
Effects of Insurgency on Law and Society: An Overview

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ABSTRACT

The year 2009 to 2016 can be regarded as the dark period in Nigerian history. The collective peaceful existence of North East and by extension Nigeria, was not only questioned, but traumatized by Boko Haram which impacted negatively on the society. Law and order in North Eastern part of the country was in strain. This paper attempts to discuss the effects of the Boko Haram insurgency on law and society. The non recognition or refusal to accept the authority of Nigerian state by the Boko Haram elements has affected not only the law but the society in general. The paper relies on observational qualitative technique and review of some secondary data. It is the opinion of the paper that insurgency has negatively affected law and society. Law is basically for regulating human society and undermining it amounts to undermining the society. Insurgency has impacted negatively on rights of Nigerians, created mistrust among the different ethno-religious groups and severely put strain on the economy and challenges to family values. The paper was of the view that disarmament, deradicalization, inculcating moral values and exemplary leadership in politics and governance among others can check mate insurgency in the society.

Keywords: Boko Haram, Insurgency, Law and De-radicalisation

INTRODUCTION

At the early beginning of human civilization, one of the major challenges facing humanity was how society can exist peacefully and law and order can be maintained. The chaos and social disorder prevailing at the early stage of civilization tasked the minds of many scholars.

During the 17th through early 20th century, the major crisis facing human society was not internal aggression or struggle for the overthrow of existing authority, it was anarchy propelled by industrialization and political transformation, where organized and socially recognized groups challenge some of the imbalances and disorganization created by some groups within and outside the society. The notable social forces are the Industrial and French revolutions which brought about transformations that resulted into modern capitalism and agricultural revolutions. Throughout that period up to earlier 21st century, societies seem to be facing one form of deviance or another but there was little or no organized rebellion against the State. Every generation in human history has experience one form of rebellion. Modern society certainly has faced numerous challenges and insurgency is one such challenge and it has tremendous effects on society because it is an organized rebellion against constituted authority.

EARLY SCHOLARS, SOCIETY AND LAW

At the earlier beginning of civilization, society is organized and is governed by the norms of the society. Norms are the standards of behaviour which members of society are expected to follow or adhere to. Towards the end of the industrial and French revolutions, major concerns and challenges of scholars and philosophers was to organize traumatized society into an orderly and peaceful one for the benefits of man and society. From Socrates, through Plato, Auguste Comte, Karl Marx down to modern contemporary theorists, philosophers focused mainly on understanding the workings of the society and the peaceful co-existence of individuals within it.

CHANGING PARADIGMS OF SECURITY

Insurgency, terrorism, kidnapping, cattle rustling and cyber crimes are by products of globalization and it has eluded the attention of classical theories. Haruna , (2016) observed That classical

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conceptualization of crime as manifestations of sociological, biological and philosophical interpretations did not envisage modern security challenges such as radicalization, violent extremism, indoctrination and arms proliferation among others. Thomas Hobbes argued four centuries ago that security necessitated the genesis of social contract where citizens surrender their rights in anticipation of security for their lives and property by empowering the state to use legitimate force to secure conformity and reverse the “the state of nature” where life was nasty, brutish and short. The contemporary operationalization of security transcends beyond the traditional conception as it has assumed a more broader form from the international hostilities and warfare to non-traditional security threats like nuclear pollution, information hacking, HIV/AIDS, militancy, oil bunkering, drug trafficking, corruption, human trafficking, cultism and insurgency among others. The South African white paper on Defense (1996) observed that security is no longer restricted to protection of life and property, but an “all encompassing conditions in which individual citizens live in freedom, peace and safety; participate fully in the process of governance, enjoy the protection of fundamental right, have access to resources and basic necessities of life and inhabit in an environment which is not detrimental to their health and well being”.

INSURGENCY: AN OVERVIEW

The last seven years, from 2009 to 2016, can be regarded as the “dark age” in the annals of Nigerian. Scholars, journalist, lawyers, teachers, politicians, farmers and the ordinary Nigerians have tried to find the meaning of insurgency. Each and every one provides the meaning and operationalization of what insurgency is all about. Dispositions, experiences and orientation have impacted on the way we see and define insurgency. Insurgency or rebellion is a movement aimed at replacement or violent attempt to take control of legally existing constituted government or society through the use of armed conflict or subversion. The Advanced English Dictionary defined insurgency as an organized rebellion aimed at overthrowing a constituted government through the use of subversion and arm conflict. It is indeed a rebellion against authority.

BRIEF HISTORY OF INSURGENCY IN NIGERIA

The operations and activities of the Boko Haram terrorist group is a form of rebellion or insurgency. A number of journals, research papers, articles have attempted to provide details of the origin of Boko Haram in Nigeria. From inception of Nigerian state, various forms of uprising have been witnessed, but the level of the uprising and revolt vary in magnitude. Before Boko Haram, we have the Maitatsine group which started in Kano and spread through Maiduguri and Yola. The Maitatsine group gained global attention in 1980, during the first democratic dispensation of Alhaji Shehu Shagari. Yan Tatsine are the followers of Maitatsine who are deviant Islamic preachers who condemn orthodox Islamic teaching and western style of leadership like the Boko Haram, their ideology was appealing mainly to the unemployed, school dropouts, and the poverty-stricken youth. They are revolting against Sunni Muslims and the state. According to Eddy and Kingsley (2014), the Maitatsine sect:

had large followership of the unemployed youths, led to clashes with the police in kano which claimed 4,177 lives in a space of 10 days in May 1980 (Anthony,2009). This huge loss of lives and property was the most severe since the Nigerian Civil war that spanned 1967 to 1970. This religious crises, later spread to Maiduguri, Yola, Bauchi and Gombe (Eddy and Kingsley, 2014: 311)

In Nigeria, long before the event of December 2015 where the COAS was blocked by the Shiites in Zaria, there were several reported pockets of Shiite sect rebellion. Shiism started in the mid 1970s in Ahmadu Bello University Zaria. According to Prof Abdullahi Mahadi, in his memorandum submitted to the National Human Rights Commission (2016),

After a few years of his programme of surreptitious recruitment and indoctrination of young people, Ibrahim Al-Zakzaky then launched his Shiite religion with extreme degree of violence and intimidation. One early morning in 1979, the inhabitants of Zaria, Samaru, Sabon Gari and other neighboring areas woke up to find the Public Notice Boards, Billboards, walls of private houses, public institution trees, parked vehicles and meters of filling stations and tarred roads defaced with bold slogans:

"ISLAM ONLY," "ISLAM ONLY," "ISLAM ONLY".

Red paints were used in writing the slogans. People of Zaria city, Samaru, Sabon Gari and other neighboring areas were shell shocked and gripped with fear because they knew the implications of this sad development in Nigeria. In a multi-religious country like Nigeria, such extremism and unilateralism would only end in interreligious conflicts. Those of us who love this country were really taken aback. Of course we immediately knew that that was the handwork of Ibrahim Al-Zakzaky. It was damaging to the peace and stability of Nigeria. As pointed out above, the person who bore Ibrahim Al-Zakzaky's fire-brand shiism especially during its formative stage was His Royal Highness, the Emir of Zazzau. At that time, Ibrahim Al-Zakzaky and his followers were residing in Zaria city; not very far away from the Emir's palace. Situations were particularly bad on Fridays, when the congregation prayers were been performed in Zaria city central mosque. Not only did he intimidate and terrorize the people, he also tormented the Emir of Zazzau, who he addressed, in public, during Friday prayers as "Idris, the taghut (unbeliever)! His declaration of shiism in Nigeria was followed by violent crises between his followers and other Muslims in Northern Nigeria, especially in Sokoto and Zaria.

Boko Haram movement on the other hand has been in existence long before 2000. Elements from Shiite sect, Maitatsine, highway arm robbers, cultist and blood ritual list form significant number of the Boko Haram followers. Boko Haram gained prominence with the emergence of democratic governance in Nigeria. Questionable characters took over governance with undefined promises, particularly in some states where customary and sharia law is practiced. It was a kind of vote seeking political romance that brought elements like Mallam Mohammed Yusuf and Senator Ali Modu Sherrif into alliance which resulted to creating a ministry of religious affairs and headed by late Buji Foyi, a member of Shura council of Boko Haram.

Tar, Shettima and Nuhu (2014), Nwanegbo and Odigbo (2013), Aro (2013), Ajibola (2015) were all of the view that Boko Haram was founded around 2002 by Mohammed Yusuf an Islamic priest in Maiduguri. Tar et al (2014) explained that:

"Due to incessant pressure from security agencies, Yusuf and his followers moved based in 2004 to Kanamma, a rural town in neighboring Yobe State where it set up a base named "Afghanistan" – this nomenclature is symbolic representing the scene of clash the forces of islam (Al-Qaeda, Taliban) and modernity (US, allied forces), Boko Haram's "Afghanistan Base" became a more organized and detached centre for Jihad – propagation of its new Austere version of Islam. This Jihad involved both preaching and "enforcement" of strict Islamic codes of conduct leading to violent clashes with the police. At that time, the group was simply known in media and academic circles as Nigerian Taliban, perhaps due to the fact that they wrote the inscription 'Taliban' on the vehicles they seize from the police when they had the violent clashes. It should however be noted that little is known on the extent to which the latter day larger group based in Maiduguri grew out of the initial much smaller group that set-up a base in Kanamma. What is perhaps not in doubt is that those groups were inspired by the same idea of setting up a pristine Islamic society based on the strict teaching of the Qur'an; and appears to have been connected by Yusuf's charismatic leadership and anti-establishment preaching. Furthermore, it is also instructive to note that the Maiduguri group led by the late Mohammed Yusuf never called itself Boko Haram, though its teachings strictly oppose the elevation of Western values, including Western education, over and above Islamic values and system of knowledge.

The name Boko Haram (western education/civilization forbidden) was a creation of the media world. The group founded by Mohammed Yusuf called and preferred to be addressed as JAMA'ATU AHLIS-SUNNAH LIDDA AWATI WAL JIHAD. Between 1999 and 2004, a number of states including Borno State adopted what president Obasanjo termed "political Sharia". It was the fall-out of this "political sharia" system that gave birth to Boko Haram in Borno state. It was in one of the council meetings in Borno state when Buji Foi openly challenged the then governor Ali Modu Sheriff and resigned as commissioner of religious affairs and from that period symptoms of the insurgency started spreading in the state and later to Nigeria as a whole.

EFFECTS OF INSURGENCY ON LAW AND SOCIETY

Drawing from the activities of Maitatsine, Shiite and Boko Haram, the Nigerian state is greatly affected by insurgency. Law and society are inseparable and what affects the law also affects the society. Law is a set of rules and principles by which a society or aspects of society is governed, through enforcement by governmental authorities. Law is a reflection of what the society is. The law guides, directs and coordinates the institutions of the society. Law is the foundation on which society was built and distinguishes human society from the animal kingdom. Insurgency therefore is a threat to law and society and by extension a threat to national security.

Challenges to Human Rights

The law guarantees the individuals rights, security and welfare for the people. The imposed state of emergency that was imposed on Adamawa, Borno and Yobe had implications on the fundamental rights of privacy of shelter, association, religion, thoughts and conscience, freedom of expression and assembly among others. While insurgency forcefully dislocated people in most towns and villages in Borno and some in Adamawa and Yobe, those who are not affected equally suffer from the fate of those dislodged population. The war on insurgency and insurgency itself has negatively impacted on the rights of the Nigerian citizens. People were denied exercising their freedom of movement. Extra judicial killings, illegal detentions of innocent citizens in some cases, impunity and jungle justice flourished in most part of Northern Nigeria and especially in the north east as a result of the insurgency.

Mistrust among the Population

Insurgency created a picture of unsafe North and a deep rooted mistrust among different ethno-religious groups in Nigeria leading to a mass exodus. The phobia of attack has forced a number of igbos, and other ethnic groups to leave Maiduguri, Damaturu, Yola and some other parts of Northern Nigeria. Most of these Igbos have lived peacefully in Northern Nigeria. Most of them engage in business and trade where they employ indigenes to look after their business. The insurgency has therefore impacted negatively on peaceful inter group relations.

Economic effects

Adamawa and Borno have the largest cattle market in West Africa and Borno in particular is the gate of commerce to some African countries like Chad Cameroon, Central African Republic and Niger who depend on some of Nigerian goods and most of the goods pass through Borno state. For about four years now no meaningful local or cross border trade or business took place in the affected area. Thus insurgency has greatly crippled the economy of the region and Nigeria as a whole. Local markets are closed in most towns basic food items are scarce while patronage is very low due to phobia of attack. Farming and irrigation has stopped since 2012 in the affected areas. The same hardship goes to fish sellers from Baga. Goods coming to Maiduguri have also declined and the few that travel their way face serious challenges of extortion and harassment from some of the security personnel and the fear of Boko Haram attack on high ways.

Service Delivery

Insurgency has greatly affected government service delivery. Government under the cover of insurgency failed to provide basic social services to the state. Education, Health, water and other social infrastructure was neglected over the years. Most public schools in Borno have been under lock and key for the last three years, and this is a serious major set-back to the state which is already educationally backward. Major highways and township roads are also left in a pathetic condition and unmotorable in some areas.

Challenges to Family Values And Structure

Most of the families in the affected areas of Borno, Adamawa and Yobe have lost their homes and resettled in IDP (Internally Displaced Persons) camps. The composition and settlement in the camp does not provide the conducive environment to enforce family values. Some of them have lost their family members while thousands of children are in the camps without parents or kinsmen. Certainly they are experiencing trauma in an alien environment coupled with the fact that they don't have the opportunity of schooling. The physical and psychological wounds of the insurgency will perhaps be indelible on these children.

Challenges to Islamic Religion

Perhaps the challenge to Islamic religion is the most severe one as criticisms come locally, nationally and internationally. Activities of Maitatsine, Shiite and Boko Haram insurgency has painted Islam in various negative derogative terms. Non Muslims hardly reflect on the reality and draw a line between true Islam and deviant-Islamic sects whose motive and intent is not in line with Islam. In this century, no religion has been subjected to humiliation and condemnation. Globally, Muslims are being stereotyped as aggressive, destructive, lawless, terrorist, fundamentalist, uncivilized, fanatic and archaic. Internationally and locally the the object of hatred and contempt on the part of other religious groups. At the early stages of Boko Haram activities, the media was of the view that Muslims are killing and bombing Christians in North East. But now the public can judge for themselves that Boko Haram is no respecter of religion. Muslims suffered greater casualty in hands of Boko Haram than Christians.

Destruction to Life, Properties and Settlements

At this stage it is difficult to quantify the number of life, properties and settlements destroyed as a result of the insurgency. Household, market structures, worship place and government establishments (schools, hospitals, council secretariat) in Bama, Gwoza and Baga towns were almost completely burnt down. According to the International Organization for Migration (IMO), over 2.1 million have been internally displaced in the north east. In addition, estimates put the number killed at some 15,000 people though obviously it is much higher than this number.

In conclusion insurgency has placed law and society under severe scrutiny. From family households through larger society and the world, people feel the pinch of insurgency in one way or the other. All our institutions i.e family, religion, economy, education and polity have their share of challenges. **Law is basically for regulating and governing humans in society. Therefore by undermining the rules, regulations, norms and values of the society, the insurgency has by extension undermined the law of the land and the society.** Insurgency undermines the sovereignty of the nation and it has to some extent disorganized and disoriented law enforcement agencies in the country.

Some Recommendations

- Government should intensify its military operations. The military should be equipped with high-tech facilities to enable them go after the insurgents than to wait for them and repel them. Wait and repel approach is not appropriate in fighting insurgency.
- Government should put in place a practical disarmament and demilitarization policy. Search light on politicians and their activities be seriously taken into consideration in making the policy.
- Inter security agency collaboration be enhanced and put in a mechanism of trust and confidence building within and between agencies. This will give a boost to sharing of intelligence and policing the society.
- Regulate social media and enhance media/law enforcement agency relations.
- Reform the criminal justice system and review obsolete laws.
- Societal re-orientation through advocacy by credible NGO and organizations can go a long way in averting future occurrence.
- Targeted inculcation of moral values in the family, school, worship places and work place should commence immediately.

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- Monitoring and controlling Islamic and other religious teachings and preaching be enforced. Ward heads, village heads and other traditional rulers and religion leaders should take up this challenge.
- Transparent, corrupt free and exemplary leadership to be exhibited by those in authority of governance.
- Regulate political campaigns and ban the use of money or thugs during rally.
- Create employment for the unemployed both in urban and rural areas so as to reduce poverty level.
- There is the need for exploring other sources of intelligence through members of the public and to be transmitted to credible organizations for governmental action.

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