

TERRORISM IN NIGERIA: A CASE STUDY OF BOKOHARAM

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**BEING A LONG ESSAY SUBMITTED TO THE FACULTY OF LAW, UNIVERSITY
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CERTIFICATION

I, **Augustine IDAHOSA**, with Matriculation Number, **PG/LAW0304013** hereby certify that, with the exception of references to the works and opinions of other writers duly acknowledged herein, this entire project is a product of my personal research and findings. It has, neither in whole or in part, been presented for another degree elsewhere.

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APPROVAL

We certify that this project work was researched, written, and completed by **Augustine IDAHOSA** with Matriculation Number, **PG/LAW0304013**, in partial fulfilment of the requirements for the award of degree of Masters of Laws (LL.M) of the University of Benin.

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DEDICATION

I dedicate this work to God Almighty who has helped me in the past and kept on helping me throughout the period of my programme.

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The act of writing a thesis is not undertaken with kid gloves; let alone that of a Masters of Laws programme in the prestigious University of Benin. In the course of writing this somewhat novel thesis, I had the best persons making sure I made progress and indeed good progress.

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- Terrorism Prevention (Freezing of International Terrorist Funds and Other Related Measures) Regulations, 2013.
- The Economic and Financial Crimes Commission (Establishment, etc.) Act, 2004
- Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015

TABLE OF ABBREVIATIONS

ACHPR	-	African Charter on Human and Peoples' Rights
AGF	-	Attorney General of the Federation
AML	-	Anti-Money Laundering
CFT	-	Counter-Terrorist Financing Commission
CONOPS	-	Concept of Operation
CPF	-	Counter Proliferation Financing
DIA	-	Defence Intelligence Agency
DSS	-	Department of State Services
EFCC	-	Economic and Financial Crimes Commission
FATF	-	Financial Action Task Force
FIRS	-	Federal Inland Revenue Service
ICCPR	-	International Covenant on Civil and Political Rights
ICPC	-	Independent Corrupt Practices and Other Related Offences
IEDs	-	Improvised Explosive Devices
IPOB	-	Indigenous People of Biafra
ISWAP	-	Islamic State West Africa Province
LCBC	-	Lake Chad Basin Commission
MEND	-	Movement for the Emancipation of the Niger Delta
MNJTF	-	Multinational Joint Task Force
NAPTIP	-	Trafficking in Persons and Other Related Offences
NCTC	-	National Counter Terrorism Centre
NDLEA	-	National Drug Law Enforcement Agency
NFIU	-	Nigeria Financial Intelligence Unit
NFIU	-	Nigerian Financial Intelligence Unit

NIA	-	National Intelligence Agency
NPF	-	Nigerian Police Force
NSA	-	National Security Adviser
ONSA	-	National Security Adviser
RPBA	-	Recovery and Peace-Building Assessment
SSRN	-	Social Science Research Network
TPPA	-	Terrorism Prevention & Prohibition Act
TPR	-	Terrorist Funds and Other Related Measures
UN	-	United Nations
UNSCR	-	United Nations Security Council Resolution

ABSTRACT

This research work will provide a comprehensive analysis of terrorism in Nigeria, with a focused case study on Boko Haram, one of the most violent and persistent insurgent groups in the region. The main purpose is to explore the complex interplay of political, economic, social, and ideological factors that have contributed to the rise and entrenchment of Boko Haram, evaluate its effects on national security and civilian life, and assess the effectiveness of government and international responses to the crisis.

This study relied on the doctrinal research methodology. It is library research which includes primary and secondary sources. The primary sources consist of statute and case laws. The secondary sources which consisted relevant information from leading authorities, books on tax laws and practices, writings and articles of scholars, magazines, opinion of jurists, journals, periodicals, seminar papers, as well as the internet and websites.

The research concluded that Boko Haram's insurgency is deeply linked to systemic issues such as poverty, unemployment, religious extremism, poor governance, and regional inequalities. The group's adaptive tactics and exploitation of local grievances have made counterinsurgency efforts challenging. While military operations have yielded some territorial gains against Boko Haram, sustainable peace remains elusive without addressing underlying socio-economic problems. Policy recommendations emphasize a holistic strategy combining security improvement, economic empowerment, education reforms, and regional cooperation to dismantle extremist networks and promote long-term stability in Nigeria and the Lake Chad Basin.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

The Boko Haram insurgency poses a major threat to Nigeria since its independence and creates major challenges for the country's security, rights and development. Beginning in the early 2000s, Boko Haram moved from promoting its religion to using violence. It has been linked to many attacks, including those by bombs, assassins and kidnappings.¹ Their actions have led to deaths and much destruction, while also harming economic and social activities, particularly in the northeastern part of Nigeria.

Boko Haram arose in 2002 in Maiduguri, Borno State, after Mohammed Yusuf established it and supported Islamic tradition with a rejection of modern and non-religious schools.² The ideology the group promoted connected with people living in northeastern Nigeria, especially those who lacked money, jobs and needed medical care. This environment allowed radical groups to recruit a large number of people.

In 2009, Nigerian security forces violently suppressed the protesters, leading to the extrajudicial death of Yusuf.³ Following this, Abubakar Shekau led the group in adopting violent means like setting off suicide bombs, kidnapping large groups and harming both people and security personnel. In particular, when 250 schoolgirls were abducted from Chibok in 2014, the world condemned these actions and recognized the group's cruelty.⁴

The Nigerian government passed the Terrorism (Prevention) Act in 2011 and updated it in 2013 to ensure there are laws to fight against terrorism. This law aimed to make terrorism a crime, support law enforcement agencies and

¹ F.C. Onuoha, 'The Audacity of the Boko Haram: Background, Analysis and Emerging Trend' (2012) 25(2) Security Journal 134-151.

² K. Mohammed, *The Origins of Boko Haram* (2018)

³ M.-A. Pérouse de Montclos, 'A Sectarian Jihad in Nigeria: The Case of Boko Haram' in *Jihadist Insurgent Movements* (Routledge 2017) 150-167.

⁴ N. Attah, 'The Right of the Chibok Girls to Privacy in International and Municipal Law' (2014) SSRN 2462277 <https://ssrn.com/abstract=2462277> accessed 15 May 2025.

encourage countries to cooperate internationally.⁵ Yet, despite the laws targeted at Boko Haram, incidents of violence have continued, leading people to doubt the current legal system. The insurgency has brought severe social-economic problems to the northeastern regions of Nigeria, mostly in Borno, Yobe and Adamawa. Due to ruined schools, hospitals and markets, over two million people have been forced to leave their homes and have their lives interrupted. Because farming plays a big role in generating wealth in the region, its disruption has made the situation worse for people dealing with both hunger and poverty. Because of the conflict, Nigeria's budget for improving the economy has been impacted, as funding for security is now a higher priority.⁶

Both Boko Haram and security forces in Nigeria have been identified as committing various human rights abuses, according to human rights researchers. While the group is known for killing many, abducting individuals and using sexual violence, security troops have also faced accusations of killing prisoners, arresting them with no justification and torturing people during anti-terrorism efforts. Such actions have reduced the faith of the public in the law and sparked concerns regarding following both the rule of law and human rights.⁷

Since Boko Haram has managed to continue its activities in spite of the rules in place, it is important to examine and improve existing regulations and their application. This evaluation shall take into account both the regulations and the readiness, cooperation and respect for human rights of government agencies. Handling these challenges is essential for improving counter-terrorism measures and gaining the public's confidence in the laws.

1.2 Statement of the Problem

⁵ *Terrorism Prevention (Freezing of International Terrorist Funds and Other Related Measures) Regulations*, 2013, No. 3.

⁶ O.I. Eme, P.O. Azuakor and C.C. Mba, 'Boko Haram and Population Displacement in Nigeria: A Case for Psychological Input' (2018) 8(1) *Practicum Psychologia*.

⁷ M.U. Nnam, C.O. Ugwuoke, V.C. Njemanze and F.A. Akwara, 'Boko Haram Terrorism and Human Security in Nigeria: Matters Arising' (2020) 29(10) *Journal of Aggression, Maltreatment & Trauma* 1257-1278.

The Terrorism (Prevention) Act and other legislative changes have not achieved substantial progress in stopping the Boko Haram insurgency in Nigeria. The ongoing actions of Boko Haram suggest possible flaws in the enforcement, prosecution and application of human rights laws in the country.

A major challenge is that anti-terrorism laws are not properly enforced. It is clear from reports that a number of Boko Haram suspects have been held for a long time without being tried, leading to doubts about the justice system addressing terrorism. Some investigations have discovered that individuals have been detained for up to 16 months without any court charges against them.⁸

Additionally, the trials of those linked to Boko Haram have been hampered by many issues. Observing there have been tons of mass trials despite the presence of awkward situations, insufficient representation of a lawyer, absence of proper interpretation and coerced confessions. This situation affects the fairness of trials and the strength of the whole justice process.

There have often been serious concerns about the security forces breaking human rights during anti-terrorism operations. A number of reports Not only do such actions violate both national and international human rights, but they could also push the community further toward radicalism.⁹

Furthermore, a limited witness protection strategy has made it challenging to successfully convict Boko Haram members. Witnesses may become hesitant to talk because they are scared of being threatened. Not protecting witnesses, investigators and judicial officers only worsens the situation.

⁸ Premium Times Nigeria, ‘Investigation: How Nigerian Authorities Detained Terrorism Financing Suspects for 16 Months Without Trial’ (2023)<https://www.premiumtimesng.com/investigationspecial-reports/716750-investigation-how-nigerian-authorities-detained-terrorism-financing-suspects-for-16-months-without-trial.html> accessed 15 May 2025.

⁹ Human Rights Watch, ‘Nigeria: Flawed Trials of Boko Haram Suspects’ (2018) <https://www.hrw.org/news/2018/09/17/nigeria-flawed-trials-boko-haram-suspects> accessed 15 May 2025.

They clearly demonstrate the importance of re-examining Nigeria's legal system against the Boko Haram insurgency.¹⁰

1.3 Research Objectives

1. To analyze the legal instruments enacted by Nigeria to combat terrorism, with a focus on the Terrorism (Prevention) Act and its amendments.
2. To assess the implementation and enforcement of these legal provisions in the context of the Boko Haram insurgency.
3. To evaluate the compliance of Nigeria's counter-terrorism measures with international human rights standards.
4. To identify challenges and propose recommendations for enhancing the legal framework's effectiveness.

1.4 Research Questions

1. What are the key legal provisions established by Nigeria to combat terrorism?
2. How have these legal instruments been implemented in the fight against Boko Haram?
3. To what extent do Nigeria's counter-terrorism laws align with international human rights obligations?
4. What are the challenges hindering the effectiveness of Nigeria's legal framework in combating Boko Haram, and how can they be addressed?

1.5 Scope and Delimitation of the Study

This study looks at the Nigeria government's laws aimed at addressing the Boko Haram insurgency, mainly the Terrorism (Prevention) Act 2011 and what has been changed since then.¹¹ The evaluation will review the national laws, court decisions and methods of

¹⁰ U. Egbuta, 'Winning the War and Losing the Peace: An Analysis of Counter Boko Haram Terrorism in Northeast Nigeria' (2024) 4(3-4) Journal of Central and Eastern European African Studies 148-168.

¹¹ Ibid

enforcement dealing with terrorism in Nigeria, while also discussing any socio-legal issues that prevent these measures from being effective.

The study will mainly look at the northeastern region of Nigeria since that is where Boko Haram carries out its attacks the most. Concerns are raised about Borno, Yobe and Adamawa because these states frequently experience Boko Haram violence such as suicide bombings, kidnappings and attacks. In this study, the attention will be on Africa as a whole and not just on the tight relationships or actions taken within one region. The article will instead focus on how Nigeria deals with the insurgency by looking at the problems linked to applying its counter-terrorism rules.

The study further looks at the events and outcomes since the Terrorism (Prevention) Act 2011 was passed, along with its modifications in 2013, right until today. From around 2013 to 2018, Boko Haram switched from being a local group to one that operated across West Africa which made it necessary for the nation to pass national laws to address terrorism.¹² By focusing on this period, we are able to see if Nigeria's legal efforts responded similarly to the insurgents' new tricks and the involvement of other countries. This study will take account of Boko Haram's origins and development but will not focus on them primarily.

A focus of this study is evaluating Nigerian laws and institutions against Boko Haram, concentrating on the Terrorism (Prevention) Act 2011, verdicts by the courts on related matters and the operations of its law enforcement agencies against the group. This research will highlight poverty, corruption and inequality in society as they relate to the insurgency, but the main emphasis will not be on these factors. Despite military and intelligence agencies' important work in fighting Boko Haram, this study will focus on the laws and courts involved in combating terrorism in Nigeria. The effectiveness of military strategies and the security apparatus will not be examined in great detail due to the focus of this study.

¹² Onwaniban, E., 2023. Terrorism in West Africa in the 21st Century: a Study of Boko Haram in Northeast Nigeria 2009-2021. *Awka Journal of History (Ajoh)*, 1(1).

Since the Boko Haram insurgency is a unique issue, this study will also focus on how counter-terrorism measures in Nigeria affect human rights. Under these cases, human rights violations attributed to security forces are evaluated such as those involving killings outside the legal process, unplanned arrests and torturing people detained. The research will assess the influence these violations have on the success of Nigeria's efforts to fight terrorism. Even so, this analysis does not include details on international humanitarian law or outside interventions in Nigeria's counter-insurgency. Instead, this study will focus on human rights laws outlined in the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR), while comparing them to Nigeria's domestic counter-terrorism laws.

1.6 Research Methodology

The research adopts a doctrinal legal methodology, involving a critical analysis of statutes, case law, and international legal instruments. Primary sources include Nigerian legislation, judicial decisions, and international treaties. Secondary sources encompass academic journals, legal commentaries, and reports from governmental and non-governmental organizations. The study also incorporates a comparative approach, examining counter-terrorism legal frameworks in other jurisdictions to identify best practices.

CHAPTER TWO

LITERATURE REVIEW

2.1 Overview of Existing Scholarship on Terrorism in Nigeria

There have been many studies in academia focusing on terrorism and Boko Haram in Nigeria and they present different theories on the matter. Experts have written about the country's counter-terrorism actions, the result these actions lead on national security, the part law takes and the reasons behind why the issue continues to be a crisis. In this section, key works on how Nigeria addresses terrorism will be carefully examined and the role of Ibirogba (2024), Ihebom (2024), Attah (2025) and Gray and Adeakin (2015) in these publications will be discussed.

Ibirogba (2024) explains in detail how Nigeria's laws deal with terrorism and what challenges are faced in their implementation.¹³ The Terrorism (Prevention) Act 2011, with its amendments, governs how Nigeria responds to terrorism by criminalizing such acts and detailing steps for prosecuting those suspected.¹⁴ Still, Ibirogba argues that putting the law into practice has faced challenges from several external causes. Since politicians are not fully committed, institutions are weak and there is plenty of corruption, the legal rules are followed inconsistently and are not as effective as intended. Ibirogba also emphasizes that the judiciary can struggle to arrest and convict those involved in terrorism because technical errors and demurrals prevent solid representation of the charges.

Moreover, Ibirogba looks into the impact of corruption, unemployment and poverty in helping extremist ideas build support. In his opinion, both basic issues and changes in law need to be considered together to better tackle the issue of terrorism.

Ihebom (2024) adopts a format that compares Nigeria's laws and institutions meant for countering terrorism with those of Kenya and the United Kingdom. This analysis enabled

¹³ O.O. Ibirogba, 'Critical Appraisal of the Legal Framework for Countering Terrorism in Nigeria' (2024).

¹⁴ *Terrorism Prevention (Freezing of International Terrorist Funds and Other Related Measures) Regulations*, 2013, No. 3.

Ihebom to notice the problems in Nigeria's management of terrorism. Often, Nigeria's laws are found to address terrorism only once it has become very serious. In comparison, the UK has introduced advanced and forward-thinking strategies that require stronger cooperation between intelligence organizations, the courts and police.¹⁵

Another issue highlighted by Ihebom is inadequate communication and cooperation among security agencies. According to him, it is important that US agencies for intelligence, police and the military work hand in hand. Additionally, he points out that since terrorists cross borders, the world should cooperate to address this problem. The author explains how Nigeria's counter-terrorism approach needs to be reformed after noticing that other nations with similar issues handled them more successfully.

Attah (2025) contributes significantly to understanding Nigeria's counter-terrorism efforts by discussing and comparing strategies from different parts of the world. He compares how Nigeria deals with counter-terrorism measures to those adopted by the United Nations and the African Union. He spots significant issues in the way Nigeria deals with conventions and treaties it has agreed to adopt. In one instance, Nigeria has formally agreed to join many international organizations tackling terrorism. Attah claims that Nigeria's laws and enforcement methods do not always meet the standards required by these treaties. The problem, as Attah notes, results from issues such as political unrest, corruption and lack of budget for security forces.¹⁶

Attah believes that Nigeria should use a unified and connected counter-terrorism plan that gives extra weight to international and regional collaboration. If Nigeria follows global standards and increases its cooperation with other nations, it can respond better to international terrorism. Attah identifies the UK as an example of a nation that has created

¹⁵ G.O. Ihebom, 'Legal and Institutional Frameworks for Combating Terrorism in Nigeria: A Pragmatic Analysis' (2024) 6(2) *International Review of Law and Jurisprudence* (IRLJ).

¹⁶ C.E. Attah, 'Counter-Terrorism Laws: Analysis of Selected International and Regional Frameworks' (2025) 3(2) *Kashere Journal of Politics and International Relations* 202-217.

strong legal measures to deal with the threat of terrorism. He suggests that to improve the country's legal system, there should be stronger political support and changed policies.

In their study, Gray and Adeakin (2015) examine how Boko Haram emerged from being a regional insurgency to commanding a transnational jihadist group. They claim that the rise of Boko Haram came about partly because Nigerian security bodies were slow to recognize what was happening. Authors Gray and Adeakin highlight instances when earlier awareness and quicker actions from Nigeria's intelligence agencies might have prevented Boko Haram's rise, but this didn't happen because they lacked proper intelligence.¹⁷

The authors note that Boko Haram has changed from an insurgency motivated by religion to a worldwide jihadist organization with alliances across countries. They discuss how collaboration between Boko Haram, Al-Qaeda and ISIS has increased the threat not only for Nigeria, but to the entire region in West Africa. They maintain that since Boko Haram operates across borders, African countries must unite to face the threat of terrorism. They recommend that regional countries and their international partners cooperate by sharing information and joining in joint military activities.¹⁸

Moreover, Gray and Adeakin (2015) point out that collaboration between Nigeria's intelligence and law enforcement forces is poor and this has helped Boko Haram remain active.¹⁹ They believe that the current state of the security services in Nigeria prevents an effective response to the insurgency. According to the authors, strengthening internal intelligence and forming closer bonds with other national and international organizations would give the Nigerian government a better intelligence framework for fighting terrorism.

¹⁷ S. Gray and I. Adeakin, 'The Evolution of Boko Haram: From Missionary Activism to Transnational Jihad and the Failure of the Nigerian Security Intelligence Agencies' (2015) 8(3) African Security 185-211.

¹⁸ Ibid

¹⁹ Ibid

The studies by Ibirogba (2024), Ihebom (2024), Attah (2025) and Gray and Adeakin (2015) highlight some key aspects of Nigeria's efforts to address terrorism.²⁰ Remarkably, many people agree that Nigeria's rules and systems for fighting terrorism are not as effective as those in other countries. While the country's laws are quite detailed, they are usually not implemented due to corruption, lack of resources and a lack of true political will. Also, the lack of effective action by intelligence agencies in Nigeria is one reason Boko Haram and similar groups continue to exist. Since terrorism now spans borders, nations must work more closely together. Unfortunately, Nigeria has not managed to fully incorporate international and regional teamwork into its efforts to combat terrorism.

The research highlights that a stronger and more coordinated strategy using reforms, better intelligence and wider cooperation among countries is necessary. This information will be referred to in later chapters as we analyze how Nigeria's counter-terrorism laws affect efforts to tackle Boko Haram and similar groups.

2.2 Concept of Terrorism

Terrorism is a controversial topic among those studying violence, because there is no single agreed-upon definition and different views shape how it is interpreted. Many people use the expression, "one man's terrorist is another man's freedom fighter," to describe this issue. As noted by Dempsey (2006)²¹, based on Cooper (1978)²², terrorism is a concept that leaves policymakers and experts confused. Schmidt states that "terrorism experts are having difficulties agreeing on what terrorism represents, especially since it's difficult to define the kind of issue that terrorism involves."²³

²⁰ Ibid

²¹ T.A. Dempsey, *Counterterrorism in African Failed States: Challenges and Potential Solutions* (Strategic Studies Institute, US Army War College 2006).

²² H.H.A. Cooper, 'Terrorism: The Problem of the Problem of Definition' (1978) 26 *Chitty's Law Journal* 105.

²³ A.P. Schmidt, 'Terrorism – The Definitional Problem' (2004) 36(2) *Case Western Reserve Journal of International Law* 375.

According to the Encyclopaedia Britannica, terrorism happens when violence is planned to create fear in people and reach a certain political goal. It shows that politicians can use fear to help them achieve their political aims.²⁴

According to Schmidt (2004)²⁵, cited in Adegbite (2020), terrorism involves repeating acts of violence by a secretive person or group, often for their own reasons, knowing that the people being targeted are not the primary target.²⁶ Those affected by violent acts are usually picked at random from a group of people or are specially chosen to represent them and become messengers. By threatening and acting violently, terrorist organizations try to guide and force the main target audience(s) to become a target of terrorism, a target of demands or a target of attention, depending on what is most important to their actions.”

Another definition of scholarly interest is Sandler, who defined terrorism as

The intended use or threat to use violence by individuals or sub-national groups to obtain a political or social objective through the intimidation of a large audience beyond that of the immediate victims'.²⁷

Finally, Hoffman’s view states: ‘Terrorism is an act of violence, either direct or threatened, which seeks to terrorize or instil fear among target audiences while simultaneously conveying to society the non-state group's overall goals and aspirations.²⁸ It has been argued that in defining terrorism, a general approach should be adopted over a specific approach and that legislation must remain the primary means of determining the term.²⁹

The search for a legal definition of terrorism is imperative because a lack of it in domestic legislation may predispose state operatives to witch-hunt and criminalize any act or omission

²⁴ J.P. Jenkins, ‘Terrorism’ (Encyclopaedia Britannica, 10 January 2024) <https://www.britannica.com/topic/terrorism> accessed 15 May 2024.

²⁵ A.P. Schmidt, ‘Terrorism – The Definitional Problem’ (2004) 36(2) Case Western Reserve Journal of International Law 375

²⁶ O.B. Adegbite, ‘In Defence of the Homeland: Unclogging the Legal Regime Governing Counterterrorism in Nigeria through Paradigms from the United States’ (2020) Strathmore Law Review <https://doi.org/10.52907/slr.v5i1.117>

²⁷ T. Sandler, ‘The Analytical Study of Terrorism: Taking Stock’ (2014) 51(2) Journal of Peace Research 257.

²⁸ B. Hoffman, ‘Defining Terrorism’ EDx Lecture Series (Georgetown University, July 2014).

²⁹ Ibid

of political opposition as terrorism. More so, only an offence that is defined can be punished. Nigeria's primary counter-terrorism legislation, the Terrorism (Prevention and Prohibition) Act of 2022, does not precisely define terrorism in any of its provisions but states in Section 2(1) that,

- 'All acts of terrorism and the financing of terrorism are prohibited'.³⁰

It went further in Sections 2 (3) -2 (4) to define 'act of terrorism' and provide details of what constitutes act of terrorism, as follows; "2 (3) In this Act, "act of terrorism" means an act willfully performed with the intention of furthering an ideology, whether political, religious, racial, or ethnic, and which;

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

(b) unduly compels a government or an international organization to perform or abstain from performing any act;

(c) seriously intimidates a population;

(d) seriously destabilizes or destroys the fundamental political, constitutional, economic or social structures of a country or an international organization;

(e) influences a government or an international organization by intimidation or coercion;

(f) violates the provisions of any international treaty or resolution to which Nigeria is a party, subject to the provisions of section 12 of the Constitution of the Federal Republic of Nigeria, 1999, and

(g) involves, causes, or results in;

(h) *attack on a person's life, in the form of grievous bodily harm or death, (ii) kidnapping of a person, (iii) destruction of government or public facility, a transport system, an infrastructural facility, including national critical information infrastructure, a fixed*

³⁰ Terrorism (Prevention and Prohibition) Act of 2022

platform located on the continental shelf, a public place or private property, which may likely endanger human life or result in major economic loss, (iv) the seizure of an aircraft, ship, or other means of public transport or conveying goods, or the diversion or use of such means of transportation or conveyance for the purposes of subparagraph (iii) of this paragraph, (v) the manufacture, possession, acquisition, transportation, transfer, supply or use of weapons, including explosives or biological, chemical, radiological or nuclear weapons (BCRN weapons), as well as research into and development of BCRN weapons without lawful authority, and the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear or other radioactive material or devices, (vi) the release of dangerous substance, causing of fire, explosions or floods, the effect of which is to endanger human life, (vii) interference with or disruption of the supply of water, power, or any other fundamental natural resource, the effect of which is to endanger human life, (viii) the release into the environment or any part thereof, or distribution or exposure of the public or any part to dangerous, hazardous, nuclear, or other radioactive or harmful substance, any toxic chemical, microbial or other biological agent or toxin, the effect of which is to endanger human life or to provoke substantial damage to property or to the environment, (ix) endangering or engaging in acts likely to endanger the safety of an aircraft, ship, train or any other means of transportation, (x) the bombing and other acts of violence at airports and other public places, (xi) the disruption of any computer system or the provision of services directly related to the supply of water, power, communications, infrastructure, banking or financial services, utilities, transportation, other essential infrastructure or any other fundamental natural resources, the effect of which is to endanger human life, (xii) the disruption of the provision of essential emergency services, including police, civil defense, medical and acts prejudicial to national security or public safety, (xiii) the propagation and dissemination of information or information materials in any form or mode calculated to

cause panic, evoke violence or intimidate a government, person or group of persons, or (xiv) an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally causes, or where he knows that the act is likely to cause, death or serious injury to a person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substance, unless the act is undertaken in conformity with the provisions of existing laws. 2 (4) An act, which disrupts 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 referred to in subsection (3)(b), (c), (d), (e), (f) or (g).”³¹

Sec. 15 (1-3) of the Economic and Financial Crimes Commission (Establishment, etc.) Act, 2004, made legal provisions against terrorism financing and went further in Sec. 46 to define terrorism as follows - “Terrorism” means (a) any act which is a violation of the Criminal Code or the Penal Code and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public property, natural resources, environmental or cultural heritage and is calculated or intended to (i.) intimidate, put in fear, force, coerce, or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act or to adopt or abandon a particular standpoint, or to act according to certain principles, or Repeal of No.5, 2002 Savings Interpretation Regulations (ii.) disrupt any public service, the delivery of any essential service to the public or to create a public emergency, or (iii.) create general insurrection in a state; (b) any promotion, sponsorship of, contribution to, command, aid incitement, encouragement, attempt threat, conspiracy, organization or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i), (ii) and (iii).³²

2.3 Boko Haram and Legal Categorisations of Terrorism

³¹ Ibid

³² The Economic and Financial Crimes Commission (Establishment, etc.) Act, 2004

Boko Haram's activities continue to spark discussions among those studying and practicing law. Although Boko Haram is labelled as a terrorist group both nationally and globally, there are questions about if Nigerian law covers all aspects of the group's actions. There is a serious issue because Nigerian laws do not classify terrorism accurately based on today's dangers and strategic situations.

Common types of terrorism include domestic terrorism, international terrorism, state-sponsored terrorism, ideological/religious terrorism and cases where one person is responsible.³³ Although the categories blur at times, they help governments and legal organizations address terrorism in the best way for each kind of threat.

Domestic terrorism involves violence by individuals or groups inside the country, not directed by other nations and is often meant to hurt either the state or specific people for political or ideological motives. This type of group accurately described Boko Haram in its early phase. The group began in northern Nigeria during the early 2000s with goals to make Nigeria's northeast district a strict Islamic society. At the start, the organization mainly attacked government venues, police facilities and places of worship for Christians. Even so, in 2013 the Terrorism (Prevention) Act 2011 did not give explicit instructions for telling apart acts of religious insurgency from terrorist actions with general ideological purposes.

On the other hand, international terrorism refers to cases where terrorists are involved who belong to different countries, their actions take place in various nations or they have relations with foreign terrorist groups. After Boko Haram declared allegiance to the Islamic State in 2015, it clearly became a transnational group. It has carried out attacks in Cameroon, Chad and Niger and continues to share ideas and methods with global jihadists. But, as Ibiroba points out, Nigeria's laws against terrorism have not kept up with the rise of terrorism across borders. While the Terrorism (Prevention) Act is widely written, it does not clearly separate

³³ R. Young, 'Defining Terrorism: The Evolution of Terrorism as a Legal Concept in International Law and Its Influence on Definitions in Domestic Legislation' (2006) 29 Boston College International and Comparative Law Review 23.

domestic from international terrorism and does not make it effective to cooperate with other nations in these matters.³⁴

A government might sponsor terrorism by supplying finances, training, safe territory or ideas to non-government supporters of terrorism. Although state sponsorship cannot be proved in Boko Haram's case, the support from some local authorities allowed the group to grow. Some have claimed that certain corrupt workers in Nigerian security departments might have helped Boko Haram grow by stealing anti-terrorism funds or giving away confidential information (Gray & Adeakin, 2015). Nonetheless, this does not involve deliberate state support which is classified as a separate category by international law.

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³⁴ Ibid

³⁵ O. Antwi-Boateng, 'Boko Haram and the Islamic State: A Tale of Two Terrors' (2017) 18 Conflict Studies Quarterly 20–39.

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Ideological/religious terrorism describes acts of terrorism linked to religiously or ideologically strict thoughts. The group's name, Boko Haram which translates to "Western education is forbidden," shows that it disagrees with secular power and involvement from the West. The organization acts on the basis that extreme beliefs in Islam require that sharia be implemented across Nigeria and in other areas. IS has relied heavily on religion and ideology for recruiting new members, making its propaganda and choosing tactics. While the Terrorism (Prevention) Act deals with ideologically based violence, it fails to specifically address issues of religious extremism which is a key weakness for a group like Boko Haram that is strongly based on religion.

In the case of lone-wolf terrorism, an individual is motivated by personal ideas and conducts the attack alone. Although mainly working as an organised group, Boko Haram has also encouraged single attacks by people not connected to their command. Since terrorism is hard to predict and stop, countries need a unique plan that combines the law and intelligence measures. The legislation in Nigeria currently is not well-defined, so it makes it hard for law enforcement to respond effectively to terrorist activities.

Ibiroga states that the Terrorism (Prevention) Act 2011 and its amendment in 2013 do not fully address the range of terrorist activities and Boko Haram's changing strategies. Although the Act indicates some key areas terrorism affects such as threat to life, property and national security, it does not outline any system that differentiates the many types of terrorism and the actions taken against each.

As suggested by Gray and Adeakin (2015), the fact that Boko Haram could use global platforms for its activities was allowed because of existing legal gaps. The authors suggest a

³⁶ Ibid

need for laws that account for both global and ideological terrorism, areas where current laws are not suited. Due to insufficient legal categories, it has been difficult for Nigeria's judiciary and police to address and prevent all the activities of Boko Haram.

To sum up, Boko Haram uses a range of activities that match several typical categories of terrorism. Even so, Nigeria's laws have not changed to meet these current trends. Governments should learn to respond differently to the varying kinds of terrorism, as this is necessary now. It would strengthen local anti-terrorism efforts and improve Nigeria's position in international efforts to combat terrorism.

CHAPTER THREE

LEGAL FRAMEWORK FOR COUNTERING TERRORISM IN NIGERIA

3.1 Introduction

The narrative of terror is often skewed to the historical advantage of the victor. The perpetrators justify their actions with political, economic, and often expansionist agendas, while victims who bore the full brunt of intrusions into their personal spaces and livelihoods are often left unheard and unrecorded. Historically, the African continent, in its various societal formations and evolutions over the centuries, has been a war theatre of every imaginable form of terror. Early settlers were both perpetrators and victims of several forms of internecine wars and revolts. The trans-Saharan slave trade by the Arabs and the trans-Atlantic slave trade by the Europeans wrecked an equal amount of terror on the continent³⁷, culminating in the balkanization of the continent at the Berlin Conference of 1881 – 1882.³⁸ The result of which made Africa to experience varied forms of subjugation and exploitative colonial and neo-colonial terror, depending on the colonial overlord. Various nation-states' political evolution contained pockets of nationalist opposition to political reform at various points. According to recorded history, the French and European civil revolutions against absolute monarchical power in the 18th and 19th centuries, favourably portrayed terrorism as a restorer of social order and the emergence of democracy.³⁹

Thereafter, the ethno-nationalist and separatist movements of fascist Italy, Stalin's USSR, and Nazi Germany had a derogatory and negative impact on the term "terrorism" in the early 20th century because, following World War I, state actors used repressive measures to further their

³⁷ Encyclopaedia Britannica, The Editors of, 'Transatlantic Slave Trade Causes and Effects' Encyclopaedia Britannica (23 November 2020) <https://www.britannica.com/summary/Transatlantic-Slave-Trade-Causes-and-Effects> accessed 17th May 2025

³⁸ Encyclopaedia Britannica, The Editors of, 'Berlin West Africa Conference' Encyclopaedia Britannica (8 November 2023) <https://www.britannica.com/event/Berlin-West-Africa-Conference> accessed 17th May 2025

³⁹ Hoffman, B., 'What is Terrorism?' EDx Lecture Series (Georgetown University, July 2014).

missions of having a stranglehold on the state apparatus of power.⁴⁰ In the middle of the 20th century, during the anti-colonialist and nationalist movements that swept across Asia, Africa, Latin America, Ireland, and Eastern Europe, terrorism was viewed positively once again. During this time, many colonized or subjugated nations fought for and ultimately won independence from colonialists and unbalanced nation-states, of the 1st world.

In the later part of the 20th century due to the progressive expansion and Zionism of Israel in Palestine and the tacit support of the developed 1st World nations, especially the United States of America, the Islamic countries of the Middle East began to see the West as the enemy of Islam. Hence, Islamist fundamentalism and expansionism, through the use of the tools of terror, began to rear its ugly head in and around the Middle East, often with the support of sympathetic nations.⁴¹ The September 11, 2001 terrorist attack on the World Trade Centre in New York City, the Pentagon Building in Arlington, Virginia, and other aborted locations in the United States which directly claimed 2,983 lives⁴² escalated that narrative in many climes and nations across the globe. From a historical perspective, the 9/11 attack on the United States of America by ‘Islamist Fundamentalists’ suspected to be associated with Al-Qaeda triggered a reprisal war and occupation of nations suspected to be sympathetic to terrorists; such as Afghanistan, Iraq, and Libya by the United States.⁴³ Instead of finding a solution, the United States made matters worse by undermining the governments of these independent nations and fostering the emergence of numerous extremist Islamist splinter groups that were all out to plague Westernization.⁴⁴ Prior to the twenty-first century,

⁴⁰ Ibid

⁴¹ Ibid

⁴² 9/11 Memorial & Museum, ‘September 11, 2001 Commemoration’ (National September 11 Memorial & Museum, 2023) <https://www.911memorial.org/connect/commemoration/September-11-2001> accessed 17th May 2025

⁴³ President George W. Bush, ‘Address to a Joint Session of Congress and the American People’ Speech that rallied support for the War on Terror (The White House Archives, 20 September 2001) <https://georgewbushwhitehouse.archives.gov/news/releases/2001/09/20010920-8.html> accessed 17 May 2025.

⁴⁴ Roger Peace and Jeremy Kuzmarov, ‘Afghanistan, Iraq, and the “War on Terror”’ United States Foreign Policy History & Resource Guide (2022, updated March 2023) <https://peacehistory-usfp.org/wot> accessed 17 May 2025.

terrorism was a hazy and non-existent terminology in Nigeria's legal system. Though, there were pockets of communal clashes and insurgencies, none was so nefarious as to be termed as acts of terror. Since the beginning of the Boko Haram terrorist organization in 2009, Nigeria has been the target of ongoing terrorist strikes. The Nigerian government, in response to these incidents, has established a legislative framework for counter-terrorism. This framework outlined some legislation, including the Terrorism Prevention Act 2011⁴⁴, the Economic and Financial Crimes Commission Act, 2004,⁴⁵ and the Cybercrimes Prohibition and Prevention Act 2015.⁴⁶ The Terrorism Prevention Act 2011 and Terrorism Prevention (Amendment) Act 2013 as repealed, and the Terrorism (Prevention and Prohibition) Act, 2022 which shall hereinafter collectively be referred to as TPA 2022 (as re-enacted) is Nigeria's primary legislation for combating terrorism. It outlines what constitutes acts of terrorism and provides for how offenders will be punished. To adequately plan and carry out Nigeria's counter-terrorism policy, the Act also created a National Counter Terrorism Centre (NCTC). The centre is in charge of receiving and analysing intelligence, creating and coordinating counter-terrorism policies, and collaborating with domestic and international partners.

Another crucial piece of legislation in the struggle against terrorism is the Economic and Financial Crimes Commission Act of 2004.⁴⁷ The act provides for the creation of the Economic and Financial Crimes Commission (EFCC), which is tasked with gathering evidence and prosecuting cases of economic and financial crimes such as money laundering and terrorism financing. In Nigeria, thanks in large part to the efforts of the EFCC, the financial networks of terrorist organizations have been significantly disrupted.

The Cybercrimes Prohibition and Prevention Act of 2015, is another significant statute in the battle against terrorism. The law makes a variety of online behaviours illegal, including

⁴⁵ Ibid

⁴⁶ Cybercrime (Prohibition, Prevention, etc.) Act 2015

⁴⁷ Economic and Financial Crimes Commission (Establishment, etc.) Act, Cap E1 L.F.N. 2004

hacking and identity theft, which terrorists can use to organize and carry out attacks. The National Cybersecurity Fund was also established by the act, to provide resources for the implementation of Nigeria's national cybersecurity policy, which includes counter-terrorism and preventive measures online. Despite these legislations, Nigeria still has a lot of work to do in the fight against terrorism. The lack of efficient application of the legal framework is one of the major challenges. The inability of Nigerian law enforcement agencies to adequately prevent and respond to terrorist acts has also been criticized due to their ineffective coordination and poor resources. The continuous security situation in the nation, particularly in the northeast, northwest, and southeast, presents another difficulty for law enforcement organizations' ability to carry out their duties. The Nigerian military has been accused several times of human rights abuses in its fight against Boko Haram and IPOB, which has led to a breakdown in trust between the military and communities in the affected areas.⁴⁸ This has made it harder for law enforcement agencies to gather intelligence and work collaboratively with communities to prevent and counter terrorism. It goes without gain saying that a critical evaluation of Nigeria's legal system for combating terrorism is crucial for the peace, security, and stability of the nation, her neighbours, and the entire world.

3.2 Legal and Institutional Framework

The specific legal instruments, laws, regulations and policies that constitute the legal framework for countering terrorism in Nigeria are;

i. **Terrorism (Prevention & Prohibition) Act (2022)**⁴⁹: The TPPA 2022 is the primary legislation that defines and criminalizes terrorist acts in Nigeria. It provides for an effective and comprehensive legal, regulatory and institutional framework for the detection, prevention, prohibition, prosecution and punishment of acts of terrorism, terrorism financing;

⁴⁸ Nwankpa M, 'Labelling Conflict Groups in Nigeria: A Comparative Study of Boko Haram, Niger Delta, IPOB and Fulani Militia' in Anon (ed), *Armed Non-State Actors and the Politics of Recognition* (Manchester University Press 2021) 49–69.

⁴⁹ Terrorism (Prevention and Prohibition) Act of 2022

proliferation and financing of the proliferation of weapons of mass destruction in Nigeria; and for related matters.

ii. **Economic and Financial Crimes Commission Establishment Act (2004)**⁵⁰: The Economic and Financial Crimes Commission (EFCC) Act empowers the EFCC to investigate and prosecute financial crimes, including money laundering, which can be linked to terrorism financing.

iii. **Firearms Act (1959)**⁵¹: The Firearms Act regulates the possession, acquisition, and use of firearms in Nigeria, including provisions related to the control of arms proliferation and the prevention of weapons from falling into the hands of terrorists.

iv. **Cybercrime (Prohibition, Prevention, etc.) Act (2015)**⁵²: The Cybercrime Act addresses offences related to computer systems, data, and networks, including provisions to combat cyberterrorism and online radicalization.

The institutional structures that examine the coherence, effectiveness, and human rights compliance of these legal provisions are -

i. **Attorney General of the Federation (AGF)**: The AGF is responsible for strengthening and enhancing the existing legal framework on combating terrorism and terrorism financing, and proliferation and financing of the proliferation of weapons of mass destruction. Since terrorism, terrorism financing, etc., is a federal crime, prosecutorial powers are vested in the office of the AGF. The AGF also ensures conformity, implementation and adherence to relevant UNSCRs and conventions on terrorism.⁵³

ii. **National Security Adviser (NSA)**: The Office of the National Security Adviser is saddled with the responsibility of ensuring the effective formulation and implementation of a concerted and comprehensive counter-terrorism strategy in Nigeria and the provision of

⁵⁰ Economic and Financial Crimes Commission Establishment Act (Amendment) Bill 2016 [HB 393]

⁵¹ Firearms Act (1959) Chapter F28, LFN

⁵² Cybercrime (Prohibition, Prevention, etc.) Act 2015

⁵³ Part II Sec. 3 - Terrorism (Prevention & Prohibition) Act, 2022

support and coordination to all relevant security, intelligence, law enforcement and military services across various government organs and agencies.⁵⁴

iii. **National Counter Terrorism Centre (NCTC):** The NCTC, as established by the Terrorism Act, 2022 supports the ONSA in the performance of its functions and shall be the coordinating body for counter-terrorism and terrorism financing in Nigeria, charged with the coordination of counter-terrorism policies, strategies, plans, and support in the performance of the functions of the National Security Adviser as specified in section 4 of the Terrorism Act. It must establish a Joint Terrorism and Analysis Branch as a fusion centre responsible for terrorism research, analysis and intelligence support to law enforcement and security agencies.⁵⁵

iv. **Nigeria Sanctions Committee:** The Sanction Committee, as established by the Terrorism Act 2022, shall have powers to formulate and provide general policy guidelines on designations of the Terrorism Act 2022, made under Sec. 49 [- Designating a person, entity, or group for terrorism or for terrorism financing under UNSCR 1373]; Sec. 53 [- Publication of UN Consolidated List] and Sec. 54 [-Freezing order in respect of designated persons or entities]

The Committee shall comprise;

- a. the Attorney-General as Chairman;
- b. the Minister responsible for Finance;
- c. the Minister responsible for Foreign Affairs;
- d. the Minister responsible for the Interior;
- e. the National Security Adviser;
- f. the Director-General, State Security Service;
- g. the Governor, Central Bank of Nigeria;

⁵⁴ Part II Sec. 4 - Terrorism (Prevention & Prohibition) Act, 2022

⁵⁵ Part II Sec. 6 - Terrorism (Prevention & Prohibition) Act, 2022

- h. the Inspector-General of Police;
- i. the Executive Chairman, Economic & Financial Crimes Commission (EFCC);
- j. the Chairman, Independent Corrupt Practices and Other Related Offences Commission (ICPC);
- k. the Chairman, National Drug Law Enforcement Agency (NDLEA);
- l. the Chairman, Federal Inland Revenue Service (FIRS);
- m. the Director-General, National Intelligence Agency;
- n. a representative of the Chief of Defence Staff;
- o. the Director-General, National Agency for the Prohibition of Trafficking in Persons and Other Related Offences (NAPTIP);
- p. the Director of the Nigeria Financial Intelligence Unit (NFIU), as Secretary; and
- q. any other relevant person or institution that the President may incorporate into the Sanctions Committee.

v. **Nigerian Intelligence Agencies:** The National Security Agencies Act⁵⁶ disbanded the erstwhile Nigerian Security Organisation and created three security agencies for the effective conduct of national security, charging each with the conduct of the relevant aspect of the national security and other related matters. The multiple intelligence agencies and their primary functions are the – Department of State Services (DSS) charged with responsibility for the prevention and detection within Nigeria of any crime against the internal security of Nigeria;

National Intelligence Agency (NIA) charged with responsibility for the general maintenance of the security of Nigeria outside Nigeria, concerning matters that are not related to military issues; and Defence Intelligence Agency (DIA) charged with the responsibility for the

⁵⁶ National Security Agencies Act, Cap. N74, LFN, 2010

prevention and detection of crime of a military nature against the security of Nigeria. These agencies individually collect and analyse intelligence related to terrorism threats.⁵⁷

vi. **Nigerian Police Force (NPF)**: The Nigeria Police Act 2020⁵⁸ as amended established the NPF as Nigeria's primary law enforcement agency, and among other objectives to effectively prevent crimes without threatening the liberty and privacy of persons in Nigeria.⁵⁹ It plays a crucial role in preventing and investigating terrorist activities, apprehending suspects, and maintaining public order.

vii. **Nigerian Armed Forces**: The Nigerian Armed Forces Act, 2004⁶⁰ established for the Federation an Armed Forces which shall be maintained and administered as set out in this Act and comprise the Nigerian Army, the Nigerian Navy and the Nigerian Air Force. They are charged with the defence of the Federal Republic of Nigeria by land, sea and air and with such other duties as the National Assembly may, from time to time, prescribe or direct by an Act. They are responsible for maintaining national security and conducting military operations against terrorist groups, particularly in areas affected by insurgency, such as the Boko Haram insurgency in North-Eastern Nigeria, the banditry in North Western Nigeria, and MEND and IPOB debacle in South-South and South-Eastern Nigeria.

viii. **Nigerian Financial Intelligence Unit (NFIU)**⁶¹: The NFIU as established by the Nigerian Financial Intelligence Act, 2018 is the central national agency responsible for the receipt of disclosures from reporting organisations, the analysis of these disclosures and the production of intelligence for dissemination to competent authorities. The NFIU is an autonomous unit, domiciled within the Central Bank of Nigeria and the central coordinating body for the country's Anti-Money Laundering, Counter-Terrorist Financing and Counter

⁵⁷ National Security Agencies Act, Cap. N74, LFN, 2010 - Sec. 1 (1 -3)

⁵⁸ Nigeria Police Act, 2020 as enacted which repealed the Police Act Cap P19 LFN 2004

⁵⁹ Nigeria Police Act, 2020 Sec. 2(d)

⁶⁰ Nigerian Armed Forces Act Cap A20 2004

⁶¹ Nigerian Financial Intelligence Unit Act, 2018

Proliferation Financing (AML/CFT/CPF) framework.⁶² It is majorly responsible for receiving, analysing, and disseminating financial intelligence to combat money laundering, terrorism financing, and other financial crimes incidental to the proliferation and financing of the proliferation of weapons of mass destruction.

ix. **Nigerian Judiciary:** The judiciary, including the Federal High Court and State High Courts, whose roles are explicitly stated and provided for in the Constitution of the Federal Republic of Nigeria, 1999 as amended⁶³, plays a vital role in adjudicating terrorism-related cases and ensuring fair trials for suspects.

x. **National Agency for the Prohibition of Trafficking in Persons (NAPTIP):** NAPTIP as established by the Trafficking in Persons (Prohibition) Act, 2015⁶⁴ focuses on combating human trafficking, which can be linked to terrorist activities, particularly in cases involving the kidnapping of children (re: Chibok and Dapchi School children mass abduction), recruitment of child soldiers and or exploitation of individuals for terrorism purposes. Most victims are often traded off across borders, used as sex slaves or exploited as manual labourers and informants.

3.3 Provisions of the Terrorism (Prevention & Prohibition) Act 2022

The Terrorism (Prevention & Prohibition) Act 2022 (TPA 2022) which repealed the Terrorism (Prevention) Act No.10,2011 – as amended in 2013 was assented to in May, 2022 by President Muhammadu Buhari. It improved greatly upon the existing law by creating new innovations in line with international treaty standards and requirements, thus creating a comprehensive legal, regulatory and institutional framework for the detection, prevention,

⁶² Nigerian Financial Intelligence Unit Website <https://www.nfiu.gov.ng/Home/About> accessed 18 May 2025

⁶³ Constitution of the Federal Republic of Nigeria, 1999, (as amended) Chapter 6.

⁶⁴ Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015

prohibition, prosecution and punishments of acts of terrorism, terrorism financing, proliferation and financing the proliferation of weapons of mass destruction in Nigeria.⁶⁵

The TPPA (2022) divided into sixteen parts and a hundred sections innovatively created a comprehensive and holistic objective that addresses the detection, prevention, prohibition, prosecution and punishment of acts of terrorism and its ancillary activities such as terrorism financing, proliferation and the financing of the proliferation of weapons of mass destruction and related matters. The objective statement reflects a strategic reasoning that recognizes the organic nature of the fight against terrorism, and the willingness and capacity of the legal framework for countering it to evolve likewise.

Part II of the TPA 2022 provides a coordinating mechanism for the implementation and administration of the Act and clarifies the roles of key stakeholders. Since Terrorism is a federal crime, prosecutorial powers are vested in the Attorney-General of the Federation (AGF). The AGF is equally responsible for strengthening and enhancing the existing legal framework on combating terrorism and related offenses while ensuring conformity, implementation and adherence of Nigeria's counter-terrorism laws with relevant UN conventions, UNSCRs and international standards; and maintaining the international co-operations required for preventing and combating international acts of terrorism.⁶⁶ The National Security Adviser is vested with the responsibilities of effective formulation and implementation of comprehensive counter-terrorism policies and strategies, building of capacity, and the provision of support to all relevant security, intelligence and law enforcement agencies and military services in the prevention and combat of terrorism and terrorism financing. The role of law enforcement and security agencies are stipulated as the

⁶⁵ Spaces for Change, Policy Brief: Analysis of the Terrorism (Prevention & Prohibition) Act 2022 [August, 2023], <https://spacesforchange.org/policy-brief-analysis-of-the-terrorism-prevention-prohibition-act-2022/> accessed 18th May, 2025.

⁶⁶ Spaces for Change, Policy Brief: Analysis of the Terrorism (Prevention & Prohibition) Act 2022 [August, 2023], <https://spacesforchange.org/policy-brief-analysis-of-the-terrorism-prevention-prohibition-act-2022/> accessed 19th May 2025

gathering of intelligence, facilitating the detection and investigation of acts of terrorism and enforcing all laws and regulations for the investigation and identification of targets for designation under relevant UNSCRs.

Part III Section 6 – 8 of the TPPA (2022) provides for the establishment of the NCTC in the office of the National Security Adviser (ONSA) which is charged with the coordination of counterterrorism policies, strategies, plans, and support in the performance of the functions of the NSA. The NCTC is empowered to;

- a) establish a Joint Terrorism and Analysis Branch, as a fusion centre responsible for terrorism research, analysis and intelligence support to law enforcement and security agencies;
- b.) establish a legal team, consisting of experienced and competent prosecutors, to review and advise on counter-terrorism cases from law enforcement and security agencies, and ensure that legal enforcements are in compliance with rules of armed conflict;
- c.) coordinate the implementation of a national policy and action plan on preventing and countering violent extremism programmes;
- d.) conduct public awareness on prevention and countering violent extremism and terrorism;
- e.) facilitate capacity building for counter-terrorism and terrorism financing operations;
- f.) partner with civil society and international organizations in the prevention and countering of violent extremism, terrorism and terrorism financing;
- g.) collaborate with centres, institutions and universities on counter-terrorism related studies and research; and
- h.) ensure that relevant agencies under this Act have access to relevant and timely intelligence and analysis for the effective discharge of their responsibilities. The establishment of the NCTC in the ONSA has provided a focal and coordinated command centre for the war against terrorism in Nigeria. It has eliminated the prior problems of duplication of functions and command between the Intelligence Agencies, the Nigeria Police

and the Military, and created a Joint Terrorism and Analysis Branch where the best in Intelligence, law enforcement, legal, counter-terrorism studies and research are domiciled to accomplish the best for the nation.

Part IV Section 9 – 10 of the TPPA (2022) incorporated the Nigeria Sanctions Committee (NSC) which was earlier established by the Terrorism Prevention (Freezing of International Terrorist Funds and Other Related Measures) Regulations, 2013 (TPR).⁶⁷ The TPPA also expanded the functions of the NSC by identifying it as the body responsible for the implementation of UNSCRs related to proliferation financing. The Act provides for the constitution of the NSC under the chairmanship of the AGF and membership of the heads of selected MDAs, law enforcement and intelligence agencies and financial regulators.

The NSC is vested with the power to investigate and designate a person, entity or group for terrorism or for terrorism financing under UNSCR 1373 (2001), and determine the appropriate sanctions that can be meted out, and maintain a website, where all related changes and updates to the United Nations Consolidated List and the Nigeria List shall be posted and updated regularly. Part VII Sections 48 – 57 of the TPPA (2022) provides for the implementation of Targeted Financial Sanctions related to Terrorism and Terrorism Financing. On 12th May, 2022, the Attorney-General of the Federation issued the Regulation for the Implementation of Targeted Financial Sanctions (TFS) related to Terrorism, Terrorism Financing and Other Related Matters, 2022.

The directive gave Nigeria a legal framework for the implementation of United Nations Security Council Resolutions (UNSCRs) related to counterfinancing of terrorism and counter-proliferation financing as well as in line with the Financial Action Task Force (FATF) Recommendations. By virtue of section 49 - 54 of the TPPA and Regulation 12 of the TFS

⁶⁷ Terrorism Prevention (Freezing of International Terrorist Funds and Other Related Measures) Regulations, 2013.

Regulation, all natural and legal persons in Nigeria including Financial Institution and Designated Non-Financial Businesses and Professions have an obligation to:

A. identify and freeze, without prior notice, all funds, assets, and any other economic resources belonging to the designated person or entity in their possession and report same to the Sanctions Committee;

B. report to the Sanctions Committee any assets frozen or actions taken in compliance with the prohibition requirements of the relevant UNSCRs, including attempted transactions;

C. immediately file a Suspicious Transactions Report to the NFIU for further analysis on the financial activities of such an individual or entity; and report as a Suspicious Transactions Report to the NFIU, all cases of name matching in financial transactions prior to or after receipt of the Nigerian Sanctions List. All natural and legal persons who are either Nationals, resident or have physical presence within Nigeria have an obligation to update themselves with the UN.

Consolidated List and the Nigerian List through the websites of the United Nations and the National Sanctions Committee respectively (Regulation 8(3) of the TFS Regulation).⁶⁸ On the NSC Sanction List as at December 1st, 2023 are the following groups;

- i. Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad (Boko Haram) – NLJAS; 5th July 2022
- ii. Ansarul Muslimina Fi Biladis Sudan (Ansaru) – NLANS; 5th July 2022
- iii. Islamic State of West Africa Province (ISWAP) – NLISW; 5th July 2022
- iv. Indigenous People of Biafra (IPOB); 5th July 2022
- v. Yan Taádda Group – NLTAD; 5th July 2022
- vi. Yan Bindiga Group - NLBDG; 5th July 2022
- vii. ... and about a dozen individuals and entities associated with Boko Haram.⁶⁹

⁶⁸ Nigeria Sanctions Committee (NIGSAC), Nigeria Sanctions Committee Website <https://nigsac.gov.ng/NiraReports> accessed 19 May 2025

⁶⁹ Ibid

The Sanction List serves as a deterrence from engaging in or encouraging terrorism related activities, it provides a central database to identify, monitor and prevent terrorism financing, and its main advantage is that it's desired effect can be implemented quickly and relatively easily across board, compared to other forms of intervention, such as military actions.

CHAPTER FOUR
BOKO HARAM INSURGENCY AND NIGERIA'S COUNTER-TERRORISM
RESPONSE

4.1 Boko Haram; the Shift from Local Insurgency to Regional Threat

Between 2013 and 2018, Boko Haram experienced a radical metamorphosis turning it into not a local insurgency group in Nigeria but a regional security menace in the Lake Chad Basin. It was at this stage that the group experienced a rapid increase in tactical ability as well as geographic scope.

Although Boko Haram started as a local sect, its main activities were in the state of Borno and Yobe in Nigeria. The foundation of this early stage was based on ideological uprising after the murder of its founder Mohammed Yusuf by the state security agencies in 2009.⁷⁰ He was replaced by his deputy, Abubakar Shekau, which made the group more radical in its agenda. Boko Haram started practicing more violent methods such as suicide bombings, use of Improvised Explosive Devices (IEDs), and attacks on civilian soft targets such as schools, marketplaces, and villages under his command.⁷¹

By mid-2014, Boko Haram stopped being an occasional attacker and started conquering and controlling hundreds of square miles of land. When it reached its apogee in early 2015, it was able to hold an estimated 20,000 square miles of Borno State and the area around it and proclaim a caliphate, trying to copy the system of governance used by the Islamic State.⁷²

⁷⁰ Aryn Baker, 'The Battle for Nigeria', TIME (5 February 2015) <https://time.com/3696877/the-battle-for-nigeria/> accessed 2 September 2025.

⁷¹ Congressional Research Service, 'Boko Haram and the Islamic State's West Africa Province' (26 March 2021) https://www.congress.gov/crs_external_products/IF/PDF/IF10173/IF10173.9.pdf accessed 3 September 2025.

⁷² Ibid

The same period, Shekau officially declared allegiance to Abu Bakr al-Baghdadi, taking up the Islamic State banner and renaming the group as the "Islamic State West Africa Province" (ISWAP).⁷³

As Boko Haram took over territorial control, operations began to overflow to the neighboring nations. The group also attacked Cameroon, Chad and Niger on the cross-border front to expand its territory.

The intensification of the Boko Haram activity in the region forced countries in the Lake Chad Basin, including Nigeria, Cameroon, Chad, Niger and Benin, to respond.⁷⁴ This Multinational Joint Task Force (MNJTF), which was initially formed in the late 1990s as part of the Lake Chad Basin Commission (LCBC), was reinstated and re-used in 2012 to fight terrorism.⁷⁵

Its mandate was later broadened at an extraordinary LCBC meeting in October 2014 and its troops contributions augmented with the assistance of international partners, such as the African Union, United States, UK, EU, and France.⁷⁶

When Muhammadu Buhari assumed leadership of MNJTF in May 2015, Nigeria took the lead in the active deployment of the force. The MNJTF was reconstructed in July 2015 with a Concept of Operation (CONOPS) and headquarters were transferred to N'Djamena, Chad. It was organised into four sectors, Cameroon, Chad, Nigeria and Niger, and the command of the region was coordinated.⁷⁷

As of late 2016, Boko Haram had mostly been driven out to Sambisa Forest and the Gwoza Hills, with MNJTF actions forcing militants into the border areas of the Far North of

⁷³ Ryan Cummings, 'A Jihadi Takeover Bid in Nigeria? The Evolving Relationship between Boko Haram and al-Qa'ida' [2017] 10(11) CTC Sentinel.

⁷⁴ Ibid

⁷⁵ Virginia Comolli, 'The evolution and impact of Boko Haram in the Lake Chad Basin' [2017] Humanitarian Practice Network 70.

⁷⁶ Ibid

⁷⁷ N. G. Ahmed, 'Scoping the operational dynamics of the MNJTF in the Lake Chad Basin: A regional security complex perspective' (26 November 2024), ACCORD <https://www.accord.org.za/conflict-trends/scoping-the-operational-dynamics-of-the-mnjtf-in-the-lake-chad-basin-a-regional-security-complex-perspective/> accessed 3 September 2025.

Cameroon, the Lac Region of Chad and the Diffa Region of Niger.⁷⁸ The offensive forced Boko Haram fighters even deeper into the Lake Chad Basin, and solidified an even more widespread regional crisis. This wave of displacement was experienced in overcrowded refugee camps and communities in Chad, Cameroon and Niger. An example is the Baga massacre of 2015 when Boko Haram took control of a military base and destroyed the surrounding environment, displacing more than 35,000 individuals, some of whom drowned during crossings of Lake Chad or were left alone on islands.⁷⁹

The militants who adjusted to the territorial defeats started attacking civilians in refuge areas. In October 2015, Boko Haram carried out two suicide bombings of a market place and refugee camp in Baga Sola in Chad, killing close to 38 people and injuring many others.⁸⁰

The abandonment of the large areas of land by the group did not herald containment. Instead, it marked a transition to decentralized, cross-border insurgent behavior that ensconced Boko Haram as a self-sustaining regional force instead of a national menace.

Over the period between 2013 and 2018, Boko Haram escalated its campaign with high-profile violent attacks with devastating human impacts such as:

A. Civilians and IDP attacks in the form of suicide bombings.

Boko Haram intensified its suicide-bombing as a method of terrorism, as well as the use of children as bombers. More than 86 child suicide bombers were deployed in 2014-2016 alone in the Lake Chad Basin, at least 38 of them in one year.⁸¹ Quite a number of these attacks focused on vulnerable civilians including those in displacement camps and marketplaces leading to tremendous human tragedy and fear. The deadliest of these incidents occurred in October 2015 in Baga Sola, Chad, when suicide attackers attacked both a crowded

⁷⁸ Ibid

⁷⁹ Alessandro Belmonte, 'Inter-ethnic dynamics in the wake of terrorist attacks: Evidence from the 2015 Baga Massacre' [2020] 26(2) Peace Economics, Peace Science and Public Policy 20200009.

⁸⁰ J. Sawicki, 'A Tragic Trend. Why Terrorists Use Female And Child Suicide Bombers' [2016] 97(4) Health Progress (Saint Louis, Mo.) 38-42.

⁸¹ UN News, 'Lake Chad Basin: Boko Haram-induced crisis is 'children's crisis,' UNICEF warns' (25 August 2016) <https://news.un.org/en/story/2016/08/537382> accessed 3 September 2025.

marketplace and a refugee camp, killing at least 36 and injuring more than 50 in the process.⁸²

B. Mass kidnappings; a symbol of the insurgency and its brutality and extensive nature

Abducted schoolgirls in Chibok, Nigeria in April 2014 are perhaps the most internationally notorious. This event was accompanied by international outcry and energized the movement to bring back our girls. Some girls managed to get free or even escape, but more than 100 girls still stayed in captivity several years later, where they were forced to marry and suffer sexual violence and pregnancy.⁸³

C. Mass displacement and humanitarian failure

By the middle of the year the human crisis had swelled. In 2016, there were about 2.6 million internally displaced individuals (including another 2.2 million suspected of being trapped under the control of Boko Haram), most of whom were children. In the Lake Chad region, as many as 2.3 million people displaced were recorded, across Nigeria, Cameroon, Chad and Niger.⁸⁴ These populations experienced acute food insecurity, critical malnutrition, and challenges in receiving important assistance.

Needs were staggering, Humanitarian agencies working in the region said: 10.7 million people needed life-saving help, including 1.5 million displaced children. UNICEF also predicted malnutrition rates, family separations and mental trauma among the IDP populations.⁸⁵

D. Risks to aid workers and communities because of collateral effects on aid

⁸² Ibid

⁸³ Jasmine Adu-Atwere, 'The rise of BOKO haram and the missing girls' (unpublished Master's Thesis, Aalborg University 2015).

⁸⁴ UN Refugees and Migrants, 'Lake Chad Basin: Boko Haram-induced crisis is 'children's crisis,' UNICEF warns' (25 August 2016) <https://refugeesmigrants.un.org/lake-chad-basin-boko-haram-induced-crisis-%E2%80%98children%E2%80%99s-crisis%E2%80%99-unicef-warns> accessed 3 September 2025.

⁸⁵ UNICEF Ireland, 'Boko Haram violence in Lake Chad region leaves children displaced and trapped' (25 August 2016) <https://www.unicef.ie/2016/08/25/boko-haram-violence-in-lake-chad-region-leaves-children-displaced-and-trapped/> accessed 3 September 2025.

The human cost did not spare even the humanitarian actors. In March 2018, ISWAP kidnapped three aid workers including Hauwa Liman, Saifura Hussaini Ahmed Khorsa, and Alice Loksha in an attack in Rann, Borno State. Sadly, in October, 2018, Liman was executed, highlighting the risk that so much help delivery involves, and the outright disregard of international humanitarian standards.⁸⁶

Combined, these assaults, suicide bombings, high-profile kidnappings, mass displacement, and violence against aid workers create a bleak image of the humanitarian price of an escalated Boko Haram campaign. These atrocities did not only bring physical devastation, but they also disintegrated community cohesion, livelihood and education, and instigated localized crises spanning national borders.

Between 2013 and 2018, Boko Haram shifted its scope of operations into a regional challenge to the stability of the whole Lake Chad basin, rather than a domestic threat located in the northeast of Nigeria. Their improved strategies such as suicide bombings and kidnappings coupled with their territorial interests allowed them to export violence to their neighbours in Cameroon, Niger and Chad.

The Multinational Joint Task Force (MNJTF) was reborn and led the international response that was able to reclaim land and disrupt the strongholds of Boko Haram. Nonetheless, the displacement of the population, civilians and insurgents alike, diffused insecurity across borders and exacerbated humanitarian problems in the region.

Transnational implications of the expanding operational scope of Boko Haram were brought into the spotlight by high-profile atrocities, including the abduction of schoolgirls in Chibok and the bombings of Baga Sola. Millions of people were forced out; children were the most vulnerable. Terrorists were targeting and terrorizing aid workers. The legacies of this period consisted of food insecurity, malnutrition, interrupted education, and broken communities.

⁸⁶ M.U. Bashir, A.I. Geidam and I. Mu'azu, 'Boko Haram insurgency and violence against women in North Eastern Nigeria' [2019] 2(10) International Journal 57-66.

This period essentially erased the geographic and social boundaries of the conflict, no longer an internal Nigerian crisis, Boko Haram was now a security and humanitarian disaster with regional consequences.

4.2 Nigeria's Counter-Insurgency Framework: Military, Intelligence, and Judicial Responses to Boko Haram

The Nigerian reaction to the Boko Haram insurgency has been strong and multi-dimensional and has encompassed military operations, improved intelligence and surveillance systems, and reinforcement of prosecutorial and judicial systems. Initially, the state strategy was based on military and security operations. Through the Multinational Joint Task Force (MNJTF), Nigeria, working in collaboration with Cameroon, Chad, Niger and Benin, conducted combined operations-most prominently the Gama Aiki campaigns, that effectively destabilized militant strongholds and overthrew the control of territory by insurgent factions.^{87 88} However, despite this local strategy providing rapid tactical benefits, the issue of integrating these wasn't solved yet, especially when it came to tricky ground where insurgents could easily scatter and avoid protracted attacks.

Domestically, the Nigerian Armed Forces embraced a theatre command organization with missions like Operation Lafiya Dole, which changed to Operation Hadin Kai in 2021, to represent a new focus on joint operations and civil-military coordination.⁸⁹ This updated position saw visible achievements, including recovery of nominal control in certain strategic towns and rescue of kidnapped individuals, but these gains were too easily temporary, with a lack of resources to sustain governance and inadequate civil infrastructure exposing areas cleared of insurgents to new attacks by nimble cells.

⁸⁷ A.A. Chinonso, 'Multi-national joint task force and the war against Boko Haram insurgency in Nigeria, 2009 to 2018' (unpublished MSc dissertation, University of Nigeria, Nsukka 2018).

⁸⁸ Danladi E. Bot, 'Niger and Terrorism Landscape in the Sahel' in Palgrave Handbook of Terrorism in Africa (Cham: Springer Nature Switzerland 2025) 655-679.

⁸⁹ M.J. Oyeinbiyeridei and I.S. Osaherumwen, 'The dilemma of recurrent insurgency the security situation in Nigeria: Boko Haram in perspective' [2021] (3) Modern Scientific Thought 126-139.

On a local level, the pragmatic utilization of the Civilian Joint Task Force (CJTF), which started informally but grew more systematized, allowed the state to offer invaluable community intelligence and instantaneous security in places where the official presence was low. The CJTF, despite its usefulness, also polarized issues around the human rights, accountability, and governance, such as the concern of the recruitment of minors and lack of check and balance.⁹⁰

At the same time, there was a great deal of expertise in intelligence, surveillance and policing which grew considerably during this time. The establishment of the National Counter-Terrorism Centre (NCTC) within the Office of the National Security Adviser, proved to be a gateway to centralizing the inputs of various agencies and channeling them to operational commands and justice agencies.⁹¹ Although this coordination came with systemic improvements, inter-agency lack of trust and unequal technological capacity continued to hamper the performance of the Centre. Initiatives by the United States, the United Kingdom, and other allies brought technical capacity, particularly in air surveillance, counter-IED operations and the training of prosecutors, through foreign alliances.⁹² Their backing significantly contributed to professionalizing specific capabilities, yet poses were still limited by questions of sovereignty and adherence to human rights imperatives.

On the enforcement front, the Nigeria Police Force and its subordinate groups such as the police intelligence services, the Special Tactical Squads, and the paramilitary Civil Defence Corps assumed wider roles to disrupt logistics and funding lines.⁹³ These were reinforced by the Financial Intelligence Unit Nigeria, which had an analytical scope stretching beyond the

⁹⁰ S. Bamidele, *Guardians of Peace: The Civilian Joint Task Force in Countering Boko Haram in Borno State, Nigeria* (Vernon Press 2025).

⁹¹ Richard A. Best, *National counter-terrorism center (NCTC): Responsibilities and potential congressional concerns* (DIANE Publishing 2011).

⁹² F.I. Putri, R. Pedrason, F.F.W. Inkiriwang and A. Wulandari, 'The Role of Nigerian and United States Air Forces in Implementing Nigeria's Foreign Policy Against Boko Haram Terrorism in 2014-2021' [2024] 5(4) *Journal Syntax Imperative: Journal of Social Sciences and Education* 789-806.

⁹³ Hemen Philip Faga and Boniface Alisha Nwali, 'An Examination of the Nigeria Financial Intelligence Unit in Combating Money Laundering and Terrorism Financing in Nigeria' [2024] 9 *AFJCLJ* 51.

battlefield to cut off financial lifelines. Nevertheless, these capabilities were insufficiently distributed because of the expansive and porous geography of Nigeria, and the activities of law-enforcement agencies were frequently in step with the events of the battlefields.

At the heart of all these levers of operation is the Terrorism (Prevention) Act of 2011 and its amendment of 2013.⁹⁴ ⁹⁵ This law greatly expanded the state instruments to designate terrorist groups, prosecute related misdemeanors, seize funds, and claim extraterritorial authority. Coupled with this, the Administration of Criminal Justice Act created flexibility in its procedures aimed at aiding in the prosecution of complex terrorism offenses.⁹⁶ The most obvious representation of the justice system was, in practice, a series of mass trials conducted in places such as Kainji where large numbers of detainees were processed under increased security.⁹⁷ Technical assistance to strengthen the evidentiary standards was provided by international organizations, including UNODC, but the process was tainted by grave issues: the encouragement of using custodial confessions, the limited rights to legal counsel, and the absence of transparency of the trials all weakened the legitimacy of the procedures. Simultaneously, the state pursued parallel avenues using Operation Safe Corridor, a deradicalisation and re-integration initiative to rehabilitate defectors through psychological counseling, technical training, and reintegration into the community.⁹⁸ Though the programme demonstrated some potential in a case-by-case approach, it was hampered by low ownership, as well as disparities in screening and stigma on return in the community.

An integrated approach involving military coercion, intelligence complexities, legal infraction and rehabilitation have cost Boko Haram and ISWAP to consume a lot of money.

However, the logic of these strategies is flawed. Weaknesses in juridical processes, endemic

⁹⁴ Terrorism (Prevention) Act 2011.

⁹⁵ Terrorism (Prevention) (Amendment) Act, 2013

⁹⁶ Administration of Criminal Justice Act, 2015

⁹⁷ K.H. Chukwuma, 'Evidencing terrorism: Juridical truth-making in terrorism trials' [2025] *European Journal of International Security* 1-18.

⁹⁸ M.I. Ugwueze, E.C. Ngwu and F.C. Onuoha, 'Operation safe corridor programme and reintegration of Ex-Boko Haram fighters in Nigeria' [2022] 57(6) *Journal of Asian and African Studies* 1229-1248.

failures of institutional coordination and the coercive dependence upon community militias undermine both the legitimacy and permanence of gains made by states. A sustained counter-insurgency victory will not solely be based upon kinetic superiority, but on the ability of the state to administer justice, reconstruct governance and socially bind back together routinely insurgent dominated regions, as scholars and practitioners have noted.

4.3 Systemic Challenges in Counter-Insurgency Practice

The combination of insecurity and poor governance, the eat through nature of human-rights abuses on popular confidence, the severe shortage of capacity in intelligence and force preparedness, and the ambivalent challenge of balancing the exigent demands of security operations with the rule of law has continued to cripple the implementation of the counter-insurgency strategy in Borno, Yobe and Adamawa by Nigeria.⁹⁹ Collectively these conditions create a vicious circle: where the institution of state is frail and services lacking, the influence of insurgencies increases; where the state resorts to the use of force or procedural circumventions, the community withholds its cooperation; and where corruption and lacks of capacity are pervasive, tactical success cannot be translated into lasting stability.¹⁰⁰

Firstly, the security vacuum in much of the North-East is a failure of governance as much as it is a military issue. Several decades of inadequate investment in rudimentary services, ad hoc and patchy public governance and sporadic financial malpractice have created vast areas where the state is only intermittently present.¹⁰¹ The World Bank Recovery and Peace-Building Assessment (RPBA) of North-East Nigeria records how poor institutions, ruined infrastructure and untrustworthy provision of state services have both contributed to grievance and hampered the state capacity to stabilize recaptured communities; the World

⁹⁹ Accord / Institute for Security Studies, 'Terrorism and governance crisis' in African Journal on Conflict Resolution <https://www.accord.org.za/ajcr-issues/terrorism-and-governance-crisis/> accessed 4 September 2025.

¹⁰⁰ World Bank, North-East Nigeria Recovery and Peace-Building Assessment (Vol I, 2016) <https://documents1.worldbank.org/curated/en/542971497576633512/pdf/2016-04-29-North-East-Nigeria-Recovery-and-Peace-Building-Assessment-Volume-I-single-rev-1-2-3.pdf> accessed 4 September 2025.

¹⁰¹ Ibid

Bank report also notes how weak governance, gauged by the accessibility of services, the ability to manage local finances and the reach of administration, is a direct impediment to lasting recovery following military clearance operations.¹⁰² Regional institute analysis goes further to say that the fragile political institutions and ineffective accountability systems in the affected states diminish legitimacy of government bodies and enable armed groups to take advantage of cleavage and resource deficiency in the region to recruit and control.¹⁰³

Second, human rights abuse by both state and non-state actors have seriously harmed the informational and moral bases of counter-insurgency.¹⁰⁴ Humanitarian and human-rights organizations report repeatedly of extra-judicial killings, arbitrary arrests, lengthy detention, and absence of trial, and the maltreatment of those women and girls who fled captivity-measures that are both in violation of international law and those that lead to the weakening of willingness to cooperate on the part of the civilians to cooperate with the security forces.¹⁰⁵

Human Rights watch and Amnesty international have also been categorical that once the returnees, survivors and suspected supporters are simply thrown into prison or abused without any apparent legal process, the result is predictable: Communities withdraw to formal reporting systems, and informal protection systems develop and all at once the flow of human intelligence which is arguably the decisive factor in counter-insurgency has evaporated.¹⁰⁶

This loss of trust is normative as well as operational, reducing the likelihood of tip-offs, the disincentive against defectors and the fog of misunderstanding and false imprisonment even more prevalent.

¹⁰² Ibid

¹⁰³ Ibid

¹⁰⁴ Reuters, 'Amnesty says Nigerian army detained girls who escaped from Boko Haram' (10 June 2024) <https://www.reuters.com/world/africa/amnesty-international-says-nigerian-army-detains-girls-who-escape-boko-haram-2024-06-10/> accessed 4 September 2025.

¹⁰⁵ Amnesty International, Nigeria: Accountability for Human Rights Violations and the impact of anti-terrorism laws (report, 2023) <https://www.amnesty.org/en/wp-content/uploads/2023/07/AFR4469702023ENGLISH.pdf> accessed 4 September 2025.

¹⁰⁶ Human Rights Watch, "'Those Who Returned Are Suffering': Impact of Camp Shutdowns on People Displaced by Boko Haram in Borno State, Nigeria*" (2 November 2022) <https://www.hrw.org/report/2022/11/02/those-who-returned-are-suffering/impact-camp-shutdowns-people-displaced-boko> accessed 4 September 2025.

Also, the gaps in capacity are broad and significant. The quantity of intelligence gathered and its analytical integration is always under-resourced in comparison with the demands of a theatre marked by permeable borders, insurgent dispersal capacities and thick human environment. Protection reviews based on non-operational studies note that poor community relations, ineffective training, ineffective forensic capacity and ineffective explosive-ordnance disposal capacity have all contributed to the reality that the security forces have been less effective at turning leads into prosecutable cases. Perhaps of equal importance is the de-corrosive effect of corruption on the state of operational preparedness: a recent study and policy research have indicated anomalies in procurements, misappropriated funds and mismanaged assets in the defence forces that have yielded to vehicle, surveillance device and sustainment gaps to deployed forces-gaps that insurgents are exploiting with impunity.

Where local vigilante organizations like the Civilian Joint Task Force offer intelligence and security, their usefulness is compromised unless there is a state capacity to absorb, verify and act on information provided to them; furthermore, even though there is no formal control over these organization may develop abusive habits that compound the stability even further.¹⁰⁷

Fourth, the conflict between the pressing security demands, as well as the compliance with the legal standards, is highly disputed. The Terrorism (Prevention) Act and related procedural reforms provide the state with powerful means to arrest, interrogate and prosecute terrorism suspects, but application of such means in an insecure theatre setting has often fallen below international fair-trial standards.¹⁰⁸ The legal-procedural issues, over-reliance on custodial interrogation to confessions, excessive detention of suspects in military-custodial facilities, limited access to counsel, and mass-process of suspects, have been over and over again condemned by the UN institutions and other prominent human-rights non-governmental

¹⁰⁷ Ibid

¹⁰⁸ Ibid

organizations as a rights-infringing and counter-strategic measure in counter-terrorism policies and practices. The UN human-rights framework has stressed that due process and credible accountability are neither an option nor a luxury, but pre-conditions to long-term effectiveness in counter-terrorism.

The overall impacts of such dynamics are that tactical and even operational victory, the territorial clears, the loss of leadership by insurgent groups, the temporary decline in the frequency of attacks are not enough without the simultaneous changes in the quality of governance, the law of the land and institutional integrity. Both the international and domestic evaluations all lead to the same prescription stability needs state couple with service restoration, open justice, prosecutorial and prosecutorial ability, anti-corruption reforms in defence purchasing, and institutionalised systems to regulate community security players in a manner that adds value, not divides authority. Without such a holistic approach, all four challenges identified above will keep on creating the environment of insurgency: weak governance breeds insecurity; rights violations dampen trust; lack of capacity dulls the effectiveness of intelligence and operations; and a lack of legal-security alignment erodes the moral authority of the state. To tackle implementation, hence, requires a whole-of-state approach that puts a premium on accountable governance, rule-constrained justice, and professional and well-resourced security organizations performing under stringent civilian control.

CHAPTER FIVE

SUMMARY, CONCLUSION, AND RECOMMENDATIONS

5.1 Summary of the Research

This study demonstrates that Nigeria's counter-terrorism architecture, anchored legally by the Terrorism (Prevention) Act (TPA) of 2011 (as amended) and operationally by a combination of national military campaigns, local auxiliary actors and regional cooperation, was a necessary but not a sufficient response to the complex evolution of the Boko Haram insurgency.¹⁰⁹ ¹¹⁰ The growth of the insurgency since 2013 that began as a localized phenomenon and evolved into a regional crisis across the Lake Chad Basin imposed urgent, multi-faceted pressure on the state: clearance and control of territory, disruption of cross-border networks, and the transformation of battleground intelligence into prosecutable evidence and justice that was credible. The state marshaled huge resources to that effect: a theatre strategy of repeated military operations (Operation Lafiya Dole, later renamed Operation Hadin Kai), a rejuvenated regional alliance in the person of the Multinational Joint Task Force (MNJTF)¹¹¹, new national organs of intelligence integration and policy coordination, and a renewed criminal-law arsenal in the form of the TPA and the procedural law.¹¹² These steps produced valuable tactical rewards - territory was retaken, high-value operations disrupted, the bargaining room of the insurgent groups reduced - but they did not produce a lasting political settlement or overall security due to the absence of institutional legitimacy, procedural protection, or socio-economic reconstruction to match legal authority and operational capability.

¹⁰⁹ Terrorism (Prevention) Act 2011.

¹¹⁰ Terrorism (Prevention) (Amendment) Act, 2013

¹¹¹ International Crisis Group, What Role for the Multinallance in Fighting Boko Haram? (Africa Report No 291, 7 July 2020) <https://www.crisisgroup.org/sites/default/files/291-mnjtf-boko-haram%20%281%29.pdf> accessed 5 September 2025.

¹¹² World Bank, North-East Nigeria Recovery and Peace-Building Assessment (RPBA), Volume I (World Bank 2016) <https://documents1.worldbank.org/curated/en/542971497576633512/pdf/2016-04-29-North-East-Nigeria-Recovery-and-Peace-Building-Assessment-Volume-I-single-rev-1-2-3.pdf> accessed 5 September 2025.

The Terrorism (Prevention) Act, and subsequent amendments provided broad prosecutorial authority (including terrorist financing crimes, proscription mechanisms, asset freezing powers and cooperative arrangements with foreign powers), and the statute has been the benchmark against which states have attempted to criminalize and disrupt insurgent logistics.¹¹³ In practice, however, implementation has subjected the statute to intensive conditioning: prosecutions have frequently been conducted in unusual forums (mass trials, military detention facilities) and with evidentiary and procedural infirmities which human-rights and legal-aid organisations have long pointed to as undermining the legitimacy and sustainability of results. The UN and multilateral partners (UNODC, CTED and others) have given specific support to the strengthening of the prosecutorial processing and court operations, but the quantity of gathered cases, the insufficient forensic resources and the backlogs in the civilian justice system limited the conversion of legal tools into equitable and final decisions.¹¹⁴

Operationally, the state experienced a complex of overlapping failures that minimized the transformation of military clearance into sustained protection: inter-agency frictions and unbalanced information-sharing slowed the intelligence-to-operation nexus; procurement and equipment gaps - sometimes augmented by corruption in defence procurement - reduced sustainment and force protection; and the special geography of the theatre (marshlands, permeable borders and scattered settlements) allowed militants to fragment and re-emerge in new forms, including transnational raids and small-unit asymmetric attacks. Locally, the utilization of non-state actors as sources of vital human-source intelligence and direct protection (e.g. the Civilian Joint Task Force, CJTF) generated accountability issues where the auxiliaries were found to commit abuses (or lacked adequate control). Such operational

¹¹³ Ibid

¹¹⁴ UNICEF Ireland, 'Boko Haram violence in Lake Chad region leaves children displaced and trapped' (25 August 2016) <https://www.unicef.ie/2016/08/25/boko-haram-violence-in-lake-chad-region-leaves-children-displaced-and-trapped/> accessed 3 September 2025.

limitations were not unrelated to the political economy: corruption or obscurity in resource distribution, inadequate training and inadequate maintenance of critical resources all had direct impacts on the battlefield.¹¹⁵

State and non-state human-rights violations proved to be an ultimate political limitation. Formal accounts of random arrest, maltreatment in military detention camps, and the shroud-like operations of mass trials have undermined social confidence and diminished the circulation of civilian intelligence, an ingredient to viable counter-insurgency. Major NGOs and independent monitors found that unfair procedures, pre-trial detention of suspects, and use of confessions made in custody all risk serious injustice and systemic ineffectiveness: they discourage cooperation, encourage secrecy, and create cycles of grievance which insurgent recruiters can exploit. The ethical and legal consequences are not imaginary: the lack of legitimacy in the area of justice and security practice place effective barriers in the way of stabilization and reintegration of impacted societies.

Lastly, the thesis concludes that a state-centric, force-first strategy is not sufficient to deal with the structural causes of the conflict. Effective stabilization needs sequencing: plausible security clearances should be closely matched by visible delivery of services, responsible local rule, economic opportunity and reintegration pathways as tailored to defectors and low-level actors. As Nigeria has demonstrated, unless there is a viable stabilization strategy and credible rights-respecting justice, the kinetic victories can be reversed and the conflict regionalizes. The relative failures of deradicalization and reintegration programmes (notably Operation Safe Corridor) exemplify both the potential and the existing failures of non-punitive responses in their absence of regular screening, local ownership and community reconciliation initiatives.

¹¹⁵ S. Bamidele, *Guardians of Peace: The Civilian Joint Task Force in Countering Boko Haram in Borno State, Nigeria* (Vernon Press 2025).

5.2 Concluding Analysis

This work has demonstrated that the Terrorism (Prevention) Act 2011 (with its amendments in 2013) gave Nigeria a strong statutory base with which to address the violence of extremes. On paper, therefore, Nigeria has been allowed by the Act to criminalize almost all forms of terrorism-related activities, proscribe organizations, freeze assets used to finance terrorism, and develop cooperation mechanisms with foreign governments and international institutions, all of which required member states to adopt a legal framework that would help them prevent and suppress the funding of terrorism and prosecute terrorists.¹¹⁶

However, the results of this study indicate that the practical capacity of the Terrorism (Prevention) Act was essentially compromised by three mutually-compounding deficits. The first one was the institutional weakness. The security sector within Nigeria was characterized by incessant inter-agency competition, command disunity and ineffective procurement processes which led to excessive delays and redundancy in operations. In places where the suspects of Boko Haram were apprehended, the laxity of case management and the ineffectiveness of evidence preservation ensured that the possibility of effective prosecution under the Act was compromised. Corruption especially with regard to defence procurement worked against the government to keep it weak in terms of operations and the likelihood of successful prosecution under the Act.¹¹⁷

The second urgent deficiency was the repeat failures of the rule-of-law standards in practice. The expectation of prosecutions as per the constitutional and international human rights protection was less adhered to in the actual application of the Act. Thousands of Boko Haram suspects were held indefinitely and without trial in military facilities, which is in violation of the Nigerian constitution of due process, mass trials, including in Kainji, were marked by weak evidence, use of confessions under duress, the absence of defence counsel in certain

¹¹⁶ Ibid

¹¹⁷ Ibid

cases and a lack of protection of witnesses, which not only perverts the Nigerian justice system against international human rights obligations but also adds to the Boko Haram propaganda of government victimization.¹¹⁸

The third shortcoming was strategic: Nigerian counter-terrorism operations continued to be overly state-centric and domestically focused when Boko Haram had become a regional threat with cross-border networks in Cameroon, Chad and Niger. Despite eventual efforts by the Multinational Joint Task Force (MNJTF) to restore some regional cooperation, initially Nigeria failed to reorganize its legal and operational operations to deal with a transnational threat. This defeat allowed militants who had been thrown out of the Nigerian territory to form again on the territory of the neighbouring states, continuing the cycle of violence. This lack of harmonized regional counter-terrorism laws and poor mutually beneficial legal assistance systems also hampered the capacity of Nigeria to prosecute financiers and operators crossing borders, a disparity that crippled the utility of the Act overall.

Collectively, these shortcomings indicate that law and military power alone, wielded without adequate procedural protection, judicial ability and regionalized political approach, did not generate sustained security but a temporary derailment. The Nigerian example shows a broader application to counter-terrorism in Africa: statutory authority, no matter how comprehensive, cannot stand alone. The important thing is that they should be consistently and legitimately implemented in robust institutions that enjoy popular trust. Military campaigns should therefore be promptly succeeded by governance policies that bring security, justice, and rebuilding in the communities affected by conflicts. In addition, even where the insurgencies are transnational, intelligence sharing, legal collaboration, and combined security exercises at the regional level should be institutionalized to ensure that militant groups do not use weak borders and jurisdiction loopholes.

¹¹⁸ K.H. Chukwuma, 'Evidencing terrorism: Juridical truth-making in terrorism trials' [2025] *European Journal of International Security* 1-18

Finally, the experience in Nigeria ought to serve as a cautionary example. The Terrorism (Prevention) Act was a necessary intervention, but was betrayed by the vulnerability of the institutions charged with its enforcement, by practices which weakened the rule of law, and by its failure to respond to the regionalization of Boko Haram. In the case of Nigeria - and of Africa more generally - the challenge of legislating a comprehensive counter-terrorism law is not in itself the doorway to sustainable peace, but rather in incorporating that law within responsible institutions, acknowledging human rights, and developing strategies that reflect the African realities of modern insurgency.

5.3 Strategic Recommendations

The following recommendations are practical, sequenced and targeted: they are intended to make the Terrorism (Prevention) Act and Nigeria's wider counter-terrorism effort more effective while preserving human rights and enabling regional cooperation. Therefore, the recommendations will be divided into three major parts:

1. For the Nigerian Government (Policy & Legal)

A. Statutory safeguards and independent oversight: Amend the Terrorism (Prevention) Act to codify clear human-rights safeguards: binding time limits on pre-trial detention, mandatory access to counsel, explicit prohibitions on evidence obtained under duress, and statutory witness-protection and disclosure obligations. Create an independent parliamentary or judicial review mechanism with mandate to audit counter-terrorism detentions, prosecutions and asset-forfeiture actions and to publish periodic findings. These measures align with UN human-rights guidance on counter-terrorism and would reduce the legitimacy gap that undermines intelligence cooperation.

B. Inter-agency legal architecture and the NCTC: Strengthen the National Counter-Terrorism Centre's statutory remit (technical resourcing, information-sharing protocols, and a legal mandate for fusion analysis) so that intelligence, police and prosecution functions are systematically linked; legislate data-sharing protocols with appropriate privacy and oversight safeguards to lower institutional mistrust and eliminate ad-hoc stovepipes. The objective is to streamline the intelligence-to-prosecution chain so that evidence is gathered, preserved and disclosed in forms admissible in court.

C. Judicial capacity investment: Substantially invest in the criminal-justice chain: special prosecutorial teams trained in terrorism-related forensic and financial investigations, mobile court units for secure trials closer to affected communities, and forensic laboratories for evidence preservation. Expand partnerships with UNODC and bilateral partners to accelerate capacity building for judges, prosecutors and forensic analysts while ensuring domestic ownership. Prioritize a case-selection strategy that prosecutes leadership, financiers and facilitators rather than low-level foot soldiers who are better managed through accountability plus reintegration.

D. Anti-corruption integrity measures in defence procurement: Implement transparent procurement and audit procedures for defence spending, including public reporting, external audit panels for major contracts, and fast-track asset-recovery mechanisms that repatriate diverted funds to transparent reconstruction accounts for the North-East. Recent asset-recovery cases demonstrate both the scale of prior diversion and the pragmatic governance benefits of repatriation when accompanied by accountability.

2. For Security Agencies (Operational)

A. Adopt population-centric security strategies: Reorient operations to a protection-first model in cleared areas: forces should prioritize protecting civilians, enabling humanitarian access, and partnering with vetted local policing structures. Formalize and

regulate auxiliary actors (CJTF and former vigilantes) through vetting, codified mandates, remuneration, training, and clear lines of judicial and civilian oversight. The UNDP and other studies show that managed engagement with vigilante actors can preserve local intelligence benefits while minimizing human-rights risks.

B. **Human-rights and IHL training; rules of engagement.** Institute continual, scenario-based training for military and police on rules of engagement, international humanitarian law (IHL) and custody standards; integrate external monitoring and rapid complaint-resolution mechanisms to ensure abuses are investigated and sanctioned. International humanitarian law guidance and OHCHR resources offer practical templates that can be adapted to Nigerian practice.

C. **Professionalize intelligence and forensics:** Invest in human intelligence management, case-file integrity (chain-of-custody), explosive-ordnance disposal, and counter-IED capacity so that field evidence can sustain prosecutions and reduce false-positives that fuel community grievance. Use partner training programs (bilateral and multilateral) to upgrade capabilities but anchor training to domestic oversight structures to address sovereignty and rights concerns.

3. For Regional Bodies (ECOWAS / African Union / MNJTF)

A. **Reinforce and resource the MNJTF as a regional instrument:** ECOWAS, the African Union and Lake Chad Basin states ought to formalize predictable funding lines and a stabilized command-and-logistics model for the MNJTF, reduce seasonal or political withdrawals, and link military operations explicitly to joint stabilization and reconstruction plans agreed by national and regional political authorities. The MNJTF's operational record shows that pooled capacity can produce clearances, but those gains are fragile without a sustained regional political compact.

B. Mutual legal-assistance and intelligence-sharing frameworks: Negotiate binding regional protocols (building on ECOWAS and AU frameworks) that streamline mutual legal assistance, extradition, and secure intelligence sharing (including secure channels, data-handling standards and judicial follow-up procedures). Use UNODC model manuals and AU counter-terrorism instruments to harmonize legislation and reduce legal friction in cross-border prosecutions and asset-recovery. Strengthening mutual legal assistance will make it harder for militants to exploit jurisdictional gaps.

C. Regional capacity and civilian-led stabilization: Support regional programs that fund civic governance, economic recovery and social cohesion initiatives in border-affected communities, not just military budgets. Donors, the AU and ECOWAS should prioritize financing for cross-border markets, returnee reintegration, and joint civil-military humanitarian corridors that reduce displacement and deny insurgents civilian-cover. Regional strategies that combine security with livelihoods produce more durable outcomes than force-only approaches.

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