constant fear in the lives of citizens. With the prevalence of violent Sectarian conflicts in Nigeria from when it started and its continuous increase, it may seem that a solution to the prevention of such conflicts is still far off as a result of the challenges of preventing such conflicts. Arguably, even Nigeria's most peaceful city which is Jos, Plateau State with the slogan of "home of peace and tourism" is now known for the occurrence of violent sectarian conflicts.[1] The challenges of preventing such conflicts are enormous. This is especially true because even with the presence of legal framework for the prevention of such conflicts, Nigeria is still experiencing an increase which poses questions as to the efficacy of the laws in place. Several factors are often responsible for the increase of violent sectarian conflicts in Nigeria.

This article will look at some of the challenges such as the complex nature of sectarianism, human rights challenges, religion, poverty and unemployment, illiteracy amongst others which poses as challenges to curbing of violent sectarian conflicts in Nigeria. It can also be safely asserted that there are factors that limit the implementation of the legal frame work as there is no gainsaying the fact that for any meaningful impact of such laws to be felt in the country, the system put in place must be working effectively. The weak criminal justice system,

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[1] I. Asabor, "Expediency of Truly Making Plateau A Home of Peace and Tourism", [2021], available at https://www.thenigerianvoice.com/news/301497/expediency-of-truly-making-plateau-a-home-of-peace-and-tour.html Accessed 10th July, 2023.

inadequate strategies for the prevention of violent sectarian conflicts and the government attitude towards the prevention of violent sectarian conflicts must also be put into consideration. The paper will make recommendations that can mitigate the challenges faced in the prevention of such conflicts.

2. CONCEPTUAL CLARIFICATION

2.1 Concept of Conflict

The word conflict is a common everyday used word, generally understood to mean disagreement, difference of opinion or struggle.[2] Conflict also connotes violence, armed fighting, and war.[3] Conflict can be violent or non-violent. A non-violent conflict is described as competition, and in common language, violence, or the lack of violence, differentiates conflict from competition. A conflict may move through different stages; from a non-violent conflict in its initial stage, into a violent conflict. Conflict occurs at all levels of life, including personal, group, organizational, and international conflicts (between nations). For the purpose of this article, the term "conflict" wherever used means "group conflict" in which the aim of the parties to the conflict is to gain certain objectives and to simultaneously neutralize, injure or eliminate rivals.

2.2 Concept of Sectarian Conflicts

Sectarian conflict is seen as any form of intolerance, discrimination, and hatred arising from attaching relations of inferiority and superiority differences between subdivisions within a group commonly found among different religions, denominations, ethnic identity, and factions of political movement. Sectarian conflicts can be viewed from two perspectives namely the micro and the macro level of violence.[4] Micro level of violence sees violence as hostility between neighbour that are of different ethnic group while macro level violence is as a result of change to the ethnic map[5]. Sectarian violence is also seen as a conflict between and among groups with a specific ethnicity or religion.[6] An example of such will be the notorious Boko Haram sect which combines a sectarian, radical Islamic agenda with violence with the sole purpose of establishing a sharia state.[7] Boko Haram is now considered a terrorist movement by the Nigerian government and internationally by the United States and British government since 2014.[8] The conflict may have numerous causes but the result is violence based on ethnic or religious differences.[9] Conflict is when two or more values, perspectives and opinions are clashing in nature and have not been agreed upon or a compromise reached.[10]

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[2] See Oxford Advanced Learner's Dictionary, 5th Edition, Oxford University Press (1995)
[3] See Webster's Encyclopedic Dictionary of the English Language, Lexicon Publications Inc (1997)
[4] N. Weldman, "Violence from Above or Below? The Role of Ethnicity in Bosnia's Civil War", [2002], *The Journal of Politics,* p.54.
[5] Ibid.
[6] M. Perlman, " Civil Versus Sectarian Conflicts: How to Pick the Most Accurate War Word", [2014], *Columbia Journalism Review,* p.1,2,3.
[7] J. Campbell, "Boko Haram: Originsm Challenges and Responses", [2014], *Norwegian Peacebuilding Resource Centre Journal,* p.2.
[8] Ibid.
[9] Ibid.
[10] A. Bagaji, "Boko Haram and the Recurring Bomb Attacks in Nigeria: An Attempt to Impose Religious Ideology Through Terrorism", [2012], *Cross Cultural Communication,* pp. 33-41

2.3 Concept of Religion

Several scholars have attempted to define or give an explanation to the concept of religion. Religion has been defined as the "belief in spiritual things and the institutions and practices associated with it".[11] It gives guide to human behaviour, giving meaning to life and unites believers into a community.[12] It can be said that Nigeria has three major religions namely, Christianity, Islam and Traditional.[13] The Constitution of the Federal Republic of Nigeria provides for the freedom to practice these religion.[14] The Constitution of the Federal Republic of Nigeria 1999 also provides that neither the Federal nor State Government shall establish a state religion and gives no room for discrimination of any sort on religious grounds.[15] It provides for freedom of thought, conscience and religion, including the freedom to change one's religion and to propagate religion in "worship, teaching, practice and observance."[16]

The right to freedom of religion as contained in section 38 of the Constitution of the Federal Republic of Nigeria is however not absolute as section 45(1) of the Constitution provides for derogation in the interest of defence, public safety, public order, public morality, public health or in the interest of protecting the right and freedom of other persons.[17] The Supreme Court in the case of *Medical and Dental Practitioners Disciplinary Tribunal v Okonkwo*[18] Justice Ayoola JSC stated thus:

> The right to freedom of thought, conscience or religion implies a right not to be prevented without lawful justification from choosing the course of one's life, fashioned on what one believes, and the right not to be coerced into acting contrary to one's belief. The limits of these freedoms, as in all cases, are where they impinge on the rights of others or where they put the welfare of society or public health in jeopardy … the role of law here is to ensure the fullness of liberty when there is no danger to public interest. Ensuring liberty of conscience and freedom of religion is an important component. The courts are the institutions society has agreed to invest with the responsibility of balancing conflicting interests in a way to ensure the fullness of liberty without destroying the existence and stability of society**[19]**

In this case, the Court upheld the right of a Jehovah's Witness to object to a blood transfusion and held that a medical doctor had no right to overrule the patient's refusal of a blood transfusion on public interest grounds.[20] According to Mike and Onyinbo[21] "Many Nigerians are religious and attend churches, mosques and other traditional worship centre's believing that God through his functionaries on earth would assist them where and when the state had failed.' Unfortunately, religion in Nigeria have notably been a source of conflict,

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[11] T. Bradfield, *Collins Dictionary of Sociology*, (Glasgow: Harpercollins Publishers, 2000), p.5.

[12] Ibid.

[13] Christianity was introduced in Nigeria in the mid 19th Century (19th) by the devoted Missionaries from Britain during the colonial era. Christianity is based on the life and teachings of Jesus Christ and since its advent into Nigeria by British Missionaries, it has expanded to almost every part of the country. Islam dates back to the 11th Century and can be traced to the old Borno empire and the Usman Dan Fodio caliphate, its teachings are based on prophet Mohammed and the religion is practiced more in the North while expanding to every part of Nigeria. The Nigerian Traditional religion is most moral and is common to African People in general even before the coming of the Colonial masters and practice of rituals, believe in symbols and retell tales are practiced in traditional religion. More information can be found at https://nigerianinfopedia.com.ng/major-types-of-religions-in-nigeria/ accessed 15th March,2023.

[14] Section 38(1) Constitution of the Federal Republic of Nigeria, 1999 (as amended).

[15] Section 38(2) Constitution of the Federal Republic of Nigeria, 1999 (as amended)

[16] Section 10 Constitution of the Federal Republic of Nigeria,1999 (as amended).

[17] Section 45(1) Constitution of the Federal Republic of Nigeria, 1999 (as amended).

[18]FWLR [2001] (pt 44) pg 542 .

[19] Ibid.

[20] Ibid.

[21] J. Mike & K. Onyinbo "*R*eligion is not Driving Extremist Violence in Nigeria, Poverty,Government role" [2009] available at http://www.newsrescuee.com accessed 14th March, 2023.

instability, and insecurity instead of being an instrument for peace, stability, harmony, security, and national integration.[22] Naturally, religion ought to be a channel of security, an instrument for addressing threats to the national and all class of insecurity in Nigeria.[23]

2.4 Concept of Ethnicity

Ethnicity is a social phenomenon that is manifested in interaction among individuals of different ethnic groups within a political system where language and culture constitutes the most prominent attributes.[24] Ethnicity is a natural concept in almost all societies that are made up of more than one ethnic group and where interaction occurs between different ethnic groups within a single political set up, there will be ethnic identity.[25] Such interaction between ethnic groups can create a common consciousness of being in one relation to other relevant ethnic group which in turn results in the emergence of in group and out group confines which can be guarded jealously over time.[26] Religion and ethnic differences have become prominent factors in instituting and executing socio-economic strategies and application.[27]

Ethnicity has also been considered as the most basic and politically salient identity of Nigerians.[28] This is based on the premise that in their competitive and non-competitive context, Nigerians define themselves in terms of ethnic affinities as opposed to other identities.[29] A survey conducted in Nigeria found that almost half of Nigerians labelled themselves with one ethnic identity, 28.4 percent labelled themselves with respect to class and 21 percent identified themselves with a religious group.[30] This invariably means that 66 percent of Nigerians view themselves as members of an ethnic group.[31] The Central Intelligence Agency puts the number of ethnic groups in Nigeria as at 2016 at 250 different ethnic groups however the seven largest groups constituting about 88 percent of the population are the Hausa and Fulani, Yoruba, Igbo, Ijaw, Kanuri, Ibibio, Tiv and others.[32] The political influence of individual ethnic groups roughly classifies the Nigerian population into three major groupings of the Hausa-Fulani, the Yoruba and the Igbo.[33]

2.5 Concept of Prevention

The word *prevention*, derived from the root word *prevent,* is to keep something from happening or occurring altogether, especially by taking precautionary actions. The ordinary meaning of the word suits the context it is used in this work.[34] The primary objective of government is to prevent violent conflicts from occurring, and if they do occur, to mitigate the conflicts.

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[22] Ibid.'
[23] Ibid.
[24] C. Green, "Religion, Family Law and Recognition of Identity in Nigeria", [2011], *International Law Review,* pp.45.
[25] Ibid.
[26] Ibid.
[27] O. Eneye, " Ethno Religious Identity and Conflict in Northern Nigeria", [2018] available at http://www.ifra-nigeria.org/publication/ifra-e-papers/article/eneye-okpanachi-2010-ethno? Accessed 28th April, 2023.
[27] Ibid.
[28] Ibid.
[29] Ibid.
[30] L. Peter & M. Bratton, " Attitudes Towards Democracy and Markets in Nigeria: Report of a National Open Survey, January to February 2000", [2000] *International Foundation for Election Systems and Management Systems International,* p.7.
[31] Ibid.
[32] The Central Intelligence Agency the World Fact Book available at https://www.simonandschuster.co.uk/books/The-CIA-World-Factbook-2020-2021/Central-Intelligence-Agency/9781510758261 Accessed 28th April, 2023 .
[33] Ibid.
[34] https://dictionary.cambridge.org/dictionary/english/prevention Accessed 28th April, 2023.

3. CHALLENGES OF PREVENTION OF VIOLENT SECTARIAN CONFLICTS IN NIGERIA

The Cambridge dictionary defines challenges as a situation of being faced with something that needs great mental or physical effort in order to be done successfully and therefore test a person's ability.[35] Several factors are responsible for the incessant occurrence of conflicts in Nigeria and have come to pose a great challenge in the prevention of such conflicts.

3.1 The Complex Nature of Sectarianism

While sectarianism has often been termed as religious or political, the reality of sectarianism is more complex than what it seems to be.[36] The Encyclopaedia of World Problems and Human Potentials defined sectarianism in its most basic form as 'the existence within a locality, of two or more divided and actively competing communal identities, resulting in a strong sense of dualism which unremittingly transcends communality and is both culturally and physically manifest.'[37] According to this definition, there are certain contextual factors of sectarianism, which means that to be sectarian is to have the community where sectarian division takes place in one social establishment such as a religion, political accord or sports.[38] These divisions can represent the different contexts where sectarianism is practiced with different kinds of conflict that can all lead to acts of violence. Sectarianism has also been seen as an intern sectional issues which means it does not fall easily into a single categorization but has evolved and continues to evolve over time to be present within the religious, racial, cultural and political spheres.[39] Though sectarianism originated with a religious sphere in that sects are grouped from certain individuals with the criteria of discrimination, hatred, bigotry and showing negative attitudes towards others, these and other criteria facilitate the way to set sectarianism under typologies which are used for different purposes than the religious ones[40]

One source of Sectarianism is politics which is viewed as a strategy to politicize or divide society.[41] Sectarianism could be a political or cultural conflict between two groups often related to the form of government they live under.[42] When it comes to practicing sectarianism by politicians in general, it is the process of sectarianization; a dynamic process by which the sectarian conflict is fuelled.[43] They use the religious tendencies and affiliations to reshape the socio- political scenes. Politicians could utilize sectarianism to divide, to enhance one's ideology, rule people according to sects; destroy social norms which are considered somewhat as positive Prejudice, hated or discrimination can arise in these conflicts, depending on the

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[35] https://dictionary.cambridge.org/dictionary/english/challenge Accessed 20th June, 2023.

[36] See the UIA Encyclopedia of World Problems and Human Potential. Available at https://www.uia.org/en/problems/137815 Accessed 18th July, 2023.

[37] Ibid.

[38] S.Fregonese, "Elements of Contestation. Sectarianism as Extractive Violence and Lebanon's Revolution". *Urban Spaces and Sectarian Contestation, P.*33.

[39] The Scottish government attempted a legal definition of sectarianism and presented a final report by the independent working group exploring the scope to define sectarianism in Scots law. The group was chaired by Professor Duncan Morrow. More information is available at https://www.gov.scot/publications/fina-report-working-group-determining-sectarian-scottish accessed 18th July, 2023.

[40] F. Hameed & B. Kadhim," Sectarianism: Nature and Defining Criteria", [2021], RIELS Journal, P.408.

[41] M. Lauret, *Sectarian Discourse: Form of Perversion in Action in our Modernity, (* Macmillian: Cham 2017), P.7.

[42] J. Murphy & S. McDowell, "Transitional Optics: Exploring Liminal Spaces after Conflict", [2018] *Urban Studies,* P.10.

[43] Ibid.

political status quo and if one group holds more power within the government.[44]

The original link of sectarianism to religion is often completely obscured as the language of sectarianism is applied in cultural areas where the link to religion is no longer obvious, it could arise as a result of division in religion, ethnic identity, class or region.[45] Religious sectarianism is the act of discrimination resulting from ideological differences in terms of interpreting religious text.[46] This leads to intolerance and then ends with either peaceful coexistence or violence, in the stages leading to the act of sectarianism. Sometimes mistrust is found between sects of the same religion, a matter that brings restrictions and acts of discrimination, leading to the sectarian conflict.[47] This comes as a result of viewing the religion as a sociological factor that designates the differences discrimination between different parties within a community. Preachers have a great role to play in religious sectarianism of in terms of agitation, instigation and the like, especially when lecturing the religion ideologically.[48] Religion is regarded as the main source of sectarianism as the practitioners of a religion find themselves as the ones on the right path among other fellow individuals, however the former cannot have the power to persuade the latter to their belief.[49] They start to seclude within circles which then enlarge at a great scale till they have a sect. This sect often times continue to grow till they have different ideology from the generalized religion.[50]

Based on the societal structure, which is constituted from individuals belonging to various cultures, sectarianism can also emerge.[51] Ignorance and religious fanaticism are among the social diseases which facilitate sectarianism.[52] Poverty as a social disease is the major reason which leads to fanaticism and bigotry.[53] One of the significantly effective strategies among the aforementioned ones is the use of agitation; agitating the audience for discrimination through the use of certain levels of discourse. In this source, preachers convey their own ideological tendencies and sectarian affiliation, not to mention their preference to particularized sects.[54] Hence, sectarianism is evident in the preachers' sermons given to the audience that accepts such ideological practice.[55]

Because Sectarianism is complex and multilayered it is usually a challenge to determine the actual cause of a sectarian conflict[56] The Islamic sect Boko Haram is an Islamic sect which is fighting to over throw the government of Nigeria and create a purely Islamic sect.[57] It regards the Nigerian State as been run by unbelievers, regardless of whether the President is a Muslim or not. Their reason for violence has both religious and political undertone

3.2 Human Rights Challenges

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[44] Ibid.
[45] Ibid.
[46] U. Makdisi, *The Culture of Sectarianism: Community, History, and Violence in Nineteenth-Century Ottoman Lebanon*, (London: University of California Press, 2000), p.14.
[47] Ibid.
[48]See S. Hurd,"Politics of Sectarianism: Rethinking Religion and Politics in the Middle East",[2015] *Middle East Law and Governance,*P.43.
[49] Ibid
[50] Ibid.
[51] M. Henley, "Religious Authority and Sectarianism in Lebanon", [2015], *Carnegie Endowment for International Place,* p.4.
[52] Ibid.
[53] Ibid.
[54] Ibid.
[55] Ibid.
[56] See "What is Sectarianism", available at http://www.youthworkessentials.org/stand-up-to-sectarianism/what-is- sectarianism.aspx accessed 11th July, 2023.
[57] See "Who are the Boko Haram Islamic Group" [2016] available at https://www.bbc.com/news/world-africa-13809501 accesed 11th july, 2023.

The government's inability to fully implement the fundamental rights of its citizens as guaranteed by the Constitution of the Federal Republic of Nigeria 1999 poses a challenge in the prevention of violent sectarian conflicts in Nigeria. The Constitution of the Federal Republic of Nigeria (as amended) makes provision for human rights. On the one hand , it provides for fundamental rights in chapter IV which deals with civil and political rights,[58] and on the other hand, it provides for fundamental objectives and directive principles of state policy in chapter II of the Constitution of the Federal Republic of Nigeria, which includes the relationship of the government and the people, political objective, economic objectives, social and educational objectives.[59] The salient provisions of Chapter II of the Constitution on directive principles is contained in section 15 of the CFRN which deals with economic objectives,[60] Section 16 of the Constitution deals with economic objectives,[61] Section 17 on social objectives and Section 18 on the educational objectives.[62] While the provisions of the civil and political right is expressly made justiciable and such rights can be challenged in an appropriate Courts,[63] the economic, social and environmental objectives under the fundamental objectives and directive principles of state policy are expressly non justiciable.[64] This invariably means that where the basic human rights of an individual is wilfully infringed upon during sectarian conflicts, the victim does not get justice at all which poses a great challenge to the prevention or mitigation of violent sectarian conflicts in Nigeria.

In interpreting a similar provision of Chapter II of the CFRN in the case of *Archbishop Olubunmi Okogie v. The Lagos State,*[65] the Court of Appeal, held that 'The Fundamental Objectives identify the ultimate objectives of the nation and directive principles lay down the policies which are expected to be pursued in the efforts of the nation to realize the national ideals. While section 13 of the Constitution makes it a duty and responsibility of the judiciary among other organs of government, to conform to and apply the provisions of Chapter II, section 6(6)(c) of the same Constitution makes it clear that no court has jurisdiction to pronounce any decision as to whether any organ of government has acted or is acting in conformity with the Fundamental Objectives and Directive Principles of the State Policy. It is clear therefore that section 13 has not made chapter II of the Constitution justiciable.[66]

However, the re-enactment of the African Charter on Human and Peoples Rights 1981 as part of Nigerian law, has now made most of the fundamental objectives directing state policy in Nigeria justiciable.[67] In this regard, section 1 of the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap 10), Laws of the Federation of Nigeria, provides as follow 'As from commencement of this Act, the provisions of the African Charter on Human and People's Rights which are out in the schedule to this Act shall, subject as hereunder provided, have force of law in Nigeria and shall be given full recognition.[68] The law is not yet settled on the ranking of the African Charter on Human and Peoples Rights as part of Nigerian law. While there are judicial authorities affirming that this law ranks over other Nigerian laws, there are judicial authorizes saying it ranks equally with other Nigerian laws.

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[58] Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria (as amended).
[59] Chapter II of the 1999 Constitution of the Federal Republic of Nigeria (as amended).
[60] Section 15 CFRN 1999 (as amended).
[61] Section 16 CFRN 1999 (as amended).
[62] Section 17 and 18 CFRN 1999 (as amended).
[63] Section 46 CFRN 1999 (as amended).
[64] Section 6(6) Paragraph C CFRN 1999 (as amended).
[65] [1981] 2NCRL 337 at 350.
[66] Ibid.
[67] Section 1 of the African Charter on Human and People's Right (Ratification and Enforcement) Act, (Cap10) Laws of the Federation of Nigeria.
[68] Ibid.

On the superiority of the African Charter in the hierarchy of superiority of laws in Nigeria, the Supreme Court vehemently disagreed with the decision of the Court of Appeal when it stated in the case of *Abacha v. Fawehinmi*[69] that part of the decision of the Court of Appeal wherein the impression was created that the Africa Charter was superior to the Constitution. While berating the Court of Appeal for denying the subsistence of the hierarchical order of the superiority of Nigerian laws as adumbrated by the Supreme Court in *Abacha V. Fawehinmi,* Achike JSC held that no authority was given in support of this far-reaching proposition.[70]

On the contrary, the proposition is manifestly at variance with section 12(1) of the 1979 Constitution which (is still Section 12(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended)) stipulates that 'no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted'. Indeed, in enacting the African Charter as an Act of Nigerian municipal law and as a schedule to the only two sections of the Act i.e. Cap 10 Laws of the Federation Nigeria, 1990, a close study of that Act does not demonstrate, directly or indirectly, that it had been 'elevated to a higher pedestal' in relation to other municipal legislation. The provisions of the only two sections of Cap 10 Laws of the Federation of Nigeria, 1990 incorporating the African Charter into Nigerian municipal law are conspicuously silent on a 'higher pedestal' to which the learned Justice of the lower court arrogates to the African Charter vis-a-vis the ordinary laws. The general rule is that a treaty which has been incorporated into the municipal laws ranks at par with the municipal laws. It is rather startling that a law passed to give effect to a treaty should stand on a 'higher pedestal' above all other municipal laws, without more, in the law that incorporated the treaty into the municipal law.

The directive state policy contained in the African Charter on Human and Peoples' Rights that has been enacted which makes the justifiability of fundamental objectives into law in Nigeria goes a long way in ensuring that government gives effect to these fundamental objectives but despite the justifiability of fundamental objectives in Nigeria, not many cases have gone to court seeking to enforce these objectives against the government. It seems Nigerians are still labouring under the hangover of these objectives being not justiciable. This poses a serious challenge to the prevention or mitigation of violent sectarian conflict as sectarian conflicts often times occurs as a result of the lack of government efforts in implementing the directive principles of state's policies, an individual enjoys at least an indirect right against government for generating conditions that led to such conflicts. Therefore, while the perpetrator maybe the immediate cause of loss, the government often is the remote cause. Poverty and lack of education which results in ignorance are amongst the causes of sectarian conflicts.[71]

3.3 Religion

Section 38 of the 1999 Constitution of the Federal Republic of Nigeria guarantees freedom of religion as every citizen of Nigeria is guaranteed the right to practice a religion of his or her choice.[72] The provision of this section of the Constitution has seen the emergence of different religious groups in the country. It can be said that the most fundamental source of security problems in Nigeria today is religious fanaticism which has been defined as the practice of being fanatical with religion or having an extreme irrational zeal or enthusiasm for religion or

[69] [2001] 51 WRN 29 at 45.
[70] Ibid.
[71] E. Azinge & B. Owasanoye, *Justiciability and Constitutionalism: An Economic Analysis of Law,* (Nial Lagos: Nigeria, 2010), p.89.
[72] Section 38 1999 CFRN.

one's faith.[73] It involves the manipulation of religion for personal or selfish ends, actions and practices that are excessive and far beyond the norm and essence of religion.[74] This makes religion to be expressed as an art of holding extreme views, ideas and thereby turning it into an instrument of destruction and tension in the society instead of an instrument of social cohesion and stability.[75] It has been observed that the most fundamental source of security problem in Nigeria is religious fanaticism which is associated with terrorism and intolerance.[76] In a survey conducted by the Pew Forum, it was evident that more people in Nigeria than any other African Country believe that religion is a major source of sectarian conflict.[77] Religious leaders are important stakeholders in the quest for the prevention of violent sectarian conflicts because they are trusted by the people.[78] Also, they shape the views and actions of their members, raise awareness on various political and social issues, and challenge their followers, which of course includes political leaders. They also represent their religious groups at peace building meetings and are involved in peace work in their respective congregations and communities. Faith leaders are crucial sources of dissemination of information, especially where the government lacks credibility and they may have powerful influence over the suppression or aggravation of violence which means that their teachings should not incite their followers towards violence.[79] Realizing the impact of religious leaders and the fact that religion serves as one of the major divide and cause of hatred among Nigerians, the Governor of Kaduna State Nasir El Rufai stated that he will work with Interfaith Preaching Regulatory Council to determine those who are qualified to preach.[80] This will be those who are qualified both by education and training.[81] The personal exercise of faith should help society to progress and not be weaponized so much that it questions the right of some of God's creatures to exist at all or practice their faith.[82] Though the Constitution of the Federal Republic of Nigeria guarantees freedom of religion, Poignantly, religious fanaticism often displayed by some sectarian groups, often times inhibits Nigerian's Constitutional right to religious freedom with the aftermath of loss of lives, houses and properties.[83] As a result of the after effect, it threatens the country's social stability and its hard-won democracy by pitting different religious and cultural beliefs against one another.[84] It also infringes on the provision of Chapter II of the Nigerian Constitution which provides that the security and welfare of the people is the primary purpose of government.[85] It is therefore imperative that the government checkmates the teachings of such religious leaders which may incite followers with such checkmating, a balance should be created so it does not infringe on the freedom of religion as also provided by the Constitution of the Federal Republic of Nigeria.

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[73] N. Madumere & C. Awusaka," Psychological Issues of Religious Fanaticism, Insecurity and National Development in Nigeria", [2020] IJRHR, P2, 3.

[74] Ibid.

[75] Ibid.

[76] N. Nwokoye, *Management of Religious Crisis for Sustainable Democracy in Nigeria,* (Obiekeze: 2006) p.16.

[77]Pew Research Center is a nonpartisan fact tank that informs the public about the issues, attitudes and trends shaping the world. We conduct public opinion polling, demographic research, content analysis and other data-driven social science research. We do not take policy positions. More Information available at https://www.pewresearch.org/about/ accessed 10th July, 2023..

[78] Ibid.

[79] J. Campbell, "The Pervasive Influence of Nigeria's Religious Leaders", [2021], *Council on Foreign Relations, P.1.*

[80] A. Oluwasanjo, "Kaduna 'll Determine Those Qualified to Preach: Elrufai" [2021], *Peoples Gazette,* available at https://gazettengr.com/kaduna-ll-determine-those-qualified-to-preach-el-rufai/ accessed 17th July, 2023.

[81] Ibid.

[82] Ibid.

[83] I.Osaretin & W. Ehianu, "Religious Sectarianism and the Threat to Internal Security in Nigeria", [2012], *Global &Strategies,*
p.47.

[84] Ibid.

[85] Section 14 (2) (b) of the 1999 Constitution FRN (as amended).

The activities of Boko Haram, an Islamic sect have rendered some parts of Nigeria insecure destroying and endangering the lives of citizens to sanitize the area of western education.[86] The security situation in the country is becoming more challenging by religious extremist whose extreme, nefarious, obnoxious religious actions manifest through terrorist attack on other religious groups.[87]

3.4 Poverty and Unemployment

Majority of Nigerians are unemployed as statistics show that in 2020 alone, about 9.1 percent of Nigerians that are employable are unemployed which invariably has led to poverty in the country.[88] Unemployment is a condition of not being able to sell one's labour power in the labour market regardless of being eager to do so.[89] The Nigerian Bureau of Statistics said in 2020, 40 percent or 83 million Nigerians are living below poverty line of 137,430 Naira a year.[90] The statistics did not include Borno which is considered the worst hit state by the decade long Boko Haram armed uprising because many areas there were not safe to reach.[91] The prevalent rate of unemployment and poverty makes it easy for individuals to resort to any means and adopt every form of strategy to ensure survival or make ends meet.[92] As a result, a lot of youths join Boko Haram, Militant groups and Criminal gangs as a means of survival.[93] The twin problems of unemployment and poverty have caused the emergence and the intensification of security challenges and all forms of criminal activities where the government struggles to ensure survival.[94]

3.5 Illiteracy

The percentage of illiteracy in Nigeria according to the National Commission for mass illiteracy, adult and non-formal education (NMEC) is above 35 percent.[95] The NMEC defines literacy rate as the rate or as the percentage of people from the age of 15 and above who can read and write simple statements on their everyday life.[96] There is need to get everybody educated as this would help alleviate the level of hostility, suspicion and fear among the people of different ethnic and religious groups as a result of illiteracy and ignorance.[97] It is rarely the

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[86] O. Ewetan & E. Urhie, " Insecurity and Socio- Economic Development in Nigeria", [2014] *Journal of Sustainable Development,* p.40,46.

[87] Ibid.

[88] This is according to Statistics showing the unemployment rate in Nigeria from 1999-2020 available at https://www.statisca.com/statistics/382366/unemployment-rate-in-nigeria accessed 27th June, 2023.

[89] N. Nwagbara, "Poverty, Unemployment, Insecurity, Crime and Violence in Nigeria", [2019] *International Journal of Development and Management Review,* p.2.

[90] The Nigerian Bureau of Statistics (NBS) is the main national agency responsible for the development and management of official statistics, the authoritative source and the custodian of official statistics in Nigeria. For more information https://www.nigeriastat.gov.ng Accessed 20th July,2023.

[91] Ibid.

[92] E. Olaniyi & K.Ikechukwu, " The Impact of Poverty, Unemployment,, Inequality, Corruption and Poor Governance on Niger Delta, Military, Boko Haram, Terrorism and Fulani Herdsmen attack in Nigeria",[2019], *International Journal of Management, Economic and Social Science,* P. 58,59.

[93] Ibid.

[94] A. Efemini, " Peace, Security and Sustainable Development in Niger Delta Region of Nigeria", [2005] SSD, P.5

[95] The NMEC was established under Decree 17 of 1990 with the duties of developing policies and strategies aimed at eradicating illiteracy in Nigeria and making literate all those who for one reason or the other did not or could not benefit from the formal school system. More information at https://www..allafrica.com/stores/202005220290.html Accessed 20th July, 2023.

[96] Ibid.

[97] B. Ousmane & K. Ozden,"HistoricalBackground of Ethno Religious Conflicts in Nigeria", [2020] available at https://www.researchgate.net/publication/34279279/ Accessed 21st July, 2023.

case to see educated elites be the cause of wars and would never be part of it on the battle field, it is the people left uneducated that always persecute these wars.[98] So if the educational aspect is sorted out it would be most likely to have liberal, understanding, empathetic and sympathetic citizens.

3.6 Corruption

It can be said that corruption has become a common phenomenon in Nigeria.[99] Despite this, according to writers an attempt to define corruption is bound to raise jurisprudential problems.[100] The Black's Law Dictionary defines corruption as " the act of doing something with an intent to give some advantage inconsistent with official use of a station of office or procure some benefits either personally or for someone else, contrary to the rights of others."[101] In the case of the *Attorney General of Ondo State v. Attorney General of the Federation and 35 others*,[102] Corruption was described as a virus which has landed Nigeria in the economic quagmire, which the country finds itself now.[103] Corruption has been seen by some as pervasive and endemic[104] while to others corruption is so prevalent that those in position of responsibilities lose the ability to implement policy as is the case with Nigeria.[105]

Corruption has also been recognized globally as the United Nations introduced the United Nations Convention against Corruption.[106] Following the emergence of this initiative, the African Union Convention on Preventing and Combating Corruption (AUCCC) was adopted with the primary purpose of combating and preventing corruption.[107] The adoption of AUCCC was an expression of African leaders' concern over the negative impact of corruption and impunity on various aspects of Africa's development such as its political, economic, social and cultural stability, recognition of the devastating effect that corruption has on the general development of African people.[108] Corruption has become a great challenge in the prevention of violent sectarian conflicts as government will make programmes and policies on security and crime control which often times lack effective and efficient implementation.[109] The state of insecurity is greatly a function of government failure, traceable to gross incompetence, systemic corruption and policy inconsistency.[110]

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[98] Ibid.

[99] N. Igbinedion, " Corruption and Anti-Corruption Legislation in Nigeria: A Critique", [2004], *University of Benin Law Journal,* p.139.

[100] Ibid.

[101] B. Garner, (ed): *Black Law Dictionary.*(Thomas Reuters,2019), The Dictionary further summarizes corruption as depravity, perversion or taint; an impairment of integrity, virtueor moral principle, especially the impairment of a public official's duty by bribery, p.371.

[102] [2002] 9NWLR, PT 772, P.222, 337-339.

[103] Ibid.

[104] G. Ogunsanwo, " Corruption :A battle Nigeria Must Win", [2004], *The Guardian Newspaper, p.9.*

[105] See generally J. Elegido, "Fighting Corruption in Nigeria", [1994] *Modus International and Business Quarterly,* p.84.

[106] United Nations Convention Against Corruption (UNCAC); UN Doc A/58/422; adopted by the General Assembly of the United Nations Headquarters in New York. It entered into force on 14th December, 2005 in accordance with article 68(1).

[107] The AU Convention on Preventing and Combating Corruption was adopted by the heads of state at the African Union Summit held in Maputo on 11th July 2003. it entered into force on 5th August, 2006. See African Human Security Initiatives, available at https://www.africanreview.org/projects1corrupt.php Accessed 20th June, 2023.

[108] Ibid.

[109], pp.40, 41. O. Ewetan & E. Urhie, " Insecurity and Socio-Economic Development in Nigeria", [2014] *Journal of Sustainable Development*

[110] Ibid.

3.7 Weak Criminal Justice System

The Criminal Justice System of a nation (CJS) represents a system or structure through which the laws guiding the existence and order of such society is applied and the rights of citizens is upheld.[111] There are certain characteristics associated with CJS which includes fairness, justice, equality, effectiveness and efficiency.[112] The Black Law's Dictionary defines a Criminal Justice System as the "collection of institutions through which an accused offender passes until the accusations have been disposed of or the assessed punishment concluded"[113] The system typically has three components; law enforcement which includes the police, sheriffs, marshals, the judicial process, (Judges, Prosecutors, defence lawyers) and corrections (prison officials, probation officers, parole officers).[114] Amnesty International Organization said the Nigerian Criminal Justice System is utterly failing the Nigerian people calling it a conveyor belt of injustice from beginning to end.[115]

The Nigerian Constitution establishes the Nigerian Police Force as a body charged with maintaining law and order. The Police Act (Cap 359) Laws of the Federation 1990 provides that "The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of live and property and the due enforcement of all laws and regulations with which they are directly charged".[116] This section of the Police Act places the security of the state in the Nigerian Police Force. The police by this provision is the institution responsible for the prevention and detection of violent conflicts in the country by gathering intelligence on the possibility of the occurrence of such conflicts before they occur and preventing them from occurring.[117] Section 10 (2) went on to state that the police is mandated to provide for public safety and public order and are empowered to control and suppress the conflict as the Act in this regard provides that the President may give to the Inspector General of Police such directions with respect to the maintaining and securing of public safety and public order as he may consider necessary, and the Inspector General shall comply with these directions or caused them to be complied with.[118] This invariably means that if the President does not give the Inspector General of Police the needed directions, the Inspector General cannot act to suppress any violent conflict. Where therefore, the President chooses to withhold such direction or delays it, a lot of destruction would be inflicted on the society where such conflict is taking place. This provision also applies that the state level as it is only the Governor who can consent before the Commissioner of Police acts in a state.[119] The provision of this sections of the Police Act makes it most times difficult for the police to intervene in breach of the peace of the country until considerable damage has been done as a result of such violent conflicts. Resolving conflict whether between individuals or groups or between individuals and groups with government as well as identifying problems that have the potentials for becoming more serious in addition to maintaining a feeling of security in communities are also the responsibilities of the Police which the Act should allow to be carried

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[111] E.Amelika & I. Chukwuma, *Crime and Policing in Nigeria; Challenges and Options,* (CLEEN Foundation: 2005) p. 12.

[112] Ibid.

[113] B. Garner, *Black Law Dictionary,* 12th Edition, (Thompson Reuters, 2019).

[114] Ibid.

[115] Amnesty International is a global movement of more the 10 million people who take injustice personally. It campaigns for a world where Human Rights are enjoyed by all More Information at https://www.org/en/latest/press-release/2089/02/nigeria-criminal-justice-system-utterly-failing-nigeria-people-majority Accessed 27th June, 2023.

[116] Section 10 of the Nigeria Police Act (cap359) Laws of the Federation of Nigeria 1990.

[117] Ibid.

[118] Section 10 (1) Nigeria Police Act (cap 359) Laws of the Federation of Nigeria 1990.

[119] Section 10(2) Nigeria Police Act (cap 359) Laws of the Federation of Nigeria 1990.

out effectively.[120] Often times law enforcement agencies appear unaware of security challenges and only act after the occurrence of security breaches, even when informed of such violent conflict, they ignore or are slow to act for the fear of death or harm befalling them.[121] This reason however could be attributed to the law enforcement agents are not adequately providing provided for in terms of life insurance, accommodation, adding that their salary with no welfare package.[122]

The judiciary is one of the three arms of government that is essentially empowered by the 1999 constitution of the Federal Republic of Nigeria, 1999 (amended) to make legal decisions in both criminal and civil matters.[123] Despite such powers of the Judiciary, most cases of violent conflicts in Nigeria are being tried by special tribunals as section 6(4) allows the National Assembly and State Houses of Assembly to establish courts other than those established by subsection 6 provided such courts have subordinate jurisdiction to those established by section 6(5) of the 1999 constitution of the Federal Republic of Nigeria.[124] The use of tribunals may not be in the best long-term image and interest of government, for, either way a tribunal's decision goes, government is always accused of manipulation by the other side to the conflict.

3.8 Inadequate Strategies for the Prevention of Violent Sectarian Conflicts

Most African communities including Nigeria in the creation of strategies for the management of violent sectarian conflict have a strong foundation in Africa traditional cultures.[125] The United States Agency for International Development (USAID)[126] however argues that the Nigerian government capacities for managing conflicts are weak because the government has not fully considered the utility of every available strategy for conflict management.[127] The Nigerian government official major strategies for managing violent conflicts include state creation and the use of mobile police, the Nigerian Military, propaganda, curfew, judicial panel, compensation and also punishments.[128] These official strategies have however not yielded very positive results since after the amalgamation till the creation of 36 states in 1996.[129] The outcome of the creation of states have been summarized that these new developments which were responses to ethnic sectional demands for new identities or consolidations of old ones, also created the new basis for contested territorial and other claims, as well as competition for access or succession to high political and other offices.[130] They were also responses to protest against perceived sectional marginalization in respect of participation in, and the dividends derived from, the political and economic development of Nigeria under democratic process.[131] The Nigerian Mobile Police and the Military have succeeded to an extent in restoring order in some cases of violent sectarian conflicts but such responses usually gets to the area of violence after a significant loss of lives and properties have been recorded which has been unable to stop

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[120] L. Cohen, *The Police and the Enforcement of Law and Order,* (London: Little Press, 2001), p.189.
[121] B. Oyeniyi, "Terrorism in Nigeria: Group, Activities and Politics", [2010] *International Journal of Politics and Good Governance,* p.11.
[122] Ibid.
[123] Section 6 of the 1999 CFRN (as amended).
[124] Section 6(4) of the 1999 CFRN (as amended).
[125] H. Lauer, "Depreciating African Political", [2010] AJCR, p.5.
[126] The United States Agency for International Development Agency is a world's premier international development agency. Its work advances U.S national security and economic prosperity demonstrates American generosity and promotes a path to recipient self-reliance and resilience. More information available at https://www.usaid.gov/what-we-do accessed 20th June, 2023.
[127] Ibid.
[128] A. Akinwale,"Integrating the Traditional and Modern Conflict Management Strategies in Nigeria", [2010] AJCR, P.11.
[129] Ibid,
[130] O. Otite, *Ethnic Pluralism, Ethnicity and Ethnic Conflict in Nigeria,* (Ibadan: Shansan C.I Ltd, 2000), p.3.
[131] Ibid.

preventable violence.[132] Scholars like Thomas and Pondy have shown that time lag would affect the effectiveness of conflict management activities[133] The government has not fully considered of every available strategy for the prevention of violent sectarian conflicts and this is notable when conflict erupts, the inability of the mobile police to manage such violence usually prompts the government to deploy Nigerian military who shoot at sight most times leading to serious violation of human rights and the escalation of violence.[134]

3.9 Government's Attitude towards the Prevention of Violent Sectarian Conflict in Nigeria

Government attitude towards violent sectarian conflicts have been reactive rather than proactive.[135] This means that the government waits for the occurrence of such conflicts and in response, the government tries to curtail militia activities, sectarian and ethnic violence and also deter plausible re-occurrences of such conflicts.[136] The security measures are usually slow and ineffective and weak which often times makes the state respond in an unhurriedly manner with the resultant effect of killings and destruction.[137] The government is also very slow in response to the provision of relief materials when such conflicts occur which makes victims of such conflicts resort to other means to provide their basic amenities. Since the early years of the violent conflicts, Nigeria's international partners have cautioned Nigeria that Boko Haram is unlikely to be defeated on the battlefield alone.[138] They have stressed the need for a multidimensional response that tackles the drivers of insecurity in the region, including chronic weaknesses in service delivery, corrupt governance, and environmental degradation.[139] The Lake Chad Basin Commission and the African Union Commission have adopted a regional stabilization strategy, which highlights short term and long term stabilization, resilience, and recovery needs.[140] These efforts have generally fallen into three main categories: programs aimed at strengthening local conflict prevention and mitigation systems, programs aimed at restoring local governance and basic services, and programs aimed at fostering social cohesion and ensuring the reintegration of former combatants.[141] It was however stated after efforts were made for the implementation that The Nigerian case exemplifies the difficulties of implementing effective local-level stabilization efforts while working with a host government that lacks political commitment, transparency, and coordination.[142] While local-level programs have shown positive impacts in various areas, they have struggled to gain wider traction particularly since donors are often working through or dependent on the government to operate.[143] Nigerian authorities have pushed aggressively for displaced civilians to return to

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[132] Ibid.

[133] W. Thomas and Pondy L, " Toward an Intent Model of Conflict Management Among Principal Parties", [2009] *Human Relations,* p.1089.

[134] O. Ibeanu, *Civil Society and Conflict Management in the Niger Delta: Scooping and Gaps for Policy and Advocacy ,* (CLEEN Foundation: 2006), P.33.

[135] A. Ikelegbe, "State, Ethnic Militas and Conflict in Nigeria", [2005], *Canadian Journal of African Studies,* p.6.

[136] Ibid.

[137] S. Lugga, *Conflict and Security Management: A Traditional Approach to Security and Conflict Management in Hausa Land, Nigeria,* (Katsina Nigeria: Lugga Press, 2009), p.89.

[138] S. Brechenmacher,"Stabilizing Northeast Nigeria After Boko Haram", [2019], available at https://carnegieendowment.org/2019/05/03/stabilizing-northeast-nigeria-after-boko-haram-pub-79042 Accessed 28th June, 2023.

[139] Ibid.

[140]Ministerial Conference on the Adoption of the Regional Stabilization Strategy for the Lake Chad Basin Region," African Union's Peace and Security Department, August 31, 2018, available at http://www.peaceau.org/en/article/lake-chad-basin-commission-and-the-african-union-convene-a-ministerial-conference-to-adopt-the-regional-stabilization-strategy-for-the- areas-of affected by-the-activities-of-boko-haram Accessed 28th June, 2023.

[141] Ibid.

[142] Ibid.

[143] Ibid.

their home communities, while former President Buhari has repeatedly declared that Boko Haram has been "technically defeated".[144] Humanitarian actors warned that a change in donor priorities from prevention of such conflicts to stabilization which is an aftermath of conflict may lead to aid being allocated based on the Nigerian government's political priorities rather than civilian needs, thereby leaving vulnerable groups without assistance.[145]

Government attitude and pronouncement to the Boko Haram insurgency in the past has also been a thing of concern. For instance, Government has at several times maintained that the Boko Haram has sponsors who are only out to blackmail and intimidate the government.[146] No conclusive link has however been established between Boko Haram with any individual or political group nor has Boko Haram made any overtly political demand.[147] Government reaction to the challenges of violence has not been swift as the government from the beginning of the Boko Haram phenomenon asserted at the time that it was a phase in the Nation's life that will soon pass away.[148] When the sect did not disappear and it was apparent more violence was imminent, the government promised to wipe them out in a short while and made feeble efforts to combat the violence which ultimately did not produce much.[149]

From the observations made above, it is necessary to make recommendations to the challenges often experienced in the prevention of violent sectarian conflicts in Nigeria Therefore this work makes the following recommendations:

It is recommended that leaders of religious sects have a critical role to play in the prevention of violent sectarian conflicts in Nigeria. Individuals are often times ignorant and have deep religious fanaticism such that whatsoever ideologies the preachers pass to their followers are what they strictly adhere to, it is therefore pertinent that leaders of such sects imbibe peaceful ideologies to their followers which will invariably curtail violent sectarian conflicts.

There should be the full implementation of the fundamental human rights of citizens in the country. The economic, social, and environmental objectives under the fundamental objectives and directive principle of state policy should be fully implemented which will enable victims to readily get justice.

It is also recommended that every available strategy for conflict management should be adopted by the government. Government should become proactive in dealing with violent sectarian conflicts rather than wait for its occurrence. Such proactive steps should include poverty alleviation which will ensure that individuals do not seek a source of livelihood when offered options that will affect the peace of the country, the provision of quality education will also go a long way in preventing violent sectarian conflicts in Nigeria.

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[144] See "Boko Haram Technically Defeated, Buhari Insists", [2016], available at https://punchng.com/boko-haram-technically- defeated-Buhari-insists/ Accessed 27th June, 2023.

[145] Ibid.

[146] B. Ojo, "Smoke Out Boko Haram Sponsors, Jonathan Orders Security Chiefs", [2011] , *All Africa,* available at https://allafrica.com/stories/201112300822.html Accessed 28th June, 2023.

[147] Ibid.

[148] See the "Nigerian State as an Equilibrium of Violence: An Explanation of the Boko Haram Insurgency in Northern Nigeria" [2015], available at https://www.accord.org.za/ajcr-issues/the-nigerian-state-as-an-equilibrium-of-violence/ Accessed 28th June, 2023.

[149] Ibid.

4. CONCLUSION

The prevalence of violent Sectarian conflicts in Nigeria, seem as though it will not be going anywhere anytime soon. Sectarian conflicts have however continued to escalate because more attention is given to political solutions which are not producing any results. Government concentrates on the remote causes of such conflicts rather than the immediate causes. Addressing the root causes behind every sectarian conflict must be addressed while attacking the symptoms of the crises, the Nigerian government may not defeat these long-lasted conflicts if they continually hope that the issue(s) on ground miraculously fizzle out. Government's reaction to ethno-religious conflicts often times is the escalation of the remote causes, which include poverty, unemployment, lack of infrastructure and people contesting for the little wealth that is not enough. While such remote causes are political in nature still Government is unable to achieve desired results, at the expense of immediate causes. Unfortunately, suspects of genocide cases go free in almost all sectarian conflicts in Nigeria. This attitude, of government, reduces the value, dignity, and sanctity of human life that the Nigerian Constitution, seeks to uphold.