

The ODL Reconstruction of Inclusive Education and Career in Criminal Justice for Sustainable Law Enforcement in Nigeria

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ABSTRACT

Conventional education and career access disparity across gender accessioned by profit driven privatization and culturally imposed discrimination in some professions like the criminal justice administration (CJA) in African is male dominated. It has implications for sustainable and inclusive law enforcement. However, while there is greater attention given to accessing conventional education and CJA career, despite profit and cultural restrictions, less attention is given to accessing Open Distance Learning (ODL). The ODL provides lifelong learning space to deepen inclusive education and career across class and gender without restriction. This paper therefore focuses on the challenges and prospects of borderlessness in access to education and law enforcement career; with a view to examining ODL reconstruction of inclusive education and career in criminal justice for sustainable law enforcement in Nigeria. Berger and Luckman's Social Constructionist Theory provided the framework while the design was exploratory. Qualitative techniques of data collection was used on respondents drawn from the Academia and the Criminal Justice Administrators. The findings of the paper revealed that equity and inclusive education as well as sustainable law enforcement are endangered in Nigeria because of profit maximization and patriarchal culture of segregation and discrimination. The paper, therefore, called for bridging the access gap in education and CJA career by opening up lifelong learning space that could ensure equity and inclusiveness in education and career for all without restrictions.

Keywords: Criminal justice administration, Inclusion education, Law enforcement, ODL

ABSTRAIT

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Les disparités conventionnelles en matière d'éducation et d'accès à la carrière selon le sexe, résultant de la privatisation axée sur le profit et de la discrimination imposée par la culture dans certaines professions comme l'administration de la justice pénale (CJA) en Afrique, sont dominées par les hommes. Cela a des implications pour une application de la loi durable et inclusive. Cependant, alors qu'une plus grande attention est accordée à l'accès à l'éducation conventionnelle et à la carrière CJA, malgré les restrictions de profit et culturelles, moins d'attention est accordée à l'accès à l'enseignement ouvert à distance (ODL). L'ODL offre un

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espace d'apprentissage tout au long de la vie pour approfondir l'éducation et la carrière inclusives à travers la classe et le sexe sans restriction. Ce document se concentre donc sur les défis et les perspectives de l'absence de frontières dans l'accès à l'éducation et à la carrière des forces de l'ordre; en vue d'examiner la reconstruction de l'EOD de l'éducation inclusive et de la carrière dans la justice pénale pour une application durable de la loi au Nigéria. La théorie constructiviste sociale de Berger et Luckman a fourni le cadre tandis que la conception était exploratoire. Des techniques qualitatives de collecte de données ont été utilisées sur des répondants issus du milieu universitaire et des administrateurs de la justice pénale. Les conclusions du document ont révélé que l'équité et l'éducation inclusive ainsi que l'application durable de la loi sont menacées au Nigéria en raison de la maximisation des profits et de la culture patriarcale de la ségrégation et de la discrimination. Le document a donc appelé à combler le fossé d'accès à l'éducation et à la carrière CJA en ouvrant un espace d'apprentissage tout au long de la vie qui pourrait assurer l'équité et l'inclusion dans l'éducation et la carrière pour tous sans restrictions.

Mots clés: administration de la justice pénale, éducation à l'inclusion, application de la loi, ODL

INTRODUCTION

Globally, over the years, gender as a concept has gone through interpretations of its meaning outside just being a label that connotes a combination of male and female identities. For instance, while in the pre-colonial Igbo society, a kind of same sex marriage holds sway where the women marries another woman because she could not bear a male to continue a paternal heritage. The post-colonial liberal persuasions about gender that transverse some developed world has heightened clamour for male-male marriage, as a matter of choice and liberal socialisation. This development has introduced a new wave of pressure for marriages like gay, contract, and Investor Virginal Fertilisation (IVF). In all of these, just like female-female Igbo traditional marriage alternative deconstructed gender, the IVF further deconstructed female-female Igbo traditional marriage alternative. The implication of these foregoing renditions around gender is that gender is socially and culturally constructed. It suggest that societal value placed on any social being is a product of the process that brought him or her to being and that defines his/her being.

Open Distance Learning is a kind of is a deconstruction of the hitherto exclusive conventional education. Lifelong accessibility confers on ODL source of social justice and equity that bridge access gap across gender lines for national cohesion in Nigerian. The functionality, cost-effectiveness and learning flexibility is blend to suit career pursuit such as in law enforcement that needs fast learners at the same time slow learners. Career choice and opportunity access are designs shaped by socialisation and stigmatization produced from continuous interactions and social process with cultural context.

In a situation where discrimination and prejudice pervades a system, gender position and location become essential determinant of access and denial. According to the UN Secretary General, (2009), access and operations of effective security sector is anchored on equity or otherwise breeds structural gender violence. It is therefore, important to infer that gender combination has unique specific contributions to make in crafting and in the running



of any effective security architecture. The isolation of either male or female in security planning and policy means a big compromise to inclusive security. For instance, take a case of operatives posted to security beats to control facility access. If the combination of the guards does not include equal male and female, how do you attend to a female suspect who decides to hide criminal exhibits in her private part? Of course it will be subjective for a male guard to touch while searching the female private part. This illustration illuminates the idea of inclusive security and the need to deepen inclusive education and possibilities for equitable gender empowerment (Ifemeje, 2008).

Inclusive education creates informed awareness and opinion that demands for equitable and accessible law enforcement environment. Having the right gender distribution in security mapping has proven to have tackled criminality more than exclusion of vested security interest on the basis of gender, education or career isolation. Since social safety is a product of societal value placed on duty to ensure safety, education that explains security norms must not be isolated from stakeholders in security planning. Clash of interest readily manifest in clandestine criminalization of who does security or law enforcement work and those who do not.

Gender based discrimination in career pursuit and law enforcement is an all-pervasive global problem that does not take to heart the peculiarities of crime and criminality. For instance, what is criminal to females may not be to the male even in the same society. This disparity is occasioned by conversation that demonizes certain conducts, career pursuits and law enforcement whose operator violates patriarchal doctrine. Entrenched gender inequality in many countries has neither salvaged the interest of female, the law nor justice as an immutable social value anywhere. Onyeagu, (2002) argued that male female's disparity is historically existed dating to the dawn of civilization and has continued over centuries. For this reason, this paper argues against exclusivity in law enforcement, access and career pursuit therein. Institutionalised disparity particularly in conflict prone areas and others emerging from conflict and insecurity challenges, face insidious tendency to see women in the law enforcement or pursuing career therein as object of exploitation that must be placed where there belong.

The foregoing corroborates Karibi – Whyte, (1994) position that the state institutions charged to moderate entrance process and make law enforcement career choice open to all are rather overtly and covertly emerged in structural violence against women participation in favour of the male. Therefore, there is no alternative to democratizing the entire social processes that constructs and deconstructs the interpretation and meaning of gender. The institutional and human factors of law enforcement, security and insecurity actors are subjected to equal scrutiny and expectation to exert functional roles that keep the system of security intact. Arguing from this perspective, it is imperative to see inclusive education and gender inclusion in access and operation of law enforcement as a value and as a career not to be gender biased. Their collaboration should start from ensuring that within each agency nobody is discriminated against on the basis of gender. In this way, no part from the entire security forces is segregated as a functional part of the whole security architecture. Therefore, from administrative institutions, intelligence gathering to operational combatant, recruitment, promotion and retirement process are not expected to discriminate any stakeholder based on his her gender.



LITERATURE REVIEW

Law Enforcement Challenges and Opportunity

Two decades down the line of the 21st century, the world, particularly Nigeria, is increasingly faced with such uncontrolled arm struggle that have threatened the fabrics of regional, national, state and local cohesion and peace. This is so because criminal tendencies of different shapes and forms are emerging on daily basis endangering human and national security (Human Security Study Group, 2007). Hence, the need to interrogate law enforcement land scape, planning and policy is expedient. Conventional or even nuclear wars among states are increasingly disappearing for new realities of warfare including media wars and chemical warfare. In this phase of war realities human intelligence rather than military hardware is most wanted. But they that have succumbed to biases inherent in gender supremacy struggle need to have a rethink.

Crime, Conventional and Human Security

Crime is a social and economic phenomenon and is as old as the human society. It is a legal concept and has the sanction of the law. Crime or an offence is "a legal wrong that can be followed by criminal proceedings which may result into punishment." A crime may be said to be any conduct accompanied by act or omission prohibited by law and consequential breach of which is visited by penal consequences. There is apparently no distinction between crime, conventional and human security. However on a deep introspection we may say that while there is correlation between crime and security in general, there exists a fine line of demarcation between the conventional security (called national security) and human security, which is appreciable. The demarcation lies in the involvement of the medium of remedy and safeguards to ensure rule of law and inclusive intervention strategy. The sine qua non for effective security land scape is that there should be an involvement of all stakeholders to establish the truth in security been everyone's business and concern at any stage of its planning and execution. Since law enforcement has gone beyond male dominated to largely female involvement just like conventional use of the military and its hardware approach to conflict and warfare have given way to use of higher artificial intelligence and media arsenal, there is need to make security system more systematic and inclusive in its sophistication and engagement. The measure of success expected from this new security reality is one that can only be achieved by intervention that is extended beyond the use of military and its hardware.

Inclusive Human Security

War makes states (Tell, 1985). This is supported by a large number of empirical studies of a state formation (Porter, 1994). But why is it then that the connection between war and state making does not appear to be present at all in the weak states in the third world? If we define war along conventional line, then there is certainly no lack of war involvement in a great number of Third World states (Wallensteen & Sollenberg, 1999). And yet, not only has this activity victimized more women who are rendered widows to carter for the family as single parents with no money, and in most cases, economic base to shoulder such responsibilities,. In many cases, the failure of peace processes, especially in African sub-regions, have been blamed on exclusive peace building and security.



Equitable presence of both gender in law enforcement profession provide a complete framework to address both male and female criminal tendencies without gatecrashing into a strange domain of investigation. Example, is it proper for male operative to search female suspect? Should female operative search male suspect? Yes, as answer to these questions is not realistically objective if the real job must be done. Undermining this and similar intricacies in law enforcement and policing is a big compromise which gender balance in the profession and education is out to stamp out for a more objective profession.

Gender Inequality and ODL Strategy

While there is greater attention given to accessing conventional education and CJA career despite profit and cultural restrictions, less attention is given to accessing Open Distance Learning (ODL). The ODL provides lifelong learning space to deepen inclusive education and career across class and gender without restriction. In this context, bridging access gap in education and career is the main objective of ODL. It helps to open up lifelong learning space that ensures equity and inclusiveness in education and career for all without restrictions. However, borderlessness in access to education and law enforcement career is a pursuit that requires urgent attention if inclusive education and career in law enforcement are to take center stage in our development effort as a nation.

The survival threats coming from gender extremist's discrimination and their significance both in the work place and in the career space is most commonly underestimated. Although gender inequality is often a product of mainstream social structures socially constructed and institutionalized, misconceptions about who a woman is to a man remain largely, a cultural thing. Across generations, the males and the females in some culture are socialised to accept this social reality and live with the differences as career determinant. According to Makama and Godiya (2013), analysis on gender and the society, women have been traditionally designated to occupations, which require some skills. While these skills are culturally valued, they are typically associated with domesticity. Therefore, occupation requiring these skills such as one present in law enforcement is more appropriate with the male than the female. Men have been traditionally viewed as "bread winners" or the workers, so jobs held by men have been historically and economically value and paid higher wages. In the same vain, some courses receive less patronage from female candidates than male ones.

The male and the females experience crime, insecurity, security and law enforcement differently. Put together, the landscape of modern security is built into a system which functional part must ultimately function to keep the whole. So, the male/female factor in law enforcement is systemic and bonded with symmetric power relations. It is therefore, insecure to severe the correlation that connect the male and female factors of crime. Bearing in mind that no part of a system is expected to fail without posing a concomitant calamity to the entire system, I posit that there be equal opportunity and access across gender line. Marginalized groups often find it difficult to access education, security and justice because actors here articulate their concerns to be pro-male more than women. The domineering character of education and criminal justice reform administrators leaves little to be desire about inclusiveness (Ifemeje, 2008). This suggests a practical sowing of seeds of violent conflict where women and children are most vulnerable.



THEORETICAL PERSPECTIVES

Social constructionist and Feminist theory

The social construct of gender has got several interpretive meanings that have predisposed it to speculative assumptions. Several arguments are trending, like males are stronger than females in work place, career and domestic spaces. As a wide range of knowledge about the actual meaning of gender continue to emerge, the reality of these interpretation and meaning creations became part of the social process of everyday face-face interactions that transcend human experience. A woman-centered perspective of this experience is a social construction considering the fact that the gender based power relations is asymmetrically skewed in favour of male (Igwe, 2013). The label of weakness as attributed to the woman brings to bear the situational threat to women capacity and its development in the work place and society at large. Berger and Luckman's Social Constructionist Theory providing the framework imply that the supremacy struggle between male and female gender to access education and career in law enforcement is a product of social construction that has seen the male across generation socialized to belief that they are superior or more powerful than the female. However, the weakness of this postulation is located in its ignorant of the changing human nature and interaction. This gap is filled by the feminist perspective. However, patriarchy is regarded here as a radical violence that limits women from fair treatment by social institutions because it upholds 'male world perspective' implying male dominated society or world (Moult, 2005).

METHODOLOGY

Using exploratory design, qualitative data were purposively gathered from NOUN, UA and the BUA. Eighteen key informant interviews were conducted with University administrators: NOUN (2), UA (2), BUA (2); Male trainee/learners: NOUN (2), UA (2); BUA (2): Female trainee/learners: NOUN (2), UA (2); BUA (2); Criminal Justice Administrators: Police (2), Court Clark (2), Prison warder (2). Data were content analysed.

FINDINGS

The preliminary findings reveal that equity and inclusive education as well as sustainable law enforcement are endangered because of profit maximization and patriarchal culture of segregation and discrimination that largely determine access and denial of education and career in Nigeria.

Addressing Inclusive Gender question in Education and law Enforcement Educational and career restrain

It is the vision of NOUN to democratize access to tertiary education. The need to educate the disable or exceptional child on the same educational platform with normal or gifted child cannot be overemphasized particularly in a manner that reflects gender balance. The children may require special educational services to enable them develop their maximum capacity both academically and socially. The gap in education and career access between the normal and abnormal child male and female in some clans call for concern.

Distance learning – and more recently online learning has a long history of increasing access to education, dating back to 1833 (Kasozi, 2006). Correspondence schools and radio



instruction contributed to reducing education barriers. Open Education Resources (OER) are important learning materials in NOUN with the potential to facilitate the expansion of learning worldwide. The flexibility, both technological and legal, afforded by openly licensed content is an important precondition for supporting inclusive education. The UNESCO Paris Declaration on "Open E-learners' Resources, 2008" begins with the premise that everyone has the right to education and career in any profession of choice, referring to the universal declaration of human rights and other international recommendations and agreements. Despite that OER promotes equal open access to digital educational resources available online; it is an emerging phenomenon that fortifies the process of learning for all irrespective of time, place or level (Caswell, *et al*, 2008).

Culture and religious restraints

Educational disparity and professional isolation along gender line are oppressive instruments. A respondent says:

There is imbalance in official involvement and records of recruitment, promotion, training chances across gender lines. This has inbuilt discrimination tendency connected to patriarchal belief in male dominance. *

Another respondent in corroboration says:

Of the truth women in the force or law enforcement is a compromise of justice and decisive action to overcome criminality because hardly can a woman law enforcer not display emotion and compassion which mothers are known for. The deadly nature of conflict and criminality do not need any such emotion instead it needs decisiveness.[†]

Culture being the way of life of a people is usually difficult to change. In Nigeria, it has been observed that women and daughters in some tribes are discriminated against when it comes to inheritance of property (i.e. succession) (Onyeagu, Essiet, 2002). Nigeria being a partrilineal of society, the right of inheritance is chiefly by male descent (Aduba, 1999). There are of course some parts of the country where women can inherit from their father's estate e.g. the Yoruba speaking area. In most part of Igboland, women are excluded from inheriting the property of their father (Makama, Godiya Allanana, 2013). The cultural gender disparity in practice imposes a kind of structural violence on the women in law enforcement as a professional career and further restricts women from studying to embrace the career.

Political restraints

Political exclusion is ubiquitous not peculiar to Nigeria alone (Powley & Pearson, 2007). A respondent has this to say:

The cultural interpretation of roles, duties and responsibilities across gender is also inherent in the political culture that determines who takes or does what politically. This means the politics of recruitment, promotion, and training chance will also reflect the patriarchal persuasion. ‡

Another respondent says:

[‡] KII Female learner in NOUN/28years/20th June 2018

^{*} KII Criminal Justice Administrator staff /34years/20th October 2018

[†] KII/Academic staff in UA/45 years / 10th July 2018



Education of the girl child has never gone down well with some culture that believes in male dominance. So, for a girl to aspire to take a career in law enforcement means to some clan an aberration.§

Another respondent further comments:

Whatever is the position of culture over female involvement in security architecture it makes no sense to isolate women from crime bursting job or insecurity prevention when the current reality has proven that females are almost more culpable in crime than male. The jungle is no longer male thing but is increasingly demanding the exception women quality to navigate.

The data above show that skill or peculiarity power of women and the current trajectory of security threats demand all hands on deck if criminality and conflict threatening human safety must be countered. This suggest that certain job in the process of law enforcement and crime bursting cannot be done by male but females, hence the justification for inclusive security and law enforcement master plan.

In population, women has stronger figure. Crime statistics affirmed that culpability rate and actual arrest and conviction differ between male and female in favour of the later. While most crime committed by female are chided under cover because of male operative's biased and discretion the women criminal activities continue to bug crime statistics as either unreported or suspected criminals (Onyeagu & Essiet, 2002). The earlier the gender politics in criminal processing stops the better for criminal justice system. This starts from opening up the system to accommodate as many females as males in the system for effective and professional policing and law enforcement. Gender supremacy struggle is ubiquitous across professions without exception (Karibi-Whyte, 1994). The consequence of this polarisation on social relations in the work place is such that project "they and us", "in-group and outgroup", "powerful and powerless" as well as "dominant and dominated group" phenomenon. This is supported by (Lonsway, et al., 2003) description of human professional relations as a scene of politics of social reality. The power of the powerful rests, after all on the powerlessness of the powerless (Salaam, 2003). The claim that women are naturally unassertive, docile, and submissive in law enforcement and policing absolutely has no place in involving them in the job or even in education.

Need for Gender sensitive security reform

Gender sensitive security reform (GSSR) pushes in strong terms for inclusive security as the bedrock of the precipice that shape the landscape of law enforcement and security. Conversing for human security as a perspective that project the human face of security and law enforcement is a step that brings to middle ground the roles of male and female actors in security planning and implementation. Therefore despising any human actor on the basis of skill, capacity and gender is absolutely not a correct thing to do in the face of the reality that both male and female have specific unique endowed charisma and capacity that can be developed to interrogate security, insecurity and law enforcement emerging nuances in contemporary security designs and frameworks. While human security largely hinges on

[§] KII Academic staff in NOUN/60years/19th September 2018

^{**} KII Non-academic staff in BUA/38years/12th June 2018



interest and gender biases, mapping of criminality and its tendencies have never been challenged more than it is today. This has serious implication on the perception projected in the designing national security architecture, peace-building programmes, recruitment, promotion and exit program within the system. A respondent says:

The issues of insurgence, kidnapping for ransom, terror attack and the vulnerability of soft targets with male and female population are cases to worry about considering the obvious disparity between male and female in tackling law enforcement challenges as it reflect promotion, recruitment training and retraining chances as well as operational duties. ††

Another respondent says:

Female officers are more likely to handle female cases better than their male counterparts and vice versa. Education and career choice thrown open for all without discrimination produces natural best and not foisted best. So, it is important not to restrict anybody from education and career in law enforcement and security profession.

The exclusive involvement of the military and military hardware (Buzan, 1983) as solution pot to insecurity and security planning is short of expectation when holistic security platform is in mind. However, interdependence of people-centered and national security centered security perspectives are expected to collaborate symmetrically provide inclusive security landscape that appropriates the involvement of all stakeholders in security processes. The essentiality of this position is drawn from the argument presenting a focus on the individual and consideration of what is needed to establish "freedom from want" as well as "freedom from fear" (Østby, 2008). However, state security concerns tend to be attractive than other approaches due to the "War on Terror". This has led to an unprecedented paradigm shift from merely protecting state interests in responding to conflict to addressing the root causes of violence conflict (Ifemeje, 2010). Nigerian Defense Academy turned by state from unisex university to mixed ivory is a step in the right direction of inclusive education and involvement across gender line in security strategy.

Human and national security approaches have gained largely different popularity as opposed to complimentary. According to Orji (2003), despite the disparity in the interpretations given to the dimensions and perspectives of security platforms that seem to favour human security approach, it created a mismatch that endanger the validity of other options, thereby questioning the complementarity of not only stakeholders but also operations and career in security system that seem to isolate involvement in terms of gender balance. It also, brought to the fore the interdependency of human and national security approaches to countering security threats and law enforcement operations and actors involvement. At the national level of security articulation, security should not reflect national security perspective alone leaving behind the human angle to security to foster inclusiveness.

Discussing security only at the national level negates complementarity and systemic approach to solving insecurity and lawlessness. The immediate result underpins the cold wars and intermittently generates insurgency and its resurgence (Orji, 2003) because of the local level actors from where some of the criminal tendencies got their root. Human security is an

^{††} KII Law enforcement staff in NOUN/48years/20th July 2018



aspect of security that approaches law enforcement from the humanistic perspective focusing on human in terms of individuals, community, human culture and social interaction that transcends indigeneity and social processes boundaries. From this point, it is apparent that culture has a stake in the decision of who takes or gives what of security mandate across gender despite the interdependent objective structure of security operational service delivery.

However, gender is a factor that plays in law enforcement career access, promotion, recruitment, training, retirement, operations and in all other significant roles that work together to constitute security landscape of any society. The asymmetric instead of symmetric relations presents unequal playing ground for both male and female actors. This perception largely influences the way social action and reaction is interpreted from speculation and dichotomization of associational interest into entrenched and vested interests in both work place or even in the society (Buzan, 1983). This suggests that conflict of interest is apparently inherent in male female professional interaction.

THE WAY FORWARD

From the foregoing discourse, it is quite glaring that while significant strides have been made in many countries of the world to bridge gender gaps, and advance gender equality through inclusive security and peace process, in compliance with the demands of international instruments on women's right, most countries like Nigeria are still lagging behind. The need to combat all gender inequalities in every country of the world is extremely imperative in view of the numerous devastating consequences gender discrimination has occasioned on women (UNHDRO, 2013). Access denial at entry point of education and career in law enforcement should be seen and treated as criminogenics irrespective of which gender is involved. Opened up educational access sustained by ODL e-learning housed by National Open University of Nigeria (NOUN) must continue to deepen zero time and space restriction and discrimination in knowledge production and dissemination.

CONCLUSION

Equity and inclusive education as well as sustainable law enforcement are endangered because of profit maximization and patriarchal culture of segregation and discrimination that largely determine access and denial of education and career in Nigeria. So, gender supremacy contentions at the expense of policing, law enforcement, rule of law and national security is dangerous to the journey to nationhood under democracy. Full professionalism in security agencies is urgently needed to embrace inclusive security architecture.

RECOMMENDATIONS

- There is need to enforce inclusiveness in law enforcement recruitment and promotion.
- Patriarchy has no legitimacy in the global economy and so must be discarded.
- > Job specification for law enforcement personnel to reflect skill not speculation.
- Security decision-making positions must be inclusive.

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