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A CRITICAL ANALYSIS OF COUNTER-TERRORISM LAWS IN NIGERIA

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ABSTRACT

Counter-terrorism laws play a crucial role in addressing and preventing acts of terrorism in any country. This paper provides a critical analysis of the counter-terrorism laws in Nigeria, focusing on the effectiveness, challenges, and implications of these laws in combating the growing threat of terrorism in the country. In doing this, the author adopted a qualitative method making use of library-based materials such as books, journal publications and statutes to analyse the effectiveness of counter-terrorism laws in the country. Nigeria has been a target of various terrorist groups, including Boko Haram and the Islamic State in West Africa Province (ISWAP), which have carried out numerous devastating attacks, resulting in loss of lives and destruction of property. In response to these threats, the Nigerian government has enacted a series of counter-terrorism laws to enhance its capacity to tackle terrorism and protect its citizens. One of the key counter-terrorism laws in Nigeria is the Terrorism (Prevention) Act of 2011, which provides a legal framework for the prevention, detection, and prosecution of terrorism-related offenses. However, despite the existence of these laws, various challenges hinder their effective implementation and enforcement. This paper examines the implications of these counter-terrorism laws on the rule of law, civil liberties, and human rights in Nigeria. In conclusion, this paper argues that while counter-terrorism laws are essential in combating terrorism, there is a need for a critical review and reform of existing laws to address the challenges and ensure that they are consistent with international human rights standards.

Keywords: Counter-terrorism legislation, Nigeria, Terrorism Prevention Act, Challenges, Boko Haram

1. INTRODUCTION

There is no life to be found in violence. Every act of violence brings us closer to death,[1] human rights are not only violated by terrorism, repression, or assassination, but also by unfair economic structures that create huge equalities[2]. Terrorism is an ongoing issue that has plagued humanity for centuries, despite the existence of other forms of evil. The reasons for the rise of terrorism are varied and include consumerism, ethical disagreements, a desire for power, unemployment, and bad leadership[3]. On the African continent, terrorism has been particularly noticeable in countries such as Nigeria, Tunisia, Morocco, Kenya, Tanzania, and Sudan.[4] Laws have been put in place to combat terrorism and protect the rights of citizens, but the attacks on the United States on September 11, 2001, demonstrated the lethal and vulnerable nature of terrorism.[5] The dangers posed by terrorist organizations to the society are significant concerns. The primary responsibility of governments is to ensure the safety and well-being of their

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[1] Bell Hooks Quote <https://www.brainyquote.com/quotes/bell_hooks_597912> accessed 15 January 2023
[2] Pope Francis Quote, <https://www.brainyquote.com/quotes/pope_francis_507789> accessed 15 January 2023
[3] United Nations, 'A New Era of Conflict and Violence' https://www.un.org/en/un75/new-era-conflict-and-violence accessed 10 January 2023
[4] Global Conflict Tracker, 'Violent Extremism in the Sahel' <https://www.cfr.org/global-conflict-tracker/conflict/violent-extremism-sahel> accessed 10 January 2023
[5] Schuster MA, and others, 'A National Survey of Stress Reactions after the September 11, 2001, terrorist attacks' (2001) (345) *N Engl J Med* 1507-1512. accessed 10 January 2023

citizens[6].

Nigeria is the eighth highest country in the world to face terrorist attacks, resulting in numerous fatalities, widespread poverty, and the displacement of citizens.[7] Groups such as Boko Haram, Indigenous People of Biafra have been responsible for widespread killings and displacements in Nigeria for decades. Terrorism is an ongoing threat to the peace, security, law, order and safety of Nigeria and Nigerians.

The United Nations implemented a Global Counter-terrorism Strategy in an effort to combat terrorism. The global terrorism index estimates that terrorism has affected around 163 countries[8]. These prompted individuals to think about how many people have died as a result of terrorism and which social groups are covered by international law. The issue, however, is that acts of terrorism continue to occur often despite the laws that have been put in place by states, to enable stronger collaboration in the fight against terrorism, states should implement measures to avoid terrorism, such as dialogue, peacekeeping, and tolerance among themselves.

Terrorist acts frequently have negative impact on vulnerable groups such as women, children, and refugees. Women and children are faced with gender-based violence, forced relocation, and exploitation by terrorist organizations[9]. Refugees run the risk of being vilified, marginalized, and utilized as a front for terrorist activity. Schools and colleges are frequently targeted in terrorist attacks, which can be disastrous for both students and staff. Exposure to violence and violations of human rights can seriously impact mental health, leading to higher rates of depression, anxiety, and post-traumatic stress disorder (PTSD).

Armed conflicts and terrorist attacks can have a significant negative impact on the environment, exacerbating environmental problems for affected communities. Governments frequently take actions to stop and respond to terrorist attacks, but these actions may violate human rights[10]. This paper analyses and evaluates the legislative framework of counter-terrorism in Nigeria. In doing this, the paper shall examine the effectiveness of these laws and also the challenges of implementing them.

2. CONCEPTUALISING TERRORISM

Terrorism is a term that lacks a universally accepted definition. Several definitions have been proposed by authors, scholars, countries, and organizations, but none of them fully encompasses the barbaric act. Terrorism is a term that can be defined in various ways. According to the United Nations Convention for the Prevention and Punishment of Terrorism, terrorism refers to criminal acts that are directed against a state and are intended to create a state of terror in the minds of particular persons, groups of persons, or the general public.[11]

The Terrorism (Prevention and Prohibition) Act 2022 of the Federal Republic of Nigeria defines an act of terrorism as a wilful act performed with the intention of furthering an ideology, whether political, religious, racial, or ethnic, that harms or damages a country or an international organization, unduly compels a government or international organization to perform or abstain from performing any act, seriously intimidates a population, seriously

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[6] CFRN 1999 (as amended), s. 14(2)

[7] Chika Onyesi, 'Countering Organized Crime: 2023 Global Terrorism Index Ranking Calls for More Actions' *Daily Post Nigeria* <https://dailypost-ng.cdn.ampproject.org/v/s/dailypost.ng/2023/03/17/countering-organized-crime-2023-global-terrorism-index-ranking-calls-for-more-actions/> accessed 18 April 2023

[8] Statistics Global Terrorism Index. (28 March 2023) <https://www.statista.com/statistics/271514/global-terrorism-index/> accessed 18 April 2023

[9] United Nations: Office on Drugs and Crime, 'Children Associated with Terrorism' <https://www.unodc.org/unodc/en/terrorism/expertise/children-associated-with-terrorism.html> accessed 10 January 2023

[10] Human Rights Watch, 'Terrorism/Counterterrorism' <https://www.hrw.org/topic/terrorism-counterterrorism> accessed 10 January 2023

[11] Convention for the Prevention and Protection of Terrorism, Article 1

destabilizes or destroys the fundamental political, constitutional, economic, or social structures of a country or an international organization, influences a government or international organization by intimidation or coercion, violates the provisions of any international treaty or resolution of which Nigeria is a party, or involves, causes, or results in grievous bodily harm, kidnapping, major economic loss, substantial damage to property or the environment, acts prejudicial to national security or public safety.[12]

Schmidt describes terrorism as an anxiety-inducing method of repeated violent action employed by semi-clandestine individual, group, or state-actors for idiosyncratic, criminal, or political reasons.[13] Similarly, Walter and Todd argue that terrorism is the deliberate use of violence or threat of violence by individuals or sub-national groups to achieve a political or social objective through the intimidation of a large audience beyond that of the immediate victims.[14] Thomas defines terrorism as premeditated, politically motivated violence carried out by sub-national groups or clandestine agents against non-combatant targets, usually with the goal of influencing an audience.[15] In all, terrorism can be defined as the actual or threatened use of force or intimidation against human, institutional or physical objects in order to achieve political, religious or economic ends.

3. TACTICS OF TERRORISM

Terrorist organizations utilize various tactics, which differ based on their goals. The following are some of the most common tactics employed by terrorists:[16]

3.1 Bombing

Bombing is a frequently used strategy by many terrorist organizations worldwide. Explosives are utilized in these attacks to cause death, injury, and fear among the general public. Terrorist groups may use several types of bombs, including parcel bombs, car bombs, suicide bombers, and improvised explosive devices (IEDs). IEDs are particularly common because they can be assembled using easily accessible components and can be customized for the specific needs of the attackers. The type of target depends on the goals and ideology of the terrorist group. Crowded public areas, such as markets, transportation hubs, religious sites, government buildings, and iconic landmarks, are commonly targeted to maximize casualties and instil fear.

Terrorist bombings can be carried out in various ways, such as detonating bombs in public areas, concealing them in vehicles, or using suicide belts or vests. The attackers often blend in with the crowd or exploit weaknesses in the security system to reduce suspicion. This tactic affects the psychological and physical well-being of the people in the affected environment. Terrorists target prominent areas to attract media attention, build their reputation, and promote fear among their victims.

3.2 Assassination

[12] Terrorism (Prevention and Prohibition) Act 2022, s2

[13] Schmidt PA, *Terrorism and Political Violence* (vol. 27, p. 781-782 Routledge Publisher New York, 2015)

[14] Walter E, Todd S, 'The Political Economy of Terrorism', (2012) *Cambridge University Press*, New York.

[15] Thomas B, *Violence and Terrorism* (McGraw-Hill Publisher New York., 2010)

[16]James J. Howcroft, 'The Startegy and Tactics of Terrorism' (2016) *The Quarterly Journal*. <https://connections.qj.org/articles/strategy-and-tactics-terrorism> accessed 17 March 2023; Dicklyon, 'Tactics of Terrorism' <https://en.wikipedia.org/wiki/Tactics_of_terrorism> accessed 15 March 2023; Matthew Hedges, Theodore Karasik, 'Evolving Terrorist Tactics, Techniques, and Procedures (TTP) Migration Across South Asia, Caucasus, and the Middle East' *INEGMA Special Report No.7* <https://www.inegma.com/Admin/Content/File-1172013101043.pdf> accessed 15 March 2023

Assassination is another tactic utilized by terrorist organizations. Certain terrorist groups use assassination to target and kill specific individuals, often for political, ideological, or religious reasons. Targets may include military personnel, politicians, religious figures, military officials, activists, journalists, or those perceived to represent opposing views or pose a threat to their goals. Targets are frequently chosen with the intention of undermining stability, inciting panic, or gaining attention. Assassinations are often carried out covertly to escape detection. Terrorists may use trained operatives or infiltrate the target community. Assassination techniques may vary based on the situation, resources available, and the desired outcome. Methods may include bombs, shootings, poisonings, kidnappings that end in executions, or other means. Assassinations aim to have a larger psychological impact than just the death of a single target. They may instil fear in others, interfere with the government, or cause social unrest. Terrorist organizations may select prominent targets or those who represent a particular ideology or belief system, or those who represent an organization or the government. The target's symbolic importance may increase the impact of the assassination and promote the group's cause.

3.3 Vehicle Ramming

In recent years, terrorist organizations have increasingly used vehicle ramming, also known as vehicular attacks or car-ramming attacks, as a strategy. It involves deliberately driving a car, truck, or van into people, cyclists, or other vehicles to cause injury, panic, and casualties. In a vehicle ramming attack, a person or a small group drives a vehicle into a populated location, a pedestrian walkway, or other vulnerable targets while moving quickly to spread chaos and panic. It requires less planning and coordination. Terrorists target congested streets, events, marketplaces, places with cultural and religious significance, and other locations. The attack is usually unexpected and quick, making it difficult for people to respond and flee, which increases the number of casualties. These attacks can have a severe psychological effect on both the immediate victims and the general public due to their unexpected and arbitrary nature. Victims may sustain severe physical injuries, which disrupt their normal lives. Security agencies face challenges in preventing these attacks because cars are an essential component of daily life, and it is challenging to adopt security measures that are both effective and do not negatively affect mobility and accessibility for the general population. The risk can be reduced by improving physical barriers, surveillance systems, and crowd control techniques.[17]

3.4 Chemical or Biological Attack

Chemical or biological attacks involve the intentional release of harmful substances or disease-causing organisms, such as nerve agents, sulfur mustard, smallpox, or anthrax, to infect people or groups. These attacks can cause fatalities, severe injuries, and respiratory difficulties, and can overwhelm medical infrastructure and emergency response capacities, especially in areas with high population density or few medical facilities. Governments and international organizations invest in defence and response measures, including tighter protection for crucial infrastructure, surveillance systems, and reaction plans, to prevent and mitigate chemical or biological attacks. The use of chemical or biological weapons violates international norms and laws and can result in harsh legal repercussions.

3.5 Propaganda

[17]Sorensen J, 'Vehicle Ramming Attacks: A Scoping Review' (2020) (11) (1) *Journal of Terrorism Research*, 1-19

Terrorist organizations heavily rely on propaganda, such as videos, social media campaigns, websites, brochures, lectures, and other communication methods, to manipulate public opinion, promote their ideology, and spread fear and confusion. Propaganda can manipulate feelings, falsify facts, and offer false narratives to advance terrorists' objectives. Governments and organizations implement countermeasures, such as monitoring and analysing internet activity, educating the public about misleading information, endorsing different viewpoints, and filtering out or restricting terrorist contents on social media platforms, to thwart terrorism's use of media and psychological warfare.

3.6 Guerilla Warfare

Some terrorist organizations use guerrilla warfare, characterized by hit-and-run strategies, ambushes, sabotage, and other techniques, to conduct unconventional warfare against governments, security forces, or occupying troops. Guerrilla groups use propaganda and information warfare to influence public perception, win sympathies, and gather adherents. Although not inherently a terrorist technique, some groups may combine guerrilla warfare with terrorist operations.

3.7 Kidnapping

Kidnapping is a scheme used by terrorist organizations to pressure targets for financial or political concessions, media attention, or influence on a larger scale. Hostages are chosen based on perceived strategic worth or political sway, and terrorist groups use tactics such as ambush, raid, seizing control of transportation hubs, or kidnapping. Hostage-taking and kidnapping have serious humanitarian ramifications, including terrible living conditions, physical and psychological torture, and uncertainty about safety. Governments and organizations implement measures to prevent kidnappings, improve security procedures, train staff in high-risk regions, and set up crisis response protocols to deal with potential crises.

4. LEGAL FRAMEWORK ON TERRORISM IN NIGERIA

In our rapidly changing and interconnected world, legal frameworks hold immense significance in shaping societies, guiding behavioural conduct, and fostering justice. These legal frameworks lay the foundation for effective governance and safeguarding human rights, and as our societies continue to evolve, our legal systems must adapt to societal values, globalization, and technological advancements.

4.1 National Framework

4.1.1 The Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Nigerian Constitution establishes the nation's supreme legislation which offers a framework for governance, including counter-terrorism initiatives. It is the grundnorm from which every other legislation derive their validity.[18] Although terrorism is not specifically addressed in the constitution, it does contain rules and ideas that can be used to enhance counter-terrorism efforts in Nigeria. For instance, all citizens in Nigeria are guaranteed fundamental freedoms and rights under the Nigerian Constitution. These rights include the freedom from torture and other cruel treatment, as well as the rights to life, liberty, and the security of one's person, amongst others. The legal basis for dealing with terrorist actions within the bounds of the law is established by the right to life, which ensures that the government takes the necessary steps to protect people's lives from terrorist attacks.[19] The right to liberty provides the framework for how those who are suspected of participating in terrorism are

[18] Section 1(1)(3), Constitution of the Federal Republic of Nigeria, 1999 (as amended)
[19] Constitution of the Federal Republic of Nigeria 1999, s.33

treated legally and guarantees that their rights are upheld during investigations and legal proceedings.[20] Although the freedom of speech and the press do not directly contribute to counter-terrorism efforts, they do so by facilitating the free exchange of information, enabling public awareness of terrorism and discussion, and promoting investigative journalism that can help expose terrorist activities.[21]

According to the Nigerian Constitution, the government has the authority to uphold law and order, safeguard people and their property, and defend the country's territorial integrity. This provision offers the legal justification for the government to take the appropriate countermeasures.[22]

The Constitution empowers the President, who serves as the Commander-in-Chief of the armed forces, with the authority to assign the Nigerian Police Force and the Nigerian Armed Forces among other national security agencies to specific locations. These organizations collaborate with other security organizations to combat terrorism and defend the public from the dangers posed by terrorist activity.[23]

4.1.2 Terrorism (Prevention & Prohibition) Act 2022

The Terrorism (Prevention and Prohibition) Act 2022 serves as Nigeria's main legal framework for countering terrorism. This Act was passed to address the country's growing terrorism danger and to establish a legal framework for counter-terrorism initiatives. The 2011 Terrorism Prevention Act, which was initially amended in 2013, was repealed by this law. Some key features of the Terrorism (Prevention and Prohibition) Act 2022 are discussed below:

The Act defines terrorism as any act done with the intent to coerce, intimidate, or compel the government, the general public, or any particular group within the general public for political, religious, or ideological goals. It also covers actions that endanger people, property, or public services.[24] The Act outlines a number of offenses relating to terrorism, including financing, planning, training, and carrying out terrorist attacks. Additionally, it makes it illegal to possess, obtain, and use explosives or firearms for terrorist activities. These crimes can result in a variety of punishments, including imprisonment, fines, and asset forfeiture.

The Act gives regulatory authorities including the Attorney-General, the National Security Adviser, and law enforcement agencies the authority to carry out their duties responsibly. The Attorney-General is responsible for making sure that those who support terrorism are brought to justice, that Nigeria complies with international anti-terrorism standards, and that the legal frameworks prohibiting financing of terrorism, and restricting the sale of weapons to terrorist organizations are strengthened.[25] The National Security Adviser is responsible for developing a counter-terrorism strategy working with law enforcement and intelligence agencies to prevent terrorist activities, and adhering to the President's counter-terrorism instructions.[26] The law enforcement agencies are responsible for enforcing counter-terrorism policies both inside and outside of Nigeria, conducting investigations, making arrests, and gathering evidence needed to prosecute offenders, as well as carrying out training programs for their officers and conducting research to improve counter-terrorism policies.[27]

The Act gives the Federal High Court the authority to hear cases involving terrorism,

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[20] CFRN 1999, s.35
[21] CFRN 1999, s.39
[22] CFRN 1999, s.14
[23] CFRN 1999, s.214, s.217
[24] Terrorism (Prevention & Prohibition) Act 2022, s. 2; see also *FRN v Jama'atu Ahlus-Sunnah Lidda Awati wal Jihad (Boko Haram)* unreported charge no. FHC/ABJ/CS/368/2013
[25] TPA 2022, s.3
[26] TPA 2022, s.4
[27] TPA 2022, s.5

regardless of where the crimes were committed. Additionally, it allows for the creation of specialist groups within law enforcement organizations to look into and acquire information on terrorism.[28] Furthermore, the Act promotes international collaboration in the fight against terrorism. It permits sharing of intelligence and collaboration in investigations, as well as the extradition of people suspected of committing terrorism charges.

4.1.3 The Economic and Financial Crimes Commission Act (EFCC Act)

The Economic and Financial Crimes Commission Act (EFCC Act) establishes the Economic and Financial Crimes Commission as an independent body responsible for investigating, detaining, and punishing individuals suspected of committing economic and financial crimes in Nigeria. Although the EFCC Act does not directly target terrorism, it focuses on preventing financial crimes, which can help identify and dismantle the financial networks that support terrorism. The EFCC Act contains clauses that indirectly support counter-terrorism efforts, such as jurisdiction[29] and powers to investigate and prosecute offenses like money laundering, fraud, bribery, embezzlement, and tax evasion.[30] The EFCC Act also provides the power to confiscate assets[31], appointment and tenure of the EFCC chairman, and international cooperation to investigate and prosecute economic and financial offenses.[32]

4.1.4 The Corrupt Practices and Other Related Offences Act (CPOA)

The Corrupt Practices and Other Related Offenses Act (CPOA) is another legislation that fights corruption and related offenses in Nigeria. Although it does not contain any explicit sections that specifically address battling terrorism, it indirectly supports counter-terrorism efforts by focusing on illicit financial flows, strengthening investigative capabilities, encouraging global cooperation, and discouraging people from engaging in corrupt activities that might inadvertently support terrorism.[3334] The CPOA offers a framework for law enforcement agencies to investigate and prosecute financial crimes like fraud and money laundering that terrorist groups frequently commit.[35] The CPOA also includes measures for asset recovery, asset freezing, and asset tracking that can help locate and seize assets that are the spoils of corruption or other financial crimes. Additionally, the CPOA provides for international cooperation and reciprocal legal aid to investigate and prosecute cases of corruption and associated violations.[36]

4.1.5 Money Laundering (Prevention and Prohibition) Act 2022

The Money Laundering Act is a key tool in the fight against terrorism because it focuses on the financial side of terrorist activity by disrupting terrorist activities, spotting suspicious activity,[37] enhancing global cooperation,[38] freezing and seizing assets, encouraging compliance and penalties,[39] assisting investigation and prosecution,[40] and enhancing due diligence on high

[28] TPA 2022, s.76(1)
[29] Economic and Financial Crime Commission Act 2004, s.7
[30] EFCC Act 2004, s.18
[31] EFCC Act 2004, s.13
[32] EFCC Act 2004, s.17
[33] CPOA, s.13-s.16, s.21-s.25, s. 27, s.28
[34] See *Yusuf v Obasanjo* (2006) All FWLR (pt. 294) 460.
[35] CPOA, s.30, s.31
[36] CPOA, s.50
[37] Money Laundering Act, s.7
[38] Money Laundering Act, s.3, s.9
[39] MLA, s.27
[40] MLA, s.23, s.24

risk areas.[41]

4.2 International Framework

4.2.1 The United Nations Charter

The United Nations (UN) Charter is the basis for international cooperation and the foundation of the UN. Although it does not have specific sections dedicated to countering terrorism, certain provisions in the charter can be useful in this regard. It is crucial to counter terrorism to establish and maintain global peace and security, which is the primary focus of the United Nations. The UN uses various tools to address the threat of terrorism, including upholding territorial integrity, sovereignty, and non-interference in accordance with international law.[42] The UN Security Council has the authority to address global peace and security threats and provides a framework for collective security.[43] To combat terrorism, the Security Council can pass resolutions, sanction states that either finance or provide safe haven to terrorists, approve military incursions, and establish peacekeeping missions in troubled areas.[44]

The UN charter also recognizes the right to individual or collective self-defence in the event of an armed attack.[45] Resolution 1373, passed by the UN Security Council in 2001, is an important tool in the fight against terrorism. Although it is not part of the UN charter, it requires member nations to take action to stop and prevent the financing of terrorism, tighten border controls, share information, and cooperate globally in investigating and prosecuting offenders.

4.2.2 The International Convention for the Suppression of the Financing of Terrorism

The International Convention for the Suppression of the Financing of Terrorism (ICSTF) is a treaty aimed at preventing and deterring the financing of terrorist operations. It has been successful in disrupting the financial networks that support terrorist activities and preventing the flow of funds to terrorist organizations by criminalizing terrorism financing, promoting international standards, facilitating cooperation,[46] freezing assets of terrorists,[47] and strengthening financial systems.[48]

4.2.3 The International Convention for the Suppression of Terrorist Bombings

The International Convention for the Suppression of Terrorist Bombings (ICSTB) is an international treaty consisting of 24 articles adopted on May 23, 2001 by the United Nations. It aims to foster cooperation among nations and raise awareness of the specific threat posed by terrorist bombings. The convention has aided in efforts around the world to combat terrorism by making such acts illegal, facilitating extradition and prosecution[49], encouraging cooperation, and promoting prevention measures. The convention has played a significant role in countering terrorism by addressing the specific threat of terrorist bombings. The convention has helped in countering terrorism by criminalizing terrorist bombings,[50] encouraging international cooperation, mutual legal aid, and international collaboration,[51] preparedness and prevention, and promoting international norms and solidarity.

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[41] MLA, s.26
[42] UN Charter, Art 2(4), Art 1
[43] UN Charter, Art 42
[44] UN Charter, Chapter VII
[45] UN Charter, Art 51
[46] ICSFT, Art 4
[47] ICSFT, Art 7
[48] ICSFT, Art 2
[49] ICSTB, Art 6
[50] ICSTB, Art 2
[51] ICSTB, Art 7, Art 10

4.2.4 The United Nations Convention against Transnational Organized Crime (UNTOC)
UNTOC, also known as the Palermo convention, is a comprehensive international agreement that was established on November 15, 2000. Its primary objective is to combat transnational organized crime, including terrorism, by promoting state collaboration and establishing a framework for criminal justice remedies. Although UNTOC's main focus is on organized crime, some of its regulations are applicable to counter-terrorism efforts, thus indirectly supporting them. The treaty urges nations to criminalize terrorism-related activities such as funding, recruiting, and facilitation, and to hold offenders accountable.[52] UNTOC helps to close legal gaps and increase the legal foundation for counter-terrorism by defining terms and creating unambiguous commitments.[53] The treaty urges governments to improve their cooperation in areas such as information sharing, extradition, and mutual legal assistance. This cooperation makes it easier to share information and evidence, coordinate inquiries, and take coordinated actions, all of which help in the fight against terrorism.

5. TERRORIST GROUPS IN NIGERIA

5.1 Boko Haram

The radical Islamic group Boko Haram is primarily based in Nigeria's northeastern region. Its official name, *Jama'atu ahlis sunna lidda'awati wal-jihad*, translates to "People committed to the propagation of the prophet's teachings and jihad".[54] The group was founded in 2002 by Mohammed Yusuf, a charismatic preacher who believed that western education was corrupt and evil and should be banned in Nigeria. After Yusuf's death in 2009, Abubakar Shekau became the group's leader and declared war against Nigeria. They enlisted members from several African countries.[55] Boko haram has launched attacks on military, law enforcement, churches, schools, and civilians, resulting in mass murders, suicide bombings, assassinations, and bombs, and displacing millions of people. The group gained global attention after kidnapping 276 schoolgirls from Chibok, Borno State in 2014. They have killed more than 2000 persons.[56] They employed the use of small arms, kidnapping, suicide bombers, explosive devices and many more to commit crimes against humanity.[57] Boko haram formally pledged allegiance to the Islamic State (IS) in 2015 and has since taken the name Islamic State in West Africa Province (ISWAP). It should be noted that this group has not yet been proscribed as terrorist by the Nigerian government, even though the United Nations and other countries like the United States of America, United Arab Emirates have since labelled Boko Haram a terrorist organization.[58]

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[52] UNTOC, Art 5
[53] UNTOC, Art 6
[54] Idayat Hassan and Benson Chinedu Olugbuo, 'Boko Haram's Insurgency in Nigeria: Exploring the Justice, Peace and Reconciliation Pathway' (2016) *Intersentia eBooks* <https://doi.org/10.1017/9781780684857.017> accessed 5 April 2023
[55] The Wiley Online Library, 'Chad - Niger - Nigeria - Cameroon: New Force to Fight Boko Haram' (2015) (52) *Africa Research Bulletin: Political, Social and Cultural Series* 20594A <http://dx.doi.org/10.1111/j.1467-825x.2015.06431.x> accessed 10 April 2023
[56] Amnesty International, 'Boko Haram: Civilians Continue to be at Risk of Human Rights Abuses by Boko Haram and Human Rights Violations by State Security Force', written statement of the United Nations Human Rights Council (14-22 October 2016)
[57] National Counterterrorism Center, 'Foreign Terrorist Organizations' (2022) <https://www.dni.gov/nctc/ftos/boko-haram-fto.html> accessed 10 April 2023
[58] UN, 'Security Council Al-Qaida Sanctions Committee Adds Boko Haram to Its Sanctions List', Available at https://press.un.org/en/2014/sc11410.doc.htm last accessed 19 August, 2024

5.2 Fulani Militant Groups

It should be said at this point that the group known as 'Fulani militants' or 'Fulani herdsmen' has not been proscribed as terrorist by the Nigerian government. However, the modus operandi of Fulani herdsmen is in line with manifestations of terrorism. Fulani militant groups are various armed groups primarily composed of members from the Fulani ethnic group. These groups have been involved in conflicts and violence in several regions of Africa, particularly in Nigeria and some neighbouring countries.[59] However, it is important to note that not all Fulani people are involved in militant activities, and the actions of these groups do not represent the entire Fulani community.

Conflicts involving Fulani militant groups stem from a combination of factors, including competition over land and resources, historical grievances, religious tensions, ethnic rivalries, and political marginalization. These factors can vary depending on the specific region and context. The conflicts often involve tensions between herders and farmers, resulting in armed attacks, ambushes, raids on villages, and cattle rustling.[60] Governments in affected countries have responded to the activities of Fulani militant groups in different ways, including military operations, dialogue and peace initiatives, and addressing underlying grievances and economic challenges.[61] The conflicts have had a severe humanitarian impact, including displacement of communities, loss of lives and property, and disruption of livelihoods. It is important to approach discussions about Fulani militant groups with sensitivity, as generalizations can perpetuate stereotypes and lead to misconceptions.[62]

5.3 Islamic State in West African Province (ISWAP)

Islamic state in West African province (ISWAP) emerged in 2016 as a division of the boko haram extremist group. The group was created due to a leadership conflict and a split from the main faction led by Abubakar Shekau. Abu Musab Al-Barnawi was chosen as the new commander by the central command, as Shekau's persecution of Muslims and murder of bystanders were deemed unacceptable by Al-Barnawi and his followers.[63] ISWAP, like Boko Haram, seeks to impose a strict interpretation of Islamic law on Nigeria, rejecting secularism, western education, and established institutions of governance. The group operates primarily in northeast Nigeria and aims to establish an Islamic state in the Lake Chad area, which includes Nigeria, Niger, Chad, and Cameroon, governed by its version of sharia law. In 2015, ISWAP formally joined is as a province in West Africa by pledging allegiance to it.[64] The group uses various recruitment methods, targeting vulnerable and underprivileged groups and exploiting local concerns by using social media, propaganda, and word-of-mouth. It is believed that the organization employs diverse methods to finance its activities. Through its association with IS, ISWAP hopes to gain greater global prominence, receive tactical and doctrinal guidance, and access resources from the larger is network.

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[59] The Guardian Nigeria News - Nigeria and World News, 'Fulani herdsmen Archives'*The Guardian Nigeria News*'<https://guardian.ng/tag/fulani-herdsmen/> accessed 10 April 2023

[60] The Pillar, 'Who are the Fulani herdsmen? A Nigerian conflict explainer' *The Pillar* (6 June 2022) <https://www.pillarcatholic.com/p/who-are-the-fulani-herdsmen-a-nigerian> accessed 25 April 2023

[61] Ewelina U. Ochab, 'Trump May Not Be Wrong On the Fulani Herdsmen Crisis In Nigeria' *Forbes* (4 May 2018) <https://www.forbes.com/sites/ewelinaochab/2018/05/04/trump-may-not-be-wrong-on-the-fulani-herdsmen-crisis-in-nigeria/> accessed 25 April 2023

[62] Naziru Mikailu, 'Making Sense of Nigeria's Fulani-farmer Conflict' *BBC News* (5 May 2016) <https://www.bbc.com/news/world-africa-36139388> accessed 28 April

[63] United Nations Security Council, 'Islamic State West Africa Province (ISWAP)' <https://www.un.org/securitycouncil/content/islamic-state-west-africa-province-iswap-0> accessed 28 April 2023

[64] International Crisis Group, 'Facing the Challenge of the Islamic State in West Africa Province' <https://www.crisisgroup.org/africa/west-africa/nigeria/273-facing-challenge-islamic-state-west-africa-province> accessed 28 April 2023

ISWAP has carried out several violent operations, including suicide bombings, ambushes, raids on villages, and attacks on military[65] and government targets. The group has also targeted aid organizations and humanitarian workers, disrupting the delivery of supplies to affected areas. In 2018, Boko Haram abducted 110 girls from a school in Dapchi, Yobe state, with the kidnappers later identified as members of the Islamic State West Africa Province (ISWAP), led by Abu Musab al-Barnawi. While ISWAP is considered a faction of Boko Haram, their exact relationship and connections with outside groups remain unclear. After a month of captivity, ISWAP released 104 girls, except for Leah Sharibu, who was kept because she refused to convert to Islam. Despite the government's efforts to secure her release, ISWAP threatened to kill Leah Sharibu and now intends to keep her as a "slave for life." Humanitarian aid workers are faced with grave danger when performing voluntary services. ISWAP, in September 2018, carried out the execution of Saifura Ahmed, one of the three aid workers from the International Committee of the Red Cross and Red Crescent (ICRC) whom they had kidnapped in March.[66]

6. EFFECTIVENESS OF COUNTER-TERRORISM POLICING IN NIGERIA

A complex and multifaceted issue is the effectiveness of Nigeria's policing in combating terrorism and addressing security concerns. Boko Haram and its splinter group, the Islamic State West Africa Province (ISWAP), as well as other criminal elements involved in insurgency, banditry, and kidnapping, have presented significant challenges for Nigeria. It is essential to keep in mind that evaluating the Police and other security agencies' effectiveness is a complicated process, and progress in the fight against terrorism cannot be attributed solely to one organization or organization. It necessitates a comprehensive strategy that considers socioeconomic factors, governance difficulties, and community resilience.[67] The Nigerian Police Force is the primary law enforcement agency in Nigeria responsible for counter-terrorism operations. Its effectiveness in Nigeria and around the world Anti-terrorism efforts are handled by specialized departments and units within the Nigerian Police Force. In combating terrorism, the Nigerian Police Force consist of SARS (Special Anti-Robbery Squad), Intelligence Response Team (IRT), Department of State Services (DSS), Joint Task force (JTF).

Several factors need to be considered when evaluating the anti-terrorist police in Nigeria:

1. Operations against Terrorism: The Special Anti-Robbery Squad (SARS) and the Police Counter Terrorism Unit (CTU) of the Nigerian Police Force have been involved in counter-terrorism operations. Disrupting terrorist networks, apprehending suspects, and recovering arms and ammunition have been the goals of these operations. The success of these operations

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[65]The Defense Post, 'Nigerian Troops Killed in Jihadist Ambush on Convoy' <https://www.thedefensepost.com/tag/islamic-state-west-africa-province/> accessed 28 April 2023

[66]John Campbell, 'Controversy Surrounds Release of Most Dapchi Girls In Nigeria' Council of Foreign Relation (22 March 2015) <https://www-cfr-org.cdn.ampproject.org/v/s/www.cfr.org/blog/controversy-surrounds-release-most-dapchi-girls-nigeria?> accessed July 14 2023; Sunday Ehigiator, 'Elusive Freedom as Leah Sharibu Marks Five Years in Captivity' *This Day* (23 February 2023) <https://www.thisdaylive.com/> accessed July 14 2023

[67] United Nation Security Council- Counter-Terrorism Committee, 'EU–Nigeria–UNODC–CTED concludes Partnership Project to Counter Terrorism and Violent Extremism | Security Council - Counter-Terrorism Committee (CTC)' <https://www.un.org/securitycouncil/ctc/news/eu%E2%80%93nigeria%E2%80%93unodc%E2%80%93cted-concludes-partnership-project-counter-terrorism-and-violent-extremism> accessed 22 April 2023; The Government of Netherlands, 'Counterterrorism'<https://www.government.nl/topics/counterterrorism-and-national-security/counterterrorism> accessed 22 April 2023; Oyinloye A and Olaoluwa Babatunde and Opeyeoluwa R, 'Boko Haram Terrorism in Nigeria: Issues and Realities' (2020) (3) *Scholars International Journal of Law, Crime and Justice* 413 <http://dx.doi.org/10.36348/sijlcj.2020.v03i11.013> accessed 15 May 2023

is contingent on intelligence gathering, operational capacity, and collaboration with other security agencies, among other things.

2. Resource and Capacity: The capacity, training, and availability of resources of anti-terrorist police are all factors that contribute to their effectiveness. In order to increase their effectiveness, they need adequate funding, cutting-edge equipment, intelligence-sharing mechanisms, and specialized training programs. The police's ability to effectively respond to terrorist threats may be hindered by deficiencies in these areas.

3. Coordination and Collaboration: At the national, regional, and international levels, various security agencies must work closely together to combat terrorism. The ability of Nigeria's anti-terrorist police to collaborate effectively with the military, intelligence services, and other law enforcement agencies is crucial to their effectiveness. Maximizing impact necessitates coordinated efforts, intelligence sharing, and joint operations.

4. Community Participation: In the fight against and prevention of terrorism, the relationship that the police have with the communities in which they operate is of the utmost importance. Anti-terrorist police effectiveness can be improved by fostering community cooperation, establishing trust, and acquiring intelligence. Dialogue-based, community outreach programs, and community-led initiatives are all examples of community-oriented policing strategies that can aid in identifying and preventing potential terrorist acts.

5. Rule of Law and Human Rights: The anti-terrorist police should make sure that suspects are treated fairly and that their rights are respected. This includes adhering to due process, which includes providing suspects with access to legal representation, promptly informing them of the charges against them, and ensuring fair trials. The upholding of human rights and the rule of law should be used to evaluate the anti-terrorist police's effectiveness. Maintaining public trust and legitimacy requires upholding human rights standards, ensuring accountability, and avoiding excessive force. For long-term success, a well-balanced strategy that balances respect for human rights with security measures is essential.

7. CHALLENGES IN COUNTERING TERRORISM IN NIGERIA

1. Political Will and Prioritization: The political will and prioritization of countering terrorism vary among different administrations.[68] In some cases, political considerations, competing priorities, or lack of awareness may hinder the effective implementation of legal frameworks. Counter-terrorism measures require sustained commitment from governments to allocate resources, enact necessary legislation, and ensure proper enforcement.
2. Issue of Trust: The fear that amongst members of the armed forces, there are informants of terrorist groups divulging sensitive operational and tactical information resulted in clash between the locals and soldiers and since the communities faced with terrorism could not distinguish between the good eggs from the bad eggs, it increased the recruitment capacity of terrorist groups.[69]
3. Lack of International Cooperation and Coordination: Terrorism is a transnational threat, and international cooperation is crucial for its effective prevention and response. Challenges can arise in terms of information sharing, extradition of suspects, and cooperation in investigations

[68] Federal Republic of Nigeria, National Security Strategy November 2014. Abuja: Office of the National Security Adviser (ONSA), p.v; Federal Republic of Nigeria, National Security Strategy, December 2019. Abuja: ONSA, p.v

[69] Brenchenmacher, Saskia, 'Stabilizing Northeast Nigeria after Boko Haram' Carnegie Endowment for International Peace (3 May 2019)<https://carnegieendowment.org/2019/05/03/stabilizing-northeast-nigeria-after-boko-haram-pub-79042> accessed 8 June 2023

and prosecutions across borders. Diverse legal systems and differing national priorities can hamper seamless coordination among countries.

4. Human Rights Concerns and Rule of Law: Balancing counter-terrorism efforts with respect for human rights and the rule of law is a delicate challenge. Some governments may adopt measures that potentially infringe on civil liberties, privacy, and due process rights in the name of counter-terrorism. Striking the right balance is vital to ensure the effectiveness and legitimacy of legal frameworks.

5. Technological Inadequacy and Resource Constraints: Terrorist groups possess advanced technological machineries derived from sponsorships, taxes collected from locals, proceeds from kidnapping and other illegal activities, and the Nigerian security force is not equipped with most of these resources. Adequate capacity and resources are essential for implementing legal frameworks effectively. This includes training law enforcement agencies, judiciary officials, and prosecutors on counter-terrorism measures, evidence collection, and investigation techniques. Limited resources can hinder the development of specialized units, intelligence capabilities, and infrastructure necessary for combating terrorism.

6. Regional and International Variations: Legal frameworks against terrorism can vary significantly across different regions and countries. Harmonizing laws and legal procedures at the regional and international levels can be challenging due to differing legal systems, political considerations, and cultural contexts. Achieving common standards and effective coordination requires sustained dialogue and cooperation.

7. The evolving nature of terrorism: Terrorist groups have their *modus operandi* and these tactics and strategies constantly evolve, requiring legal frameworks to adapt and keep pace. Rapid advancements in technology, online radicalization, and encryption techniques present new challenges for law enforcement and legal frameworks. Ensuring that legal frameworks remain relevant and adaptable to emerging threats is essential.

8 CONCLUSION AND RECOMMENDATIONS

8.1 Conclusion

Terrorism in Nigeria is triggered by misery, unequal wealth distribution, frustration, famine, political differences, ethical dilemma, and illiteracy. Efforts should be made to make Nigeria a conducive environment for its citizens. The Northeast conflict exposed a monumental defect in the armed conflict preparedness of the Federal Government and the level of awareness and knowledge of relevant laws by the uniformed personnel and the insurgents.

Violations of laws, particularly armed conflict laws would be permitted on the ground of valid consent, a lawful measure of self-defence is employed, if the act employed was the only available means to prevent the imminent danger. The most effective ways to combat terrorism are described as countering terrorist financing, strengthening border security and travel restrictions, and tackling cyber security issues. In addition, establishing a culture of respect for human rights and the rule of law, encouraging education is essential in battling the allure of terrorism. In order to stop radicalization and extremism, it is imperative to make an effort to address the underlying causes of terrorism, such as political grievances and socioeconomic injustices.

8.2 Recommendations

1. Stiffening Funding of Terrorism: Efforts to combat terrorism should also be focused on blocking the sources of finance for terrorism and strengthening the criminal justice system to look into cases of human rights abuses in the prosecution of terrorist organizations and the implementation of counter-terrorism strategies.

2. Protection of civilians: Military commanders should adhere to the concept of distinction in

order to clearly distinguish between civilian objects and military necessities or goals, doing so would reduce the number of civilian casualties in the war and preserve or spare civilian lives during armed conflict.

3. Grazing arrangement for herders: There should be established systems for breeding and raising cattle making it mandatory for cattle farmers to purchase property, construct, confine, and provide proper care and nutrition for their animals. Herdsmen who engage in violence against farmers and destroy their crops should be apprehended and brought to justice by security forces.

4. Better Information exchange system: There should be enhanced means of exchanging information amongst immigration, customs, and law enforcement authorities to identify and apprehend individuals involved in terrorism.

5. Building of Trust within law enforcement agencies: The government should ensure an atmosphere of trust among officers in their fight against terrorism thus leading to better efficiency and unity in countering terrorism.

6. Harmonization of regional and international laws on counter-terrorism: In order to achieve common standards and effective coordination, lawmakers should ensure harmonization of current regional and international laws on counter-terrorism.

7. Provision of technological and resource facilities: The Federal Government of Nigeria should ensure the provision of facilities for the training law enforcement agencies, judiciary officials, and prosecutors on counter-terrorism measures, evidence collection, and investigation techniques. All these are essential for implementing legal frameworks on counter-terrorism effectively.