

INTERROGATING ARMED CONFLICT IN THE CONTEXT OF TERRORISM

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ABSTRACT

Not all acts of terrorism amount to armed conflict while terrorism may be committed both at peacetime and in the time of war; several local and international instruments delimit the scope of what amounts to terrorism in no uniform standard. Thus the dividing line between terrorism and other acts of violence is hazy and that has created so many controversies in application. This paper, therefore is aimed at interrogating \armed conflict in the context of terrorism by examining how armed conflict influences terrorist activities globally. The paper is an attempt to resolve the questions whether there is nexus between terrorist activities and armed conflict. The writer adopts the doctrinal paper methods and relies majorly on primary sources of materials like treaties and customary international humanitarian Law and secondary materials like opinions of learned authors. The paper observes that some states have defined terrorism in such a way as to avoid giving international recognition to rebel groups. It further observes that even when terrorist acts by the armed groups no matter how small, the resulting counterterrorism operations by the State armed forces is usually very violent at times with civilian casualties which raises international concerns. The writer suggests a uniform understanding of what amounts to terrorism at international law to ease the application on how armed conflict in the context of terrorism can be better managed. The paper will add to the body of knowledge by identifying the controversial links between terrorism and other acts of violence and the need to arrive at a universal agreement for uniform application of international law.

Keywords: Interrogating, Armed, Conflict, Context and Terrorism

INTRODUCTION

The activities of terrorist and armed conflict have one thing in common which is violence. Armed conflict exists whenever recourse is had to armed force or belligerent occupation between states (international armed conflicts), or when protracted armed violence takes place between governmental authorities and organized armed groups or between (non-international armed conflicts).ⁱ Based on the concepts of *jus in bello*, armed conflict is defined as the law of war. During armed conflict or war, the law involved is meant to be operational. There are three types of conflicts that are recognized internationalized, non-international and International armed conflict. The above are recognized by International Humanitarian Law.

Followers of other religious groups adopted different approaches which has now turned out as terrorism. One of such group is the Shia muslim that goes by the name Ismailis. We also have the Zealots-Sicari group who attacks politicians or clerics for not accepting their version of Islamic worship. The use of religion, seems to be the more acceptable platform to justify terrorist acts. Maxmililien Robespierre, the French revolutionary leader believes that terrorist acts is required for a new French republic to evolve. In 1974, to him, terror is justified, urgent, severe and inflexible. Which he sees as origination of virtue.

Despite decades of effort, with even greater focus after September 11, attempts to develop a generally accepted legal definition of terrorism have failed. Terrorism is a direct threat to national security and international stability. International organizations like North Atlantic Treaty Organization (NATO), United Nations Organization (UNO), Common Wealth of Nations (CWN) and other regional and sub-regional groups like European Union (EU), African Union (AU), Arab League (AL) and Economic Community of West African States (ECOWAS) amongst others must work together to fight the high headed muster called terrorism and pay more attention in increasing awareness on threat , developing capabilities to prepare and respond, and enhancing engagement with partner countries and other international actors.

In order to curtail the activities of terrorist, the Nigerian government enacted the Terrorist, (Provision) Act 2011.ⁱⁱ This Act was necessitated due to the series of bombing which include the United Nations House, the bombing of the police headquarters in Abuja and the series of coordinated multiple bombing in the North-east and North-central of Nigeria. The world attention was attracted to terrorist activities in Nigeria when the United Nations house was bombed. After the enactment of the terrorism (Provision) Act, 2011, the activities of terrorist and armed conflict degenerated to insurmountable and incomprehensible state in Nigeria. As a

result of this, the Act was amended to usher in terrorism (Provision Amendment) Act, 2013, in line with global standard.

In lieu of the above, this paper, took a critical analysis of the concept of terrorism, the challenge of defining terrorism and how it has affected the global fight against terrorist acts. The paper also covers the following areas. The meaning of armed conflict within International Humanitarian Law, the legal divide between international and internal armed conflicts. Other insurgency groups activities, various international, regional, local and the role of Non-Governmental Organizations measures adopted in combating terrorist activities was examined.

CONCEPT OF TERRORISM

Terrorism can be classified into National terrorism e.g Boko-Haram in Nigeria and international terrorism like ISIS, AL-Qaeda, Taliban etc Terrorism in Nigeria can be traced to 2009, when public places like churches, Mosques, Motor parks and other public institutions were bombed. In Northern state of Nigeria, Boko Haram wants the imposition of Sharia Law. The official name of the group is ‘*Jama’ atuhlis Sunna Lidda await Walghad*’ which in Arabic means people committed to the propagation of the prophets teaching and Jihad. While in the eastern part, the Indigenous People of Biafra (IPOB) are agitating for the sovereign state of Biafra. While in the Niger delta region, the Niger delta militant under the name (MEND) which means ‘movement for the emancipation of Niger Delta are also agitating for the control of their oil resources. The Church of Christ in Nations (COCIN), has said the continuous activities of Boko Haram terrorists in the country is not only embarrassing to Nigeria but a “very disturbing scenario.” COCIN urged the government to as a matter of urgency rise up to her responsibility or the country would be overran by insurgents.ⁱⁱⁱ

Nigeria being a member of these international organizations must partner with them in order to curtail the acts of terrorism and armed conflicts which engulfed the country since 2009^{iv} Armed conflict which has taken a new face in our political development should be addressed holistically as it has compounded the effort of the police and the Nigerian army in fighting the war against terrorism. Terrorism arises from ideological and political violence of a group, intending to take control of government in such manner and thus violation of rule of law.

It is important to define terrorism as a legal concept, we acknowledge that this assumption is not universally accepted and that many legal scholars believe existing criminal laws adequately

address situations to which the legal concept of terrorism is sought to be applied. Some have likened ‘the search for the legal definition of terrorism to the quest for the Holy Grail’. Scholars like Judge Richard Baxter, in 1974 in his writing, also quipped the usefulness of legal definition who was disappointed over the legal concept of terrorism in globe. For example, national laws now criminalize ‘terrorist acts’, give police enhanced powers of investigation and arrest in regard to such offences,^v establish regimes for the electronic surveillance of people suspected of terrorism,^{vi} deny visas to people engaged in terrorism,^{vii} freeze the assets of ‘terrorist organizations’ and impose trade sanctions on countries that harbor or support terrorists. These instances establish how terrorism is now offensive as a legal concept in divers’ local legal systems. Not until September 11, some countries do not have national laws on terrorism. Which means that it was part of national security threat to most countries as there are other criminal and other laws that provided for this threat.

CHALLENGES OF DEFINING TERRORISM

Arriving at a universally acceptable definition of terrorism still remains a challenge. Progress has been made as reported by Ben Saul. However, to arrive at a successfully acceptable definition, political and international law differences must be reconciled. Despite the world effort in combating terrorist acts the international community is yet to find out what constitute terrorism. Even the shock of 9/11 was not enough to break a century of impasse about how to define it in international law. The inability of the world to arrive at a globally acceptable definition of terrorism, this has in no small measure, hinders the global community in the war against terrorism. Political incoherence and Moral ambiguity remain at the forefront of the global effort to counter terrorism.^{viii}

Definitions of terrorism seems unambiguous as former British Ambassador Sir Jeremy Green Stock said, anything that smell, kills and look like terrorism is terrorism. Terrorism in a nutshell is a state of extreme fear. While legal definition is not exactly the same as literal definition of terrorism. Rape to mugging and disturbance of one privacy can cause terror. The above are not regarded as terrorism. Terrorism is viewed as an unwanted political disturbance. In a global world of different moral, cultural and political differences, legal agreement on what the true definition of terrorism should be will definitely not going to be an easy task. This is the reason why the disagreement is still there.

The effort of League of Nations and the United Nations General Assembly in the 1930s and 1970s to define terrorism was hindered by the second world war and the politics of cold war and decolonization respectively. Further efforts to define terrorism by the General Assembly in 1994, which described terrorism as ‘criminal acts intended or calculated to provoke a state of terror in the public, a group of persons or particular persons for political purposes’. The attention on ‘political’ violence and instigating ‘terror’ was noticeable in subsequent UN gathering. Which took place from the year 2000 to the present. Ever since, the UN Sixth Legal Committee has been working on a global crime of terrorism for an international treaty. The draft treaty defines terrorism as intentionally causing serious injury or death or serious destruction to private or government property, ‘to intimidate a population, or to compel the Government or an international organization to do or abstain from doing any act’. The draft definition is based on that found in a widely accepted 1999 treaty against terrorist financing. This approach is also partly supported by a 2004 Security Council resolution.^{ix}

THE ANTI-TERRORISM ACT OF NIGERIA

The process to the enactment of Terrorism (Prevention) Act (TPA) 2011 (as amended) has been long-winding, dilatory and chequered. Nigeria took ten years after the horrible September 2011 attack by terrorist on the World Trade Centre to provide a detailed anti-terrorism legislation TPA 2011 (as amended). The delay in drafting a terrorism provision Act in Nigeria, was seen by some scholars might not be unconnected with the newness of terrorism in the country. Which means that the country did not take cognizance of such acts before 2011.^x This work traces the process of the making of terrorism legislation in Nigeria. It also took a closer look of both enactments that forms the legal framework for the prevention of terrorism in Nigeria: the Terrorism (Prevention) Act 2011 and Terrorism (Prevention) (Amendment) Act 2013. It also examined the magnitude of damage of Boko Haram insurgents’ attack. The stability, peace and security of Nigeria and the world at large, is of paramount importance hence the urgent need for legislation on terrorism to prevent further heinous crime.

Terrorism, is an emerging trend in our jurisprudence. There is insufficiency of judicial authorities on this area in Nigeria, not much has been adjudicated upon to proffer ideas and opinions on it. There are two enactments in Nigeria in this area: the Terrorism Prevention Act (TPA) 2011 and Terrorism (Prevention) (Amendment) Act 2013. Referred to as Terrorism (Prevention) Act 2011(as amended) was enacted, to deter and deal with the upsurge of terrorism

break out in Nigeria. By the provision of section 4 (2) of the 1999 Constitution as amended the National Assembly is empowered to make laws for Nigeria or any part thereof. There are other laws in the Criminal Code^{xi}(in the South), and the Penal Code ^{xii} (in the North) and other statutes.^{xiii} All these laws provided for the punishment for criminal acts. Though Criminal Code and Penal Code do not have specific provisions for counter terrorism, both criminalize specific acts of violence such as rape, homicide, murder, riot etc.

THE MEANING OF ARMED CONFLICT WITHIN INTERNATIONAL HUMANITARIAN LAW

The meaning of armed conflict within international humanitarian law, armed conflict exist whenever recourse is had to armed force or belligerent occupation between states (international armed conflicts), or when prolonged armed violence occurs between governmental agencies and organized armed groups or between (non-international armed conflicts).^{xiv} Based on the concepts of jus in bello, armed conflict is defined as the law of war. This means that the laws involved are meant to be active in a situation of an armed conflict or during war. There are three types of conflicts that are recognized by international humanitarian law. Non international, internationalized and international armed conflicts respectively. International armed conflict is made clear by International Humanitarian law according to the Geneva convention of 1949, common article 2 states that all cases of declared war or of any armed conflict that may arise between two or more high contracting parties, even if the state of war is not recognized, the convention shall also apply to all cases of partial or total occupation of the territory of a high contracting party even if the said occupation meets with no armed resistance.^{xv} According to traditional doctrine, the notion of International Armed Conflicts IAC was thus limited to armed contests between states. During the diplomatic Conference which led to the adoption of the two Additional Protocols of 1977, this conception was challenged and it was finally recognized that ‘wars of national liberation’ as it is in the case of (IPOB) fighting to archive the state of Biafra, should also be considered international armed conflicts. So, international armed conflict refers to those wars involving two or more states and to armed conflict in which people are fighting for right to external self- determination. Africa examples in this regard included the various African wars of liberation and notably the conflict within the Democratic Republic of the Congo’s in 1998, which saw the intervention of armed forces

from Angola, Zimbabwe, Rwanda and Uganda. These interstate conflicts are regulated by an expansive array of international and regional legal instruments including four Geneva Conventions and Additional Protocol 1.^{xvi} Conversely, IHL does not apply to inter-state confrontations that fall short of armed conflict, or to internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and similar acts not amounting to armed conflicts. In the absence of an armed conflict, therefore, any difference between states and any question of individual protection must be resolved in accordance with the law applicable in peacetime. For example, nationals of one State who are detained in another State will be protected by human rights law and, depending on the circumstances, may enjoy the diplomatic and consular protection of their state of origin or benefit from protection under international refugee law. However, they will not be entitled to the status and protection afforded by the 1949 Geneva Convention, such as the right of prisoners of war or civilian internees to receive visits from the ICRC. Also, in situations not reaching the threshold of armed conflict, any use of force or other exercise of authority by State against groups and individuals within their jurisdiction remains governed by human rights law, and any violence or other harm caused by such groups and individuals remains a matter of law enforcement governed primarily by law. Although the existence of an armed conflict is an absolute prerequisite for the applicability of IHL as a whole, some of the duties it stipulates may apply already in peacetime, and certain of its protections may extend beyond the end of an armed conflict. For example, many weapons treaties ban not only the use, but also the production, development, stockpiling and sale of certain categories of weapons by individual States, and require them to subject the development or purchase of any weapon to legal scrutiny. States also have peacetime duties with respect to IHL training and dissemination and in relation to the investigation and prosecution of serious violations of IHL (war crimes). Moreover, persons deprived of their liberty for reasons related to an armed conflict remain protected by IHL until they have been released and repatriated or their status has otherwise been normalized, if necessary even years after the end of the conflict. Likewise, IHL remains applicable in territories that remain occupied after the cessation of active hostilities until a political solution for their status has been found.^{xvii}

LEGAL DIVIDE BETWEEN INTERNATIONAL AND INTERNAL ARMED CONFLICT

There exist legal divide between international and internal armed conflict in various jurisdictions. The 1949 Geneva Convention and the 1977 Protocols contain close to 600 articles of which only Article 3 common to the 1949 Geneva Conventions and the 28 articles of Additional Protocol II apply to internal conflicts. In addition, the law of The Hague addressing methods and means of combat and conduct of armies in the field is not applicable in internal armed conflict. A careful study of the Conventions and their Protocols shows that there exists significant range of differences between the two regimes. For instance, Common Article 3 covers only non-participants and persons who have laid down their arms, and does not regulate combat or protect civilians against the effect of hostilities. Common Article 3 also fails to define elaborate rules of distinction between military and civilian targets and makes no mention of the principle of proportionality and civilian targets selection. Although additional Protocol II does address the protection of civilian populations on indiscriminate attack, on methods and means of warfare causing unnecessary suffering and on damage to the natural environment that are applicable under Additional Protocol. Most clearly shown is the fact that Common Article 3 or Additional Protocol II do not contain any provision affording combatants prisoner of war status in non-international armed conflict, nor any provision relating to prevention of the prosecution of enemy combatants for taken up arms.^{xviii} While IHL regulates the conduct of hostilities and the protection of persons in situation of armed conflict, international human rights law protects the individual from abusive or arbitrary exercise of power by State authorities.

While there is considerable overlap between these bodies of law, there are also significant differences in scope of application. While the personal, material and territorial applicability of IHL essentially depends on the existence of a nexus with an armed conflict, the applicability of human rights protections depends on whether the individual concerned is within the “jurisdiction” of the state involved. During an international armed conflict, IHL applies not only in the territories of the belligerent States, but essentially wherever their armed forces meet, including the territory of third States, international airspace, the high seas, and even cyberspace. According to the prevailing interpretation, human rights law applies only where individual find themselves within territory controlled by a State, including occupied territories (territorial

jurisdiction), or where a State exercises effective control, most commonly physical custody; over individuals outside its territorial jurisdiction (personal jurisdiction).

Abdelrazik, Aboufianv. Minister of Foreign Affairs (Canada) and Ors. An Ottawa federal court judge ruled that the Canadian government violated Abousian Abdelrazik's constitutional right by denying him to return to Canada and instructed the government to deport Abdelrazik. Abdelrazik, a citizen of both Canada and Sudan, was arrested on his visit to see his sick mother in Sudan in 2003. In July 2006 Abdelrazik was officially confirmed by US Treasury Department for his relationship with al Qaeda^{xix}

More extensive interpretations of jurisdiction have been put forward that would extend human rights protections to any individual adversely affected by a State, but they remain controversial.^{xx} Humanitarian and IHL naturally have a role to play as well. A recent ICRC study shows that better compliance with IHL during armed conflict will help to prevent displacement and deaths. However, this is only part to ameliorating the prolonged conflicts.^{xxi} International Humanitarian Law treaties differentiates between two types of armed conflicts, which are international and non-international armed conflicts. International armed conflicts is between two or more States while non-international armed conflicts is between States and non-governmental armed groups, or between such groups only. This dichotomy between both armed conflicts is a result of political history rather than military necessity or humanitarian need.

Over the years, Independent States have regulated their relations in both peace and war through treaties and custom, a tradition based on mutual recognition of national sovereignty and international legal personality. Conversely, Government has long been reluctant to subject their efforts to maintain law and order and public security within their territorial borders to the purview of international law. The incorporation of the concept of non-international armed conflict in common Article 3 therefore constituted a landmark in the development and codification of IHL. From that moment on organized groups were considered parties to an armed conflict with their own obligations under international law, irrespective of any formal recognition of belligerency by the opposing State. At the same time, the contracting States emphasized that the provisions of common Article 3 shall not affect the legal status of the Parties to the conflict. In other words, treaty recognition of organized armed groups as belligerent parties under international law. This historical background has shaped the current body of treaty IHL, which is, as a result, much more extensive for international than for non-

international armed conflicts, even though the humanitarian and military rationales are essentially the same for both types of conflict.

Despite the visible semblance, however, there are decisive differences between international and non-international armed conflicts, and this makes it indispensable to maintain the distinction between both. The most relevant difference concerns the threshold of violence required for a situation to be deemed an armed conflict. Given that *jus ad bellum* imposes a general prohibition on the use of force between states, any such use can be legitimately presumed to express belligerent intent and to create a situation of international armed conflict, which must be governed by International Humanitarian Law. For the purpose of law enforcement, states are entitled to apply force within their own territory against armed individual groups that remains a matter of national criminal law. As a consequence, the threshold of violence required triggering a non-international armed conflict and thereby, the applicability of International Humanitarian Law is significantly higher than for an international armed conflict.

Another important reason for maintaining the distinction between international and non-international armed conflict is the position taken by many States that equating the two types of armed conflict could be perceived as providing armed opposition groups with international status and might therefore undermine State sovereignty and encourage rebellion. It is important to note that, in terms of legal concept, the categories of international and of non-international armed conflict are absolutely complementary in that they cover all conceivable situations triggering the applicability of IHL. Legally speaking, no other type of armed conflict exists. As will be shown, this does not preclude the two types of armed conflict from coexisting, or a situation from evolving from one type of armed conflict into another.^{xxii}

THE LEGAL STATUS OF TERRORIST GROUPS UNDER INTERNATIONAL HUMANITARIAN LAW

In the fight against terrorism, some critics believes that no use of force against terrorist groups is legal unless resorted to in self-defense and sufficient evidence is required to arrest them for an alleged violation of law. Captured terrorists may decides to be silence and request for legal service of a lawyer, this may prevent questioning in regard to future terrorist activities. The laws applicable to armed conflicts may have a bearing on a wide range of issues involving

counter terrorism measures but such application has always been characterized as controversial on account of the nature of menace and relevance of such military laws applied against the outlaws. Their critics have serious concerns about ability, quality and capacity of the available laws in this context. The laws-of-war “jus in bello” mainly aim at protecting against civilian casualties, banning use of certain weapons, granting rights on prisoners of war (POWs), securing those who are wounded and sick, according respect to the peace keeping and humanitarian personnel, and protecting victims of the war who have no involvement in military operations. These principles of International Humanitarian law are sometimes taken into cognizance for those who are indicted of terrorism. Some critics is of the opinion that such armed conflicts by the terrorists are only a social challenge like drugs and likely to be addressed by similar legal rules.

The application of IHL is not confined to wars between the states but it applies to various situations. Common Article 1 of the Geneva Convention 1949 provides that the parties “undertake to respect and ensure respect for the present convention in all circumstances. Article 2 defines the scope and specifies that the convention “applies to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one of them”. Hence, it becomes abundantly clear that a formal declaration of war is not a pre-requisite for the application of the principles embodied in the Convention. Article 3 calls for applying minimum provision in armed conflict of non- international character under the doctrine of proportionality. The right to use force (jus ad bellum) is distinguishable from the law governing the way such force is used (jus in bello). The fight against terrorists usually have moral distinction from those caused by the adversaries; and obedience to “jus in bello” would go a long way to reinforce such moral distinction. We also must not lose sight of the rule of proportionality in comparison with the grievance, through informal linkage of “jus ad bellum” and “jus in bello” for there can be no moral justification in a military operation, of killing as many people as was the toll of casualties in an act of terrorism.

Boko Haram

This group believes that northern politics has been taken over by corrupt false Muslims and they want to declare war against politicians and the federal government of Nigeria thereafter, create a purely Islamic state without the likes of the present set of politicians. The state shall be governed by solely sharia laws. In their quest to achieve this objective, they have joined

force with their brethren in other countries to fight the enemies of Islam. Boko Haram have affiliate terrorist groups in countries like Mali, Central African Republic, Algeria and Lybia.^{xxiii} They claim that for years, Moslems across the world has been victimized and that it continues to this day in countries like Thailand, Burma, and places where Muslims are in the minority. Buddhists have been waging wars against Muslims for years.^{xxiv} These are the motivating factors that painted a picture of a people fighting for self-preservation. According to British Broadcasting Corporation Boko Haram version of Islam forbidden Muslims from taking in any social or political activity related to western society. Which includes wearing shirts and trousers, voting in an election or receiving a western education. It is pertinent to note that the same sect uses the technology created by western education to prosecute their war. The telephones, guns, vehicles e.t.c are all products of western education. Boko Haram sees the Nigerian state as being managed by non-believers, taking no regard of whether the president is Muslim or not and it has its military agenda by targeting neighboring states.

In the cause of Boko-Haram terrorist activities, there is a word *maghreb*, this word commands a far deeper meaning than non-Muslims understand it to be. Maghreb is a word often used to describe Muslims who fight for Allah or struggle in the path of Allah in Africa. In a nutshell, Maghreb means people involved in a jihad or fighting the holy war in the northwest of Africa, west of Egypt, as outlined by the holy prophet Muhammad. In a sense, Maghreb is in a way synonymous with Mujahideen. In Arabic, Mujahideen also means jihad and a struggle. After 9/11, Mujahideen became associated with radicalism and extremism in Islam, which in a sense is not so far from the meaning of the traditional definition of Maghreb in the region including the Atlas Mountains, and the coast of Morocco, Algeria, Tunisia and Libya at the outset of the formation of the Arab Maghreb Union in 1989. Every Islamic militant in Africa, Asia, Middle East, and everywhere, is involved in the struggle to free Muslims from persecution and injustice of the west. There is hardly any al-Qaeda operative who is not involved in Mujahideen, and who is not in the Maghreb. Though security agents in the western world linked Boko-Haram to al-Qaeda in the Islamic Maghreb, there was no evidence of such links. Though there were reports of Boko-Haram members training with al-Qaeda members in Mali and Yemen, there was no known link that Boko-Haram was affiliated with al-Qaeda.^{xxv}

Independent People of Biafra

The Biafra war, can easily be tagged a war of attrition, an act used by the late lieutenant Colonel Odumegwu Ojukwu the Ikemba 1 of Nnewi. Led dissidents to weaken or attack the

infrastructures and federation of Nigeria under the leadership of the then head of state General Yakubu Gowon. Following the discovery of oil in the eastern region of Nigeria. The Nigerian civil war lasted for about three years which started from 1967 to 1970. The war was seen as a political conflict rather than a war of attrition. The attempted secession of the southeastern province as is then was by the Ojukwu led dissident who have proclaimed themselves as a separate country that they had aptly named the Republic of Biafra in order to have access to the oil in the Niger Delta which was in the southeastern province.^{xxvi}

Nigerian-British Nnamdi Kanu created the Indigenous People of Biafra (IPOB) group, a more radical breakaway faction from Movement for the Actualization of the sovereign State of Biafra (MASSOB) in order to continue with this agitation. Although the group existed before Muhammadu Buhari became president in 2015, its agitation took on an aggressive dimension a few months after the new government was inaugurated. The broadcast of Kanu from Radio Biafra from London gained acceptance especially among Igbo extraction of Nigeria. Which was not same like MASSOB. Kanu was seen seeking arms from video footage at the world Igbo conference in United States this suggest that his group IPOB is a violent one. He claimed that the only language the Nigerian government respond to is war, and that he was going to regroup and surprise Nigerians. Kanu was arrested for treason in October 2015. He was granted bail in April 2017 on health grounds, on condition that he would not engage the public on matters related to Biafran independence.^{xxvii} The Nigerian forces was accused of killing over 150 pro-Biafra activists while he was in detention.^{xxviii} Kanu violated his bail conditions after his release and refused to stop his verbal war against the Federal Government of Nigeria, and his group was accused of harassment in some south-east states. In reaction, some northern youth groups declared “war” against all Igbos residing in the north, demanding they leave the area within three months; until he was finally arrested in Kenya and brought back to Nigeria where he is currently facing trial for treasonable felony. The youths were pressured by the northern elders to withdraw the threat, while the Nigerian army deployed Operation Python Dance II,^{xxix} to the south-east states to control the security situation in that region. His home invaded and shot and arrested some IPOB members in the cause of attack. The whereabouts of Kanu and his parents were about during and after the operations was kept out the public knowledge until he reappeared in 2018. The activities of IPOB was equally banned by the south east governors.^{xxx} The group was finally proscribed by the then President Muhammadu Buhari. For terrorist activities and running a parallel government^{xxxi} The Attorney-General of the federation and Minister of Justice, Abubakar Malami, filed an *ex parte* motion, asking the court

to ban the activities of IPOB and declare it a terrorist organization. The Federal High Court granted the motion and consequently ordered the proscription of the group.^{xxxii} The group was finally proscribed by the government for terrorist activities and running a parallel government. On the 13th of October, 2022 at the Federal Capital Territory, the appeal court upheld the appeal of the detained leader of the proscribed Indigenous People of Biafra, Nnamdi Kanu. Then he was discharged and acquitted. Kanu appeal was dated April 29 and marked CA/ABJ/CR/625/2022 applied to be discharged and acquitted. However, the Court of Appeal on Thursday declared as illegal and unlawful, the abduction Kanu from Kenya to Nigeria and quashed terrorism charges brought against him the Appellate Court in his judgment held that his abduction was unlawful that he should be discharged.^{xxxiii}

Herdsman

Herdsman attack and its effects on the socio-economic and national development in Nigeria cannot be over emphasized. The activities of this group have caused loss of lives, properties and created the sense of fear, loss of hope and insecurity among the Nigerian populace most especially the farming communities in various parts of Nigeria. The national economy is already being affected. It is obvious that the economic impact of the herdsman attacks would be more felt in a crude mono-cultural low-income economies than they would be felt in highly industrialized, diversified advanced, economies. The activities of herdsman in the country, if not checked, may result in greater loss of investors' confidence in the country and resulting in low inflow of foreign direct investment (FDI), and would discourage industrial investors to seek for more stable economies to invest their money. Already, Nigeria is losing investment to her neighboring countries like Ghana, Niger Republic and others. Insecurity hinders investment, hence every country that possesses an environment of insecurity naturally discourages investment initiatives both locally and internationally. The threat of herdsman to the economic, social and political security of a nation is a major reason associated with underdevelopment; because no investment can thrive in an atmosphere of insecurity.^{xxxiv}

In as much as the security challenge of Nigeria can be said to be centered around these three groups namely, Boko-Haram, IPOB and Herdsman, there are others groups whose activities supports the escalation of the above three named groups. These other groups, lately has showed by their activities that if urgent attention is not taken by the government to curtail them, it might become another muster that the country have to contend with in the nearest future.

These other groups are kidnapping, human trafficking amongst others. The significant impact of kidnapping and other associated crimes is becoming worrisome and threatening not only to Nigerians but to the international community. In the various states of Nigeria, we have law banning open grazing the good people of Nigeria should be made to know why the herdsmen are still trespassing and destroying farmers crops, women going to farms are vulnerable the government needs to act by executing the enabling laws.^{xxxv} This has heightened the fear of international investors; thereby threatening the foundation of economic development of the country. This trend, is creating unfriendly environment for economic development.

Kidnapping

The kidnapping of all manner of persons has gained ascendancy in Nigeria. A malady previously alien to the people has rapidly become domesticated. In the last ten years, the volatile oil rich regions of the Niger Delta witnessed this phenomenon on a large scale with the target being mostly expatriates and Nigerians in the oil industry. It is pertinent to note here that the first case of kidnapping incident in Nigeria took place in Niger-Delta. It has spread throughout the country extending to places as far as Kano and Kaduna in the far Northern part of Nigeria. South-East and South-South Nigeria have become known as the kidnappers' hubs of Nigeria. Kidnapping seems easier and more lucrative compared to other forms of serious crimes. Some whistle blowers have come to grief for confiding in them. The primary role of government is the provision of security for its own people. In Nigeria this role has been largely ignored. The Nigerian state no longer provides security for the Nigerian people. Nigerians have compulsorily become religious as whole families barricade themselves at night in prison-high walls and pray for God protection. But kidnapping as a variant of armed robbery is infinitely more disturbing as it often occurs in the open among persons going about their normal business. The widening scale of insecurity in Nigeria is a cause for concern as all are affected by it. Churches, mosques, markets, schools, homes and the highway, all are susceptible to this menace. The abductees and their families are badly affected by the ordeal of kidnapping. Kidnapping and hostage taking have spread from the Niger Delta creeks where it all started to the mainland. The monster has spread and taken deep root in the South-East where thousands of able bodied but unemployed youths abound

The current security challenge in the country is better understood against existing evidence that even government officials and traditional rulers are not spared. Kidnappings are targeted at the executive, legislative, and the judicial branch of the government, and also their family members

in spite of the tight security at their disposal. This has led to some of these officials relocating their families outside the geopolitical zone or outside the country, thereby leaving the civilian population at the mercy of the marauding gangs.

In Nigeria, Kidnapping has now become a common word both in public and private discuss going by its prevalence in the country. A lot of times herdsmen comes from neighboring African countries of Mali and Togo to kill those suspected of giving information to the police. At night, in a village near Maiduguri and slaughtered the inhabitants at night. They carried out this act on behalf of the Boko-Haram sect.^{xxxvi} Literarily, the word, which has become notorious, unpleasant and nauseating in the ears of virtually everyone. But the motive may vary from country to country. Since 1673 the unfriendly world has been used to the practice of stealing of children for use as servants or laborers in the American colonies. So it has come to mean any illegal capture or detention of a person or people against their will, regardless of age. The kidnapers, engage in the criminality for several reasons ranging from idleness, unemployment, rituals, vengeance, political reasons and monetary gains The first incident of kidnapping in Nigeria started 2006 when the militants of the Niger Delta took total expatriate staff hostage to protest the imbalance in the region. That the cash cow for the whole country is not well compensated in the Nigeria political and economic equation. The action further degenerated to from the kidnapping of government officials, expatriates to men of God and their children, Nigerian politicians and their children, religious leaders and the elites in the society. We have major kidnapping incidents in Nigeria with effect that will remain indelible in our body polity. Chibok schoolgirls kidnapping is an unforgettable incident which shook Nigeria and the world where over 200 schoolgirls from the Government Girls Secondary School in Chibok, Borno State on April 14, 2014 were abducted? Till date, Leah Sharibu, is yet to be set free by the terrorists because she refused to deny her faith and convert to Islam. University of Maduguri lecturers' kidnap, the lecturers of University of Maiduguri, Borno State were kidnapped in July 2017. As at today the list of kidnap cases are too numerous to mention. Kidnapping has multi- casual connotations, among these causal variables; corruption is salient in the reasons and explanation of ineffective security. There are many types of kidnapping and reason behind them, such as being politically or financially motivated the latter can be referred to as express kidnapping. Human trafficking is another dangerous trend that has grown to an unimaginable state in our country. There have been cases of boat capsizing in the high sea carry immigrants travelling to Europe looking for economic opportunities that did not exist in their countries, by taking the risk of travelling in an unsafe waters and methods of transportation.

For human traffickers who undertake these dangerous journeys, profits become their consideration with total negligence for human lives. For a lot of them, death at sea was a whole lot better than facing the humiliation of failure at home.^{xxxvii}

THE NEW FACE OF ARMED CONFLICT IN NIGERIA

Armed conflicts in Nigeria have assumed a worrisome dimension. Findings have showed that these conflicts have religious, political, ethnic, social and economic triggers. The reasons responsible are intolerance, extremism, religious fanaticism, destructive and obstructive methods of worship, derogatory preaching and unfair government patronage of particular religions and marginalization of others, sensationalism in media reportage, illiteracy, unemployment, ethnicity, nepotism, bigotry and armament. The socio-ecological consequences of violent conflicts in Nigeria, has brought untold hardship, lack of peace and order and living in a badly deteriorated environment.^{xxxviii}

Nigeria has been bedeviled with different kinds of violent conflicts, ranging from intra-ethnic to inter-ethnic, intra-religious to inter-religious conflicts and so on, with devastating human and material losses. A closer look at instances of conflicts in Nigeria will refute the insinuations that it is an exaggeration to say that Nigeria has become a battle field where ethnic, political, economic, religious and social crises are staged. The terrorist at some point had to use most residents as human shields against French airstrikes, and it worked the French were mostly concerned with not taking innocent lives, which is in order with IHL rules. The terrorist didn't care. From their point of view, the burden of those human casualties is on the French government.^{xxxix} Some of these conflicts come in an unexpected dimension in terms of its impact on the people and their environment. Huge numbers of the country's citizens have been killed, already bad condition of living has been exacerbated and parts of the ecosystem have also suffered indelible damage as a result of these crises.

Presently, Nigeria is experiencing shortage of food stuff as a result of the armed conflict. The farmers can no longer go to their farms and majority of the farmers are presently leaving as refugees in Internally Displaced Camps (IDP). An increasing level of bloody skirmishes and fierce confrontations witnessed in Nigeria clearly show that the state of insecurity in the Nigeria body polity has assumed a frightening dimension. As a matter of fact, the sad revelation of religious wars, political violence and terrorism in Nigeria is becoming next to none as it keeps increasing in magnitude and intensity by the day. It appears lives and properties have now

become valueless and can be continually used to fuel the terrible fire of religious, ethnic, political, economic and social intolerance, bigotry, fear and animosity. In short, it has become a tool used by every opposition party to discredit the re-election of the ruling party in every election in order to weep up the sentiments of voters. For instance, the cycle of violence being unleashed by religious fundamentalists in Northern Nigeria have a lot of adverse effects on the nation. Wishing conflict and its devastating consequences away, pretending it is not there or treating it with kid gloves is tantamount to sitting on a time bomb.

Lately, in the Nigeria seat of power Abuja. There has been apprehension among the citizens leaving in federal capital territory and other parts of the country as a result of attacks from the Islamist and other armed groups. In the past ten years, Nigeria has been enmesh in conflict with Boko Haram in the Northeast region and its defected factions which includes the Islamic State West Africa Province (ISWAP). Their mode of operation is to kidnap and kill in their ambition to overthrow the government and install an Islamic state. Years of conflict between farming communities and nomadic herders in the northwest have given rise to a rapid increase of strong criminal gangs with polished weaponry that terrorize communities and kidnap people, even school children are not left out.

In the south east, we have the Indigenous Peoples of Biafra (IPOB) they on their part has destroyed Independent Electoral Commission offices across the region including other government establishment and some other high-profile individuals holding top political offices in the country. Lots of lives have also been lost due to their activities. In the five states of the south east, every Monday is observed as seat at home as instructed by (IPOB). Punch Sunday, July 5th 2022, armed men attacked a maximum security prison in Kuje, a community within the federal district, about 40 kilometers from Abuja.^{x1} During the attack, for which the Islamic State West Africa Province claimed responsibility, more than 60 Boko Haram suspects and about 900 inmates were released.

The security forces, still remain poorly equipped in spite of the enormous budgetary allocations to the country's security agencies.^{xii}

CURBING TERRORISM IN THE CONTEXT OF ARMED CONFLICT IN NIGERIA

These will be discussed under the following heads.

International Humanitarian Law Measures

In the past five millennia, thousands of wars have been fought and lost. These inevitably have led to many serious instances of crime against humanity for which few or no person has been held liable. The inhumanity of man to man and the propensity to oppress and suppress his fellow being is, as a result, elevated to a status which is totally unacceptable.^{xliii} This year marks the twenty second anniversary of the attacks of September 11, 2001. Terrorist acts is prohibited by international Humanitarian law. As a humanitarian actor, and as guardian of IHL, the International Committee of the Red Cross (ICRC) discourages such acts, regardless of their perpetrators, and supports the need for States to ascertain and ensure the security of their people. However, if not adopted and executed with utmost care, such measures can have ineffective outcomes on persons most in need of humanitarian protection and help in armed conflicts. The classification of persons as "foreign terrorist fighters," or by the acts they may have committed, may be used as a justification for the non-compliance with the legal protections they are entitled to under international law. Notably, International Humanitarian Law ensures that neutral organizations, such as the International Committee of the Red Cross, are given access to these individuals, in order to assist detaining authorities for better treatment of detainees as humanely as possible in conformity with applicable international law and standards.^{xliii}

Regional Measures

The inclusion of a crime of terrorism in the Malabo Protocol was the culmination of over two decades of African regional counter-terrorism cooperation that began in 1992. It was in the early 1990s, many African states viewed terrorism as restrictive colonial state violence against African citizens of western powers, during the decolonization wars from the 1950s to the 1980s. By contrast, attacks relating to national liberation or self-determination was seen as justifiable or permissible, even where terror modes were used, and western labeling of liberation movements as 'terrorists' was out rightly rejected^{xliiv}. The 1990s ushered a change in African government behavior toward the fight against terrorism, occasioning the rise of Islamist extremists threatening various states in North and West Africa. Accordingly, in 1992, for the first time, the OAU called for stronger cooperation and coordination among African states to counter extremism and terrorism that has been ravaging the region, to prevent hostile activities against other states, and to stop supporting violence against the territorial integrity and stability of other states in the continent.^{xliv}

Local Measures

Security of lives and properties has been considered as fundamental responsibility of government. The attack on Nigerian populace by the Islamist group called 'Boko Haram' and other armed conflict groups, has threatened the security of the country. In the ruling held that the counter-affidavit filed against the government application by Mr Kanu's legal team led by Mike Ozekhome was misleading. The court adjournment of the hearing of the application to halt Mr Kanu's release from detention after striking out a seven-count charge pending before the Federal High Court in Abuja. In his submission, the federal government's lawyer, David Kaswe, argued that the application for a stay of execution of the judgment was based on national security.^{xlvi}

Nigeria has taken some measures by deploying troops to the affected areas, joint task force by the neighboring countries, declaration of state of emergency and encouragement of public and media to provide intelligence support. Also, the government has relocated some schools from their isolated locations to safer places. The boarding school system has been closed down in some areas. The government has also recommended cutting off of the sources of contact and food supplies to Boko Haram. Prior to September, 11 2001 terrorist attack on United States, terrorism was of minor concern to government, policy makers and academia. The major concern of policy makers during the period bordered on issues like illicit drug abuse, religious and ethnic crises, nuclear proliferation, civil war, etc. However, the past few decades have witnessed terrorist activities in almost all parts of the world and therefore huge resources are invested at both the domestic and international arena to curb terrorism in all over the globe.^{xlvii}

In order to effectively fight the menace of terrorism in Nigeria, the Terrorism (Prevention) Act of 2011 was passed which was later amended in 2013 as Terrorism (Provision) (Amendment) Act of 2013. The Act gives an all-encompassing definition of terrorism. Importantly, the Act sees terrorism as an act which is intentionally done with malice, and which may harm or destroy a country or an international organization or intended or can practically be regarded as having been intended to excessively compel a government or international organization to perform or abstain from any act.^{xlviii}

The Role of Non-Governmental Organizations

Terrorism has been declared as a global mischief that is be devilling the North-Eastern part of Nigeria. It has been one of the major threats to security of live and property own to Nigerian

Government and its citizens, as entrenched in the 1999 constitution. NGOs are intervening actively in securing the lives and property of people affected by terrorism disaster in the North-Eastern part of Nigeria. In recent years, the NGOs are working basically to provide much succor to the Internally Displaced Persons (IDPs) as a result of over Eight (8) years of massacre by the terrorists. The partnership between the Nigerian security agencies and the NGOs especially in Maiduguri where civilian JTF are operating very actively to assist the army in pushing out the terrorist from their strong holds. Similar gesture was extended in other places like Bauchi, Yobe and Gombe states where Red Cross and other NGOs have been very effective and coordinated in the fight against terrorism and other anti-social vices. Both NGOs and security personnel are playing different role by policy implication but complementary roles in managing the acts of terror against the citizens.

The problem of a vast country like Nigeria with huge population of over 200 million as the largest country in Africa has a problem of unemployment, poverty and illiteracy as the biggest problems, the government cannot put up a fight against substance abuse of its citizens alone. It is at this juncture that the roles of NGOs become valid. The major role of any NGO is to assist the government to combat the social evil like terrorism and its endeavor to work for social improvement. NGOs were intended to complement or fill a gap in government services, but in countries like Nigeria, NGOs are gaining a powerful stronghold in improving the standard of living. In Nigeria today, terrorist exploded bomb on innocent people, the NGOs who are there to assist the victims will also lose their members to soft-target

Nigeria like many other nations of the world, have risen against act of terror, based on the overriding motivation of securing national security, the Nigerian military has been instrumental in this regard. Whenever terrorist attacks in any part of the country, it becomes a challenge not only to the immediate environment affected, but the whole country comes under its choking grips. That sprouts humanitarian crisis of fighting dimension as evident in thousands of internally displaced persons (IDPs) trooping into safer abodes, deaths of women and children as well as creates food crisis where only NGOs will be available to cater for the need of the victims. In Maiduguri, NGOs are playing a vital role to assist the army in pushing out the terrorists from their strongholds. Similar gesture was extended in other places like Bauchi, Yobe and Gombe states where Red Cross and other NGOs have been very effective and coordinated in the fight against terrorism and other anti-social vices. The NGOs are moving day and night on the street in towns and villages to secure the land, while majority of citizens are doing nothing to contribute in any way to secure the land.^{xlix}

The Role of Civil Society Organizations

Civil Society around the world formed a strong alliance and partner with one another to share ideas and expertise in order to address their focal problems. CSOs working in anti-terrorism areas, usually partner with their counterpart around the world through several programs and anti-terror activities so as to have a robust approach of countering terrorism.

In Nigeria the Network of Women Activists against Violent Extremism affiliated to the International Civil Society.¹ Action Network are successful in campaigning massively for the rescue of abducted Chibok girls as well as rehabilitating them. However, in the areas of countering violent extremism, Nigerian CSOs participated in the network (“Partnership Against Violent Extremism”, PAVE) consisting of CSOs and government representatives on a common agenda for peace and security. In Tunisia Civil Societies, government and International Organizations come together to organize seminar with sole aim of ironing out issues on how to assist the victims of terrorism. In Nigeria, Conciliation Resources has been working with local partner organizations The Kukah Centre, Borno Coalition for Democracy and Progress in Borno State and Hope Interactive in Yobe State to ensure a peaceful and diplomatic ways of putting an end of the nagging terrorist incidents in the north eastern Nigeria. They have carried out several approaches that include researches that give recommendation on how to ensure peace and unity in the region through negotiation, reintegration, rehabilitation or humanitarian interventions. Which can be a range of programs that deal with the process of reinserting demobilized and rehabilitated violent extremist groups, victims and affected communities back to society. If this kind of framework if transparently implemented it will go a long way in bringing peace to the trouble spots in the Northeast region of Nigeria. The organization offers several assistants that help in taken some remarkable action against terror in the region.

In Nigeria several CSOs work in alliance with others on conflict resolution, countering violent extremism (CVE), de-radicalization, education, inter-religious dialogue, as well as social and economic development. Deducing from all we have discussed from the first page of this article; we can conclude that in the contemporary world Civil Society Organizations have become a giant instrument of not only societal development but also societal peace and unity.

They drew experts from the first sector (government) and the second sector (companies) to form a formidable force with sole aim of intervening in rectifying or assist in solving some set albeit vital issues affecting societies that both first two sectors could not resolve. One of these issues is terrorism which in almost all the countries affected by it have numerous CSOs that

are working effectively to see to its end.^{lii} Terrorism and violent extremism are severe and evolving threats to international peace, security, human rights, and sustainable development, inflicting unimaginable suffering on victims, families, and communities. While the magnitude and complexity of the challenges facing States and others in their efforts to combat terrorism can be significant, ensuring that all national counter-terrorism is law-based and respects human rights norms is essential to uphold the credibility and legitimacy of public authorities and to prevent further radicalization to violence. The Terrorism Prevention Branch (TPB) of the United Nations Office on Drugs and Crime (UNODC) supports Member States to prevent and counter terrorism through inclusive strategies, policies, and legal means, with a focus on the safety and protection of people. In support of the UN Secretary General's Common Agenda, is to promote and strengthened social contract between Governments and their people anchored in human rights, and supporting core principles such as solidarity, accountability and equality. We apply these core principles through our commitment to leave no one behind, and aiming to reduce inequalities that make people more vulnerable to terrorism and its effects.^{lii} Current counter-terrorism structure enables restrictive national measures against lawful non-violent activities of civil society and the targeting of “undesirable” individuals within civil society. National legal provisions that restrict rights that are key to civil society: freedom of expression and opinion, freedom of association, freedom of assembly, and freedom of religion. Limiting civil society access to financial services, refusal to open or arbitrary closure of bank accounts, inordinate delays or termination of transactions, and onerous administrative requirements. Existence of these measures and their use against some civil society actors is sufficient to silence those who are targeted and send a message to all other civil society actors that they too are at risk, creating a chilling effect on civil society space.^{liii} Criminalization and repression of civil society must be urgently addressed as a misuse of law and an abuse of the rule of law by States. Civil society must be engaged in developing all Security Council resolutions on counter-terrorism and advising on the possible adverse impact of proposed measures. The UN Security Council should expressly clarify that humanitarian protection and assistance must never be conceptualized as support to terrorism. Civil society must creatively raise awareness on the crisis it faces resulting from the current global security frameworks.^{liiv} Civil society is best understood as a diverse body of civil actors, communities, and formal or informal associations with a wide range of roles, who engage in public life seeking to advance shared values and objectives. Civil society plays a crucial role in a whole-of-society approach to preventing and countering violent extremism and

radicalization that lead to terrorism. Civil society actors are often well positioned, credible and experienced in working with specific groups to help identify and address the grievances that make individuals more vulnerable to the influence of violent extremist groups. Youth, women and community leaders are key civil society actors in due to their influence and ability to foster social change. Other stakeholders such as the media, law enforcement, educators, researchers and the private sector can also make significant contributions to preventing terrorism. Civil society groups and actors, in South-Eastern Europe and elsewhere, face significant challenges in developing and implementing impactful programmes to include: navigating political and legal restrictions; ensuring participation in government-level policy and strategy development; securing adequate and sustainable funding; building internal capacity; ensuring personal safety; and establishing effective partnerships with government actors.

There are a number of practical steps that can help support and advance efforts by government actors in developing productive non-instrumentalized relationships with civil society organizations (CSOs). They include establishing flexible multi-agency co-ordination mechanisms and codifying partnerships between government and non-government actors by delineating roles and responsibilities. The capacity of CSOs can be strengthened by sharing good practices in programming, identifying and supporting lesser known but credible groups, establishing regional networks and platforms for collaboration.^{lv}

Civil society can play a significant role in assisting states in creating awareness of the threat and the impact of an attack on local communities, and in encouraging public support for government action to address it, which is an important part of any successful long-term strategy. Terrorism is obviously the state of extreme in human conflict that occurs when the violence enters in the matter. The terrorism is the result of failure in conflict resolution which can occur anywhere in the world. It is the crucial social problem of the society as well. Generally civil society in order to preventing and reducing of terrorism plays the following roles. Counselling and Educational, Community Services, Sponsorship and Research.^{lvi} Civil society organizations can play a momentous counselling and educational role.

COUNTER TERRORISM AND THE ROLE OF NIGERIAN SECURITY AGENCIES

Terrorism continues to pose a major threat to international peace and security and undermines the core values of the United Nations. Since 2009, In April 2018, UNODC launched the Phase III, Support for Criminal Justice Responses to Terrorism and Violent Extremism to support Nigeria to prevent and counter terrorism through human rights-compliant criminal of the European Union funded partnership.^{lvii} The Nigerian government has responded to the Boko Haram menace. However, despite government's response, the sect has continued to unleash its terror. This questions the potency and adequacy of these strategies in ensuring lasting defeat over terrorist acts in Nigeria. Inter-agency cooperation in combating terrorism in Nigeria has become necessary in recent years; terrorism has become one of the most dangerous threats to world order. In its effects, and sometimes in its causes, terrorism is comparable to more traditional forms of war. It destabilizes governments, preys on innocent victims, and taps vast monetary and human resources. Yet unlike war, terrorism is covert. It is a non-conventional and an undeclared warfare. Nigerians both at home and abroad witnessed the fulfillment of this prophesy on October 1, 2010 with the two bomb blasts that rocked Abuja during the 50th Independence Day celebrations. These terrorist attacks have generated a lot of tension and controversy in the Nigerian polity. From the experiences of other countries that have witnessed terrorist attacks, it is evident that terrorist acts are not only deadly but also can occur at anytime, anywhere. Continuous approach is required among the security units of Nigeria's military and paramilitary services to fight terrorism how state security agencies can prevent its occurrence in Nigeria. The nature of non-state terrorism

Terrorism is a difficult human phenomenon. Because of the complex nature of terrorist organizations, it is not easy to totally comprehend their methods of operation. Even the belief and specific goals of terrorist groups are often vague, and their dogmas are constantly romanticized blends of past ideologies. They differ in their compliance to various forms of nationalism, fascism anarchism, fascism and separatism. They are well-organized groups with robust financial and technological resources. Members of terrorist groups usually are engaged in bank robbery, forgery, kidnapping for ransom or hostage-taking and other illegal activities to bring in massive incomes. The leaderships of terrorist organizations are usually well educated and young, with middle-class background. Their recruits are also from same or similar background. They see themselves as catalysts, worthless in themselves, through which social

change can be wrought. This is the more reason they can engage themselves in suicide bombings. Most terrorist attacks are usually innocent people. In Nigeria, those who suffer as a result of terrorist's acts can be grouped in two groups. The first are random victims, people who find themselves in the wrong place at the wrong time. Bombings, hijackings and the spontaneous seizing of hostages victimize whoever happens to be available. Other members of society are intimidated by the very casualness of this type of terror and with the hope of the terrorists that those not affected would pressure their governments to meet the demands of the terrorists. The other category of victims includes individuals who are singled out because of their prominence in the society. These victims, too, become dehumanized symbols. They include politicians, business people, celebrities, sportspeople, notable scholars and journalists. Terrorists see these groups of people as responsible for the wrongs of society and who must be made to pay ransom either by their government or close relatives. Scholars have also identified another type of terrorism. It is called state terrorism which was mentioned earlier. Under the pretense of fostering political stability and social order. Dictators (whether military or civilian) across the globe have been known to deploy the state's military and paramilitary forces to inflict violence on perceived dissident groups and individuals within or outside their territories. From Europe, and the Americas to Asia and Africa, use of violence to terrorize political opponents and maintain grip on power has been widespread. Government-backed death squads are rampant in some Third-World countries where opposition leaders disappear and are never seen again. Torture and imprisonment without just cause are also common tools of state terrorism. While the victims of other forms of terrorism may hope to be rescued by government, security or police forces, the victims of state terrorism have no such expectations. Combating terrorism in Nigeria through cooperative efforts. Directorate of Counter Terrorism – All the security operatives in the civil, military and paramilitary establishments of the Nigerian State should be organized into a single directorate headed by a director-general who will be responsible only to the Head of State and Commander-in-Chief of the Armed Forces. This must be given priority legislation by the National Assembly.

There is the need for stricter control and supervision of the purchase and importation of firearms into the country. The National Assembly is called upon to enact the necessary legislation. The Federal and State Government functionaries should be provided with sophisticated information-gathering equipment that would enable them to detect terrorist activities early and nip them in the bud. Personnel Training – Since modern terrorism has increasingly become sophisticated due to improved information and communication

technology in terms of internet services and electronic banking techniques, there is urgent need to train and retrain our security personnel in these areas of socio-economic endeavors. Conflict Management Techniques – Terrorist attacks are manifestations of deep-seated conflicts in the society. The conflicts may be economic, political or socio-cultural. Understanding the nature of these conflicts and how to manage them to prevent violence is the surest way to combat terrorism.

Consequently, security personnel must be knowledgeable in conflict management techniques such as bargaining, negotiation, conciliation, mediation and arbitration. Global Networking This approach will assist in no small measure in the prevention and control of terrorism. Abolition of Terrorism – Often times, some forms of terrorism particularly those perpetrated outside the established system are reactions to perceived injustice, marginalization and oppression by government functionaries. The security operatives should be encouraged to observe and enforce the fundamental human rights of the Nigerian citizenry as enshrined in the 1999 Constitution. Included in these rights are the freedoms of association, speech, expression, religion, etc. Intensification of War Against Corruption, Massive embezzlement of public funds by state elite has conspicuously generated mass poverty, unemployment, hunger and disease among a significant proportion of our population. This condition is a fertile soil for terrorist activities. To this end, Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices and Other Related Crimes Commission (ICPC), State Security Service (SSS), the Nigeria Police Force (NPF) and other law enforcement agencies must wake up to the enormous challenges posed by official corruption in the country.

It is evident from the foregoing that terrorism is a violent social phenomenon that can occur anytime and anywhere in the world. It involves bombing, shooting, bank robbery, kidnapping, hostage-taking and other violent activities that have resulted in the loss of lives and properties. The security services while providing the needed inter-agency cooperation in combating terrorism in Nigeria.^{lviii} The Boko Haram extremism attacks of the fourth republic have however raised doubts in certain quarters on the intelligence gathering ability of these state security outfits. While some scholars and policy makers have in this light called for a total overhaul of some if not all of these governmental agencies, and the need for the local vigilante organizations in assisting the state in her war against terror and the violent crimes such as rape and kidnapping. So many people including the country's commander chief of the armed forces former President Goodluck Jonathan believe that the Boko Haram insurgency is more threatening than the Biafra secessionist bid and the attendant war that was fought to keep the

nation one. Of peculiar challenge is the fact that the Nigerian military is confronted with an asymmetric warfare in which soldiers find it very difficult to distinguish law abiding citizens from the renegades.

The local vigilantes which is reorganized as Civilian Joint Task Force (CJTF) should support the military with their knowledge of the local environment in the ongoing war on terrorism should be encouraged. While some praise the group for its courage and measure of assistance to the military forces, others have condemned them for alleged extra judicial punishment it has meted to those the group tagged as members of the Boko Haram sect. The outcome of this study is equally important since whatever inference drawn can be used to position or reposition other similar groups that are spread all over the country for the purpose of crime fighting and intelligence gathering.^{lix} Following the brutal activities of these insurgents which climaxed in the recent attacks and bombings of public facilities such as motor parks, markets, shopping malls and kidnappings of several people including the internationally condemned abduction of over 200 chibok community female students, the Nigerian government have sought various means ranging from military operations to partnering with civil and military organizations in and out of Nigeria to bring their destructive activities to a stop.^{lx} Vigilante groups are observably a major partner to the Nigerian military in this direction. Humorously tagged the Civilian Joint Task Force (CJTF) by their admirers, Borno state youths who were fed up with the mayhems perpetrated by the terrorists some of whom they are very much familiar with, constituted themselves into vigilante groups with the aim of collaborating with the soldiers to rid their land of these dreaded insurgent elements. While this group which was named after the regular military Joint Task Force (JTF) that was initially tasked to flush out the terrorists before the location of a Division in Maiduguri have been applauded on several grounds particularly in exposing and arresting Boko Haram sect members. They have equally been criticized for taking law into their hands.^{lxi} The military onslaught that followed the declaration of state of emergency in Adamawa, Borno and Yobe States. Hausari ward of Maiduguri, a notorious den of the Islamic militants is known to be the first area where the activities of the vigilantes (that is the CJTF) begun. There, the group started by revealing the identities of the terrorist Boko Haram members. Youths in Gwange ward, Bolori and other areas later joined in the hunt. Members of the group who are mostly between the ages of 17 and 35 years, told interviewers that they decided to hunt down the terrorists because they had brought untold hardship on residents and jeopardized their future. A member of the group, who identified himself as Isa Musa said. We are tired of this and we want to put an end to it. Since the soldiers don't really

know who the Boko Haram members are, then we who live with them and know them have no option than to help fish them out ... We are into this to salvage our people from the Boko Haram who had killed our people, security operatives and destroyed our economy; we are not afraid of them because we are doing a just cause and God is by our side. In terms of modus operandi, the youths go from street to street and house to house arresting identified Boko Haram members and handing them over to the operatives of the Joint Task Force (JTF).

CONCLUSION

It is the writer's opinion, that terrorism, is the violent agitations by different groups with the intention of imposing their ideology on the people by forceful means to attract the government and the world at large attention to their cause in order to achieve their desired goals.

This work has established that terrorist and the various armed conflict groups can be persecuted in any Federal High Court in Nigeria regardless of where the offence was committed. This crime being a global crime against humanity. This work established that terrorism and armed conflict in its entire ramification affect the peaceful existence of the people, destruct smooth economic growth, causes inflation as most of the farmers has been displaced from their original abode, and reduce the revenue of the country, organizations and individual. As a result of the above, the security and the unity of the country have been threatened by the activities of the terrorist and the various armed conflict groups. This research work has also contributed to knowledge by recommending to the government to introduce terrorism prevention tax of one percent of the profit of corporate organizations. Also, affirming that herdsmen, (IPOB), human traffickers, kidnappers, Niger- delta militant and other related groups, is an act capable of causing untold hardship to the citizens of this country and that the act of these various armed conflicts groups are interrelated with the activities of the terrorist as there is no water tight separation between both. The government should look into the activities of these various at their early formation in order not to lead to full blown terrorist group and disengage their activities.

Finally, the researcher opined that life imprisonment should be the adequate penalty for perpetrators of terrorist act. The various security agencies should endeavor to fish out perpetrators before they strike.

ENDNOTES

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- ^{iv} E.M, Anthony, *Terrorism and International Criminal Law in Epiphany Azinge*(ed) new frontiers in Law (Benin City Oliz publishers, 1993) p.106.
- ^v*Terrorism (Police Powers) Act 2002*(NSW), *Terrorism (Community Protection) Act 2003*(Vic), *Australian Security Intelligence Organisation Act 1979*(Cth).
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