

TERRORISM: A GROWING CHALLENGE FOR THE NIGERIA NATION

BY

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Abstract

Terrorism has become a world wide problem seriously threatening the foundation of world peace, the survival of democracy, human life and the protection of human rights in most nations. In recent time, the activities of the Boko haram sect in Nigeria has led to the loss of lives, properties, has made governance and statehood fragile and is indeed a threat to the corporate existence of the country.

This paper attempts a definition of terrorism , the problem of lack of a single definition that has resulted in the international law choosing various forms of counter measures against certain acts of terrorism under different international conventions .The paper examines causes and effects of terrorism .It also examines the historical development of terrorism ,types of terrorism ,Boko haram activities in Nigeria .The paper identified and analyzed some international, regional and national laws for combating terrorism in Nigeria. It also examined the institutions for combating terrorism in Nigeria.

Finally, the conclusion and it made recommendations for an integrated network in the sub region that promotes sub-regional co-operation and co-ordination in the provision of intelligence, surveillance, safety and security etc.

Introduction

Terrorism has become a world wide phenomenon. During the last two decades, the world has been marked by an increasing number of terrorist attacks.¹ In the contemporary international system, terrorism is not only a perennial plague but it has also assumed quite frightful dimensions. So frightful indeed as to create in the minds of many scholars of international law, international relations, political analyst and scholars, the fear and apprehension that unless this trend is effectively checkmated, it may result in a third world war.

The United Nations has mandated that all states must adopt necessary legal instruments “to prevent terrorism and strengthen international cooperation in combating terrorism”. Many democratic countries have become increasingly willing to take severe measures against the rising threat of international Terrorism.

The terrorist attacks on September 11, 2001 and other major terrorist attacks throughout the world and more recently, the activities of the Boko Haram sect in Nigeria, demonstrates that in the 21st century, the threat of terrorism has become real and acute. Governments cannot afford to ignore it. Thus, this work is going to examine the concept

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¹ The 1996 Khobar towers barracks in Saudi Arabia, the August 1994 bombing of America embassies in Kenya and the attack on the USS cole in October, 2000 and the Lockerbie Bombing case, 1988

of terrorism, causes of terrorism, effects of terrorism legal and institutional frameworks to combat the growing challenges of terrorism in Nigeria.

Conceptual Definition of Terrorism

Historically, the dispute on the meaning of terrorism arose since the laws of war were first codified in 1864. The Martens Clause was introduced as a compromise wording for the dispute between the Great Powers who considered francs-tireurs to be unlawful combatants subject to execution on capture and smaller states who maintained that they should be considered lawful combatants.²

More recently the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, which applies in situations "... in which peoples are fighting against colonial domination and alien occupation and against racist regimes...", contains many ambiguities that cloud the issue of who is or is not a legitimate combatant.³ Hence depending on the perspective of the state a resistance movements may or may not be labeled terrorist group based on whether the members of a resistance movement are considered lawful or unlawful combatants and their right to resist occupation is recognized.⁴ These difficulties have led Pamela Griset to conclude that: "the meaning of terrorism is embedded in a person's or nation's philosophy. Thus, the determination of the 'right' definition of terrorism is subjective".⁵

Also, there is neither an academic nor an international legal consensus regarding the definition of the term 'terrorism'.⁶ These difficulties arise from the fact that the term 'terrorism' is politically and emotionally charged.⁷

In the meantime, the international community adopted a series of sectoral conventions that define and criminalize various types of terrorist activities. In addition, since 1994, the United Nations General Assembly has condemned terrorist acts using the following political description of terrorism: "Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the consideration of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them".⁸

Following this approach, the international community has adopted the sectoral

²V.Pustogarov, "Fyodor Fyodorovich Martens" (1845-1909)- A Humanist of modern times," *International Review of the Red Cross (IRRC)*, No.312, May-June 1996, pp.300-314

³J. Gardam, "Non-Combatant immunity as a Norm of International Humanitarian" (1993) Martins Nijhoff ISBN 0-7923-2245-2,

<http://books.google.co.uk/books?id=MGT2hJFS9MKC&pg=PA91&pg=PA91>. Accessed 9/06/12

⁴A. Khan, A Theory of International Terrorism *Commercial Law Review*, vol.19(1987) http://papers.SSRN.com/sol3/papers.cfm?abstract_id=935347, p.945. Accessed 2/06/12

⁵L. Pamela Griset & S. Mahan, "Terrorism in perspective (2003) ISBN 0-7619-2404-3, ISBN 978-0-7619-2404-3, SAGE, <http://books.google.co.nz/books?id=yymZ76ZRW20C&1pg=PR13>. Accessed 10/06/12

⁶M. Williamson, "Terrorism, war and International Law : the legality of the use of force against Afghanistan" (Ashgate publishing, 2001) <http://books.google.com/books?id=ZUJIPP9HFRSC&Pg=PA43>. Accessed 12/06/12

⁷B. Hoffman, "inside Terrorism" (1998) Review in the New York Times inside <http://www.nytimes.com/books/first/h/hoffman-terrorism.html> Accessed 10/06/12

⁸1994 United Nations Declaration on Measures to Eliminate International Terrorism annex to UN General Assembly resolution 49/60, "Measures to Eliminate International Terrorism", of December 9, 1994, UNDOC. A/Res/60/49, <http://www.un.org/documents/ga/res/49@49r060.htm>. Accessed 9/06/12

counter-terrorism conventions; open to the ratification of all states.

Analyzing these treaties, Andrew Byrnes observed that:

These conventions all of which are described by the United Nations as part of its panoply of anti-terrorist measures shares three principal characteristics:

- (a) They all adopted an “operational definition” of a specific type of terrorist act that was defined without reference to the underlying political or ideological purpose or motivation of the perpetrator of the act- this reflected a consensus that there were some acts that were such a serious threat to the interest of all that they could not be justified by reference to such motives;
- (b) They all focused on actions by non-State actors (individuals and organizations) and the State was seen as an active ally in the struggle against terrorism the question of the State itself as terrorist actor was left largely to one side; and
- (c) They all adopted a criminal law enforcement model to address the problem, under which States would cooperate in the apprehension and prosecution of those alleged to have committed these crimes.⁹

Terrorist Bombings Convention

Article 21 of the 1997 International Convention for the Suppression of Terrorist Bombing defines the offence of terrorist bombing as follows:

“Any person commits an offence within the meaning of this convention if that person unlawfully and intentionally delivers, places, discharges or detonates an explosive or other lethal device in, into or against a place or public use, a State or government facility, a public transportation system or an infrastructure facility:

- (a) With the intent to cause death or serious bodily injury; or
- (b) With the intent to cause extensive destruction of such a place, facility or system, where such a destruction results in or likely to result in major economic loss.¹⁰

Article 19 expressly excluded from the scope of the convention certain activities of state armed forces and of self-determination movements as follows:

Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are

⁹A. Byrnes, “Apocalyptic Visions and the Law: The Legacy of September 11”, (2002) *A professional address delivered at the ANU Law School for the Faculty's Inaugural and Valedictory Lecture series*, May 30, 2002. [http://law.anu.edu.au/CIPL/staffpapers/Talks & submissions/Byrnes30may02.pdf](http://law.anu.edu.au/CIPL/staffpapers/Talks%20&%20submissions/Byrnes30may02.pdf). Accessed 9/06/12

¹⁰Terrorist Bombings Convention art.2.1 <http://treaties.un.org/doc/db/Terrorism/english-18-9.pdf> Accessed 9/06/12

governed by that law, are not governed by this Convention and the activities undertaken by the military forces of a State in the exercise of their duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention."

Terrorist Financing Convention

It is noteworthy that the International Convention for the Suppression of the financing of Terrorism¹² provides a near enough definition by criminalizing collection or provision of funds with intent of killing or injuring civilians where the purpose is to intimidate a population or coerce a government.¹³

It is important to note that whatever definition is sought, it will have to include a description of who may be the perpetrator, what the motive is, the character of his act and on what basis he chooses his target. In short, there is a need to identify what makes the terrorist different. This will involve a value judgment and hence the difficulty of reaching an objective definition.¹⁴

Causes of Terrorism

What has caused terrorism can be a mystery for many reactionary groups, but for other groups the main causes can be historical, cultural, religious, economic, social, and psychological. Generally democratic countries have been proven to be grounds for terrorism because of the open nature of their societies. In such societies people have fundamental rights, civil liberties are protected, and government control and constant surveillance of the people and their activities are absent. Also, repressive societies where the government closely monitors citizens and restricts their speech and movement, have often provided more difficult environments for terrorists. But even countries with strict police-enforced laws have not been immune to terrorism, even though they limit civil liberties and are against free speech and rights of assembly. Among the multitude of causes that may lead a person to resort to terrorism, there is none that conclusively links a sole cause to it; ethnicity, nationalism/separatism poverty and economic disadvantage, globalization (non) democracy, western society, disaffected intelligentsia, dehumanization and religion all have arguments confirming a possible existing link, as well as reservations against a casual relation.¹⁵

Many terrorist acts may be motivated by two things. Social and political injustice: people choose terrorism when they are trying to right what they perceive to be a social or political or historical wrong when they have been stripped of their land or rights, or denied these. Many terrorist in history said sincerely that they chose violence after long deliberation, because they felt they had no choice.¹⁶

Williams provides an overview on the relation between ethnic minorities and

¹¹ Note 10 above art.19

¹² Herein after referred to as Terrorist Financing Convention

¹³ Note 12 above

¹⁴ O. Elagab and J. Elagab *International Law Documents relating to Terrorism*, third edition, (London and New York Routledge _ Cavendish, 2007) P. Xxv

¹⁵ C. Maria Keet, "Causes of Terrorism", <http://www.meteck.org/causesTerrorism.html> Accessed 14/06/12

¹⁶ A. Zalman, "The causes of Terrorism" http://terrorism.about.com/od/causes/a/causes_terror.htm, accessed 14/06/12

the likelihood of conflict, for example to establish or assert language rights, religious beliefs and symbols. He further stated that what generates perceptions of unfairness is competition; when an ethnic group is subordinated or disadvantaged in economic opportunity, social status, political voice and rights, or cultural expressions.¹⁷ A more important factor may be the social stratification and inequalities in the distribution of scarce resources.¹⁸

Effects of Terrorism

Terrorists attempt not only to create panic but also to weaken confidence in the government and the political leadership of the target country.¹⁹ Terrorism therefore is designed to have psychological effects that reach farther beyond the impact on the immediate victims of an attack. Terrorists mean to frighten and therefore scare a wider crowd such as a rival ethnic or religious group, an entire country and its political control or the entire international community.²⁰

The economy of the country will drop rapidly. It leads to decrease travel and, huge insurance claim. Tens and thousands of Nigerians have lost their lives, thousands of others have been maimed, or injured: thousands have lost their properties as a result of terrorism. People live in perpetual fear. It is a threat to both human and state security. Terrorism, has also made governance and statehood in Africa fragile. Ali- Monguno explained that the Boko Haram crisis had resulted in large scale destruction of lives and property. 'Our people can no longer engage in any meaningful activity to sustain their lives.' Nowadays, the people can not perform the five obligatory prayers in congregation in Mosques near their homes or even attend Friday prayers at the Mosques' Ali-Monguno urged the group to consider the hardship being faced by the people due to the crisis. He further stated thus: 'Members of the sect are our grand children, sons and brothers, we are aware of their grievances'.²¹

Historical Development Of Terrorism

Terrorism and acts of terrorism dates back to antiquity. The earliest known organization that exhibited aspect of modern terrorist organization was the zealots of Judea, known to the Romans as "Sicarii", or dagger-men. They carried on an underground campaign of assassination of Roman occupation forces, as well as any Jews they felt had collaborated with the Romans. Their motive was an uncompromising believe that they could not remain faithful to the dictates of Judaism while living as Roman subjects. Eventually the Zealots' revolts became open and they were finally besieged and committed

¹⁷M. Robin Williams Jr, "The sociology of Ethnic Conflict": *Comparative International Perspectives*, " (1994) *Annual Review of Sociology*, Vol. 20 P.49(31) <http://www.maxweber.hunter.cuny.edu/.../ethnic-conflicts.pdf> Accessed 6/06/12

¹⁸Note 17 above

¹⁹"The Effects of Terrorism" <http://www.bookrags.com/essay-2005/3/27/203410/697>, accessed 14/06/12

²⁰M. Robin Williams Jr, "The Sociology of Ethnic conflicts: Comparative International Perspective:, (1994). *Annual Review of Sociology*, Vol. 20, P49(31).

http://www.maxweber.hunter.cuny.edu/.../ethnic_conflicts.pdf, Accessed 6/06/12

²¹Dr. A. Shettima "Monguno, Nigeria: Borno Elders forum begs Boko Haram" *Leadership*, Abuja 14 June 2012, <http://www.allafrica.com/stories/201206150698.html>, accessed 13/06/12

mass suicide at the fortification of Masada.

The next group was the radical Islamic Sect called the “Hashashin”.²² Study revealed that this group was a breakaway faction of Shia Islam called the Nizari Ismailias and adopted the tactics of assassination of enemy leader because the cults limited manpower prevented open combat. They send members on Suicide Mission with a mandate to die with a leader of the enemy. These two groups; acted as fore runners to modern day terrorists in aspects of motivation, organization, targeting, goals and psychological impact, created.²³

Between the 14th and 18th centuries, terror and barbarianism was widely used in warfare and conflict.²⁴ However key components of terrorism were lacking until the rise of the modern nation state after the treaty of Westphalia in 1648.²⁵

During the 19th century, the development in science and technology also propelled tremendous increase in weapon technology spurring the formation of small groups of revolutionist which effectively attacked Nation-States.

Furthermore the 20th century showed another advancement in terrorism and terrorists operations. The effect of the two world wars inflamed passion and hopes for nationalists through out the world, and severely damaged the legitimacy of the international order and government. This period accounts for the rise in political consciousness thus leading to a rise in Nationalism. Where in Africa, and some parts of America nations became closely tied to the concepts of race and ethnicity. In Europe, both the Irish and the Macedonians had existing terrorist campaigns as part of their ongoing struggle for independence but had initiated bloody uprising to further their goals.²⁶

Contemporary manifestations of terrorism could be traced to 1968 when the Popular Front for the Liberation of Palestine²⁷ hijacked an El Al Israel Airlines en-route from Tel Aviv to Rome. While this was not the first time an airline has been hijacked, this was the first time that the nationality of the carrier (Israeli) and its symbolic value was a specific operational aim. It was equally the first time passengers were used as hostages for damages made publicly against the Israeli government. This singular action carried greater publicity and media coverage than the battle with Israeli soldiers at the battle field.²⁸

Terrorism has made deep impacts in the Middle East in the past 30 years. With the rise in Ayatollah Khomeini in Iran (1979), religious based terrorism has taken a more lethal dimension. Militant Islam and the protection of Islam against Jews, Christian and

²² Motherhood of assassins

²³ A. Idowu, “Terrorism: Threat to Democracy, Human rights and Global peace.” (2008) *Akungba Law Journal*; Vol.1, 279

²⁴ A.Zalman, “The History of Terrorism,”

<http://www.terrorismabout.com/Historyofterrorism/tp/historyofterrorism.htm>, accessed 14/06/12

²⁵ Key components of terrorism prevention and prosecution include:

- (a). Early warning system to detect and prevent acts of terrorism
- (b). Exchange of this information between the interested services/co-ordination of actions
- (c). Prosecution of terrorists, including liquidation of channels of financing and delivery of

weapons

²⁶ “Terrorism in the 20th and 21st Century,” <http://www.terrorism-research.com/history/recent.php> accessed 13/06/12

²⁷ Hereinafter referred to as PFLP

²⁸ Note 26 above

the West formed an independent justification for terrorism. Religious suicide martyrdom in the service of Allah is evidence in the West Bank, the Gaza strip and New York City.²⁹ The 1990's brought about terrorism, indiscriminate killings and high mass casualty.³⁰

The most recent phase of terrorism at international level was that by the Al Qaeda Network led by Osama Bin Laden. The driving force of this group seems to be an admixture of religious extremism, contempt for existing Arab regimes, hostility to the United States dominance and insensitivity to the consequence and effects of terrorist action. This group has been responsible for many of the multi-casualty bombings that have taken place at international level.

Types of Terrorism

As evidenced in the history, terrorism from its first manifestations to the present day has taken different dimensions. Thus, as the world develops with improvement in technology, terrorists are equally afforded an ironical chance to improve on their weapons and tactics and thus use more sophisticated weapons in carrying out their activities. Thus today there are various forms of terrorism i.e. Bio terrorism, Nuclear terrorism, Environmental terrorism, Cyber terrorism, State terrorism, National terrorism and suicide terrorism, otherwise known as psychological warfare. 'Suicide terrorism' is defined as:

A politically motivated violent attack perpetrated by a self-aware individual who actively and purposely causes his own death through blowing himself up along with his chosen target. The perpetrators ensures death.³¹

Boko Haram Activities in Nigeria

Today, this is the most notorious terrorist group in Nigeria. The group is well known for its cruelty and lethality. With over 250 ethnic groups, 5,000 dialects, adherents of two dominant religious groups that view each other with suspicion, political contestation for power that sometimes engender acrimony; Nigeria is a country perpetually under siege. During the military era, the blockaders operated in uniform from the corridors of power Democracy only succeeded in accomplishing a reshuffling of the prime characters in that siege scenario, replacing the military with militias and militant groups such as the Oodua Peoples Congress.³² Movement for the Actualization of the sovereign state of Biafra.³³ Arewa, People's Congress Bakassi Boys Egbesu and a flurry of shadowy group in the Niger Delta etc.³⁴

However, much of the ethnic tension fizzled out but the Delta militias, justified by a ready made cause years of criminal neglect and oppression by successive governments, soon upgraded themselves into full-scale terrorist organization and in effect began to wage

²⁹O. Tolu, "Resurgence of terrorism," *This Day* November 4th, 2011, P.32

³⁰Thus between 1993 and September 11,2001 seven terrorist attacks were committed against the United States in which destruction was the point of the attack. The peak of this was that of September 11, 2001 in which over 3,000 persons died on the attack on the World Trade Centre (WTC) and the United States Military Headquarter (The pentagon)

³¹National Centre for policy analysis

³²Hereinafter referred to as OPC

³³Hereinafter referred to as MASSOB

³⁴O. Tolu, "Ongoing Concern: *Boko Haram* and the Nigeria's war on terror," *Nest Newspaper*, September

war against the Nigerian State. In 2009, President Umaru Yar Adua launched an amnesty program that aimed to disarm, reintegrate and employ militants in the Niger Delta and this helped tamp down the conflict and ushered in relative peace in the Niger Delta.³⁵

A society of mass poverty, sad dislocations and associated intense religiosity that have spawned the Boko Haram sect³⁶ and other terrorist group reflects the deep malaise and frustration with the Nigerian State. Terrorism is not a tool used at the international level alone. The use of terror for religious and political purposes in Nigeria has become a reality.

The name Boko Haram literally means “Western education is forbidden”. However, the official name of the group is Jama'atu Ahilis sunna Lidda' awaiti wal-jiha.³⁷ Boko Haram promotes a version of Islam which makes it 'haram', or forbidden, for muslims to take part in any political or social activity associated with western society. This includes voting in elections, wearing shirts and trousers or receiving a secular education.³⁸ The goal of Boko Haram is to eliminate followers of Christ from the region and establish an Islamic state.³⁹ The report further states: ' The Nigerian state and Christians are our enemies and we will be launching attacks on the Nigerian state and its security apparatus as well as churches until we achieve our goal of establishing an Islamic state in place of the secular state.'⁴⁰

The group started in Bornu but moved to Ranamna, Yobe state in 2004 and set up a base called “Afghanistan” from where they attacked police stations and security personnel.⁴¹ This group is said to be influenced by the Koranic phrase which says “Any one who is not governed by what Allah has revealed is among the transgressors”.⁴²

The group however started having real clash with the police and other security agencies as from 2009 when the police started an investigation on hearing that the group was arming itself. Several of its leaders were arrested in the North Eastern region.⁴³ According to reports clashes between them and security forces has led to over 700 deaths. It is important to note that between 2010-2012 there have been several attacks on lives and properties in the Northern part of Nigeria.⁴⁴ For all practical purposes, it must be recognized that religious extremism and terrorism has become obvious by the frequency and the systematic occurrence of these events that they are planned to intimidate or cause

³⁵<http://www.modernghana.com/news/337342/1/boko-haramterrorist.htm>, accessed 28th April, 2012

³⁶Today this is the most notorious terrorist group in Nigeria. The group is well known for its cruelty and lethality

³⁷Which in Arabic means “people committed to the propagation of the prophet's teachings and Jihad

³⁸Farouk Chothia, “who are Nigeria's *Boko Haram* Islamists? *BBC African Service*, 11th January, 2012, <http://www.bbc.co.uk/news/world-africa-13809501>, accessed 13/06/12,

³⁹ S. Zaimov “*Boko Haram* explains why it kills Christians Desire for an Islamic Nigeria” *Africa (Christian post reporter)*, Saturday, June 16, 2012 <http://www.global.christianpost.com/news/boko-haram-explains-attackingchristians>

⁴⁰Note 35 above

⁴¹ <http://www.nigerianvoice.com/nvnews/42399/1/divide-nigeria-now-of-mass-islamic-terror.html>, accessed 27/4/12

⁴² <http://www.allafrica.com/stories/200812/1158.html>, accessed 27/4/12

⁴³ Nigeria's Security Forces eventually seized the groups headquarters, capturing its fighters and killing Mr. Yusuf, Thursday 30th July, 2009

⁴⁴ Note 49 above

terror in pursuit of religious, political and other goals.

International Treaties Concerning Terrorism: Content and Scope of Application

Article 2(b) of the Algiers Convention called upon states “as a matter of priority to sign and ratify the international instruments listed in the Annexure” The Annexure made specific mention of the following United Nations Conventions:

The Convention on Offenses and certain other Acts committed on Board Aircraft, adopted in Tokyo in 1963, is considered to be the first international treaty against terrorism.

Five more were adopted during the 1970s: the 1970 Convention for the Suppression of Unlawful seizure of Aircraft, the 1971 Convention for the Suppression of unlawful Acts against the Safety of Civil Aviation, the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents,⁴⁵ the 1979 International Convention against the taking of Hostages⁴⁶ and the 1979 Convention on the Physical Protection of Nuclear material. Three treaties were adopted in 1988: the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, a Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf⁴⁷ and a Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the 1971 Convention for the Suppression of Unlawful acts against the Safety of Civil Aviation.⁴⁸ The 1990 saw the adoption of the 1991 Convention on the Marking of Plastic Explosives for the purpose of Detention,⁴⁹ the 1997 International Convention for the Suppression of Terrorist Bombings⁵⁰ and the 1999 International Convention for the Suppression of Financing of Terrorism.⁵¹ The most recent addition is the International Convention for the Suppression of Acts of Nuclear Terrorism.⁵² There is the UN Convention against Transnational Organized Crime⁵³ and the Convention on Prohibition of the Use, Stockpiling Production and Transfer of Anti-Personnel Mines and their Destruction of 1977.⁵⁴

These treatises define nearly fifty offences, including some ten crimes against civil aviation, some sixteen crimes against shipping or continental platforms, a dozen crimes against the person, seven crimes involving the use, possession or threatened use of “bombs or nuclear materials and two crimes concerning the financing of terrorism. There is a tendency to consider these treaties as establishing a sort of evolving code of terrorist offences. The most significant evidence of this trend is the 1999 convention against the financing of terrorism, which establishes the crime of donating or collecting funds with the intention that they should be used or in the knowledge that they are to be used in full or in part, in order to carry out an act which constituted an offence within the scope of and as

⁴⁵Nigeria signed this convention 14th August, 1986

⁴⁶Nigeria signed this treaty 25th march, 2003

⁴⁷Nigeria signed this convention 27th September, 2001

⁴⁸Nigeria signed this protocol 10th May, 2002

⁴⁹Nigeria signed this convention 3rd July, 1973

⁵⁰This convention was signed by Nigeria 3rd July, 1973

⁵¹Nigeria signed this convention on the 16th of June, 2003

⁵²Adopted by the UN General Assembly on 13 April 2005

⁵³of 15 November, 2000 and Signed by Nigeria 28th June, 2001 and hereinafter referred to as Palermo Convention

⁵⁴Signed by Nigeria 3rd July, 1973

defined in one of the treaties listed in the annex. The duties of states parties who have signed this Convention with respect to the crime of financing the activities defined in the treaties listed in the annex is independent of their ratification of them, although it does allow states that are not party to one or more of the listed treaties to make reservations limiting the scope of their obligations under the 1999 Convention with respect to the financing of the activities prohibited by any ungratified treaty or treaties. UN Security Council Resolution 1566 also supports that idea that the crimes recognized by existing international treaties form part of a code of terrorist offences.

Combating Terrorism and Human Rights Concerns in Africa

One of the AU's primary concerns for combating terrorism is that terrorism violates basic human rights, particularly freedom of expression, freedom from fear, the right to life, right to development, the right to practice religion and the right to security. Terrorism also stands on the way of the aspirations of African peoples, particularly those envisaged in the Constitutive Act of the African Union and in other continental common frameworks. These include, the Grand Bay (Mauritius) Declaration and Plan of Action on Human Rights in Africa, the African Charter on Human and Peoples' Rights, the New Partnership for Africa's Development,⁵⁵ the Conference on Security, Stability, Development and Cooperation in Africa⁵⁶ as well as the Abuja Treaty establishing an African Economic Community.

In adopting the 1999 Algiers Convention, African leaders were convinced that terrorism constitutes a serious violation of human rights, such as the right to physical integrity, life, freedom and security. The convention forbids members from organizing, supporting, financing, committing, inciting to commit terrorists' acts.⁵⁷ It also mandate states to adopt any legitimate measures aimed at preventing and combating terrorism in accordance with the provisions of the convention and their respective national legislation in particular.⁵⁸ The convention imposes duties on member states which include:

- I. Prevent the use of their territories as a base for planning, organization or execution of terrorist act.
- ii. Establish co-operation between relevant domestic security officials and services and the citizens of the states parties in a bid to enhance public awareness of the scourge of terrorist acts and the need to combat such act.
- iii. Arrest perpetrators of terrorist acts and try them in accordance with national law or extradition in accordance with the convention or extradition treaties.
- iv. Ascertain, when granting asylum, that the asylum seeker is not involved in any terrorist act;
- v. Take all necessary measures to prevent the establishment of support networks in any form.
- vi. Strengthen the protection and security of persons, diplomatic and consular missions, premises of regional and international organizations.⁵⁹

⁵⁵ Article 6 note 57 above

⁵⁶ Note 57 above

⁵⁷ Cap C38 *Laws of the Federation of Nigeria* (LFN) 2004

⁵⁸ C. Okonkwo ; *Criminal Law in Nigeria*, 2nd ed. (Ibadan: Spectrum; 1980), p. 4

⁵⁹ Cap P3 *Laws of the Federation of Nigeria* (LFN) 2004

Under the convention, each state has jurisdiction when the act is committed in the territory of that state and the perpetrator is arrested in its territory, if the act is committed by a national or a group of nationals of that state, the act is committed on board a vessel flying the flag of that state or an aircraft which is registered under the laws of that state at the time the offence was committed.⁶⁰

A state also have jurisdiction if the act is committed against a national of that state or against a state or government facility of that state abroad including embassy or other diplomatic or consular premises, or against the security of the state party, or committed on board an aircraft which is operated by any carrier of that state or committed by a stateless person.⁶¹ The Draft Protocol takes this further by committing States Parties to the Convention to comply with African and international conventions and treaties relating to human rights, humanitarian law and other principles of international law, including the law of sovereignty of States and territorial integrity.

Nigerian Satutes

1. A Criminal and Penal Codes

The Nigerian Criminal Code⁶² was first introduced into the Nigerian legal system in 1904⁶³ by the then Lord Lugard Administration in Northern Nigeria and despite the few amendments to some sections; it has substantially retained its content with no fundamental changes. It is thus fair to assert that the Criminal Code and indeed the sister Penal Code⁶⁴ that applies to states in the Northern part of the country and the federal capital territory are indeed not legislations targeted at curbing terrorism. The reason for the above assertion is not for fetch. The Criminal Code is over a hundred and fifteen years old. It was not surprising that in the entire Criminal Code, no where terrorism is mentioned, neither was it defined. Thus it wouldn't have been a proper legal instrument to combat terrorism. Secondly, it is equally right to say that the level of technological and scientific advancement as at the time this Act was enacted was far lower than what is obtainable today. Thus some of the devices which the terrorists use in carrying out their devilish act would not have been effectively covered by the Act.

However, despite the above defects, it would be an unfair comment, to say that no offence related to terrorism has been prohibited by the code:

Section 37 Criminal Code⁶⁵ provides;

- (1) Any person who lives, war against the state, in order to intimidate or overpower the president or the governor of a state, is guilty of treason and is liable to the punishment of death.
- (2) Any person conspiring with any person, either within or without Nigeria, to levy war against the state with intent to cause such levying of war as would be treason if committed by a citizen of Nigeria, is guilty of treason and is liable to the punishment of death. Furthermore, section 41 provides:

⁶⁰ Article 6 note 57 above

⁶¹ Note 57 above

⁶² Cap C38 *Laws of the Federation of Nigeria* (LFN) 2004

⁶³ C. Okonkwo ; *Criminal Law in Nigeria*, 2nd ed. (Ibadan: Spectrum; 1980), p. 4

⁶⁴ Cap P3 *Laws of the Federation of Nigeria* (LFN) 2004

⁶⁵ Cap C 38 LFN, 2004

any person who forms an intention to effect any of the following purposes, that is to say (c) to levy war against the president to change his measures or counsels, or in order to put any force or constraint upon, or in order to intimidate or overawe any House of the National Assembly or any legislature of legislative authority... and manifests such intention by overt act is guilty of felony and is liable to imprisonment for life.

The above provisions will capture acts carried out by insurgent groups in Nigeria. For instance, no better explanation could be given to the agitation and crimes committed by groups such as the Boko Haram, the movement for the actualization of the sovereign state of Biafra, the Movement for the emancipation of the Niger delta and the Niger delta peoples volunteer force then waging a war against the federal government as a means of expressing their discontent with the Federal Government. Thus, in the year 2005, the leader of the Niger delta peoples' volunteer force.⁶⁶

Alhaji Majakid Asari-dokubo was arrested and later charged to court under the above provision. In this case⁶⁷ the appellant who was the leader of NDPVF along with one Mr. Uche Okwukwu and others signed a communiqué which castigated Government chairmen and NDDC Directors in connivance with the Federal Government that they looted the oil revenue accruing to the people of Niger Deltas. The group felt had left the people in a state of neglect and abject poverty. They also cited the recent hike in fuel pump price as one of their grievances. They therefore threatened to take up arms against the government after lodging their protest with pro-National conference Organization.⁶⁸ The association also revealed its plan to cause civil disorder that would lead to the overthrow of the present government. Dokubo Asari, was arrested by the police and taken to court on a five count charge of conspiracy; treasonable felony; forming, managing and assisting in managing an unlawful society; publishing of false statement and being a member of an unlawful society.⁶⁹

(2) Unlawful Associations or Societies

One noticeable thing about the Nigerian Society is the presence of many unlawful societies. However, on most occasions, the members are never prosecuted. For instance, the provision of Sections 62-64 relates to such unlawful societies, Section 62 Criminal Code Provides:

A society is an unlawful society; if formed for any of the following purposes:

- (a) Levying war or encouraging or assisting any person to levy war on the government or the inhabitants of any part of Nigeria; or
- (b) Killing or injuring or encouraging the destruction or injuring of any property; or
- (c) Committing or inciting acts of violence or intimidation.
- (d) Disturbing or encouraging the disturbance of peace and order in any

⁶⁶ Hereinafter referred to as NDPVF

⁶⁷ *Asari Dokubo v Federal Republic of Nigeria* (2007) 12 NWLR (Pt. 1048) 320 at 35 SC; (2008) 6 LRCNCC

⁶⁸ Hereinafter referred to as PRONACO

⁶⁹ These are offences created by and punishable under the Criminal Code Act, Cap 77, Laws of the Federation of Nigeria, 1990

- part of Nigeria or
- (e) If declared by an order of the president to be a society dangerous to the good government of Nigeria or any part thereof.⁷⁰

However, by the provision of Section 64 Criminal Code, the punishment for a member of such a group is just three years maximum. For groups as notorious as MEND, Boko Haram and other insurgent groups that have wrecked real havoc on the nation, such punishment would not deter people from joining and continue the evil act. This indeed shows another inadequacy in the law.⁷¹

(3) **Offences Endangering Human Life or Health**

The provision of Section 335 is another relevant Section. The section is tagged “Grievous harm”. It provides that:

Any person who unlawfully does grievous harm to another is guilty of a felony and is liable to imprisonment for 7 years.

Also, Section 336 is equally relevant. The Section provides that;

“Any person who unlawfully, and with intent to do harm to another, puts any explosive substance in any place whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.”

The acts of the now dreaded Boko Haram sect well comes under this. Thus the use of bombs, dynamites and other explosive devices to kill people and destroy places and freely done by the members of this group would fall under this section.⁷²

Generally, it was observed that the criminal code is indeed out dated, having remained unchanged for the past 115 years, and this is not a veritable tool in combating terrorism. More so the fact that terrorism and other closely related offences are until recently not a pressing issue facing Nigeria is another factor. No wonder the world terrorism was not mentioned and indeed not defined in the act under consideration.

2. **The Economic and Financial Crimes Commission Act**

This Act is not anti-terrorism legislations in the strict sense. However, it seems to be the first locally enacted statute that defines terrorism and equally went further to prohibit financing terrorism.

Section 46 defines terrorism as; (a) any act which is a violation of the criminal code or the penal code and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or cause or may cause damage to the public or property, natural resources, environmental or cultural heritage and is calculated or intended to

i. Intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any or adopt or abandon a particular standpoint, or to act according to certain principles or

ii. Disrupt any public service, the delivery of any essential service to the

⁷⁰ Section 62(A) of the Criminal Code CAPC38 LFN 2004 provides same for states.

⁷¹ Section 69-88 makes provision as against rioters. Similarly section 107 of the Penal Code provides “Whoever is guilty of rioting being armed with a deadly weapon or with anything which if used as a weapon of offence is likely to cause death, shall be punished with imprisonment for a term which may extend to 5 years or with fine or with both.

⁷² A.O. Opeyemi, “Bomb explosion in Police Head Quarters”, *The Vanguard Newspaper* (July 16th, 2009) P.

public or to create a public emergency or

iii. Create general insurrection in a state.

The section went further to explain what it means to finance terrorism, by stating that “any promotion, sponsorship, encouragement, attempt, conspiracy, organization or procurement of any person, with intent to commit any act referred to in paragraph (a) (i) (ii) and (iii) of this section”.⁷³

The Act as earlier stated is not strictly an anti terrorism legislation but a financial and economic legislation.

However, Section 15 is captioned “offence in relations to terrorism”. The Act should however be credited for being the first Act that provides strict penalty in the form of an imprisonment for life to terrorists. Thus, Section 5 provides that;

A person who willfully provides or collect by any means, directly or indirectly, any money from any other person with intent that the money shall be used or is in is knowledge that the money shall be used for any act of terrorism commits an offence under this Act and is liable on conviction for life.

From the wordings of the above section, it could be lucidly clear that the above provision was meant to prevent the sponsor of terrorism and terrorist and terrorist groups. The section further provides;

(2) Any person who commits or attempts to commit a terrorist act or participates in or facilitates the commission of a terrorist act commits an offence under this Act and is liable on conviction to imprisonment for life.

(3) Any persons who makes funds, financial assets or economic resources or financial or other related services available for use of any other person to commit or attempt to commit, facilitate or participate in the commission of a terrorist act is liable on conviction to imprisonment for life.

The above provisions shows the first attempt by the Nigerian legislature to make laws, which attempt to prohibit acts of terrorism in Nigeria. A provision similar to the 1999 International Convention for the Suppression of the Financing of Terrorism.

3. Money Laundering (Prohibition) Act 2011

This Act did not define what terrorism is. This is probably because the Act itself was not enacted primarily as an anti-terrorism Act but rather an Act to prohibit money laundering in Nigeria.

However, Clause 15, of the Act provides;

i. Any person who

ii. Converts or transfer resources or properties derived directly from (iii) participation in an organized criminal group and racketeering, terrorism, terrorist financing, trafficking of human beings and migrant smuggling, tax evasion, sexual exploitation, illicit arms trafficking, illicit trafficking in stolen and other goods, bribery and corruption, counterfeiting currency, counterfeiting and piracy of products, environmental crimes, murder,

⁷³Section 46(b) EFCCA Act, CAPEI LFN; 2004.

grievous bodily injury, kidnapping, illegal restraint and hostage-taking... and any other criminal act specified in this Act or any other legislation in Nigeria which is predicated to money laundry with the aim of either concealing or disguising the illicit origin of the resources or property or aiding any person involved to evade the illegal consequences of his action... is liable conviction to imprisonment for a term not less than 5 years but not more than 10 years.

In clause 26 of the Act, the term “terrorism financing” was define as “The financing support in any form of terrorism or of those who encourage, plan, or engage in terrorism”.

4. Terrorism (Prevention) Act 2011

Terrorism (Prevention) Act of 2011,⁷⁴ is the most extant and the most comprehensive legislation in Nigeria. The bill was signed into law June 2011, and is expected to provide the needed legal impetus and further capacity to the Economic and financial crime commission and other security agencies to enhance the fight against terrorism and other unwholesome acts which the nation's law did not fully capture hitherto.⁷⁵

While commenting on this Act⁷⁶ Roland Ogbonna said:

A cursory look at the two laws (Acts) reveal that they seek to establish a legal framework for the prevention, prohibition and combating of acts of terrorism including the financing of terrorism in Nigeria. They will also, promote the effective implementation of the International Convention on the Prevention and Combating of Terrorism as well as the Suppression of the financing of terrorism.⁷⁷

First the act gave a very comprehensive and elaborate definition to the term terrorism. According to the Act, a person commits an offence where:

- (1) A person knowingly
 - (A) Does, attempts or threatens to an act preparatory to or in furtherance of an act of terrorism; or
 - (b) Omits to do anything that is reasonably necessary to prevent an act of terrorism or
 - (c) Assists or facilitates the activities of persons engaged in an act of terrorism.

Subsection 2 defines an act of terrorism as:

an act deliberately done with Malice, afore thought and which -

- (a) May seriously harm or damage a country or an international organization;

⁷⁴ Act No. 10 An Act to Make Provisions for and about Offences Relating to conduct carried out or purposes connected with Terrorism.

⁷⁵P. Afego, “Nigeria and Terrorism Law” *This Day* (June 20, 2011) P. 6

⁷⁶Terrorism (Prevention) Act 2011

⁷⁷T. Rabi, “Hiz b-uttahrir”, <http://english.hizbuttahrir.org/index-phplculture/politics/317-those-who-do-not-rule-by-what-allah-has-revealed>. Accessed 12/06/12

- (b) Is intended or can reasonably be regarded as having been intended to
 - (i) Unduly compel a government or international organization to perform or abstain from performing any Act;
 - (ii) Seriously intimidate a population,
 - (iii) Seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization, or
 - (iv) Otherwise influence such government or international organization by intimidation or coercion; and
- (c) Involves or causes, as the case may be
 - (i) An attack upon a persons life which may cause serious bodily harm or death;
 - (ii) Kidnapping of a person
 - (iii) destruction to government or public facility, a transport system, an infrastructure facility, including an information system, formed plat form located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;
- (v) The seizure of an aircraft, ship or other means of public or goods transport and diversion or the use of such means of transportation for any purposes in paragraph (b) (iv) of this subsection; (v) the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons as well as research into and development of biological and chemical weapons without lawful authority's
- (vi) Interference with or disruption of the supply of water, power or any other fundamental natural resources, the effect of which is to endanger human life;
- (d) An act or omission in or outside Nigeria which constitutes an offence within the scope of a counter terrorism protocols and conventions duly ratified by Nigeria.
- (e) An act, which disrupts a service but is committed in pursuance of a protest. However, demonstrate or stoppage of work is not a terrorist act within the meaning of this definition provided that the act is not intended to result in any harm referred to in subsection (2) (b) (i), (ii) or (iv) of this section.

From the above definition, it is clear that the law incorporates most of the UN Conventions on counter-terrorism. The Law is wide-ranging and includes items like the possession and manufacture of weapons and explosives and the dissemination of views aimed at destabilizing the polity. Thus, under the new law, many organized crimes such as bunkering, hostage taking and kidnapping will attract stiffer penalties.⁷⁸

⁷⁸ Section 2(3)(i) Terrorism (Prevention) Act 2011, hereinafter referred to as the Act

The law stipulates that a person who belongs to or professes to belong to a proscribed organization has committed an offence and shall on conviction be liable to imprisonment for a maximum term of 20 years.⁷⁹ However, it must be noted that Act distinguish such groups from a political party,⁸⁰ the new law has the facility to prevent, prohibit and combat acts of terrorism if properly implemented. It is also evident that the law together with the money laundering (prohibition) Act 2011 will facilitate and promote the effective implementation of international convention on the prevention and combating of terrorism. The new law introduce among other measures, prosecution of terrorist organization without challenge, the possibility to issue search warrants without judicial approval in the case of emergency, and the issuance of detention orders without a judge's authorization.⁸¹ This is a sweeping provision, further more, the director general of the state secret services⁸² is empowered to use communication service provider as he deems fit. This shows that the law in Nigeria recognizes the advantage of using technology in curbing crime. The SSS boss also has the power to seize funds he suspects were obtained through acts of terrorism, they belong to a terrorist organization or they were intended for use to further terrorist- activities.⁸³ In addition, a security official has the authority to order the detention of a terrorism suspects for 48 hours without access to any one including his/her attorney.

Furthermore, the law considers moral assistance as constituting the offence of support for terrorism, and provides for an offence of failure to disclose information about acts of terrorism.⁸⁴ The Act is indeed commendable for its provision. It has provided a very good legal instrument with which security agencies and other organization and government institutions would rely on to battle the menace of terrorism. At critical point like this in Nigeria, the enactment of a coercive legislation just as the one under consideration is indeed a prompt and significant response to an urgent and pressing need. However, despite the commendable provision, it must be emphasized that the Act gives too much power to the security agencies. Thus, the provision of section 25 which permits security agent to seal a premise for the purpose of searching it without first obtaining search warrant could easily be abused especially in country like ours where security officers easily see themselves as semi gods. But it is understandable considering the nature of terrorism.

Finally, it is important to add that law under consideration is the most comprehensive statute prohibiting terrorism in Nigeria and is very much in line with other international treaties and convention on anti- terrorism. It is also the first statute enacted specifically to combat terrorism and alter other existing legislations which are inadequate due to changes in the socio- economic and political atmosphere in the country.

The Institutions for Combating Terrorism in Nigeria

The Federal Government has taken some steps to address these emerging trends of violence and bombings in the country. One of such step taken was the setting up of a presidential committee which was tasked with the responsibility of investigating the

⁷⁹ Note 78 above

⁸⁰Section 2(3)(ii) of the Act

⁸¹Section 24 and 25 of the Act

⁸²Hereinafter referred to as SSS

⁸³Section 17 of the Ac

⁸⁴Sections 4,5 and 6 of the Act

security challenges in the North Eastern part of the country. The committee was tasked with finding a lasting solution to the security challenges in the North East particularly Borno State.

It was against this backdrop that the 15th policing Executive forum on “Responding to the Emerging Trends of Terrorism in Nigeria” was organized by the Ministry of Police Affairs, the Nigeria police force and CLEEN Foundation, with support from the Mac Arthur Foundation, brought together stakeholders in policing, public safety and security to deliberate extensively and proffer solutions to the security problem. The forum had in attendance representatives from the office of National Security Adviser, Ministry of Police Affairs, the police Service Commission non-governmental/faith based organizations professional associations, media and international development partners. The forum observed, the problem of lack of synergy among the security agencies. Those agencies include the police, the military and intelligence agencies like the SSS.⁸⁵

State Security Service

The State Security Services,⁸⁶ is the primary domestic intelligence agency of Nigeria. It is mainly responsible for the gathering of intelligence within the country.⁸⁷ The SSS has been reasonably successful in performing its primary internal security responsibility. The agency has infiltrated a number of religious extremist groups in the country including the Boko Haram sect.⁸⁸ The SSS was able to trace the registration of the car used in the attack of the 50th anniversary celebrations in Abuja on 1 October, 2012, where a car bomb killed some security operatives while they were removing abandoned vehicles from a road side and subsequently they arrested the suspects in Lagos.

Nigeria Police Force

The Nigeria Police⁸⁹ is the national police of Nigeria. The Nigeria⁹⁰ Police Force is alleged to follow a policy of “fire for fire” in which many captured suspects died in police custody or are “shot while attempting to escape”. Decades of police and official corruption and continued failure to train police officers properly has led to a situation where extrajudicial killing is an accepted form of dealing with people the police believe to be criminals.

The battles began on 26 July when Boko Haram, a militant Islamist organization, attacked a police station in retaliation for the arrest of its leaders. Police responded and a curfew was imposed on the area. The attacks spread and by the next day corpses were found at police stations, people were fleeing their homes and some

⁸⁵The Forum advised for a collaborative effort to fight terrorism

⁸⁶Also known as the cover Department of State Service (DSS)

⁸⁷ Wikipedia “State Security Services” <http://www.en.wikipedia.org/wiki/nigeria>. Accessed 12/06/12

⁸⁸Note 87 above

⁸⁹Formerly known as the Nigerian Police Force (NPF)

⁹⁰Wikipedia “Nigeria” <http://www.en.wikipedia.org/wiki/nigeria>. Accessed 10/06/12

were being pulled from their cars and shot dead as police stations burned to the ground.⁹¹

Nigeria Air Force

The Nigeria Air Force⁹² as part of the nation's Armed Forces is under the control of the executive government. Thus, like all other arms of the national defense force, it does not have autonomy of action in defining its role in society at large except in cases where such actions or roles are within the guidelines of national policy objectives. In the recent past, national policy and objectives have undergone fundamental changes as a result, the role, tasks, and mission of the NAF is also undergoing substantial and to an extent a painful adaptation.⁹³

Federal Government has been advised to grant more powers to the Nigeria police force and other security agencies in Nigeria to enable them combat terrorism effectively.⁹⁴ Dr. Ekhomu, the president of the Association of Industrial Security and safety operators of Nigeria,⁹⁵ said the law enforcement agencies must exercise tight controls on guns, monitor phone conversion, read emails and text messages, and conduct predictive profiling of terror suspects.⁹⁶

The Africa Representative at the International Foundation for protection or officers⁹⁷ contended that Nigerian law enforcement agencies have not demonstrated a proven track record in preventing terrorist attacks or detecting the perpetrators of the crime. Also, that the “feeling of Insecurity” is relatively high in Nigeria and the security authorities needed more powers to checkmate terrorist in order to avoid “a regression to the Hobbesian state of nature which is the avowed goal of the Bokites”.⁹⁸

The chartered security expert called for electronic surveillance of terrorists,⁹⁹ conduction of warranties searches, and use of harsh interrogation techniques in order to defeat terrorists. The security official to defect and arrest terrorist offenders and ensure that they are not threats to Nigeria. The fact that the battle between the so-called Boko

⁹¹Note 90 above

⁹²Hereinafter referred to as NAF

⁹³B. Celestine, “The Nigerian Air Force in changing Security”

⁹⁴The Vanguard “Police Needs More Powers to Combat Terrorism”,

http://www.vanguardng.com/2011/12/police_need_more_powers_to_combat_terrorism_ekhomul, Accessed

⁹⁵Hereinafter referred to as AISSON

⁹⁶ Note 95 above

⁹⁷Hereinafter referred to as IFPO

⁹⁸Note 97 above

⁹⁹Note 97 above

Haram and the security operatives has dragged till now does not in any way mean that the military does not have the military superior power to crush the Sect.¹⁰⁰ Curtailing insurgency is usually a long drawn battle which requires synergy of both the military and civil populace.

Conclusion and Recommendation

In conclusion, terrorism is a global menace. It is indeed a scourge which needs to be confronted frontally. It is a violation of our fundamental human rights, especially the right to life and that of peaceful co-existence. The terror and tragedies that terrorists unleash on innocent and unsuspecting citizens pose a serious threat to the stability of all societies. Thus, terrorism has become a global phenomenon that cannot be fought in isolation.

In Nigeria, the anti-terrorism legislation that was adopted has led to widespread public controversy because it often denies the fundamental protections provided by constitutional and criminal law. The opponents of the legislation even claim that the risk it poses to the basic values on which democracy is based in those countries is far greater than the risk of the terrorism threatening them. This criticism does not take into account that the counter terrorism legislations does not unconditionally violate freedoms of assembly or association , but only take these freedoms away from people who harm or threaten to harm society. Here the Israel Prevention of Terrorism Ordinance is instructive; it strikes a balance between liberal civil liberties and protection against the constant threat of terrorist attacks.

The Nigerian government should be interested in reconstruction and terrorism prevention through programmes aimed at law enforcement and security, reconciliation and state building, education of the almajiri, area boys in the southern part of the country and the Niger Delta militants.

The Nigeria government should get experts from Israel and the United States to train the security forces for terrorism prevention. The need for an integrated network in the sub region that promotes sub regional cooperation and coordination in the provision of intelligence, surveillance safety and security, protection of environment, search and rescue. The UN Sub-Commission on the promotion and protection of human rights bearing in mind that the most essential and basic human rights is the right to life emphasizes the need to intensify the fight against terrorism at the national level, to enhance effective international co-operation in combating terrorism in conformity

¹⁰⁰Obasanjo laments insecurity, Army sees end to crisis”, *The Guardian*, Nigeria, “<http://www.odili.net/news/source/2012/may/8/21.html>. Accessed 10/06/12

with international law and to strengthen the role of the United Nations in this respect. From this work, it is clear that Nigeria has lots of counter terrorism laws so what is left is to implement the laws and create an awareness amongst the people of the existence of these laws.

There is need to train Nigerian security agents on how to apply and implement the provisions of counter terrorism laws. This is because the effectiveness of the law is largely dependent on religiously implementing its provisions. Also the Nigerian security agents should be trained to be security conscious and focus their energies on their work .They cannot afford to be negligent as the consequences could be fatal, as the bible puts it ;'Be ready for whatever comes , dressed for action and with your lamps lit .'

The government must find a solution to ethnic and religious cleavages among the people and the security forces where there are suspicions that some have been influenced by ethnic or religious factors. The workable way to eradicate terrorism is to remove its cause- the (justified or unjustified) feeling of injustice. If the feeling of injustice is unjustified it can be removed by exposing the myth. If the feeling of injustice is justified then the only way to remove it is to redress that injustice by restitution or, if restitution is impossible, compensation. Terrorism can be prevented by providing an effective system of redressing injustice by peaceful means. This can be achieved by establishment of a supranational court of Law, which will have authority to compel government to redress injustice, or damage caused by them in the same way as national courts of law compel private individual to redress injustice caused by them. It is very important for the Nigerian government to enhance boarder patrol and regulate the influx of immigrants and aliens into the country, through porous and unmanned boarders.