

# INSECURITY THE MAJOR VIOLATION OF THE RIGHTS TO LIFE IN NIGERIA

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**Abstract:** The right to life is not just a basic right, but a fundamental and universally acknowledged right accorded to all humans, irrespective of gender, race, ethnicity, social class, religion, sexuality and political ideology. However, the extent of enforcement of the right to life may be influenced by the state of affairs in a given country, such as the state of peace, stability, security for lives and properties. Countries that are enjoying the determinants mentioned above may tend to have higher adherence to the right to life as opposed to countries caught in between domestic hostility and insecurity as seen in Nigeria. The scope of insecurity in Nigeria is very vast, resulting in an unimaginable loss of property, freedom, humanness and the eventual loss of thousands of lives. The humanistic crisis and human right violation resulting from the untamed growth of insecurity in Nigeria is enormous, daily the hope of families are shattered, parents are separated from their children, under-aged girls are kidnapped in their numbers and forced into marriage, people are adopted and executed in the most gruesome manner. Insecurity, therefore, is a significant threat to life, and constitute a severe violation to the right to life in Nigeria, because most deaths resulting from insecurity falls outside the corridors of the limitations to the right to life expressed in section 33, (2) of the 1999 Constitution of the Federal Republic of Nigeria. This paper, therefore, critically explored how the insecurity challenge in Nigeria poses a severe threat to the enforcement and exercise of the right to life of the Nigerian people.

**Keywords:** Human Right, Right to Life, Violation, Insecurity, Nigeria.

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## 1. INTRODUCTION

Growth in any society requires the presence of stability, peace, justice, and respect for human rights, especially human life. Respect for human life is an essential requirement of every society, which when tampered with could lead to an irrevocable imbalance in the many dimension of the society, as no human society can be called one when there are no humans to live in it. No nation, country or state can make any meaningful progress in the face of unjustifiable killings of her citizens. Hence, the right to life is not just a basic right, but a fundamental and universal right accorded to all humans, irrespective of gender, race, ethnicity, social class, religion, sexuality and political ideology (Coman, Maftei & Negruț, 2012).

Globally, the right to life is treated with priority because it is upon this right that every other right are built on. Simply put, for all other rights to take effect, there must be a living human to exercise those rights. Accordingly, article number three of the Universal Declaration on Human Rights clearly emphasized that everyone by being a human has been inalienably given the right to life, liberty and security. Many nations and continents have adopted this declaration and have reflected it in their charter and constitutions. In Africa, the right to life was meticulously documented and explained in Article 4, of the African Charter on Human and Peoples Rights, which noted that “human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right”(African Charter on Human and Peoples Rights,1981).

At the national level, rights to life took a special spot in the Nigeria Constitution of 1999 (as amended) in Sec 33 (1), where it was stated that “every person has a right to life and no one shall 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” (Nigeria Constitution, 1999). From the above, it can be extracted that when an individual is subjected to an unjust death, the right to life of that individual has been grossly violated. This declaration holds a significant implication for states like Nigeria, and other nations caught up in the war of insecurity because, in the face of insecurity, people are not just unjustly deprived of their rights to safety, but their right to life is snatched away from them in the most gruesome manner.

Insecurity is characterized by a state of unrest, hostility and chaos. Sadly, this has become the fate of many Nigerian states for over a decade now. The nation Nigeria has found herself in a firebox of insecurity, which has led to the accelerated violation of the right to life of thousands of Nigerians, as well as foreigners whose lives are forcefully and unjustly snatched away from them daily (Onifade, Imhonopi & Urim, 2013). The insecurity situation in Nigeria has also brought about fear, tension, untold hardship and the absence of safety in some states in Nigerian, thus reducing the quality of life of the Nigerian people (Obi, 2015).

It is no doubt that one of the primary duties of the Nigerian government is to protect and safeguard the life and property of her citizens, an obligation which is well documented in section 14 (2b) of the 1999 Constitution of the Federal Republic of Nigeria. However, current events unfolding in Nigeria has raised an eyebrow on how well the Nigerian government have performed in its primary obligation. This paper, therefore, is set to highlight the human right implications of the insecurity challenges in Nigeria. Furthermore, this paper tries to critically explore the justifiability of the right to life in Nigeria cum highlight the possible legal obligation of the Federal government of Nigeria in safeguarding the right to life of Nigerians as stipulated in the Universal Declaration on Human Rights, the African Charter as well as the Nigerian Constitution.

#### **The legal liability of the Nigerian Government in relation to the rights to life**

The right to life occupies an enviable position in human rights norms and standards globally. Accordingly, the Universal Declaration on Human Rights is attributed as the first attempt at advocating the unconditional rights accorded to humans, for being human. Article 3 of the Universal Declaration also established the fact that in addition to being entitled to life, humans are also entitled to enjoy liberty and security. Man’s right to life, as established in the Universal declaration has continued to make appearances in many international human rights norms and standard, both at global, regional, continental and even state level. In article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), The African Charter on Human and Peoples Rights of 1981 and even down to the Constitution of the Federal Republic of Nigeria 1999, (CFRN) these documents collectively reinforced the inherent right to life accorded to individuals by the mere virtue of being human. Additionally, article 6(1) of the International Covenant on Civil and Political Rights, made provisions for this right to be protected by the law, the provisions made in the ICCPR regarding the right to life implies that the right to life exists independently of any recognition in positive law (Heyns, 2013).

Similarly, the United Nations (UN) Human Rights Committee (HRC), added that the right to life is an absolute one, which cannot be taken away from individuals even in the face of a life-threatening public emergency. Going further, the right to life, according to Oduwale & Akintayo, (2017), is believed to have taken the status of peremptory norms of international law. Hence, the capricious deprivation of the right to life is proscribed by the international law rule of *jus cogens* (Heyns, 2013). It is no doubt that the right to life provides the basis, without which all other rights become void. By implication of the view of the Human Rights Committee, it is extracted that safeguarding the rights to life of individuals in a society is a fundamental obligation of government. This includes adopting strategic and proactive measures towards curbing sources of threats to the right of life of citizens in a given country as well as all acts that could translate to the arbitrary deprivation of life, such as in the case of insecurity.

Protecting and ensuring the safety of life and property of the Nigerian people is a constitutional obligation of the Nigerian government. The section 33 (1) of the Nigerian constitution was apparent on the legal obligation of the Nigerian government in ensuring that no person’s life is unlawfully and arbitrarily snatched away from him or her, except in instances where it is done as part of executing a court sentence. Going further, subsection 2 of section 33 of the 1999 constitution presented conditions as well as limitations to the exercise of the right to life, firstly, in events where a person dies from the force which is very necessary as a way to preserve and rescue another person from unlawful violence, secondly, when an individual dies as a result of force which is deemed essential to defend property, thirdly, to effect a

lawful arrest, fourthly, to prevent the escape of a lawfully detained individual, fifthly, to suppress a riot, sixthly, to suppress insurrection, and lastly, to suppress mutiny (CFRN, 1999). In cases where an individual who is directly involved in any of these scenarios presented above loses his/her life, it cannot be said that a violation of the right to life of such a person has occurred (Oduwole & Akintayo, 2017).

Within the meaning of the provisions of section 33(2), it means that any death resulting from the force which does not fall within the confines of the limitations to the right to life is a violation of the right to life of such an individual. Let us take, for instance, when a person unlawfully takes the life of another, the murderer by default has violated the right to life of the murdered. Looking at it from these angles it can be said that the provisions of section 33(2), of the 1999 constitution acknowledged the sacredness of the human life, which should not be tampered with unless in events where it poses a threat to the national security of the state. However; when viewed within the scope of the divine origin of man, and the owner and source of his life, many arguments have been raised to question the place of the state in taking the life of a man, notwithstanding whatsoever condition it may be, as the right to take remains the monopoly of the giver when put simply; God, as the only giver of life, in return should be the only taker of same life (Uchegbu 1987, cited in Oduwole & Akintayo, 2017). One thing is important to note, irrespective of the limitations to the exercise of the right to life as outlined in the 1999 Constitution of the Federal Republic of Nigeria, the government has a legal obligation to pursue the non-violation of the right to life of her citizens as well as to pursue approaches aimed at increasing life expectancy of her citizens by taking proactive measures towards preventing the upsurge as well as suppressing insecurity, which is the major concern of this present paper.

### **Insecurity in Nigeria: Meaning, Scope and Causes**

Insecurity, insurgency and terrorism have become a major impediment to development as well as to the safety of lives and properties of the Nigerian people. Insecurity according to Achumba, Ighomereho & Akpor-Robaro, (2013) is defined as the absence of security, a situation characterized by danger, doubt, uncertainty, fear, hazard, instability and the absence of protection among many others. Insecurity also connotes a state of increased exposure to harm, loss of humanness, destruction of property and increased lack of access to the economic mainstay of a people and the unlawful loss of life. Insecurity also connotes the state of unrest and continuous absence of harmony in a state due to the prevalence of terrorism in the state at issue (Omitola, 2014). Insecurity is also associated with the collapse of vital institutions in a state. It also connotes the inability of the government of a state to perform its essential functions of protecting and safeguarding the lives, and property of her citizens as well as enforcing compliance to human right norms and standards (Omitola, 2014). This definition vividly captured the events taking place in the northern part of Nigeria.

It is no doubt that for over a decade now, following the first emergency of the Boko Haram terrorist group in 2002, the peace formally enjoyed in Nigeria has embarked on a journey of no return. Today, insecurity challenges in Nigeria have generated a global outcry and are gradually becoming the identity of the Nation (Ikechukwu, 2019). The notion of peace has become an illusion in Nigeria, as virtually all parts of the country is plagued with one or more forms of violent and insurgent act, if it is not the Boko haram terrorist group bombing, burning villages, kidnapping girls in the North East, it will be the Fulani Herdsmen slaughtering farmers and unsuspecting villagers in the East, Middle belt region and the West, down to the Bandits kidnapping and assassinating innocent citizens in the North, or the Niger-Delta Avengers, and the then Niger Delta Militant group kidnapping foreigners and bombing oil pipelines in the Niger Delta region of the country, not to mention the unregulated extra judicial killings of civilians by the members of the Special Anti-Robbery Squad (SARS), the Nigerian police, the arbitrary arrest and torture of civilians by the Department of State Security Services (DSS), the killings and violent handling of the members of the Indigenous People of Biafra (IPOB) separatist group, as well as the killing of 389 members of the Shia Islamic Movement of Nigeria (IMN) by the Nigerian Army (Onime, 2018; Human Right Watch, 2019). No part of Nigeria is safe, and Nigerians are now forced to sleep with their one eye opened due to the heightened insecurity situation in the country, a development which has placed a question mark on the right to life of the Nigerian people and governmental efforts towards ensuring the non-violation of this right.

The scope of insecurity in Nigeria is very vast, resulting in an unimaginable loss of property, freedom, humanness and eventual loss of life. It has become difficult to give an accurate account of the impact of insecurity on Nigerians and the nation at large, and several research attempts have been made to provide a statistical representation of the cost of insecurity in Nigeria. For example, in a study by Salisu, Afandi & Yusuf, (2015), it was reported that between 2009 to the year 2015, the activities of the Boko haram Terrorist group alone accounted for the death of more than 13,000 Nigerians,

including women and children. Going further, in a study by Obi (2015), it was reported that between the period of June 2012 to May 2013, 988 lives were lost to the ruthless killings by the Fulani Herdsmen. Particularly, the middle belt region of Nigeria has witnessed so much violence and serious security challenges due to the activities of the Fulani herdsmen, which has turned the once peaceful region into a chaos zone, with such states as Plateau, Benue and Taraba States been the states which have suffered so much loss of lives, property and source of livelihood of the people. A study by Nte (2016), reported that Benue State has been at the receiving end of the aggressions of the Fulani herdsmen. Specifically, attacks launched by the Fulani herdsmen on such communities as Agatu, Guma, Gwer West, Makurdi, Kwande, Katsina-Ala and Loggo, all in Benue State has led to the death of more than 5000 people within the first quarter of the year 2014 (Nte, 2016). Similarly, a 2016 study by Mercy Corps reported that the activities of Boko Haram alone has cost the lives of about 17,000 people and displaced 2.2 million people in Nigeria (Mercy Corps, 2016).

The humanistic crisis and human right violation resulting from the untamed growth of insecurity is enormous. Daily, the hope of families are shattered, parents are separated from their children, under-aged girls are kidnapped in their numbers and forced into marriage, not to mention the adoption and gruesome execution of Rev. Lawan Andimi, the leader of the Adamawa State wing of the Christian Association of Nigeria (CAN), the kidnapping and killing of Michael I. Nnadi (18 years seminarian) of Good Shepherd Major Seminary, Kaduna on the 28th January, 2020, the execution of Daciya Dalep, a student of the University of Maiduguri, and the continued incarceration of Leah Sharibu, one of the 110 school girls adopted in a secondary school in Dapchi, Yobe State Nigeria on 19 February 2018.

This event creates a clear picture of the state of the right to life of people in events of insecurity. Insecurity directly contradicts, suppresses and grossly violates an individual's right to life as proclaimed in the Article 3, of the Universal Declaration of Human Rights, the African Charter on Human and Peoples Rights of 1981, down to the section 33 of the 1999 constitution of the Federal Republic of Nigeria, which in synergy states that every individual have right to life, and no one shall be arbitrarily deprived of that right. Obviously, that is not the case in Nigeria, where people are forcefully killed in their homes, on the way, in churches, Mosque, farms, school and the market through bombing, slaughtering, and every other means deemed fit by the massagers of death.

### **Causes of Insecurity in Nigeria**

Many factors have been identified in research studies to underline the onset and sustained growth of insecurity in Nigeria, they include;

#### **Poverty and Illiteracy**

The Central Bank of Nigeria (2006), study on poverty and illiteracy rating in states in Nigeria. It was revealed that the poorest states were states located in the North-Eastern part of the country, which has become the steaming point of insurgency in the country. Specifically, based on the report such states as Borno, Bauchi, Taraba, Adamawa, in the North East, were reported to become the capital of poverty, with a total of 54.9 – 72.2 per cent of its residents living in poverty, seconded by Katsina, Kano, Kaduna, Jigawa in the North West and, Benue, Nasarawa, Niger, and Kwara, Plateau in the North Central (Ladea, 2011 cited in Samuel, 2015). The relationship between poverty and bad leadership is an intricate one in the sense that bad leadership creates a breeding ground for poverty, which is further accompanied by poor or lack of access to the basic amenities of life, especially lack access to education and skills thus, enabling poverty to deepen its claws in the lives of the people. Notably, Ensign (2012) argued that the insecurity situation which has become the order of the day, in the northern part of Nigeria could be attributed to the meagre access to high-quality education and health care facilities.

Despite poverty alleviation initiative implemented by the Federal Government of Nigeria, poverty persists at an alarming rate, as a 2017 World Bank study confirms that Nigeria is now listed among the poorest states of the world, with over a million Nigerians living below \$1.90 per day, these findings were consolidated by a 2018 report from the World Poverty Clock which also reported that more than 87 million Nigerians live in poverty (World Bank, 2017; World Poverty Clock, 2018). The prevalence of poverty in Nigeria is more pronounced in the northern part of the country where more than one million people have been displaced from their homes and have also lost their sources of an economic mainstay.

This high prevalence of poverty implies that it increases the vulnerability of people to opt into crime or to be recruited by this terrorist group. Some of the terrorist group, specifically Boko haram leverage on the high prevalence of poverty to recruit more people to join them in unleashing mayhem on the Nigerian people with the promise of taking care of their

financial problems, most suicide bombers are lured into becoming a human bomb, with the promise that their family would be well taken care of, or the promise of going to a better place (Paradise) to enjoy the richness in Allah. Insecurity can be spurred as a result of intense frustration and severe lack of access to basic amenities of life. People may tend to take up harm or get involved in other violent acts such as kidnapping for money, kidnapping for ritual purpose, arm robbery, burglary and other unlawful violent practices which poses a threat to life, the quality of life as well as a constraint to the freedom and safety of the Nigerian People.

#### **Politics of by 'hook or crook.'**

The political culture of Nigeria, which operates on the theory of the end justifies the means, has left a stigma in not only the hearts of the youths but also the nation at large. It is not an obscene scene in Nigeria to hear that political office aspirants could go as far as committing assassination in order to attain and fulfil their selfish desire. Furthermore, these politicians turn the already improvised youths who are most vulnerable because of the hardship imposed on them by the so-called ruling class. With a promise of making their lives better when they emerged successfully or a reward of some huge sum of money as the case may be. Of course, honesty and sincerity are not a common virtue found in the politicians of Nigeria. Hence in most cases, they tend not to honour the agreement reached, the youths on a bid to get back at the politician in most cases resolve to arms taking, thus unleashing the beast that was already created in them by the politicians on the politicians and in some instances on the society as large. In another case scenario, after equipping these youths with sophisticated weapons, the politicians may lack the power to control the beast they have created, the genesis of Boko Haram terrorist group in Nigeria is not far from the scenario presented above (Cook, 2011).

#### **Unemployment and perceived marginalization**

The sustained growth in the number of crime witnessed in Nigeria from the mid-1990s, till date is not unconnected to the sustained growth in the unemployment rate and social injustices in the country. An idle mind provides a fertile ground for evil to breed. When the youths are not positively engaged, they will be negatively engaged, the event of unemployment, incontestably contributes to the upsurge of youth deviance and restlessness. The issue of unemployment is more critical in the northern part of Nigeria as research has shown that educated youths, including a rising number of tertiary institution graduates, seek ever more elusive jobs. The report further stressed that many youths in the northern part of Nigeria lack education, have few or no skills and are hardly employable. Thus they remain idle, which makes them a prime target for recruitment into anti-state and militia groups (International Crisis Group, 2014). Social Injustices, inequitable access and distribution of the nation's resources as well as a shared feeling of perceived marginalization are all forerunners of insecurity and agitations which when not properly addressed could lead to chaos and subsequent loss of lives and properties, such as seen with the events surrounding the Indigenous people of Biafra (IPOB) which was declared a terrorist group by the Buhari led Nigerian government.

#### **Insecurity as a Major Violation of the Rights to life in Nigeria**

By implication of the provisions of section 33, subsection 1 and 2 of the 1999 Constitution of the Federal Republic of Nigeria, it can be argued that death resulting from insecurity is a gross violation of the right to life of the Nigerian people. This is because most of these deaths are characterized by the unlawful exaction of power on the most vulnerable group of people such as women, children, rural settlers, farmers and even the elite by extremist groups such as the infamous Boko Haram Terrorist Group, Fulani Herdsmen, Bandits, Militants, Political Kidnappers and armed robbers among many others.

Within the scope of insecurity which is a significant threat to life, it can, therefore, be expressed that the government owes the citizens a duty of totally checkmating the possible sources or acts that could lead to the upsurge of insecurity in the country as a way of ensuring that no citizen is arbitrarily deprived of his/her right to life. This implies to the government making concerted proactive efforts and honest investment in the security outfit of the country. It also requires government adopting policies and practices that promote unity, people's empowerment and the spirit of nationalism. This is important because most insecurity situations, as seen in Nigeria, are born due to unresolved grievances, wrong ideology, perceived marginalization and suppression, and bad leadership among many others.

## 2. CONCLUSION

The right to life is the foundation upon which every other human right are built upon. The place and importance of the right to life have been well established in international and national human right norms in many countries of the world. However, the degree of adherence to the right to life may be influenced by the state of affairs in a given country, such as the state of peace, stability, security for lives and properties. Countries that are enjoying the aforementioned determinants may tend to have higher adherence to the right to life as opposed to countries caught in between domestic hostility and insurgency.

Insecurity in a country is no doubt a major violator to the rights to life of individuals because these people living in an insecure country like Nigeria are often in fear, they experience lack of freedom and liberty and in most cases have their lives or that of their loved ones arbitrarily taken away in the most inhumane manner by one among the many violent groups posing a serious security challenge in the country. Insecurity in a state is a mark of failure on the part of the government, whose primary obligation is to protect the lives and properties of citizens, and as well adopt strategies which would improve the overall quality of life of the citizens. Despite the exemptions to the right to life in the constitution of Nigeria, it is clear that the Nigerian government have a constitutional obligation come up with realistic frameworks towards protecting, promoting the non-violation of the right to life as well as all other human rights of the Nigerian people. The Nigerian government is therefore charged to effectively come up with proactive measures towards curbing the gross violation of the right to life of the Nigerian people as seen in the blood bath occurring in the northern part of the country by setting right policies, repositioning the security outfit in the country, embarking on speedy, comprehensive and transparent investigations into acts of rights to life deprivations and bringing the culprits to book. This in no small measure will help to put to an end the incessant insecurity prevalent in the country.

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