

### **Political Development Good Governance**

The Nigerian commonwealth is one that has been tormented by conflicting and awful administration. The political structure in Nigeria had been a tussle for control among civilians and the military. The military held influence for more than 25 years before control was at long last handed over to the administration of Olusegun Obasanjo in 1999. A fantasy Nigerians had clamored for every one of their lives. The democratic procedures in Nigeria has been very regrettable as the administration and its associates in the helm of affairs have being unconcerned towards the predicament of the majority, underestimating social provisioning. Yet, they have been extraordinarily worried about trucking without end tax payers' monies in bags and boxes, fueling political instabilities and enjoying a wide range of unpatriotic endeavors. Winning a political office in Nigeria today depends on money and little or no consideration is shown to the electorates who are reliably denied the privilege to vote by recruited political thugs who mask themselves as politicians. Elections are not free and not fair, absence of rule of law, no clear separation of powers between the arms of government, lack of fair hearing etc are the bane of Nigeria as a country today. In other words, failure of the plan

### **Methods of Data Collection**

This appraisal of the second Nigerian National Development Plan (1970-1974) was a product of secondary data. A number of books, published and online, journal and conference papers presented at both national and international conferences, lecture notes on corporate strategic management etc.

### **Discussion of Findings**

From the forgoing critical appraisal of the second National development plan, it is obvious that the country has not benefited much from the plan. All the indices the plan is set to achieve is both poorly planned and executed or the funds meant for such are diverted into private pockets. Of all the three indices used in critically assessing the performance of the development plan in the course of this write up, none has actually met the expectation of the stake holders. As far as this research is conferenced, the plan has failed to address the development issues it was set to solve and hence, succeeded in deepening the already existing challenges. It is important to emphasize here that Nigerian government should adopt the marketing concept not only in governance, but also in initiating development plans. That will go a long way in solving the issues of development in the country. Since the citizens are taken along in the plan initiation and implementation, there is a positive hope that the plan will outlive most or all the subsequent governments.

### **Conclusion and Recommendations**

Development planning which includes stages that guarantees that national approaches and systems are acknowledged and development issues at all levels are completely incorporated into the general national development which aims are the requirement for the interpretation of activities and projects into unmistakable outcomes that will meet internationally approved and worthy benchmarks of genuine development. The viability of such plans will accordingly require, as an issue of exigency, getting the fundamentals right that incorporates initiating sound development strategies, guaranteeing great economic management, advancing and promoting private venture, encouraging and promoting synergy between public and private ventures as well as sound institutional framework.

The achievement of the above won't be the consequence of any single plan, however it is as the result of multi-sectoral strategies with those in position of authority playing the main role in basic change, especially in encouraging savings, investment and policies on finances where private activities are supported. Toward this path, the viable part of development initiators and planners is integral to the procedure that will suit the enthusiasm of all partners in order to make a feeling of proprietorship by all those who are included. In summary, there ought to be a genuine development design; a sensible measure of self-control among originators or facilitators when it comes to plan execution for such plans to come to stay.

There must be the effort to consolidate Nigeria's position in Africa and additionally expand her impact internationally.

Plan and planning as a marketing concept should be embarked upon if truly the government has the problems of the citizens at heart. That will go a long way in reducing wastages in public spending and will also address the issues of priority misplacement.

Life expectancy indices in Nigeria must ascent from 46 to more than 70 years, enhanced baby mortality and additionally enhanced maternal mortality in the health sector. The leadership should work towards improving the electricity generation to the capacity to convey 13,500MW of energy, finish up and execute the gas plan at the earliest. In the side of transport, Government must ensure that it finishes a 100% roads construction and rehabilitation at all levels, develop the East-West Rail Line and open up the Inland Waterways. What's more, that security of lives, strengthening of organizations of democratic rules and ease of access and speed to justice and equity should all be viewed as best need. Above all these can be accomplished if reliable weight is put on strict monitoring of projects and programmes

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## LE DESTIN, LA TRADITION ET LA SAGESSE CHEZ LE STOÏCIEN DANS LE BISTOURI DES LARMES DE RAMONU SANUSI

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### Abstract

Destiny is never erased in the individual's life. All effect and tradition in society help its accomplishment. This means that the divine being and human being combine in the existence of each and everyone in the world. This work employs the analytical method and stoïcisme theory of Zenon de Kition and its strategies such as destiny, courage, moral and others to see, study and analyze the chosen text of Ramonu Sanusi; *le Bistouri des larmes*. It speaks of stoic characters in agony, the insults, the cries, the pain with courage especially the heroine of the selected novel; Abibatou Yétoundé. It also addresses certain customs, traditions and ceremonies that citizens must obey and do in Mandibou society such as Naming, Funeral, circumcision, hunting and others. To conclude, Ramonu Sanusi suggests to his readers to become stoic

under the difficulties with courage in the world through his main character and that destiny is certain.

### KEYWORDS: le

*destin, la  
tradition; la  
sagesse; le  
stoïcien; le bistouri  
des larmes;  
Ramonu Sanusi*

### Résumé

*On n'efface jamais le destin dans la vie de l'individu. Tous effet et tradition dans la société aident son accomplissement. Ce qui veut dire que l'être divin et l'être humain se combinent dans l'existence de chacun et chacune dans le monde. Ce travail emploie la méthode analytique et la théorie du stoïcisme de Zénon de Kition et ses stratégies telles que le*

destin, le sage, le courage, le moral pour voir, étudier et analyser le texte choisi de Ramonu Sanusi; le Bistouri des larmes. L'histoire parle des personnages stoïques sous l'agonie, les insultes, les cris, la douleur avec courage surtout l'héroïne du roman sélectionné; Abibatou Yétoundé. Il adresse aussi certains coutumes, traditions et cérémonies que les citoyens doivent obéir et faire dans la société Mandibou au Nigara telles que le baptême, l'obsèque, l'excision, la chasse, et d'autres. En

conclusion, Ramonu Sanusi suggère aux lecteurs de rester stoïque sous les difficultés avec courage dans le monde à travers son personnage principal et que le destin est sûr.

### L'introduction

L'étude du personnage de Stoïcien dans le roman africain surtout *Le Bistouri des Larmes* de Ramonu Sanousi est un des aspects les plus importants dans la critique Romanesque.

Le roman est un des genres littéraires, il tend de diverses manières à être le miroir d'une société.

Il montre qu'il y a ce que l'on peut dire le destin qui peut être difficulté ou succès, mal ou bien d'après nous, que le créateur fait son travail tel qu'il veut, et que chaque individu fait son choix pour certaine raison et pour arriver et devenir l'individu très important sur la terre.

Notre tâche vise à travailler sur notre œuvre choisie; *Le Bistouri des Larmes* de Ramonu Sanousi, faire une étude du personnage de stoïcien, donner tous les caractères du stoïcisme trouvés pour montrer l'idée du romancier africain, un philosophe contemporain. Ce qu'il montre aux lecteurs comme moyen de vivre en joie dans cette vie dangereuse et très difficile à comprendre. Ce travail emploie la théorie du stoïcisme de Zénon de Kition pour faire une analytique littéraire de l'ouvrage choisi.

Parmi des critiques qui ont travaillé sur notre œuvre sélectionnée nous avons Babalola

(2011) dans son mémoire emploie la théorie de Chantal Zabus (2007) pour analyser le discours stylistique et l'affair thématique dans les romans d'Adelaïde et Sanusi. Le travail est basé sur le thème de l'excision qui révèle la philosophie féministe de l'auteur dans *le Bistouri des larmes*. Il examine les stratégies de l'indigénisation des pensées et proverbes Yorubas à remplir

l'espace métonyme entre la langue maternelle des auteurs. Onajobi (2017:101-133) a employé une théorie du féminisme radical pour analyser le roman dit. Il a basé sur la lutte contre phallocratie.

Son étude du genre et de la libération des femmes a réagit au traitement de l'hégémonie masculine. Son article conclut en révélant l'approche militante utilisée par les deux protagonistes; Juletane et Yétoundé dans leurs réponses contre la violence. Ce travail essaie d'aller plus fort dans son traitement du roman. Il utilise la théorie du Stoïcisme de Zénon de Kition pour voir, étudier et montrer aux lecteurs la bonne manière de vivre dans une situation de douleur en ce monde de l'injustice, de l'agonie c'est-à-dire de penser des options positives; du courage, de la joie pour surmonter les traditions tyranniques ceux de la naissance, de l'excision et de considérer toujours le destin qu'il attend tout le monde dans la vie et qu'il y a aussi la nature de l'être divine et de l'être humaine qui opère dans la vie de l'individu.

La méthode analytique dans ce travail est la méthode qui vise à la clarification et à l'explication des détails du contenu du texte concerné. Alors qu'est-ce que la théorie à employer dans cette analyse-ci?

### **La théorie du Stoïcisme de Zénon de Kition**

Ce travail emploie la théorie du Stoïcisme pour voir ce qui se déroule dans le roman sélectionné. Le stoïcisme d'après Larousse Dictionnaire de Poche (2008:775) c'est:

*Doctrine philosophique qui fait de la vertu le seul bonheur et prône l'indifférence à l'égard de la passion, du plaisir et de la douleur.*

Le nom de Stoïcisme vient du grec *Stoa poikilê* ou les adeptes du portique. On entend en effet par stoïcisme une attitude caractérisée par l'indifférence à la douleur et le courage face aux difficultés de l'existence. Le Stoïcisme est la philosophie la plus influente dans l'Empire romain jusqu'à l'esprit christianisme. Les Stoïciens accordant une importance primordiale à l'éthique (La science morale) considérée comme le principal domaine de la connaissance. Ils formulent également des théories de logique et de science naturelle pour étayer leurs doctrines morales.

À travers cette théorie, il s'agit d'une situation historique et doctrinale. Ce monde ne fournit plus le cadre stable et définie de l'existence naît un questionnement sur la finalité du destin individuelle et sur les norms capable de régir la vie humaine dans ce monde ouvert sur l'infini et inconnu. C'est pourquoi si l'époque antérieure, celle de Platon et Aristote, posait tout

la question de la justice à l'œuvre au sein de la Cité, l'époque hellénistique quicommence va s'intéresser plutôt à la question du bonheur qui seul apparaît comme le souverain bien. Face à cette question du bonheur deux réponses majeures sont apportées par les descendants de Socrate.

Le Stoïcisme est lié au cynisme qui produit alors une critique des institutions et des conventions sociales. De là vient sans doute la maxime stoïcisme: <<il faut suivre la nature>>.

Le principe fondamental du stoïcisme pourrait se formuler ainsi: <<vivre de façon cohérente, conformément à la raison comme à notre nature, qui au fond ne font qu'un >>.

Le stoïcisme se veut une sagesse totale à l'image de l'univers. Pour les Stoïciens, tout dans l'univers est lié ensemble. De la même façon la philosophie doit tenir unie ses parties dont l'une n'a de sens que par rapport à toutes les autres (logique, physique, éthique).

Le centre de la doctrine Stoïcienne est la physique, étude de la Nature ou de Dieu. Le Stoïcisme peut, en effet, être considéré comme un panthéisme: Dieu est le Monde. Le Monde, pénétré par la raison, principe d'ordre des choses, est porteur d'unité et d'intelligence. C'est un organisme parfait, que gouverne le Destin, mouvement éternel, continu et réglé. Le Destin est, chez les Stoïciens, une puissance spirituelle qui administre tout l'univers. La providence, définie comme destin et organisation du monde en tant qu'ils sont doués de finalité, tient donc une place importante dans la physique stoïcienne.

La morale stoïcienne est une morale de la liberté. Malgré le destin, l'homme demeure

libre de ses représentations et opinions. Nous pouvons, malgré la non maîtrise des causes, avoir le contrôle de nos représentations. La liberté désigne la puissance d'agir par soi-même au niveau de la pensée et du jugement. Ce qui dépend de nous, ce sont nos opinions et nos désirs. Ce qui ne dépend pas de nous, c'est le corps, la réputation, les honneurs, les biens matériels.

Le sage cherche et connaît les causes des choses naturelles; la science sera donc pour lui un auxiliaire. Mais, comme tout auxiliaire, elle ne fait pas partie de ce dont elle est un instrument et une aide. La science n'est donc pas pour le stoïcien, une partie de sagesse. Que devra alors connaître le sage? Si l'on suit Sénèque, il connaîtra par exemple le système de corps célestes, leur pouvoir et leur nature; mais le sage stoïcien s'occupe des principes généraux, non de l'accumulation des connaissances ou des questions de fait particulières. En toutes choses, la philosophie ne demande donc rien à personne, mais donne les principes premiers aux autres sciences (aux mathématiques, par exemple):

les sciences spécialisées lui sont des moyens. La philosophie construit ainsi seule toute une œuvre.

La philosophie, en tant que science, diffère également de l'habileté, des aptitudes que les stoïciens appellent <<occupations épites>> (deumata): musique, belles-lettres, équitation, etc., et qu'ils caractérisent ainsi: <<une méthode qui, par le moyen d'un art ou d'une partie d'un art, conduit au domaine de la vertu>>

Unités du système stoïcien, la notion de fatum (destin) est commune aux trois parties de la philosophie, en ce sens qu'elle implique à la fois: la physique (le destin est le principe de l'ordre cosmique). L'éthique (accord au destin avec la responsabilité morale). La logique (problème des énoncés portant sur les futurs contingents).

Cependant, le fatalisme n'est pas une notion du stoïcisme. Au contraire le stoïcisme représente très certainement un ultime effort de demystification du contenu fataliste du destin et liberté. La croyance au destin chez les Stoïciens n'a en effet rien à voir avec la superstition. Le stoïcisme refute l'existence d'une puissance ténébreuse qui gouvernerait le monde et revendique l'idée d'un ordre du monde où chaque chose est à sa place. Parlons maintenant de l'auteur de l'œuvre sélectionnée.

#### **L'auteur sélectionné: Ramonu Sanusi**

Ramonu Sanusi est professeur de français et de littérature francophone au Département d'Études Européennes de l'Université d'Ibadan. Titulaire d'un Doctorat de l'Université d'Oregon (Etat-Unis), il a enseigné la littérature africaine et caribéenne d'expression française à George Mason University en Virginie (Etat-Unis). Ses domaines de recherche recouvrent le discours féministe, les études postcoloniales, l'analyse textuelle et le cinéma africain. SANUSI est aussi romancier et poète. Ses œuvres sont *Mama Tutu et Cris Nègres* (2003), *The Spring Child* (2005), *Le Bistouri des larmes* (2005), *Septième Printemps / Seventh Springtime* (2006)

Sanusi, R. & Tijani, M. (2011:189).

#### **L'œuvre choisie: *Le Bistouri des Larmes***

*Le Bistouri des Larmes* est un roman publié l'an 2005. C'est un texte historique qui parle des événements qui se déroulent dans le temps et autour de l'auteur. C'est écrit tel qu'un message unanime mais en onze chapitres numérotés et non-entitulés.

Il s'agit d'une histoire d'un pays dit le Nigara, ses différents dirigeants et ses capitales

Abaja et Lago. L'un de ses villages est Mandibou où manifeste des traditions et des cérémonies telles que le baptême, l'obsèque, l'excision, l'Égoungoun et d'autres et des experts dans chacune des traditions.

L'histoire inclut un personnage principal appelé Yétoundé qui est entourée des personnages secondaires tels que Bakare le chef du village Mandibou et ses villageois comme Bala et Rahina les parents de Yétoundé, Amza l'imam, Ahmad le chasseur, Brahima l'exciseur et ses apprentis Ali et Mamadou, Adiza et Aminata. Les étrangers missionnaires dans ce village sont médecin missionnaire Père Benoît et deux blanches-sœurs Anne-Marie et Antoinette. Ils introduisent le Chrétianisme avec l'éducation et la santé dans le village. Les nouveaux convertis et co-travailleurs des Blancs incluent Gabriel, Mathieu, Raymond et Jules.

Le roman parle du destin et l'attitude de vie d'une stoïcienne dans la vie de l'héroïne du roman, Yétoundé, l'aînée et l'unique enfant de Bala et Rahina. Un inconnu visite le couple-là avant l'accouchement de leur fille, particulièrement le jour de l'obsèque de leur grand-mère,

Abibatou. Il demande du couple et les informe que leur enfant espérée aura et triomphera certaines de ses difficultés sauf une sans mentionner ces troubles-là. Yétoundé expérience des difficultés telles que coupe plus que normal de son clitoris sexuel chez l'exciseur Brahima lorsque ses parents obéissent la tradition de l'environ, son excision coïncide avec l'arrivée du Blanc médecine missionnaire Père Benoît. Celui qui stoppe le sang qui coule de son sexe bien que l'organe reproducteur de Yétoundé détruise déjà. Le dernier prend le courage de mettre fin à l'excision de autres petites filles de Mandibou quand elle est au courant de la source et les causeurs de sa stérilité. Elle décide de tuer les exciseurs la réaction qui l'amène à la cellule très difficile et dangereuse mais elle crée la joie pour vivre bien. Elle commence une nouvelle vie avec les autres prisonniers qu'elle rencontre dans la prison surtout journaliste Akim. Ils conversent telle s'ils sont en liberté. Après sa période dans la cellule, l'héroïne arrive chez son mari, l'agent de police, monsieur Lamine. Avec surprise, le dernier prend déjà l'autre femme appelée Binta avec deux enfants. Même en absence de son mari, elle prend l'autre étape de vie joyeusement malgré ses difficultés, elle est stoïque sous ses insultes, entre et arrange toutes ses propriétés et partit pour son village à Mandibou. Malgré tout trouble, ses gens l'accepte, elle commence une nouvelle vie entre eux. Finalement elle devient la directrice de l'école des filles organisée et fondée par le père Benoît à Mandibou après être parti le dernier en France. Elle se remarie enfin à son ami intime dans la prison, Akim. Celui qui l'accepte avec son trouble indéfini; la stérilité.

### **Le Stoïcien, C'est qui et quoi, sa philosophie?**

Le stoïcien soutient que toute réalité est matérielle, mais que la véritable matière, passive doit être distinguée du principe actif, le logos, conçu comme la raison divine, mais aussi comme une catégorie supérieure d'entité matérielle, un soufflé ou feu pénétrant l'ensemble de l'Univers âme Et l'humaine est une manifestation du logos. Vivre conformément à la nature ou à la raison revient à vivre en conformité avec l'ordre divin de l'Univers.

Selon cette explication, il y existe les liens entre la nature de l'être humain et la nature divine, c'est à dire, des expériences internes and externes. Les êtres humains croient bien en existence du divin. Pendant les funérailles d'une mère Abibatou la Grande-mère de Bala, un inconnu arrive de l'on ne sait d'où, demande des parents de nouveau-né, Bala et sa femme Rahina. L'inconnu prie pour la mère et lui dit le détail du futur de l'enfant dans le ventre de Rahina et disparaît dans le vent après avoir prononcé ces mots. Le narrateur décrit cet inconnu comme:

*Un inconnu était arrivé de l'on ne savait d'où ; il devait certainement venir de très loin car il était poussiéreux de la tête aux pieds. Les cheveux tout ébouriffés, il portait un habit en lambeaux et n'avait pas de chaussures ...*

L'inconnu n'avait pas l'air de quelqu'un qui avait faim mais on se précipita quand même pour lui servir quelque chose. Il accepta et s'assit à même le sol, ayant refusé la natte de raphia qu'une femme venait d'étaler. Quand l'inconnu ouvrit la bouche pour parler, il s'en dégagait une odeur nauséabonde qui aurait fui n'importe qui (58).

Le narrateur révèle aussi l'intention de l'inconnu chez Bala and sa femme, Rahina que:

*... L'inconnu demanda à Rahina, la femme de Bala, de s'asseoir à côté de lui ; il pria pour elle et lui dit devant tout le monde que l'enfant dont elle accoucherait bientôt serait réputé un jour. Il ajouta que l'enfant devait connaître des moments de troubles dans sa vie, que ce dernier triompherait de certaines de ces difficultés mais n'arriverait pas à en surmonter une et que l'enfant même quand il grandirait vivrait toujours avec cette difficulté. L'inconnu refusa d'en dire plus sur le bien et le mal qui arriveraient à l'enfant, mais donna à tous que cet enfant ne mourrait pas ... (59).*

Les mots de l'inconnu viennent de dépasser, Brahima tranche le clitoris d'Abibatou et crée un grand trou dans le sexe d'Abibatou, le sang gicle deux fois plus en volume plus que les autres. C'est ça le commencement de la difficulté d'Abibatou, le narrateur dit:

*C'est ainsi donc qu'avait commencé les malheurs d'Abibatou. Le Bistouri de Brahima allait créer des larmes infinies, des larmes qu' Abibatou devait verser toute sa vie, des larmes qui ne sècheraient jamais, des larmes qui devaient détruire sa vie et la conduire partout où elle irait (79).*

L'arrivée des blancs au village Mandibou en personne du père Benoît ; médecin et missionnaires aide à soigner la petite Abibatou et elle ne pleure plus mais sa difficulté reste infinie. Elle ne peut plus enfanter. Ses parents révèlent enfin le secret de sa stérilité. Le narrateur dit:

*Yétoundé avait passé des nuits après avoir appris de la bouche même de ses parents que ses malheurs avaient commence le jour de son excision. Rahina avait également expliqué à sa fille que le père Benoît qui l'avait sauvée leur laissé entendre qu'il pourrait qu'elle ne puisse avoir d'enfants (158).*

Chez le stoïcien, il y existe vraiment une attitude caractérisée par l'indifférence à la douleur et le courage face aux difficultés de l'existence. Yétoundé endure la douleur dans son cœur et corps et qu'à même le courage face aux difficultés de son existence. Elle se questionne-ci- dessous. Le narrateur explique:

*Yétoundé était tourmentée et ne savait plus pas faire. Allait-elle dire à son mari de retour en ville que c'était la faute de ses parents, de Brahima ou de la coutume? (159).*

Ses questions-ci dessus mènent à son courage d'aller au village venger contre ses destructeurs pour créer la joie dans son cœur. Yétoundé arrive chez Ali et Mamadou avec son pistolet en attendant de les tuer. Selon le narrateur:

*En quittant Lago, c'est à l'insu de Lamine que Yétoundé avait pris un des pistolets de service de ce dernier. Après avoir écouté ses parents et essuyé ses larmes, Yétoundé sortit de la cour de ses parents avec son sac à main et démarra la voiture qu'elle avait offerte à ses parents. Elle partit en direction de la maison d'Ali et de Mamadou. Ses parents lui avaient dit où ceux-ci habitaient lorsqu'elle le leur avait demandé ; ils ne savaient pourtant pas pourquoi leur fille leur avait pose cette question. Ali et Mamadou vivaient côté à côté, à l'entrée du village car ils*

*étaient restés de bons amis et surtout parce qu'ils exciser et de circoncire les enfants du village depuis la mort de Brahima (162).*

L'histoire de son courage continue:

*Yétoundé s'arrêta d'abord chez Ali. Il s'apprêtait à exciser d'autres enfants quand elle surgit en tonnant de colère. Ali n'en crut pas ses yeux lorsque Yétoundé sortit le pistolet de son sac à main et le bandit sur lui et elle pris la direction de la maison de Mamadou (162).*

Enfin, Yétoundé n'arrive pas à ses buts de tuer ses ennemis, elle est arrêtée par le policier du crime commis. Le narrateur nous informe que:

*La rumeur s'était emparée de l'affaire en un rien de temps. Un policier de Lago, qui était en tournée à Mandibou, en fut informé et s'empressa de se rendre sur les lieux... Le policier ouvrit la portière de sa voiture et demanda à Yétoundé de y'entrer. Celle-ci lui obéit sans problème (163).*

Madame La juge dit son jugement sur le crime commis par Yétoundé:

*Yétoundé, tu as tenté de commettre un crime et pour cela, je t'envoie en prison pour trois ans, dit-elle. Je t'y aurais envoyé pour le reste de tes jours s'il ne s'agissait pas d'une affaire d'excision qui t'a mise dans ton état actuel. Avec le temps, ton cas pourra être réexaminé (167).*

Telle qu'une stoïcienne, Yétoundé crée une affaire positive dans la prison pour bien vivre. Malgré la condition infavorable de la prison au nord du pays où elle se voit. Voyons ensemble sa description:

*'Le toit de la prison était couvert de toiles d'araignées. Les nids hirondelles construits à partir de la boue se trouvaient eux aussi dans les salles de la prison. Les déchets d'oiseaux couvraient lesol des prisons et tout ceci dégageait de mauvaises odeurs (169).*

Cette dame crée une relation intime avec des autres prisonniers trouvés dans la prison oublier sa raison d'être là. Heureusement pour elle, elle se trouve dans la même prison avec ceux que les autorités de la prison appellent les prisonniers politiques et journalistes. Les gens qu'elle rencontre pendant leur heure de pause où les prisonniers peuvent parler. Elle discute en parlant avec ceux tels qu'un jeune journaliste nommé Karim et ce politicien-là qui s'appelle monsieur Massaoudi. Le narrateur explique:

*Le jeune journaliste Karim, dont la cellule n'était pas très éloignée de celle de Yétoundé, vit la scène ... il en était à sa troisième année d'incarcération (171).*

*Massaoudi était dans la même prison que Yétoundé. On voulait le punir et surtout l'humilier pour qu'il renonce à ses ambitions politiques ... Un prisonnier est un prisonnier au Nigara: politique ou criminel ... (169).*

Il continue son explication:

*C'était donc à l'heure de pause que Karim s'était approché de Yétoundé pour lui parler pour la première fois. Ils échangèrent de longues paroles comme s'ils se connaissaient depuis des années (172).*

Écoutons-les des prisonniers:

*Je te remercie pour le plat que tu m'as offert hier, lança Yétoundé.*

Sans cela, je serai sans doute une personne morte en ce moment.

*Tu n'as vraiment pas besoin de me remercier répliqua Karim; ici on ne meurt pas aussi facilement que tu viens de le dire... (172).*

Voici l'autre prisonnier nommé Massaoudi que Karim introduit à Yétoundé dans leur conversation:

- *Salut M. Massaoudi, dit Karim en voyant ce dernier.*
- *Ah, c'est toi Karim! Salut. Comment vas-tu aujourd'hui? répliqua Massaoudi*
- *Je vais très bien; tant qu'il y a l'espoir. Je vous présente Yétoundé, fit Karim en souriant.*
- *Comment vas-tu Yétoundé? Je m'appelle Massaoudi*
- *Ravie de faire votre connaissance, Karim m'a beaucoup parlé de vous, lança*

**Yétoundé.**

-Dans ce pays on n'aime pas la vérité, moi, je préfère mourir ici plutôt que de me laisser faire honnir par ceux pour qui je lutte. Je lutte pour une cause et tant que je n'obtiendrai pas justice, je vais continuer de vivre ici. La souffrance fait partie de la vie (176).

Voyons aussi des stoïciens trouvés dans la cellule avec Yétoundé. Ils sont stoïques sous les insultes. Malgré leur maltraitement dans les mains du gouvernement de l'Etat, ils vivent courageusement et en joie dans la prison. Dans la discussion entre Karim et Yétoundé, le premier affirme le type des gens trouvés dans ce cellule. Il dit que 'On ne voit que ceux que le régime qualifie d'activistes ou d'opposants au régime dans ces murs.' Yétoundé décrit Karim pour nous bien le connaître après avoir le compris que:

*Karim était en effet un journaliste courageux. Il rédigeait des articles pour un journal de Lago qui était connu pour son côté véridique. Karim écrivait les articles les plus chauds, c'est-à-dire des articles qui dérangent et qui mettaient l'Etat mal à l'aise dans un pays où les dirigeants aiment fermer les yeux sur les abeilles. On l'arrêta un jour au petit matin alors qu'il se préparait pour se rendre à son travail et on lui passa les menottes ... (175). Malgré le manque de liberté de toute manière, la souffrance de haute qualité, ce politicien élu par les Nigarains préfère de vivre en joie dans le Cellule sans manger. Selon ses mots il dit que: 'la souffrance ne tue pas, elle rend l'être humain plus fort (p.176)'.*

### **Des Institutions et des Conventions Sociales Chez Les Stoïciens**

Ce papier discute des institutions et des conventions sociales d'après les stoïciens dans l'ouvrage choisi. D'ici, nous examinons des institutions et des conventions sociales telles que la traditions, la sagesse et la moralité. Ce qui aide à examiner les vertues des Stoïciens dans la société donnée.

La doctrine stoïcienne est d'influencer le monde dans le moyen meilleur. La tradition nigaraine est multiplicitée. Chacun indigène fait tout pour la vertu où se trouve la joie. Par exemple, les parents Nigarains célèbrent le baptême des enfants-nés. Ce qui fait pour créer plus de joie dans les vies des parents et les gens de l'environ malgré la douleur que face la mère durant l'accouchement. Yétoundé entre la vie comme les autres enfants dans le monde. Elle est donnée les noms le jour de son baptême selon la tradition indigène.

*Le jour du baptême, finalement, arriva! De très bonne heure, Bala se leva pour préparer la cour, lieu où se tiendrait la cérémonie (68)...*

Amza, enfin, proclama le nom de la nouvelle née publiquement:

- Cette fille va s'appeler Abibatou (69).

*... Bala, le père de la petite Abibatou, appelée encore Yétoundé, nom qui signifie <<la mère est revenue>> chez les Mandibou ... (81).*

L'excision fait partie aussi de la tradition chez les Mandibou. Cela a lieu après le baptême du nouveau-né chez l'expert traditionnel du lieu particulier. Ce coutume est obéit par les gens de la société donnée bien que l'excision est fait en agonie et toutes les mères et leurs enfants espèrent que tout sera bien au futur. C'est un rite que tous les enfants doivent passer bien que ce soit une tradition avec la douleur. Le narrateur explique que:

*Les Mandibou attendent toujours sept jours après la naissance de leur enfant avant de le faire circoncire ou exciser ; c'est ainsi que leur coutume le voulait. Ils ne se faisaient jamais l'impasse sur ce rituel et les enfants qui étaient excisés et circoncis ensemble; ceci dépend du sexe de l'enfant ... (74).*

Il continue son histoire que:

*... Pour les Mandibou l'exciser ou la circoncision était pratiquée quand l'enfant était encore bébé car trop jeune pour ressentir la douleur. Ceci n'était pas pourtant vrai et ils devaient le savoir car les enfants criaient de douleur quand on leur tranchait une partie du sexe (74).*

Le texte choisi révèle l'instance du jour de l'excision de certains petites enfants chez les Mandibou dans la concession du maître exciseur nommé Brahima. Voici la queue des mères et leurs petits devant l'opérateur. Le narrateur nous informe que:

*Brahima, après avoir soigneusement mis en place son dispositif, commença l'opération. On lisait la peur dans les yeux de ces femmes soumises mais en même temps, on les voyait serrer les dents et verser des larmes quand l'opération se faisaient sur leurs enfants. Chacune d'elles attendait son tour en tenant son enfant serrée contre sa poitrine. La première femme passa devant Brahima avec son enfant ... (76).*

Un stoïcien peut faire ce qu'il peut pour achever son désir. Malgré le destin dans la vie de Yétoundé, elle est libre dans ses opinions, pensées et jugements. Sa liberté reflète dans ses actions et réactions. Elle agit par elle-même au niveau de ses pensées et jugements. Elle prend loi dans ses mains après avoir appris le source de son problème chez ses parents; Bala et Rahina(pp.158-159). Le

narrateur narre le mouvement de Yétoundé de Lago où elle vit vers son village et finalement chez ses ennemis. Elle décide de les venger sans penser du résultat:

*En quittant Lago, c'est l'insu de Lamine que Yétoundé avait pris un des pistolets de service de ce dernier. ... Elle partit en direction de la maison d'Ali et de Mamadou ... Ils continuaient d'exciser et de circonci les enfants du village depuis la mort de Brahima. ... Yétoundé sortit le pistolet de son sac à main et le brandit sur lui. Avant qu'il ne puisse s'échapper, celle-ci tira sur lui et elle prit la direction de la maison de Mamadou ... (p.162).*

Malgré encore son destin, Cette sage stoïcienne, Yétoundé agit d'après ses désirs. Lamine aussi reste stoïque sous ses difficultés prend déjà l'autre femme avant le retour de Yétoundé du cellule. Celle-là, Binta, a deux enfants chez Lamine (p.190). En absence de son mari, Lamine, Yétoundé découvre de la nouvelle famille. Elle décide de rester origine en quittant là (son mariage) avec toutes ses propriétés pour son village à Mandibou. Elle dit à sa belle-mère:

*... Je sais déjà que tu as choisi une autre femme pour ton fils mais cela ne me dérange pas. Moi, je n'ai plus rien à faire avec toi, ni avec ton fils....*

Le narrateur affirme aussi ses mots que:

*Yétoundé sortit après s'être assurée qu'elle avait ramassé tout ce qui lui appartenait dans cette maison. Elle alla dans le garage et tenta de démarrer sa voiture qui était garée là depuis qu'elle est allée en prison ; la voiture ne démarra évidemment pas. Elle appela un taxi et le chauffeur mit ses effets dans le coffre-arrière de la voiture. Celui-ci démarra et prit la route de Mandibou car sa passagère lui avait dit où elle se rendait (191).*

Considérons aussi la sagesse chez le stoïcien, ce qui parle des principes généraux occupés dans une société donnée des sages. Les Mandibou s'occupent de la philosophie dit-on la sagesse dans le village. Par exemple, le narrateur informe le lecteur ce que recommande la sagesse chez Les Mandibou en voyant l'étranger. Le sage stoïcien est ce que est qu'il existe, saura-t-il-surmonter cette limitation de l'isomorphisme entre pensée divine et pensée humaine? Posé Reydam-Schils (2005:589). D'après lui, il y a des indices très forts, qui suggèrent qu'il appartient au sage d'avoir une perspective radicalement élargie. Il dit aussi que dans sa définition qu'Un sage se trouve chez soi dans la communauté des dieux et des hommes. Cela veut dire que le sage pense de l'endroit et des bénéfiques des parents en considérant

et recevant l'étranger dans son environ. Voyons les sages Mandibou et l'étranger:

... Quand l'inconnu ouvrit la bouche pour parler, il s'en dégagait une odeur nauséabonde qui aurait fait fuir n'importe qui. Personne ne recula cependant car la sagesse recommandait chez les Mandibou de recevoir l'étranger et de le mettre à l'aise comme un parent. On ne se manquait bien de l'inconnu mais plutôt on s'occupait bien de lui, car on lui offrit aussi une jarre de vin de palme qu'il but aussitôt qu'on la lui présenta, comme s'il s'y attendait (58).

### Conclusion

En conclusion, ce travail présente l'écrivain du texte un philosophe du stoïcisme. Pratiquement ses personnages surtout Abibatou Yétoundé démontre des caractéristiques stoïcistes. Elle réduit ses émotions négatives dans sa vie et augmente ses joies et grâces. Elle dépeint cet instrument d'amplifier son expérience humaine intérieurement et extérieurement. Elle trouve plus de joie dans ses fonctions du jour quotidien et répond plus résistante aux troubles et difficultés qui arrivent. Elle protège son cœur de circonstance incontrôlable en vie. Tout ce qui nous aide d'employer la théorie de stoïcisme de Kition avec ses stratégies; le destin, la tradition, le courage, la morale, et d'autres. La combinaison de la nature de l'être divin et de l'être humain dans la vie de l'individu décrit la vie troublante où nous vivons. Chacun et chacune doit être stoïciste pour vivre longtemps en joie, accomplir leurs accomplissements malgré toute difficulté.

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## IMPACT OF REMUNERATION ON JOB PERFORMANCE IN FEDERAL INLAND REVENUE SERVICES, MAIDUGURI OFFICE

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### Abstract

The study stands to examine the impact of remuneration on job performance in federal inland revenue services, Maiduguri office. The review relevant literature as it relates to the study. Expectancy theory of motivation is adopted as a theoretical for the study. By the way of methodology, the researcher uses survey method of data collection through the instrument of questionnaire administered to the target respondents. The sample size of the study is (114) out of the total population of (160) while (104) questionnaire returned as valid. The sampling technique is multi stage sampling which incorporates both simple random and stratified sampling technique. From the study, it is concluded the impact of remuneration on job performance in Federal Inland Revenue Services, Maiduguri Office Borno state. This

shows that, employees are not satisfied with greater pay package and employees'

performance are not directly related. Based

### KEYWORDS:

Remuneration,  
Job Performance

on the findings of this study, it is recommended that the employees should be adequately compensated to enhance their performance. The Board should pay enough fringe benefits to the employees so that they can satisfy their needs and put in their best toward the achievement of the set goal.

## INTRODUCTION

### BACKGROUND TO THE STUDY

**N**owadays, remuneration has become the most enticing issue that motive personnel in an organization to give their best. It is seen as a process through which employees are compensated for their contribution towards the achievement of company's goals and objectives. Similarly, remuneration is regarded as a prime motivating factor in job performance. The issue is so crucial that if a poor system is operational in an organization, the willingness of employees to stay on the job reduced which lead to employee staff turnover (Braton & Gold, 2003). Remuneration or basic salary is a fixed periodical payment for non-manual employees usually expressed in annual terms, paid per month with generally no additions for productivity. Wage refers to payment to manual workers, always calculated on hourly or piece rates (Braton & Gold, 2003). Bohan (2004) explains that traditional pay systems were based on the three factors: (i) the job, (ii) maintaining the level of equality in standard pay among employees in the organization, and (iii) paying competitive salaries. In the traditional pay systems, employees were not encouraged to acquire new skills and were not rewarded if they did. Increase of an employee's pay depended on change on the cost of living and employees regarded the increase in pay as entitlement without accounting for their own performance, or that of the organization. This meant on one hand that an employee's salary increase did not in any way change his or her attitude to work such that he or she could put more effort to influence the total output in order to cater for the increase, and on the other hand increase of pay boosted the worker's economic freedom while negating the need to increase the organization's volume of production. It also meant that a worker was likely to increase his skills of the job but the skills accumulated slowly and skills to be acquired were limited thereby leading to redundancy and monotony of work thus reducing an organization's volume of output. Chandan, (2005) describes that employees were rewarded according to the position held without considering their performance. The increments in basic pay depended on internal and external assessment of jobs.

Schaufeli & Van Rhenen (2006) views remuneration as an important part of total pay that is fixed and mainly time-based, rather than performance-based. Basic pay is the largest fraction of the total pay for non-executive employees. It also acts as a benchmark for other cash incentives such as profit sharing, incentive, welfare, recognition, encouragement, etc. which is expressed as a percentage of basic pay. Remuneration helps to attract and retain employees.

Employees use remuneration to compare their job offers instead of using essential rewards and other rewards not captured in the formal organizational framework up to including job security. Lynch (2000) agrees that remuneration is the vital payment made by the employer to the employee for work done.

Remuneration indicates the value that the employer puts on the work performed by its employees. Employees are paid depending on the skills and competencies that they possess, and not what the job is worth. It is employees who have market value, and not jobs (Schaufeli & Van Rhenen, 2006). Skills based pay is a payment method in which pay progression is linked to the number and depth of skills that individuals develop and use. It is paying for horizontal acquisition of skills and the vertical development of skills needed to operate at a higher level by undertaking a wider range of tasks. The emphasis on skills development is necessitated by rapid developments in technology and changing manufacturing methods that require flexibility (Zingheim & Schuster, 2008).

According to Armstrong (2003), good practice requires employers to keep pace with inflation by rewarding employees with salaries that are market related to avoid strikes and poor performance by workers. Organizations are under financial strain with salaries continually rising and becoming a major fixed expense. According to Richard, Devinney, Yip, and Johnson, (2009), regardless of basic pay inefficiencies, it remains a rule that employees should be paid at, or above market rates as negotiated by labor unions who are concerned with the welfare of employees. In a competitive market, higher basic pay is used for attracting and retaining employees. Otherwise contradicting this rule has negative consequences on the part of the organization. Basic pay communicates commitment to employees, and is used as the baseline for assessing other pay systems such as skill and competency pay.

#### **STATEMENT OF THE PROBLEM**

Employees are more satisfied if their level of remuneration is high and the more likely they will remain their positions. Suitability and correctness of a remuneration structure is determined by its ability to enhance job performance. Adequate remuneration motivates workers while inadequate remuneration leads to poor job performance. Federal Inland Revenue Services, Maiduguri Office staff are categorized into upper, middle and lower level staff. Among other factors, it is observed that the general poor performance of most of the supporting staff is mainly attributed to the poor remuneration received by them. It also determined the effect of the received

remuneration on the staff's job performance about strategies that can be used to improve on the current remunerations.

Against this background, FIRS staff are currently facing many challenges in form of inadequate infrastructure, lack of enabling research environment, disparity in salary and allowances; inconsistent policy implementation between Federal and State governments may well affect their levels of job satisfaction. In addition to the above, the researcher also observed that unhappiness results from job structure and compensation ranging from lack of feedback regarding personnel evaluation reports, management emphasis on particular administrative style, workload, and lack of support from superior in terms of mentoring to salary package which further increased job dissatisfaction among employees.

The above raises concern regarding the attitudes of educators towards their work and their levels of job satisfaction or dissatisfaction. Compensation packages entail some basic features that tend to make employees satisfy on their job amongst which includes salaries, bonuses, incentives, allowances, promotion, recognition. All these have significant impact on employees' performance. However, to avoid wrong perception and controversy by the employees, compensation system must be clearly communicated to employees with job measurement which will drive the much needed performance in the employees. The above raises concern regarding the attitudes of educators towards their work and their levels of job satisfaction or dissatisfaction.

The evolving competition in the higher education environment in Nigeria evident from the increasing number of new polytechnics has called for good formulation, administration and implementation of good remuneration policies that would allow these polytechnics to retain their best hands. Though, polytechnic is universal, meaning lecturers are also mobile managers who must move to create employment for younger ones, yet, efforts should be made to encourage senior ones to reproduce themselves for national development. Therefore, one of the reasons that informed this study has to do with the unique importance of remuneration on job performance.

## **LITERATURE REVIEW**

### **CONCEPTUAL ISSUES**

The concept of remuneration and job performance are discussed and literature were reviewed in line with stated specific objectives in chapter one.

### **CONCEPT OF REMUNERATION**

According to Braton and Gold, (2013), remuneration is the process through which employees are compensated for their contribution towards the

achievement of company's goals and objectives. Today, remuneration is regarded as a prime motivating factor in job performance. The issue is so crucial that if a poor system is operational in an organization, the willingness of employees to stay on the job reduced which lead to employee staff turnover. Bohan (2004) explains that traditional pay systems were based on the three factors: (i) the job, (ii) maintaining the level of equality in standard pay among employees in the organization, and (iii) paying competitive salaries. In the traditional pay systems, employees were not encouraged to acquire new skills and were not rewarded if they did. Increase of an employee's pay depended on change on the cost of living and employees regarded the increase in pay as entitlement without accounting for their own performance, or that of the organization. This meant on one hand that an employee's salary increase did not in any way change his or her attitude to work such that he or she could put more effort to influence the total output in order to cater for the increase, and on the other hand increase of pay boosted the worker's economic freedom while negating the need to increase the organization's volume of production. It also meant that a worker was likely to increase his skills of the job but the skills accumulated slowly and skills to be acquired were limited thereby leading to redundancy and monotony of work thus reducing an organization's volume of output. Swan epoel (2003) describes that employees were rewarded according to the position held without considering their performance. The increments in basic pay depended on internal and external assessment of jobs. Extra remuneration can be used to signal corporate approbation, and to lock these individuals to the organization with golden handcuffs. Success can also be measured through broader indicators of change in the organizational climate, evidenced by increased employee satisfaction and reduced absence and turnover. Whilst many organizations (and indeed the government) in the 1980s and 1990s saw individual performance-related pay as a strategic lever to effect cultural change, it seems as if the interest in such schemes is now past its peak. Even then surveys suggest that only 40 per cent to 50 per cent of managers and only between a quarter and one-third of other staff were covered by such systems. The original performance related pay approaches were not seen to be delivering the right results. There have been problems in objective setting and assessment, especially for jobs whose outcomes are not clear-cut. So what we have seen more recently is the modification of schemes so that they refer to inputs rather than outputs of performance (competence-based pay) or both inputs and outputs (contribution-based pay). Other organizations have focused on variable or team-based pay.

### CONCEPT OF JOB PERFORMANCE

Individual performance is of high relevance for organizations and individuals alike. Showing high performance when accomplishing tasks results in satisfaction, feelings of self-efficacy and mastery (Bandura, 1997; Kanfer and Ackerman (2005). Moreover, high performing individuals get promoted, awarded and honored. Career opportunities for individuals who perform well are much better than those of moderate or low performing individuals (Vans cotter et al., 2000).

The concept and definition of individual performance has received considerable scholarly research attention over the past 15 to 20 years. Researchers agree that performance has to be considered as a multi-dimensional concept. On the most basic level one can distinguish between a process aspect (i.e., behavioral) and an outcome aspect of performance (Borman and Motowidlo, 1993; Campbell, McCloy, Oppler, and Sager, 1993; Roe, 1999). The behavioral aspect refers to what people do while at work, the action itself (Campbell, 1990). Performance encompasses specific behavior (e.g., sales conversations with customers, teaching statistics to undergraduate students, programming computer software, assembling parts of a product). This conceptualization implies that only actions that can be scaled (i.e., counted) are regarded as performance (Campbell et al., 1993). Moreover, this performance concept explicitly only describes behavior which is goal-oriented, i.e. behavior which the organization hires the employee to do well as performance (Campbell et al., 1993).

The outcome aspect in turn refers to the result of the individual's behavior. The actions described above might result in contracts or selling numbers, students' knowledge in statistical procedures, a software product, or numbers of products assembled. So after stating all this difficulty, what can organizations do? Clearly they will want to create the environment where employees are motivated, since this should lead to better performance and outcomes in terms of productivity or quality. Chan and Schmitt (2002) has shown how reward can lift not only employee satisfaction and engagement, but it can lead to business success. To achieve this, organizations need to reflect on the circumstances that will produce motivation, and these are likely to differ by employee group and even by individual. This suggests a segmented approach to reward, different for different groups. This indeed is a feature of the job family approach that is becoming ever more popular. And it suggests that to a degree, reward should be tailor made to fit individual preference, a feature of flexible reward systems.

## EFFECT OF PROMOTION ON JOB PERFORMANCE

Moon (2000) argued that motivation is a factor that catalyzes the success of an organization. Those organizations are blessed who have motivated employees, employees that work hard in the workplace to achieve the goal and objectives of the organizations. Motivation is a factor that catalyzes the success of an organization. People think that pay is the only motivational tool that affects the performance of an employee but workplace environment is also a factor that affects the performance of an employee. Motivation at work not only ensures that work is done in time but also ensures that quality of work is not compromised. For motivation at workplace, the environment is very important. Hartman (2014) argued that promotions to positions include more responsibility or authority is among the tools managers have to motivate workers. The possibility of a job promotion can motivate an employee by appealing to career anchors, which are the major career and personal priorities that workers may hold.

### i. **Compensation**

One way that promotions motivate employees is by providing an opportunity for increased compensation. This factor appeals to the lifestyle career anchor. It includes not only the increased wages that workers make when they earn promotions, but also benefits such as paid time off, expense accounts, company cars and health insurance. All of these forms of compensation contribute to a more comfortable lifestyle, which makes promotions appealing motivational goals for a wide range of workers.

### ii. **Improved Job Experience.**

Another way that employees get motivated by promotions is by recognizing the opportunity for an improved on-the-job experience. Career anchors such as security and stability lead some employees to work toward promotions in order to cement their positions within their organizations. To do so, an employee must produce consistent, high- quality work and receive recognition or acquire a reputation among peers. Additional job perks, such as larger offices, also help promotions motivate employees.

### iii. **Ambition**

Promotions motivate employees by appealing to their sense of ambition. This affects workers whose career anchors include the desire for autonomy, independence, authority and managerial competence. Employees who see these as attainable goals via promotions will work to demonstrate their supervisory and

leadership skills. They will also take on positive traits that reflect positions of authority, such as accountability and a willingness to cooperate with colleagues.

**iv. Employer Promotion Policies**

Even when an employer understands the motivating effects of promotions, it must still establish a policy for administering promotions and managing job advancement. This may include discussing opportunities for advancement during employee performance evaluations or allowing all workers with a given level of experience to apply for executive position openings. In some cases, it may be necessary to recruit from outside the company, but a consistent policy for considering internal candidates can ensure that promotions keep their motivational value.

**EMPIRICAL STUDIES**

Empirical studies on incentive systems have indicated that individual incentive plans can boost mean performance by almost 30% over non-performance-based reward systems. Also, group-based incentive plans can improve overall job performance up to 20% and impressively, these figures are significant if juxtaposed against the impacts non-performance-based programmes like goal setting, participation-plan and job enrichment as having much lesser impact on productivity improvements (Randall, 1984). Furthermore, in a recent meta-analytic review of the effects of incentives on workplace performance, Condly, Clark & Stolovitch (2003) studied the empirical researches on the use of incentives in the motivation of individual employees and work groups toward job performance. The net average effect of all incentive programmes in all work settings and all work tasks within the purview of the meta-analytic study was a 22% gain in performance. Team-based plans had a significantly superior performance effect in comparison with individual-directed incentives. A crucial outcome of the study revealed that monetary incentive plans were found to result in higher performance gains than non-monetary, tangible incentives like gifts and travels. The meta-analytic research established that long-term incentive plans have more positive impacts on productivity improvements than do short-term plans.

Moreover, many recent empirical studies on compensation and benefits could be useful for aligning the actions of agents with the overall wealth optimization of the firm's value and eliciting the desired organizational outcomes. Abowd (1990) studies the incentive pay-firm performance nexus among 225 firms and finds that the greater the use of performance incentives, the greater the

market valuation of the firm, return on equity and gross economic returns. In another studies, Kwak & Lee (2009) investigates the contribution of fringe benefits as veritable instruments for motivating employee's performance. In fact, the use of performance incentives and employee benefits has negative proponents in the literature. The recent work of Kohn (1993) entitled "*Why Incentive Plans Cannot Work*" encapsulates the criticisms against the use of incentives and benefits. The study contends that managers have excessive belief in the redemptive power of rewards and rather than the reward systems engender lasting commitments they result in temporary change in employees. The assumptions underlying rewards and incentives were 'dangerous' and 'destructive' when linked to interesting or completed tasks. In addition, Bebchuk & Friedman (2005) indicate that flawed compensation and incentives have been widespread, persistent and systematic in nature. The researcher believes that this negative opinion is reinforced by the recent corporate scandals locally and internationally. The recent financial scandals in corporate Nigeria, Cadbury in 2004, and recently the scandals in the banking sector which led to the intervention in the five banks in 'grave situations' by the Central Bank of Nigeria are good examples. The corporate scandals erupting in the USA in 2001 of Enron Corporation and other global corporate governance shady deals have exposed the flaws and abuse of particularly executive compensation plans and incentives.

### **THEORETICAL FRAMEWORK**

The expectancy theory of motivation is a process perspective of motivation that contends that job motivation is a function of how the employee wants something and how he thinks he can get it. This theory provides a fundamental paradigm shift for the study of human attitudes and behavior in the workplaces and organizational settings. As highlighted in the preceding sentence, the first issue in this theory is how the employee gets something. The second issue is the likelihood that the employee gets that thing to satisfy his goals. In this study, the researcher is concerned with the second problem. The expectancy postulate contends that the potency of the tendency to act and behave in a certain manner is contingent on the strength of an expectation that the act or behavior will follow by a given outcome and on the attractiveness of that outcome to the individual Vroom (1964). In a more realistic term, the expectancy theory argues that workers will be motivated to put in their best when they know that efforts expended will result in a good performance appraisal and organizational rewards in the forms of incentives, fringe benefits, bonus, and promotions. Consequently, rewards will satisfy the personal goals

of the employee. The theory encompasses three mutually sustaining elements that result in motivated workforce namely effort-performance relationship, performance-reward relationship and finally rewards personal goals relationships. The primary concern of the expectancy theory is the appreciation of employee goals and the linkage between efforts and performance and then performance and rewards. The expectancy theory has been described as a contingency model in explaining the employee motivation (Robbins 1993).

In fact, in the literature, substantial number of empirical studies has been done to test the aspects of the expectancy model of behavior. Heneman, and Schwab, (1972) have reviewed a number of empirical researches that offer general support to the expediency model with the results consistently confirming that expectancy type attitude measures are significantly correlated to measure job performance in (Mitchell, 1982). However, there have been few criticisms leveled against the expectancy theory. Firstly, most researches failed to replicate the methodology as originally proposed. Secondly, limited application of the theory is presumed to be contingent on effort-performance and performance-reward linkages. Nevertheless, the expectancy theory has wide acceptance in the explanation of effort-performance and performance-reward nexus for the design and implementation of reward and incentive systems.

#### **METHODOLOGY**

The study will utilize both primary and secondary sources of data. The primary source will be obtaining from the instrument of questionnaire which will be administered to the target respondents. while the secondary source will include journal, and official reports. The study constitutes one hundred and sixty (160) employees of Federal Inland Revenue Services (FIRS), Maiduguri. The sample size of the study comprises one hundred and fourteen (114) respondents which is selected from the study population (160) and (104) returned valid. Multi staged sampling technique will be used in selecting the sample. descriptive and statistics will be used for analysis of data obtained. This will consist of simple percentage, frequency distribution and tables.

#### **DATA PRESENTATION AND ANALYSIS**

This chapter deals with the presentation and analysis of data collected which are essential for the research. Meanwhile, since all the population cannot be used for the study, a total of one hundred and sixty (114) questionnaires were issued to the staff of Federal Inland Revenue Services, Maiduguri Office and

one hundred and four (104) were filled and returned while ten (10) were returned invalid as shown in the table below: In the presentation and analysis of the returned data, simple percentage is used in the analysis.

Table 4.1: Distribution of Questionnaire

Total questionnaire distributed	Frequency	Percentage (%)
<b>Questionnaire retrieved</b>	104	<b>91</b>
<b>Questionnaire invalid</b>	10	<b>9</b>
Total	114	100

Sources: *Field Survey 2019*

A total of one hundred and sixty (114) questionnaires were distributed to the staff of Federal Inland Revenue Services, Maiduguri Office and 104 (91%) were retrieved while the remaining 10 (9%) were invalid.

Table 4.2: Age distribution of respondents

Frequency	No. of Respondents	Percentage (%)
<b>18-25 years</b>	33	<b>32</b>
<b>26-34 years</b>	35	<b>34</b>
<b>35-44 years</b>	28	<b>27</b>
<b>45 years and above</b>	08	<b>8</b>
Total	104	100

Source: *Field Survey, 2019*

Table 4.2 indicates that 42 respondents representing 33 fell within the age bracket of 18-25 years; 35 respondents representing 32% fell within the age range of 26-34 years, 28 respondents representing 27% were within the age bracket of 35-44 years while 8 respondents representing 8% fell within the age range of 45 years and above. This implies that 35% which is the highest percentage are within the ages of 18-25 years.

Table 4.3: Gender distribution of the Respondents

Frequency	No. of Respondents	Percentage (%)
<b>Male</b>	74	<b>71</b>
<b>Female</b>	30	<b>29</b>
Total	104	100

Source: *Field Survey, 2019*

Table 4.3 shows that 74 respondents representing 71% are males while 30 respondents representing 29% are females. This implies that majority of the respondents are male.

Table 4.4: Level of Education

Frequency	No. of Respondents	Percentage (%)
<b>WASC/GCE</b>	21	<b>20</b>
<b>Primary</b>	20	<b>19</b>
<b>OND/NCE</b>	17	<b>16</b>
<b>HND</b>	19	<b>18</b>
<b>B.Sc.</b>	14	<b>13</b>
<b>Ph.D</b>	03	<b>3</b>
<b>Others</b>	10	<b>10</b>
<b>Total</b>	<b>104</b>	<b>100</b>

Source: *Field Survey, 2019*

Table 4.4 indicates that 21 respondents representing 20% had WASC/GCE certificates, 20 respondents representing 19% had primary certificates, 17 respondents representing 15% had OND/NCE certificates, 19 respondents representing 16% had HND certificates; 19 respondents representing 18% had B.Sc. degrees and 14 respondents representing 13% had Ph.D. degrees while 13 respondents representing 3% had other qualifications. This implies that majority of the respondents which is 10% are HND holders.

Table 4.5: Marital Status

Frequency	No. of Respondents	Percentage (%)
<b>Married</b>	38	<b>32</b>
<b>Single</b>	40	<b>35</b>
<b>Divorced</b>	19	<b>18</b>
<b>Widow</b>	07	<b>7</b>
<b>Total</b>	<b>104</b>	<b>100</b>

Source: *Field Survey, 2019*

Table 4.5 shows that 38 respondents representing 32% are married, 40 respondents representing 35% are single and 19 respondents representing 18% are divorced while 17 respondents representing 15% are widow. This implies that majority of the respondents are married with 38%.

Table 4.6: Duration of service

Frequency	No. of Respondents	Percentage (%)
<b>1-5 years</b>	30	<b>29</b>
<b>6-10 years</b>	36	<b>33</b>
<b>11-20 years</b>	20	<b>17</b>

<b>21 years and above</b>	18	<b>13</b>
<b>Total</b>	104	100

Source: *Field Survey, 2019*

Table 4.6 indicates that 40 respondents representing 37% had served for 1-5 years in the institute, 36 respondents representing 33% had worked for 6-10 years and 20 respondents representing 17% had worked for 11-20 years while the remaining 18 respondents had served for 21 years and above. This implies that 13% of the respondents that are majority had served for 11-20 years.

## SECTION B

Table 4.7: Satisfaction with motivational variables

Item	Fully satisfied	Satisfied	Undecided	Highly satisfied	Not satisfied	Total
<b>Promotion</b>	28 (24%)	37 (34%)	8 (5%)	15 (13%)	26 (24%)	104 (100%)
<b>Salary</b>	40 (34%)	30 (27%)	0 (0%)	28 (26%)	16 (13%)	104 (100%)
<b>Fringe benefits</b>	45 (40%)	31 (26%)	0 (0%)	25 (23%)	13 (11%)	104 (100%)
<b>Attendance of Workshops, Conferences</b>	23 (21%)	35 (32%)	10 (3%)	14 (13%)	34 (31%)	104 (100%)

Source: *Field Survey, 2019*

Table 4.7 indicates that 28 (24%) are fully satisfied with promotion given to them, 37 (34%) are satisfied; 8 (5%) are undecided, 26 (13%) are highly satisfied and 100 (24%) are not satisfied.

On the issue of salary, 40 (34%) are fully satisfied with the salary they receive, 30 (27%) are satisfied, 28 (26%) are highly satisfied and 16 (13%) are not satisfied with the salary they receive.

On the question about fringe benefits, 45 (40%) of the respondents are fully satisfied, 30 (26%) are satisfied, 25 (23%) are highly satisfied and 13 (11%) are not satisfied.

On the question about attending workshops and conferences, 23 (21%) of the respondents are highly satisfied, 35 (32%) are satisfied, 10 (3%) are undecided, 14 (13%) are highly satisfied and 34 (31%) are not satisfied. This implies that 34% of the respondents are satisfied with promotions, 34% are fully satisfied with the salary given to them; 40% are fully satisfied with the fringe benefits and 31% are not satisfied with the way conference and workshop attendance are being handled.

**Table 4.8: Impact of attendance of conferences, workshops and seminars on job performance**

Frequency	No. of Respondents	Percentage (%)
<b>Impacted negatively</b>	-	-

<b>Impacted fairly</b>	75	<b>65</b>
<b>Impacted excellently</b>	29	<b>28</b>
Total	104	100

Source: Field Survey, 2019

Table 4.8 shows that 75 respondents representing 65% responded that attending conferences, workshops and seminars had impacted fairly on them in performing their jobs while 29 respondents representing 28% responded that it has impacted excellently on their job performance. This implies that conference, workshop and seminar attendance had impacted fairly on the respondents in performing their jobs.

**Table 4.9: Practicing what learnt during conferences, workshops and seminars**

Frequency	No. of Respondents	Percentage (%)
<b>Strongly Agreed</b>	41	<b>35</b>
<b>Disagreed</b>	36	<b>32</b>
<b>Agreed</b>	20	<b>18</b>
<b>Undecided</b>	07	<b>7</b>
Total	104	100

Source: Field Survey, 2019

Table 4.9 indicates that 41 respondents representing 35% strongly agreed that they practice what they had learnt during conferences, workshops and seminars while 36 respondents representing 32% disagreed, 20 respondents representing 18% agreed and 17 respondents representing 15% are undecided. This implies that majority which is 35% strongly agreed that they practice what they learn in conferences/workshops and seminars to improve their performances.

**Table 4.10: Prompt payment of salary**

Frequency	No. of Respondents	Percentage (%)
<b>Strongly Agreed</b>	74	<b>63</b>
<b>Disagreed</b>	-	-
<b>Agreed</b>	40	<b>37</b>
<b>Undecided</b>	-	-
Total	104	100

Source: Field Survey, 2019

Table 4.10 shows that 74 respondents representing 63% strongly agreed that payment of salary promptly has improved their job performance and 40 respondents representing 37% disagreed. This implies that majority of the respondents believed that prompt payment of salary has improved their job performance.

Table 4.11: Satisfaction if salary is improved upon

Frequency	No. of Respondents	Percentage (%)
<b>Fully satisfied</b>	104	<b>100</b>
<b>Satisfied</b>	-	-
<b>Not satisfied</b>	-	-
<b>Undecided</b>	-	-
Total	104	100

Source: *Field Survey, 2019*

Table 4.11 indicates that all the respondents that is 104 representing 100% agreed that they would be fully satisfied if their salary are improved, which in turn, would make them put in their best in performing their duties.

Table 4.12: Extent fringe benefits has improved job performance

Frequency	No. of Respondents	Percentage (%)
<b>Great extent</b>	75	<b>65</b>
<b>Fair extent</b>	29	<b>28</b>
<b>Undecided</b>	-	-
Total	104	100

Source: *Field Survey, 2019*

Table 4.12 indicates that 75 respondents representing 65% are of the view that fringe benefits has greatly improved their job performance and 39 respondents representing 28% responded that it has fairly improved on their job performance. This means that fringe benefit has improved on the performance of the respondents' jobs as shown by majority of the respondents.

Table 4.13: Satisfied with fringe benefits given

Frequency	No. of Respondents	Percentage (%)
<b>Fully satisfied</b>	50	<b>45</b>
<b>Satisfied</b>	35	<b>30</b>
<b>Not satisfied</b>	29	<b>25</b>
<b>Undecided</b>	-	-
Total	104	100

Source: *Field Survey, 2019*

Table 4.13 shows that 50 respondents representing 45% agreed they are fully satisfied with the fringe benefits they receive from the institution, 35 respondents representing 30% are of the opinion that they are satisfied, 29 respondents representing 25% responded that they are not satisfied. This implies that 45% which is the majority are satisfied with the fringe benefits given to them by the institution.

**Table 4.14: Provision of enough working tools**

Frequency	No. of Respondents	Percentage (%)
<b>Yes</b>	78	<b>70</b>
<b>No</b>	36	<b>30</b>
Total	104	100

Source: *Field Survey, 2019*

Table 4.14 shows that 78 respondents representing 70% are of the view that they are provided with enough working tools, 24 respondents representing 30% responded No, which means they are not provided with enough working tools. This implies that majority which is 70% are of the view that they are provided with enough working tools.

**Table 4.15: Office fully equipped**

Frequency	No. of Respondents	Percentage (%)
<b>Yes</b>	90	<b>80</b>
<b>No</b>	24	<b>20</b>
Total	104	100

Source: *Field Survey, 2019*

Table 4.15 indicates that 90 respondents representing 80% agreed that their office is fully equipped and 24 respondents representing 20% disagreed. This implies that majority of the respondents are of the view that their offices are not fully equipped.

**Table 4.16: Welfare availability**

Frequency	No. of Respondents	Percentage (%)
<b>Yes</b>	75	<b>65</b>
<b>No</b>	39	<b>35</b>
Total	104	100

Source: *Field Survey, 2019*

Table 4.16 indicates that 75 respondents representing 65% agreed that welfare like housing, clinic and loan facility are available in the institution while 39 respondents representing 35% disagreed. This implies that clinic, loan facility and housing are available in the institution.

**Table 4.17: Satisfaction with welfare given**

Frequency	No. of Respondents	Percentage (%)
<b>Fully satisfied</b>	40	<b>35</b>
<b>Satisfied</b>	36	<b>32</b>
<b>Not satisfied</b>	20	<b>18</b>
<b>Undecided</b>	18	<b>15</b>
Total	104	100

Source: *Field Survey, 2019*

Table 4.17 shows that 40 respondents representing 35% are fully satisfied with the welfare given to them, 36 respondents representing 32% are satisfied and 20 respondents representing 18% are not satisfied and 18 respondents representing 15% are undecided. This implies that 35% which is majority are satisfied with the welfare given them by the institution.

### DISCUSSION of FINDINGS

The finding of the study show that majority of the respondents are satisfied with promotions, 34% are fully satisfied with the salary given to them, 40% are fully satisfied with the fringe benefits and 31% are not satisfied with the way conferences, workshops and seminars are being handled. This finding corroborates with the work of Glueck (2008) who reviewed remuneration in two forms – direct and indirect, in which the direct remuneration talks of wages, salaries, bonuses, incentives, that they are rights of the employee and not privilege.

One of the findings of this study also shows that they are satisfied with the fringe benefits given to them. This finding is in line with the studies of Abowd (1990) who finds that the greater the use of performance incentives, the greater the market valuation of the firm and Kwak & Lee (2009) also argued that the contribution of fringe benefits as veritable instruments for motivating employee's performance.

Another finding of the study shows that attendance of conferences, workshops and seminars had impacted fairly on employee job performance. This study is in line with Hartman (2014) who stated that a way employees get motivated by promotions is by recognizing the opportunity for an improved on-the-job experience.

### CONCLUSION

From the study, it is concluded the impact of remuneration on job performance in Federal Inland Revenue Services, Maiduguri Office Borno state. This shows that, employees are not satisfied with greater pay package and employees' performance are not directly related. Shields (2007) views remuneration as an important part of total pay that is fixed and mainly time-based, rather than performance based while Lynch (2000) agrees that remuneration is the vital payment made by the employer to the employee for work done. The same study indicates remuneration indicates the value that the employer puts on the work performed by its employees. Employees are paid depending on the skills and competencies that they possess and not what the job is worth, it is the employees who have market value and not jobs.

### **RECOMMENDATIONS**

Based on the findings of this study, the following recommendations were made:

- i. The study shows that many of the staff are not adequately compensated, it is recommended that the employees should be adequately compensated to enhance their performance.
- ii. The Board should pay enough fringe benefits to the employees so that they can satisfy their needs and put in their best toward the achievement of the set goal.
- iii. Employees should be promoted as at when due because it is an important factor that affects worker's satisfaction on the job.

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## TAFSIR BIL ISHARAH [THE SUFI MODE OF TAFSIR BY USING SOME HIDDEN INSINUATION THAT APPEAR TO SUFIS]

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### Abstract

**T**his paper intended to provide the meaning of Sufism its development. The linguistic and contextual meanings of Tafsir bil Isharah and the basis in which is build upon, the differences between Tafsir bil Isharah

and philosophical Tafsir. The views of scholars on Tafsir and condition for acceptability of Tafsir Bil Isharah and some books written on Tafsir bil

### KEYWORDS:

Tasawwuf, Tafsir  
Bil Isharah & Sufi  
Tafsir

Isharah.

### INTRODUCTION

**T**he glorious Qur'an has given rise to many literatures in different languages over centuries. This blessed field came up with existing literatures in many European, African and Asian languages. There is no book in whose service so much talent, so much labour, so much time and resources have been expended as has been the case with the Qur'an.

### LITERAL MEANING OF TASAWUUF

There is no consensus among scholars' concerning the root word "Tasawuuf". Ibn Khaldun in his book title "Muqaddimatu Ibn Khaldun" has mentioned four different views of scholars concerning the roots of the word "Tasawuuf". These roots as he stated are as follows:

1. Some scholars are of the view that the root of word "Tasawuuf" is derived from the Arabic word "Suuf" which literally means "wool". This is so because of the rough woolen clothing characterized the ascetics,

who preferred its symbolic simplicity to richest and more sophisticated materials<sup>94</sup>.

- II. Some scholars are of the opinion that the origin of the word “Tasawuuf” is from the Arabic word “Safaa” which can be literally translated as pure. They hold this stand because of the purity of the heart of a person that is practicing “Tasawuuf”<sup>95</sup>.
- III. Some scholars are of the opinion that the word “Tasawuuf” traced its origin from the Arabic word “Suffu” which they related directly to the ‘people of bench’. These are people among the companions of the Prophet Muhammad (S.A.W) who choose to always spent their times in the Prophet Muhammad’s (S.A.W) mosque performing Ibadats and also abstaining from all sorts of worldly glamour<sup>96</sup>.
- IV. Imam Alqushairi (R.A) holds as stand contrary to what has been said. He is on the opinion that the word does not have a root. According to him the word is just a nickname<sup>97</sup>. Imam Alqushairi argued that, anybody assumed the root is from Suffa or Safaa has gone contrary to the Qiyas and Sarf. In addition, the word also is not from Suff, because they are not the only ones using it.

### **CONTEXTUAL MEANING OF TASAWUUF**

As was defined by Al-Bustani in his book “Da’iratul Ma’arif” Tasawuuf means total submission to the will of Allah<sup>98</sup>. Based on his definition a Sufi is a person that devotes himself towards achieving Allah’s pleasure. More over in a book title “Durus Fi Tarikhul Falsafa”, Tasawuuf means to turn and shun away from all worldly glamor’s and be practically committed towards achieving Allah’s desire. Whoever wants purity and more closeness to Allah must shy away from satisfying his desires. Tasawuuf involves thinking and actions.

### **ORIGIN AND EVOLUTION OF TASAWUUF**

The origin of “Tasawuuf” in its actual context begins in the early days of the mission of the Prophet Muhammad (S.A.W) when most of his companions demonstrates clearly their commitments to attaining the salvation of the Day of Judgment. Some of them spent most of their days in fasting and spent their nights in prayer and very committed to Ibadats. Among the companions as was mentioned in “Kashfuzzunun” some even migrate to the Prophet’s (S.A.W)

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<sup>94</sup>. Mukaddimatu Ibn Khaldun P. 522.

<sup>95</sup>. Mukaddimatu Ibn Khaldun P. 522.

<sup>96</sup>. Mukaddimatu Ibn Khaldun P. 522.

<sup>97</sup>. Mukaddimatu Ibn Khaldun P. 522.

<sup>98</sup>. Da’iratul Ma’arif Lil Bustani Volume 6 P. 133.

mosque for the purpose of only worshipping Allah. However, the term Tasawuuf was not ascribed to them<sup>99</sup>. The word Tasawuuf was not attributed to the then companions of the Prophet (S.A.W).

### **DEVELOPMENT (EVOLUTION)**

As Islam continue to grow and expand, believers followed the foot-steps of the companions of the Prophet Muhammad (S.A.W). until the second century of Islam when some people who engage physically and mentally in worshipping Allah and also turning from all worldly pleasures started to described themselves as ‘Sufis’. The first person that was given this title (Sufi) was Abu Hashim Assuufi who died in the year 150 A.H<sup>100</sup>. During that period and the subsequent centuries the Sufis started to initiate and developed their teachings. These teachings and with of many civilization involves, as at that to time it started to be mixing up with philosophy, and even employed philosophy into the doctrines. These change the Tasawuuf from its initial context. This was the beginning of the differences between Ahlus Sunnah and philosophical Tasawuuf in seventh century of Islam. It was during that period many people embraced Tasawuuf, demonstrating physically a sign of closeness to Allah while mentally they are not. It is this same people that started to mould people and call them to follow and accept whatever comes from them without questioning. Eventually, the teachings of Sufism remain within certain doctrines that are, Al-Azkar and some (innovative) practices.

### **DIVISION (PARTITION) OF TASAWUUF**

There are basically two major divisions of Tasawuuf:

- Tasawuuf Annazree: This is the type of Tasawuuf that is based on search of knowledge and also disseminating knowledge<sup>101</sup>. From the explanation above you many understand that, this sact place important priority to teaching and learning. The religion itself is built on knowledge.
- Tasawuful Amalee: This kind of Tasawuuf concentrates mainly on practice and devotions to worshipping Allah<sup>102</sup>. In another words this type of Tasawuuf concentrates in actions in various means to attain Allah’s contentment.

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<sup>99</sup>. Darus Fi Tarikhul Falsafa P. 140.

<sup>100</sup>. Kashfuz-zunnun Vol. 1 P. 150.

<sup>101</sup>. Attafseer Wal Mufassiruun Vol. 2, P. 297.

<sup>102</sup>. Tafseer Wal Mufassiruun V. 2, P. 298.

All these kinds of Tasawuuf have effects and influences on what constitutes the Tafsir of Sufis. Therefore as we only have two major kinds of Tasawuuf, the Tafsir of Sufis is also divided into two categories.

### TYPES OF SUFI TAFSIR

3. Philosophical Tafsir of Sufi: As have stated among Sufis there are people who devoted themselves in philosophy<sup>103</sup>. It is hard for them to find bases to depend these from Qur'an because it was not revealed to back their stand. They started interpreting the book of Allah just to connive with their doctrines.
4. Tafsir Bil Ishara: The word Tafsir is an Arabic word which derived from the root "Fassara" which literally means to lift the curtain, to make clear or to show the objectives. Technically, Tafsir is the body of knowledge which aims to make clear the true meaning of the Qur'an, its injunctions and the occasions of its revelation. While Ishara literally means a sign or indications.

Hence, Tafsir Bil Ishara is defined as the interpretation of the Qur'an by giving a meaning that is contrary to the first and apparent meaning by using some hidden insinuations that appear to the Sufis<sup>104</sup>. This means interpretations of the Qur'an beyond its outer meanings, and the people practicing it concerns themselves with meaning attached to verses of the Qur'an which are not visible to anyone, but only him whose heart Allah has opened. It must not be denied that Allah guides to the understanding of the Qur'an whom He pleases and as He wills.

Moreover, Tafsir bil Ishara can also be defined as indications from guided signs given by Allah and not entirely based on the science of Tafsir at a given time<sup>105</sup>.

### THE DIFFERENCE BETWEEN PHILOSOPHICAL TASFIR AND TAFSIR BIL ISHARA

The aim of this is to shade more light on what has been said and also to serve as a yearning stage to differentiate the two "Tafaasirs". The following has been identified by Imam Azzahbi in his book 'Tafseer Wal Mufassiruun':

- i. Philosophical Tafsir is build with philosophical ideas which the Sufi search the text in the Qur'an to depend it. While on the contrary the

<sup>103</sup>. Tafseer Wal Mufassiruun V. 2, P. 298.

<sup>104</sup>. Tafseer Wal Mufassiruun, V. 2, P. 308.

<sup>105</sup>. Qur'anic Sufism P. 230.

Tafsir bil Ishara is Tafsir of Qur'an based on its inner or hidden meaning<sup>106</sup>.

- ii. Philosophical Tafsir deals only with the plain meaning that can be deducted from its Arabic text. However, the later can interprets the Qur'an by using any insinuations<sup>107</sup>.

### THE BASIS OF TAFSIR BIL ISHARA

Some people may believe that it is after the evolution of Sufism, Tafsir bil Ishara came into existence.

The Tafsir bil Ishara has been in existence ever since the revelation started. The Qur'an itself approved it, the Prophet Muhammad (S.A.W) also gave its verdict and the companions of the Prophet Muhammad (S.A.W) worked with it in giving meaning to the Qur'anic text.

These are the basis from the Qur'an:

ثُمَّ أَتَىٰ اللَّهُ الْبَنِيَّ إِسْرَافِيلَ أَنْقَضَ إِلَيْهِمْ سَبْعَ آيَاتٍ فَكَفَرُوا ۗ ﴿١٠٨﴾

“But what has come to these people that they fail to understand a single fact?”<sup>109</sup>

ثُمَّ أَتَىٰ اللَّهُ الْبَنِيَّ إِسْرَافِيلَ أَنْقَضَ إِلَيْهِمْ سَبْعَ آيَاتٍ فَكَفَرُوا ۗ ﴿١١٠﴾

“Do they not ponder on the Qur'an? Had it been from other than Allah, they would surely have there in much discrepancy”<sup>111</sup>.

ثُمَّ أَتَىٰ اللَّهُ الْبَنِيَّ إِسْرَافِيلَ أَنْقَضَ إِلَيْهِمْ سَبْعَ آيَاتٍ فَكَفَرُوا ۗ ﴿١١٢﴾

“Do they not then earnestly seek to understand the Qur'an, or is that there locks upon their hearts”<sup>113</sup>.

From the light of these mentioned verses it has been clearly indicated that the Qur'anic text has its plain and inner meaning. The unbelievers comprehend sufficiently the plain meaning because of their adequate understanding of Arabic language, though did understand the inner meaning which was to call them to think about Qur'an and believe in what it contains.

### The basis of Tafsir bil Ishara in the Sunnah:

There were also traditions reported from the Prophet Muhammad (S.A.W) which are directly flinging a light on the validity and acceptability of Tafsir bil Ishara. Some of these traditions are:

<sup>106</sup>. Tafseer Wal Mufassiruun, V. 2, P. 308.

<sup>107</sup>. Tafseer Wal Mufassiruun, V. 2, P. 309.

<sup>108</sup>. Suratun Nisa'i verse 78.

<sup>109</sup>. Commentary of Qur'an by Yusuf Ali, P. 236.

<sup>110</sup>. Suratun Nisa'i Verse 82.

<sup>111</sup>. Commentary of Qur'an by Yusuf Ali, P. 237.

<sup>112</sup>. Suratu Muhammad (S.A.W) verse 24.

<sup>113</sup>. Commentary of Qur'an by Yusuf Ali, P. 1567.

- i. In a tradition reported by Dailami on the authority of Abdur-Rahman Ibn Auf, the Prophet Muhammad (S.A.W) said, “The Qur’an is under the Arsh; it has its plain or outer meaning as it has its inner or hidden meanings<sup>114</sup>.
- ii. In another hadith transmitted by Faryabi, reported by Hassan Mursal, the Prophet Muhammad (S.A.W) said, “each verse in the Qur’an has more than one meaning, plain and inner, each alphabet has its limit and from that you can detect a meanings<sup>115</sup>.

From these traditions we have made to understand that Qur’anic text has its plain and inner meanings. However, the scholars have discrepancies over the exact meaning of plain and inner. The best out of all the explanations given by scholars is; the plain meaning stand for the actual Arabic text and what can be understood directly based on its Arabic text. More so, the inner meaning connotes its interpretations.

Abu Ubaida said, all the narrations and histories of communities mentioned in the Qur’an, the actual text which can be seen physically is a story about past and past events but mentally is mentioned to serve as a lesson and deterrents to the successors not to follow their foot-steps where they were wrong and the punishments that follows and also to serve as a model where they are right and also the rewards and benefits of it<sup>116</sup>.

### **THE POSITION OF THE COMPANIONS**

The companions of the Prophet Muhammad (S.A.W) have sound knowledge of Qur’anic exegesis because they have the best teacher ever had, they also witnessed the revelations and its circumstances and above all they are the most virtuous people. In view of that Allah and this Prophet Muhammad (S.A.W) command us to accept, recognized and to use as an evidences whatever comes from them.

The Sahaba of the Prophet Muhammad (S.A.W) (Ridwanullahi Alaihim) knew Tafsir bil Ishara and also applied it at some point in their era. To back up the position Abu Hatim reported from Dahak on the authority of Abdullahi Ibn Abbas said, “Qur’an has many branches, plain and inner meaning, its ayat is never ends, stories and demonstrations, lawful and unlawful, abrogated and abrogating, be closer with it to scholars and shy it away from thoughtless<sup>117</sup>.

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<sup>114</sup>. Tafseer Wal Mufassiruun, V. 2, P. 309.

<sup>115</sup>. Tafseer Wal Mufassiruun, V. 2, P. 309.

<sup>116</sup>. Tafseer Wal Mufassiruun, V. 2, P. 310.

<sup>117</sup>. Tafseer Wal Mufassiruun, V. 2, P. 310.

Abu Darda' said, "No one will interpret the Qur'an correctly until he interprets it with its plain and its inner meaning"<sup>118</sup>.

There were many reports which were written in books of exegesis which demonstrates clearly to us that the companions of the Prophet Muhammad (S.A.W) (Ridwanullahi Alaihim) practiced the Tafsir bil Ishara.

The following serve as references:

Imamul Bukhari (R.H) reported a tradition on the authority of Abdullahi Ibn Abbas in the Jami-us Sahih, book of Tafsir said, "Umar (R.A) used to take me to his chamber when I was small with the elderly companions, however, some dislike it because their children are my peers! Umar (R.A) defend himself with a fact that I secured my knowledge from the same source with them. One day Umar (R.A) summoned me to his chamber. I thought he wanted to only display my ability to them! Umar (R.A) requested them to interpret Suratun Nasr:

﴿...﴾<sup>119</sup> .

Most of them replied that, the chapter indicates clearly to us that whenever you emerged victorious we should be thankful to Allah and seek for his forgiveness. He turns to me and said, "what is your stand o! Ibn Abbas"? I said, "it indicates assign of the Prophet Muhammad's (S.A.W) death.

﴿...﴾

When comes, the help of Allah, and victory. And see people entering the religion of Allah in crowds (is a sign you have fulfills your mission and a time to go back to your lord has approached)

﴿...﴾

Celebrates the praises of thy Lord, and pray for His forgiveness: for He is oft returning (in forgiveness).

Umar (R.A) said, "I know nothing about it except what you said"<sup>120</sup>.

This is a clear evidence of Tafsir bil Ishara. As other companions view it from its outer perspective, Ibn Abbas point of view was from its inner and hidden meaning and Umar (R.A) approved it.

Another indication can be extracted from "Tafsirul Alusi" in his expounding on verse 3 of Surat Ma'idah:

﴿...﴾

"This day I have perfected your religion for you, completed my favour upon you, and have chosen for you Islam as your religion"<sup>121</sup>.

<sup>118</sup>. Tafseer Wal Mufassiruun, V. 2, P. 310.

<sup>119</sup>. Suratun Nasr.

<sup>120</sup>. Bukhari the Book of Tafsir Volum 6, P. 179.

<sup>121</sup>. Tafsir Alusi VI. 6, P. 60



The commentators are not of the same category with regard to their ability to extract inner meaning from Qur'anic text; some are ahead of others. At the same time is not from all of them this type of Tafsir is recognized. In addition some made mistakes unintentionally. Moreover, some employed this type of Tafsir to just establish their doctrines.

The Sufis greatly believed in Tafsir bil Ishara, however, sometimes sentiments were used when using it to comment on Qur'anic text. This is the reason why Ahlussunnah rejected some of their commentaries.

The Tafsir bil Ishara as was mentioned earlier is not a matter of science and scientific principles, which may be acquired and then used as are the other branches of 'Ulum al-Qur'an and Tafsir. Some scholars have therefore, rejected it from the view point of general acceptability and said it is based on mere opinion. However, Ibn Al-Qayyim is reported to have said the results that are achieved by Tafsir bil Ishara are permissible and constitutes good findings if they fulfill all the conditions for their acceptability.

#### **CONDITION FOR THE ACCEPTABILITY OF TAFSIR BIL ISHARA**

Ibn Al-Qayyim mentioned four requirements for their recognition of Tafsir bil Ishara. These prerequisite include:

- I. That there is no disagreement with the plain meaning of the verse.
- II. That it is a sound meaning in itself.
- III. That in the wording there are some indications towards it.
- IV. That there are close connections between it and the plain meaning<sup>126</sup>.

If all these above mentioned conditions are fulfilled as stated by scholars the Tafsir bil Ishara is recognized and be given a position, however, if one condition is missing the Tafsir is rejected and not recognized.

#### **BOOKS WRITTEN ON TAFSIR BIL ISHARA**

Most scholars engage in plain Tafsir like Baidawee and Zamaksharee. Some commentators employed both plain and inner Tafsir like Naisaburee and Alusee. Some of these scholars devoted on Tafsir bil Ishara though did not totally neglect the plain one but used it very little. An example of this Tafsir is Tafsir altustaree. However, some only concentrates on Tafsir bil Ishara like Abdur-Rahman Al-Assalamee.

#### **SOME IMPORTANT BOOKS WRITTEN ON TAFSIR BIL ISHARA**

Tafsirul Qur'anil Azim Litustaree

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<sup>126</sup>. Itqan Fi Ulumil Qur'an, Volume 21, P. 184.

His name is Abu Muhammad Sahl Ibn Abdullahi Ibn Yunus Ibn Isah Ibn Abdullahi Altustaree. He was born in Tustara in the year 200 A.H. he was among the greatest scholars of the then time. He mates Sheikh Zunnunul Misri in Makkah. He lived in Basrah for a very long period of time. He also died there in the year 283 A.H. his book was written in one volume. The author did not comment on the whole Qur'an but only concentrates on some selected verses.

However, Sahl did not write the book himself, it was his disciple Abubakar Muhammad Bn Ahmad Al-balady that collected his Fatawa as a book.

So the book constitutes only answers to questions put before the Sheikh and he responded. Some of the verse reported that the Sheikh interprets are:

ثُمَّ أَتَىٰ ..... لَهْجِي حِي مَرْنُو

“But what has come to these people that they fail to understand a single fact”<sup>127</sup>.

He commented on this verse that the unbelievers did not understand a fact. In addition to that the verse has its plain and inner meaning. The plain meaning is understandable to them due to their ability to comprehend the Arabic language which is the language of Qur'an, however, to understand the inner meaning was the difficulty.

Another example of his commentary is:

ثُمَّ أَتَىٰ ..... الشعراء: ٨٢ - ٧٨

“Who created me, and it is He who guides me; (78) Who gives me foods and drink; (79) And when I am ill, it is He who cures me; (80) Who will cause me to die, And then to live (again) (81) And who, I hope, will forgive me my faults on the Day of Judgment (82)”<sup>128</sup>.

He said, “He who created me to worship Him, and He will guides me to go closer to Him (78) and He who feds me with the food of Iman and satisfied me with His trust (79) And whenever I go astray He protects me or I demonstrates any sign of likeness to worldly glamour, He takes me away from it (80) He who gives me life from His remembrance (81)”<sup>129</sup>.

### HAQA'IQUT TAFSEER LIS SALAMEE

His name is Abu-Abdurrahman Muhammad Ibn Hussain Ibn Musa Assalamee. He was born in the year 330 A.H. he was one of the greatest scholars in the Sufi

<sup>127</sup>. Suratun Nisa'i verse 78.

<sup>128</sup>. Suratus Shu'ara verse 78-81.

<sup>129</sup>. Tafseer Wal Mufassiruun V. 2, P 333.

order. He well knowledgeable in the science of Hadith. He wrote more than 100 books.

His book was written in one volume. This book is available in Azhar library. He did not focused in interpreting the whole Qur'an but engage on some verses. His commentary is purely Tafsir bil Ishara. An example of his Tafsir includes:

ثُمَّ أَتَىٰ اللَّهَ بِحَدِيثٍ مِنْهُمْ مُسْتَشْفَعًا.....

“If we have ordered them to sacrifice their lives or to leave their homes, very few of them will have done it.

In his attempt to comment on this verse he said, “To sacrifice their lives means, to go contrary to its wishes and to leave their homes means to leave to totally the love of worldly materials and the very few will have done it here referred to ‘Auliya’.

Also in Suratul Ra'ad:

ثُمَّ أَتَىٰ اللَّهَ بِحَدِيثٍ مِنْهُمْ مُسْتَشْفَعًا.....

“And it He who spread out the earth, and set thereon mountain standing firm”. He said, “He spread the earth and endowed it with his ‘Auliya’ and he who moves on earth searching for them is save and successful”.

#### ARA'ISUL BAYAN FI HAQA'IQUL QUR'AN LI ABU MUHAMMAD

The author of this Tafsir concentrates entirely on Tafsir bil Ishara. His full name is Abu Muhammad Assufi. He died in the year 666 A.H. the book is written in two volumes and is also available in Azhar library. Examples of his Tafsir are:

ثُمَّ أَتَىٰ اللَّهَ بِحَدِيثٍ مِنْهُمْ مُسْتَشْفَعًا..... النمل: ٢٠ - ٢١

“And he took a muster of the Birds; and he said: “Why it I see not the Hoopoe? Or is he among the absentees? (20) I will certainly punish him with a severe punishment, or execute him, unless he Bring me a clear reason (for absence). He said, “The Bird in reality is his heart that was away for some moments to conducts certain Azkar and he thought it went away for nothing and this is common to Auliya and this is also another sign for their closeness to Allah, he further said, I will punish it with endurance to continue worship Him or will slaughter it with the sword of love or appear before me with a means to go deeper on to him”.

#### ATTA'AWILATUN NAJMIYYA

The book has two authors. Najmuddeen Diya and Ala' uddaulah Assanamee. Najmuddeen started the work but died before he completed it. Then Ala' uddaulah continues from where he stopped. The former used plain and also





## HUMAN RIGHTS AND INSTITUTIONS FOR THE PROTECTION OF HUMAN RIGHTS; AN

### OVERVIEW

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#### Abstract

**T**he promotion and protection of human rights have engaged the attention of the global community, Nigeria as a country in Africa has signed regional and international treaties for the enforcement and protection of human rights. Notwithstanding the foregoing, Human Rights violations are still imminent and of daily occurrences in Nigeria. This work appraised the National, regional and International institutions and instruments for the protection of Human Rights, their functions, achievements and, diverse challenges which have constrained meaningful

enjoyment of human rights both at the national, regional and international levels. It points out the shortcomings of the

#### KEYWORDS:

Human, Rights, Protection, Institutions, Overview

dualist model under a nation called Nigeria and stresses the objectionable wide amplitude of the derogation clauses. It also makes suggestions for reform.

#### INTRODUCTION

**I**t is not in doubt that human rights protection and enforcements have become a global subject. The fact that human rights have gained remarkable attention, prominence, and significance in our world of pluralism, diversity, and interdependence stems from their very nature. Human rights are rights which all human beings have by virtue of their humanity, such as right to life, right to food right to shelter, right to dignity of human person, personal liberty, fair hearing and freedom of thought, conscience and religion.

They provide a common standard of behavior among the international community. To demonstrate the important character of human rights, a learned author insightfully declared that: “the issue of human rights in the recent past, has penetrated the international dialogue, become an active ingredient in interstate relations and has burst the sacred bounds of national sovereignty.” It is for the foregoing reason that virtually all nations of the world, including Nigeria, have subscribed to the major international human rights instruments, such as the Universal Declaration of Human Rights, 1948; the International Covenant on Civil and Political Rights, 1966 (ICCPR); The International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR); and other regional human rights instruments. However, it must be remembered, as perceptibly noted by an astute author —that “human rights are more than a collection of formal norms, they are dynamic political, social, economic, juridical, as well as moral, cultural and philosophical conditions which define the intrinsic value of man and his inherent dignity.” The practical implication of this is that international human rights promotion, protection, and enforcement transcend mere formal subscription to their ideals or - more poignantly put-mere domestication. As Bhagwati has noted, “The language of human rights carries great rhetorical force of uncertain practical significance. At the level of rhetoric, human rights have an image which is both morally compelling and attractively uncompromising. But what is necessary is that highly general statements of human rights which ideally use the language of universality. Inalienability and indefeasibility should be transformed into more particular formulations, if the rhetoric of human rights is to have major impact on the resolution of social and economic problems in a country”. Although Nigeria, as a nation, is a signatory to many international human rights instruments and has a good number of domestic instruments for their protection, there are varying degrees of human rights violations in the nation, and governance is characterized by acute disregard for, and sadistic undermining of, these basic rights and fundamental freedoms. Indeed, today, as in the inglorious days of military rule, frequent cases of extra-judicial, unjustifiable torture of detainees by security agents, unbridled curtailment of freedom of the press,” and objectionable discrimination against women,’ are still witnessed both nationally and internationally. Also, politically motivated arrests and detention’ have continued unabated and lengthy pre-trial detentions of suspects have continued with impunity. -

#### **CONCEPTUAL CLARIFICATION**

This work introduces some major concepts that need to be defined for the purpose of this study. These concepts are: ‘Human Rights’. ‘Instruments or treaties responsible for the protection of Human Rights’, ‘Institutions for the

Protection of Human Rights, their functions, challenges and recommendation’.

## **HUMAN RIGHTS**

The starting point in understanding human rights is the appreciation of the term ‘rights’ which is covered by the wider concept of claims - for example, the wants, desires and aspirations that people have and express. Those claims which are also supported by or in accordance with some objective standards’ or general theory, whether those of a code of morality or ethical theory or those of a political system or political theory, or of a legal system, are usually and aptly called rights’.

Although human rights is key concept in international law and relations, its precise meaning and content remain as controversial as ever. The UN Charter, to which the development of human rights law is often attributed, is prototype. Article 1(3) includes, as part of the purposes of the organization, the promotion and encouragement of a respect for human rights and fundamental freedoms for all, but without defining them’. The Universal Declaration also shies away from a definition. Its preamble merely declares that ‘recognition of the inherent dignity and of the equal and inalienable rights of all, members of the human family is the foundation of freedom, justice and peace in the world’’. The operative part of the Universal Declaration merely listed the rights and freedoms guaranteed without any definition. This pattern is repeated in the other major international human rights instruments. However, for the purpose of this work, the definition of Henkin is adopted and he posited thus: “Human rights are claims asserted and recognized as a right, not claims upon love, or grace, or brotherhood, or charity... They are claims under some applicable law. They are rights upon society as represented by the government and its officials. The good society is one in which individual rights flourish and in which their protection and promotion are the fundamental Objectives of government”’.

Boutros-Boutros Ghali, the former Secretary-General of the UN, emphasised on the historical context of human rights when, at the opening of the World Conference on Human Rights held in Vienna in 1993, he declared: “Human rights should be viewed not only as the absolute yardstick, which they are, but also as a synthesis from a long historical process. As an absolute yardstick, human rights constitute the common language of humanity. Adopting this language allows all peoples to understand others and to be the authors of their own history. Human rights, by definition, are the ultimate norms of all politics.

## **INTERNATIONAL INSTRUMENTS (TREATIES) RESPONSIBLE FOR THE PROTECTION OF HUMAN RIGHTS**

### **1. International Bill of Human Rights**

#### **2. Universal Declaration of Human Rights**

The Universal Declaration of Human Rights (UDHR) is a UN General Assembly declaration that does not in form creates binding international human rights law. Many legal scholars cite the UDHR as evidence of customary international law.

More broadly, the UDHR has become an authoritative human rights reference. It has provided the basis for subsequent international human rights instruments that form non-binding, but ultimately authoritative international human rights law.

#### **2. International Human Rights Treaties**

Besides the adoption in 1966 of the two wide-ranging Covenants that form part of the International Bill of Human Rights (namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), other treaties have been adopted at the international level. These are generally known as human rights instruments. Some of the most significant include the following:

- The Convention on the Prevention and Punishment of the Crime of Genocide (CPCG) (adopted 1948 and entered into force in 1951);
- The Convention Relating to the Status of Refugees (CSR) (adopted in 1951 and entered into force in 1954);
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD) (adopted in 1965 and entered into force in 1969);
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEJAW) (entered into force in 1981);
- The United Nations Convention Against Torture (CAT) (adopted in 1984 and entered into force in 1987);
- The Convention on the Rights of the Child (CRC) (adopted in 1989 and entered into force in 1990)
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) (adopted in 1990 and entered into force in 2003);
- The Convention on the Rights of Persons with Disabilities (CRPD) (entered into force on 3 May 2008); and

- The International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) (adopted in 2006 and entered into force in 2010).

### **UNITED NATIONS AS THE TREATY BODIES RESPONSIBLE FOR THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS**

The United Nations human rights treaties are associated with the task of monitoring the implementation of treaty obligations. The treaty bodies are composed of members who are by the states parties to each treaty (or through the UN Economic and Social Council (ECOSOC) in the case of CESCR). In principle, treaty members are elected as experts who are to perform their functions in an independent capacity. Meeting periodically throughout the year, the treaty bodies perform a number of functions in accordance with the provisions of the treaties that created them. These include:

1. Consideration of State parties' reports.
2. Consideration of individual complaints or communications.

They also publish general comments on the treaties and organize discussions on related themes.

### **INTERNATIONAL INSTITUTIONS FOR THE PROTECTION OF HUMAN RIGHTS**

In itemizing the international Institutions for the protection of Human Rights, it is pertinent to state that the term "International human rights institutions are those bodies established by (international) agreements entrusted with the task to interpret, monitor and observe the implementation and enforcement of human rights law.

The International protection of human right on the African continent has a number of dimensions. The United Nations (UN) is heavily involved in human rights work on the African continent. UN agencies provide relief work, technical assistance and a number of other functions. The UN High Commissioner for Human Rights has established offices in a number of African countries.

On the formal level, African countries have a record more or less comparable to the rest of the world in terms of acceptance the UN Human right treaties. Some notable exceptions are Genocide Convention and the Optional Protocol to the Covenant on Civil and Political Rights relating to the abolition of the death penalty, which have received significantly less ratification in Africa than on the global level. The Refugee Convention and its additional Protocol on the other hand have a much higher percentage of ratification in Africa than on the global level.

The UN has created an ad-hoc criminal court concerning the genocide in Rwanda. Namely the International Criminal Tribunal for Rwanda, based in Arusha, Tanzania. The Sierra Leone Special Court constitutes a combine effort between the UN and the government of Sierra Leone.

The prosecutor of the newly established International Criminal Court is investigating alleged atrocities in a Democratic Republic of Congo and in Uganda, both of which have ratified the statute establishing the court. After a referral by the UN Security Council, the Prosecutor is now also investigating the situation in Darfur, Sudan.

On the regional level, the African Union (AU) (since 2001) and its predecessor, the Organization of Africa Unity, (OAU) (since 1963) have created a continental human rights mechanism for Africa. Whereas, the Charter of OAU of 1963 hardly made any references to Human Rights, the Constitutive Act of the AU of 2000 identifies the protection of Human Rights as the central objective of the AU.

In 1981, the OAU adopted the African Charter on Human and Peoples' Rights (also called the Banjul Charter), which created the Africa Commission on Human and Peoples' Rights. All member states of the AU have ratified the charter. There are two protocols to this Charter.

The first is the 1998 Protocol on the African Court on Human and People's Rights, which entered into force on 25 January, 2004 and created a Human Rights' Court for Africa to compliment the jurisdiction of the African Commission on Human and People's Rights. A Protocol to the African Charter on the Rights of Women was adopted at the AU Summit in Maputo in July 2003 but has not yet enters into operation.

In addition, the African Charter on the Rights and Welfare of the Child was adopted in 1990 and entered into force in 1999. The treaty established the Committee on the Rights and Welfare of the Child as Monitoring body. As with the African Charter, state are require to report regularly to the committee.

The development program of the AU, the New Partnership for Africa's Development (NEPAD), has created the African Peer Review Mechanism, which has a mandate to review both economic and political governance, the latter including human rights.

Human rights violations cause conflict and conflicts cause human rights violation. It is not surprising then that there is an increasing focus on human rights and humanitarian law found in peace treaties in the hope of ending the many conflict that have ravaged the continent. In 1993, the OAU established a conflict prevention mechanism with limited success. A protocol to the Constitutive Act of the AU establishing an African Peace and Security Council

as an institution of the African Union was adopted in 2002 and entered into force on 26th December, 2003.

The mandate, competences and modus operandi of the international institutions for Human Rights are defined in international law and the institutions include:

- United Nations
- UN Human Rights Council
- human rights treaty bodies
- independent experts known as “special procedures’
- Universal Periodic Review
- Africa
- African Court on Human and Peoples’ Rights
- African Commission on Human and Peoples’ Rights
- The Americas
- Inter-American Court of Human Rights
- Inter-American Commission on Human Rights
- Europe
- European Court of Human Rights
- European Committee of Social Rights
- Council of Europe Commissioner for Human Rights
- The Middle East & North Africa
- Arab Human Rights Committee
- Southeast Asia
- ASEAN Intergovernmental Commission on Human Rights

#### **POTENTIAL FUNCTIONS OF THE INTERNATIONAL AND NATIONAL HUMAN RIGHTS INSTITUTIONS**

The Paris Principles list a number of responsibilities that these institutions should assume. While national human rights institutions should have as broad a mandate as possible, specified either in the constitution or in legislation, the Paris Principles stipulate that these institutions should:

- Monitor the implementation of human rights obligations of the State party and report annually (at least);
- Report and make recommendations to the Government, either at the Government’s request or on its own volition, on human rights matters, including on legislation and administrative provisions, the violation of human rights, the overall human rights situation in the country and initiatives to improve the human rights situation;

- Promote harmonization of national law and practice with international human rights standards; Encourage ratification of human rights treaties;
- Contribute to reports that States parties are required to submit to the United Nations treaty bodies on the implementation of human rights treaties;
- Cooperate with regional and United Nations human rights bodies as well as with human rights bodies of other States;
- Assist in the formulation of human rights education programmes; and Raise public awareness about human rights and efforts to combat discrimination.

- **Monitoring National Law and Practice**

It is common for national institutions to have a mandate to ensure that national law conforms to human rights standards, as recommended by the Paris Principles. This can be achieved by examining existing laws, and by monitoring and commenting upon the development of new laws. A number of institutions dedicate resources to monitoring proposed legislation so that they might consider and, if necessary, comment upon compliance of the proposed law with human rights obligations. Depending on the degree of impact that a proposed law may have on human rights, national institutions might also raise public awareness so that individuals and organizations can, if they choose, make submissions to the Government.

Initiatives to improve the human rights situation within countries Ideally, States will establish a national human rights action plan outlining the strategy or actions to be taken to implement obligations under human rights instruments. States will often consult the national human rights institution when developing these strategies or actions plans. Independent of the State's national human rights action plan, the national human rights institution might develop its own plan to promote respect for human rights. In either case, appropriate government agencies and civil society should be consulted as these strategies are being drafted. The Convention stipulates that civil society, particularly persons with disabilities and their representative organizations, children with disabilities and individuals who care for persons with disabilities, should be involved in this process.

- **Resolving disputes**

Consistent with the recommendations made in the Paris Principles, a common function of national human rights institutions is to help resolve disputes concerning alleged violations of human rights. A mandate to help resolve disputes should also be accompanied by powers to gather information and evidence.

- **Education and public awareness**
- The Paris Principles specifically recommend the promotion of human rights education programs. It is essential that individuals, private entities and government entities know about human rights and the corresponding responsibilities if those rights are to be respected and effectively monitored. Programs might need to be tailored to the needs of particular groups. For example, programs targeting persons with disabilities should issue their material in accessible formats such as Braille, large print, plain language, close-captioning or accessible electronic formats.

National institutions might also establish codes of practice that relate to certain rights in particular situations. For example, codes of practice may relate to: the application of a specific right or the elaboration of the specific steps needed to implement the right; the conduct of a particular government agency or a class of agencies; a particular type of public or private activity per class of activities; or a particular industry or profession. Given the regulatory nature of such codes, they must be established by law and will normally be adopted after wide consultations.

- Article 35 of the Convention requires States parties to report periodically to the Committee on the Rights of Persons with Disabilities on measures taken to comply with their obligations under the Convention. The combine effect of articles 4(3) (consultation with and involvement of persons with disabilities) and 35(4) of the Convention means that States should consider preparing these reports in close consultation with persons with disabilities, including children with disabilities, and their representative organizations. National institutions can play a role in preparing reports and can facilitate consultation between civil society and the Government in the reporting process.

#### **NATIONAL HUMAN RIGHTS INSTITUTIONS AND COMPLAINTS' MECHANISMS**

The Paris Principles call for national institutions to have adequate powers of investigation and the ability to hear complaints. Existing national

institutions that assume the monitoring functions under the Convention might have to adjust their mediation and conciliation procedures in order to ensure that persons with disabilities and their representative organizations have access to the process. There are various methods by which such institutions can fulfill these roles, including:

- **Mediation and conciliation**

At the most basic level, many national human rights institutions help enforce the realization of rights by providing mediation and conciliation services. An aggrieved person can directly contact conciliation or mediation officer of a national human rights institution to discuss his/her concerns. Such officers are asked to register the complaint and are often empowered to provide general advice on options available to the aggrieved person and depending on the wishes of that person, to initiate communications with the other party involved in the dispute. This may include informal telephone or face-to-face discussions, although many national institutions do not accept anonymous or unsigned complaints. More often, the national institution will have to rely on more formal requests, such as written communications. Depending on the nature of the dispute and the outcome of initial discussions, a meeting of the parties involved might be organized during which the mediator or conciliator will attempt to resolve the matter.

- **Human rights tribunals**

Failing successful mediation or conciliation, or failing adherence by one or both of the parties to the terms of the settlement of a dispute, some national human rights institutions have mechanism through which they, or the parties to a dispute, may initiate proceedings before a tribunal, including a national human rights tribunal. The ability to initiate such proceedings, and the tribunal itself, must be established by statutory authority. A national human rights tribunal can act as a bridge between formal legal proceedings and the more informal process of investigation and conciliation.

- **Intervention in legal proceedings**

Another possible role of national human rights institutions is to intervene in proceedings that are held within the normal judicial system. In Australia, for example, the Human Rights and Equal Opportunities Commission has the power to intervene as *amicus curae* (a friend of the court) in court proceedings that raise disability-discrimination issues.

This allows the Commission to present its views on the interpretation of the law and how it should be applied in the given circumstances.

- National human rights institutions often keep records of mediation and conciliation processes as a way of tracking the patterns through which disputes are resolved. Records might also be included in the annual report, be used to launch a special report, be included in a shadow report to treaty bodies, and/or be used to train conciliation and mediation staff and establish consistent practices and results. These records should be kept secure and any references to past actions should not identify the parties involved.
- Mediation and conciliation may be linked to other grievance-resolution mechanisms so that a failure to resolve a grievance at this level will lead to action by the national institution at a higher level.

### **SUCSESSES OF HUMAN RIGHTS INSTITUTIONS**

Since the operation of the national human rights institutions in 1993 till date, the following are recorded as part of their achievements which includes: Economic, social, cultural, civil, and political rights and the right to development are recognized as universal, indivisible, and mutually reinforcing rights of all human beings, without distinction. Non-discrimination and equality have been increasingly reaffirmed as fundamental principles of international human rights law and essential elements of human dignity.

1. Human rights have become central to the global conversation regarding peace, security and development.
2. New human rights standards were built on the 1948 Universal Declaration of Human Rights and the implementation of international human rights treaties is significantly imposed.
3. Additional explicit protections in international law now exist covering, among others, children, women, victims of torture, persons with disabilities, and regional institutions. Where there are allegations of breaches, individuals can bring complaints to the international human rights treaty bodies.
4. Women's rights are now acknowledged as fundamental human rights. Discrimination and acts of violence against women are at the forefront of the human rights discourse,
5. There is global consensus that serious violations of human rights must not go unpunished. Victims have the right to claim justice, including within processes to restore the rule of law following conflicts. The

International Criminal Court brings perpetrators of war crimes and crimes against humanity to justice.

6. There has been a paradigm shift in the recognition of the human rights of people with disabilities, especially and crucially, their right to effective participation in all spheres of life on an equal basis with others.
7. There is now an international framework that recognizes the challenges facing migrants and their families which guarantees their rights and those of undocumented migrants.
8. The rights of lesbians, gays, bisexuals and transgender individuals have been placed on the international agenda.
9. The challenges facing indigenous peoples and minorities are increasingly being identified and addressed by the international human rights mechanisms, especially with respect to their right to non-discrimination.
10. The Human Rights Council, set up in 2006, has addressed vital and sensitive issues and its Universal Periodic Review, established in the same year, has allowed countries to assess each other's human rights records, make recommendations and provide assistance for improvement.
11. Independent human rights experts and bodies monitor and investigate from a thematic or country-specific perspective. They cover all rights in all regions, producing hard-hitting public reports that increase accountability and help tight impunity.
12. States and the United Nations recognize the pivotal role of civil society in the advancement of human rights. Civil society has been at the forefront of human rights promotion and protection, pinpointing problems and proposing innovative solutions, pushing for new standards, contributing to public policies, giving voice to the powerless, building worldwide awareness about rights and freedoms and helping to build sustainable change on the ground.
13. There is heightened awareness and growing demand by people worldwide for greater transparency and accountability from government and for the right to participate fully in public life.
14. National human rights institutions have become more independent and authoritative and have a powerful influence on governance. Over a third of all countries have established one or more such institutions.
15. The United Nations Fund for Victims of Torture has assisted hundreds of thousands of victims of torture to rebuild their lives. Likewise, the United Nations Voluntary Trust Fund on Contemporary Forms of

Slavery, with its unique victim-oriented approach, has provided humanitarian, legal, and financial aid to individuals whose human rights have been violated through more than 500 projects.

16. Victims of trafficking are now regarded as entitled to the full range of human rights and are no longer perceived to be criminals.
17. A growing consensus is emerging that business enterprises has human rights responsibilities.
18. There are now guidelines for States which support freedom of expression while defining where speech constitutes a direct incitement to hatred or violence.
19. The-body of international human rights law continues to evolve and expand, to address emerging human rights issues such as the rights of older persons, the right to the truth, a clean environment, water and sanitation, and food.

#### **CHALLENGES OF INTERNATIONAL AND NATIONAL INSTITUTIONS FOR THE PROTECTION OF HUMAN RIGHTS**

##### **A. The Problem of Primacy between International Human Rights Norms and Domestic Legislation**

International agreements particularly those relating to human rights employ two approaches, namely the ‘treaty’ method and the ‘non-treaty’ method. Whereas the treaty method creates legally binding obligations on state parties, the non-treaty method establishes non-legal commitments to guide signatory states. Nigeria’s international obligations, primarily those concerning human rights, are treaty-based. For instance, the National Assembly in March, 1983 incorporated holus bolus, the text of the African Charter on Human and Peoples’ Rights, into the corpus of domestic legislation. The wholesale incorporation of the charter raises certain fundamental issues which appertain to any domesticated human rights treaty. For instance, the 1999 Constitution draws a distinction between justiciable and non-justiciable human rights. The Charter, on the other hand, makes no distinction between economic, social, and cultural rights, on the one hand and civil and political rights on the other. One important question which arises therefore is the implication of the wholesale domestication. Again, in the event of conflict between the Nigerian Constitution, Nigerian statutes, and the Charter, as incorporated, which one prevails? This last question raises the issue of primacy between international human rights norms and domestic legislation. On the relationship between

international human rights instruments and domestic law—which includes the Constitution—two principal schools of thought have emerged, viz monism and dualism. In addition to these dominant theories, a lesser theory that has also been propounded is the harmonization theory. Monism asserts that international law and municipal law form part of a universal legal order serving the needs of the human community one way or another. By this theory, any international treaty, including those concerned with human rights, ratified or assented to by a state is directly enforceable within the municipal system. On the other hand, dualism holds that international law and municipal law are two distinct legal orders. Thus, each may isolate the other, and as such, ratified treaties are not enforceable until the parliament enacts a law to incorporate them into the municipal law. The harmonization theory holds that man is the focus of both areas as Man lives in both jurisdictions. Harmonization theorists contend that both systems are concordant bodies of doctrine, autonomous but harmonious in their aim of achieving the basic good and therefore reject the presumed conflict between international law and national law. In Nigeria, the dualist or indirect system applies by virtue of the provision of section 12 of the 1999 Constitution. It is for this reason that the Supreme Court unequivocally held that no treaty applies unless it is ratified. Further, the court held that the Constitution, by virtue of its supremacy, has primacy over international law in the event of conflict between the two, in the words of the court, any treaty enacted into law in Nigeria by virtue of section 12(1) of the 1999 Constitution, is circumscribed in its operational scope and extent as may be prescribed by the legislature as relating to the conflict between international law and other national law, the Supreme Court unfortunately did not make an unequivocal pronouncement. However, the court noted that “in incorporating African Charter, this country (Nigeria) provided that the treaty shall rank at par with other ordinary municipal laws”. Therefore, if there is a conflict between it and another statute, its provisions will prevail over those of that other statute for the reason that it is presumed that the legislature does not intend to breach an international obligation, thus, it possesses a greater vigor and strength than any other domestic statute. The view that international instruments, including human rights instruments, should take precedence over domestic legislation, it is submitted is a better and preferred view. The subscription of Nigeria to those norms by

ratification of the treaties means that the Nigerian governments and their judicial agencies are not legally permitted to derogate from those norms. Accordingly, international human rights norms should be interpreted and enforced in such a manner as to confer primacy on international human rights instruments over domestic legislation.

**B. Reservation Clauses in Human Rights Instruments:**

A careful and painstaking content analysis of the various international human rights instruments reveals that there are many High- defined instances of permissible derogations inherent in them. In other words, many of the human rights guaranteed in international human rights instruments are not sacrosanct or granted in absolute terms. Rather, the various instruments create instances where it is legitimate and legally sustainable for the rights to be violated. Although virtually all the rights granted by the Universal Declaration of Human Rights, 1948 are not qualified, the same thing cannot be said of the two Covenants which elaborated on the provisions of the Declaration. For instance, Article 4 of the International Covenant on Civil and Political Rights recognizes and provides for permissible derogations in the following terms: In time of public emergency which threatens the life of the nation, and the existence of which is officially proclaimed, the state parties ... may take measures derogating from their obligations under the present covenant. Similarly, Article 4 of the International Covenant on Economic, Social and Cultural Right allows restrictions and limitations on the rights it guarantees. The Article provides that: The states parties to the present covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society. The African Charter also contains derogation clauses. For instance, Article 6 provides inter alia that “no one may be deprived of his freedom except for reasons and conditions previously laid down by law...” while Article ii, in limiting the right to assemble freely, permits “necessary restrictions provided for by law.” The practical and legal implication of these derogation clauses is simply that a state is permitted to limit, restrict, abridge, or suspend the enjoyment of these rights. While it may be inappropriate to contend that all the rights should be given in absolute terms, it is a matter of grave concern that the instances of permissible derogation are not well-

defined and as such, susceptible and amenable to abuse. For instance, no definition is offered by the Convention on Civil, and Political Rights of what constitutes a “public emergency.” Apart from the problem of definition, how do we react to derogations during a state-induced public emergency? It is respectfully submitted that the wide and ill-defined permissible derogations from’ the enjoyment of the rights guaranteed by some international human rights instruments is a veritable tool to avoidable curtailment of the protection and promotion of human rights at the domestic level; contextually in Nigeria.

**C. Absence of True Judicial Independence:**

One of the enduring and indeed imperishable attributes of the common law is the notion of judicial independence. So important is this notion that it has become entrenched not only in the English judicial system, but in most judicial systems across the globe. The term judicial independence, otherwise referred to as the independence of the judiciary, does not lend itself to a generally accepted definition. Consequently, an examination of some attempts which have been made to define it will suffice for the present purpose. According to Oyeyipo, Judicial independence postulates that no judicial officer should directly or indirectly, however remote be put to pressure by any person whatsoever, be it government, corporate body or an individual to decide any case in a particular manner for the executive and the citizens, whatever their status.,. From the above premise, it can be safely concluded that judicial independence is not yet a reality but a mere aspiration in Nigeria till date. The appointment and removal of judges are not insulated or isolated from politics, ethnicity favoritism, and other primordial considerations, Lamenting on the constraint against judicial independence in Nigeria, Tobi insightfully declared that “there were instances in the past where appointing bodies by sheer acts of favoritism and nepotism overturned the A.J.C. (Advisory Judicial Committee’s) list and planted their own by way of replacement.” Other authors have also categorically noted that “the appointment of judges cannot through the institutional mechanism of NJC (National Judicial Council) be insulated from political consideration and control.” Apart from the problem of appointment and removal, the judiciary is faced with other formidable problems which inevitably compromise its independence and impartiality. The Nigerian Judiciary lacks financial autonomy in the real sense of the word, even though under the present constitutional dispensation, a measure of financial autonomy is sought

to be enthroned. Besides, the remuneration of judicial officers is not only inadequate but laughable. The implication of this is that judicial officers are exposed to avoidable temptations of being corrupt such that their judgments are not the result of legal rule, forensic argument of counsel, precedent, and cold facts of the case, but are rather dictated by extraneous considerations. The plight of many judges is worsened by environmental challenges of absence of social security and bloated extended family. From the above, the challenge posed by the absence of true judicial independence is formidable, Similarly, its implications for human rights promotion and protection are no less daunting.

**D. Problem of Disobedience to Court Orders:**

Without doubt, accessibility to court by litigants is one thing, while the impartiality of the judge is another. Respect and obedience to the judgment and orders of the court is yet another important consideration. It is a notorious fact that judgments and orders of courts are not self-executing and the judiciary does not have its own body or institution charged with the responsibility of enforcing its judgments. The implication of this fact is that the judiciary inevitably depends on the executive for the enforcement of its judgments. The executive branch, without doubt, is the greatest violator of human rights. It is the major “predator” from which judicial protection is often sought. This being the case, there is little guaranteed that when an order is made against the executive branch, the same will be treated as sacrosanct. On the contrary, the unfortunate and regrettable experience has been regular disobedience of the executive to lawful and subsisting court orders. Often, government chooses the orders to obey. It obeys those it is comfortable with and disobeys those which are in conflict with its interest, ignoring the consequences to the individuals whose rights have been violated. This is true both under military rule as well as democratic dispensation. For instance, the Federal Government refused to obey the Supreme Court’s judgment which declared illegal the withholding of revenue to the Lagos state local government. The inevitable question therefore is: what is the value of a judgment and order which is disobeyed? Disobedience to court orders undoubtedly undermines- the authority, dignity, and integrity of the court and can promote anarchy. But much more, it constitutes a remarkable challenge to the development and realization of human rights.

**E. Weak Institutional Infrastructure:**

A major deficiency in the development of human rights is one of enforcement. Since the enforcement of human rights largely depends on the domestic machinery of national governments, Nigeria has erected seemingly firm institutional infrastructure to safeguard human rights in the country. The institutional infrastructure includes the judiciary, the National Human Rights Commission, the Public Complaints Commission and the Legal Aid Council. Regrettably, the various institutional mechanisms are not strong enough or capable of providing adequate and effective platforms for meaningful human rights promotion and protection. This is especially so because many of these institutional mechanisms are not independent and do not have the financial and logistical capability to meaningfully function as they ought to. This article earlier highlighted some of the problems confronting the judiciary. The extra-judicial bodies are in a more precarious position. Being controlled, directly or indirectly, by the government through funding, composition of membership, and provision of operational guidelines, among others, government interference or influence becomes not a mere possibility but a reality. For instance, it is widely believed that the redeployment of Kehinde Aioni, the erstwhile Executive Secretary of the National Human Rights Commission (NHRC), was a result of the scathing human rights report she presented at the 9th session of the United Nations Human Rights Council<sup>65</sup> held in Geneva, Switzerland on Monday, February 9, 2008.

## **RECOMMENDATIONS**

### **a. Suggestion for Constitutional And Institutional Reforms:**

It is the state, with its various institutions, which is primarily responsible for guaranteeing the implementation and enforcement of human rights. This mandate is explicitly stated in the Charter of the United Nations as follows: All members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of 'universal' respect for, and observance of human rights and fundamental freedom. Consequently, to overcome the innumerable challenges stated above, it is imperative that necessary constitutional and institutional reforms be undertaken in addition to the need for government to demonstrate pragmatic political will to promote and protect human rights. It is therefore intended in this part to briefly propose the following reforms which, if faithfully

implemented, will ensure better protection to the protection of human right in Nigeria.

**b. Segregating of Human Rights Instruments from the Ambit of Section 12 of the Constitution:**

Human rights instruments should be excluded from the provision of section 12 of the 1999 Constitution requiring the National Assembly to enact treaties to which Nigeria is a party into law before they become binding and enforceable in Nigeria. This means that any international human rights instrument to which Nigeria is a party will automatically become applicable and enforceable in Nigeria without the necessity of the same being enacted into law by the National Assembly. This way, Nigeria will be bound by all human rights treaties ratified on the basis of *pacta sunt servanda*.

**c. Abridgement of Limitation Provisions:**

The domain of permissible constitutional derogations must be severely limited. Accordingly, the various sections—such as sections 33 and 45 of the 1999 Constitution which provide wide and sometimes nebulous limitation on some of the rights must be amended. The danger posed by these derogation clauses informs their condemnation by Honorable Justice Bhagwatti. In his words: We must therefore take care to ensure that in no situation, however grave it may appear, shall we allow basic human rights to be derogated from, because once there is a derogation for an apparently justifiable cause, there is always a tendency in the wielders of powers in order to perpetuate their power, to continue derogation or human rights in the name of security of the state. Effective respect for human rights must place two kinds of restrictions on the forces of derogation. It must limit the circumstances and specify the procedures under which derogation may be legitimately invoked and it must also identify and reserve certain core human rights such as the right to life or the right to personal liberty, or freedom *ex post facto* from criminal laws which are the most vital from a political science perspective, as absolutely non-derogatable. We consider it appropriate to recommend this to the Nigerian State,

**d. Strengthening of the Extra-Judicial Bodies:**

Extra-judicial bodies for human rights enforcement must be strengthened to promote their efficiency and efficacy in human rights promotion and protection. Judicial enforcement of human rights is characteristically protracted and expensive. This is why over-reliance and dependence on the judiciary must be deemphasized and

discouraged in favor of these extra-judicial bodies which are less cumbersome, less technical and inexpensive. Accordingly, the human rights agencies should enjoy reasonable independent to free them from executive interference. In addition, the agencies especially, the National Human Rights Commission, and the Public Complaints Commission must be strengthened and adequately funded. The constituent instruments of the Commissions should be amended to grant them financial autonomy so that they can discharge their noble statutory mandate. Apart from ensuring the financial autonomy of the Commissions, government should be charged with the responsibility of providing technical and infrastructural support and solidarity for their work and those of other human rights organizations, important, and compelling duty to ensure prompt compliance with the orders of the courts. Human rights should no longer be a matter of rhetoric. Rather, the government must constantly and deliberately seek to advance the cause of human rights-friendly legislation, policies, and actions. It is fitting and commendable that the Federal Government of Nigeria, in response to the recommendation of the Vienna Declaration and Program of Action adopted by the World Conference on Human Rights in Vienna Australia in 1993, has drawn up a comprehensive National Action Plan for the promotion and protection of Human Rights in Nigeria. In furtherance of the mandate of the Vienna Declaration, the Nigerian National Action Plan has carefully identified and drawn up an integrated and systematic national strategy to help realize the advancement of human rights in Nigeria. This noble and laudable effort will be meaningless and remain dead letters if the government fails to honestly and sincerely pursue the program of action articulated therein. In discharging this commitment, the Government must always ensure that persons of proven integrity with high moral character are those appointed to the bench and bodies consecrated for human rights promotion and protection.

### **CONCLUSION**

The attempt to map relevant instruments and institutions for the protection of human rights at the national, regional and international levels produces the picture of a diverse, multifaceted and multilayered human rights protection landscape whose complexity is hard to grasp. To date, there is a multitude of different instruments, institutions and mechanisms at global, regional and national levels that are inter-linked by an extended and complex cooperation

network. Civil society organizations have a key role at all levels. They provide information to international and national institutions, contribute to agenda setting and policymaking in the field of human rights, observe implementation and play an important role with regard to awareness rising.

At the global level, the UN is the central organization which gradually developed a comprehensive and extensive human rights system. It is a sophisticated system and has a leadership role concerning the setting of new human rights standards, National systems are diverse with regard to scope, institutional arrangements, obligations and mechanisms. The African system is one of the most extensive and differentiated system with far-reaching obligations, monitoring and adjudication capacities with enormous challenges. Without doubt, concern for human rights is universal, which is why the concept of human,, rights has gained remarkable appeal and significance in our world of pluralism, diversity, and interdependence. Regrettably, the enjoyment of human rights in Nigeria—as in many nations across the globe—has been cramped by varied and multidimensional challenges. This is why atrocious violations of human rights still exist in Nigeria and many other states till date. Many of the hindrances to human rights protection in Nigeria have been sustained, and remain unabated, partly because of a lack of genuine and practical commitment on the part of the government to ensure meaningful enjoyment of these rights. Successive Nigerian governments like many governments have not been able to match the impressive record of codification and prescription of the rights with equally rigorous application and enforcement. Rather, they have been contented with mere codification presumably because—as noted by Haleem generally, governments find it difficult to vote against what is deemed to be good and what makes prudent political sense in light of the fact that human rights issues now form part of the equation of international relations.

Since human rights are most effectively protected at the national level, it is therefore imperative for each national government to take all legislative, judicial, and administrative measures in order to prevent, prohibit, and eradicate all human rights violations. It should not merely be fashionable to accept and adopt international human rights instruments. Rather, practical commitment ought and should be demonstrated at all times towards the realization of' their noble objectives. Accordingly, it is hereby advocated that meaningful steps be taken to adopt the proposals for reform stated in this article among others. Specifically, the ambit of permissible derogation must be well defined and severely limited. Further, the dualist model on the applicability of international human rights treaties should be abolished as 'it

constitutes a significant drawback to human rights protection in Nigeria. Finally, the courts must at all times adopt a generous interpretation of human rights provisions—and avoid what has been called the austerity of tabulated legalism—suitable to give individuals the full measure of the fundamental rights and freedom.

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## LANGUAGE, LITERATURE AND COMMUNICATION NEXUS

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### **Abstract**

**L**anguage and literature are interrelated and interdependent. Both of them have bearings on the various strands of societal life. The goal of language and literature is communication of information. Without communication, the human world can be in the oblivion. Herein lies the far reaching consequence of language and literature on our

existence. This paper examines language and literature as Sibling Rivers forming a confluence of communication.

### **KEYWORDS:**

language,  
literature,  
communication,  
societal  
coexistence,  
interrelationship,  
interdependence.

### **INTRODUCTION**

**L**anguage and Literature have inextricable destination which is communication of information. Although they constitute different aspects of people's culture, they dovetail into each other. The discourse of language and literature is of interesting complexity. What then is language? What is literature? How are they related and interdependent?

#### **Language:**

Language is a broad linguistic terminology. The Longman Dictionary of Contemporary English explains language as "a system of communication by written or spoken words". It is also regarded as "a style of communication." By style, we mean the particular way individuals, groups, societies or particular field of human endeavor uses language. This is why we talk of medical language or medicalese, language of journalism or journalese, administrative or official language as officialese, legal language or legalese religious language,

literary language and so on. Language also involves paralinguistic devices such as nodding of head, whistling, laughing, hissing, beckoning, dancing, mode of dressing, sculptures, pictures, carvings, sounds and others that are used in communication. Indeed, the concept of language has attracted many definitions and explanations but the bottom-line is that, it is a means of human communication.

Language and communication are inseparable. Communication cannot take place without language. On the other hand, no language is a language except it is used for communication. The existence and survival of any language is dependent on its utilization in communication. Languages like Sanskrit, Aramaic and others have gone into extinction because they are no longer used in communication.

Language is fundamental to societal coexistence. Language is used in giving information to fellow humans. The information can be an opinion, factual subjective or objective. It can be good or bad. Language is used in directing people to do something. It is also used in expressing our emotions of fear, pity, love, happiness, etc. For instance, Jawaharlal Nehru in Marlow E. and Digumarti, B.R (2014: 85) announced the death of Mahatma Gandhi in manner that effectively enveloped the nation of India and the whole world in the darkness of outrage and sorrow but love and respect for the deceased:

Friends and comrades, the light has gone out of your lives and there is darkness everywhere. I do not know what to tell and how to say it. Our beloved leader, Bapu as we all called him; the father of the nation is no more.

Language can engender peace, progress and unity. Shedrack (2004) in Jessica and Joy (2014) maintains that language can serve as a non-violent medium of management of conflict in the form of negotiation, collaboration, dialogue, mediation, conciliation and adjudication. On the other hand, language can provoke the fire of crisis and anger in the society. Humanity is expected to be discreet or politically correct in the use of language. Politically correct language is the use of language in such way that it will not hurt or derogate someone religiously, morally, culturally, socially, gender, ideologically and others. Murhy's law in Jessica and Joy (2014) considers "the use of language to hurt someone is a form of violence." Cousin in Jessica and Joy (ibid) report that Hitler's book. *Mein Kampf* is "the most effective book of destruction of humankind" as "for every word in the book, 125 lives were lost; for every page, 4,700 lives and for every chapter, 1,220,00 lives" underpins the fact that language which is an asset to humanity can also be a source of calamity if it is used without discretion.

Because of the enormous trouble associated with careless derogatory, abusive and hate inciting use of language, many countries including Nigeria are crowing up with hate speech legislations. For instance, in Nigeria, the National Commission for the Prohibition of Hate Speeches Bill (2019) is seeking for capital punishment for offenders although there is massive criticism that the legislation poses censorship or dangers to freedom of speech. The development and use of euphemistic language or expression is therefore critical in human communication. Euphemism is saying what we do not want say. It is a polite use of language. In English language for instance, the following are vulgar, derogatory, taboo or offensive language are juxtaposed with their euphemism:

prostitute:	commercial sex worker/ women of easy virtue
menstruation:	period
Black:	African
dis-virgin:	deflower
cleaner:	sanitary engineer
carpenter:	wood technologist
Bush Indians:	Native Americans
penis/rod:	front
vagina/cunt:	front
buttocks:	back

Language has reciprocal relationship with literature. Literature cannot exist without language as language is the channel of literature transmission. A literary artist or story-teller uses language to communicate his thoughts, feelings, views, experiences and culture in order to produce certain thoughts and emotions in the reader or audience. The literary artist or story-teller is successful to the extent that he is endowed with impressionable linguistic armoury that he can deploy to give his message. The language can be simple or difficult. It can be satirical, mellifluous or dignified. Language is part of the totality of the issue of style of a writer.

In conterminous, literature is regarded as language in action. Behtash (2012), maintains that “literature is the aesthetic manifestation of language.” Literature “transforms and intensifies ordinary language and deviates systematically from everyday language.” Literature therefore plays a formidable role in the development of language. Creativity as a feature of language is normally associated literature. A colossus in African literary firmament, Chinua Achebe in (NCE/DLS English Language Cycle 2, 2000:349),

affirms the writer's capacity and liberty to create and expand language when he says:

*... but I feel that the English will be able to carry the weight of my African experience. But it would have to be a new English, still in full communion with its ancestral home but altered to suit its new African surrounding.*

Yet, literature, especially of the written mode is the store house of a language. For instance, Behtash (ibid) in his exploration of London English from the old (600AD) to the present has used some literary products of the various periods. It is important to give a full quotation of Behtash summary on the relationship between English language and literature of London of the aforementioned period:

*The grammar of present day English is closely related to that of old English with the same tense formation and word orders. The verse unit is a single line and its organizing device is alliteration. The range of Chaucer's English did much to establish English as a national language. The writers of the Elizabethan period reshaped the literary language by borrowing foreign words and by coining new expressions and figures of speech. Shakespeare's language and modern English have enough in common so that historians consider that they both belong to the same stage in the history of English. Milton attempted to reinvent the English language through his Paradise Lost. The writers of the seventeenth century developed a prose style that could bear the weight of the most serious complex ideas. Then, writers of the eighteenth century devoted themselves to developing out a formal polished and correct style of expression Wordsworth and Coleridge intended to purify and recover the literacy language and make it closer to the everyday speech of the ordinary people. Modernism tried to articulate a representation of the world and the way of seeing it through complexities of mind using the spoken rather than the formal language.*

In the same vein, researchers or scholars who want to know about English language that was used in Nigeria many years to come can only effectively use literature of these eras.

### **Literature**

Etymologically, literature comes from a Latin word 'littera' meaning letter. In a general sense, literature is anything that is written. Magazines, newspapers, letters the Quran, the Bible and textbooks are examples of literature.

Literature can also be a collection of writings on any given area, endeavor or issue, e.g., colonialism, slavery, corruption, military governance, Nigeria/Biafra civil war, Feminism and so on. This is the type of literature that scholars and research workers talk about in research studies. Literature review in research studies involves locating, studying and making comments on what has been written by other people in a given area of study. It is a critical pre-writing procedure. It shows the awareness of a researcher of the writings on an area of study and justifies his work as a relevant contribution to an area of study. Digumarti Rao and Digumarti Latha (2006), have further explained the importance of literature review thus:

*..... this step helps to eliminate duplication of what has been already done. It is as a valuable guide to define the problem, recognize its significance, to suggest promising data gathering devices, to appropriate study design to identify sources of data, to make effective analysis and to arrive at fruitful conclusions. (p. 147).*

Literature can also be a discipline, that is, a subject of study like economics, mathematics physics etc. As a discipline, literature refers to stories that are created from an artist's imagination. It is regarded as a "fictive exploration of human experience." It is this type of literature that is the focus of this paper. This literature can be in the written mode or oral, what is otherwise known as *Orature*. Like language, literature is an instrument of communication. Whether literature is educating, entertaining, informing, teaching morality, culture, history and others, it is communicating. Here-in lies the communicative confluence of language and literature. Like language too, literature is a cosmic variable in societal coexistence and development. It can be used to raise national consciousness, criticize and advocate for social and moral sanity. The theory of social realism in the sociological school of literature believes that literature should reflect the realities of the society. It believes that literature should be appropriated in the struggle for societal development. John Munoye, a Nigerian novelist, in Ogu (1986:126) puts vividly the responsive nature of Africa literature to the dynamics of socio-political change in Africa society this way:

When we started, we felt a sense of mission about reconstructing our history, but now we must write about the present. We must go into the society, its strong and weak points, its problems, the prescriptions we would like to offer, casting these into arts forms.

In a similar vein, Leo-Tolsty in Asghar (2012), believes that literature tells us about two fundamental things: who we are and how we should live. Thus

literature is not just a mirror of the society but a navigational compass of our existence. It is probably because of the encompassing role of literature in our life that has given birth to the saying: The pen is mightier than the sword.

A brief commentary on the novels, *The Successors* by Jerry Agada and *Forgive Me Maryam* by Mohmed Tukur Garba, both who are Nigerian novelists is necessary at this juncture to show an example of how literature does not only mirror life but teaches life. In *The Successors*, Agada explores the issue of material success is sacrosanct in human existence and that the attainment of this requires the combination of vision, planning, hard work, discipline, commitment and ability to swim in the social, economic and political waters of the society. On the other hand, economic failure is bad in the life of man and it comes when the individual is bereft of the elements needed for success. However, the writer does not fail to tell the reader that life is not all about the struggle for material prosperity. Man equally owes moral obligations to the society. He must therefore pursue economic prosperity giving cognizance to the canons of societal morality. Agada demonstrates these ideas in the life of the major characteristics of the novel, *Terkura*, *Atsen* and *Okoh Ameh* and their family generations.

Garba, in his *Forgive Me Maryam*, mainly dramatizes the burden of love and money on humanity particularly in the arena of marriage. He depicts that both love and money are critical variables in enduring matrimony. Shuaibu (2019) in his essay, *Love, Wealth, Power and Ambition in Forgive Me Maryam*, of Mohmed Tukur Garba concludes:

The writer explores the ideas of love, wealth, power and ambition as pertinent issues of existence. They are ennobling if we deploy them to usher in happiness and development for humanity. However, they can be sources of psychological traumas that can set the fire of depression, anger, pain, suffering, evil and tragedy on humanity. Man must therefore handle them with reason. Garba's novel is psychological offering critical social advice.

### **Conclusion**

Language and literature are inseparable. They are interrelated and interdependent. Both of them are instruments of human communication. Communication is of supreme importance to the survival of human existence. A discreet and beneficial use of language and literature is important.

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## ECONOMIC RECESSION AND MONETARY POLICY IN NIGERIA

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### Abstract

**R**ecession is a business cycle contraction, and it refers to a general slowdown in economic activity for two consecutive quarters. During recession, there is usually a decline in certain macroeconomic indicators such as GDP, employment, investment spending, capacity utilization, household income, business income, and inflation, with the attendant increase in the rate of unemployment. Technically, when an economy recorded two consecutive quarters of negative growth in real GDP, it can be said to be in recession. The Gross Domestic Product (GDP), investment and consumption spending, savings rate, imports and exports, capacity utilization, household income, trade, capital flows, business profits and inflation decline, while indebtedness, illiquidity, bankruptcies and the unemployment rates rise. On the other hand, monetary policy has always been seen as a fundamental instrument over the years for the

attainment of macroeconomic stability, often viewed as prerequisite to achieving sustainable output growth. Thus, in

### KEYWORDS:

Recession,  
macroeconomics,  
growth,  
unemployment  
and inflation.

the pursuit of macroeconomic stability, the managers of monetary policy have often set targets on intermediate variables which include the short term interest rate, growth of money supply and exchange rate. This studies hopes to assess recession and monetary policy in Nigeria.

## INTRODUCTION

There were symptoms of recession in the Nigerian economy, just that it became full blown under the President Muhammadu Buhari regime due to certain drastic actions taken to solve perennial domestic economic problems. Economic crisis come in a cycle. (Agri M.E., Mailafia D., and Umejiaku R.I., 2017).

Recession is a business cycle contraction, and it refers to a general slowdown in economic activity for two consecutive quarters. During recession, there is usually a decline in certain macroeconomic indicators such as GDP, employment, investment spending, capacity utilization, household income, business income, and inflation, with the attendant increase in the rate of unemployment. Technically, when an economy recorded two consecutive quarters of negative growth in real GDP, it can be said to be in recession. The Gross Domestic Product (GDP), investment and consumption spending, savings rate, imports and exports, capacity utilization, household income, trade, capital flows, business profits and inflation decline, while indebtedness, illiquidity, bankruptcies and the unemployment rates rise (Agri M.E., Mailafia D., and Umejiaku R.I., 2017). GDP is the market value of all legitimately recognized final goods and services produced in the country in a given period of time, usually one year.

Monetary policy has always been seen as a fundamental instrument over the years for the attainment of macroeconomic stability, often viewed as prerequisite to achieving sustainable output growth. Thus, in the pursuit of macroeconomic stability, the managers of monetary policy have often set targets on intermediate variables which include the short term interest rate, growth of money supply and exchange rate. Among these intermediate variables of monetary policy, the exchange rate is argued to have a greater influence on the economy through its effect on the value of domestic currency, domestic inflation, the external sector, macroeconomic credibility, capital flows and financial stability (Usman O.A., and Adejare A.T., 2014).

### Statement of the problem

The economic recession experienced in Nigeria is a manifestation of long-term ills in the structure of the economy that became present. The recession seems to affect socio-political structures, Nigeria's credit condition, general living standard, imports, production and employment as well as consumption demand in Nigeria. Fast developing economies like China, India, Brazil, and Thailand depend on exports to drive their economies, but Nigeria cannot afford to do likewise. For many years, The importation of petroleum products

covers 30 percent of Nigeria's GDP, importation of rice took 20 percent; importation of garments and fabrics 15 percent, importation of cars and electronics 20 percent; resulting to sky-rockets inflation of 17.8 percent in 2016. Nigeria is faced with the problem of reduced volume of exports and reduced price of crude, resulting to low revenue. The implications are that the federal and state budgets cannot be funded adequately resulting to external borrowing and debt financing. These have negative implications on foreign exchange and imports of raw materials, unemployment, increased tax evasion and avoidance, low purchasing power, low standard of living caused by economic recession (Agri M.E., Mailafia D., and Umejiaku R.I., 2017). One of the major objectives of monetary policy in Nigeria is price stability. But despite the various monetary regimes that have been adopted by the Central Bank of Nigeria over the years, inflation still remains a major threat to Nigeria's economic growth. There must be a strong monetary policy to stimulate the economy, by diversification of the structural base of the economy away from oil which can only be possible when the real sectors of the economy such as the manufacturing, agriculture, etc. are also taken as priority sectors (Farayibi,A.O., 2016).

### **Literature review**

There are remote and immediate causes of the economic recession in Nigeria. Globally, there is geopolitical tension around the world, causing global crisis and commodity prices dropping such as the drop in crude oil prices, Russia-Syria crisis, ISIS, illegal migration and refugee crisis, disease outbreak like corona virus (COVID-19) which is remote but important causes of the recession as Nigeria is an integral part of the global economy. Following the mortgage crisis of 2009 which started in the USA, there have been a couple of actions which, given the size of US economy in the world, has had certain impact, both positive and negative on emerging markets and frontier markets (Adelmann, 2011), where Nigeria unfortunately stands today. Amongst the immediate causes, the recession in Nigeria is a symptom of monoprodut economic structure, lack of economic diversification and over-reliance on imports. The Nigerian economy contracted due to global oil price shocks and volatility, worsened by oil pipeline vandalism and depletion of foreign reserves by the previous governments. Nigeria's recession was triggered by a sharp drop in government revenues and /or a drop in consumer spending. A drop in global oil prices(which Nigeria cannot control), triggered a drop in revenue and government spending due to Nigerian government not being able to earn what it used to earn before the drop. The monoprodut economic structure, heavy

dependent on crude oil export and corruption are the root causes of the economic recession.

In Nigeria, where federal and state governments are the highest spenders in the economy, a drop in Government spending can dovetail into a drop in consumer spending which in turn means businesses cannot invest in products and services, and also cannot employ. Instead, there is lying off of workers and high rate of job losses. What Nigeria should realize is that, by allowing the import of goods that can be produced in Nigeria, we export wealth and jobs to those countries and import recession, unemployment and poverty to Nigeria. The country has had no control over the price and output of oil at the domestic and international market. The structure of the economy has not only been export dependent, but also on a resource that is non-renewable. Nigeria is not the only country that has experienced economic recession. If any known market economy would have escaped a recession, it would have been the US economy, however, despite prudent economic management, the US economy experienced periodic recessions and the last global economic crisis was triggered by the collapse of the sub-mortgage sector, (Adelmann, 2011).

### **Interest Rate, Inflation Rate and Economic Growth in Nigeria**

Interest rate is the rental payment for credit usage by borrowers, investors and returns for parting with lenders' liquidity. Also, Interest rate may be regarded as the price of the credit that is ambiguous due to inflationary pressure. A low interest rate strengthens the banks to relax the lending policy in order to promote and guild firms and household spending pattern. A low interest rate can force local currency to be devalued, as a result of demand for domestic goods rises, most especially when imported goods become costly. These factors among others would necessitate economic growth, consumer spending pattern and investment (Caporale, G., Cipollin, A., and Demetriades, P., (2005), Hajela, T., 2009).

However, economic growth is a proportion of a country's potential output. Economic growth has re-examined the reality behind the disparity in growth rate of countries overtime; and this act has influenced government decisions on spending pattern and tax rate regime in order to realize easy growth rate (Isiaka, S., Abdul- Raheem, A., and Mustapha, I., 2011). The average real GDP rate was less than 6% in 1970s, and later became worse, until the economic reform of August, 1986. Since then, positive GDP has been sustained till date, (5.5%), but at a very low rate.

Inflation remains the continuous rise in prices of goods and services without corresponding increase in output. The Nigerian economy seemed to have

experienced moderate inflation before the economic reform in 1986. There exists a positive relationship between inflation and growth in the short run, but economies with continuous increase in inflation rate may be forced to face some macro-economic challenges - low purchasing power of the local currency, poor price system and fluctuation of exchange rate etc. (Obamuyi, T., and Olorunfemi, S., 2011,) argued that the instability in the financial market and banks, have shown that the Central Bank's inability to actively manage the monetary policies have negative effect on the economy, thereby leading to increase in demand for dollars and with undesirable effect on resource allocation. High inflation has been found to have undesirable consequences on economic parameters. Inflation was 12.24% in 2012 and 9.1% as at June, 2013, 7.1% in 2014 and as February, 2015, it was 8.2%. However, as at February, 2020, inflation in Nigeria had risen to 12.20% with the following breakdown; food inflation stood at 14.85%, core inflation stood at 9.43%, rural inflation stood at 11.61% and urban inflation stood at 12.85%. This could be attributable to the crash in the price of crude oil in the international market as a result of the outbreak of COVID-19 (NBS, 2020).

Nigeria has experienced high inflation, thereby targeting the real interest rate on a negative trend most of the time. This act has made interest rate to be difficult to control, and the real interest rate remaining negative, savings and investment have remained low, and the economy has experienced weak industrial infrastructure.

### **The Nigerian Banking and Monetary Policy System**

The Monetary Policy Rate (MPR) is the rate at which banks borrow from Central Bank to cover their immediate cash shortfall. The higher the cost of such borrowing, the higher also will be the rate banks will advance credit to the real sector. Unfortunately, reverse is the case in Nigeria, the monetary policy rate has increased from 12% to 13% in 2014 (CBN, 2014).

The Nigerian banking system started in the late 19th century, but grew with influence of colonial masters, who introduced banking services in Nigeria. The apex bank has continued to play the traditional roles of regulating the stock money in order to promote monetary stability, sound financial system, to achieve high employment opportunities, rapid economic growth, price stability, effectively managing inflation and creating enabling environment to achieve national economic growth. However, these objectives among others have been realized via the use of monetary policy tools (Fasanya, I. et al, 2013, Onanuga, A. et al, 2000,).

However, CBN use methods to stabilize the economy via economic parameters such as Open Market Operations (OMO). These operations are conducted wholly on Nigerian Treasury Bills (TBs) and complimented with the use of reserve requirements, the Cash Reserve Ratio (CRR) etc. The Cash Reserve Ratio (CRR) is the amount of cash that banks have to keep with the Central Bank and is often used to control excess liquidity in the economy. Cash Reserve Requirement (CRR) has increased from 50% to 75% on all government deposit with commercial banks and increase from 12% to 15% on private deposit with commercial banks (MPC, 2014). The adoption of 75% on public deposit and 15% on private deposit of CRR would not protect the pressure on exchange rate and inflation as a result of continuous increase in government spending culture most especially during election year. But, it is good to know that these set of instruments are used to influence the monetary aggregates via a monetary processes. Changing monetary policy has a very crucial effects on aggregate demand, and thus on both output and prices. There are number of ways in which policy actions get transmitted to the real economy, which may be via the interest rate channel. During the rise in borrowing costs of CBN, consumers are a likely to involve in finance and businesses, which may hardened the likelihood of channeling funds to investment opportunities; and this reduced the level of economic activity, but with a consistent lower inflation, this would likely result to lower demand, which usually means lower prices. It must be noted that a rise in interest rates also tends to reduce the net worth of businesses and individuals (i.e. making it tougher to qualify for loans at any interest rate and reducing spending and price pressures).

Monetary policy has an important additional effect on inflation through expectations. Many wage and price contracts are agreed to in advance, based on projections of inflation, if policymakers hike interest rates and further communicate anticipated hikes at appropriate time, this may convince the public that policymakers are serious about keeping inflation under control. Long-term contracts will then build in more modest wage and price increases over time, which in turn will keep actual inflation low.

It must be noted that the Minimum Rediscount Rate (MRR) was used as the price-based technique to influence the movement of cost of funds in the economy; though, the changes in this rate provides a platform for the monetary disposition of the Bank. This rate has continuous been pecked within the range of 26 and 8 percent since Structural Adjustment Programme (SAP) regime in August, 1986. However, to compliment the use of the MRR, the CBN eventually introduced the Monetary Policy Rate (MPR) in 2006 which

establishes an interest rate corridor of either plus (+) or minus (-) two (2) percentage .

### **Ostensible Causes of the Recession**

The following are the ostensible causes of recession in Nigeria;

1. Delay in forming the cabinet: the first tenure of the present administration ran like a sole administrator in its first eleven months. This contravened the international best practice which recommended forming cabinet within first three months in office. This delay gave room for leakages in the economy. There was no finance and coordinating minister of the economy to make concrete decisions and implement policy directions of government. Since there can't be a vacuum in decision chain businessmen and women as well as politicians made decisions for the people.
2. The introduction of the treasury single account (TSA): the TSA that was supposedly meant to block loopholes in the economy and minimize corruption mopped up liquidity in the circulation and stifled credit creation and economic activities in the country. This has a great effect on the economy. The subsidy removal also contributed its toll. Though intended to remove the cabals and liberalize the petroleum sector, its ripple effects on the economy was very severe. Because everything in Nigeria revolves around oil, when the pump price increased, it caused a serious inflationary pressure. Interestingly, the NNPC is already saying that the N149 pump price is no longer feasible. So there is an impending likelihood of another increase in the pump price. There was a delay in signing the 2016 appropriation bill into law. This delay stifled economic activities because the zero-based budget approach apparently adopted rendered most ministries, departments and agencies of government (MDAs) partially inactive as there were no capital votes for project implementation, this delay also generated other attendant problems such as budget padding which stymied its full implementation.
3. The fall in the global crude oil prices: Nigeria being a mono-product dependent economy is easily susceptible to fluctuations in the global economy. Thus, the benchmark oil price for 2016 and 2020 budgetary allocation was changed to reflect the current realities respectively. This later translated into a restrictive budgetary allocation as well as contractual monetary and fiscal policies. Especially, most state government in the country could not pay their workers' salaries

because of the dwindling budgetary allocation from the federal government. Then there was the exchange rate policy of Central Bank of Nigeria (CBN). This replaced the fixed exchange rate with a floating one and escalated the foreign exchange rates. For instance, Dollar sold at different prices at the inter-bank rate and the parallel markets. This translated into high commodity prices since the Nigerian economy is import dependent and had a boomerang effect on living standards as the Nigerian masses have to contend with stagflation.

### **Empirical Review**

Ujuju L.E. and Etale M. L. (2016) carried out a study on macroeconomic analysis of the relationship between monetary policy instruments and inflation in Nigeria. This study examined the role of monetary policy instruments in controlling inflation in Nigeria. The study adopted interest rate, minimum rediscount rate, liquidity ratio, and cash reserve ratio as proxy for monetary policy instruments and the independent variables. These were regressed against inflation rate, the dependent variable. Secondary time series panel data for the period covering 1982 to 2011, were collected from the Central Bank of Nigeria (CBN) Statistical Bulletin in 2011. The study employed multiple regression technique based on E-views 7 computer software to analyze data obtained on the study variables. Four hypotheses were tested and the null hypotheses were accepted based on the regression results. The study found that interest rate, minimum rediscount rate, liquidity ration and cash reserve ratio had no significant influence on inflation. The study recommended that Nigeria shift from being a consumption driven (import) economy to production based (export) economy for the impacts of these policies to achieve desired results.

Akabom-Ita Asuquo A.I (2012), conducted a study to evaluate Inflation accounting and control through monetary policy measures in Nigeria from 1973 to 2010. Secondary data were used empirically to do the assessment. Aggregate data on independent variables (monetary policy measures) that affect inflation were collected and analyzed using multiple regression model and the ordinary least squares estimation techniques. From the analysis carried out, it was found that some of the variables (money supply, interest rate and exchange rate) were statistically significant, which means that the studied variable could be used to predict inflation. Furthermore, domestic credit was not statistically significant, even though it could be used as a policy variable to account for inflation. Based on these findings

Duru, E.E. and Anochie, Uzoma .C. (2015) carried out a study on Stabilization Measures and Management of the Economy: The Case of Nigeria. The paper examined the policy framework for macroeconomic and observing the coordination of monetary and fiscal policies in Nigeria by looking at the purpose of the broad macroeconomics objectives as well as the measures used in economic stability and management in Nigeria economy. These measures or policies are used in the economy to control instability in the country's economy. The paper finds out that there is a positive relationship between money supply and GDP which is important instrument promoting stability in the economy.

### **Observation/ findings**

It is evident that the weakening fundamentals of the economy, particularly the low output growth and rising unemployment, provide an opportunity to review the thrust of monetary policy. The recession confronting the economy and the prospects of negative growth to year -end provide strong grounds for easing monetary policy. The monetary authorities should recognize that the benefit of credibility in policy associated with inflation targeting is offset by real output losses from an overly tight policy. Further tightening the stance of monetary policy would not only weaken aggregate demand but also have an adverse effect on banking system stability given the already high non-performing loans in the books of Deposit Money Banks.

Indeed , the present economic reality calls for a rethink of monetary policy thrust so that the emphasis is on restarting inclusive economic growth and promoting employment creation while keeping an eye on price stability .

The CBN should spare no effort in ensuring that this time around, its attempt at easing liquidity into the system is directed at employment generating activities in the economy such as the SMEs, infrastructure and agriculture.

Until there is a shift from a consumption economy to a production economy, the trend is unlikely to change.

### **Recommendation**

1. Government should examine its monetary policy to make them more relevant to economic development. If they are not effective, new policies which will be more relevant for economic growth and development should be established.
2. There must be a strong monetary policy to stimulate the economy, the country needs the diversification of the structural base of the economy away from oil which can only be possible when the real sectors of the

economy such as the manufacturing, agriculture, solid minerals etc. are also taken as priority sectors (Farayibi,A.O., 2016).

3. The monetary authority should as a matter of priority monitor interest rate to ensure that it is relatively stable. This would boost investment and by extension reduce inflation. On the other hand, the monetary authority can come up with policies that will adequately find tune interest rate to achieve non-inflationary growth of the economy.
4. Nigeria should shift her focus from being a consumption based economy to a production based economy for the impact of monetary policies to achieve desired results.
5. Monetary supply, interest rates and exchange rates should be the principal policy variables to be manipulated in controlling inflation in Nigeria.

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## SOKOTO BORDERS UNDER THE REGIME OF BANDITRY

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### Abstract

Sokoto State is located in the north-western part of Nigeria. It shares borders with Kebbi, Kastina, Zamfara states and some parts of Niger Republic. The Sokoto-Zamfara borders communities witnessed series of security challenges in recent times, due the perpetual bandit's attacks in Zamfara State. These crises have grossly affected communities, to the extent that most social and economic activities came to a standstill along the borders

of Sokoto State. The worst hit areas of the borders were Isa, Sabon Birni, Tangaza, Goronyo and Tureta Local Government Areas of

### KEYWORDS:

Banditry, Sokoto,  
Under, Regime,  
Borders.

Sokoto State. Therefore, this article explains the impact of insecurity in Zamfara state on the border areas of Sokoto State.

### INTRODUCTION

The insecurity in most parts of Zamfara state has spill-over effects on its immediate borders.<sup>130</sup> The proximity between Zamfara and its neighboring states as well as the vast forestland that circumnavigate different parts of North-Western Nigeria, as well as constant military operations against the bandits in Zamfara enhanced the spread of rural criminality to the neighbouring states.<sup>131</sup> In Sokoto State, eleven out of the 23 Local Government Areas are directly affected.<sup>132</sup> The crime pattern is usually the same with Zamfara; cattle rustling, rural banditry, pillages, highway robbery,

<sup>130</sup>Zamfara State is strategically located in the North-Western part of Nigeria. The preponderance of cattle rustling and rural banditry in the state that started in 2010 and has to a very large extent affected four states in Nigeria and some parts of Niger Republic. Zamfara its bordered by Niger Republic in the north, Kaduna to the south, Kastina to the east, as well as Sokoto, Kebbi and Niger States to the west.

<sup>131</sup> Al-Chuwuma. O and Fidelis I, *Forestlands and National Security in Nigeria: A Threat-Import Analysis*. Journal of Political Science and Leadership Research, Vol.2. No.2. 2016, [www.iiardpub.org](http://www.iiardpub.org)

<sup>132</sup> The Local Governments Areas affected were Isa, Sabon Birni, Rabah, Goronyo, Wurno, Tureta, Dange- Shuni Illela, Gada, Tangaza and Gudu. Banditry, kidnapping, incessant killings as well as pillage are the common crimes committed in these areas.

rape and more recently kidnapping for ransom.<sup>133</sup>This caused unquantifiable damage to the rural economy and human security. Statistic on the impact is difficult to come by, available evidence shows that many villages were sacked, creating large scale human displacement in the state. For instance, Fifteen (15) border villages were deserted in Sabon Birni Local Government Area of Sokoto State, with a rough estimate of 4000 people.<sup>134</sup> Similarly, in Isa, 12 villages were abandoned in 2016, with an estimated population of 6000 people.<sup>135</sup> Therefore, this article attempts to discuss the impact and dynamics of rural insecurity along the border communities of Sokoto state.

### Contextualization Exposition

A boundary in geo-political sense denotes an imaginary dividing line or limit. They are also thin lines marking the limit of state territory.<sup>136</sup> Boundaries could be state or international, depending on its location and functions. Therefore, boundary has multiple definitions, interpretations and functions. Danfulani summarized such functions of international boundaries into administrative, economic, socio-cultural, national, regional and even international context.<sup>137</sup> Thus, within the context of security, international borders are defined as vulnerable defense lines through which the sovereignty of the state could be compromised.<sup>138</sup> In recent times, border studies continue to attract scholarly attention. The rate of insecurity in most parts of West Africa and beyond made experts to see their international borders as major entry points of mercenaries, bandits, Small Arms and Light Weapons (SALWs) and other illicit drugs. Asiwaju has extensively argued that transnational organized crimes thrive in most parts of the world due the synergy between what he calls the ‘border under world’ and the ‘upper world players’. The underworld constitutes perpetrators of

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<sup>133</sup> A.S. Anaka, *Emerging Issues in Zamfara Armed Banditry and Cattle Rustling: Collapse of the Peace Deal and Resurgence of Fresh Violence*, International Journal of Innovative Research and Development, [www.ijrd.com](http://www.ijrd.com), December, 2017, Vol. 6 Issue 12.

<sup>134</sup> Alh. Muhammadu Shayau, 60 years, Community leader, Burkusuma village, Sabon Birni Local Government Area, Sokoto State, 4<sup>th</sup> September, 2019. According to him most of these villages fall within the border of Isa and Sabon Birni areas as well as Shinkafi Local Government Area of Zamfara State. Therefore, it was the security situation in Zamfara that impacted on those villages. It is important to note that not all these villages were directly attacked by bandits; some deserted their areas for the fear of the unknown.

<sup>135</sup> Focus Group Discussion in Bargaja Village, Isa Local Government Area, Sokoto State, 5<sup>th</sup> September, 2019, some of the affected villages were Dan- Fako, Tabkin Fili, Tajaye and Dan-Adama, amongst others. It is important to also note that with the return of relative peace in the area some of the people have returned to their respective villages now.

<sup>136</sup> . Oye, A. Cukwurah, ‘European Outline Convention on Transfrontier Co-operation between Territorial Authorities or Communities As a Model for Africa in General and Nigeria and Niger in Particular’ in Asiwaju A.I and Burkindo, B.M, *Nigeria-Niger Trans-Border Cooperation*, Malthouse Press Limited, Lagos, 1993, pp.434-452

<sup>137</sup> Danfulani J., ‘*Boko Haram* Insurgency: A Need to Re-Think Nigeria Borders Security Doctrine and Operations’ International Journal of Arts and Social Sciences, April, 2014

<sup>138</sup> B.M. Barkindo, ‘Border Region Development as Impetus for Trans-Border Cooperation and Wider Regional Integration in Africa: The Nigerian Experience’ in Yomi Akinyeye, (ed) *That They May Be One: Essays in Honour of Professor Anthony A. Asiwaju*, African Regional Institute, Ogun State, Nigeria, 2008, pp.107-130

criminal activities, while the world players are the financiers of the border underworld who engaged in human trafficking and narcotics.<sup>139</sup>

The creation of such international borders was from the onset controversial. At the early stage the colonial state in Africa was accused for amalgamating incompatible communities into single political entity. This forced marriage, according to Bayeh<sup>140</sup> led to series of conflicts in the post-colonial state. Independent political entities in West Africa further created internal boundaries/territories to meet post colonial realities. This is done through series of state creation, particularly in Nigeria. This process of internal boundary demarcation as a result of new state creation in Nigeria is also marred by internal strife and conflict between the new and old states in some cases. Therefore, this research is basically concerns with internal or what some experts calls state borders. These borders emerged as a result of series of state creations in the country.

Sokoto state was created in 1976 constituting the present Sokoto, Kebbi and Zamfara states. In 1991, a new state was created called Kebbi state. Also in 1996 Zamfara state was carved out of Sokoto state. The people living along these boundaries or territories have same historical and cultural affinities and whatever affects a cross section of the border communities is likely to spill over into the other side of the state boundary. The state has a land mass of 26,827.43 square kilometers, with a total projected population of over five (5) million people. At present the Sokoto state has 23 Local Government Areas and shares state boundaries with both Zamfara and Kebbi states. It also has international boundary with Niger Republic.

#### **Remote and Immediate Causes**

The genesis of this incessant conflict is deeply rooted in rural poverty, accentuated by climate change in an ever decreasing rate of grazing reserves.<sup>141</sup> The pastoral communities are key actors, they lamented on how the traditional rulers and politicians turned the reserves into personal farm

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<sup>139</sup> Asiwaju I.A., 'Border Security and Trans-border Crimes: the Nigerian Experience: Comparative Historical Perspective' in Alemika E.OE et al (eds) Crimes and Policing in Nigeria: Challenges and Options, Network for Police Reforms in Nigeria: CLEEN Foundation. www.cleen.org. Retrieved on 17 /03/2020

<sup>140</sup> Bayeh, Endalcachew (2015), The Legacy of Colonialism in The Contemporary Africa: A Cause for Intrastate and Interstate Conflicts, International Journal of Innovative and Applied Research (2015) 3(2), :23-29, 2015

<sup>141</sup> KNADB/76/Vol .I: Report on Grazing routes and Reserves in Sokoto State. This document provided a detailed list of the grazing reserves in Sokoto State and how farmers in collaboration with traditional rulers started the destruction and distortion of the reserves from 1973-1976.

centers.<sup>142</sup> It is not an exaggeration to say that 80% of the top political office holders in Sokoto State owned large agricultural estates in the surrounding Local Government Areas. This has diminished the size and number of the reserves. The local farmers are also accused of encroaching into the grazing routes.<sup>143</sup> Cattle access to source of water and pasture became very difficult. This resulted into conflict at the early period and later transformed into full-blown criminality.<sup>144</sup> There was sheer neglect of the pastoral community by the three tiers of government; Federal, State and Local Government. The Fulani complained of inadequate water supply during dry season and lack of enough nomadic schools to enroll their wards.<sup>145</sup> The immediate reason for the final outbreak of the conflict could be attributed to the impunity of the local vigilante group, *Yan-Sakai* that treats the pastoral Fulani with high-handedness.<sup>146</sup> At the peak of this crisis in 2016, the state governments (Zamfara and Sokoto) have shown little commitment towards resolving the conflict. The Fulani see it as a conspiracy and created different criminal gangs for what they called self-defense.<sup>147</sup> Members were also mobilized from Niger and Benin Republics, Mali, Senegal and as far as Libya. These foreign elements offered them training on different forms of guerrilla tactics as well as supply of Small Arms and Light Weapons (SALWs) that facilitated their criminal formations.<sup>148</sup>

### Trends and Dynamics

There was infiltration of terrorist groups in Sokoto State during the hey-days of *Boko-Haram*. Members of the group were often apprehended in Sokoto city and its surrounding areas. For instance, in July, 2013 a terrorist hide-out was discovered in Gidan-Dare area of Sokoto metropolis.<sup>149</sup> Furthermore, border proximity between Zamfara and Sokoto impacted negatively on the state. Border communities in Sabon Birni, Isa and Tureta local government areas recorded early cases of cattle stealing and armed robbery in 2013,<sup>150</sup> most of

<sup>142</sup> Interview with Ibrahim Buba, Pastoral Fulani in Sabon Birni town. He mentioned the names of politicians and traditional rulers that confiscated their reserves.

<sup>143</sup> Interview with Chairman, Farmers Association Rabah Local Government, 5<sup>th</sup> September, 2019.

<sup>144</sup> M.A. Rufa'i 'The Phenomenon of Farmer-Herder Conflict in Sabon Birni District of Sokoto State', Being a Paper Presented at the First International Conference on Gobir Kingdom, 13<sup>th</sup> -16 July, 2018.

<sup>145</sup> Focus Group Discussion in Sabon Birni Town 3<sup>rd</sup> September, 2019.

<sup>146</sup> M.A. Rufa'i, 'Vigilante Groups and Rural Banditry in Zamfara State...'

<sup>147</sup> Focus Group Discussion in Rabah 5<sup>th</sup> September, 2019. It is stated that the bandits recruited members across four states; Zamfara, Sokoto, Kastina and Kaduna.

<sup>148</sup> Interview with late Buharin Daji the overall leader of Zamfara bandits, 25<sup>th</sup> December, 2016 during Zamfara amnesty programme to repentant bandits. See also Daily Trust Newspaper on Amnesty in Zamfara

<sup>149</sup> 12 bombs recovered, 1 killed in Sokoto Military raid, Daily Trust Newspaper, Friday, July, 12, 2013, p.13.

<sup>150</sup> Interview with Ibrahim Bawa Isa, Community Leader in Isa town, 4<sup>th</sup> September, 2019. The town of Isa is just 15 kilometers away from Shinkafi town in Zamfara State. This town has been a major hot-spot of the conflict since 2012.

which were attributed to the Zamfara miscreants.<sup>151</sup> At the early stage, the culprits were few and known by their names, locations and families.<sup>152</sup> Criminal venture was initially trivialized as farmer-herder squabble. Therefore, no drastic measure was put in place.<sup>153</sup>

Thus, it became a major threat in 2014 with the proliferation of bandit gangs.<sup>154</sup> Some of which were trans-national, pulling members from Niger, Mali, Chad and Libya.<sup>155</sup> This internationalization of banditry led to the intensification of cattle rustling and village raids in 2015. Such cases were frequently recorded, 350 heads of cattle were said to have been rustled along the borders of Isa and Sabon Birni Local Government Areas in 2016.<sup>156</sup> In response, the local vigilante groups worsened the situation by taking the law into their hands. Thus, they ventured into killings of both suspected bandits and innocent Fulani. The conflict then took a new dimension recording more casualties and fatalities in some parts of Sokoto state.<sup>157</sup> Suspected bandits killed over 50 persons in another Sokoto- Zamfara border community of Kalhu, Tsage and Geri villages in Gandi district, Sokoto state in January, 2019. In May, 2019 82 year old, District Head of Balle was killed. At the same time the Divisional Police Headquarters, police patrol vehicles and some cars were set ablaze in Balle town of Gudu Local Government.<sup>158</sup>

Furthermore, 30 people were killed in Goronyo LGA in May, 2019. Same gangs attacked and killed 28 in Satiru village of Isa LGA.<sup>159</sup> The rationale behind the attack was the presence of militant vigilante members called in the local vocabulary (*Yan-Sakai*).<sup>160</sup> The crisis reached its zenith with the increase in the

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<sup>151</sup> Interview with Musa Muhammad, Head of the Vigilante Group in Sabon Birni Local Government, 3<sup>rd</sup> September, 2019.

<sup>152</sup> Interview with Mal. Sani Shinkafi, Community Leader, Shinkafi town, Zamfara State, 4<sup>th</sup> September, 2019. According to him most of these criminals came from a neighbouring border Fulani settlement called Maniya. The village is located in between Badarawa in Zamfara State and Isa town in Sokoto State.

<sup>153</sup> A.M.Shinkafi Security Challenges and Its Management in Zamfara, being a paper presented at an Interactive Session with His Excellency, the President and Commander in-Chief of the Armed Forces of the Federal Republic of Nigeria, held at Government House Gusau on 22<sup>nd</sup> March, 2018.

<sup>154</sup> Interview with Sani Muhammad, Member of the Vigilante Group, Isa Local Government, 4<sup>th</sup> September, 2019.

<sup>155</sup> Sani Muhammed Idem. He added that most of the criminals that came to their aid also supply them Small Arms and Light Weapons (SALWs). Substantial part of the arms came from Libya that was made available following the fall of Muammar Gaddafi's regime in 2011.

<sup>156</sup> Focus Group Discussion in Sabon Birni Town, 5<sup>th</sup> September, 2019.

<sup>157</sup> Zamfara State Fulani-Vigilante Five Years of Communal Clashes: The Menace Causes and the Task on the Peace Bid: Success, Challenges and Way Forward. Presented by the Chariman, Peace and Reconciliation Committee, His Excellency Deputy Governor Malam Ibrahim Wakkala Muhammad Sarkin Malaman Gusau, Not Dated.

<sup>158</sup> *Daily Trust News paper Bandits kill village head, set Sokoto Police Station on Fire, 9<sup>th</sup> May, 2019.* According to a local source, the victim was in possession of huge amount of money belonging to the bandits. His son was accused for being the chief financial officer of a bandit group. After his death, the criminals demanded for the release of the said money which the village head refused. This was the reason for his murder on Tuesday, 9<sup>th</sup> May, 2019.

<sup>159</sup> Interview with Mal. Abubakar Gandi, Community leader in Gidan Igwai Area Sokoto, see also Daily trust News paper, 25 January, 2019. The paper reported that there were over 6000 IDPs from 1746 communities in Gandi District of Rabah LGA of Sokoto State.

<sup>160</sup> Sabon Birni and Isa were the first victims of cattle rustling and banditry in the state because they supported their fellow brothers from Zamfara in the fight against the bandits, according to a repentant bandit in Shinkafi that justifies the attacks of some villages along the border that supported the local vigilante group to fight against them.

number of criminal gangs from 20 in 2015 to over 75 in 2016.<sup>161</sup> This changed the entire strategy from cattle rustling to active banditry against villages with a concentration of vigilante members.<sup>162</sup>

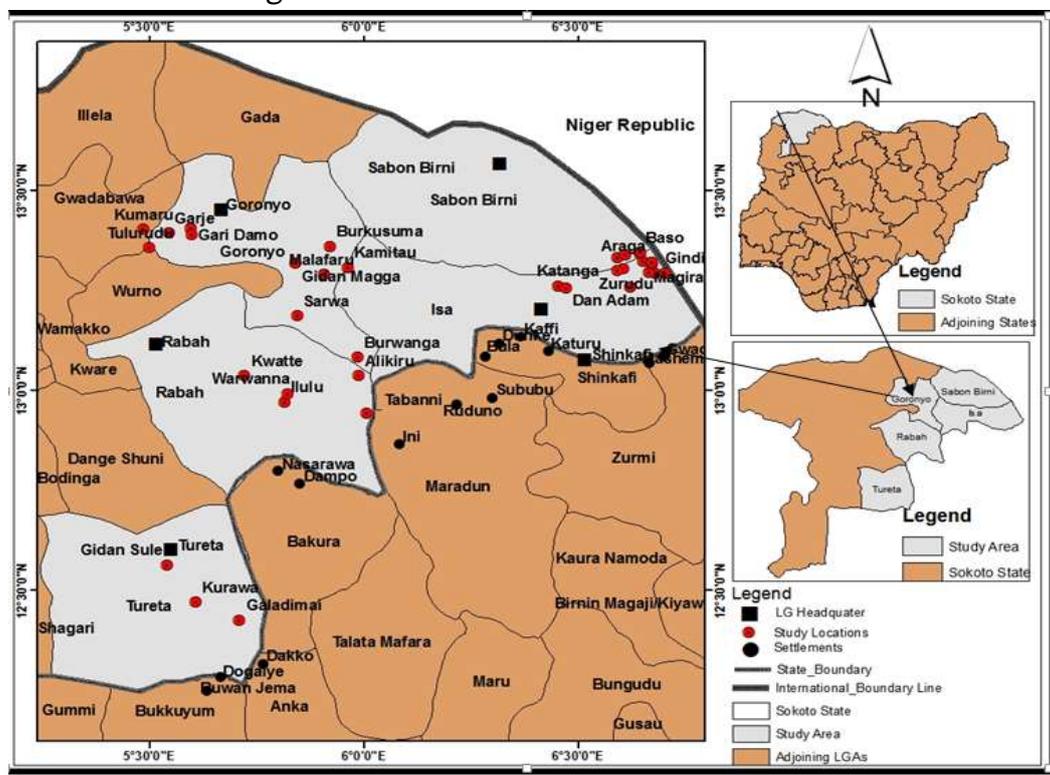


Figure 1.1 Map of the study area showing affected villages

### Kidnapping and Ransom

Kidnapping was later given preference to rustling toward in 2017. The change is attributed to the reduction in the number of cattle and the risk associated with rustling. Hence, it became safe and easy for the bandits to kidnap and demand for ransom.<sup>163</sup> No Local Government Area in the state is free from this menace. There are many people involved in it, who play the role of spies.<sup>164</sup> The presence of large forest in the state aided the activities of the kidnapers, where victims were kept hostage. Many important personalities ranging from top government officials and businessmen have so far been kidnapped in the state. Late Alh. Abu Dankure (a famous politician, businessman and contractor), was kidnapped on 8<sup>th</sup> November, 2013, 50 million Naira was paid

<sup>161</sup> M.A. Rufa'i, 'Vigilante Groups and Rural Banditry in Zamfara State: Excesses and Contradictions', *International Journal of Humanities and Social Sciences Inventive (IJHSSI)* ISSN (online) 2319-7722, ISSN, www.ijhssi.org/vol.7 issue 06, June 2018.

<sup>162</sup> Interview with the Emir of Zurmi, Zamfara State during peace and reconciliation meeting with the bandits in 2016

<sup>163</sup> Okoli, A and Agada F.T. *Kidnapping and National Security in Nigeria, Research on Humanities and Social Sciences*, ISSN, paper Vol.4, No.6, 2014

<sup>164</sup> The list of the informants was provided in Sabon Birni Local Government. The names of the accused persons include Umar Faruku From Gangara village, Hussaini Dabo from Sabon Birni (Fulani man), Bafashe from Dan Kware, Bakiri from Mashekarin Magira and Muhammadu Balla from Garin na Mai-Mai amongst several others.

in dollars as ransom in Dubai, United Arab Emirates, where the negotiation took place before his release.<sup>165</sup> Also, Mal. Lawan Mai-Doki Chairman, Sokoto State Zakkat Board was kidnapped at his residence on 19<sup>th</sup> October, 2016 and ₦20 million Naira was paid as ransom. Recently, Alhaji Aminu Magaji Budio, a Member of Sokoto State House of Assembly, representing Dange-Shuni, State Constituency, was also kidnapped on 22<sup>nd</sup> August, 2019. He spent seven days in captivity, and ₦15 million was paid as ransom.<sup>166</sup> Same set of kidnapers also abducted a staff of the Economic and Financial Crimes Commission (EFCC) on 25<sup>th</sup> August, 2019 and collected ₦10,000 MTN airtime and the sum of 9 million naira as ransom.<sup>167</sup> Moreover, from 2017 to August, 2019, over 120 people were reported to have been kidnapped in Sabon Birni Local Government Area alone. These victims paid an estimated amount of ₦150 million Naira.<sup>168</sup>

### Impact of the conflict

There is gross paucity of records as to the number of people killed from the inception of this crisis. Focus Group Discussion with the affected community provided a data very close to the reality on the ground. In Sabon Birni Local Government, about 70 were killed<sup>169</sup>, Isa LGA, 120<sup>170</sup>, Rabah 84<sup>171</sup>, Tureta 56<sup>172</sup> and 48 in Gudu LGA.<sup>173</sup> The conflict has impacted negatively on the social and economic activities. Most rural economic transactions came to a standstill. The mere absence of the Fulani in some of the local markets affected economic transactions in 2016. Traders deserted remote markets for the fear of robbery. Also, farmers could not freely cultivate their land for the same fear of attack or kidnapping.<sup>174</sup> This has significantly lowered agricultural out-put in 2016 and 2017 farming season. Rural poverty was exacerbated further by bandits' attacks, plunder of granaries and destruction of food items. There were reported cases of bandits setting farmlands and food stores ablaze in the remote villages of Isa Local Government Areas.<sup>175</sup> Besides, it has created large number of Internally Displaced Persons. In January, 2019 there were over 6000

<sup>165</sup> The businessman passed away not quiet long after he was released from captivity.

<sup>166</sup> Interview with his uncle in Dange town 1<sup>st</sup> September 2019.

<sup>167</sup> Interview with the victim in Danbuwa Area Sokoto, 1<sup>st</sup> September, 2019

<sup>168</sup> Fucus Group Discussion in Sabon Birni Town at the presence of the District Head of Sabon Birni. The highest paid ransom was by Alh. Alhassan from Zangon Malam who paid the sum of 10 million Naira followed by Alhaji Ali Kalgo who paid 7.5 million, and least paid was 250,000 by Hafsi Alh. Bori a Fulani woman. Most of the amount collected as ransom range between 500,000 and 1 million.

<sup>169</sup> FGD in Sabon Birni LGA.

<sup>170</sup> FGD in Isa LGA.

<sup>171</sup> FGD Rabah LGA, 5<sup>th</sup> September, 2019.

<sup>172</sup> FGD Tureta LGA

<sup>173</sup> Interview with Alh. Bello Bala Gudu, 10<sup>th</sup> September, 2019.

<sup>174</sup> Interview with Sani Isa Balle, Chairman, Farmers Association Gudu LGA, 10<sup>th</sup> September, 2019.

<sup>175</sup> Interview with Muhammad Sani Isa. He mentioned similar episode against Burkusuma, where the bandits set their granaries ablaze during attack.

IDPs from 1746 households in Gandi district.<sup>176</sup> There are also orphans and widows that lost their beloved ones.<sup>177</sup> Similarly, some women were repeatedly raped either at the scene of the conflict or while in abduction in the case of kidnapping. Such category of victims lamented bitterly on their rejection and discrimination by the immediate community.<sup>178</sup>

### Implications for the region's longer-term security

This multifaceted conflict has a long term effect on the security system of the state and its immediate neighbours. It is difficult to wipe away the psychological trauma on the victims. Some of the victims feel they cannot forget and forgive the culprits and perpetrators, while some believe that they can only forget but cannot forgive. By implication, whenever opportunity presents itself they will go on vengeance, since the perpetrators are enemies from within. Rural banditry could be easily tackled, but kidnapping has really come to stay in the state. It involved a lot of shadow actors who benefited materially from it. So far there is no serious measure put at the local or state level to arrest the preponderance of kidnapping. The strategy and tactic adopted by the killer bandits is akin to that of the *Boko Haram (BH)* insurgents. Records from Zamfara in the early phase of banditry show members of BH conducting training to the gangs of Buharin Daji, the late bandit leader of Zamfara. Also, Okoli has shown the interconnections between cattle rustling and BH insurgency in the North-East. According to him, proceeds from cattle rustling constitute a source of funds to the BH.<sup>179</sup> There are strong connections between the Nigerian and Nigerein bandits. Both operated along the border and caused great havoc to communities. Places like Bangi, Gidan Runji, Tsolulu, Dankano and Chadi all in Niger Republic lamented on the perpetual joint attacks by bandits from Nigeria and Niger Republic.<sup>180</sup>

The bandits in Zamfara and Sokoto are multi-ethnic; Fulani, Bararo, Hausa and Tauregs from Niger, Mali and Libya and beyond. Besides, there was evidence of communication between bandit leaders of Nigeria and Niger. Late Buharin Daji was connected to late Suleiman Labo.<sup>181</sup> Their strategy and tactics of

<sup>176</sup> Daily Trust Newspaper Bandit's Attacks: FG donates relief materials to Sokoto IDPs, Friday, January 25, 2019.

<sup>177</sup> Interview with Rabi'u Aliyu Gandi, Community leader in Gandi village, 5<sup>th</sup> September, 2019.

<sup>178</sup> Hajija Hafsi Bori Interview in Sabon Birni town 3<sup>th</sup> of September, 2019.

<sup>179</sup> A. Okoli, *Cows, Cash, And Terror: How Cattle Rustling Proceeds Fuel Boko Haram Insurgency in Nigeria Unpublished paper, 2018.*

<sup>180</sup> M.A. Rufa'i, *Cattle Rustling and Armed Banditry along Nigeria-Niger Borderlands*, IOSR Journal of Humanities and Social Sciences, Vol. 23 Issue 4 April, 2018 pp.66-73.

<sup>181</sup> Interview with Commissioner of Police, Tahour Division. Tahour, Niger Republic, 25<sup>th</sup> November, 2017 See also M.A. Rufa'i, *Cattle Rustling and Armed Banditry along Nigeria-Niger Borderlands... Buhari Daji operated around Zamfara, Sokoto, Kastina and Kaduna axis, while Suleiman labo caused great havoc to the states of Tsibiri, Tahnour and Maradi in Niger Republic.*

operations are the same. If not for the drastic security measures taken by both countries, the intension of the bandits was to continue to cause mayhem. The situation could be more dangerous to the region if all the bandit groups including the new Mali based terrorist gang established a united front against the region. Moreover, porous border has led to concentration of gun-runners along the border areas. Border officials confirmed regular seizure of arms along Illela and Kwanni areas.<sup>182</sup> There was also movement of Small Arms and Light Weapons (SALWs) into the state from Mali, Niger and Libya among other countries.<sup>183</sup> Therefore, it is not an overstatement for one to say that some southern parts of Niger Republic is already engulfed by active criminality perpetrated by the joint-criminals from both countries.

### **Emergence of *Lakurawa* Terrorist Group**

There is the presence of Malian based terrorist group around Tangaza, Gidan Madi, Gudu and Balle axis. The group which the locals called *Lakurawa* draws members from Niger, Nigeria and Benin Republic. They have been operating around the border settlements of Gwangwano, Mulawa, Wansaniya, and Tunigara since 2017.<sup>184</sup> Besides intimidating and harassing the locals, they also claim to implement Islamic Legal system (Shariah). Members of the group were seen carrying heavy arms and forcing people to pay Zakkat (Islamic taxes).<sup>185</sup> They also conduct preaching at various centers where the natives were forced to listen under their watch with their SALWs.<sup>186</sup> Some youth in the area have already join the gang for little stipend, who are currently undergoing training in the forest. Their style of operation is akin to that of BH, but the locals stated that they owned weapons, vehicles, motorcycles and other logistics. They were not bandits according to the locals, as most of them were seen even harassing bandits and kidnappers. The only thing they share with the bandits is the ownership of large number of motorcycles.<sup>187</sup> Membership strength of the gang is not known, but informants put it at 500 as at 2018.<sup>188</sup> At present, they have an estimated membership of over 1000. The increase in membership could be associated with their intermarriage with the border

<sup>182</sup> Interview with a customs officer, Illela- Kwanni border areas, 3<sup>rd</sup> September, 2019

<sup>183</sup> Interview with former DPO, Sabon Birni LGA, Sokoto State. He confirmed some arrest of some prominent gun-runners in the Local Government Area who after interrogation transferred to the State Police Headquarters in Sokoto.

<sup>184</sup> Interview with Bello Umaru Tangaza, 12<sup>th</sup> September, 2019. Some of the areas where these people are found include, Sadiyo, Bajaga, Jimajini, Tagimba amongst others.

<sup>185</sup> They move to the extent of counting people's livestock determining the amount to be paid as tax. Those that refused to pay were forced to do that.

<sup>186</sup> Interview with the District Head of Gidan Madi Alh. Shehu Ausa, 12<sup>th</sup> September, 2019. His district is one of the affected areas.

<sup>187</sup> Interview with Musa Abubakar Tangaza, 52 years, 12<sup>th</sup> September, 2019

<sup>188</sup> Interview with the District Head of Gidan Madi Alh. Shehu Ausa....

communities.<sup>189</sup>The rate at which the local people accepted their ideology is frightening. Abject poverty in the area created an opportunity for the miscreant to gain large number of followers which the local people called *Yan-Lakurawa*. Their activities were initially checkmated and repelled by the Nigerian Army personnel in charge of border patrol stationed at Gwangwano village in 2018. After the army has left, in 2018, the group continued its activities until recently when they came back after the murder of the District Head of Balle in May, 2019. This could pose a serious threat to the regional peace and security.<sup>190</sup> Most people in the area are apprehensive over the motive of this group, at the moment they are peaceful. The fear is in an event they establish a link with BH or the bandits the entire zone will be ungovernable. The threat by the gang would have devastating consequences on Nigeria, Niger, Benin Republic and even beyond. This is so because according to the informants the group draws membership from these countries.<sup>191</sup>

### **Responses, Recommendation and Conclusion**

The Federal Government intervened by launching Operation *Sharan Daji* (Bush Clearance) on 13<sup>th</sup> March, 2016, aimed at getting rid of kidnapping, cattle rustling and banditry in the North-West geo-political zone. Also, in July, 2016, President Muhammadu Buhari launched Operation *Harbin Kunama* (OHK) in the deadly Dansadau forest of Zamfara. These operations were jointly conducted by the Nigerian Army, the Nigerian Airforce, the Nigerian Police, the Nigerian Immigration Service, the Department of State Services (DSS)/ State Security Services (SSS) amongst others. The response has been relatively positive, because the level and gravity of attacks have reduced tremendously. Moreover, the General Officer Commanding (GOC) 1 Division Nigeria Army, Kaduna, Major General Adeniyi Oyebade and GOC 1 Brigade, Sokoto, Brigadier General G.K. Nwosu in collaboration with the Zamfara State Government organized a peace deal with the bandits on 18<sup>th</sup> of December, 2016. It recorded certain level of success in spite of the numerous challenges.

Furthermore, Sokoto, Kastina and Zamfara states have shown commitments in this direction. In August, 2019, North-West Security meeting was held in Katsina. All the state governors and the Inspector General of Police were in attendance. The outcome was proscribing of the local vigilante group. Similar meeting took place in Maradi, Niger Republic by the North-Western Governors

<sup>189</sup> Interview with Bello Umaru Tangaza, 12<sup>th</sup> September, 2019.

<sup>190</sup> The group occupies a large forest that spans hundreds of kilometers along Nigeria-Niger borders. It is from here that they use to conduct their training and the local people often see them on market days.

<sup>191</sup> Interview with Bello Umaru Tangaza, 55 years, 12<sup>th</sup> September, 2019.

on 8<sup>th</sup> September, 2019. The aim was to curb cross-border banditry and related criminalities in the zone. The Sokoto state government has no adequate statistics on the level of damages and liquidations caused by this incessant conflict. Therefore, no proper solution to the threat would be achieved without these necessary details. The first step is to conduct impact assessment of the conflict. Then, study the nature and composition of the criminals and their operational base. At the same time, block all sources of funding and logistic support.

Community leaders should assist security agents with vital information concerning the activities of the bandits as well as relevant tips on the spy agents. No meaningful success will be achieved without getting rid of these agents. Abject poverty is the main reason behind the conflict and no peace deal will be sustained without poverty reduction. Also, the proscription of the vigilante group is a very good imitative that needs to be sustained. The governments should sit-down with the aggrieved parties to the conflict (farmers and herders) and compensate them reasonably. In fact, no meaningful peace will be achieved with this one-sided approach of the state government. There are a lot of bandit groups that never subscribe to the government peace initiatives. Also, there is the need to find a means of identifying the criminal gangs as well as creating a genuine peace deal.

The process of disarmament should be more comprehensive and the bandits should be convinced to surrender all their SALWs. It is only through this that peace could be sustained in the state. Thus, many victims have lost their beloved ones and valuable properties, they need government support. Border security needs to be strengthened to reduce porosity and movement of SALWs. In conclusion, Sokoto State is a of victim circumstance. Its border relations with Zamfara have significant impact on the spate of violent conflict in the state. Such crises first started along the borders and later radiated to other parts of the state. The common security threat at the moment is kidnapping. There is large-scale kidnapping taking place in the rural areas that is either under reported or not reported at all by the local or international media. One needs to go to the grass root and appreciate the level of social penury caused by banditry, cattle rustling and kidnapping in the state. The state government and international agencies need to do something urgent about this form of rural criminality. In this direction, the Executive Governor of Zamfara State in a press statement called on the United Nations to design a comprehensive programme for the IDPs. According to him there were over 30,000 IDPs mostly women and children in the state. This has led to large scale movements of people across the border as refugees in Niger Republic. Such incessant violent conflict has impacted negatively on the rural economy, particularly agricultural and livestock production.



## EFFECT OF MISTAKE UNDER LAW OF CONTRACT IN NIGERIA

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### Abstract

**M**istake at Law as a more limited scope than mistake in ordinary usage. In other words, what may be regarded as mistake by the layman, will in most cases not be so regarded at law. If one or both parties to contract enter into it under some

misunderstanding or miss apprehension, in what circumstances will they be termed to rescind the contract on the grand that had they

### KEYWORDS:

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Mistake.

known the true facts, they would never have entered into the agreement.

### INTRODUCTION

**T**he word mistake has a narrower meaning that in its colloquial use. In other words, it bears a more restricted meaning that in everyday speech in law. If one or both parties to a contract enter into it under some misunderstanding or misapprehension, in what circumstances will they be permitted to rescind the contract on the ground that had they known the true facts, they would never have entered into the agreement. In other words, what may be regarded as mistake by the layman, will in most cases not be so regarded at law. See BELL V. LEVER BROS. LTD (1932) D.C 161. Where LORD AFKIN clearly demonstrated in his judgment.

*“A buys Bs house, he thinks the house is sound and he pays the prices of a sound house; he would certainly not have bought the house if he had known as a fact that the house is unsound. If ‘B’ has made no representation as to soundness and has not contracted that the house is sound, ‘A’ is bound and cannot recover back the price”.*

To a layman, this case would be regarded as a mistake on the part of 'A'. But in law, there is as a general rule no mistake in such a situation 'A' has got what he contracted for.

However, legal mistake operates within very narrow limits. It applies only to facts and even so only within the narrow areas of mistake of facts which are fundamental. A mistake of law is ineffective as every person is presumed to know the law. Therefore, for mistake to be operative, it must be one of fact, not of law. Where a legal mistake operates at all its effect at Common Law is to make the contract absolutely void. See *BELL V. LEVER BROTHERS LTD (SUPRA)*. Where LORD ATKIN said. "If mistake operates at all, it operates so as to negative or in some cases to nullify consent".

It follows that the mere fact that one of the parties to contract acted under the mistake does not as a general rule affect the validity of the contract. In other words, a party cannot avoid a contract merely on the ground that he made a mistake in entering into it. Furthermore, a mistake or error judgement on the part of a party entering into a contract or the party's mistake as to his power of performance of the contract will not vitiate the contract.

However at Common law, proof of mistake makes the contract void abinitio. Thus, a party who had paid money under such a contract may recover it under action for money paid and received to his use. The refusal could therefore, be very devastating to innocent third parties who have paid money towards the acquisition of the subject matter of the contract. In *CUMDY V. LINDSAY (1878)* 3. D.C 459. A rogue, pretending to be the owner of a prosperous and well known business known as Blenkivon & Co. ordered goods from Lindsay, on receiving the goods, the rogue quickly sold the goods to Cumdy, who did not know of the rogue's fraud and disappeared subsequently, Lindsay instituted an action to recover the goods from Cumdy. His action succeeded. It was held that the contract between Lindsay and the rogue was vitiated by mistake as to identity. Lindsay intended to sell the goods to Blenkivom, not to the rogue. Consequently, title to the goods never passed to the rogue, and the latter could therefore not pass a valid title to Cumdy. Cumdy was forced to return the goods to Lindsay and so lost money to the rogue and goods to Lindsay.

It is this damaging effect that the consequent of mistake has on innocent third parties like Cumdy that has necessitated the restricted scope of the doctrine at common law. In recent times, suggestions have been made that a loss arising out of mistake should be apportioned between the two victims.

#### **TYPES OF MISTAKE**

Mistake may be classified into three:-

- a. **Common Mistake:** may be defined as a mistake made by both parties in which each of them knows the intention of the other and accepts it, but are both mistaken as to some fundamental or underlying facts of the contract. Strictly speaking, such agreement would not be allowed to stand, since the fundamental assumption upon which it is based proved to be non-existent or fake.
- b. **Mutual Mistake:** may be defines as one which both parties are mistaken as to each other intentions, the parties at the time of the contract are said to be at cross purpose on the facts of the contract. At common law, only fundamental mistake to be operational must be one that is capable of excluding offer and acceptance and as such to prevent the mistaking party from appreciating the fundamental character of offer and acceptance.
- c. **Unilateral Mistake:** Is the mistake of only party to the contract on fundamental facts and the other contracting party is aware of it or ought to be aware of it, invariably the mistake of one party to the contract may be known to the other party. The effect at which rendered the contract void with regards to the person making the mistake.

Where a successful plea of mistake identify is made, there is an operative mistake and the effect is to render the contract void abinitio. Consequently, property transferred under the contract can be recovered from any person who holds it. On the other hand, if the plea is successful, the contract in so far as mistake is concerned, is valid at common law and property passes to the transferee.

#### EFFECTS OF MISTAKE

Mistake at common law gives a somewhat narrow scope to the doctrine of mistake which may not render a contract a nullity but equity may come to the plaintiff's rescue in the following ways:

1. **By Rectification:** This is applicable where the agreement was reached in writing, but fails to express the intention of the parties accurately. See OYADIRAN V. BAGGEN (1963) L.L.R. 96.
2. **By Setting aside the Agreement:** The court may grant the plaintiff a rescission of the operative mistake. The mistake may not be void at common law because it is not sufficiently fundamentally, the equity will be uniform or create undue hardship on the parties. See COOPER V.

PHIBBS (1867) LR. 2. See also ABRAHAM V. AHMADU TIJANI (1944) 17 NLR. 123.

3. **By Refusal to grant Specific Performance:** The court may refuse to order specific performance of a contract if the mistake is insufficient to avoid the contract. It must be noted that equitable remedies are discretionary in nature and as such equity may decline to come to the aid of the disadvantaged party if the circumstances are such that it may occasion hardship on the contracting party or on an innocent third party or where the mistake was covered by misrepresentation of the plaintiff or where the plaintiff knew of the defendant's mistake. It should be noted that if none of these conditions is satisfied, mistake is no defence to an action for specific performance. See TAMPLIM V. JAMES and also see WEBSTER V. COCIL (1861) 3 BEAV. 62.
4. **By Setting Aside the Agreement:** A party whose contract is attached by operatives' mistake may be granted a rescission of the contract. Although the mistake may not be void at common law because it is not sufficiently fundamental, the court will nevertheless set it aside if it will be unfair or create undue hardship, if one of the parties (the party requesting enforcement of the contract) ought to have known the other was mistaken. See COPPER V. PHIBBS (SUPRA), See also ABRAHAM V. AMODU TIJANI (SUPRA). The contract was set aside again in LAWRENCE V. LEXCOURT HOLDINGS LTD (1978) WLR. 1128. In this case defendants for 15 years on the mistaken belief, shares by both parties, that the plaintiff had unlimited planning permission. In fact, the plaintiff's planning permission was for only two years. The plaintiff sued for a specific performance of the agreement, to which the defendants counter-claimed for rescission on the ground of common mistake. The court dismissed the plaintiff's suit and granted rescission to the defendant.

In COLLE V. BUTCHER (1950) 1.KB. 671. In this case, both parties believed erroneously that, as a result of structural alterations, the flat was subject to rent control. The tenant claimed a declaration that the lease was under rent control, and the landlord counter-claimed for rescission of the lease on the ground of common fundamental mistake, it was held that, the lease was subject to rent control. That the common mistake of the parties was one of fact and not of law, that the lease was therefore, voidable at the instance of the landlord.

Finally, in *GRIST V. BAILEY* (1966) 3.WLR 618. Where Grist bought a house from Bailey for \$850. Both parties believed that a tenant who was in occupation of the house was statutory tenant, whereas he was not protected and could have been compelled to quit on notice. The value of the house with vacant possession was \$2,250.

It was held that, the parties were under a common mistake of a fundamental nature, which at common law, the contract was not void; equity would grant relief and treat the contract as voidable. The seller was therefore entitled to rescind the contract.

### **MISTAKE IN RELATION TO DOCUMENT**

Under the common law, the rule is that, where a person signs contracted documents or executes a deed he is absolutely bound by it and he is not allowed to deny its content, and it is of no moment that he did not read it before signing. In other words, the general rule is that, in the absence of fraud, misrepresentation and operative mistake a person is bound by the document to which he has put his signature, whether he read it or not and whether he understands it or not. This was better illustrated in the case of *L'ESTRANGE V. GRADUCOBI* (1934) 2. KB 394. Where the defendant sold to the plaintiff a slot machine on terms contained in a document which had an exemption clause excluding express or implied condition. The plaintiff signed the document without reading the exemption clause. He brought this action on discovering that the machine was defective bound by the signed document and it was immaterial that he failed to read it was held that the plaintiff was to read the clause.

But the obvious injustice which results from this rule in some cases has led to some exceptions to it. The exceptions were at first restricted to blind persons and illiterate persons and to documents under seal. If a blind or illiterate person executes a deed, he could escape liability if he could show that the deed was fundamentally different in character from that which he contemplated. In course of time the principle was extended, and today it applied to all persons and to all types of written documents where the mind of the signer does not accompany the signature. See *FOSTER V. MACKWONOM* (1869) LR 4. CS 704. The mind of the signee does not accompany the signature which is called the *place of non est factum*.

Thus, in addition to the above exception, that is as regards blind persons and illiterate persons, two exceptions have today been recognized.

**Fraud or misrepresentation:** Here, there are cases where a person is made to append his signature to a document by the fraud of others, so that the contract contained in the document is different from that which he had in mind or

abduct which he was told before appending his signature. If such a contractual documents is executed as a result of fraud or misrepresentation which affects the legal contents of the signed document, the contract is rendered voidable since the contract is not void, it follows that the rights of a third party, who acts bonafide in relation to the goods are protected.

In conclusion, mistake has a narrower meaning in law and for it to succeed to vitiate a valid contract it must be a mistake of two parties to the contract, but if a plea for unilateral mistake is unsuccessful, the contract is so far as mistake is concerned is valid at common law and the property passes to the transferee.

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