

Restorative Justice and its Implications on Transformative Peacebuilding among Victims of the Boko Haram Terrorism in North-Eastern Nigeria

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Abstract

Boko Haram's emergence in Nigeria's underdeveloped and desert north-eastern geo-political zone, which includes Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe states, has resulted in terrible instability, poverty, displacement, and other misery. The Nigerian government and military mobilised against the terrorist group, yet insecurity and violence have not only persisted, but have actually worsened. In August 2021, there was an alleged move by the Federal Government of Nigeria to grant amnesty to repentant Boko Haram fighters; a move which has been described as a gamble with the nation's internal security and a complete disregard of the justice system of the country, as well as the entire peacebuilding process in the troubled north-eastern region of the country. This therefore evokes the implications of restorative justice on transformative peacebuilding in north-eastern Nigeria.

Key words: Restorative justice, Peacebuilding, Transformative Peacebuilding.

Introduction

The first few days of August 2021 were rocked with news headlines of the intended amnesty programme for “repentant” Boko Haram fighters by the Federal Government of Nigeria. This alleged move by the government has been described by many as a gamble with the nation's internal security and complete disregard of the justice system of the country, as well as the entire peacebuilding process in the troubled north-eastern region of the country. With over fifty thousand people killed and two million people internally displaced, it becomes very ostensible that the plights, sufferings, sorrows, and precarious state victims of the Boko Haram terrorism have suffered for over a decade-long insurgency, in the eyes of the political elites and government, they are accounted for as nothing and thus comparable to water being poured on a very coarse rock surface. This therefore evokes the implications of restorative justice on transformative peacebuilding in north-eastern Nigeria.

Restorative Justice

Restorative justice is a term that refers to both a practise and a concept of conflict resolution. This concept is founded on notions that develop mutual respect between opposing parties on the basis of their needs rather than their positions, hence fostering a harmonious society. Restorative justice is thus founded on a set of ideas and ideals aimed at fostering mutual respect between parties through validation, accountability, and healing.

Raye and Roberts (2004) described restorative justice as a technique or response to crime or harm that, to the extent possible, results in healing, restoration of health, and re-establishment of links and wholeness for the parties and the community. The value of justice comprises a commitment to accountability as well as an experience that is just, fair, and equitable for all parties. Additionally, it

has been defined as a "peacemaking model" approach based on the recognition that violations of people and relationships result in needs and responsibilities, and that justice occurs when those accountable for the needs acknowledge the injustice and take appropriate steps to repair the harm (Rayne & Roberts, 2004).

Restorative justice, as a result, is a state-run alternative to criminal and retributive justice. It is further contended that while the state's primary goals are retribution, deterrence, incapacitation, and reparation in order to maintain law and order and promote peace and harmony among the people, restorative justice, as an alternative justice approach, emphasises the final goal - restitution - as a primary element; as restorative justice offers opportunities to various parties, including the victim, offender, and the larger society, by resolving conflicts (Kasali, 2006).

A Sketch of the Conflict Situation in North-Eastern Nigeria

The emergence of Boko Haram in Nigeria's impoverished and desert north-eastern geopolitical zone, which encompasses the states of Adamawa, Bauchi, Borno, Gombe, Taraba, and Yobe, has resulted in horrific instability, poverty, displacement, and other hardship. Between 2015 and 2018, the Nigerian government and military mobilised against the terrorist group, but insecurity and bloodshed remained, if not exacerbated. This decade-long conflict has resulted in the deaths of approximately 350 thousand people, the most majority of them are children under the age of five, both directly and indirectly (Brown, 2020). According to recent UNDP research on the war and its impact on livelihoods, the death toll is ten times higher than previous estimates of roughly 35,000 deaths based exclusively on those killed in fighting in Nigeria since the conflict began.

This conflict, which began with Boko Haram in 2009 and has displaced over two million people and generated one of the world's worst humanitarian crises, has left millions of people in need of assistance. Regrettably, there is little or no evidence that the current bloodshed is coming to an end. Children under the age of five have been responsible for around 324,400 deaths (UNDP). The violence has harmed agricultural productivity and trade, limiting availability to food and jeopardising the lives of many agriculturally dependent communities. Millions of people have been displaced, leaving them with minimal or no access to food, health care, adequate housing, or portable water; women and children are especially vulnerable (UNDP, 2021). However, the situation is significantly worse in Borno, Adamawa, and Yobe states. Boko Haram insurgents launched another attack on the towns of Gamboru and Ngala in Borno State, northern Nigeria's north-eastern area, around a month after the Chibok school attack. According to sources, the nearly twelve-hour assault ended in the murder of about 300 people, the kidnapping of eleven young girls, and the complete destruction of both settlements (Ford, et. al., 2014).

Additionally, between January 3rd and 7th 2015, Boko Haram extremists launched a horrific attack on Baga, a town in the Nigerian state of Borno. After capturing possession of a military base that served as the headquarters for the Multinational Joint Task Force (MJTF), the terrorists launched an attack on the base on the third day of the attack. The MJTF included forces from Chad, Niger, and Nigeria. The death toll is yet unknown. The exact death toll in Baga and sixteen other neighbouring villages is unclear, but estimates place the amount at more than 2,000 (Mausi, 2015). In July 2015, Boko Haram militants conducted another attack. This time, they targeted the village of Kukawa, which is located near Lake Chad in the country's north-eastern region. The catastrophe which occurred on July 1st, claimed the lives of around 150 people. According to eyewitnesses, terrorists attacked Kukawa on Wednesday, July 1st, 2015, killing 97 people, including women and children. According to local authorities, more than 50 members of Boko Haram attacked Kukawa, murdering men in different mosques who were observing the Maghrib prayer shortly after breaking

their Ramadan fast. The previous day, terrorists massacred 48 men who had just completed Maghrib prayer in two villages near Monguno, according to local media (Nossiter, 2015).

Chad withdrew its troops from Nigeria in January 2020, where they were stationed as part of the Multinational Joint Task Force (MJTF), a regional initiative designed to tackle Boko Haram terrorism. Terrorists executed Reverend Lawan Andimi, a Christian who had been kidnapped in Micika and held captive by the gang, on the 20th of January of the same year in Adamawa state. Daciya Dalep, a twenty-two-year-old student, was executed a few days after her death by a juvenile soldier who was a member of the terrorist organisation (Amnesty International, 2020).

In February 2020, Boko Haram terrorists ambushed and set fire to travellers on their route to Maiduguri who had halted in Auno, Borno State, killing approximately thirty civilians (BBC, February 2020). According to accounts, at least 50 troops were killed in a Boko Haram ambush in Yobe state in March 2020. Boko Haram continued to commit grave human rights violations in the north-east, including the killing and kidnapping of civilians, which constituted war crimes and possibly crimes against humanity. In the south-east, Boko Haram was also accused of perpetrating crimes against humanity. Over 420 civilians were murdered in approximately 45 attacks, the most of which occurred in Borno State, though some also occurred in Adamawa and Yobe. On the other side, Boko Haram has continued to recruit child troops. According to reports, eighty-one individuals were killed and several more kidnapped during a raid on the village of Faduma Kolomdi in June 2020. In October, Boko Haram militants attacked the communities of Ngwom and Moromti, killing roughly 20 farmers. Boko Haram seized hundreds of women and girls this year, subjecting them to rape and forced marriage, including 20 women snatched in July while scavenging for firewood near the Gamboru internally displaced people's camp in Borno state (Amnesty International, 2020).

On November 28th 2020, Boko Haram extremists massacred about 110 people, including farmers working on their rice farms, in a reported raid on an agricultural hamlet in Jere Local Government Area, Borno State. Their victims were snatched up and tied before being slit down the throats by the attackers, who were riding motorcycles (Sani, 2020). After a shooter from the Boko Haram gang approached farmers and demanded money and food, the farmers replied with this attack just a few days later. He was waiting for his dinner to be served when the farmers pounced on the opportunity presented by the gunman entering the lavatory to seize his firearm and tie him up. These courageous farmers surrendered him to security operatives, who were powerless to defend the farmers owing to the circumstances. On November 28th, the terrorists mobilised and attacked the community in revenge for daring them to reveal their plans. Prior to their departure, the assailants set fire to other rice fields (News Wires, 2020). These are only a sampling of the crimes committed by Boko Haram terrorists in different parts of north-eastern Nigeria.

Transformative Peacebuilding

In 1992, Boutros-Ghali, the then-United Nations Secretary General, launched his "Agenda for Peace." During this period, the term "peacebuilding" gained popularity. As a result, the word "peacebuilding" has become commonly used but frequently misconstrued to refer to activities other than crisis assistance, such as long-term development and the construction of governmental and other institutions (Albert, 2001).

Bolarinwa (2006) defines peacebuilding as "the capacity of non-governmental organisations for peacemaking and peacebuilding." The United Nations' approach to peacebuilding has traditionally placed a premium on structural transformation, with a particular emphasis on institutional reform.

On the other side, peacebuilding encompasses a diverse range of tactics, procedures, and phases aimed at transforming relationships, governance styles, and institutions in order to make them more durable and peaceful. Peacebuilding comprises the formation of legal and human rights institutions, as well as equitable and effective governance, as well as processes and strategies for resolving conflicts. Peacebuilding activities require extensive and comprehensive preparation, coordination of disparate initiatives, and clear commitments from all parties to be effective (Bolarinwa, 2006). As a result, peacebuilding involves a long-term commitment to a process that entails investment, resource gathering and planning, architecture and planning, resource coordination and labour, establishing solid foundations, developing infrastructure, and so on, as well as their ongoing maintenance.

It is argued that post-conflict reconstruction is a key component of the peacebuilding process, particularly in countries that have recently experienced violent conflict. It entails reconciliation, development, and programmes involving all citizens, all of which are necessary components of a holistic healing process (Aderigbigbe, 2010). In a country that has recently experienced widespread violence, where the state's primary concern is armed warfare, or where a sizable portion of the population is engaged in armed conflict with the state, this process typically entails the repair and reconstruction of physical and economic infrastructure. State institutions are frequently so degraded during a conflict that they have only a limited capacity to fulfil their tasks. As a result, post-conflict reconstruction involves a range of external interventions targeted at rehabilitating institutions that have been undermined. Restructuring the economy, reorganising the framework for democratic government, reconstructing and preserving crucial social infrastructure, and planning for financial normalisation are only a few of the critical measures (Aderigbigbe, 2010).

To address the structural appropriation of reconstruction over transformation in peacebuilding, a differentiation between reconstructive and transformative peacebuilding has been made. While the former is a product of the United Nations and peacekeeping operations, the latter (which is the less frequently used variety) focuses on the causes of war and the post-conflict community needs. Each of these components must work in tandem, and peace cannot be achieved without addressing both community reconstruction and conflict transformation (Bronwyn, 2001).

Peacebuilding through reconstruction is a short-term structural reconstruction. The physical and political restoration of this manner of peacemaking begins with the United Nations, which has worked to develop a model that accomplishes these goals. Reconstructive peacebuilding focuses on the more tangible aspects of peacebuilding, such as infrastructure creation, healthcare system development, and political institution development. Reconstruction efforts include disaster relief, humanitarian assistance, disarmament, demobilisation, political restructuring, elections, mine clearance, and health (Bronwyn, 2001).

On the other hand, transformative peacebuilding is a long-term process of reconciliation. It is a broad phrase that refers to approaches that place a greater emphasis on the larger social interactions that exist within conflict-prone communities than on physical reconstruction. It is an endeavour to modify conflict in order to foster the development of lasting forms of peace. According to Bronwyn (2001), this type of peacebuilding typically entails elements that contribute to the long-term transformation of the conflict context. They may involve interethnic engagement, contact between professions, stereotype reduction, work collectives, school projects, conflict resolution training, justice, police, and military training, as well as cross-cultural television and radio efforts and recognition. Because conflict is a socially produced cultural event in which individuals

participate actively, it is impossible for political level resolutions to resolve the dispute on their own.

Restorative Justice and its Implications on Transformative Peacebuilding

In a 2021 study of 250 victims of the Boko Haram insurgency living in internally displaced persons' camps (IDPs), using a Two Way - ANOVA test to determine the effectiveness of reconstructive and transformative peacebuilding processes in the rehabilitation of victims of the Boko Haram insurgency, there was a significant positive effect of transformative peacebuilding on the successful rehabilitation of those victims as $f = .034$, $p = .023$, hence $p < .05$ (Egbusie, 2021). From the research, Egbusie (2021) suggests that transformative peacebuilding which is a broad term for approaches that focus less on physical reconstruction but on the broader social relationships that exist within conflict-prone societies, is a long term process of reconciliation and peacebuilding; and thus attempts to alter conflict in such a way that lasting forms of peace may be built. Transformative peacebuilding then usually encompasses those aspects that work towards the long term transformation of the conflict environment; which include inter-ethnic contact, contact between professions, stereotype elimination, work collectives, school projects, conflict resolution training, justice, police and military training, cross-cultural television and radio efforts and acknowledgement (Bronwyn, 2001).

This form of peacebuilding thus has an integral impact on both the victims as well as the affected society as a whole. It involves a holistic healing process beginning with not only the physical healing of the individual who has been scarred by the warfare, but also the emotional and psychological healing dimensions, which by consequence, promotes the rehabilitation of those who make up the society.

The Rwandan Genocide of 1994 produced overwhelming statistics that indicate the enormity of reconciliation in terms of scope and process (Tiemessen, 2004). According to the Norwegian Helsinki Committee for Human Rights (NHCHR), the genocide created an initial population displacement of over a million Hutus fearing reprisals, made about four hundred thousand widows, half a million orphans, and about one hundred and thirty thousand people imprisoned upon suspicion of committing acts of genocide (NHCHR, 2002). The country's fledgling judicial system was all but destroyed in terms of personnel and infrastructure by the spring of 1994. The judiciary was a primary target during the genocide that eliminated all but two hundred and 44 out of a previous 750 judges, with many of the survivors fleeing into exile (Neuffer, 2001).

In a 2005 meta-analysis of nineteen studies involving eleven thousand, nine hundred and fifty juvenile offenders conducted, it was found that restorative justice practices reduced recidivism for participating offenders. The studies in the meta-analysis focused on victim-offender mediation and family group conferencing programs, and the researchers found that they contributed to a 26% reduction in recidivism for participating juvenile offenders (Bradshaw & Roseborough, 2005). Yet, in another meta-analysis published in 2005 which included 22 studies that examined the effectiveness of 35 restorative justice programmes, a voluntary community-based response to criminal behaviour that attempts to bring together the victim, the offender, and the community, in an effort to address the harm caused by the criminal behaviour, the researchers found that offenders who participated in restorative processes had significantly lower backsliding rates, higher restitution compliance rates, and higher levels of satisfaction with the process compared to their counterparts who experienced traditional justice system processing. Victims who participated in restorative processes also were more satisfied compared to those who participated in the traditional justice system (Latimer et al., 2005).

According to McCold, Llewellyn and Van Ness (2007), when victims tell offenders how they were affected and recognise that the offenders understand, and when they are allowed to actively negotiate a reparative agreement, the recognition and empowerment helps their recovery from trauma. Support from communities toward victims and offenders helps reconnect and strengthen relationships (peacebuilding). As demands for justice are satisfied, people and relationships are restored and reintegration and forgiveness become possible – transformative peacebuilding.

The restorative aspect of transformative peacebuilding is a framework for an integrated strategy based on restorative justice theory as applied to post-conflict societies. It applies to transitional as well as post-transitional justice as those are experienced by both the elites and citizens of those societies. It helps rationalise the roles of all relevant actors within and outside the United Nations in the context of a commitment to national ownership and sovereignty (McCold et al., 2007).

Recommendations (make your recommendations actionable or feasible to implement).

Consequent upon the above, the following are recommendations are made:

i. Acceptance and Application of the Restorative Justice

Victims of the Boko Haram terrorism are in need for justice; justice for themselves and against all those who perpetrated acts of terror against them. However, since the justice sought by these victims is for the purpose of satisfaction, there must therefore be a general acceptance of the system of restorative justice rather than retributive justice as well as its application in the peacebuilding process – reconciliation, rehabilitation and reintegration. This could be achieved by the establishment of “village courts”, similar to those used in post-genocide Rwanda. Through this, the entire process of peacebuilding can be achieved.

ii. Community Involvement

Similar to the post-genocide peacebuilding adopted by Rwanda in the community-based trials of individuals who were involved in the killings and all other acts of violence on Rwandans during the genocide, so also, the various communities which suffered scores of attacks by the Boko Haram terrorists should be involved in the trials of the so called “repentant” Boko Haram fighters. By being involved and if possible, be the organisers of such trials, victims will have the opportunity to provide first-hand narratives of their experiences.

iii. Restorative – Transformative Peacebuilding

Since restorative justice is not only a peace building concept but also a peace making model approach which is premised on the “recognition that violations of people and relationships create needs and responsibilities, and that justice happens when those who are responsible for creating the needs acknowledge the injustice and do what they can to repair the harm (Ruth-Heffelbower, 2004), and transformative peacebuilding being a long term reconciliation process and a broad term for approaches which focus on broader social relationships that exist within conflict-prone societies by attempting to alter conflicts such that lasting forms of peace may be built (Bronwyn, 2001), therefore to attain sustainable peace and the desired holistic transformation of the victims of the Boko Haram terrorism, it is therefore germane to have a peacebuilding system which incorporates the methods of both restorative justice and transformative peacebuilding to ensure a more efficient and reconciliation, rehabilitation and reintegration process of both victims and offenders.

References

- Adam Nossiter, *Boko Haram Militants Suspected in Attacks at Mosques in Nigeria*, The New York Times, 2nd July, 2015. Retrieved 20.02.2022.
- Alana Tiemessen, *After Arusha: Gacaca Justice in Post-Genocide Rwanda*, African Studies Quarterly (Fall, 2004),8(1): 58-70.
- Amnesty International, *Nigeria 2020*, Retrieved from www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/report-nigeria/ 20.02.2022.
- Barbara Raye and Ann Roberts, *A Vision of Justice*, Association for Conflict Resolution, (Summer 2004), 2 (4):10-21.
- Duane Ruth-Heffelbower, *Using RJ Principles to Build Peace Between Christians and Muslims*, Association for Conflict Resolution (Summer, 2004), 3(4): 37-44.
- Elizabeth Neuffer, *The Keys to My Neighbor's House: Seeking Justice in Bosnia and Rwanda*, (New York: Picador, 2001).
- Evans-Kent Bronwyn, *Reconstruction Over Transformation: The Structural Appropriation of Peacebuilding*. (New York: Thames and Hudson, 2001).
- Gacaca System and the International Criminal Tribunal for Rwanda*, International Helsinki Federation for Human Rights, Retrieved from, <http://www.nho.no.rapporter/landrapporter/>, Accessed 20.02.2022.
- Isaac Albert, *Introduction to Third Party Intervention in Community Conflicts*, (Ibadan: PETRAF & John Archers Publishers Ltd. 2001).
- Jeff Latimer, Craig Dowden & Danielle Muise, *The Effectiveness of Restorative Justice Practices: A Meta-Analysis*, The Prison Journal, (June, 2005), 85 (2): 131-149.
- Joshua Bolarinwa, *Introduction to Peace Studies*, (Lagos: National Open University of Nigeria, 2006).
- Kunle Sani, *110 People Killed in Boko Haram Attack On Borno Farming Community – UN*, Premium Times, 29th November, 2020. Retrieved 20.02.2022.
- Monsuru Kasali, *Concepts and Practice of Peacebuilding*, (Lagos: National Open University of Nigeria, 2006).
- News Wires, *Suspected Boko Haram Extremists Kill Dozens of Nigeria Farmers*, FRANCE 24, November 29, 2020. Retrieved 20.02.2022.
- Norwegian Helsinki Committee for Human Rights, *Prosecuting Genocide in Rwanda: The*
- Nurudeen Aderibigbe, *Theories of Peace Education and Conflict*, (Lagos: National Open University of Nigeria, 2010).
- Paul McCold, Jennifer Llewellyn & Daniel Van Ness, Briefing Paper #1: *An Introduction to Restorative Peacebuilding*, (New York: Working Party on Restorative Justice of the NGO Alliance on Crime Prevention and Criminal Justice, 2007).
- Philip Egbusie, *Post-Conflict Reconstruction and the Mental Health of Victims of Armed Conflicts in Nigeria: A Study of the Boko Haram Insurgency*, (2021, Unpublished).
- Sabrina Ford, Laura Italiano & Post Wires, *Boko Haram Kidnaps More Children, Kills Villagers in Nigeria*, New York Post, May 11, 2014. Retrieved 20.02.2022.
- Segun Mausi, *Dispatches: What Really Happened in Baga, Nigeria?* Human Rights Watch, 14 January 2015.
- United Nations Development Programme, *Northeast Nigeria Conflict Killed More Than 300,000 Children: UN*, Retrieved from www.aljazeera.com/news/2021/6/24/northeast-nigeria-conflict-killed-more-than-300000-children-un, Accessed 15.02.2022.
- Vanda Felbab-Brown, *As Conflict Intensifies In Nigeria's North East, So Too Does A Reliance On Troubled Militias*, Retrieved from [www.brookings.edu/blog/order-from-](http://www.brookings.edu/blog/order-from-chaos/2015/05/14/as-conflict-intensifies-in-nigeria-s-north-east-so-too-does-a-reliance-on-troubled-militias)

chaos/2020/04/21/as-conflict-intensifies-in-nigerias-north-east-so-too-does-a-reliance-on-troubled-militias/, Accessed 15.02.2022.

Williams Bradshaw & David Roseborough, *Restorative Justice Dialogue: The Impact of Mediation and Conferencing on Juvenile Recidivism*, University of St. Thomas, Minnesota UST Research Online, Social Work Faculty Publications, (December, 2005), 1(1):