

**BOKO HARAM INSURGENCY AND BANDITRY IN NIGERIA: THE RIGHT TO EDUCATION IN NORTH-EAST NIGERIA\***

**Abstract**

*In recent times, hostilities have taken the form of non-international armed conflicts with their attendant gory effects and they have become more pronounced within the past few decades. Nigeria as a country has been plagued with her own share of hostilities. The north eastern region has been ravaged by the twin evils of Boko Haram insurgency and Banditry. It has turned the region into a war zone within a peaceful sovereign nation. In spite of periodic assurances of victory over the insurgents and the bandits responsible for the hostilities, the death toll keeps rising by the day. The chain of events has ultimately led to a gross deprivation of the right to education occasioned by the destruction of schools and the desertion of both teachers and students. This paper seeks to examine the effects of insurgency and banditry in north eastern Nigeria on the right to education as contained in Chapter II of the Nigerian constitution and other International Treaties domesticated by the country. It beams search-light on the remote and immediate causes of the evils of insurgency and banditry and examines the scope of the right to education as it relates to the north-east region of Nigeria. It suggests that the government should be more proactive and deliberate in its fight against insurgency and banditry in order to ensure that children of school age are allowed to enjoy their right to education without any hindrance. Lastly, the study will advocate ways by which the legal and regulatory frameworks will be strengthened in order to stem the incessant violation of the rights of children to education in north-eastern region of Nigeria.*

**Keywords:** Boko Haram, Banditry, North-East, Right to Education, Nigeria.

**1. Introduction**

One fundamental duty of government is to guarantee peace and protection of the citizens. When this cannot be done, it can be said that the government has failed in her core responsibility. However, armed conflicts have wreaked havoc in most developing countries and indeed the developed countries world over. Insurgency, terrorism and armed banditry have occurred more in recent times with its attendant socio-economic and psychological effect on the civilian population. Nigeria is not an exception. The country has been bedevilled with the twin problem of boko haram insurgency and armed banditry for some years now. Nigeria, like most countries are with varying degrees of insecurity like kidnappings, and suicide bombing. The protection of lives and properties of citizens and foreigners is very important. Also, the maintenance of fundamental human rights as enshrined in the Universal Declaration of Human Rights should be respected. This issue of conflict disorders as opined by nationals and foreigners within Nigeria must be addressed<sup>1</sup>. Since 2009, the violent activities of the Jihadi group popularly known as Boko Haram has created a major state of unrest and insecurity in Nigeria especially Lake Chad Basin<sup>2</sup>. Boko Haram attacks has had a negative impact on commercial activities, socialisation and religious activities causing psychological trauma for individuals<sup>3</sup>. These attacks have caused social, religious and economic disruption in human lives in communities in the north-east. Boko haram, with its consistent attacks against the Nigerian state. The terrorist organisation has imposed the biggest modern threat to the country's security<sup>4</sup>. In the course of its consistent attacks at undermining the sovereignty of the Nigerian state, it has specifically targeted the vulnerable females and school children including the university students, which earns them notoriety across the globe<sup>5</sup>.

**2. History, Dimensions and Patterns of Boko Haram Insurgency and Banditry in Nigeria**

Boko Haram insurgency stems from the north eastern states of Nigeria and other nearby West African nations like Cameroon, Chad, and Niger. It is the biggest cause of dread and horror. It is the biggest security problem that Nigeria, a sovereign country, is now experiencing<sup>6</sup>. Nigeria has seen unspeakable misery since 2009 when they started their violent operations with the resultant displacement of thousands of people. Boko Haram operation in the three north-eastern states of Borno, Yobe and Adamawa, and are currently living as refugees in Internally Displaced Camps (IDP) in the area<sup>7</sup>. However, in recent times, Boko Haram attacks have gone beyond the three states and has become a threat to the entire northern region of Nigeria.

---

\*By **Omotayo Oreoluwa ODUNIYI**, Lecturer, Department of Public Law, Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria. E-mail: oreoduniyi@oauife.edu.ng; and

\***Lawrence Olawoye TAIWO**, Senior Lecturer, Department of jurisprudence and Private Law, Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria: E-mail: taiwoolawoye62@gmail.com, Phone No. 08165298410.

<sup>1</sup> S. O. Ajiye, 'Domestic Conflicts and Human Rights in Africa: Implications for Nigerian Foreign Policy' (2015) 33 *Journal of Law, Policy and Globalization*

<sup>2</sup> F. C. Onuoha, 'A danger Not to Nigeria Alone- Boko Haram's Transnational Reach and Regional Responses <<https://library.fes.de/pdf-files/bueeros/nigeria/11066.pdf>> accessed 24 March, 2024

<sup>3</sup> I. G. Ujene, 'Social Effects of Terrorism on Young Individuals in Northeast Nigeria' (2020)1(1) *Open Journals of Social Science and Humanities*

<sup>4</sup> O. B. Adegbite et al., 'International Human Rights Law and The Victimization of Women by The Boko Haram Sect' (2020) 11(2), *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*

<sup>5</sup> M. Bloom and H. Matfess, 'Women as Symbols and Swords in Boko Haram's Terror,' (2016), 6

<sup>6</sup> Ibid

<sup>7</sup> Ibid.

The Boko Haram Islamic organisation was primarily founded as a terrorist organization with the goal of opposing western education, modern science, and western culture<sup>8</sup>. The current conditions of underdevelopment and regional disparities, particularly in the domain of education between the north and south, have been made worse by the fight between Nigerian security forces and the Boko Haram organisation. Children, women, and young people are among the most vulnerable demographic groups. Boko Haram uses a variety of tactics to carry out its murderous activities, including kidnapping, suicide bombs, sexual assaults against women, and the recruitment of young male's<sup>9</sup>. While they are opposed to the previous philosophical interpretation which was accepted by certain political researchers and analysts, having a religious identity, the Boko Haram actions transcend religious or political beliefs<sup>10</sup>. Others have viewed its most recent manifestations as the worldwide confidence that no one is secure in the global world<sup>11</sup>. Another danger to the safety of people and properties in Nigeria is armed banditry. It is a specific kind of terrorism. It is not a conflict between two rival ethnic or religious groups, or between farmers and herdsmen. It is an act committed by certain criminally inclined individuals who are thought to be a Boko Haram off-shoot. They commit armed robberies, kidnappings, and livestock rustling. Zamfara state, the first state in the northern area to adopt Sharia law, is the epicentre of armed banditry in Nigeria. The states of Katsina, Kebbi, and Sokoto are among those that are dealing with armed banditry. The Nigerian Minister of Defence, Mansur Dan-Ali (red) alleged that the bandits had links with the Boko Haram. Often well-armed and prowling in large groups, the bandits strike both during the day and at night. With the number of lives lost each day in Nigeria, armed banditry adds to the burden of insecurity. On 26 March, 2019, Dr. Jang Sunail, a Korean expatriate doctor was abducted by bandits in Tsafe town, Zamfara State. Derailment of societal and religious values, are some of the root causes of banditry in Nigeria<sup>12</sup>. It is a phenomenon that has evolved over time from petty offenses to open criminality which is characterised by brutality, cattle rustling, village raiding, abduction for ransom, and hostage taking with devastating implications on residents<sup>13</sup>. The activities of the sect centre on murder, taking of hostages, kidnapping and acts of terrorism which is in violation of the Common Article 3 to the Geneva Convention on the Protection of Civilians in time of War. However, the activities of bandits in recent times have been alarming with loss of lives and properties. They now attack trains with bombs and other weapons openly without any restraints<sup>14</sup>. The recent attack by bandits was carried out on the 28<sup>th</sup> of March, 2022 when the Abuja bound train was attacked on the Abuja-Kaduna train line, which led to the killing and kidnaping of some passengers and destruction of the of the coaches<sup>15</sup>. It has been reported that nine of the passengers were killed and about twenty-five injured<sup>16</sup>. The attack on the Kaduna-bound train led to the abduction of several passengers while others were killed<sup>17</sup>. The terrorist group recently released eleven of the hostages, a deal facilitated by controversial Kaduna-based Islamic cleric, Ahmad Gumi<sup>18</sup>. However, almost six months after the attack, it has been reported that the remaining twenty-three abducted passengers have been released and reunited with their families<sup>19</sup>.

### **3. Legal Framework on Armed Banditry and Insurgency in Nigeria**

Under municipal and international legal instruments, Nigeria has a responsibility to protect its citizens. This responsibility places an obligation on Nigeria to guarantee the security of persons and property within its territory. These responsibilities may be described as largely preventive in nature. In addition, Nigeria has the duty to criminalise and prosecute all forms of armed extremism. Apart from the obligations under international humanitarian law, Nigeria has obligations under specific international conventions. The United Nations Convention Against Transnational Organised Crime and Protocols to the Convention (UNTOC) is the only international legal instrument which provides for organised crimes generally. Although UNTOC and its three Protocols capture various forms of organised crimes, there is no specific provision for

---

<sup>8</sup> N. Dunia, 'Abuja Bomb Blast: Senate takes Decision Today,' *Daily Sun Newspaper*, October 6, 2010, p. 6.

<sup>9</sup> O. O. Akanji, 'Security Crisis in Nigeria: Boko Haram Insurgency and the Prospects of Peace' (2015) <<https://www.csq.ro/wp-content/uploads/4-Olajide-O.-AKANJI.pdf>> accessed 24 March, 2024

<sup>10</sup> J. S. Ojo, 'Governing 'Ungoverned Spaces' in the Foliage of Conspiracy: Toward (Re)ordering Terrorism, from Boko Haram Insurgency, Fulani Militancy to Banditry in Northern Nigeria' (2020) 13(1) *Journal of African Security*

<sup>11</sup> O. Adagba, S. C. Ugwu, & O. I. Eme, 'Activities of Boko Haram and insecurity question in Nigeria' (2012) 1(9) *Arabian Journal of business and management review* 77–99.

<sup>12</sup> Mukhtar, 'The Root Causes of Banditry in Nigeria' May 24, 2021 <<https://dailytrust.com/the-root-causes-of-banditry-in-nigeria-dr-mukhtar>> accessed 21 February, 2024

<sup>13</sup> M. Hamza, 'Remote Causes of Banditry' July 30, 2021 <<https://dailytrust.com/remote-causes-of-banditry>> accessed 21 February, 2024

<sup>14</sup> 'Suspected bandits attack passenger train in northern Nigeria' Al Jazeera, 29 October, 2022, <<https://www.aljazeera.com/news/2022/3/29/suspected-bandits-attack-passenger-train-in-northern-Nigeria>>

<sup>15</sup> Abuja-Kaduna train attack: Passengers killed after Nigeria gang hits rail link, BBC News March 31, 2022 <<https://www.bbc.com/news/world-africa-60914481>> accessed 23 November, 2023

<sup>16</sup> Abuja-Kaduna Train Bombing: 9 Killed, Dozens Missing; Survivors Recount Ordeal, March 30, 2022 <<https://dailytrust.com/abuja-kaduna-train-bombing-9-killed-dozens-missing-survivors-recount-ordeal>> accessed 23 November, 2023

<sup>17</sup> Kaduna Train Attack: 'Kidnapped victims' relatives protest in Abuja' <<https://www.premiumtimesng.com/news/top-news/544833-kaduna-train-attack-kidnapped-victims-relatives-protest-in-abuja.html>> accessed 23 November, 2023

<sup>18</sup> Ibid.

<sup>19</sup> 'Terrorists release 23 remaining Abuja-Kaduna train attack victims' <<https://www.vanguardngr.com/2022/10/terrorists-release-23-remaining-abuja-kaduna-train-attack-victims/>> accessed 23 November, 2023

insurgency or armed banditry as forms of organised crimes. First, it is arguable that the UNTOC is largely concerned with organised crimes which have transnational dimensions and are very grave. Hence, its specific provisions. This notwithstanding, there is a presumption that the provision for criminalisation of participation in organised group capture some of the essence of armed banditry or insurgency as organised crimes. Second, there are nineteen International Conventions which capture provisions on various forms of terrorism and provides for the criminalisation by member states. There are also a number of regional legal instruments which make broad provisions on terrorism. The Convention on the Prevention and Combatting Terrorism and additional Protocol are principal legal instruments amongst them. Nigeria is state party to the aforementioned International and Regional legal Instruments and owes obligation therefrom.

In line with Nigeria's obligations under international and regional laws, there are a few legal provisions on armed banditry and on insurgency in Nigeria. First, the Federal Republic of Nigeria's 1999 Constitution (as amended) contains fundamental protections for the safety and security of people and property. The constitutional provisions protect the sanctity of human lives, privacy and the right to properties. These constitutional provisions cannot be derogated from except in circumstances which are clearly highlighted in the constitution. Thus, the violent use of force or other means to deprive anyone of the foregoing rights by state or non-state actors is clearly prohibited. Second, there are statutory provisions which incorporate provisions on insurgency and armed banditry in Nigeria. There are specific criminal statutes which provide for criminalisation and prosecution of terrorism. The principal legislation against insurgency is the Terrorism (Prevention and Prohibition) Act 2022. The Terrorism Act clearly prohibits and criminalises acts of terrorism, terrorist groups/organisation and financing of terrorism. The provisions are sufficient to prosecute the various forms of insurgency which have evolved over the years in Nigeria. Although, under the previous Acts, there were fewer successful prosecution of terrorists in comparison with the spate of its manifestation over the years. At best, much of the purported prosecution can be best described as a sham while others are plagued with procedural or technical delays which render them unsuccessful. It is clear that the failure of prosecution has less to do with the provisions of the law, but more to do with the sheer will by requisite authorities to implement the provisions of the law. Institutional redundancy in the apprehension and prosecution of insurgents and offering of amnesty to those who are captured are not *in tandem* with Nigeria's obligations under domestic or international laws. The Terrorism Act 2022 makes more comprehensive provisions with respect to institutional framework. It defines roles of the different authorities from the attorney general to the law enforcement and security agencies. The Act established the National Counter Terrorism Centre under the office of the National Security Officer and a Sanctions Committee. From a reactive perspective, Nigeria has struggled with responding to insurgency and armed banditry within the criminal justice system. From the point of apprehending perpetrators to investigation and prosecution, there has not been much progress. For instance, the present structure of the Nigerian Police has not helped the counter-insurgency fight of the government. A situation where there exists just one Federal Police Force, whose officers are only responsible to the Inspector-General of Police is not good enough. Considering a population of over 200 hundred million, there is need for a more robust staff strengthened Police, organised and controlled by the three arms of government. Also, the existing structure on inter-state transfer of Police officers has grossly affected the effectiveness of investigation, detection and prosecution of crimes. Often times, Police investigating officers are transferred from the State where the crime occurred to another state. By the time the matter is in court for prosecution, the impact of the transfer will reflect on the outcome of the prosecution. On the other hand, there may be no dedicated law on armed banditry, however, there are legal provisions regarding banditry scattered in various provisions of the criminal statutes. Specifically, the provisions relating to the Criminal Code Act and Penal Code Act, Robbery and Firearms Act. The provisions of the existing criminal statutes relating to component criminal acts perpetrated by armed bandit groups such as kidnapping, murder, armed robbery etc. provides alternative proscription for armed banditry in Nigeria. The pertinent question however is whether the extant provisions are sufficient in the light of the current trend of armed banditry in Nigeria.

#### **4. Insurgency, Banditry and Right to Education**

Apart from the challenge of internal displacement, education in the north- eastern Nigeria has suffered greatly due to insurgency and banditry that has ravaged the region. It is a fundamental fact that every country must provide quality education for every citizen without any form of discrimination<sup>20</sup>. Right to education is a constitutional provision in Nigeria. The corollary to this is the provision by international treaties. This makes it mandatory for the government to provide quality education for every citizen. The state must give priority to education and all that is connected thereto. Hence, it becomes one of the goals of the state which must be recognised and realised.

Quality education is essential for the overall growth. It is essential and fundamental for the advancement of the economy, society, politics, and culture<sup>21</sup>. It is essential for enhancing human potential and for creating chances. Other rights can be enhanced through education. That is the actual foundation of human growth. Education is a right, not a privilege. Each child or adult must have a decent education in order for their personality to grow fully and in harmony. No human being

---

<sup>20</sup>E. Schmid, *Taking Economic, Social and Cultural Rights Seriously in International Criminal Law*, United Kingdom: Cambridge University Press, 2015.

<sup>21</sup>E. King, 'Education is Fundamental to Development and Growth' <<https://blogs.worldbank.org/education/education-is-fundamental-to-development-and-growth>> accessed 23 March, 2024.

will ever be able to exercise their rights without education<sup>22</sup>. As earlier observed, the twin evil of insurgency and banditry has ravaged the north-eastern region of Nigeria. It is noteworthy to mention that Boko Haram insurgents vehemently oppose western education in all ramifications. This is a major philosophy behind their terrorist activities in Nigeria. The terrorist organisation did not just suddenly appear. The organisation made use of resentments against Nigeria's western education system that already existed in the north of the country. These complaints are based on a number of things. First, there is a lack of support for the post-colonial, federally enforced westernised educational system in the northern part of Nigeria. Many northern Muslims believe that this system is both inadequately representational and philosophically irreconcilable with their beliefs. Second, it is believed that western education is to blame for the low educational performance in the north since, unlike in the South, it was pushed on a populace that was unfamiliar with it during colonialism. Finally, the western educational system is then blamed for the lack of employment as a result of the poor educational performance in the north, lack of job opportunities that even the educated in the north face as a symbol of "dashed expectations," leading to the youth "tearing up their certificates," or degrees. Fourth, because western-educated politicians and elites are viewed as presiding over this corruption, western education is perceived as a symbol of the corruption of the Nigerian state.

Attacks by Boko Haram and Bandits in the north-eastern Nigeria has been majorly on schools and children with attendant killings, kidnappings and or hostage taking<sup>23</sup>. These nefarious activities have not only affected attendance of pupils in schools, but has also led to desertion of duty by teachers. Ultimately, these activities have also created fear in minds of parents and distrust in the government and security agencies in guaranteeing safety of pupils in schools. These attacks are not limited to primary and secondary schools, but also to tertiary institutions in the north-eastern region.

### **5. Legal Framework for Education in Nigeria**

While it is a settled fact that education is a right and not a privilege, it is necessary to examine the existing legal framework for education in Nigeria. Right to education is a constitutional provision in Nigeria. The corollary to this, is the provision for educational rights by international treaties and instruments. This makes it mandatory for the government to provide quality education for every citizen. However, this is not the case in practice. The constitutional provisions are just a mere objective. This objective aims to ensure the provision of adequate educational opportunities for every citizen. This is achievable by making a comprehensive policy on education. The State is expected to promote science and technology education for every citizen. In addition, all forms of illiteracy must be eradicated. Also, free compulsory and universal primary and secondary education must be provided by the state. Free adult literacy programs must be encouraged by the State. It is a fundamental fact that every country must provide quality education for every citizen without any form of discrimination.<sup>24</sup>

However, right to education is under Chapter II of the 1999 Constitution of Nigeria which is called Fundamental Objectives and Directive Principles of State Policy. The constitution declared that the provisions of Chapter II are not subject to litigation. Hence, under the provisions of section 6(6)(c) of the 1999 Nigerian constitution, education is regarded as one of the goals and guiding principles that the government is mandated to promote and does not establish a right that may be enforced by individuals through legal action. It implies that the government cannot be compelled by the court to enforce right to education as provided for in section 18 of the constitution. This appears to be a literal reading of the provisions of chapter II. However, in order to achieve the goals of Section 18, the National Assembly passed the Compulsory, Free, and Universal Basic Education Act of 2004. However, the north-eastern region has not effectively benefited from this legislation. Amongst the challenges facing the implementation of the Act are lack of adequate qualified teachers, poor infrastructure, ethno-religious bias and lack of interest by both parents and pupils<sup>25</sup>. As can be gleaned from the above analysis, there exist gaps in the existing legal framework for education in Nigeria which requires urgent attention by the government.

### **6. Conclusion and Recommendations**

Right to education should be enjoyed by all and sundry. It is mandatory that government provides education for all, but more important, the quality of education provided. This involves but not limited to quality of teaching and conducive environment and standard materials for teaching. The north-eastern region should not be left behind in educational development going on in other regions of the country. However, government needs to do more concerning insecurity in the north-east. Growth, development, peace, unity and tranquillity can only exist in a secured and safe environment. Primarily, the right to education as contained in international treaties and also enshrined in the Nigerian constitution

---

<sup>22</sup>L. O. Nwauzi & S. George-Ibikiri, 'An Appraisal of The Right to Education in Nigeria' <[https://www.researchgate.net/publication/333237829\\_An\\_Appraisal\\_of\\_The\\_Right\\_to\\_Education\\_in\\_Nigeria](https://www.researchgate.net/publication/333237829_An_Appraisal_of_The_Right_to_Education_in_Nigeria)> accessed 23 January, 2024.

<sup>23</sup> Reports of Human Rights Watch, April 11, 2016 'They Set the Classrooms on Fire Attacks on Education in Northeast Nigeria' <<https://www.hrw.org/report/2016/04/11/they-set-classrooms-fire/attacks-education-northeast-nigeria>> accessed 20 November, 2023.

<sup>24</sup> Evelyne Schmid (n 20)

<sup>25</sup> A. H. Daura & A. R. Audu, 'Challenges of The Implementation of The Universal Basic Education Programme in Yobe State, Nigeria and The Prospects for 2015 and Beyond' *Global Journal of Politics and Law Research* Vol.3, No.3

exists, which right has not been enjoyed in north-east region of Nigeria due to insecurity. This is a source of concern for the future of young Nigerians of the northern extraction. It is advocated that state policing system should be established to enhance and improve security in states<sup>26</sup> particularly in the north eastern region. This would require constitutional amendment which is cumbersome but nevertheless possible<sup>27</sup>. Also, *Almajiri* schools<sup>28</sup> created during the administration of former President Goodluck Jonathan should be re-introduced and encouraged in the north eastern states of the country. There is need for improved sensitisation of both parents and children in north eastern Nigeria on the importance of education. The right to education should be made justiciable and be removed from chapter II of the constitution. This would make government at all levels more accountable for violations of the right to education. There is need to ensure that the impact of the Universal Basic Education Scheme is felt in the north east. Teaching staff should be increased and quality teachers employed to teach at various levels. It is also suggested that the budget for education should be increased and its implementation thoroughly followed. It is not just allocation of fund to education, but there must be judicious and strict compliance to budgetary allocations and projects. It is further suggested that government should ensure that adequate protection and security personnel are deployed to schools and more personnel employed into the Nigerian Police. In conjunction with improved funding for security.

---

<sup>26</sup> A. M. Odeh & N. Umoh, 'State Policing and National Security in Nigeria' (2022) 6(1) *Mediterranean Journal of Social Sciences*

<sup>27</sup>N. Nwogwugwu & A. M. Odedina, 'Policy Framework for Community and State Policing in Combating Rising Security Challenges in Nigeria' (2018) 6(6) *International Relations and Diplomacy*, Vol. 6, No. 6,

<sup>28</sup>Why I built Almajiri schools in north — Jonathan, Vanguard News of February 8, 2022, <<https://www.vanguardngr.com/2022/02/why-i-built-almajiri-schools-in-north-jonathan>> accessed 20 November, 2023.