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Violations of Citizens Rights in Nigeria; an Impediment to Ultimate Achievement of State Interest

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Abstract:

Human right is a broad term that encompasses several varieties of opinion that focuses on an individual and his existence in order to bestow on him a reasonable living. There is no consensus as to what constitute human right, however, what still remains extant is the consensus that the subject matter of human right is human beings because he is expected to protect and guide the moral value of his being as a human. The State has taken measures in enshrining some of these rights in their laws in order to protect its citizens. Nevertheless, the violation of human rights has always been one of the most challenging problems in the world and has been the cause of numerous sufferings by human beings. These violations in most situations are perpetuated by the activities of groups of persons who oppose the objective of the state to protect its citizens in order to achieve their goals. This is evident in the fact that man is a creature endowed with freewill to make choices in respect of what he desires. This paper assesses the various rights of the citizens Nigeria, examines the groups that today threaten the corporate existence of Nigeria and then lay emphasis on the challenging and destabilizing trend on National/ State interest that these ethnic militias and religious fundamentalists have portended. The rise of these groups shall thus be seen as clear and flagrant impediments or obstacles towards Nigeria's ultimate realization of its national objectives or interest. We shall advocate the adoption of a new approach by the Nigerian Government in handling these threats to our existence collectively and as it affects our individual fundamental rights. A more pro-active method of averting and handling these threats will be called for and such is long overdue. The time to act is now.

Keywords: *Violations, citizens' rights, impediment, state interest, security*

1. Introduction

The Constitution of a given state is essentially the autobiography of that nation. It chronicles the history and development of the nation. It is vital to the life of every nation as it is the fundamental norm that defines the structure, political powers and legal relations of entities, rights and obligations of people (Hatchard 2004). It protects the individual freedom and its fundamental principles. It places the governance of a given state in the hands of the people with a novel power of the people determining who shall be vested with the power to direct their affairs at any given time. It underscores the ideals and aspirations of a people as one nation and sets out the basic aims and principles of governance. (Ekweremadu 2015)

Upon this declaration, states articulate their interest in their constitution and laws which they have made for the purposes of uplifting the lives of its citizens. It is this constitution and other laws that a legal framework upon which governmental actions and interactions *vis a vis* the citizens are regulated. It protects the citizens' rights irrespective of their tribe, religion, creed or gender. Therefore, in a constitutional democracy and society, every person is treated equally, regardless of his position or life status and he is expected to abide by the law (Ekweremadu 2015).

Indeed, without a constitution or laws to define the interest of a state, the scope of its authority and powers, guarantee human rights and set out the directive principles of governance, impunity, anarchy and arbitrary exercise of powers may become the order of the day. The relevance of a constitution in a constitutional democracy is predicated on its ability to engender unity in a nation. The original provisions of a constitution may be amended but the purpose upon which a constitution is required remains the same. The dynamism of the constitution reflects in its amendment process the prevalent intuition of the society at each given point in time. It may be necessitated by the quest of the citizens to resolve the inequity that exist in the sharing formula of power amongst its component unit or to address unforeseen circumstances which was not contemplated by the constitution.

In order to secure the goodwill and loyalty of the people it seeks to govern, the State, outlines its objectives to the people in order to streamline the course of its operation. It is the duty of a state to outline its interests and the purpose of existence. One of the duties of a state is to protect the rights of its citizens against threats. As one of its fundamental objective and directive principles of state policy, Section 14(2) of the Constitution (1999) provides that 'it is hereby accordingly declared that the security and welfare of the people shall be the primary purpose of government'. It can be said that the draftsmen of the Constitution understands that for the citizens to enjoy the welfare or any of its fundamental rights, the security of the people is paramount. This also entails that security is required for a functional political, social, economic and educational activities in a given State. For a purpose to be declared to be 'primary', it means that the purpose is a foundation upon which other purposes stand, it is the base, the fundamental that is being placed above other considerations. The government will therefore be deemed to have failed if the security and the welfare of the people cannot be guaranteed.

However, in most situations, there are times the government finds the task of securing the rights and lives of its citizens very challenging. This might be as a result of some individuals who fail to abide by the laws and regulations of the state or as a group that threatens not just only the right of other citizens but also the authority of the state and thereby, threatening its unity as a state. In so doing, the interest of the Nigerian state for instance, which is encapsulated in its constitutional preamble to live in unity and harmony as one indivisible and indissoluble Sovereign nation, is being threatened by these groups or individuals, making the sacred responsibility to secure the citizens onerous.

1.1. The Formation of State

The state represents one of the fundamental topics of political science. Its analysis in terms of functions, nature, origins and relationship which it must have with the social world, became the subject of reflection for political thinkers since the first manifestations of this type of analysis. The state is considered a territorially bound political unit with centralized institutions for the administration of governance, as distinct from tribes or units without centralized institutions (Cohen 1978).

Theories on the formation of modern state focuses on the processes that support the development of modern states with significant bureaucracies, ability to pay tax, and territorial sovereignty around the world (Southhall 1974). There are a number of different theories and hypothesis regarding early state formation that seeks to explain why states come into existence.

The birth of a state may be primarily a question of fact or law. Some of these theories include:

- a) Voluntary theories: this theory contend that diverse groups of people come together to form states as a result of some shared rational interest (Carneiro 1970). Much of the social contract philosophers proposed a voluntary theory for state formation (Service 1978).
- b) Conflict theories: this theory regard conflict and dominance of some population over others as key to the formation of states. (Carneiro 1970) This theory contrast with voluntary theories, in the sense that in voluntary theory, people voluntarily consent to the formation of state unlike the conflict theory where state forms due to some form of oppression by one group which is stronger than the others either through conquest or economic stratification (as a desire to protect private properties)
- c) Discredited theories: under this heading falls in theories that has been discredited as not being a good reason for the formation of a state. These include theories that early state formation resulted from racial superiority, historical accident, or from a shared consciousness of the people (Carneiro 1970).

These and many other theories have dominated significant discussions on the origin or emergence of the state. However, the Montevideo Convention on Rights and Duties of a State, 1933, lays down the most widely accepted formulation of the criteria of statehood in international law. It provides for a state to acquire international personality, it should possess the following qualifications:

1. A permanent population
2. A defined territory
3. Government
4. Capacity to enter into legal relations with other Sovereign states (Montevideo Convention 1933)

The Convention viewed states as a kind of sui generis legal entity operating and existing under its own authority. The Convention did not specify the size of the population in a political entity that should serve as a condition precedent to the statehood of the entity. (Okeke 2007) Thus, a state can be seen as a community which consist of a territory and a population subject to an organised political authority and that such a state is characterised by its sovereignty. The ruling government of a given state and its constitution, are mere facts which may be taken into account to determine the legitimacy of the government in power over the population and its territory. The most relevant issue revolves essentially around territorial effectiveness and control, even though a state maybe involved in boundary disputes with its neighbours as to the precise demarcation of its frontiers, this will not deprive that state its status as a state in accordance with the Montevideo Convention. What matters is the presence of a settled community within a certain area. Thus, once a state has satisfied these conditions, it can be recognised as a state in the international community.

The two main doctrinal views of recognition of a state are known as the declaratory and constitutive theories of statehood. The declaratory theory provides that the moment in which an entity satisfies all the conditions set out in the Montevideo Convention the entity is a State. The declaratory theory maintains that a new state will acquire capacity in international law, not by virtue of the consent of other states but by virtue of a particular factual situation. Thus, it does not behove upon existing states to confer legal personality on the new state.

The constitutive theory sets out that it is the recognition of an entity as a state that makes it so. It states that for an entity to be constituted as a sovereign State, it must be recognized by already existing States. In other words, it is the act of recognition by other

States who are already sovereign that creates a new State and endows it with legal personality and not by the process by which it actually obtained independence. (Shaw 2008) The Constitutive theory of statehood defines a State as a person of international law if, and only if, it is recognised as sovereign by other States. This theory however fails to explain why certain entities that have received numerous recognition are not yet in fact a State. It also raises the question of how many recognitions are necessary in order for an entity to become a State. One clear example is the “the state of Palestine”.

Therefore the theories of recognition of States either of declaratory or constitutive persuasion seem to provide little information standing alone on whether an entity is or is not a State. This is because argument can go round and round about the importance of recognition over fulfilling the Montevideo elements.

2. The Duties, Interests and Responsibilities of the Nigerian State

The most obvious example on how to recognise a state interest is to look into the laws of that given state. A state interest is a compelling need which is of greater public importance. It is the need which overrides the interest of an individual against that of the greater majority of the society. These interests can be understood through its legislative arm of government, administrative act, and decisions of the courts, its laws and its activities on the international scene such as its treaty making power with other states. (CFRN 1999) The State exists and functions for the sake of human beings. It attains this end primarily by safeguarding these interests that are common to all persons under its jurisdiction. E.g. by resisting foreign invasion and protecting lives and property.

In Nigeria, the Constitution which is the *grundnorm* articulates and provides the foundation upon which the Nigerian State interests can be articulated. The preamble to the Constitution provides that We the people of the Federal Republic of Nigeria: having firmly and solemnly resolved: to live in unity and harmony as one indivisible and indissoluble Sovereign Nation... and to provide for a Constitution for the purpose of promoting the good governance and welfare of all persons (emphasis on *promoting the good governance and welfare of all persons*) in our country on the principles of freedom, equality, and justice and for consolidating the unity of our people. It can be seen that the interest of Nigerian government is for a state where health, happiness and prosperity exist. It entails that various forms of financial aid should be provided by government to those persons who are in need of it. All these coupled with good governance by persons elected to different offices of the country will ensure freedom, equality, and justice thereby consolidating the unity of our people.

As one of the fundamental objective of the government and directive principles of its State policy, section 14 (2)(b) provides that the security and welfare of the people shall be the primary responsibility and purpose of government. By virtue of subsection 3 of the section, it provides that the composition of the government of the Federation or any of its agencies shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from few states or few ethnic or other sectional groups in that government or in any of its agencies. It goes without gainsaying that the diversity of people of Nigeria must be recognized by the government of Nigeria in order to promote the good governance and welfare of all persons as well as the principles of freedom, equality, and justice and for consolidating the unity of our people.

The interest of a state may be classified into necessary and optional or essential and non - essential interests. The former are such things that government must perform in order to justify their existence. They include the maintenance of industrial peace, order and safety, the protection of persons and property and the preservation of external security. They are primary functions and all States however rudimentary and undeveloped it may be must attempt to perform them otherwise, it may lose its control over its citizens. (Garner 1993) They may be enumerated more specifically as military, financial and civil. The Nigerian Constitution captures this when it provides that security and welfare of the people shall be the primary responsibility and purpose of the government. Thus in the exercise of its military functions, the State may defend itself and its people by force against foreign aggression, as well as prevent and repress domestic disorder. It is important to note that without security, human beings cannot enjoy the fundamental rights as have been conferred upon them by the Constitution. It will therefore be apt to say that the draftsman must have foreseen the essence and importance of making security of the people of Nigeria the primary responsibility of the government.

The financial function of the state comprises of the collection and expenditure of funds for the maintenance and operation of government. Regulations concerning individual rights, contracts, property dispute, crime and punishment, constitute the state's civil functions.

The optional or non – essential functions are calculated to increase the general welfare, but they could conceivably be performed in some private agencies. The state undertakes them for the promotion of the general welfare. (Chikendu 2002) They comprise of public charity, industrial regulations, and health and safety regulations.

The classification of state functions as necessary and optional has the merit of presenting a comprehensive view of political experience. This has enabled us to see how states have interpreted their scope and distinguished between functions that are essential and functions that are non – essential. To bring it down to the Constitution, the provisions of Chapter IV are immutable rights which are enforceable by an aggrieved individual, while the provisions of Chapter II are non – justiciable on their own.

The factor determining what matters as essential or not to a given State has mainly been exclusively expedient. In summary, the functions of the State are first, to safeguard the juridical order, that is, to protect all rights of individuals, families, private associations and religious organisations. Secondly, to promote the general welfare by positive means with respect to all those goods that contribute to that end. Therefore, all natural rights must receive adequate protection as the state is obliged to safeguard these individual rights as captured in Chapter IV of the Constitution.

In order to achieve its interest, the Nigerian State has created different Ministries, Departments and Agencies for the furtherance of its interest. Some of these agencies include:

- The Nigerian Armed Force (NAF): The roles of the country's armed forces are enshrined in the constitution. The defence of the territorial integrity and other core interests of the nation, forms the major substance of such roles. Section 217 established the armed forces of the Federation which consist of an Army, a Navy, an Air Force and such other branches of the armed forces of the Federation as may be established by an Act of the National Assembly. The main purpose of maintaining the Nigerian Armed Forces includes; to defend Nigeria from external aggression, maintain its territorial integrity and secure its borders from violation on land, sea or air, suppressing insurrections and acting in aid of civil authorities to restore order when called upon to do so by the President and also, performing such other functions as may be prescribed by an Act of the National Assembly.
- Nigeria Prison Service: The Nigerian Prisons Service is under the supervision and control of the Ministry of the Interior and the Civil Defence, Immigration and Prisons Board. The Nigerian Prisons Service derives its operational powers from CAP 366 Laws of the Federation of Nigeria 2004 to: take into lawful custody all those certified to be so kept by courts of competent jurisdiction; produce suspects in courts as and when due; identify the causes of their anti-social dispositions; set in motion mechanisms for their treatment and training for eventual reintegration into society as normal law abiding citizens on discharge; and administer Prisons Farms and Industries for this purpose and in the process generate revenue for the government. The Prisons Service in Nigeria is a Federal phenomenon. That is to say that the Prison is exclusively a Federal Government concern which means that no State for now has the power in Law to operate or maintain prisons.

At the moment, the Nigerian Prisons Service has a total of 238 prisons. 155 of this are convict prisons while the remaining 83 are satellite prisons. The conventional convict prisons are for the remand of both the convicted and awaiting trial inmates. There are two major types of convict prisons operational in Nigeria today. These are the Maximum and the Medium Security Prisons. The Maximum Security Prisons taken into custody all classes of prisoners including condemned convicts; lifers, long term prisoners etc. Even so, we have an unofficial classification of these Maximum Security Prisons in terms of heightened security. This explains why a high risk prisoner could be sent to one Maximum Security Prison as against another. The Medium Security Prison on the other hand also takes into custody both remand inmates and convicts. However, short term convicts constitute the bulk of the inmates that should ordinarily be found in the Medium Prisons. The Satellite Prisons can be described as intermediate prisons camps set up mainly in areas with courts that are far from the main prisons. They serve the purpose of providing Remand Centres especially for those whose cases are going on in courts within the areas. When convicted, long term prisoners could be moved to appropriate convict prisons to serve their terms.

- The Nigeria Police Force (NPF): The Nigeria Police Force was established in 1930 principally by amalgamating the two separate protectorate forces in Northern and Southern Nigeria. Section 4 of the Police Act enumerated the functions of the Nigeria Police Force as: Prevention and detection of crimes; Apprehension of offenders; Preservation of law and order; Protection of life and property; Enforcement of all laws and regulations with which they are charged; Military duties within or without Nigeria as may be required of them

In order to discharge these functions effectively, the Nigerian Police Force has the power to prevent crimes, to investigate crimes, arrest suspects, prosecute suspects, search persons, and property, and grant bail pending investigation or arraignment in court, regulate procession and assemblies, disperse illegal or unlawful processions and assemblies etc. Pursuant to Section 214 of the Constitution, it recognises the existence of only the Nigerian Police Force. The Constitution did not recognise any parallel force whose activities has become a major threat to the unity and stability of the country.

2.1. Institutional and Legal Framework for Safeguarding the Rights of Citizens in Nigeria

It has always been the view of social contract theorists that the relationship between persons and political obligations are all dependent upon a contract or agreement amongst them. Contract has reciprocity as one of its underlying elements, which therefore implies that parties to a contract has certain underlying obligations which they are to perform for each other as a consideration. A clear look at human nature will show us that morality and politics has always been a contending issues. This is because a man who is armed with morality has only his conscience as a weapon of self and evaluatory defence, while a person who is armed with politics who has been elected or has imposed himself to serve the state has all the apparatus of State powers which include all the coercive powers of the state to defend himself. Thomas Hobbes observed the state of human nature as a very complicated organic machines, responding to the stimuli of the world mechanistically. This mechanistic quality of human psychology implies the subjective nature of normative claims such as 'good and bad' which we use to describe things we are drawn to and repelled by respectively. Human beings by nature are necessarily and exclusively self-interested. They pursue only what they perceive to be in their own best interest and in doing this, conflict of interest arises. Despite all these self-centeredness of man, man is yet and still a rational being who has the capacity to pursue his goals efficiently by formulating the best end upon which these desires can be achieved. Therefore human beings must be ready to submit themselves to a political authority in order to streamline and address this conflict that exist amongst them. And in doing this, all men must see themselves as equal. This is because even the most powerful man is weak on his bed while he is asleep and therefore those who are awake may do with him what they wish. Therefore to cure this state of utter distrust among human beings, the State on the other hand should guarantee the sacred rights of individuals.

The word 'right' is derived from the Latin word *rectus* which means that to which a person has a just and valid claim, whether it be land, a thing or the privilege of doing something or saying something. The notion of 'human rights' which originally is referred to as

'the rights of man', each individual within the society possesses certain claims and rights that cannot be taken away and the major reason for individuals coming together to form a government, is for the protection and fostering of these rights and to allow for the continuity of humanity. These rights are inherent in any human being simply because of humanity – the birth right of all mankind. The expression "human rights" in its entirety embraces those civil, political, economic social, cultural, groups, solidarity and developmental rights which are considered indispensable to a meaningful human existence. Human rights represent a constitutive element of any democratic society. In the original conception, human rights are granted to every individual over state interest. (Working 1984) They are designed to protect the individual from unwarranted interferences in crucial aspects of their lives. Only in specific circumstances, when strict requirements of necessity and proportionality are met can a state limit human rights to protect, for instance, public order or national security.

In Nigeria, the terms "human rights" and "fundamental rights" are used interchangeably. It should however be pointed out that fundamental rights are essential human rights which have been recognised and encapsulated into the domestic laws of a country. (Okafor 2011). Thus, while human rights are mostly reflected in international law, fundamental rights like the name suggests are enshrined within the fundamental laws of a country. (Uzoukwu v Ezeonu 1991) These rights are not creation of the Constitutions and other codes do not create human rights but declare and preserve existing rights. In the world humans are born with human rights. Human Rights are what make a person a human being, without them a human being is completely debased. Human Rights are what enables a person to continue his humanity without human rights life is meaningless, worthless and a mere shadow. Human Rights are common to all mankind. They are the basic requirements for meaningful life, every civilized state is expected to ensure for its citizens. Human Rights are universal. Human rights are not the particular privileges of citizens of certain states, but something to which every human being everywhere, is entitled.

The following declaration has re-echoed the immutability of human rights;

2.2. *The United Nations Charter*

The United Nations as its major objective have aimed toward protecting human rights for all persons without bias as to sex, race, language or religion. This thus ushered in a new order clearly different from the domination tendency obtainable in the early 19th century. Hence since 1945, the concept of human rights had taken a new dimension attracting sanctions and legitimacy at the international level. The United Nations Charter thus affirmed "faith in fundamental human rights, in the dignity and worth of human persons, in the equal rights of men and women and of Nations large and small". Article 1, paragraph, 3 provides for promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

2.3. *The Universal Declaration of Human Rights*

The Commission on Human Rights was established in 1964 under Article 68, ECOSOC (Economic and Social Council) and was saddled with the primary duty of drafting an International bill or rights.

2.4. *The International Covenant on Civil and Political Rights (ICCPR)*

The international Covenant on Civil and Political rights was adopted by the General Assembly on 16 December 1966 and came into force on 23rd March, 1976. The covenant recognizes the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, Justice and peace in the world. The covenant adopts the civil and political rights in the universal declaration and further recognizes states' rights as against the position of the universal. Declaration which was based on individual rights. The rights to property and asylum are omitted from the 51 Articles of the covenant.

These and many other international instruments has made numerous provisions in respect of protection of human rights. In Nigeria, the protection of human right is guaranteed under the Chapter IV of the 1999 Constitution. Fundamental rights can also be called legal rights. The rights provided under Chapter IV are; Right to life, right to dignity of human person, right to personal liberty, right to fair hearing, right to private and family life, right to freedom of thought, conscience and religion, right to freedom of expression and press, right to peaceful assembly and association, right to freedom of movement, right to freedom from discrimination, right to acquire and own immovable property anywhere in Nigeria. However, for the purposes of this study and spatial constraints focus shall be on the provisions of section 40 of the constitution.

2.5. *Right to Peaceful Assembly*

The Constitution provides that every person shall be entitled to assemble freely and associate with other persons, and in particular, he may form or belong to any political party, trade union or any other association for the protection of his interests. Freedom of assembly and association is a vital and important component of democratic process in any nation (I.G.P v A.N.P.P). It should be noted that a person is not under any obligation to be forced to be a member of any association whatsoever as was held in *Agbai v. Okagbue (1991)*. The term freedom of assembly and association maybe used to distinguish between the freedom to assemble in public places and the freedom to join an association. Freedom of assembly is often used in the context of the right to protest, while freedom of association is used in the context of labour rights and other association.

In furtherance of its objective to peaceful association, The Public Order Act provides for the regulation of public meetings, processions and rallies in any part of Nigeria. The power is vested exclusively on the Governor of the respective States of the Federation. Thus, by virtue of Section 1, the Commissioner of Police could not issue a licence or permit for any rally without the

authority of the Governor delegating such functions to him. Thus, this shows that although that the constitution has provided for freedom of assembly, the law still plays a great role in regulating such assembly to avoid breakdown of laws and other.

The provisions of section 40 of the constitution is among the sections with certain restriction and derogation as captured in section 45 of the Constitution which is reasonably justifiable in a democratic society. The title to this fundamental right reads 'right to peaceful assembly and association' which means that right is not granted to any person to assemble for un-peaceful or other unlawful purposes. The right to association is not an open cheque to commit illegality. Thus this restriction is most importantly tending to protect public order, defence, safety, morality, or public health, or for the purposes of protecting the rights and freedom of other persons. Thus group of persons expressing their grievances must carry it out in a way that it will not disturb public peace or infringe on another person's right. Therefore, where a lawful assembly degenerates into an unlawful assembly, the state may intervene to restore law and order.

A restriction to freedom of Assembly may arise if such assembly is

(a) An unlawful society;

(b) Unlawful assembly.

(c) Under section 62 of the Nigerian Criminal Code, a society includes any combination of ten or more persons whether the society be known by any name or not. Thus, what is important is the number of persons who are in attendance to constitute a society. By virtue of section 62(2)(i)(a)-(g), it provides that a society is unlawful if it is formed to levy war or encourage any person to levy war on the government or the inhabitants of any part of Nigeria; killing or injuring any person or destroying any property or committing or inciting acts of violence or intimidation. All these are grounds upon which a society can be declared an unlawful society. A society may also be declared unlawful by an order of the President to be a society dangerous to the good of Nigerians. The punishment for any person who manages or assists in the management of an unlawful society is guilty of a felony and is liable to imprisonment for seven years. The court in denying appellant bail in *Dokubo Asari v. F.R.N (2006)* observed and pointed out that for one to belong to unlawful societies is a threat to National Security. This is because Most Crimes has as its hidden mechanism organized syndicates that carry-out its nefarious activities both within the borders of the community and the globe. Therefore the history of developed world high profile crimes has for the most part been on the activities of organized syndicates.

(d) Section 69 of the Criminal Code defines unlawful assembly as when three or more persons, with intent to carry out some common purpose, assemble in such a manner or being assembled, conducted themselves in such a manner as to cause persons in the neighbourhood to fear on reasonable grounds that the person so assembled will tumultuously disturb the peace or will by such assembly needlessly and without any reasonable occasion provoke other persons to tumultuously to disturb the peace, they are an unlawful assemble. It is immaterial that the original assembly was lawful, if being assembled, they conduct themselves with a common purpose in such a manner as to disturb the peace of the neighbourhood (Onunkwo 2014). The test of unlawful assembly is whether in the circumstances, firm and rational men would have reasonable grounds to fear a breach of the peace (Onunkwo 2014). It therefore follows that the right to freedom of association and assembly as provided in section 40 of the Constitution can be limited under these grounds of unlawful society and unlawful assembly.

2.6. Threats to State or National Interests by Destabilizing Groups in Nigeria

Terrorism is not a static phenomenon but is rather dynamic, multidimensional and multifaceted. Thus, one person's terrorist is another person freedom fighter. In Nigeria, so many groups have arisen to threaten the peace and stability of the country. Before the coming into being of Terrorism Act (2011), there were still some provisions of existing laws dealing with the acts of terrorism or similar act under which the perpetrators of terrorism acts can be rightly prosecuted. These Acts includes the Criminal Code Act, the Economic and Financial Crimes Commission Act etc. However, these Acts were punctuated with visible vacuum in countering the modern day acts of terrorism in Nigeria which necessitated the coming into being of the Terrorism Act.

The Act in its entirety deals with the acts of terrorism and related offences. In order to effectively counter the emerging trends of terrorism, the Terrorism Prevention Amendment Act 2013 was enacted. Section 2 of the Act provided for the Office of the National Security Adviser who shall be the coordinating body for all security and enforcement agencies in other to prevent and combat acts of terrorism, implement counter terrorism strategy and such other things that are necessary for effective performance. The law enforcement and security agencies were conferred with the responsibility of gathering intelligence and investigation of offences under this Act. Section 4 of the Act, provides that any person who arranges, participates or manages a meeting, provides logistics, equipment or information which in his knowledge is connected with an act of terrorism commits an offence under this Act and is liable on conviction to imprisonment for a term of not less than twenty years. The maximum punishment under this Act is life imprisonment for certain offences which includes provision of facilities in support of terrorist acts in section 12 financing of terrorism in section 13, hostage taking by terrorists in section 15, conspiracy to commit terrorism and many other sections.

Domestic terrorism poses a much greater threat in the world as a global community. The dominance of religious fundamentalists and ethnic militias has posed a serious challenge to the protection of rights of individuals by states. In most recent times, the target choices of terrorists are increasingly favouring attacking people rather than property. The changing targets of terrorist have made public places such as shopping malls, departmental stores, public squares, and public transport are now likely attack venues.

The impacts of these violations by groups destroy the enjoyment of fundamental rights, democracy, and the rule of law. It attacks the values that lie at the heart of the Charter of the United Nations and the Constitution, which includes respect for human rights, the rule of law, rules governing armed conflicts and the protection of civilians, tolerance among people and nations, and the peaceful resolution of conflicts. In Nigeria, so many groups have arisen to threaten the peace and stability of the country. Prominent amongst them are Ethnic Militias and Terrorist Organizations.

Nigeria is a country with more than 250 ethnic groups and the yardstick for measuring its plurality may be religious, ethnic or geographical. The rise of ethnic militia and militancy in Nigeria is as a result of marginalization, discontent and economic exploitation alongside complacency on the part of government in the fight against corruption and its related vices (Okumagba 2009). An ethnic militia movement is an extreme form of ethnic agitation for self-determination as various ethnic groups assume militant postures and gradually metamorphose into militia groups which rely on ethnic identity to act as machinery through which the desires of the people are actualized (Okumagba 2009).

Some of the groups that fall within this category ethnic militias in Nigeria are Movement for The Emancipation of Niger-Delta (MEND), Niger Delta Avengers (NDA), Movement for the Actualization of the Sovereign State of Biafra (MASSOB), *et cetera*. The most prominent terrorist group in Nigeria as of today is the *Jama'atu Ahlis Sunnah Lidda awatiwal Jihad* (people committed to the propagation of the prophets teachings and Jihad), otherwise known as *Boko Haram*. Boko Haram is not just a threat to internal security in Nigeria but a threat to regional stability in West Africa as a whole (Onuoha 2014). Its history of violence dates back to December 24, 2013, when it attacked police stations and public buildings in the towns of Geriam and Kanamma in Yobe State (Abimbola 2010). The activities of the group became even more worrisome in 2004 when students, mainly from tertiary institutions in Borno and Yobe States, withdrew from schools, tore up their certificates and joined the group (Abimbola 2010). The group continued with intermediate hit and run attacks on security posts in some parts of Borno and Yobe States until the July 2009 anti-government uprising in Nigeria (Sani 2011). The remote cause of the July 2009 revolt is often traced to the fatal shootings of June 11, 2009, during which 13 sect members were shot by security forces involved in Operation Flush. These shootings were triggered by a clash with sect members riding motorbikes during a funeral procession for not wearing crash helmets. In retaliation, the members attacked and destroyed the Dutsen Tanshi police station on July 26. That attack sparked off a wave of unrest which swept through Bauchi, Borno, Kano, Katsina, and Yobe States. The revolt ended on July 30, 2009 when Mohammed Yusuf was captured at his residence in Maiduguri. After a few hours in police custody, the police killed Yusuf extra judicially. Police officials claimed that he tried to escape. Over 800 people, mainly members were killed during the revolt and hundreds more were arrested (Sani 2011).

The group went underground and later adopted Yusuf's hardliner top deputy, Abubakar Shekau, as the sect's new spiritual leader. Progressively, the sect has evolved into a more dynamic and decentralized organisation capable of changing and combining tactics as well as expanding or re-ordering target selection. It subsequently adopted new violent tactics such as bombings, targeted assassinations, ambushes, and drive by shootings and slitting of victims' throats. Using this diverse tactics, the groups has attacked a variety of targets including security agents, Christians, traditional rulers, politicians, school children and teachers, Islamic scholars, public servants, traders and lately all non-members of the group (Sani 2011).

Since its current insurgency in 2009, it has killed more than 20,000 persons and displaced more than 2.3 million from their homes and was ranked as the world deadliest terrorist group by the Global Terrorism Index in 2015 (Katie 2015).

Its unexpected resurgence, following a mass prison break in September, 2010 (Ewi 2013) was accompanied by increasing sophisticated attacks, initially against soft targets and progressing in 2011 to include suicide bombings of police buildings and the United Nation's office in Abuja. The government in January 2012 declared a state of emergency in 15 Local Government Areas across four states in the North East, where the sect largely operated by July 2012 when the state of emergency ceased, the security crises had still not been addressed. In May 2013, former President Jonathan again declared a state of emergency in Adamawa, Borno, and Yobe states (Onuoha 2011). The states which are and continue to be the worst affected by the insurgency. Aggressive military campaign following the declaration of state of emergency in May 2013 led to a reduction of the geographical scope of Boko Haram attacks of the frequency of suicide bombings and of targeted armed attacks in police stations, military barracks and detention centres. However, the groups shifted its focus to soft civilian targets, launching attacks on vulnerable and isolated towns, villages and schools with weak or non-existent security presence (Cummings 2014). In May 2014, the ex-president extended the state of emergency in the three states. In order to degrade the operational capability of *Boko Haram*, the Nigerian government has adopted diverse counter-insurgency measures which include legislative, prosecutorial, security, bilateral and multilateral initiatives. However, attempts by the military to contain the attacks and crush the sect's violent activities, led to the escalation of attacks within its stronghold in the Northeast and to the expansion of violence outside of the North-eastern region, including detonating bombs in the capital, Abuja. The group brought its violent campaign very close to Nigeria's seat of power on April 14, 2014, when it detonated a bomb-laden vehicle at a crowded bus park in Nyanya, a suburb of Abuja. The explosion killed over 71 people, injured over 24 and destroyed more than 40 vehicles. On the same day, in an attempt to broker a prisoner exchange, members of the sect stormed a government boarding school in Chibok, Borno state, along the border with Cameroun, and kidnapped over 200 female students. In a video message released on May 5, 2014, Abubakar Shekau claimed that the girls were abducted by members of his group and threatened to sell them (Aminu 2014). The abduction attracted serious local and international outcry, compelling countries such as the United States, the United Kingdom, France, China, and Israel to offer technical equipment and advisory support to Nigeria in a bid to rescue the abducted girls and bolster the country's weak counter-terrorism capacity.

Boko Haram has grown to become the biggest security challenge facing Nigeria. The activities of this group has impacted on regional security. The implication of *Boko Haram* insurgency on regional security can be accessed from at least four dimensions namely; the group's expansions in the form of recruitment, training, equipment and funding. Its targeted violent cross border attacks, transnational consequences of its operations and a potential erosion of Nigeria's role as the de-facto leader of ECOWAS (Onuoha 2014).

2.7. *The Movement for the Actualization of the Sovereign State of Biafra (MASSOB)*

The 1966 anti-Igbo pogrom was a series of massacres directed at Igbo and other people of southern Nigerian origin living in northern Nigeria starting in May 1966 and reaching a peak after 29 September 1966 (Charles & Douglas 1966). During this period 30,000-50,000 Igbo civilians were murdered throughout northern Nigeria by Hausa-Fulani soldiers and civilians who sought revenge for the 1966 Nigerian coup d'état, carried out by 6 Majors and 3 Captains and resulted in the deaths of 11 Nigerian politicians and army officers. These events led to the secession of the eastern Nigerian region and the declaration of the Republic of Biafra, which ultimately led to the Nigeria-Biafra war.

The Nigerian Civil War, better known as the Biafran War, (6 July 1967 – 15 January 1970), was a war fought to counter the secession of Biafra from Nigeria. Biafra represented nationalist aspirations of the Igbo people, whose leadership felt they could no longer coexist with the Northern-dominated federal government. The conflict resulted from political, economic, ethnic, cultural and religious tensions which preceded Britain's formal decolonization of Nigeria from 1960 to 1963. Immediate causes of the war in 1966 included a military coup, a counter-coup, and persecution of Igbo living in Northern Nigeria. Control over oil production in the Niger Delta played a vital strategic role.

In his book, "There was a Country", Achebe posited that the Nigerian argument on the ground why it did not allow the Igbo's to secede is hinged on the premise that if Biafra was allowed to secede then a number of other ethnic nationalities within Nigeria would follow suit. The Nigerian government therefore had to block Biafra's secession to prevent the dissolution of Nigeria. (Achebe 2012) The war was a test of Nigeria unity. The war lasted for 30 months. At the end of the war, Gowon said, "The tragic chapter of violence is just ended. We are at the dawn of national reconciliation. Once again we have an opportunity to build a new nation. My dear compatriots, we must pay homage to the fallen, to the heroes who have made the supreme sacrifice that we may be able to build a nation, great in justice, fair trade, and industry."

After the war, Gowon introduced the three Rupees which is Reconciliation, Rehabilitation and Reconstruction in order to heal the wound of the war. The post Nigerian – Biafra civil war saw a Nigeria that has desired to live as an indissoluble and indivisible Nation under one God, however, political ineptitude, mediocrity, bribery, nepotism, corruption, ethnicity and so many other vices compounded the woes of the united Nigeria. Biafra that was more or less wiped off the map until its resurrection by the contemporary Movement for the Actualization of the Sovereign State of Biafra (Heerten Lasse & Moses 2014).

The movement for the Actualization of the Sovereign State of Biafra (MASSOB) is a secessionist movement with the aims of securing the independent of the sovereign State of Biafra from Nigeria (Shirbon 2006). It is led by an Indian trained lawyer Ralph Uwazuruike, with headquarters in Okwe in the Okigwe district of Imo State.

MASSOB leaders says it is a peaceful group and advertise a 25 stage plan to achieve its goals peacefully. There are two arms to the government, the Biafra government in Exile and Biafra shadow government. In 2009, MASSOB launched the Biafra International Passport in response to persistent demand by Biafran's in Diaspora.

The group agitates for a Republic which comprises the South East and South-South regions of Nigeria. The group's philosophy is hinged on the principle of non-violence as propagated by Mahatma Gandhi. Since its inception, MASSOB has continually alleged mass arrests and killing of its members by government forces and charged with treason.

On May 31, 2013, Former Nigeria President Goodluck Jonathan branded MASSOB to be one three extremist groups threatening the security of Nigeria. He stated that Nigeria State faces three fundamental security challenges posed by extremist groups like Boko haram in the North, MASSOB in the East and Oodua People's Congress in the South West.

2.8. *Indigenous People of Biafra*

The Indigenous People of Biafra (IPOB) is an association of indigenous ethnic groups from the South Eastern part of Nigeria that constituted what was formerly known as the defunct Republic of Biafra. It is led by Nnamdi Kanu, a United Kingdom based political activist who has been detained by the Nigerian government since October 2015 despite court orders for his release.

It peacefully agitates for the restoration of the sovereignty of the Republic of Biafra along the precolonial lines, consisting mainly of the South-East and South-South regions of Nigeria. It believes that the lack of common values between Biafra and the other parts of Nigeria makes it impossible to have a workable union. It has remained very peaceful in its effort at restoring Biafra.

However, as is the case with most colonial outposts in Black Africa, the federal government of the Nigerian state has descended heavily on the members. It called the organization illegal and suggested that it was against the law to opt out of the Nigerian union. IPOB is not the only organization agitating for the self-determination of the people of Biafra and restoration of the old Biafran Kingdom, as it was prior to the coming of the European colonialists. Other associations with similar goals include the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), the Biafra Zionist Movement (BZM) and so on.

This group has in number of occasion, threaten the peace and business activities of the citizens of Nigeria particularly within the South East and South Southern part of Nigeria. On May 30th 2016, the group announced that all persons should stay indoor in order for them to commemorate the day Biafra was declared which they tagged 'Biafra Day'. The MASSOB/IPOB members who had earlier assembled at a school location on Ataa Road near Saint Edmunds' Catholic Parish Maryland Nkpor-Agu in Anambra State was reported to have resorted to fierce attack against the intervening security agencies that were carrying out their legitimate mandate.

Due to the wide spread panic, tension and apprehension that generated from the activities of the MASSOB and IPOB members, security agencies which comprised of detachment of Nigerian Navy, Nigeria Police, Department of State Service, National Drug Law Enforcement Agency were compelled to intervene in consonance with constitutional provisions of aid to civil authority where and

when such occasion demands. The overarching imperative to ensure a reign of peace, security and stability in this circumstance was most starring.

The activities of IPOB usually force local traders to lock up their stores for the fear of being attack by the members of this group. The activities of this group which is usually carried out in form of peaceful protest always witness a large number of turn out which ends up making some road users and travellers unable to reach their destination within their estimated time.

This group believes that the restoration of the nation of Biafra is not subject to negotiation, and if there is to be any form of negotiation, it must be catered on asset sharing between Nigeria and Biafra and on the payment of reparation for money stolen from Biafran's by Nigeria through the 1970 twenty pounds deal and other subsequent acts by Nigeria against Biafrans.

2.9. *The Biafra Zionist Movement (BZM)*

The Biafra-Nigeria civil war and its aftermath is one factor that has reignited the agitation for self-determination by most ethnic groups in Nigeria. The Biafra Zionist Movement is among the groups that has renewed the agitation for the Republic of Biafra led by Ben Onwuka. BIAFRA ZIONIST MOVEMENT has been describe as another movement of strong fearless and courageous incorruptible Biafra freedom fighters who are ready to go into action and dies for what they believe in headed by BEN ONWUKA , who declared himself the ceremonial head of state of the Biafra state, they succeeded in hoisting the Biafra flag in Enugu and Enugu government house , they were also reported to have once seized the Enugu Government house before been held for trying to broadcast on the Enugu State Government own station ESBS , they have done everything possible to takeover Enugu been the seat and the head quarter of Biafra Nation, though their last attempt landed them to the hand of Nigeria government and they are still waiting for the prosecution of their case. This singular act is in violation of the constitutional provision of Section 1 (2) which provides that the Federal Republic of Nigeria shall not be govern, nor shall any persons or group of persons take control of the Government of Nigeria or any part thereof, except in accordance with the provisions of this constitution. It is common knowledge that no matter how peaceful the group may allege that its activities were conducted in other to take over the government of Enugu State, there is still likely reasons that will make the citizens to fear as a result of the pandemonium it will create within that time range. A breach of the provision of section 1(2) of the Constitution is an offence against social order and therefore as envisaged under section 37 and 41 of the Criminal code amounts to an intention to remove a duly elected government during its term of office otherwise than through constitutional means.

2.10. *Movement for the Emancipation of Niger-Delta (MEND)*

This is a militant group in the south southern part of Nigeria. It claims to expose the marginalization and exploitation of its natural resources by the Nigeria government. MEND has been linked to attacks on petroleum operations in Nigeria as part as part of the conflict in the Niger Delta, engaging in actions including sabotage, theft, property destructions, guerrilla warfare and kidnapping (Stephanie). MEND's stated goals are to localize control of Nigeria's oil, and to secure reparation from the Federal government for pollution caused by the oil industry. They are fighting for the total control of the Niger Delta's oil wealth saying that the local people had not gained from their riches under their ground, the region's creeks and swamps.

MEND's attacks involve substantially more sophisticated tactics than those of previous militant groups in the Niger Delta. MEND's recent tactics have included:

- Swarm-based maneuvers: guerrillas are using speed boats in the Niger Delta's swamps to quickly attack targets in succession. Multiple, highly maneuverable units have kept the government and Shell's defensive systems off-balance defending their sprawling networks.
- Radically improved firepower and combat training: allowing guerrillas to overpower a combination of Shell's Western-trained private military guards and elite Nigerian units in several engagements. (One of Shell's private military operators was captured as a hostage.)
- Effective use of system disruption: targets have been systematically and accurately selected to completely shut down production and delay and/or halt repairs, and the guerrillas are making effective use of Shell's hostages to coerce both the government and the multinational.

These activities of this group has sabotaged the economic activities of the country. Chapter two of the Constitution, particularly section 16 outlined the fundamental Economic objective of the government. It provides that the state shall harness the resources of the nation and promote national prosperity and an efficient, dynamic and self-reliant economy. The incessant bombings and explosion of oil pipelines has lead in decline of oil production in Nigeria and therefore reduced its exportation quota in international market. This has made it difficult for the country to achieve a resounding economy in the area of oil exploration.

2.11. *Niger Delta Avengers (NDA)*

Niger Delta Avengers (NDA) is a militant group in Nigeria's Niger delta. The group publicly announced their existence in March 2016. The NDA declared aims are to disrupt The Nigeria's economy if their aims are not met. They also threaten to create a sovereign State in the Niger Delta. The NDA has attacked oil producing facilities in the region causing shut down of oil terminals and a fall in Nigeria's oil production to its lowest level in twenty years.

The Movement for the Sovereign State of Biafra, MASSOB on June 17th 2016 reaffirmed their support for the NDA whose onslaught crude oil pipelines and installations since 10th February 2016 has brought Nigeria oil Production capacity below 800,000 Barrel per

day(bpd). Prominent elders, leaders and groups in Niger Delta have suggested that creating a platform to listen to the grievances of this group and impartially deal with their demands will be the only way in winning the war against the blowing of pipelines.

2.12. *O'odua People's Congress*

The Oodua People's Congress (OPC) is a Yoruba nationalist organization in Nigeria. Its main objective is to promote and defend the interests of the Yoruba people. It was formed when a group of Yoruba elite, including Fredrick Fasehun, decided to form an organization to actualize the annulled mandate of Chief Mooshood Kashimawo Olawale Abiola, a Yoruba who alleged that he won the presidential election of June 12, 1993 but was barred from office.

However, following the incarceration in 199 of the OPC leader, dissension appeared within the organisation and another faction led by Ganiyu Adams emerged and took a violent posture and unleashed terror on the security agents and even the public. The OPC became quite nihilistic in pursuit of whatever may be its vision for the Yoruba people on whose behalf its ostensible has perpetuated some of its recent excess. The leaderships of the congress lost control to some young misguided dare devils, who have carried on as plain mustangs, terrorising innocent citizens they believe are obstacles to their good. In 1998 and 1999, many OPC members were arrested by the police after clashing with security forces or storming the courts in order to free their colleagues.

2.13. *Fulani Herdsmen*

The nomadic Fulani herdsmen is another emerging threat to the Nigeria State interest. These herdsmen whose agricultural activities involves rearing their cattle from one place to the other in search of pasture has turn to a security risk. The murderous activities of this group assumed a position of national concern after the 2015 Presidential general election. The threat started as a recurrent violent clash between the landowners and the herdsmen. Wherever these herdsmen sets their foot with their cows, farmers the farmers will complain of indiscriminate grazing on their farmlands which leads to massive destruction of their crops, vegetation, and traditional livelihood, just as the faecal matter from the cattle contaminates the water and make it unsafe for drinking. Whenever the community where these herdsmen has settle with their cows denies to grant them the access to grazing, the herdsmen will resort to use of violence, slaying the members of that community. Communities in states like Kaduna, Plateau, Nasarawa, Adamawa, Benue, Enugu and Abia has witnessed the violent and destructive nature of most of these herdsmen. According to the Global Terrorism Index, Fulani militants were the fourth deadliest terrorist group in 2014, using machine guns on villagers to attack and intimidate farmers.

The violent and terrorizing approach of the herdsmen was manifested in their attack at Nimbo, Enugu State on 26th April 2016 where more than 46 persons loss their lives and properties worth millions of naira were destroyed. The herdsmen were also allege to have attack the Agatu community. No fewer than 300 persons have been confirmed dead following a siege on the community at Benue State. The National Assembly condemned the clashes and violence of the Fulani herdsmen saying that the development was capable of threatening the corporate existence of the country. The Governor of Ondo State further lends his voice in condemning the activities of this group. He posited that the activities of this herdsmen is a danger to the plans of the Federal Government to diversify the economy of the country especially on its focus on agriculture.

By virtue of the provisions of section 16 (2) of the constitution, it mandates the state with the use of the word 'shall', that the states shall direct its policy towards ensuring the promotion of a planned and balanced economic development. The question now is, having regard to the crash and dwindling fortune of oil price in international market and the desire of the Federal Government to promote the output of farm produce, how can the State plan a balance economic development in respect of promoting and producing more agricultural output in a situation and environment where the threat of the Fulani herdsmen is a precipice?

2.14. *The Challenges of the Nigerian State*

In a multi-ethnic society like Nigeria, it is usually an uphill task to properly incorporate several ethnic groups and their different interests. Consequently, the inability of the state to address these issues, create room for groups in a particular ethnic group to pay more loyalty to its ethnicity by forming themselves in most situations as militants to actualize its set objectives in the guise of sympathizing and actualizing the aspirations of its ethnic group. In addition to ethnic loyalty and militancy as a threat to state interest, there are other threats or activities that threaten a state's interest as well as the rights of the individuals. This can arise in form of civil conflict, protest or unrest, activities of organized crime syndicates, terrorism and smuggling of small arms by terrorist organization.

When a state fails to carry out its duty toward protecting the right of the citizens, it may lose its royalty. The same way the existence of a state is a matter of fact, it is also a matter of fact that will be a determinate of the extinction of a state. Senator Wabara said that a state that cannot protect the lives and properties of its nationals is not entitled to their loyalty, it is well on the way to becoming a failed state. A failed state is a political body that has disintegrated to a point where basic conditions and responsibilities of a sovereign government can no longer function properly. Such a state is no longer able to effectively maintain all or some of the essential characteristics of statehood. As have been stated earlier that once a state has failed to carry out those requirements that are the core or the essence of forming such a state, it can then be said that such a state has failed to deliver the core dividends of its existence. The failure of a state may be said to have occurred under the following headings:

- a) When the state loses control of its territory.
- b) When there is no legitimate authority to make a collection decision for the state.
- c) When the state has failed to protect the lives of its citizens which are the core of its existence.
- d) Inability to interact with other states as a full member of the international community.

Therefore, once a state has been termed “failed”, it means that the state has been rendered ineffective and is not able to enforce its laws uniformly or provide basic goods and services to its citizens because of various forms of crimes, judicial ineffectiveness, ethnic militias, terrorism etc. Therefore, a state fails if it loses both its effectiveness and legitimacy, which includes the capabilities to carry out state functions such as providing security or levying taxes and also the support of the population that make up its territory. When the state fails to protect itself internally and also against external aggression (Olivier 2013) Nigeria must not be allowed to fail.

Nigeria should adopt measures to tackle these threats as the one now are not proactive in the sense that it waits till the activation of the threat before it will react by punishing the offenders. It lacks in its true sense the required technological and tactical approach to tackle threats. It is important to note that terrorism is not the only threat to State interest. Activities of organized crime syndicates such as armed robbery, cultism, militancy, unlawful assemblies etc. are also threats by groups that violates the rights of other citizens. Managing security risk in our technological driven age requires more of information technology. For example, In Nigeria today, the Federal government relies more on automated and interconnected systems to perform functions essential to the national welfare such as Federal payment. This factor that benefits the government operations also increases the risks of information intrusion, fraud and hacking thereby divulging sensitive information to these groups without government knowledge.

2.15. Recommendation

The way forward out of these threats of that violates the rights of citizens which is usually perpetrated by individuals or groups is by the government considering the following-

Firstly, the problem is not in our laws but rather in its implementation and dynamism to meet the dynamic approaches of these terror groups. In all, dialogue remains the only way out of the bloody spectacle currently facing Nigerians. The use of force to confront force has obviously failed, thus, necessitating a new approach.

Secondly, there is need for the authorities to immediately engage the services of seasoned peace practitioners to help drive the peace process. Political expediencies, as has become the tradition in this country, must be completely jettisoned in choosing those to animate the processes of transforming this conflict. A multi-track approach will suffice. In this wise an approach that will draw individuals from different spectra of the society. The use of force is only but a short-term solution to the insurgency in the North and militancy in the South. If things are done right, this phantom of violence currently hunting the Nigerian State can be summarily sent back to the abyss where it belongs, and Nigerians can continue the nation-building process that has been stunted by the sad events of the past couple of years.

Thirdly, the Nigerian government should create job opportunities for young people. Militancy and terrorism founds its recruitment pool amongst vulnerable youths who have either limited or no means of legitimate livelihood. Thus, robust and targeted intervention to create jobs in Nigeria should form a key priority of the Nigeria State.

Fourthly, the government should protect and strengthen human security. Inability of the State to protect its citizens within the troubled regions may make its citizens who live within that area to start considering the option of surrendering their lives to these terrorist in other to live. Failure to do this, the state will be eroding its fundamental duty to protect its citizens.

Finally, Nigeria should improve its defensive and intelligence gathering measures rather than applying retaliative approach in its fight against terrorism. The government should also re orientate its citizens as one of counter terrorism measure framed in different local languages.

The government should also target training as well as capacity building of its military and other security outfits so as to improve their human rights record in counter insurgency operations. It is important to note that human rights violation by the military hampers the success of its efforts and lowers public confidence in the Nigeria Armed Force.

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