

Insurgence: A Threat to Fundamental Human Rights in Nigeria

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Abstract: In 10th December 1948, the United Nations Organization adopted the bill on human rights by resolution 217a (111). By this act, the Universal Declaration of Human Rights was established. This placed Human Rights on a global agenda which certified its universality. This spurred regional bodies like Europe and America to declare convention for the protection of human rights and fundamental freedom in 1950 and 1969 respectively. Other nation states took a queue from Europe and America in adopting the universal human rights declaration. This paper is anchored on Marxist state theory. In Africa, the charter on human rights was adopted in 1981 and came into force in 1986. In 1979, Nigeria signed it into law and it became part of the constitution of the Federal Republic of Nigeria. By the provisions of the constitution of Nigeria, all her citizens have rights to life, right to own properties, right to fair hearing, freedom of speech, freedom of religion, freedom of association, freedom of movements and so forth. These rights are not to be infringed upon by any individual, government, association or organization. In Nigeria, these rights have been infringed upon through the activities of insurgence. Many lives have been lost. Properties worth billions of USD have been lost due to the activities of Boko Haram insurgence especially in the North Eastern Nigeria. This has created a big security threat in Nigeria. The internal security of her citizens is in jeopardy. The citizens live in fear. At every moment, nobody can predict the next security threat. This paper underscores the extent of abuse of fundamental human rights and its implications to national development. This is a theoretical paper. It explores measures that could be employed to address the security situation in Nigeria especially as it affects fundamental human rights abuse. The paper recommends the use of political will power and peace building as alternatives to insurgence in Nigeria.

Keywords: Boko Haram, Fundamental Rights, Insecurity, Threat

Introduction

Challenges of livelihood are prominently the experience of families, communities, wards, Local Government Councils, States and Nations. In every sector of the society, the quest for stability is a pronounced factor that has bearing with growth and development. Any security threat to the realization of this is seen as an aberration. Thus, the security threats among citizens of different nation states are major hindering factor to development at all levels of life.

Experiences of conflicts among individuals, war between groups and communities, among nations and so forth are clear demonstration of the security threats in today's world. Wars and threats of wars are the greatest challenge the world is facing today. This has made the United Nations Organization to establish basic control measures that are geared towards fostering peace among nation states. In nations where great danger is experienced, the United Nations declares a peace mission to bring back peace which is the pivot to nation's development (Nweke, 2014).

The Universal Declaration of Human Rights on 10th December 1948 by the United Nations Organization through resolution 217a (111) is a clear demonstration of its resolve to protect the rights of everyone world over. By this single act, the UNO of instituted the fundamental human rights. This made every human person under this planet to have full rightful protection under the law especially the spelt out rights that are fundamental (Ezeugwu 1999).

In nations within the coverage of the UNO, the fundamental universal rights as were adopted are fused into their constitutions. Like in Nigeria, these rights formed part of the 1979 constitution in which all Nigerian citizens are supposedly protected. The unfortunate thing is that at different quarters, citizens are denied these rights. Through military dictatorship the constitutional provisions of these rights were usually suspended and replaced with Decrees. Also, the activities of insurgence which breeds in serious terror, killings of innocent souls, destruction of properties and so forth work contrary to the provisions of the constitution in the protection of fundamental rights of the citizens even in the civilian era.

For instance, the resulting absence of legal restraints on agents of military regimes gave free rein to human right violations. The human right abuses of the regime were perpetuated by the government through their agents operating in different institutions and agencies of the state. Most prominent were the armed forces, including the paramilitary organs of the state such as the State Security Services (SSS), the customs and Prisons Services, the National Intelligence agency, and the Police Force. They all collaborated extensively in launching an all-out war, on behalf of the ruling junta, against human rights issues and activists. To secure his regime, he clamped Chief M.K.O Abiola into jail. Shortly after, General Olusegun Obasanjo, Chief Frank Kokori and countless others followed.

In Nigeria the emergence of a group called Boko Haram and its devastating activities since 2002 is very worrisome. The activities of this group are serious threat to development and the stability of the country. No country can thrive economically, socially and politically in a climate of insecurity. That is why the issue of Boko Haram as a threat to national security and development should be given serious attention. Boko Haram has become a very blood sucking pest on Nigerian society as they strike with such ferocity that both Nigeria and the world beyond are drawn to the question of the emergence of this group and what they stand to gain after all (Ukpabi, 2015). Scholars attention has been drawn to the effect of insurgence to nation building with little emphasis on its effects on the fundamental human rights. This paper therefore, underscores the activities of insurgence in Nigeria as a threat to the protection of fundamental human rights.

Institution of Human Rights Act

Human rights are those categories of rights that nature has bestowed on man. They presume the sacredness of the human person in any society in the world to doggedly resist any constraints upon this right as they underlie his humanity and freedom. Human rights center on the concept of _human nature. Human nature is an abstraction both from history as well as society.

Human rights institution is dated back to the accounts of creation when man was empowered with the power to have dominion over every other creature (Genesis 1:28b). Therefore, we cannot separate the rights of man and morality. Morality speaks about those things that are right before God and man which compel man to act the way he does. The moral force creates the check to recognize where a man's rights end and where another man's rights begin. Of historic importance the development of human rights are the French revolution whose battle cry was equity, freedom and fraternity, the English petition of rights in 1627, the American declaration of independence in 1776 and the French declaration of the rights of man and citizens in 1789 (Ezeugwu, 1999). In these scenarios, there was no respect for human dignity. The sanctity of human persons was in shamble. People were killed without question and control. There was no enabling universal law that fundamentally protects human persons globally except as may be determined by some nation states.

Before the UNO Declaration of Human Rights, most people never knew that other fellow beings have certain rights like they do. For instance, the institution of slave trade in Africa by the European powers, the killing of about 6 million Jews in a gas plant by Germany between 1938 and 1945, the implementation of apartheid policy in South Africa and many other are clear indication that at several points, human rights were violated. In order to guaranty the dignity of human person, the UNO declared the *Universal Human Rights in 1948*.

The bill for the Declaration of Human Rights began when in 1948 the bill was placed before the United Nations Assembly. Following exhaustive deliberations, the bill was adopted by resolution 217a (111) of December 10th 1948.

It is evident to note that following the universal human rights declaration by UNO, many countries of the world began to fuse these rights in their constitutions. In Africa, the charter of Human Rights was adopted at Nairobi in 1981. The African charter of Human Rights has provisions for both civil and political rights. The civil rights includes:

- Right to life;
- Right to the dignity of human person;
- Rights to personal liberty; and

- Freedom of movement

On the other hand, the political or moral rights include:

- Peaceful assembly and association;
- Freedom to express oneself;
- Right to participate in government and;
- Freedom of thought, conscience and religion.

In Nigeria, the constitution provides fundamental basis for the protection of the citizens' rights. Under the law, Nigerian citizens have full protections of their fundamental rights. The Nigerian Government having been part of the UNO's universal declaration of human rights and the adoption of the African charter on human rights in Nairobi Kenya in 1981 had began to enforce these rights in the 1979 constitution. The constitution provides for the protection of the fundamental rights of her citizens. Article 4 of the 1979 constitution provides for the protection of the following rights of the Nigerian citizens:

- Section 30: Rights to life
- Section 31: Rights to the dignity of human person,
- Section 32: Rights to personal liberty,
- Section 33: Rights to faire hearing
- Section 34: Rights to private and family life,
- Section 35: Rights to freedom of thought, conscience and religion,
- Section 36: Rights to freedom of expression and the press,
- Section 37: Rights to peaceful assembly and association,
- Section 38: Rights to freedom of movement,
- Section 39: to freedom from discrimination,
- Section 40: Rights to own property.

(Sources: the 1979 constitution of the Federal Republic of Nigeria)

By the power of the constitution, these rights are very fundamental. The law is said to have no respect for any man (Nweke 2004). This implies that the rule of law is expected to function in a country like Nigeria without fear of any intimidation. However, the activities of insurgence (Boko Haram) in Nigeria has a serious damaging effect on the nations institutional structure.

Boko Haram is a militant group in northeastern Nigeria whose real name is 'Jama'at Ahl al-Sunna li al-Da'awat wa al-Jihad' which means Sunni Group for Preaching and Jihad. The group was founded around 2002, largely to preach an Islamist ideology based on the doctrines of the Taliban as well as groups such as al-Qaeda. It sought to disassociate itself from the Nigerian state and form a community only of its followers. At the same time it did likely believe that a confrontation with the Nigerian state was inevitable due to the fact that it did not follow any state obligations and tried to create a quasi-state of its own followers in northeastern Nigeria.

In 2009 it engaged in clashes with the Nigerian state as per its expectations. After that, around 2010, it emerged with a new leader because its founder was killed during the 2009 clashes, and since 2010 it has been engaged in violent battles with the Nigerian state. It has targeted Christian communities in northeastern Nigeria as well as Muslim traditional leaders who object the group's violent tactics or ideology (www.tonyblairfaithfoundation.org cited in 14th August, 2015).

Records reveal that more than 1.5 million Nigerians are displaced as a result of insurgence activities. These set of Nigerians lost their homes and other properties to insurgence. Millions of Nigerians were killed unjustly. Report indicates that about nine million people have been affected by the violence. Out of this, one hundred and ninety two thousand Nigerians have fled to Chad, Cameroon and Niger Republic as refugees (International medical corps.org cited in 14th August, 2015)).The implication is that many Nigerians have been adversely affected by the activities of the militant group. This is a clear evidence that the citizens rights are violated. It means that the provisions of article 4 of the constitution of the Federal Republic of Nigeria do not have any effect on the Nigerian citizens since they face heavy security threats. Nigerians especially those in the northeast are faced with serious security challenges.

Human Rights Violation in Nigeria

In Nigeria, human rights violation is pronounced in all aspect of the citizens' life. Human rights and fundamental freedom are indivisible. The full realization of civil and political liberties without the enjoyment of economic, civic and cultural rights is impossible. The greatest impediment of full realization of the fundamental human rights in

Nigeria is the military. The rate at which military intervened in the nation's political process resulted in the absence of a political culture and eroded the independence and sanctity of the judicial process (Nweke 2004). Each time the military takes over from the civilian government, the first thing they do is to suspend the constitution (Ezeugwu 1999). The 1994 Decree enacted by the military government provides in its forth preamble as follows:

The question whether any provision in chapter IV of the 1979 constitution of the Federal Republic of Nigeria has been, is being or would be contravened by anything done or purported to be done in pursuance of any Decree shall not be inquired into in any court of law and accordingly, no provisions of the constitution shall apply in respect of any such question.

The act of Decree promulgation by the military is geared towards intimidation and denial of citizens' fundamental rights. It is a process which pushes the citizens away from their constitutional protection and subjects them under the military dictatorship. Extra-judicial killings, arbitrary arrests, unlawful and prolonged detention, brutal torture of accused person and degrading treatment bordering on dehumanization of critics and opponents of the military regimes became a common scene in the country (Ayoo, 1994, p.5). Many of these seasonal terrors and mayhem were occasioned by internal factors as against external threats, along the line postulated by the realist school of thought (Imobighe, 2001, p.44)

As noticed by Ikejiani Clark (2005) that over the years, many events in Nigeria have led to the politicization of mistrust, intolerance, violence and acrimonious relations between the mainly Moslem north and the Christian south of Nigeria. To this extent, Ikejiani Clark contends that there has been an unfortunate insertion of ethno-religious discrimination and incompatibility in the structures of the Nigerian State since the colonial period. In 1931 for instance, the colonial administration under the leadership of Governor Donald Cameron did not encourage intermingling of religions. This is recaptured in his words in which he advised the Christian missionaries to thread softly in Moslem areas so as to maintain the stability of indirect rule. The political events of the January 15, 1966 coup and the July 1966 counter-coup further entrenched ethno-religious configuration in Nigeria. This is because the killings and counter-killings that followed the coups which took ethnic and religious colourations as the Muslim dominated tribes in the north were set against the Christian dominated tribes of the southern Nigeria.

In the military era, the regimes of General Babangida and Sani Abacha witnessed widespread human rights violation. Both regimes ushered in unprecedented levels of political and economic regimentation in Nigeria, and the scale of violation of human rights abuses reached such magnitude that it led to widespread dissatisfaction in all spheres of the society.

It is remarkable that in the opinion of Bola Ajibloa, violation of human rights was quite compatible with military rule. In an address that he delivered at the Nigerian Bar Association conference in Kaduna in September 1988, on the theme Courts and Liberties in Military Revolution, he opined thus "if we accept that a military regime is an aberration, then we should be prepared to logically assume that it cannot satisfy the condition of regular government in terms of Human Rights (Tell Magazine, 1993, p.6).

The right to freedom of expression and the press were at best in abeyance, owing to the fact that newspaper houses were shut down on official orders or were fire-bombed by unknown persons who always were never apprehended by the police authority. The existence of the Strike Force, the Directorate of Military intelligence (DMI) and the State Security Services (SSS) further worsened the violation of human right. On 10th November, 1995, Kenule Beeson Saro Wiwa- a renowned figure whose repute was known worldwide on account of his agitations for equitable appropriation and utilization of the oil wealth of his community in particular and Niger Delta in general-and eight other Ogoni environmental activists were sentenced to death by hanging. This was the climax of years of struggle by the Ogonis in creating general awareness about the environmental devastation that the exploration of crude oil in their communities by foreigners in collaboration with the Nigerian government, has wrecked on the indigenes peoples without noticeable improvement of their standard of living.

Theoretical framework

The theoretical framework adopted in this work is Marxist theory of the state. In Marx's 1843 critique of Hegel's philosophy of right, his basic conception is that the state and civil society are separate. The political state everywhere needs the guarantee of spheres lying outside it. Marx viewed the state as a creature of the bourgeois economic interest. According to him, the executive of the modern state is nothing but a committee for managing the common affairs of the whole bourgeoisie. This represents the high point of conformance of the state theory to a strict economic interpretation of history: The forces of production determine peoples' production relations; their production relations determine all other relations, including the political. Some reciprocity of action is admitted. The

bourgeoisie control the economy; therefore they control the state resources. The state, in this theory, is an instrument of class rule.

Ake (1985) argues that the concept of state remains one of the most difficult to handle. He states that it is rich in meaning and beset with controversy. It is hard to understand the state and its laws of motion. This is a reflection of Africa where the common sense notions of the empirical referents of the state do not appear to apply.

The state has three basic structures: the legislature whose responsibility it is to make laws, the judiciary with the function of interpreting the laws made by the legislatures and the executive whose mandate it is to give assent to bills and enforce citizens' compliance to laws. Other apparatus of state exist like the armed forces, the bureaucracy under which other institutions like the civil service emerge.

In the context of this study, it is the responsibility of the state to ensure that laws that protect the welfare of its citizens are made. The fundamental human rights provisions in the 1979 constitution is one of those laws the state has made because of its obligations. The Government of the Federal Republic of Nigeria is by the provision of the constitution charged with the responsibility of protecting the fundamental rights of her citizens.

The state is a specific modality of class domination. This modality is one in which class domination is mediated by commodity exchange so that the system of institutional mechanisms of domination is differentiated and disassociated from the ruling class and even the society, and appears as an objective force standing alongside society (Ake 1985). Anikpo (1996) argues that the emergence of class is usually associated with the emergence of the state structure. The dominant class therefore is made up of all those who are in the power position to take what they can from the nation's accumulated wealth either directly or through any form of patronage and are also in the position to decide what others will get. Thus, that citizens get protected under the law is a function of the state. It is the responsibility of the state to design means of ensuring that her citizens rights are protected as provided in the constitution.

Effects of Insurgence on Human Rights Protections in Nigeria

According to a Human Rights Watch report, corruption in Nigeria has resulted in police abuse, human rights violations, a lack of health care and political violence. A 2009 report by Amnesty International accused the Nigerian Police Force of hundreds of extrajudicial disappearances and killings each year, all of which have gone uninvestigated. These disheartening factors of failed development combine to create a climate of desperation in Nigeria, especially potent in the north. Few people feel they can trust the state institutions, establishing the perfect recipe for the growth of extremism.

The former military administrator of Ekiti and Gombe States, Col. Mohammed Inuwa Bawa (Rtd), reiterated that lack of commitment and corruption on the part of government, porous borders between Nigeria and neighboring Chad, Niger and even Cameroon have aided the activities of Boko Haram and that thinking of combating them to a finish might be a mirage (Sunday Sun of December 14 2014 Pages 31-32).

Well as the heinous crimes of Boko Haram keep staring Nigeria in her face, there was a recent report that seemed to be good news that the held Chibok girls have been released as the military had combed the Sanbisa forest releasing on hostage over 300 persons. The army still asserted that they are still screening them to see whether they are really the Chibok girls that had been missing for some time now (Daily Sun of Wednesday April 29, 2015: 12).

Okoroafor, and Ukpabi, (2015) argue that the menace of Boko Haram to national security is very alarming. The ugly security situation in this nation provided a safe haven for Boko Haram to operate for a very long time. From their mission statement, they have asserted that any resistance in achieving the goal of Islamizing Nigeria would be met with serious confrontational attack. Just like other Islamic sects mentioned earlier, Boko Haram insurgency is sending shock waves to the entire Nigeria in the North East and beyond.

Table 1: List of massacres and human rights abuses in Nigeria

Name	Date	Location	Deaths	Notes
Asaba massacre	7 October 1967	Asaba, Delta	Up to 500 men	Occurred during Biafran Civil War
Odi massacre	20 November 1999	Odi, Bayelsa State	43-2,500	Nigerian military attacked the village of Odi, as part of the Conflict in the Niger Delta.
2000 Kaduna riots	21 February-23 May, 2000	Kaduna	2,000 – 5,000	Religious riots between Christians and Muslims over the introduction of sharia law in Kaduna State, start of the religious riots phase of the Sharia Conflict in Nigeria.
2001 Jos riots	7-17 September, 2001	Jos	500–5000	Religious riots between Christians and Muslims.
Miss World riots	November 22, 2002	Kaduna	200+	Inter-religious riots that started on 22 November in Kaduna, along with many houses of worship being burned by religious zealots. Cause: article in <i>Thisday</i> about the 2002 Miss World beauty contest (to be held in Abuja), in which Muslims took offence.
Yelwa massacre	February-May 2004	Yelwa, Shendam and Kano	97	Religiously motivated killings between Christians and Muslims.
Muhammad cartoons crisis	18 February 2006	Maiduguri	50+	The international crisis reached the Nigerian city of Maiduguri, in which over 50 people were killed and many buildings destroyed or damaged by rioting Muslims, outraged because of cartoons about Muhammad in the Danish newspaper <i>Jyllands-Posten</i> .
2008 Jos riots	28-29 November 2008	Jos	381	Religious riots between Christians and Muslims over the result of a local election.
2009 Boko Haram Uprising	July 2009	Maiduguri, Bauchi, Potiskum, Wudil	1,000+	Islamic militants killed over a thousand people between 26 and 29 July; during the violence, Christians were killed for refusing to convert to Islam
2010 Jos massacre	2010	Jos	992	Religious rioting; victims were mostly Christians killed by Muslims
2011 Abuja United Nations bombing	26 August 2011	Abuja	21	73 injured; Boko Haram attacked a United Nations compound
2011 Damaturu attacks	4 November 2011	Damaturu	100-150	Islamic militants associated with Boko Haram attacked police stations, churches, and banks
December 2011 Nigeria clashes	December 2011	Maiduguri and Damaturu	68+	Islamic militants associated with Boko Haram clashed with security forces between 22 and 23 December
December 2011 Nigeria bombings	25 December 2011	Madalla	41+	73 injured; Muslim militants bombed a Catholic church during Christmas mass
January 5-6, 2012 Nigeria attacks	January 2012	Mubi, Yola, Gombi, and Maiduguri	37+	Islamic terrorists attacked churches and Christian businesses; Boko Haram claimed responsibility
January 20, 2012 Nigeria	20 January 2012	Kano	185	Islamic terrorists attacked churches and Christian businesses; Boko Haram claimed

attacks					responsibility
April 2012 Kaduna massacre	8 April 2012	Kaduna	38		Islamic terrorists bombed a church on Easter
June 2012 Kaduna church bombings	17 June 2012	Kaduna, Wusasa, and Sabon Gari	12-19		80 injured; Islamic terrorists bombed three churches
July 2012 massacre	7 July 2012	Multiple northern Nigerian villages	100+		Islamic militants attacked Christian villages
Deeper Life Church shooting	7 August 2012	Okene	19		Islamic militants attacked a church; the pastor was among the dead
December 2012 shootings in Nigeria	25 December 2012	Maiduguri, Potiskum	27		Islamic militants attacked a church on Christmas Day; afterwards the church was set on fire
2013 Baga massacre	19-20 April 2013	Baga, Borno	228+		Identity of the perpetrators remains unclear; some blame the Nigerian military while others blame the Islamic terrorist group Boko Haram
Yobe State school shooting	6 July 2013	Mamudo government secondary school	30		Suspected Boko Haram terrorists killed at least 41 children and one teacher
Gujba college massacre	29 September 2013	Gujba Yobe school	50		At 1:00 a.m. suspected gunmen from Boko Haram entered the male dormitory in the College of Agriculture in Gujba, Yobe State, Nigeria, killing at least forty-four students and teachers.
Kawuri massacre	11 January 2014	Konduga Local Government, Borno State	85		Attack by Boko Haram
Borno Massacre	11 February 2014	Konduga, Borno State	39		About 39 people are believed to have been killed in an attack by Islamist militants in a Nigerian town. Local residents said the attack on Konduga, in the north-east Borno state, lasted several hours, beginning shortly before sundown on Tuesday night with the arrival of gunmen in 4x4 trucks. A mosque and more than 1,000 homes were razed to the ground, residents said.
Federal Government College Buni Yadi attack	25 February 2014	Federal Government College Buni Yadi, Yobe State	59		Islamist gunmen killed 59 students at a boarding school in Yobe State.
April 2014 Abuja attacks	14 April 2014	Bus Stand, Abuja, Nigeria	71		Two bombs exploded in a crowded bus station in the outskirts of Abuja, Nigeria.
April 14 – 15 2014 at Chibok	April 14 -15 2014	Chibok	-		276 female students were kidnapped from the Government Secondary School in the town of Chibok in Borno State, Nigeria.
May 2014 Gamboru attacks	6 May 2014	Gamboru, Borno, Nigeria	300+		Militants attacked at night and set houses ablaze. When people tried to escape, they were shot dead.
Gwoza massacre	2 June 2014	Gwoza, Borno, Nigeria	200-300		Boko Haram attack on Christian villagers

2014	Kano bombing	23 June 2014	Kano, Nigeria	200+	Dozens of people were killed in a bomb blast at Kano State School of Hygiene. The blast was attributed to militant group Boko Haram by the locals.
2015	Baga massacre	3-7 January 2015	Baga, Borno	At least 100, over 2,000 "unaccounted for"	

Sampson I. T. (2012). Religious violence in Nigeria: Causal diagnoses and strategic recommendations to the state and religious communities", *African Journal on Conflict Resolution* p. 107-112

Information in table 1 indicates that between 1966 and 2015 about 19,787 innocent souls were unjustly killed as a result of insurgence in Nigeria. Also, out of the 29 incidents that gave rise to the recorded massacre in Nigeria, 27 were driven by religious crisis. The challenge therefore is that the nation Nigeria is ridden with crisis. These crises hinder the realization of the goal of protecting the fundamental rights of her citizens.

Summary /Conclusion

Human Rights violation in Nigeria is very obvious. At several periods in the nation's history, the citizens were being denied the fundamental protection under the law especially as it affects their fundamental rights as citizens. Events in table one shows that over 3 million Nigerians have lost their live which is against the constitutional provision for their right to life. Several properties worth billions of USD were equally lost too. The people were also denied the right to own properties. In cases where the activities of the Boko Haramists or other miscreants were religiously driven, such have been seen to result in several blood shades. The people's fundamental freedom of association is being tampered with. Therefore, there is a big security threat in the nation Nigeria.

With the awareness created through several media networks, the tireless effort of the Nigerian military in spite of all odds would go a long way in curtailing the obnoxious and nefarious activities of this monstrous group to an end some day. We pray their commitment will meet with success.

Recommendations

In view of the foregoing, the following recommendations were made:

- That government should use every means available to fight insurgence group like the Boko Haram.
- That peace building processes should be initiated in order to discover the remote causes of the activities of insurgence in Nigeria.
- That government should use the political will power to enforce compliance to the fundamental human rights protection in Nigeria.

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