

SECURITY CHALLENGES IN NIGERIA: THE NEED FOR STRICT ENFORCEMENT OF APPLICABLE LAWS*

Abstract

This paper critically examines the issues of security challenges such as politically based violence, ethno-religious conflicts; among others in Nigeria. Obviously, there is an upsurge in the degree of insecurity over the years, which of course has had its attendant consequences and threats to lives and properties, hindering business activities and discouraging local and foreign investors in Nigeria's fragile and developing economy. The doctrinal methodology is adopted. Security challenges have not subsided even with the presence of security personnel, machinery and apparatus deployed to combat such ugly trend in the Nigerian State. This paper concludes that government must be uptight in dealing with security threats and issues even before they arise through modern methods of intelligence gathering and sharing among our security personnel and that the Nigerian government should tackle the issues of security challenges by strict enforcement of applicable laws.

Keywords: Security challenges, applicable laws, strict enforcement, Nigeria.

1. Introduction

Security is a concept that relates to the state, and the state exists in order to deliver on that concept¹. Security is the primary responsibility of the state². The Constitution³ of the Federal Republic of Nigeria 1999 (as amended) specifically states that 'the security and welfare of the people shall be the primary purpose of government'. Unfortunately, government at all levels on this constitutional responsibility has utterly failed to provide a safe and secured environment for lives, properties and conduct of business activities which will promote the economic prosperity of Nigeria. Security challenges in Nigeria has escalated at an embarrassing and alarming rate thereby raising concerns as to the level of insecurity in Nigeria which has further fuelled the crime rate and security concerns in different parts of the country, leaving untold hardship and unpalatable consequences for the nation's economy. In a bid to address and stem the ugly threat to national security and combat the increasing wave of crime, the Nigerian government in the 2020 budget made a huge allocation to national security and the National Assembly passed the Terrorism (Prevention) (Amendment) Act in 2013. Despite these efforts, the level of insecurity in Nigeria is still worrisome and a corroboration of this is the low ranking of Nigeria as No. 148 in the Global Peace Index (GPI, 2019) thus leaving Nigeria among the 5 least non-violent countries in Sub-Saharan Africa⁴. The deteriorating security challenges has resulted in daunting socio-economic and developmental challenges which serve as serious threats to national peace, progress and development. Thus, these developmental challenges include but are not limited to poverty, poor power supply, high rate of joblessness, devastating youth unemployment, low business output, unstable and declining foreign exchange rate, high inflation rate, poor physical and social infrastructure, very high domestic debt and rising stock of external debt to the detriment of present and future generations yet unborn⁵. Against this background, this paper thus seeks to examine the pertinent issues of security challenges in Nigeria, its implication for Nigeria's socio-economic peace and development and the need to strictly enforce applicable laws to combat these.

2. Conceptual Issues

Divergent approaches exist in conceptualizing security which is an antithesis of insecurity. Security as a need of man is the foundation of the social contract between the people and the state. People willingly surrender their rights to an organ (government) who then oversees the survival of all. In this light, security expresses the machinery put *in situ* to avoid, prevent, reduce or resolve violent conflicts, and threats that originate from other states, non-state actors, or structural socio-political and economic conditions⁶. The divergent approaches to the concept of human security in its theoretical form can be categorized into two major groups⁷. One is a neo-realist theoretical group that conceptualizes security as the primary responsibilities of the state. The second group, a post

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¹Omoyibo, K.U., and Akpomera, E. (2013). Insecurity Mantra: The Paradox of Nigerian Growth and Development. *European Scientific Journal*, 8(15) p132-142.

²Hobbes, T. (1996). *Leviathan*, edited by J. C. A. Gaskin (Oxford: Oxford University Press), p104.

³Section 14 (2) (b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁴Aworinde, T. Nigeria Ranks 148th on Global Peace Index (June 16, 2019) <[https:// punchng.com/nigeria-ranks-148th-on-global-peace-index/](https://punchng.com/nigeria-ranks-148th-on-global-peace-index/)> accessed 27 March, 2020.

⁵Ewetan, O. O. (2013). *Insecurity and Socio-Economic Development: Perspectives on the Nigerian Experience*. A lecture delivered at St. Timothy Anglican Church, Sango-Ota, Ogun State.

⁶Stan, F. (2004). *The Security-Development Nexus: Conflict, Peace and Development in the 21st Century*. New York: IPA Report.

⁷Nwanegbo & Odigbo, (2013) *op.cit.*

modernist or plural view, conceptualizes security as the responsibilities of non-state actors and displaces the state as a major provider of security. Advocates of this approach assert that the concept of security is beyond an armed determination of threats. They assert that government should be more concerned with the economic progress and security of individuals than that of the security of the state because the root causes of insecurity are economic in nature, for instance, inability to feed as an upshot of poverty.

The sensitivity of insecurity connotes different meanings such as: absence of safety; danger; hazard; uncertainty; lack of protection, and lack of safety. Insecurity is a state of panic or apprehension due to absence or lack of safety⁸. Insecurity can be defined from two standpoints⁹. Firstly, insecurity is the state of being open or subject to vulnerability or threat of danger, while danger is the condition of being susceptible to harm or injury. Secondly, insecurity is the state of being exposed to risk or anxiety, where anxiety is an elusive unpleasant emotion that is experienced in expectation of some misfortune. These definitions of insecurity highlight a key point and that is to the effect that those affected by insecurity are not only tentative or oblivious of what would happen but they are also susceptible to the threats and danger when they do occur. Therefore, in the context of this paper, insecurity is defined as a breach of peace and security, whether historical, religious, ethno-regional, civil, social, economic, and political that contributes to recurring conflicts, and chaos thereby leading to wanton destruction of lives and properties¹⁰.

Further, socio-economic advancement is a form of development and it can be defined as the process of economic and social transformation in a society. Socio-economic development is a vicissitude taking place in the social sphere mostly of an economic nature. Thus, socio-economic development is made up of processes caused by exogenous and endogenous factors which determine the sequence and direction of the development. Socio-economic development is measured with indicators such as GDP, life expectancy, literacy level and levels of employment. Changes in less perceptible factors are also considered such as personal safety, personal dignity, freedom of association and freedom from fear of physical harm, and the extent of association with civil societies. Causes of socio-economic impacts are, for example, new technologies, changes in laws, changes in the physical environment and ecological changes.

3. Causes of Security Challenges in Nigeria

The fear of insecurity in Nigeria is escalating daily and this has been compounded by the rising upsurge of terrorism since Nigeria returned to democratic rule in 1999¹¹. Violent crime has a foundation and history in Nigeria, and this could very well be traced back to the period of the Nigerian civil war from 1967 to 1970. Since independence, the demand for true federalism, fiscal and political restructuring by different ethnic nationalities in Nigeria has not abated till date. These agitations serve as a contributory role to violent rebellious reactions from diverse aggrieved ethnic nationalities in the country thereby compromising the security, unity and fragile corporate existence of our country as one nation. Federalism that weakens the independence and autonomy of its federating units will only bring about conflict, threat to national cohesion, peace, and ultimate disintegration¹². So many intellectuals have identified several causes of conflict and insecurity in Nigeria that are inimical to the socio-economic and national development of Nigeria¹³. These causes have been categorized into internal and external causes. In Nigeria, the internal causes of insecurity pose major challenges to socio-economic advancement far more than the external causes of insecurity. This paper will therefore focus on the internal causes of insecurity in Nigeria. These causes include:

⁸Beland, D. (2005). The Political Construction of Collective Insecurity: From Moral Panic to Blame. Avoidance and Organized Irresponsibility. Center for European Studies, Working Paper Series 126.

⁹Achumba, I. C., Ighomereho, O. S., & Akpan-Robaro, M. O. M. (2013). Security Challenges in Nigeria and the Implications for Business Activities and Sustainable Development. *Journal of Economics and Sustainable Development*, 4(2), 79-99.

¹⁰Ewetan, O. O. & Urhie, E. (2014). Insecurity and Socio-Economic Development in Nigeria. *Journal of Sustainable Development Studies*, 5(1), 40-63.

¹¹Ali, A. D. (2013). Security and Economic Development in Nigeria since 1960. *Kuwait Chapter of Arabian Journal of Business and Management Review*, 2(6), 1-7.

¹²Adamu, A. (2005). True Federalism in the 21st Century Nigeria. A Lecture Delivered at University of Jos Alumni Association, Lagos. Ali, A. D. (2013). Security and Economic Development in Nigeria since 1960. *Kuwait Chapter of Arabian Journal of Business and Management Review*, 2(6), 1-7.

¹³Jega, I. (2002). Tackling Ethno-Religious Conflicts in Nigeria. Newsletter of Social Science Academy of Nigeria, September, 5(2), 35-38. Lewis, P. M. (2002). Islam, Protest, and Conflict in Nigeria. Washington Center for Strategic and International Studies (CSIS), Africa Notes, No. 10. Salawu, B. (2010). Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies. *European Journal of Social Sciences*, 13(3), 345-353. Okorie, I. (2011). 'Insecurity Consequences for Investment and Employment'. *The Punch Newspaper*, Thursday, September 9, 37-38 & Ezeoba, S. L. (2011). Causes and Effects of Insecurity in Nigeria. *The National Scholar*, 8(2), 28-38. Ali, A. D. (2013). Security and Economic Development in Nigeria since 1960. *Kuwait Chapter of Arabian Journal of Business and Management Review*, 2(6), 1-7.

Ethno-religious Conflicts

These are conflicts caused by doubts and distrust among the various ethnic nationalities and among the foremost religions in the country. Ethno-religious conflict arises when the relationship between adherents of one ethnic or religious group and another of such group in a multi-ethnic and multi-religious society is pigeonholed by lack of affability, reciprocal distrust, suspicion, fear and a tendency towards ferocious confrontation¹⁴. The recurrent and persistent ethnic conflicts and religious clashes between the two dominant religions namely Islam and Christianity is a major security challenge that threatens the very fabric of Nigeria as a nation. Since independence, Nigeria appeared to have been plagued with ethno-religious conflicts. Ethno-religious conflicts exist in almost all parts of Nigeria and these have emerged as a product of new and particular forms of political consciousness and identity often structured around ethno-religious identities¹⁵. Ethno-religious violence is also visible and this is due to the inability of Nigerian leaders to tackle head on developmental challenges using equitable distribution of scarce state resources for the welfare of its citizens. Other causes are accusations and counteraccusations, allegations of neglect, subjugation, domination, marginalization, discrimination, victimization, exploitation, nepotism and bigotry. In almost all parts of Nigeria, ethno-religious conflicts have assumed an alarming and worrisome rate. It has occurred in places like Abia, Bauchi, Shagamu (Ogun State), Kano, Jos, Lagos, Nassarawa, Taraba, Ebonyi, Borno, Adamawa and Enugu State. These ethno-religious characters have become disintegrative and destructive social elements threatening the fragile peace, stability and security of Nigeria¹⁶.

Politically Based Violence

Nigeria has a long history of politically based violence since the collapse of the First Republic on January 14th, 1966 and the infiltration of the military into governance that same year. The electoral politicking in Nigeria right from the 1960s till date has been characterized by political thuggery, assassinations, violent conflicts and arson. Political gladiators in Nigerian do not accommodate dialogue, negotiation and consensus¹⁷. Political contests are characterized by fierce desperation and violent tussle for political power among politicians. Recurring political violence in Nigeria could be attributed to overzealousness and desperation of political gladiators to continually perpetuate their stay in office and win elections at all cost. The misadventures of these political actors have often been appalling leading to a decimation of innocent lives, disruption of economic activities and the destruction of properties amongst others.

Systemic and Political Corruption

This is a twin evil and hydra-headed monster that has apprehended the Nigerian state captive from inception till date. This has contributed to the state's failure and breakdown of institutional infrastructures. The state of insecurity in Nigeria is to a large extent an elementary role of government's ineptitude, traceable to systemic and political corruption. This has further added another dimension of violent conflicts which has eroded national values. Corruption as a national challenge is bad not because money and benefits change hands and not because of the motive of participants, but rather because it privatizes valuable aspects of public life, bypassing processes of representation, debate, and choice. It has been described as an infectious cancer militating against Nigeria's development because corruption deeply threatens the fragile fabric of the Nigerian society¹⁸. Corruption as a social epidemic invariably hampers economic growth, inexplicably afflicts the poor and undermines the effectiveness of investments and aid¹⁹.

¹⁴Salawu, B. (2010). Ethno-Religious Conflicts in Nigeria: Causal Analysis and Proposals for New Management Strategies. *European Journal of Social Sciences*, 13(3), 345-353. See Achumba, I. C., Ighomereho, O. S., & Akpan-Robaro, M. O. M. (2013). Security Challenges in Nigeria and the Implications for Business Activities and Sustainable Development. *Journal of Economics and Sustainable Development*, 4(2), 79-99.

¹⁵Ibrahim, J., & Igbuzor, O. (2002). 'Memorandum Submitted to the Presidential Committee on National Security in Nigeria'.

¹⁶Eme, O. I., & Onyishi, A. (2011). The Challenges of Insecurity in Nigeria: A Thematic Exposition. *Interdisciplinary Journal of Contemporary Research in Business*, 3(8), 172-184.

¹⁷*Ibid.*

¹⁸Nwanegbo, C. J., & Odigbo, J. (2013). *International Journal of Humanities and Social Science*, 3(4), 285-291.

¹⁹Iyare, T. (2008). Corruption and the Crisis of National Values in Oyo (ed). *Governance and Politics in Nigeria, The IBB and OBJ Years*. Ibadan: Spectrum Books Limited.

Economic-Based Violence

This is also referred to as ‘political economy of violence’. In recent writings in the mass media, much emphasis has been made on the role of resources in generating conflict which is a major cause of economic-based violence across the globe and across political divide²⁰. Cries of resource control and revenue sharing amongst the three tiers of government regularly rent the air between proponents and opponents often leading to violent agitations among the contending actors and between the state and proponents against the state. The Niger Delta crisis in Nigeria presents a classic case of this violent struggle that has been in existence since the end of the Nigerian civil war in 1970. These violent agitations have claimed many lives of Nigerians, foreigners, military and para-military personnel with properties worth billions of naira destroyed. It has also resulted in economic hardship for Nigeria through loss of oil revenue as a result of the shortfall in crude oil exports by the oil companies triggered by disruption of oil exploration activities by the Niger-Delta agitators. Although by no means limited to oil in the Niger Delta, the most prevalent campaign about the link between resources and conflict in Nigeria focuses on oil and the Niger Delta region. No doubt, oil has given rise to vertical and horizontal conflicts between dominant and subordinate geopolitical zones, classes and groups of people across Nigeria, given the pivotal role that oil plays in the economy and political power equation in Nigeria. It is however true that those other types of resource driven conflicts have received less attention in the debate for resource control. Grazing, farming, water resources have all given rise to horizontal conflicts that involved communities across the geo-political zones.

Unemployment and Poverty

Unemployment and poverty among Nigerians, especially the youths is a major basis for insecurity and violent crimes in Nigeria²¹. In particular, youth unemployment has contributed to the rising cases of violent conflicts in Nigeria. Also, one of the major causes of insecurity in the country is the inability of successive governments to address challenges of unemployment, poverty and inequitable distribution of wealth amongst the various ethnic nationalities considering the fact that government is a continuum.

Organized Violent Syndicates and Groups

Organized violent syndicates and groups such as ethnic militia, vigilantes, secret cults in tertiary institutions and political thugs contribute significantly to security challenges in Nigeria in different dimensions and forms. Their emergence has often been linked to numerous factors which include the culture of militarism that has its antecedents in military rule, the failure of the state and its institutions, economic disempowerment, the configuration of the state and Nigeria’s federalism, non-separation of state and religion, politics of exclusion and separation, culture of patriarchy, ignorance and poor political consciousness²².

Weak Security System

This serves as a challenge to the level of insecurity in Nigeria and this can be attributed to a number of factors which include inadequate funding of the police and other security agencies, lack of modern equipment both in weaponry and training, poor welfare of security personnel and inadequate security personnel²³. The police-population ratio for a country like Nigeria is 1:450 which is an anomaly using the standard set by the United Nations²⁴. The inference of this is that Nigeria is grossly under policed and this partly explains the inability of the Nigeria Police Force to effectively combat crime in the country.

²⁰Eme, O. I., & Onyishi, A. (2011). The Challenges of Insecurity in Nigeria: A Thematic Exposition. *Interdisciplinary Journal of Contemporary Research in Business*, 3(8), 172-184.

²¹Adagba, O., Ugwu, S. C., & Eme, O. I. (2012). Activities of Boko Haram and Insecurity Question in Nigeria. *Arabian Journal of Business and Management Review*, 1(9), 77-99.

²²Ibrahim, J., & Igbuzor, O. (2002). ‘Memorandum Submitted to the Presidential Committee on National Security in Nigeria’ & Eme, O. I., & Onyishi, A. (2011). The Challenges of Insecurity in Nigeria: A Thematic Exposition. *Interdisciplinary Journal of Contemporary Research in Business*, 3(8), 172-184.

²³Achumba, I. C., Ighomereho, O. S., & Akpan-Robaro, M. O. M. (2013). Security Challenges in Nigeria and the Implications for Business Activities and Sustainable Development. *Journal of Economics and Sustainable Development*, 4(2), 79-99.

²⁴Olonisakin, F. (2008). ‘In the Line of Fire’, BBC Focus on Africa, (April-June), p 19-23.

Porous Borders

It has been rightly observed that the porous borders of the country, where individual movements from neighbouring countries are largely unchecked has contributed in no small measure to the high level of insecurity in Nigeria²⁵. Due to the porous borders, there is an unhindered inflow of small arms and light weaponry into the country which has abetted militancy and criminality in Nigeria²⁶. Available data clearly shows that Nigeria hosts over 70 percent of about 8 million illegal weapons in West Africa²⁷. Also, the porosity of the Nigerian borders has aided the overwhelming influx of migrants, mainly young men from neighbouring countries such as Chad, Republic of Niger, and Republic of Benin responsible for some of the criminal acts currently plaguing our nation²⁸.

Terrorism

The most fundamental source of insecurity in Nigeria today is terrorism which is traceable to religious fanaticism and intolerance particularly in Islam dominated states of Nigeria²⁹. Terrorism is a global phenomenon that is ravaging the whole world. It has been defined as ‘the premeditated use or threat of use of violence by an individual or group to cause fear, destruction or death, especially against unarmed targets, property or infrastructure in a state, intended to compel those in authority to respond to the demands and expectations of the individual or group behind such violent acts’³⁰. Terrorism in Nigeria is not a recent phenomenon as it started with the notorious Islamic sect in Northern Nigeria called Mataisine during the administration of Alhaji Shehu Shagari civilian regime of the Second Republic which was aborted by a military coup in December 1983 then led by General Muhammadu Buhari. Terrorism reared its ugly head again during the Olusegun Obasanjo administration of the Fourth republic which witnessed religious riots in Plateau state in Northern Nigeria. In recent times, terrorism has assumed a political undertone and is being spearheaded by faceless Islamic insurgents based in Northern Nigeria called Boko Haram, which has claimed thousands of lives in the North since 2009. Terrorism in Nigeria has been linked to religious, economic, socio-political and cultural factors. Even though terrorism originated from Islamic fanaticism, it is now driven by factors such as inequalities within the country and lack among Nigerians in terms of livelihood (economic) resources, education or access to education and good values. The current challenges of terrorism to security are threatening the very fabric of the Nigerian society on all fronts. Some foreign observers have linked terrorism in our society to a number of factors which include political conflicts, unbalanced development that involves horizontal inequalities, religious and ethnic distrusts, poor governance linked to leadership failure and corruption of inexplainable magnitude³¹.

4. Addressing Security Challenges in Nigeria

A jurisprudential issue with the management of insecurity in Nigeria is the Constitution of the Federal Republic of Nigeria 1999 (as amended) which is a fortification of the obligation of government to react promptly to the security needs of its citizens. The power given to the Federal Executive by section 14(2)(b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) includes seeing that the security needs of its citizens are met and protected. Part of the legal framework for the management of insecurity in Nigeria are statutes and functional court systems for the prompt administration of the criminal justice system in Nigeria to wit:

- (a) Strengthening of our weak judicial system: People feel uneasy and terrorists feel unbothered when criminals and terrorists can go free. So many people feel that money can buy freedom in Nigeria. The corrupt system proves this to be true because with the notion that ‘no one is above

²⁵Achumba, I. C., Ighomereho, O. S., & Akpan-Robaro, M. O. M. (2013). Security Challenges in Nigeria and the Implications for Business Activities and Sustainable Development. *Journal of Economics and Sustainable Development*, 4(2), 79-99.

²⁶Hazen, J. M., & Horner, J. (2007). Small Arms, Armed Violence, and Insecurity in Nigeria: The Niger Delta in Perspective. Switzerland Small Arms Survey.

²⁷Edeko, S. E. (2011). The Proliferation of Small Arms and Light Weapons in Africa: A Case Study of the Niger Delta in Nigeria. *Sacha Journal of Environmental Studies*, 1(2), 55-80.

²⁸Adeola, G. L., & Oluyemi, F. (2012). The Political and Security Implications of Cross Border Migration between Nigeria and Her Francophone Neighbours. *International Journal of Social Science*, 1(3), 1-9.

²⁹Achumba, I. C., Ighomereho, O. S., & Akpan-Robaro, M. O. M. (2013). Security Challenges in Nigeria and the Implications for Business Activities and Sustainable Development. *Journal of Economics and Sustainable Development*, 4(2), 79-99.

³⁰Sampson, I. T., & Onuoha, F. C. (2011). ‘Forcing the Horse to Drink or Making it Realise its Thirst’? Understanding the Enactment of Anti-Terrorism Legislation (ATL) in Nigeria. *Perspectives on Terrorism*, 5(3-4).

³¹Kufour, J. (2012). Nigeria: Imbalanced Development Causes Insecurity in Nigeria, *Thisday Newspaper*, Lagos. See also Oluwarotimi, A. (2012). US to use more Balanced Security Strategy to Fight Insecurity in Nigeria, *Leadership Newspaper*, Lagos.

the law' has not been put into practice. Same is meant for the poor and vulnerable and not the affluent as they can easily buy their freedom in Nigeria.

- (b) Fortification of our porous borders: Nigeria's borders are poorly guarded with individual movement largely untracked. As a result of this, there is an unrestrained inflow of arms and ammunitions into the country which has largely added to the efficacy of criminality and violence in the country. This situation is specifically more dangerous in the North Eastern part of the country as the Federal Government cannot provide enough security personnel to secure our nation's borders which have largely aided the overwhelming influx of migrants from neighbouring countries into our nation.
- (c) Creation of job opportunities for the teeming and growing populace: Unemployment and poverty among Nigerians especially the youth are major causes of violent crimes in Nigeria. Without adequate job creations to meet up with the teeming population of Nigeria, the government cannot achieve success in their fight against insecurity because terrorism has now turned into entrepreneurship. They employ both literates and illiterates to accomplish their various missions.
- (d) Strengthening of our weak security system: This is a major factor contributing to the level of insecurity in Nigeria and this can be ascribed to various factors which include inadequate funding of the police and other security agencies, poor welfare of security personnel, lack of modern equipment and inadequate personnel.

5. Laws Pertaining to Security Challenges in Nigeria

Laws such as The Economic and Financial Crimes Commission (EFCC) (Establishment) Act, Terrorism (Prevention) Act, 2011 and The Terrorism (Prevention) (Amendment) Act, 2013 pertaining to security challenges in Nigeria will be discussed.

Economic and Financial Crimes Commission (EFCC) (Establishment) Act 2004

Under the EFCC (Establishment) Act, 2004, there is only one section dedicated to the fight against terrorism³². The EFCC Act only covers the provision of funds and participation in the crime of terrorism. It did not state what constitutes terrorism or acts of terrorism, how investigation is to be conducted and concluded, the agency that would be responsible for the investigation and prosecution of offenders. It did not touch on the seizure of terrorist funds and property, mutual assistance and extradition, etc. The EFCC Act was not comprehensive in matters of terrorism; hence only one section³³ was dedicated to terrorism offences. However, five years after the EFCC Act came into operation, terrorism blossomed in Nigeria³⁴. From 2009 to date, terrorists have virtually overrun the country, making Nigeria a safe haven for their operation and heinous activities thereby forcing the government to embark on a thorough and wholesale enactment of the Terrorism Act tagged 'Terrorism (Prevention) Act, 2011'.

Terrorism (Prevention) Act 2011

The Terrorism (Prevention) Act, 2011 prescribes penalties for violation of any of its provisions³⁵. The Act is divided into eight parts and it contains forty-one sections. Part 1 is headed 'acts of terrorism and related offences' which covers prohibited acts of terrorism under the Terrorism (Prevention) Act, 2011³⁶. An exception is however made to the effect that an act which interrupts a service but is committed in pursuance of a protest, demonstration 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 whatsoever referred to in subsection (2)(b)(ii) or (v) of this section. The question however, is to what extent is such an exception as the provision appears to be vague and overboard in the sense that subsection (2)(b)(i) for example talks of an act which is intended or can reasonably be said to have been intended to 'unduly compel a government or international organization to perform or abstain from performing any act...' but then, when critically examined, an industrial action is intended to do exactly just that. When a trade union goes on strike, the essence of such an action is to coerce a government or even an organization whether international or not to do or abstain from doing what the workers consider to be either beneficial or detrimental to them. Will such a strike action for instance then constitute an act of terrorism? The answer is NO. Even the provisions of subsection (iv) may not be so easily discernible with respect to strike actions as sometimes the

³² Section 15.

³³ *Ibid.*

³⁴ Ezeugo, I. N. 2016. *An Appraisal of the Legal Framework for combating terrorism in Nigeria*. A dissertation submitted to the school of post graduate studies, Ahmadu Bello Univeristy, Zaria in partial fulfillment of the requirements for the award of Master of Laws Degree (LL.M). P.71

³⁵ See the explanatory memorandum to the Terrorism (Prevention) Act, 2011

³⁶ Section 1(2)

government or an organization has to be coerced in a way, into doing the things they are supposed to do. The constitutionally guaranteed right to freedom of association and the relevant labour laws permits strike actions as such do not amount to terrorism. The Act did not also take into consideration the fact that citizens of a country can also be victims of terrorism as much emphasis was rather placed on international organizations to the detriment of non-international organizations. Also, under this part, an organization may be proscribed as a terrorist organization upon an application made by the Attorney General of the Federation (AGF), the Inspector General of Police (IGP), or the National Security Adviser (NSA) to a judge in chambers with the application having the approval of the President³⁷. This particular section is to ensure equity, fairness and justice in proscribing an organization. Where such an order is made, it shall be published in the official gazette, in addition two National Dailies and at such other places as the judge in chambers may determine³⁸. Once an organization is proscribed, it becomes an offence punishable with twenty years imprisonment for anyone to belong to such an organization³⁹. A person who was a member of a proscribed organization before such proscription and took no step to associate with the organization after notice of its proscription may not be liable under this section⁴⁰. The AGF upon the approval of the President may withdraw the order if convinced that such proscribed organization has ceased to engage in any act of terrorism⁴¹. The President is empowered⁴² to declare a person or a group⁴³, a suspected international terrorist or international terrorist group, and if such a person is a Nigerian citizen other than by birth, he may be deprived of his citizenship⁴⁴. The AGF is also empowered to make regulations to provide for the freezing of his or its funds, financial assets or other economic resources⁴⁵, and for the prevention of his or its entry into, or transit in Nigeria⁴⁶; for the prohibition of the direct or indirect supply, sale and transfer of arms, weapons, ammunitions, military vehicles and equipment, etc⁴⁷. Where such directive is contravened, then it is punishable⁴⁸. Provision or collection of funds for terrorist activities is an offence⁴⁹. This is also true of hostage taking⁵⁰.

Terrorism (Prevention) (Amendment) Act 2013

The problems with the Act of 2011 both in theory and application, necessitated an amendment leading to the enactment of the Terrorism (Prevention) (Amendment) Act, 2013. The Act amends the Terrorism (Prevention) Act No. 10, 2011, which makes provision for extra-territorial application of the Act and toughens terrorist financing offences⁵¹. Some sections of the 2011 Act are amended, some substituted, and others deleted. A new subsection (1) has now been inserted under the existing section 1 stating that ‘(1) All acts of terrorism and financing of terrorism are hereby prohibited.’ Also introduced, is a new subsection (2) which defines in more details, the activities punishable under this section with a maximum of death sentence⁵². Under the amendment, the office of the NSA has been made the synchronizing body for all security and enforcement agencies under the Act⁵³. Also introduced under the 2013 Act are the more precisely defined roles of the NSA, AGF and the security agencies under the Act⁵⁴. A prospective point of dispute however, is the obvious clash between the powers of the NSA and that of the AGF⁵⁵. The 2013 Act stated that the office of the NSA shall be the harmonizing body for all security and enforcement agencies under this Act while further⁵⁶ stating that ‘The Attorney General of the Federation shall be the authority for the effective implementation and administration of this Act’. What therefore, is the variation between their powers? Who gives who directives between the NSA and the AGF when it comes to issues covered under the Act and who has the final say? The Constitution⁵⁷ also defines the tasks of the AGF. On the strength of this provision of the Constitution which is the *grundnorm* of all laws, the office of the AGF should have an upper hand when it comes to the administration and enforcement of any law, but for the tenacity

³⁷Section 2 Terrorism (Prevention) Act, 2011

³⁸Section 2(2) *Ibid.*

³⁹Section 2(3)(i) *Ibid.*

⁴⁰Section 2(4) *Ibid.*

⁴¹Section 2(5) *Ibid.*

⁴²Section 9 *Ibid.*

⁴³Section 9(4) *Ibid.*

⁴⁴Section 9(3) *Ibid.*

⁴⁵Section 9(6)(a) *Ibid.*

⁴⁶Section 9(6)(b) *Ibid.*

⁴⁷Section 9(6)(c) *Ibid.*

⁴⁸Section 9(6)(d) *Ibid.*

⁴⁹Section 10 *Ibid.*

⁵⁰Section 11 *Ibid.*

⁵¹ See the explanatory memorandum to the Act.

⁵² Section 1(2) of the Terrorism (Prevention)(Amendment) Act, 2013.

⁵³ Section 1(A) *Ibid.*

⁵⁴ Sections 1A (1)-(6) *Ibid.*

⁵⁵ Under Section 1A(1) and (2) *Ibid.*

⁵⁶ Subsection (2) *Ibid.*

⁵⁷ Section 150(1)

of fighting terrorism, there should be a clear delineation of the powers and functions of the NSA and the AGF in order to avoid foot dragging, uncoordinated implementation of terrorism laws and unnecessary wrangling and power tussles between the NSA and AGF. As time goes on, there is bound to be conflict between these two offices as there cannot be two captains in a ship. Under the 2013 Act, Section 3–8 of the 2011 Act are substituted with a new set of Section 3–25 to cater for certain areas hitherto not so adequately provided for under the 2011 Act. Also covered under the 2013 Act is the financing of terrorism⁵⁸ which was addressed by the 2011 Act. One wonders however, why this section is not merged with Section 5 dealing with solicitation and giving support to terrorist groups especially in view of Section 5(2)(e) which also addresses the issue of financing support for terrorist activities. Dealing in terrorist property and hostage⁵⁹ which were both addressed under the 2011 Act has also been incorporated into the 2013 Act, so also is membership of a terrorist group or proscribed organization⁶⁰ and conspiracy⁶¹. Aiding and abetting a person to commit an act of terrorism⁶², and escape or aiding and abetting escape⁶³ both of which were not specifically prescribed under the 2011 Act are now covered under the 2013 Act.

Constitution of the Federal Republic of Nigeria 1999 (As Amended)

The economic well-being of the people is an antidote to terrorism as excruciating poverty can drive the youth to the swamp of terrorists. However, the non-enforceability of these economic rights is a lacuna yet to be amended in the Constitution. Section 215 deals with the appointment of the IGP and control of the Nigeria Police Force. Section 214 of the Constitution establishes the Nigeria Police Force. This Section authorizes and legitimizes the monolithic structure of the Nigerian Police. It recognizes only one Police Force in Nigeria. Given the type of Constitution Nigeria operates which is a federal Constitution and given the vast and heterogeneous nature of the country, there is the need for the creation of state police to cater for the crime peculiarities of the states. The Nigeria Police Force and matters relating to it should be made to be in the Concurrent legislative list and not only in the Exclusive legislative list of the Constitution alone. By virtue of the Constitution⁶⁴ the appointment of the IGP shall be made by the President on the advice of the Nigerian Police Council. The appointment and removal⁶⁵ of the IGP by the President gives the President unfettered power over the Nigeria Police Force and does not allow the police to do their work without fear or favour. Also, by the provision of Section 215⁶⁶, the government of a state may give order to the Commissioner of Police in a state but the Commissioner of Police may refuse to carry out such a lawful directive until such order is referred to the President for further directive. This is clearly a long and unwarranted process especially in emergency situations. The Commissioner of Police should not have any reason not to carry out a lawful directive from a governor who is the chief security officer of the state.

6. Conclusion

Government must be proactive in dealing with security issues and threats, through modern methods of intelligence gathering, intelligence sharing, training, logistics, motivation and deployment of advanced technology in managing security challenges. The real panacea for solving insecurity challenges in Nigeria is for government to speed up the giant strides of development. Development in this context consists of creating an economy with relevant socio-economic and physical infrastructures for business operations and industrial growth to thrive by providing gainful employment, high level of educational facilities and medical care for the people. Nigerian government should tackle the issues of security challenges by strict enforcement of applicable laws.

⁵⁸ Section 13 of the Terrorism (Prevention) (Amendment) Act, 2013.

⁵⁹ Section 14 and 15 *Ibid.*

⁶⁰ Section 16 *Ibid.*

⁶¹ Section 17 *Ibid.*

⁶² Section 18 *Ibid.*

⁶³ Section 19 *Ibid.*

⁶⁴ Section 215 *Ibid.*

⁶⁵ Section 216(2) *Ibid.*

⁶⁶ Section 215(4) *Ibid.*