

NIGERIA: Religious freedom issues in northern Nigeria

I. Marginalisation in shari'a states

There has been much focus nationally and internationally on alleged discrimination against the 'settler' Hausa and Fulani tribes in Plateau State. This has led to calls for the reform of the federal provision whereby tribes considered indigenous to a given state are afforded certain privileges within that state. Although this stipulation prevails in each of the federal states, the accepted international narrative focuses exclusively on its outworking in Plateau State. However, the systematic, and in many instances, comprehensive marginalisation of indigenous and non-indigenous non-Muslims in northern states where the Hausa-Fulani are indigenous, dominant and often in the majority, has yet to receive sufficient attention.

Discrimination

The federal constitution of Nigeria provides legal protections and extensive rights to all citizens; however, these rights are not always enjoyed by religious and ethnic minorities in some northern and central areas. With the enactment from 1999 onwards of the shari'a penal code in twelve of Nigeria's northern and central states, Islam became in effect the official religion of these states, contravening a provision within the federal constitution that prohibits the adoption of a state religion. Moreover, despite initial assurances that shari'a law would only apply to Muslims, in many instances non-Muslims continue to be subject to its strictures.

Systematic discrimination, repression and marginalisation, predating the return of democracy, has engendered societal antipathy towards religious minority groups. This antipathy was effectively validated by the enactment of 'full shari'a', and the federal government's failure to address this constitutional challenge adequately. Marginalisation is particularly comprehensive in rural parts of shari'a states, where non-Muslim communities often have limited access to such social amenities as boreholes, primary education and community development programmes or initiatives. Non-Muslims who manage to complete primary school struggle to access higher education even in some urban areas, and there are regular reports of qualified students being prevented from enrolling in courses such as law and medicine. There are consistent reports of discrimination in gaining employment or being promoted once employed. There are also consistent reports that applicants with Christian names who are indigenous to Kano, Katsina and other shari'a states, and seeking employment in federal security agencies such as the police, army or navy, are removed from lists of candidates. Moreover, episodic violence targeting religious minorities has occurred regularly, engendering a climate of impunity as perpetrators rarely if ever face justice, and victims generally receive neither justice nor compensation. Decades of impunity have not only emboldened perpetrators; they have also led to the emergence of retributive violence in parts of Plateau State and southern Kaduna State, areas where non-Muslims are more numerous.

Terrorism

The number of religiously-motivated attacks has risen exponentially due to the actions of Boko Haram ('Western education is forbidden') and associated terrorist splinter groups, which have claimed thousands of lives over the last two years.

In 2012, Genocide Watch¹ described Boko Haram as a jihadist organisation and warned that the situation in northern Nigeria had reached Stage 6 of the organisation's 8 Stages of Genocide, namely the 'Preparation Stage'. This is the stage where, according to the organisation, a 'Genocide Emergency' should be declared and local, regional and international actors mobilised. Given recent events it would appear the group has now advanced to Stage 7, namely 'Extermination'. Boko Haram's campaign of religious cleansing has been particularly effective in parts of Yobe State, where indigenous Christians are increasingly fleeing their ancestral land for safety in states further removed from the violence.

During 2012, Boko Haram murdered citizens of fifteen countries and claimed the second highest number of lives by a terrorist group worldwide, causing Nigeria to be ranked fifth for the highest number of terrorist attacks. In the aftermath of the murder in London of an off-duty British soldier by British-born men of Nigerian ethnicity in May 2013, the United Kingdom designated Boko Haram a terrorist organisation. However, while officially labelling Boko Haram's leader, Abubakar Shekau, and two of his lieutenants terrorists and offering million dollar rewards for their capture, the US Administration continued to resist calls to designate the group and its offshoot, Ansaru as Foreign Terrorist Organisations (FTOs) until November 2013.

Boko Haram has explicitly stated that its actions are directed towards non-Muslims living in northern Nigeria, and other targets deemed symbols of Western culture. Its leadership has been unequivocal in this regard, calling for all Christians to leave Nigeria, convert to Islam, or face violence. In actions mimicking other international Islamist insurgencies, Westerners have been taken hostage, nine women assisting with polio eradication were murdered in Kano State, and three North Korean doctors were killed in Yobe State. The group is increasingly attacking schools, killing teachers and pupils, and targeting employees, officials and other supposed symbols of the federal state that it seeks to replace. In addition, the group carries out hit and run murders of imams who disagree with its ideology, and traditional officials and other Muslim individuals deemed to be traitors. This has included the collective punishment of villages where vigilante groups allied to the armed forces have worked effectively either to repel or expose its activities. Following its first attack inside a Muslim place of worship, which occurred in Borno in August 2013, the group has conducted several attacks on perceived opponents within mosques. Most recently Boko Haram gunmen attacked a wedding convoy travelling along a road close to the Cameroon border, killing up to 30 people in an act that condemned by the Office of the UN High Commissioner for Human Rights, which reiterated that members of the group may be liable to charges of crimes against humanity "if judged to have committed widespread or systematic attacks against a civilian population, including on grounds such as religion or ethnicity."² Boko Haram's ideologically- and religiously-driven violence mirrors that of two terrorist groups with which it openly affiliated: Somalia's al-Shabaab, and al-Qaeda in the Islamic Maghreb (AQIM).

Armed assaults on remote communities

Since religion is inextricably interwoven into the northern political, social and ethnic fabric, violence inevitably unfolds along religious lines, even when the visible trigger is not religious. This phenomenon was exemplified most recently by events surrounding the presidential election of 2011. Christians across twelve northern states were targeted in seemingly organised mob violence, resulting in deaths, destruction of property, rape and other physical abuse. One hundred and eighty-seven Christians were killed and 243 were injured, and 430 churches, 95 vicarages, 2,458 homes and 3,296 businesses were destroyed.³ Hundreds were displaced or fled to other states, while Muslim communities in parts of southern Kaduna State suffered retributive violence as the crisis gained momentum.

¹ Genocide Watch, 'Genocide and Mass Atrocity Warning: Nigeria – the Boko Haram', 26 October 2012

http://www.genocidewatch.org/images/Genocide_and_Mass_Atrocity_Warning_12_10_31_-_Nigeria_final_.pdf

² Voice of America, UN: Boko Haram May Be Guilty of Crimes Against Humanity', 5 November 2013

<http://www.voanews.com/content/un-boko-haram-may-be-guilty-of-crimes-against-humanity/1783903.html>

³ Christian Association of Nigeria, 'Memoranda to Federal Government Investigation Panel on Election Violence and Civil Disturbances' <http://justiceforjos.files.wordpress.com/2012/07/final-can-report-on-post-election-violence.pdf>

Majority-Christian Plateau State has experienced intermittent violence since 2001, pitting members of the predominantly Muslim Hausa-Fulani settler tribes against various indigenous tribes, including the Berom and Tarok. The former complain of discrimination, while the indigenous tribes decry what they perceive as a deliberate effort to ethnically and religiously cleanse and overrun their ancestral lands.

More recently, in remote areas of Plateau State and predominantly non-Muslim areas of Bauchi State, there have been sporadic night attacks on villages by armed Fulani tribesmen, some dressed in military uniform, since March 2010. The assailants deliberately target women and children in a new, disturbing and now widespread tactic. They are also thought to use traditional herding routes to evade detection, causing some observers to attribute their actions to herder-settler rivalry. These attacks, which have become increasingly organised, have now spread to non-Muslim areas of Kaduna State, with suggestions of a possible link to Boko Haram elements.

Local communities have consistently complained of security forces arriving only after attackers have left, despite having received distress calls. This perceived inability to prevent attacks or apprehend perpetrators, coupled with belated responses, has raised suspicions of a degree of complicity by elements within the armed forces; contributing to the emergence of ad hoc vigilantism and, in certain areas, retributive violence. The impunity surrounding these attacks has also contributed to a general rise in lawlessness, occasioning copycat raids on Muslim villages by armed bandits, particularly in Zamfara State.

2. Official responses

In response to the ongoing violence in the north, President Goodluck Jonathan declared a state of emergency in Borno, Yobe and Adamawa States in May 2013, which was moderately relaxed a month later and extended in November. The shift of focus by Boko Haram to soft targets such as highways, schools and remote villages appears to indicate that the policy has been somewhat successful in protecting the group's initial targets, while also highlighting the necessity of a recalibration of security arrangements to take into account the security needs of remote areas. Such a recalibration may also lead to the emergence of an effective strategy to counter the armed attacks experienced by villages in Plateau, Kaduna and Bauchi States.

3. Conclusion and recommendations

While the military response to Boko Haram is currently and necessarily the predominant one given the need to secure the lives and properties of civilians, it is clear that defeating Boko Haram will entail a broader strategy – a fact recognised by the Nigerian Government, as evidenced by its abortive peace talks with purported leaders of the sect.

However, there is also an urgent need to address adequately both the systematic marginalisation of non-Muslims and the impunity surrounding religion-related violence, which creates an enabling environment in which discrimination and religion-based violence can occur without consequences. This underlying and systematic marginalisation, which predates the end of military rule, will need to be tackled whenever the Boko Haram crisis ends in order to ensure such groups no longer enjoy conditions in which they can flourish. These are the conditions that facilitated the emergence of violent Islamist groups include the Maitatsine and Izala movements; the beheading of an Igbo trader following unproven accusations of defamation in Kano in the 1990s; the appalling lynching by students and townsfolk in Gombe of a female Christian teacher following similar accusations in 2007; collective punishment of non-Muslim communities for unproven religious infractions from the 90s

onwards; and a persistent lack of justice in these and other instances that has fostered decades of impunity, emboldening perpetrators and eventually engendering retributive violence.

The US Commission on International Religious Freedom (USCIRF) claims that since 1999, only 1% of people responsible for religion-related attacks have been successfully prosecuted; however, NGOs estimate the figure to be even lower. Moreover, although federal and state officials have convened over twelve commissions of inquiry to look into the causes of religion-related violence and recommend solutions, few if any recommendations have been implemented. It is vital that Nigeria seizes this opportunity to re-examine these recommendations, and takes decisive action to bring an end to the prevailing impunity surrounding religion-related violence by ensuring justice is done and seen to be done. No effort must be spared in pursuing, capturing and prosecuting planners, funders and perpetrators of this violence, no matter how highly placed they may be. In the past the vast majority of those arrested have been quietly released once news of their crime is no longer in the headlines. Worse still, following a 2011 assault on the predominantly Christian community of Tafawa Balewa in Bauchi State, an area that has suffered regular and unaddressed attacks since 1991, 20 Christian youth were detained - seven of whom remain in prison. Such actions have caused distress and annoyance to survivors and friends and family of victims, who are consistently denied justice. It is almost inevitable that after years of impunity and justice delayed or denied, some decide to take matters into their own hands, occasioning further lawlessness and contributing to a further erosion of the rule of law.

Finally, it is also vital that the right to freedom of religion or belief is upheld in every state of the nation, with punitive action taken by individual state governments against violators, or alternatively by federal authorities if a state shirks its responsibilities. This is a constitutional and international legal obligation. Efforts to promote religious freedom would also be assisted by proactive educational efforts on the part of states, to counteract decades of societal hostility and discrimination that has been effectively legitimised by active official consent or indifference to the repression of this fundamental right.