

Volume 51 Issue 14

BOKO HARAM INSURGENCY AND BANDITRY IN NIGERIA: EXAMINING THE CELEBRATION OF MARRIAGE IN INTERNALLY DISPLACED CAMPS

Oreoluwa Omotayo Oduniyi

Recommended Citation: Oreoluwa Omotayo Oduniyi; “Boko Haram Insurgency and Banditry in Nigeria: Examining the Celebration of Marriage in Internally Displaced Camps” Volume 51 Issue 14, Makerere Law Journal, pp. 46-80.

BOKO HARAM INSURGENCY AND BANDITRY IN NIGERIA: EXAMINING THE CELEBRATION OF MARRIAGE IN INTERNALLY DISPLACED CAMPS

Oreoluwa Omotayo Oduniyi*

ABSTRACT

In recent times, hostilities have taken the form of non-international armed conflict with its attendant gory effects, it has become more pronounced in the 21st Century warfare. North Eastern part of Nigeria has been plagued by the twin evil of Boko Haram and Banditry. The region has almost become a war zone within a peaceful sovereign Nation, this has led to the creation of Internally Displaced persons camps in various part of the region. The article explores the subject of marriages within internally displaced camps in light of the era of turmoil in Nigeria by examining the existing legislation and recommending a more effective legal framework to preserve the rights of the internally displaced persons.

1.0 INTRODUCTION

Armed conflict appears to be integral part of human existence. In recent times, forms of armed conflicts have emanated over the years, non-international armed conflicts have been the most popular form of armed conflicts with active participation by non-state actors. 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 responsibility.

However, armed conflicts have wreaked havoc in most developing countries and indeed the developed countries world over. Insurgency and terror attack

* LL. B (Hons) (Ife, Nigeria), BL (Lagos, Nigeria), LL.M, (Ife, Nigeria), Ph.D. Candidate & Doctoral Scholar, Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria. Lecturer, Department of Public Law, Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria.

Boko Haram Insurgency and Banditry in Nigeria: Examining the Celebration of Marriage in Internally Displaced Camps

have occurred more in recent times with its attendance 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 banditry for some years now. Nigeria like most societies especially in the developing countries is experiencing varying degrees of insecurity and domestic uprisings ranging from the Boko Haram insurgency, kidnappings, suicide bombing, ethno-religious conflicts and other social ills.¹

These conflict disorders have led to the insecurity of lives and properties of both Nigerian Nationals and foreigners within the country. The challenge by National governments and in particular, Nigeria, is how to ensure the protection of lives and properties of the citizens as well as the foreigners, while ensuring that the fundamental human rights of even the violators are respected as enshrined in the Universal Declaration of Human Rights.²

Since 2009, the violent activities of the jihadi group popularly known as Boko Haram have caused major upheaval and insecurity in Nigeria and the neighbouring Lake Chad Basin (LCB) countries.³ Boko Haram attacks have had a negative impact on trading, business activities, entrepreneurship, investment, employment and income levels, relocation or mobility of the population, the rate of meetings between people in social places, attendance of religious functions and psychological trauma of individuals.⁴ The impact of the attacks caused social, religious and economic disruption in human lives in communities in the north-east.⁵

The escalation of violence in 2013 culminated with a state of emergency being announced in the north eastern region of Nigeria, but the situation did not

¹ Sam Olatunji Ajiye, 'Domestic Conflicts and Human Rights in Africa: Implications for Nigerian Foreign Policy', (2015)33 *Journal of Law, Policy and Globalization*

² *ibid.*

³ Jacob Zenn and Zacharias Pieri, 'How much Takfir is too much Takfir? The Evolution of Boko Haram's Factionalization', (2017) 282, *Journal For Deradicalization* 11

⁴ Illufoye, S.O. *Domestic Security Threat in the Niger-Delta Region of Nigeria*, (Lagos: Sampeters Publishers 2009)

⁵ *ibid.*

improve. Boko Haram continued to expand, declaring so-called caliphate in 2014 and initiating in the next year a pledge of allegiance to the Islamic State.⁶

Boko haram, with its more than ten years insurgency against the Nigerian state, remains the biggest modern threat to the country's security.⁷ In the course of its ten-year insurgency at undermining the sovereignty of the Nigerian State, Boko Haram has specifically targeted women and girls, with these grave abuses earning it infamy across the globe.⁸ Thus, it may appear that the insurgency is targeted against this class of vulnerable persons with varying casualties both reported and unreported. Further to this is the spate of internal displacement in the north eastern part of the Country.

Boko Haram insurgency and Banditry in north eastern part of Nigeria has led to the creation of internally displaced camps for those who had been adversely affected by the armed conflict. This article examines the effects of Banditry and Boko Haram Insurgency in the north eastern Nigeria, with emphasis on the realisation of the right to private family life of internally displaced persons.

2.0 BOKO HARAM INSURGENCY AND BANDITRY IN NIGERIA

Boko Haram insurgency was the greatest threat to security before 2015 and it was the only terrorist act that accounted for the decimation of the greatest number of people that died between 2009 and 2015.⁹ However, since 2015 there have been various incidence of herdsmen killing and bandit attacks on local communities, villages and towns in mostly the northern part of Nigeria.¹⁰ The increase in the intensity of operation of Boko Haram insurgency has

⁶ *ibid.*

⁷ Olusola Babatunde Adegbite, Oreoluwa Omotayo Oduniyi and Ayobami Oluwaseun Aluko, '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*

⁸ M. Bloom and H. Matfess, 'Women as Symbols and Swords in Boko Haram's Terror,' (2016), 6 (1), *PRISM A Journal of the Centre for Complex Operations*, 104 – 121.

⁹ Williams Adewumi Adebayo and Adebola Olumide Adeniyi, 'Utilitarianism and the Challenges of Insecurity in Nigeria from 2015 to 2019' (2019) 86 *Journal of Law Policy and Globalization* 68

¹⁰ *ibid.*

resulted in the aggravated loss of human lives, displacement of people and destruction of properties.¹¹

The expectation of the society from every elected government is the security of lives and properties. The government is equally expected to do justice which is the virtue of social institutions. However, this cannot be said of the present-day Nigeria. In Nigeria, every person has a right to life and no one is to be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.¹² Insecurity has adversely affected the realisation of the right to life in Nigeria and has also put a question mark on the quality of life of the average Nigerian. Security is very fundamental to human and societal development.

Security as used in this study refers to the protection of lives and properties from any violence that can lead to death or destruction of property. It is the existence of the conditions within which people in a society run their normal daily activities without any threat to their lives and properties.¹³ The acts that threaten the security of Nigeria include but not limited to the Boko Haram terrorism; the Fulani herdsmen/farmers clashes; kidnapping; ritual killing; cultist activities; armed banditry and armed robbery.¹⁴

Boko Haram Insurgency has its root in the North Eastern States of Nigeria and it is the greatest source of terror and horror to the people of Nigeria and other neighbouring West African countries such as Cameroon, Chad and Niger. It is the greatest security challenge facing Nigeria as a sovereign nation.¹⁵ From 2009 when the operation of the sect assumed a violent dimension, Nigeria has suffered untold hardship by the destruction of lives and properties of people.

¹¹ *ibid.*

¹² S. 33(1) of the 1999 Constitution of the Federal Republic of Nigeria as altered

¹³ *supra* note 2, p. 6

¹⁴ *ibid.*

¹⁵ *ibid.*

Boko Haram operation in the three north-eastern states of Borno, Yobe and Adamawa has forced over one million people to become homeless and are now living as refugees in Internally Displaced Camps (IDP) in the region.¹⁶ However, unfortunately in recent times, Boko Haram attacks have gone beyond the three states and has become a threat to the entire northern region of Nigeria.

Predominantly, the Boko Haram Islamist group is a terrorist organization, ideologically created to fight Western education, modern science and Western culture.¹⁷ The conflict between Nigerian security forces and the Boko Haram has deepened the current state of underdevelopment and regional inequalities especially in the area of education between the North and South. The most vulnerable demographic population includes children, women and youths. The mechanism used by the Boko Haram to achieve their lethal operations includes abduction, suicide bombings, sexual violence against womenfolk and recruitment of young men.¹⁸

Since 2018, insecurity in the North has gone beyond a national narrative with an increasing level of kidnapping of women, foreigners and humanitarian workers by the Boko Haram and the Islamic State in West Africa (ISWA). The kidnapping has often taken place in the North East Yobe, Adamawa, Gombe and Borno states and North Central Kaduna, Bauchi, Niger and Kano as well as around the borderlands such as Chad and Niger borders.¹⁹

The Boko Haram operations transcends religion or political sentiments as they were against the erstwhile philosophical explanation, acquiesced by some political scholars and analysts, having a religious identity.²⁰ Others have

¹⁶ *ibid.*

¹⁷ See N. Dunia, "Abuja Bomb Blast: Senate takes Decision Today," Daily Sun Newspaper, October 6, 2010, p. 6.

¹⁸ John Sunday 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) *African Security*, Vol. 13, NO. 1, 77–110

¹⁹ *ibid.*

²⁰ V. Comolli, *Boko Haram: Nigeria's Islamist insurgency* (Oxford University Press, London, United Kingdom, 2015).

Boko Haram Insurgency and Banditry in Nigeria: Examining the Celebration of Marriage in Internally Displaced Camps

considered its recent dimensions as the compass of terrorism, a universal credence that no one is secure within the global space.²¹

Armed banditry is another threat to the security of lives and properties in Nigeria. It is a species of terrorist act. It is not a clash between two opposing religious groups, ethnic groups or farmers and herdsmen. It is an act perpetrated by some criminally minded people suspected to be a splinter group of Boko Haram. They engage in cattle rustling, kidnapping and armed robbery. The stronghold of armed banditry in Nigeria is Zamfara State, which was the first state in the northern region to implement the Sharia law.

Other States experiencing armed banditry are Katsina, Kebbi and Sokoto States. The Nigerian Minister of Defence, Brigadier-General Mansur Dan-Alli (rtd) alleged that the bandits had links with the Boko Haram. The bandits are usually heavily armed and they move in large numbers attacking both during the day and in the night. Armed banditry is another burden to the weight of insecurity in Nigeria in view of the number of lives lost daily. On 26 March, 2019, Dr. Jang Sunail, a Korean expatriate doctor was abducted by bandits in Tsafe town, Zamfara State.

Between 2011 and 2018, about 1321 people were alleged to have been killed in banditry operation alone in Zamfara State with 1881 people injured, 185 cars and motorcycles lost. In the same period, ten thousand herds of cattle were lost to rustling; 2,688 hectares of farmlands and 10,000 houses destroyed. The Governor of the State Abdulaziz Yari in 2018 expressed his helplessness by calling on the Federal Government to declare a State of Emergency in the State.²²

The National Assembly urged the Federal Government to mount diplomatic pressure on Niger Republic and Chad to prevent criminals from using their territories to launch attacks on Nigeria. The upper chamber also urged

²¹ O. Adagba, S. C. Ugwu, and O. I. Eme, 'Activities of Boko Haram and insecurity question in Nigeria,' *Arabian Journal of business and management review* (2012)1(9) 77-99.

²² Special Report: No Security Strategy Despite Mass Killings in Zamfara'. <<https://saharareporters.com>> [accessed 11 March, 2022]

Zamfara State to upgrade recruit and to generously fund state and local vigilant teams with the aim of improving security in the affected states.²³

Derailment of values, societal and religious values, insincerity within ourselves; from the community, the individual, and government are some of the root causes of Banditry in Nigeria.²⁴ It is a phenomenon that has undergone a process of transformation over time from acts of minor crimes to full blown outright criminality which is characterised by armed robbery on highways, brutality, cattle rustling, village raiding, and kidnapping for ransom and hostage taking with damning implication on citizens.²⁵

While others have argued that banditry is remotely caused by proliferation of arms, poverty, unemployment, drug abuse, unregulated and illegal gold mining and the vast forests that have served as a safe haven for criminals.²⁶ Thus, banditry is a complex, multi-layered and hydra headed phenomenon that requires a multi-dimensional approach to resolve.²⁷

However, the activities of bandits in recent weeks have been alarming with loss of lives and properties. Bandits now attack trains with bombs and other weapons openly without any restraints.²⁸ The recent attack by bandits was carried out on the 28th of March, 2022 when the Abuja bound train was attacked on the Abuja-Kaduna train line, which led to the killing and kidnapping some of the passengers and blowing up a portion of the train.²⁹ It has been reported that 9 of the passengers were killed and about 25 injured.³⁰

²³ Senate urges Zamfara to equip vigilance team to tackle killings', punchng.com. <<https://saharareporters.com> > [accessed 11 March, 2022]

²⁴ Dr. Mukhtar, 'The Root Causes of Banditry in Nigeria' May 24, 2021 <<https://dailytrust.com/>> [accessed 4 April, 2022.]

²⁵ Maryam Hamza, Ph.D., 'Remote Causes of Banditry' July 30, 2021 <<https://dailytrust.com>. > [accessed 4 April, 2022.]

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ 'Suspected bandits attack passenger train in northern Nigeria' Al Jazeera, 29 March 2022, < <https://www.aljazeera.com> > [accessed 4 April, 2022]

²⁹ 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 4 April, 2022]

³⁰ Abuja-Kaduna Train Bombing: 9 Killed, Dozens Missing; Survivors Recount Ordeal, March 30, 2022 <<https://dailytrust.com> > [accessed 4 April, 2022]

3.0 BOKO HARAM INSURGENCY AND BANDITRY IN NIGERIA AND THE CHALLENGE OF INTERNAL DISPLACEMENT

Millions of people have been forced to leave their homes to seek safety unfamiliar to them in the process losing their assets and being exposed to enormous hardship. In the midst of these hardships, these displaced persons experience challenges with regards to their rights and their welfare condition. More than half of the world's internally displaced persons can be found in Africa.³¹ There various reasons or factors responsible for internal displacement in various countries all over the world. Thus, some of the reasons for internal displacement in Nigeria includes but not limited to political violence, Boko Haram attacks and counter insurgency operations, Government policies, inter-communal violence, environmental degradation and lack of benefits from oil revenue, and natural disasters.³²

The scourge of Boko Haram insurgency and Banditry in the North Eastern Nigeria has come with its attendant socio-economic challenges. A major problem attached to this is the internal displacement of people of the region. More than two million people have fled their homes because of the Boko Haram insurgency in the northeast. Millions more have been displaced by other causes, including natural disasters and development projects.³³ The rise in the problem has led to calls for concrete rights-based solutions to protect and assist internally displaced persons. This is why the absence of a national legal framework for dealing with the crisis is receiving increased attention.³⁴

³¹ Betts, A.; Chimni, B.S.; Cohen, R.; Collinson, S.; Crisp, J.; Gil-Bazo, M.T. & Stigter, E, 'The State of the World's Refugees,' (2006) New York, United States: Oxford University.

³² There is an increase in the rate of diseases, declining agricultural productivity, increasing number of heat waves, unreliable weather patterns. Flooding, declining rainfall, decreasing food production, destruction of livelihood by rising water in coastal areas where people depend on fishing and farming have resulted in displacements. See Theresa Akpoghome, 'Internally Displaced Persons in Nigeria and the Kampala Convention' (2015) <<https://www.researchgate.net>.> [accessed 7 April, 2022.] See also, Ujah, O. C., 'Internal Displacement in Nigeria,' <<http://www.unisdr.org/hfa>.> [accessed 7 April, 2022.]

³³ Romola Adeola, 'Nigeria's constitution holds the key to protecting internally displaced people' The Conversation, June 28, 2016 <<https://theconversation.com>.> [accessed 4 April, 2022]

³⁴ *ibid.*

UNOCHA³⁵ reported that Boko Haram attacks on the four major states in Northern Nigeria have led internally displaced persons to take shelter in relatively safe urban centres.³⁶ This is causing overcrowding in already inadequate living conditions and places resources and basic services under huge strain. In an area already economically deprived, more than 80percent of internally displaced persons experience lack of access to livelihoods and drained resources leading to risky livelihood.³⁷

Since 2011, the North Eastern part of Nigeria has been affected by Boko Haram insurgency and Banditry. Military Forces have been engaged in fierce battle with the insurgents, particularly in North-Eastern State of Yobe, Adamawa and Borno.³⁸ There has been increased rate of killings, kidnapping and abduction of civilians, as well as destruction of social and economic infrastructure in the region. An inter-agency assessment mission fielded in Nigeria in May 2014 showed that between 2013 and 2014, in six states affected by the crisis (Adamawa, Borno, Bauchi, Gombe, Taraba and Yobe) the number of Internally Displaced Persons (IDPs) had reached some 647,000. Over 90 per cent of the IDPs now reside in host families within communities; others have taken shelter in public buildings such as schools.³⁹

According to figures in the report released by the Internal Displacement Monitoring Centre (IDMC), an offshoot of the Norwegian Refugee Council (NRC), an independent, non-governmental humanitarian organization as at April 2015, estimated that about 1,538,982 people that fled their homes in Nigeria were still living in internal displacement camps scattered across Nigeria. In its 'Global Overview 2014 report', the Internal Displaced

³⁵ UNOCHA is the United Nations Organisation for Humanitarian Affairs, April 4, 2022 < <https://www.unocha.org/about-ocha>.> [accessed 4 April, 2022.]

³⁶ A.O. Hamzat, 'Challenges of the Internally Displaced Persons and the Role of the Society.' The Nigerian Voice (2013) < <https://www.thenigerianvoice.com/>> [accessed 4 April, 2022]

³⁷ *ibid.*

³⁸ Molly Wooldridge, J.D and John Wamwara, 'Nigeria, Assistance to IDPs' IHL in Action Respect for Law on the Battlefield (2020) <<https://ihl-in-action.icrc.org/case-study/nigeria-assistance-idps>.> [accessed 4 April, 2022]

³⁹ *ibid.*

Monitoring Centre (IDMC) posited that Nigeria has Africa's highest number of persons displaced by conflict, ranking behind Syria and Colombia.⁴⁰

The aforesaid figure comprises people displaced as a result of fierce attacks by Boko Haram militants in north-eastern Nigeria, the government-led counterinsurgency operations against the group, sporadic inter-communal clashes and natural hazard-induced disasters" and also includes the additional 47, 276 Internally Displaced Persons in Plateau, Nasarawa, Abuja (FCT), Kano and Kaduna which was collated by Nigeria's National Emergency Management Agency (NEMA) in February 2015.⁴¹

4.0 LEGAL FRAMEWORK FOR INTERNAL DISPLACEMENT IN NIGERIA

According to H.E. Prof. Dr. Kennedy Gastorn,⁴² Internally Displaced People (IDPs) are amongst the most vulnerable groups of persons as there is no universal, legally binding instrument that specifically addresses their plight. This is irrespective of the UN Guiding Principles on Internal Displacement of 1998, which remains as the only universally accepted international framework for the protection of IDPs.⁴³ This is complemented by other regional instruments in Africa.⁴⁴

The Kampala Convention is a landmark achievement of the African Union being the first ever regional instrument enacted for the protection of internally

⁴⁰ Babatunde I.O. & Omidoyin T.J., 'Domestic Terrorism and the Application of International Humanitarian Law in Protecting Internally Displaced Persons in Nigeria,' (2017) 20 Nigerian Law Journal 123

⁴¹ *ibid.*

⁴² Secretary-General of Asian-African Legal Consultative Organization (AALCO), speaking on the topic 'Internally Displaced People (IDPs) And International Humanitarian Law: The Viability of Establishment of Safety Zones' at the Fifth Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law, on the Theme "Celebrating the Geneva Conventions and Building Respect for IHL: A Commonwealth Perspective", at Kigali Convention Centre, Kimihurura, Kigali, Rwanda, 10-14 June, 2019.

⁴³ *ibid.*

⁴⁴ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa of 2009 (Kampala Convention).

displaced persons in Africa. The Convention has five cardinal objectives,⁴⁵ which outlines the goals of the Convention and obligation of state parties. Furthermore, the Convention specified some general obligations relating to State parties and they include: obligations of State parties relating to protection from internal displacement;⁴⁶ obligation relating to protection and assistance;⁴⁷ international organizations and humanitarian agencies;⁴⁸ protection and assistance to internally displaced persons in situation of armed conflict;⁴⁹ obligation relating to African Union;⁵⁰ obligation of States parties relating to sustainable return;⁵¹ issues concerning payments and compensation;⁵² registration and personal documentation;⁵³ monitoring and compliance;⁵⁴ etc.

Article 13 of the Convention states that registration and documentation is particularly important as it is crucial to achieving a durable solution to IDPs. Article 9 of the Convention relating to the obligation of States parties with regard to protection and assistance during internal displacement is quite instructive.

Article 9 (2) (6) provides that:

⁴⁵ a. to promote and strengthen regional and national measures to prevent or mitigate, prohibit and eliminate root causes of internal displacement as well as provide for durable solutions;
b. to establish a legal framework for preventing internal displacement, and protecting and assisting internally displaced person in Africa;
c. to establish a legal framework for solidarity, cooperation, promotion of durable solutions and mutual support between the States Parties in order to combat displacement and address its consequences;
d. to provide for the obligations and responsibilities of States Parties, with respect to the preventing of internal displacement and protection of, and assistance to internally displaced persons;
e. to provide for the respective obligations, responsibilities and roles of armed groups, non-state actors and other relevant actors, including civil society organizations, with respect to the prevention of internal displacement and protection of, and assistance to, internally displaced persons.

⁴⁶ Articles 3, 4, and 5 Kampala Convention, 2009.

⁴⁷ *ibid.*, Article 5

⁴⁸ *ibid.*, Article 6

⁴⁹ *ibid.*, Article 7

⁵⁰ *ibid.*, Article 8.

⁵¹ *ibid.*, Article 11

⁵² *ibid.*, Article 12

⁵³ *ibid.*, Article 13

⁵⁴ *ibid.*, Article 13

Boko Haram Insurgency and Banditry in Nigeria: Examining the Celebration of Marriage in Internally Displaced Camps

...Internally displaced persons to the fullest extent practicable and with the least possible delay, with adequate humanitarian assistance, which shall include food, water, shelter, medical care and other health services, sanitation, education, and any other necessary social services and where appropriate extend such assistance to local and host communities.

The extent of compliance with the above provision in Nigeria is questionable; issues have arisen lately to raise doubts in the minds of millions of Nigerians as to the commitment of the government towards ensuring that IDPS are properly catered for.

As discussed earlier, Boko Haram attacks have become the main problem facing Nigerians in recent times.⁵⁵ These groups have executed several bombings, killed about 20,000 people, displaced millions of innocent citizens in Nigeria and caused the destruction of private and public property, worth billions of Naira, in a bid to make people in the north-east accept their fundamentalist Islamic Nigerian view of Western education.⁵⁶

As earlier discussed, internal displacement has been a scourge in North Eastern part of Nigeria due to the Boko Haram Insurgency and Banditry that has ravaged the region. It is important to note that the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) is a major achievement of the African Union. It is evident that Africa has been adversely affected by war, insurgency and insurrection, Nigeria inclusive. In Africa, 12 million people were displaced by armed conflict and violence and there were hundreds of thousands of people displaced by natural disasters.⁵⁷

⁵⁵ Securipedia, 'Economic effects of terrorism' (2013) < <http://eu/mediawiki/index..> > accessed 7 April, 2022

⁵⁶ *ibid.*

⁵⁷ Eme T Owoaje, Obioma C Uchendu, Tumininu O Ajayi, Eniola O Cadmus, 'A Review of the Health Problems of the Internally Displaced Persons in Africa' (2016)2 Nigerian Postgraduate Medical Journal 23 <<https://www.npmj.org>.> [accessed 7 April, 2022]

Global estimates indicate that the number of people displaced annually by conflict and violence has increased since 2003. On the average, 5.2 million have been displaced annually in the past 13 years due to insurgency, political instability and terrorist activities of groups such as ISIS and Boko Haram, particularly in the Middle East and Sub-Saharan Africa.⁵⁸

Thus, it is necessary to examine and evaluate the existing legal framework for the protection of internally displaced persons in Nigeria. It is important to note that Nigeria ratified the Kampala Convention on the 17th of April, 2012 to be the 12th African Country to do so.⁵⁹ However, little can be said about the implementation of the Convention in Nigeria. Realizing the dream of protecting the IDPs using the Kampala Convention may be a tall dream in Nigeria for some obvious reasons.

Scholars have argued that for an effective protection of internally displaced persons in Nigeria, there is need for a constitutional provision to guarantee such protection.⁶⁰ Nigeria operates a federal constitution with established process of amendment. It is believed that the ratification of the Kampala Convention is not adequate, it has been advocated that the protection of internally displaced persons should have constitutional backing. It noteworthy that some Countries have adopted this option as a means of protecting internally displaced persons.⁶¹

It is noteworthy that Chapter II of the 1999 Constitution of the Federal Republic of Nigeria,⁶² provides for the Fundamental Objectives and Directive Principles of State Policy. The directive principles outline strategic policy

⁵⁸ *ibid.*

⁵⁹ Stock-Taking Meeting on The Domestication of Kampala <<https://data2.unhcr.org>.> [accessed 7 April, 2022]

⁶⁰ It is important to note that the Kampala Convention requires a state party to enact a domestic legislation that mirrors the legal and institutional frameworks for the protection of internally displaced persons as contained in its third objective.

⁶¹ The Ethiopian constitution recognises the right of pastoralists not to be displaced. It further requires that displaced persons must be protected. The Colombian Constitutional Court in 2004 declared the situation of internal displacement in the country an “unconstitutional state of affairs”. This is despite the Colombian constitution not having such explicit provision.

⁶² Section 13 and 14 of the 1999 Constitution of the Federal Republic of Nigeria (as amended)

Boko Haram Insurgency and Banditry in Nigeria: Examining the Celebration of Marriage in Internally Displaced Camps

direction for the state in the realisation of a democratic, just and egalitarian society. It further set out policy priorities in relation to economic, political, social and environmental concerns. In preserving social order, section 17 of the 1999 constitution (as amended) mandates the state to direct its policy towards all citizens.

In addition, it specifically recognises the need to protect children, young people and the elderly. However, a downside to entrenching protection for internally displaced persons in the directive principles is that its provisions are non-justiciable. As such, they cannot be legally asserted in a court of law. To circumvent this, an alternative proposition is to insert a specific right for protection of internally displaced persons under chapter IV of the constitution.

However, it can be argued that it is not necessary to have a Constitutional provision for the protection of internally displaced persons in Nigeria. This presupposes the need for a separate legislation to protect and assist internally displaced persons without recourse to any constitutional provision. While this argument is plausible, it is also believed that such enabling law may not be properly monitored and implemented. Also, there may be need for a government institution to be established to specifically ensure the implementation of the law.

While, this is noble, it can also just suffer the same setback as other existing legislation and relevant bodies established for implementation. Nepotism, corruption, bureaucracy and other militating factors have been a clog in the wheel of progress and implementation of some existing legislations in Nigeria. It is pertinent to note that Nigeria adopted the National Policy on Internally Displaced Persons (IDPs) in Nigeria in 2012 as a manifestation of particular concern for the IDPs which is geared to responding to their human right needs.

However, it appears the policy has only remained a policy and not a statute. By a Presidential fiat, the statutory mandates of National Commission for

Refugees established in 1989 were extended in 2002 to cover migrants and in 2009 to embrace IDPs protection and assistance.⁶³ With these extensions, the hitherto National Commission for Refugees became National Commission for Refugees, Migrants and Internally Displaced Person (NCFRMI). Yet the needed amendment to the original Act to reflect these changes in scope it yet to be made.

Without this amendment the activities of the Commission in the area of internally displaced persons remain outside of law. Some Scholars have opined that a change in the name of this Commission to reflect the newly ceded mandates remains a mere window dressing in the absence of appropriate legislative amendment, and thus it is preposterously akin to 'new wine in an old bottle'.⁶⁴ Hence there is no particular enabling statute regulating internal displacement in Nigeria.

The absence of appropriate laws and policies governing IDPs protection and assistance in Nigeria has placed unnecessary burden on the National Emergency Management Agency which is the only body with capacity to respond swiftly to emergency situations given its mandate.⁶⁵ Though this agency has a unit dedicated for IDP related issues, the obvious challenge too is that, since it virtually intervenes in almost all known emergency situations in Nigeria, it is most likely that its dependence on the meagre funds that accrue to it from the national revenue would hamper its service delivery.⁶⁶

⁶³ Jude O. Ezeanokwasa, Uwadineke C. Kalu & Francis Ejike Okaphor, 'A Critique of the Legal Framework for Arresting the Threat of Internal Displacement of Persons to Nigeria's National Security' (2018) 9 *Nnamdi Azikiwe University Journal of International & Jurisprudence* 10

⁶⁴ S Ekpa and NHM. Dahlan, 'Legal Issues and Prospects in the Protection and Assistance of Internally Displaced Persons (IDPs) in Nigeria' (2016) *Journal of Law, Policy and Globalization* (49) 110

⁶⁵ By virtue of section 8(1) of the National Emergency Management Act Cap N34 Laws of the Federation of Nigeria 2004 (hereinafter called "NEMA Act"), there is State Emergency Management Committee (SEMC) in each of the 36 States in Nigeria to complement the activities of the agency at the States and Local Governments levels. See also Emmanuel Imasuen, "Insurgency and Humanitarian Crises in Northern Nigeria: The Case of Boko Haram" *African Journal of Political Science and International Relations*, Vol. 9(7), July (2015):284-296, <<http://www.academicjournals.org>.> [accessed 8 April, 2022.]

⁶⁶ For example, the source of funding to this agency is limited by virtue of section 13 of the NEMA Act having regard to the long list of its functions under section 6 thereof.

Owing to absence of clearly delineated area of responsibilities for each of the relevant institutions such as National Emergency Management Agency and National Commission for Refugees, Migrants and Internally Displaced Persons sharing concerns on IDPs issues, the requisite synergy is also lacking regarding humanitarian intervention in Nigeria resulting in wasteful duplication of responsibilities as well as in the provisions of material needs for victims.⁶⁷

5.0 NATIONAL POLICY ON INTERNAL DISPLACEMENT AND THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN NIGERIA

The National Policy on Internally Displaced Persons (IDPs) in Nigeria 2012 was drafted and adopted by the Presidency.⁶⁸ It appears to be the light in the tunnel towards modelling a workable framework for the protection of internally displaced persons in Nigeria. With such hopes and aspiration, the policy was well received by all. The aim of the policy makers is to ensure that the rights of internally displaced persons are not infringed upon and they get all necessary protection and assistance they deserve. The policy also seeks to ensure that there is form of discrimination against internally displaced persons.

In ensuring that the rights of the IDPs are protected, the policy in its third chapter outlines certain rights for the IDPs, which are classified into general and specific rights. The general rights belong to all displaced persons and they include the right to protection from displacement,⁶⁹ right of every displaced person to protection and assistance during and after displacement,⁷⁰ and right of IDPs to voluntary return, local integration and relocation.⁷¹

While the specific rights are rights guaranteed for particular categories of persons needing special attention. The rights include the rights of internally

⁶⁷ *supra* note 65, p. 291

⁶⁸ Chapter 5(2) of the National Policy on Internally Displaced Persons (IDPs) in Nigeria.

⁶⁹ *ibid.*, Ch 3.1.2

⁷⁰ *ibid.*, Ch. 3.1.3

⁷¹ *ibid.*, Ch. 3.1.8

displaced children,⁷² the rights of internally displaced women,⁷³ the rights of internally displaced persons with disabilities,⁷⁴ and rights of internally displaced elderly persons.⁷⁵ Though the rights are for all displaced persons, they, nonetheless, do not guarantee for displaced non-citizens rights that they cannot enjoy if they were not displaced, such as the right to vote or be voted for in public elections. It should be noted that the policy also has obligations for the IDPs. They must be law abiding and personally responsible for any crime committed under international and municipal law.⁷⁶ They are also to respect the culture and norms of host communities⁷⁷ and abide by rules and regulations in collective settlements.⁷⁸

The policy in its fourth chapter places varying degrees of responsibilities on major stakeholders in the IDPs issue; government, humanitarian agencies, host communities and armed groups. Government at all levels is known as the primary bearer of the responsibility of preventing internal displacement and when it occurs, it has the responsibility of protecting and assisting IDPs in Nigeria.⁷⁹ This responsibility consists of three dimensions: first, being responsive, that is, aiming to prevent imminent or stop on-going violations that lead to displacement;⁸⁰ second, being remedial, that is, aiming to provide redress (e.g., access to justice, reparation or rehabilitation) for past violations.⁸¹

The third is environment-building, that is, aiming at creating the necessary legal and institutional framework, capacity and awareness that is necessary to promote respect for human rights of internally displaced persons and prevent future violations.⁸² Humanitarian agencies operating in Nigeria and

⁷² *ibid.*, Ch. 3.1.4

⁷³ *ibid.*, Ch. 3.1.5

⁷⁴ *ibid.*, Ch.3.1.6

⁷⁵ *ibid.*, Ch. 3.1.7

⁷⁶ *ibid.*

⁷⁷ *ibid.*, Ch. 3.2(d)

⁷⁸ *ibid.*, Ch. 3.2(e)

⁷⁹ *ibid.*, Ch. 4.1

⁸⁰ *ibid.*, Ch. 4.1

⁸¹ *ibid.*

⁸² *ibid.*

working with the IDPs have the obligation to comply with law, both international and municipal law, and policy guidelines on IDPs.⁸³

It is important to note that the policy also recognizes the rights of the host community which government and humanitarian agencies must respect pursuant to the principles of impartiality and non-discrimination. These rights include socio-economic rights, right to security of life and property, right to adequate and appropriate compensation, right to food security, right to safe environment, and right to quality health.⁸⁴ At the same time the host communities bear responsibilities which include providing adequate security and safety for internally displaced persons settled or resident in their communities,⁸⁵ and allowing IDPs the freedom to express their cultural, religious and political beliefs without undue discrimination, molestation or inhibition.⁸⁶

The coming on board of the National Policy on IDPs came with high hopes and expectations, it is supposed to be germane ingredient for national security by responding efficiently to the short-, medium- and long-term needs of the IDPs. Undoubtedly, the making of the policy being the first of its kind in Nigeria, is indeed a bold step in this direction. Another thing that goes for it is that it has a very broad concept of internal displacement by defining the scope of the policy to cover arbitrary displacement and other forms of displacement.

Arbitrary displacement refers to displacement resulting from machinations such as policies of discrimination, armed conflicts, violations of human rights, harmful practices and collective punishment.⁸⁷ In other words, it understands internal displacement to embrace all displacements cause by human actions and natural disasters. This notwithstanding, the policy is marred by a number of problems. Some of the challenges include but not limited to lack of

⁸³ *ibid.*, Ch. 4.2.1

⁸⁴ *ibid.*, Ch. 4.3.1

⁸⁵ *ibid.*, Ch. 4.3.2(a)

⁸⁶ *ibid.*, Ch. 4.3.2(g)

⁸⁷ *ibid.*, Ch. 1.2

coordination in implementation, lack of funding, lack of adequate statistical data, and IDPs return, resettlement and reintegration.

Another major defect of the policy is that it has no legal status and is therefore incapable of enforcement by any of the affected actors that is the government or the delegated actors.⁸⁸ It has been advocated that an agency be specially created for the purpose of ensuring the implementation of the policy. This will be complementary to the making of a law rather than just a policy for the protection of IDPs.

6.0 RIGHT TO PRIVATE FAMILY AND CELEBRATION OF MARRIAGE IN NIGERIA

The Constitution of Nigeria provides for the right to private family life.⁸⁹ Though not expressly stated, this class of right gives a citizen of Nigeria the right to marry and have a family once the statutory requirements have been satisfied. However, the National Policy on Internal Displacement did not provide for this right to be enjoyed by internally displaced persons. It is imperative to examine the celebration of marriage and the forms of marriage in Nigeria.

6.1 Forms of Marriage in Nigeria

Broadly speaking, marriage is both a legal and social union of two consenting adults.⁹⁰ An important element is the consent of the two parties involved which gives the union a semblance of a contract. Another element that gives marriage the semblance of a contract is the fact that the two forms of marriages have their separate laws that govern the union from the beginning to the point of separation, if any, or the sharing of properties should either of

⁸⁸ Eni Aloba and Synda Obaji, 'Internal Displacement in Nigeria and the Case for Human Rights Protection of Displaced Persons' (2016) 51 *Journal of Law Policy and Globalization* 26

⁸⁹ S.37 of the 1999 constitution of the Federal Republic of Nigeria as amended.

⁹⁰ Tochuckwu Anayo-Enechukwu 'Types of Marriage in Nigeria' (2020) The Nigerian Lawyers <<https://thenigerialawyer.com/types-of-marriage-in-nigeria/>> [accessed 15 January, 2022.]

the party become deceased. The regulations of these two forms of marriages further validates the school of thought that views marriage as a contract.

The contractual nature of marriage as it has been discussed presupposes that it is regulated by laws, customs and beliefs and attitude that that prescribe the rights and duties of the parties and accords the rights of their offspring.⁹¹ The regulation that governs a marriage is determined by the type of marriage celebration. In Nigeria, the forms of marriage include: Traditional/Customary Marriage; Church/Islamic Marriage; and Statutory Marriage/Marriage Under the Act.⁹²

We shall discuss Statutory Marriage and Traditional Marriage, which are the two major forms in Nigeria. That is not to say that Church/Islamic Marriage is not recognised, the nature of it however has been indirectly fused with Statutory marriage and Customary marriage respectively. The origin of Statutory Marriage can be traced back to colonisation. The Marriage Act which is the primary source of law for Statutory Marriages is modelled after the English law.⁹³

Most Nigerians view Statutory Marriage as the ultimate legal seal to their union. This is why you find most couples that have gone through Traditional/Customary Marriage or Religious Marriage still go ahead to contract Statutory Marriage. However, the law recognises some Churches as Statutory places of worship where couples that contract marriages in such churches are issued both Church Marriage Certificate and Statutory Marriage Certificate.⁹⁴

6.1.1 Statutory Marriage

⁹¹ *ibid.*

⁹² Emmanuel Ekpeyong, 'An Appraisal of Types of Marriages in Nigeria And Procedure For Contracting Statutory Marriage In Nigeria' (2017) Mondaq <<https://www.mondaq.com>> [accessed 15 January, 2022.]

⁹³ *ibid.*

⁹⁴ *ibid.*

The primary statute that provides for the celebration of marriage in Nigeria is the Marriage Act (Matrimonial Causes Act) and it is worthy to note that the Act recognises only monogamy, which refers to the union between one man and one woman.⁹⁵ This is what makes it distinct from customary marriage and Islamic marriage which allows for more than one wife.⁹⁶ In Nigeria, statutory marriage is quite strict and can only be dissolved at the High Court or by death.⁹⁷ A valid statutory marriage can be celebrated in different ways as provided by the Marriage Act. These ways include:

- i. By the Registrar in the Marriage Registry (Section 27 of MA);
- ii. By a Minister of a religious denomination in a licensed place of worship (Section 18 of MA);
- iii. By special license under the hand of the Minister of Internal Affairs (Section 13 of MA);
- iv. By celebration abroad in a Nigerian Diplomatic Mission (Section 50 of MA);⁹⁸

a) By the Registrar in the Marriage Registry (Section 27 of MA)

This method of marriage begins with a signed Form A notice by either party to the Registrar of Marriages where the marriage is intended to be celebrated.⁹⁹ After the notice has been filed and the Registrar pastes same on his office door or the Registry's notice board, the Registrar will then issue a Form C Certificate after 21 days and less than 3 months from the day the notice was filed.¹⁰⁰ The couple must have also paid the prescribed fee and sworn to an affidavit stating that:

⁹⁵ Benedette Bassey, 'Nigeria: Overview of Statutory Marriage in Nigeria' (2020) Mondaq <<https://www.mondaq.com>.> [accessed 16 January, 2022.]

⁹⁶ Omotoyosi Salihu, 'How to Become Legally Married in Nigeria: What to Know About Statutory Marriage' (2018) medium.com <<https://medium.com>.> [accessed 17 January, 2022.]

⁹⁷ *ibid.*

⁹⁸ *ibid.*

⁹⁹ *supra* note 91

¹⁰⁰ Olaoluwatomi Kolawole, 'An Overview of the Celebration of Statutory Marriage in Nigeria' dJetLawyer <<https://djetlawyer.com>.> [accessed 17 January, 2022.]

- i. Either couple is resident within the district where the marriage is intended to be celebrated at least fifteen days preceding the grant of the Form C;
- ii. They intending couple have paid the prescribed fee;
- iii. The Notice of the marriage has been posted on the Registry's Notice Board for 21 days and it has been entered in the Marriage Notice Book without any objection to the couple's union by anyone;
- iv. They are both above the age of 21;
- v. There is no impediment of kindred or affinity or any other kind of lawful hinderance to the marriage;
- vi. They are not married under any customary law to any other person other than themselves.¹⁰¹

The affidavit must be sworn before a Registrar or an administrative officer of the Registry or before a recognised Minister of religion. A date for the marriage celebration is chosen afterwards and it must fall within 3 months from the date the Notice of Marriage was filed by the couple at the Registry.¹⁰²

b) By a Minister of a Religious Denomination in a Licensed Place of Worship

The Marriage Act provides that the marriage can be celebrated in any licensed place of worship by any recognised minister of the church, denomination or body which such place belongs.¹⁰³ If we are to go by this provision, a lot of Nigerians are not legally married because all they have done is just to acquire the Church's blessing.¹⁰⁴ The two keywords that validates marriage in a place of worship are 'licensed place of worship' and 'recognised minister of that church'.

¹⁰¹ *supra* note 96

¹⁰² *ibid.*

¹⁰³ Elton Chizindu, 'Where and How a Valid Celebration of Marriage is Celebrated in Nigeria' (2017) LegalPuzzles <<https://legalpuzzles.wordpress.com>> [accessed 18 January, 2022.]

¹⁰⁴ Omotoyosi Salihu (n101)3.

Without these two elements, a marriage is invalid even though it was celebrated in a place of worship. Such minister may be sentenced to 5 years imprisonment for joining a couple who have not obtained a Registrar's Certificate empowering them to celebrate their marriage.¹⁰⁵

The other prerequisite provided by the Marriage Act that must be fulfilled to have a valid marriage are that it must be done in the presence of at least two witnesses, apart from the officiating minister. The marriage must also be celebrated with open doors between the hours of 8am and 6pm.¹⁰⁶ It is important to note that the couple must also have delivered the Registrar's Certificate to the minister.

c) Marriage by Special License

This gives an exception to the venue of where the marriage will be celebrated. Under a special license, a marriage can be celebrated in a place other than a licensed place of worship or the office of the registrar of marriages.¹⁰⁷ The license is granted by the Minister of Interior if he is satisfied through an affidavit sworn to by the couple, that there is no legal impediment against the proposed marriage and all necessary consents have been obtained.¹⁰⁸

However, such marriage must be conducted by a licensed minister of religion or registrar of marriages.¹⁰⁹ Special license are usually granted when the couple cannot wait for the prescribed period of twenty-one days after lodging a notice with the registrar. It can also be granted where a public figure wants to celebrate marriage without publicity.¹¹⁰

d) Celebration Abroad in Nigerian Diplomatic Mission

¹⁰⁵ *ibid.*

¹⁰⁶ *supra* note 100, p. 2.

¹⁰⁷ *ibid.*

¹⁰⁸ *supra* note 103, p. 2.

¹⁰⁹ *supra* note 106, p.3.

¹¹⁰ *supra* note 104.

The Marriage Act provides that a celebration of marriage is valid if one of the parties is a Nigerian and is contracted outside Nigeria before a marriage officer in his office.¹¹¹ Every Nigerian diplomatic or consular officer or the rank of a secretary or above is for the purpose of the Marriage Act a marriage officer and any venue used for the celebration of the marriage will be deemed to be the marriage officer's office.¹¹²

Circumstances that invalidate a statutory marriage is contained in Section 33 of the Marriage Act.¹¹³

6.1.2 Customary Marriage

Customary/Traditional Marriage in Nigeria is celebrated in accordance with the customs of the Bride and the Groom's families. Some of the common elements include paying of Bride price, Dowry, and many more.¹¹⁴ Customary laws are recognised under the Nigerian law. Therefore, a marriage celebrated under customary laws is regulated by native laws and customs and is deemed legal.¹¹⁵

Customary and Islamic marriage permits the marriage of more than one wife which is why both have been fused together as the same type of marriage. The inherent right of the man to marry more than one wife is an important element of customary marriage. The only difference with Islamic law is that there is a limit of four wives in Islam while the man has the right to marry an infinite number of wives under customary law.¹¹⁶ The laws guiding customary marriage in Nigeria vary from culture to culture and since there is no official

¹¹¹ The Marriage Act, CAP M6, Laws of the Federation of Nigeria, 2004, S.49

¹¹² *supra* note 103, p. 2.

¹¹³ *supra* note 99, p. 2.

¹¹⁴ LawPadi Admin, 'Types of Marriages in Nigeria' LawPadi <<https://lawpadi.com>.> [accessed 18 January, 2022.]

¹¹⁵ Francis Ladipo, 'What is Customary Law of Marriage in Nigeria' (2017) Legit.ng <<https://www.legit.ng/1127334>-> [accessed 18 January, 2022]

¹¹⁶ Linus Nwauzi, 'The Rules of Marriage Under Customary Law' (River State University, River State 2019)

registry tracking all customary marriages, the courts cannot verify whether such marriage exists unless there are witnesses to the ceremony.¹¹⁷

The contractual nature of marriage under customary law is not as pronounced as that of statutory marriage. This is because women are perceived as not having equal rights in most customary law, which is why some customs allow for marriage to an underaged girl.¹¹⁸ The element that gives a man the right to contract marriage with more than one wife removes exclusivity from the marriage. While the rules that govern marriage under customary law is largely unwritten, there are few generic elements that must be present before such marriage can be said to be valid. These elements include:

- i. Parental consent and the consent of parties to the marriage;
- ii. Bride price, gift or any other symbol;
- iii. Prohibited degrees of consanguinity and affinity;
- iv. Capacity to marry under customary law.¹¹⁹

Other elements are culture specific. Not to take anything away from customary marriage, it is also valid and recognised by the Nigerian legal system. It can also be said to be a form of contract between the couple only that it is governed by unwritten terms that most often than not puts one party at an advantage over the other.

7.0 CELEBRATION OF MARRIAGE IN INTERNALLY DISPLACED CAMPS

The celebration of marriage in every jurisdiction has a deeper meaning other than the joyful celebration of the union of the couple and their family. The celebration of marriage also puts a legal seal to the union, be it marriage under the Act or customary laws. For this to be valid, it must be done

¹¹⁷ *supra* note 115, p.3

¹¹⁸ Food and Agriculture Organization of the United Nations, 'Customary Norms, Religious Beliefs and Social Practices That Influence Gender-Differentiated Land Rights' Gender and Land Rights Database <<https://www.fao.org>> [accessed 18 January, 2022.]

¹¹⁹ Hi Writers, 'The Legal Effect of Customary Marriage in Nigeria' HiWrites.com <<https://hiwriters.com.ng>> [accessed 18 January, 2022.]

according to the prescribed provisions of the Marriage Act or the customs of the couple.

For a marriage under the Act to be valid, it must be celebrated in either the marriage registry or a licensed place of worship.¹²⁰ It must be presided over by the registrar of marriages or a licensed minister of a licenced place of worship.¹²¹ All these requirements are what culminates to make a validly celebrated statutory marriage.

Under customary laws, the requirements vary from culture to culture, and they must all be fulfilled to make a validly celebrated marriage under customary laws. Some of the elements that make a marriage under customary law valid include the consent of the parties and their families. Fulfilment of traditional rites such as payment of Dowry, and Bride price. Nigerian laws recognise marriages under customary laws as long as there are witnesses to the ceremony.¹²² Most of the marriages under customary laws are celebrated in the home-town of the bride.

Every adult has the right to marry as provided for in the 1999 Constitution (as amended)¹²³ encapsulated in the right to private family life. This class of rights involves the right of privacy of citizens and particularly right to their homes (family life). It important to note that marriage is the foundation for every family and without it, there may not exist a functional society. It is important that the Kampala Convention prohibits any form of discrimination from enjoying any right or freedom because of internally displacement¹²⁴. The

¹²⁰ *supra* note 109.

¹²¹ Resolution Law Firm, 'An Overview of Marriage Laws in Nigeria' resolutionlawng <<https://www.resolutionlawng.com>> [accessed 19 March, 2022.]

¹²² Francis Ladipo, 'What is Customary Law of Marriage in Nigeria' (2017) Legit.ng <<https://www.legit.ng>> [accessed 19 March, 2022]

¹²³ S.37 of the 1999 Constitution of the Federal Republic of Nigeria as (amended) provides for the right to private family life which provides for the right to privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications and ensure that such rights are not only guaranteed and protected.

¹²⁴ Article IX 1(a) of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

right to private family life should not be an exception, an internally displaced person should not be deprived of the right to marry.

As discussed earlier, Boko Haram insurgency and Banditry has caused a devastating effect in the north eastern region of Nigeria, thus leading to the creation of IDP camps.¹²⁵ Over 3.2 million people have been displaced during the conflict with 2.9 million internally displaced persons in the north-eastern part of Nigeria.¹²⁶ IDP camps are not a place conducive for the celebration of marriage and do not have all the necessary facilities as required by law. Until recently, when a certain couple, Gbede Senenge and his wife Joy, celebrated their marriage at an IDP camp in Benue state.¹²⁷

Other couples have since followed suit and there have been various reports of celebration of marriage in IDP Camps. Furthermore, high bride price imposed by some cultures has also driven some men to pick their brides from IDP camp with a Bride price requirement of as low as ₦10,000.¹²⁸ As for the legality of celebrating a marriage in an IDP camp, the requisite conditions must have been met because an IDP camp is not listed as one of the legal places to celebrate marriages.

Statutory marriages are required to be celebrated first with the issuance of Form A marriage notice by the couple and the registrar also issues Registrar's certificate contained in Form C.¹²⁹ Other requirements include that the marriage must be celebrated in a licensed place of worship officiated by a licensed minister of that denomination or it can be celebrated in the office of the registrar. Alternatively, the ministry of interior can issue a special license for it to be celebrated at the couple's place of choice after all pre-requisites must have been fulfilled.¹³⁰

¹²⁵ The UN Refugee Agency, 'Nigeria Emergency' The UN Refugee Agency Africa <<https://www.unhcr.org>> [accessed 19 January, 2022.]

¹²⁶ *ibid.*

¹²⁷ Nigerian couple hold their wedding reception inside an IDP camp in Benue state, won the heart of people (photos), < <https://madailygist.ng>. > [accessed 13 April, 2022]

¹²⁸ Oge Okonkwo, 'Eligible Grooms Rush to IDP Camps for Brides Over Cheaper Dowry' *pulse.ng* (September 22, 2015)

¹²⁹ *supra* note 113, p.3.

¹³⁰ *ibid.*

A valid marriage can only be celebrated when all these conditions have been fulfilled by the intending couple. The law allows couple to further celebrate their marriage wherever they choose after they must have satisfied the legal requirements, which includes a licensed place of worship. Also, an important celebration is done and is generally known as the 'Reception' where all guests are entertained and families of the couple are introduced to guests. In other words, where Sections 21 to 29¹³¹ have been fulfilled, a couple can go ahead to further celebrate their marriage in any place of their choice.

When it comes to customary law, same rule also applies. If all traditional rites are fulfilled, the couple and their families may decide to celebrate the marriage in any agreed place. However, what if the wife and her family have been displaced and reside in the IDP camp? Will that suffice as a venue recognised by the custom of the wife? Under customary law in Nigeria, marriages are arranged between the families and the prospective suitor is required to pay the bride price to the bride's family.¹³² After this is done, every other requirement is practically agreed between both parties. Therefore, in a case where the bride's family are located in an IDP camp, should they insist that the marriage be celebrated in the camp, the groom and his family will have no choice but to accept. In most cultures, it is tradition that the bride's family dictates the venue of the wedding except otherwise agreed by both parties. Therefore, this does not in any way affect the legality of the marriage, as long as there are witnesses to the marriage who can attest to the fact that a marriage celebration was held.

8.0 CONCLUSION

Thus, it is imperative that the right to private family life as provided by the Constitution is to be enjoyed by all Nigerians, including those who are internally displaced. Though the National Policy on Internal Displacement has

¹³¹ The Marriage Act, CAP M6, Laws of the Federation of Nigeria, 2004, S.21-29

¹³² Research Directorate, Immigration and Refugee Board, Canada, 'Nigeria: Whether Registration of Customary Marriages Is Required And, If So, When It Began' (2000) refworld.org <<https://www.refworld.org/docid/3df4be791c.html>> [accessed 19 January, 2022.]

not captured this particular class of right, it is advocated that internally displaced persons should be allowed to enjoy the right to private family life vis-à-vis celebration of marriage.

Thus, the basic requirements if a valid marriage either statutory or customary may be waived or jettisoned for those who are in IDP camps. It may also be advocated that this waiver should be documented through an amendment of the existing policy of internal displacement. It is important to note that the right to private family life is a constitutional right and should not be derogated from. Furthermore, the constitution also provides for the right from discrimination of any Nigerian citizen¹³³ based on ethnicity, sex, religion, place of origin, political opinion and status. Thus, not allowing the celebration of marriage in IDP camps amounts to discrimination based on status.

Arguments can be made about the fact that no right in itself is absolute,¹³⁴ however, the right to private family life should not be categorised as that which can be derogated from. Though, internal displacement cannot be said to be normal and was not envisaged by the law makers in drafting the constitution, it is imperative that future amendment could capture such situation. As discussed above, some couples have successfully celebrated their marriage in IDP camps thus, not allowing same would amount to an infringement on the right of IDPs.

However, the practice of men going to get brides from IDP camps because of cheap bride price should be discouraged, the right is specifically meant for couples who both reside in IPD camps. Cultural relativity and differences are the root cause of some particular culture that require the payment of high bride price alongside other exorbitant requirements. All hope cannot be said to be lost in this regard, as there have been agitations for the amendment of the Policy on internal displacement to fill the existing gaps discovered therein. This paper advocates for the enactment of a separate legislation for the

¹³³ S. 42 of the 1999 Constitution of the Federal Republic of Nigeria as (amended)

¹³⁴ *ibid*, S.45 provides for circumstances where the fundamental human rights of a citizen can be derogated from which is in the interest of defence, public safety, public order, public morality or public health; or the purpose of protecting the rights and freedom or other persons.

Boko Haram Insurgency and Banditry in Nigeria: Examining the Celebration of Marriage in Internally Displaced Camps

protection of IDPs and a supervisory agency created to ensure compliance and implementation of the statute. It is also suggested that a licensed place of Worship is established in internally displaced camps to ensure compliance with the requisite statutory requirements.

LIST OF REFERENCES

A.O. Hamzat, 'Challenges of the Internally Displaced Persons and the Role of the Society.' *The Nigerian Voice* (2013) < <https://www.thenigerianvoice.com/> > [accessed 4 April, 2022]

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 4 April, 2022]

Abuja-Kaduna Train Bombing: 9 Killed, Dozens Missing; Survivors Recount Ordeal, March 30, 2022 <<https://dailytrust.com> > [accessed 4 April, 2022]

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa of 2009 (Kampala Convention).

Babatunde I.O. & Omidoyin T.J., 'Domestic Terrorism and the Application of International Humanitarian Law in Protecting Internally Displaced Persons in Nigeria,' (2017) 20 *Nigerian Law Journal*

Benedette Bassey, 'Nigeria: Overview of Statutory Marriage in Nigeria' (2020) Mondaq <<https://www.mondaq.com/nigeria/family-law/985124/overview-of-statutory-marriage-in-nigeria>.> [accessed 16 January, 2022.]

Betts, A.; Chimni, B.S.; Cohen, R.; Collinson, S.; Crisp, J.; Gil-Bazo, M.T. & Stigter, E, 'The State of the World's Refugees,' (2006) New York, United States: Oxford University

Betts, A.; Chimni, B.S.; Cohen, R.; Collinson, S.; Crisp, J.; Gil-Bazo, M.T. & Stigter, E, 'The State of the World's Refugees,' (2006) New York, United States: Oxford University

Constitution of the Federal Republic of Nigeria 1999

Dr. Mukhtar, 'The Root Causes of Banditry in Nigeria' May 24, 2021 <<https://dailytrust.com>.> [accessed 4 April, 2022.]

Elton Chizindu, 'Where and How a Valid Celebration of Marriage is Celebrated in Nigeria' (2017) LegalPuzzles <<https://legalpuzzles.wordpress.com>> [accessed 18 January, 2022.]

Eme T Owoaje, Obioma C Uchendu, Tumininu O Ajayi, Eniola O Cadmus, 'A Review of the Health Problems of the Internally Displaced Persons in Africa' (2016)2 *Nigerian Postgraduate Medical Journal* 23 <<https://www.npmj.org>.> [accessed 7 April, 2022]

Emmanuel Ekpeyong, 'An Appraisal of Types of Marriages in Nigeria And Procedure For Contracting Statutory Marriage In Nigeria' (2017) Mondaq <<https://www.mondaq.com>> [accessed 15 January, 2022.]

Boko Haram Insurgency and Banditry in Nigeria: Examining the Celebration of Marriage in Internally Displaced Camps

Emmanuelar Imasuen, "Insurgency and Humanitarian Crises in Northern Nigeria: The Case of Boko Haram" *African Journal of Political Science and International Relations*, Vol. 9(7), July (2015):284-296 <<http://www.academicjournals.org/>> [accessed 8 April, 2022.]

Eni Aloba and Synda Obaji, 'Internal Displacement in Nigeria and the Case for Human Rights Protection of Displaced Persons' (2016) 51 *Journal of Law Policy and Globalization* 26

Food and Agriculture Organization of the United Nations, 'Customary Norms, Religious Beliefs and Social Practices That Influence Gender-Differentiated Land Rights' Gender and Land Rights Database <<https://www.fao.org>> [accessed 18 January, 2022.]

Francis Ladipo, 'What is Customary Law of Marriage in Nigeria' (2017) Legit.ng <<https://www.legit.ng/1127334-what-customary-law-marriage-nigeria.html>> [accessed 18 January, 2022]

Hi Writers, 'The Legal Effect of Customary Marriage in Nigeria' HiWrites.com <<https://hiwriters.com.ng>> [accessed 18 January, 2022.]

Illufoye, S.O. *Domestic Security Threat in the Niger-Delta Region of Nigeria*, (Lagos: Sampeters Publishers 2009)

Jacob Zenn and Zacharias Pieri, 'How much Takfir is too much Takfir? The Evolution of Boko Haram's Factionalization', (2017) 282, *Journal For Deradicalization* 11

John Sunday 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) *African Security*, Vol. 13.

Jude O. Ezeanokwasa, Uwadineke C. Kalu & Francis Ejike Okaphor, 'A Critique of the Legal Framework for Arresting the Threat of Internal

Displacement of Persons to Nigeria's National Security' (2018) 9 *Nnamdi Azikiwe University Journal of International & Jurisprudence*

LawPadi Admin, 'Types of Marriages in Nigeria' LawPadi <<https://lawpadi.com>.> [accessed 18 January, 2022.]

Linus Nwauzi, 'The Rules of Marriage Under Customary Law' (River State University, River State 2019)

M. Bloom and H. Matfess, 'Women as Symbols and Swords in Boko Haram's Terror,' (2016), 6 (1), *PRISM A Journal of the Centre for Complex Operations*.

Maryam Hamza, Ph.D., 'Remote Causes of Banditry' July 30, 2021 <<https://dailytrust.com/remote-causes-of-banditry>. > [accessed 4 April, 2022.]

Molly Wooldridge, J.D and John Wamwara, 'Nigeria, Assistance to IDPs' IHL in Action Respect for Law on the Battlefield (2020) <<https://ihl-in-action.icrc.org/case-study/nigeria-assistance-idps>.> [accessed 4 April, 2022]

N. Dunia, "Abuja Bomb Blast: Senate takes Decision Today," Daily Sun Newspaper, October 6, 2010.

National Policy on Internally Displaced Persons (IDPs) in Nigeria.

Nigerian couple hold their wedding reception inside an IDP camp in Benue state, won the heart of people (photos), < <https://mادailygist.ng/>. > [accessed 13 April, 2022]

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

Oge Okonkwo, 'Eligible Grooms Rush to IDP Camps for Brides Over Cheaper Dowry' *pulse.ng* (September 22, 2015)

Boko Haram Insurgency and Banditry in Nigeria: Examining the Celebration of Marriage in Internally Displaced Camps

Olaoluwatomi Kolawole, 'An Overview of the Celebration of Statutory Marriage in Nigeria' dJetLawyer <<https://djetlawyer.com/>> [accessed 17 January, 2022.]

Olusola Babatunde Adegbite, Oreoluwa Omotayo Oduniyi and Ayobami Oluwaseun Aluko, '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*

Omotoyosi Salihu, 'How to Become Legally Married in Nigeria: What to Know About Statutory Marriage' (2018) medium.com <https://medium.com> [accessed 17 January, 2022.]

Research Directorate, Immigration and Refugee Board, Canada, 'Nigeria: Whether Registration of Customary Marriages Is Required And, If So, When It Began' (2000) refworld.org <<https://www.refworld.org>> [accessed 19 January, 2022.]

Resolution Law Firm, 'An Overview of Marriage Laws in Nigeria' resolutionlawng <<https://www.resolutionlawng.com>> [accessed 19 March, 2022.]

Romola Adeola, 'Nigeria's constitution holds the key to protecting internally displaced people' The Conversation, June 28, 2016 <https://theconversation.com> [accessed 4 April, 2022]

S Ekpa and NHM. Dahlan, 'Legal Issues and Prospects in the Protection and Assistance of Internally Displaced Persons (IDPs) in Nigeria' (2016) *Journal of Law, Policy and Globalization* (49)

Sam Olatunji Ajiye, 'Domestic Conflicts and Human Rights in Africa: Implications for Nigerian Foreign Policy', (2015)33 *Journal of Law, Policy and Globalization*

Securipedia, 'Economic effects of terrorism' (2013) <<http://eu/mediawiki/index.php>> accessed 7 April, 2022

Senate urges Zamfara to equip vigilance team to tackle killings', punchng.com. <<https://saharareporters.com> > [accessed 11 March, 2022]

Special Report: No Security Strategy Despite Mass Killings in Zamfara'. <<https://saharareporters.com> > [accessed 11 March, 2022]

Stock-Taking Meeting on The Domestication of Kampala <<https://data2.unhcr.org>.> [accessed 7 April, 2022]

'Suspected bandits attack passenger train in northern Nigeria' Al Jazeera, 29 March 2022, < <https://www.aljazeera.com#> > [accessed 4 April, 2022]

The Marriage Act, CAP M6, Laws of the Federation of Nigeria

The UN Refugee Agency, 'Nigeria Emergency' The UN Refugee Agency Africa <<https://www.unhcr.org/>> [accessed 19 January, 2022.]

Tochuckwu Anayo-Enechukwu 'Types of Marriage in Nigeria' (2020) The Nigerian Lawyers <<https://thenigerialawyer.com/types-of-marriage-in-nigeria/>.> [accessed 15 January, 2022.]

Ujah, O. C., 'Internal Displacement in Nigeria,' <<http://www.unisdr.org/hfa>.> [accessed 7 April, 2022.]

V. Comolli, *Boko Haram: Nigeria's Islamist insurgency* (Oxford University Press, London, United Kingdom, 2015).

Williams Adewumi Adebayo and Adebola Olumide Adeniyi, 'Utilitarianism and the Challenges of Insecurity in Nigeria from 2015 to 2019' (2019) 86 Journal of Law Policy and Globalization 68