



Combating Terrorism in Nigeria: An Assessment of Legal and Institutional Effectiveness

Opara, Maxwell Chibuiké

Faculty of Law, Veritas University Abuja, Nigeria.

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***Corresponding Author:**
Opara, Maxwell Chibuiké

Abstract

Terrorism remains a major threat to Nigeria’s national security, governance, and socio-economic stability. The persistent activities of violent extremist groups, notably Boko Haram and its affiliates, have exposed weaknesses in the country’s legal and institutional frameworks for preventing, detecting, and responding to terrorist acts. This paper critically examines Nigeria’s legal and institutional mechanisms for counterterrorism, analyzing their alignment with international conventions, regional frameworks such as the African Union and ECOWAS, and domestic laws. It explores the procedures for proscription of terrorist organizations, the roles of security and enforcement agencies, the judiciary, legislative oversight, and the participation of non-state actors including civil society organizations. Using a doctrinal and analytical approach, the study highlights both the strengths and limitations of Nigeria’s frameworks. While legal provisions provide the state with powers to criminalize terrorism and regulate security operations, gaps in implementation, coordination, and institutional capacity undermine effectiveness. Challenges such as overlapping mandates, inadequate resources, and limited technical expertise impede intelligence gathering, law enforcement, and judicial processes. Moreover, the need to balance counterterrorism measures with human rights obligations adds complexity to enforcement and oversight mechanisms. The findings reveal that sustainable counterterrorism requires a coherent integration of legal authority, institutional capacity, and civil society engagement. The paper emphasizes that Nigeria’s success in combating terrorism depends not only on robust legislation but also on effective coordination among security agencies, active judicial and legislative oversight, and collaboration with regional and international partners. By providing a critical assessment of these frameworks, the study contributes to the discourse on improving Nigeria’s counterterrorism architecture in a manner that is rights compliant, accountable, and sustainable.

Original Research Article

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1.0 INTRODUCTION

Terrorism continues to be one of the most pressing security challenges confronting Nigeria, undermining national security, governance, economic development, and social stability. The rise of violent extremist groups such as Boko Haram and the Islamic State West Africa Province (ISWAP) has exposed vulnerabilities in both legal and institutional mechanisms for preventing, detecting, and prosecuting acts of terrorism (Onapajo & Uzodike 2020). Despite Nigeria’s adoption of multiple counterterrorism measures over the past two decades, the persistence of terrorist activities suggests significant gaps in the legal and institutional frameworks designed to address these threats (Akinwale 2021). These

gaps create challenges not only in enforcing security policies but also in balancing counterterrorism operations with constitutional and international human rights obligations (Mustapha 2020).

The problem is multifaceted. On one hand, there is the need for a robust legal architecture that empowers the state to proscribe terrorist organizations, prosecute offenders, and comply with international obligations. On the other hand, institutional weaknesses, including fragmented coordination among security agencies, inadequate judicial oversight, and limited engagement of civil society, have constrained Nigeria’s ability to respond effectively to terrorism (Eze

2023). These deficiencies have implications for public trust, operational efficiency, and the sustainability of counterterrorism efforts. Furthermore, the complexity of transnational terrorism requires that Nigeria not only implement domestic laws but also align its policies with regional and international conventions (United Nations Office on Drugs and Crime 2021).

The significance of examining Nigeria's legal and institutional frameworks lies in its contribution to both scholarly understanding and policy development. A critical assessment of these frameworks provides insight into where laws, agencies, and coordination mechanisms succeed or fail, and highlights opportunities for reform. Such an analysis is particularly important given Nigeria's constitutional obligations to protect citizens' rights while maintaining law and order. It also illuminates how Nigeria fulfills its commitments under international treaties, such as the United Nations Convention against Terrorism and regional instruments established by the African Union and ECOWAS (Agbibo 2022).

The objectives of this paper are threefold. First, it seeks to analyze Nigeria's legal provisions on terrorism, including national statutes, international treaties, and regional agreements, and to examine the procedures for proscribing terrorist organizations. Second, it investigates the institutional mechanisms involved in counterterrorism, including the roles of security and enforcement agencies, the judiciary, legislative oversight, and the participation of non-state actors such as civil society organizations. Third, the paper aims to evaluate the effectiveness and limitations of these frameworks in ensuring a coherent, rights-compliant, and sustainable response to terrorism.

Nigeria's counterterrorism architecture operates in a complex socio-political environment. Security agencies often face challenges related to insufficient manpower, poor coordination, and limited technical capacity, which reduce their effectiveness in both preventive and reactive operations (Transparency International 2023). Judicial and legislative institutions, though constitutionally empowered to provide oversight, frequently struggle with resource constraints, delayed case handling, and inadequate understanding of terrorism-related legislation (Onapajo 2021). Civil society organizations, while crucial for advocacy, public awareness, and human rights monitoring, often encounter political and operational barriers that limit their engagement in counterterrorism initiatives (Eze 2023).

Moreover, terrorism in Nigeria is not confined within national borders; it has regional and international dimensions. The Lake Chad Basin crisis, transnational arms trafficking, and financing of terrorism underscore the importance of compliance with international conventions and regional legal frameworks (United Nations Office on Drugs and Crime 2021). Nigerian laws must therefore be understood not only as instruments of domestic governance but also as part of a larger network of obligations that enhance cross-border

cooperation and global security. Failure to integrate these dimensions weakens both the legitimacy and effectiveness of the state's counterterrorism response (Agbibo 2022).

Given these complexities, this paper underscores the need for a coordinated, multi-layered approach to counterterrorism in Nigeria. Legal instruments must be clear, comprehensive, and effectively enforced, while institutional mechanisms must be adequately resourced, coordinated, and accountable. By examining the current state of legal and institutional frameworks, identifying gaps and limitations, and evaluating alignment with international norms, this study contributes to understanding how Nigeria can strengthen its counterterrorism capacity in a way that safeguards human rights and the rule of law.

2.0 LEGAL FRAMEWORKS ON TERRORISM

The legal framework on terrorism provides the structure for defining, preventing, and responding to extremist threats while ensuring compliance with the rule of law. In Nigeria, this framework operates at three levels: international conventions, regional mechanisms (AU and ECOWAS), and domestic legislation. These layers harmonize global norms with national realities to create a cohesive institutional response.

2.1.1 International Conventions

The international legal framework is a complex body of treaties and resolutions developed to address the transnational nature of terrorism. The United Nations (UN) has been the primary architect of these instruments, establishing foundations for state responsibility and criminal accountability (United Nations, 2020).

Starting with aviation-related treaties in the 1960s, the UN developed a series of conventions targeting specific manifestations of terrorism. Key milestones include the 1979 International Convention Against the Taking of Hostages, which classified hostage-taking as a threat to global peace, and the 1999 Convention for the Suppression of the Financing of Terrorism, which mandated the criminalization of logistical support networks (Sloan, 2010). Additionally, the 2005 Nuclear Terrorism Convention addressed concerns regarding non-state actors acquiring weapons of mass destruction. Collectively, these instruments establish the principle of *aut dedere aut judicare*, the obligation to prosecute or extradite (United Nations, 2018).

Beyond treaties, the UN Security Council (UNSC) has established binding obligations under Chapter VII. Resolution 1373 (2001), passed post-9/11, effectively globalized counterterrorism law by mandating that all member states freeze terrorist assets and deny safe haven to insurgents (Boulden & Weiss, 2004). This was complemented by the 2006 UN Global Counter-Terrorism Strategy, which integrated prevention with a strict requirement to respect international human rights and refugee law (Fitzgerald, 2010).

Nigeria has ratified these key conventions, domesticating them through the Terrorism (Prevention) Act 2011 (as amended). While these laws mirror international obligations regarding asset freezing and investigation, implementation is often hindered by weak institutional capacity and poor inter-agency coordination (Adebajo, 2021).

Furthermore, a significant tension exists between security imperatives and human rights. International instruments like the International Covenant on Civil and Political Rights (ICCPR) provide the normative basis for protecting dignity during counterterrorism operations. However, reports of extrajudicial killings and arbitrary detention in Nigeria's Northeast highlight frequent departures from these standards (Amnesty International, 2020). Despite these challenges, Nigeria's collaboration with bodies like the Financial Action Task Force (FATF) and GIABA continues to enhance its ability to disrupt terrorist financing (GIABA, 2020). Ultimately, the international framework serves as a reminder that counterterrorism is only legitimate when pursued within a human rights-compliant structure.

2.1.2 Regional Frameworks (AU and ECOWAS)

The African regional approach to counterterrorism balances state sovereignty with collective security. The primary legal foundation is the 1999 OAU Convention on the Prevention and Combating of Terrorism, which provided the first continent-wide definition of terrorism and established obligations for criminalization and extradition (African Union, 1999). This was operationalized by the 2002 AU Plan of Action and the establishment of the African Centre for the Study and Research on Terrorism (ACSRT) in 2004 to harmonize continental policies (ACSRT, 2020).

Furthermore, the 2004 Protocol to the OAU Convention integrated human rights into the security architecture, stipulating that all measures must align with the African Charter on Human and Peoples' Rights (Viljoen, 2012). At the subregional level, the 2007 ECOWAS Convention on the Prevention of Terrorism and the 2013 Political Declaration and Common Position Against Terrorism mandate West African states to harmonize national laws and enhance border management (ECOWAS, 2007). Nigeria's leadership in the Multinational Joint Task Force (MNJTF) exemplifies the operationalization of these regional commitments in the Lake Chad Basin.

2.1.3 Nigerian Legal Provisions

Nigeria's domestic legal framework has transitioned from fragmented penal codes to specialized counterterrorism statutes. Initially, the Terrorism (Prevention) Act 2011 and its 2013 Amendment introduced institutional mechanisms like the National Counter Terrorism Centre (Ogunleye, 2014). This has been superseded by the Terrorism (Prevention and Prohibition) Act 2022, which modernized the regime by criminalizing radicalization, recruitment, and propaganda dissemination while aligning with Financial Action Task Force (FATF) standards (Okeke, 2023).

Complementary statutes include the Money Laundering (Prevention and Prohibition) Act 2022 and the Cybercrimes Act 2015, which address the financial and digital dimensions of insurgency (Central Bank of Nigeria, 2022). Despite these advancements, challenges such as inter-agency rivalry between the DSS and NPF, judicial bottlenecks, and human rights violations continue to hinder effective implementation (Akinsanya, 2021).

2.1.3.1 Proscription of Terrorist Organizations

A critical and controversial feature of the 2022 Act (Section 2) is the executive power to proscribe organizations. This authority allows the President, on the recommendation of the National Security Adviser or Attorney General, to designate groups as terrorists, a power invoked against Boko Haram (2013) and IPOB (2017). Legally, this is anchored in Section 14(2)(b) of the 1999 Constitution, which prioritizes national security (Ogbu, 2022).

Procedural safeguards require the President to publish a Gazette and obtain Federal High Court confirmation within 60 days. This "hybrid model" aims to provide judicial oversight to executive discretion (Onuoha, 2019). However, critics argue that the "reasonable grounds" threshold is vaguely defined, potentially allowing for the suppression of political dissent (Dakas, 2015). Furthermore, proscription complicates humanitarian efforts, as the lack of clear exemptions may criminalize aid to civilians in insurgent-held territories (Sampson, 2020).

2.1.3.2 Can Government Proscribe Organizations as Terrorists?

The power to proscribe organizations is a central yet controversial pillar of Nigeria's counterterrorism framework. Primarily derived from Section 2 of the Terrorism (Prevention and Prohibition) Act 2022, this authority allows the President to designate an entity as a terrorist group upon the recommendation of the National Security Adviser (NSA) or the Attorney General (AGF) (Ogbu, 2022). This power aligns with UN Security Council Resolution 1373, requiring states to suppress the activities and financing of extremist groups.

However, this executive power is not absolute and must be balanced against constitutional guarantees of freedom of association (Section 40) and expression (Section 39). Unlike jurisdictions where proscription is a purely executive function, Nigeria utilizes a "hybrid model" that requires judicial confirmation by the Federal High Court to ensure due process (Onuoha, 2019). While proscriptions of groups like Boko Haram were widely viewed as legally justified, the designation of the Indigenous People of Biafra (IPOB) in 2017 raised concerns regarding the potential for political motivation and the blurring of lines between civil agitation and terrorism (Ogbu, 2022). Furthermore, proscription creates humanitarian challenges, as the lack of clear exemptions in the 2022 Act may inadvertently criminalize aid

provided to civilians in conflict zones (Amnesty International, 2020).

2.1.3.3 What is the Procedure for Proscription?

The procedure for proscription follows a defined legal pathway intended to prevent arbitrary state action. Under the 2022 Act, the process begins when security agencies (DSS, NIA, or the Police) provide intelligence establishing "reasonable grounds" that an entity promotes or engages in terrorism (Okonkwo, 2022). The Attorney General then applies to the Federal High Court, which holds exclusive jurisdiction over such matters (Ojo, 2023).

Once the court issues a proscription order, it must be published in the Official Gazette and at least one national newspaper to give it legal force. Gazetting triggers severe consequences: membership or support for the group becomes a criminal offense punishable by up to 20 years imprisonment (Akinyemi, 2021). Enforcement involves a multi-agency approach, with the EFCC tracing and freezing assets and the DSS handling arrests. To ensure fairness, Section 3 of the Act provides a de-proscription mechanism, allowing affected persons to apply for a judicial review if the conditions for proscription no longer exist (Agaba, 2023). Ultimately, the effectiveness of this regime rests on the independence of the judiciary and the transparency of executive evidence (Ekhtator, 2022).

2.2 Institutional Mechanisms in Nigeria

The effectiveness of Nigeria's counterterrorism response relies on a three-pillared architecture: security agencies for operational enforcement, the judiciary and legislature for oversight, and non-state actors for community resilience. Collectively, these institutions navigate the tension between state security imperatives and the protection of fundamental rights.

2.2.1 Security and Enforcement Agencies

Nigeria's operational backbone is formed by agencies enforcing the Terrorism (Prevention and Prohibition) Act 2022. The Department of State Services (DSS) leads domestic intelligence and prevention under the National Security Agencies Act 1986, though it face criticism for limited oversight and arbitrary detentions (Akinyemi, 2021). The Nigeria Police Force (NPF) serves as the frontline responder through its Counter Terrorism Unit, while the Armed Forces conduct large-scale campaigns like *Operation Hadin Kai* to disrupt insurgent territories (Okonkwo, 2022).

Financial disruption is managed by the EFCC and NFIU, which utilize the Money Laundering (Prevention and Prohibition) Act 2022 to freeze terrorist funds (Odeyemi, 2022). Meanwhile, the Nigeria Immigration Service (NIS) and Customs Service (NCS) manage border governance to curb the transnational movement of fighters (Ekhtator, 2023). Despite this elaborate structure, inter-agency rivalry and overlapping mandates often hinder efficiency, prompting calls for the Office of the National Security Adviser (ONSA)

to further centralize coordination through the National Counterterrorism Center (Ogunbiyi, 2021).

2.2.2 Judiciary and Legislative Oversight

The judiciary and legislature provide the legal legitimacy necessary for counterterrorism. Under Section 6 of the 1999 Constitution, the judiciary acts as a check on executive overreach, ensuring that proscription orders and detentions are subject to judicial review (Nwabueze, 2019). Courts must balance the urgency of security with Section 36 fair hearing guarantees, occasionally utilizing *in-camera* trials to protect witness anonymity (Eze, 2020). Landmark cases like *FRN v. Kabiru Sokoto (2014)* emphasize that convictions must rest on evidentiary integrity rather than political expediency.

The National Assembly provides the statutory foundation, most recently through the 2022 Act, and exercises oversight via committees on defense and intelligence (Akinyemi, 2023). However, legislative effectiveness is often hampered by executive dominance and the frequent use of "closed-door" security briefings which limit public accountability (Abdullahi, 2021).

2.2.3 Non-State Actors and Civil Society

Non-state actors address the socio-economic drivers of radicalization that military force cannot reach. Civil society organizations (CSOs), such as CISLAC, develop counter-narratives to extremist ideologies and facilitate the reintegration of former combatants (Ogunyemi, 2022). Religious and traditional leaders wield moral authority to deconstruct extremist interpretations of faith and rebuild community trust through interfaith dialogue (Bakare, 2021).

Furthermore, the media and human rights watchdogs, including Amnesty International and the CLEEN Foundation, monitor state abuses and provide legal aid to victims of arbitrary detention (Audu, 2021). International collaboration with the UNDP and ECOWAS has further strengthened local capacities for early warning systems (Obi, 2020). Despite challenges like restricted access to conflict zones and funding shortages, the inclusion of these actors represents a shift toward a more holistic, "whole-of-society" security paradigm (Usman, 2021).

3. CONCLUSION

This paper has examined the legal and institutional frameworks governing counterterrorism in Nigeria, highlighting both achievements and persistent challenges. The study reveals that while Nigeria has developed a comprehensive set of legal instruments, including national legislation and adherence to international and regional conventions, the effectiveness of these frameworks is constrained by implementation gaps, limited resources, and institutional weaknesses. The procedures for proscribing terrorist organizations, prosecuting offenders, and regulating counterterrorism operations provide the state with critical authority; however, inconsistent enforcement and inadequate coordination among agencies reduce their overall impact.

Institutional mechanisms, including security and enforcement agencies, the judiciary, legislative oversight bodies, and civil society actors, play complementary roles in ensuring a coordinated response to terrorism. Yet, challenges such as overlapping mandates, weak intelligence sharing, insufficient training, and lack of technical capacity undermine operational effectiveness. Judicial and legislative institutions, though empowered to provide oversight, often face delays and limited understanding of terrorism legislation, affecting accountability. Similarly, civil society engagement, crucial for advocacy, public awareness, and human rights monitoring, remains constrained by political and operational barriers.

The study underscores that effective counterterrorism in Nigeria requires not only robust legal provisions but also strengthened institutional coordination, capacity building, and adherence to human rights standards. The alignment of domestic laws with international and regional conventions enhances cross-border cooperation and legitimacy, ensuring that Nigeria's response to terrorism is both effective and rights compliant.

The fight against terrorism in Nigeria depends on a holistic approach that integrates strong legal authority with well-coordinated institutional mechanisms. Sustainable security outcomes will require enhanced cooperation among security agencies, active judicial and legislative oversight, meaningful engagement with civil society, and compliance with constitutional and international human rights obligations. Strengthening these frameworks is essential for Nigeria to effectively prevent, manage, and respond to terrorism while maintaining the rule of law and public trust.

4. RECOMMENDATIONS

Based on the analysis of Nigeria's legal and institutional frameworks on terrorism, the following recommendations are proposed to strengthen the country's counterterrorism architecture:

- a. **Strengthen Legal Frameworks** - Nigeria should review and update existing counterterrorism laws to close gaps and ensure clarity in definitions, powers, and procedures. Alignment with international conventions and regional agreements should be enhanced to facilitate cross-border cooperation and compliance with global standards.
- b. **Enhance Proscription Procedures** - The process for proscribing terrorist organizations should be transparent, consistent, and subject to judicial oversight. This will ensure that proscription is rights compliant and reduces the risk of misuse for political purposes.
- c. **Capacity Building for Security Agencies** - Security and enforcement agencies should receive continuous training in intelligence gathering, counterterrorism operations, cyber security, and human rights

compliance. Improved welfare, modern equipment, and technical resources are essential for operational effectiveness.

- d. **Improve Institutional Coordination** - Clear delineation of roles and responsibilities among security agencies, the judiciary, and legislative oversight bodies is necessary. A centralized coordination mechanism for intelligence sharing and joint operations will enhance effectiveness and reduce duplication of efforts.
- e. **Strengthen Judicial and Legislative Oversight** - Courts and legislative bodies must be empowered and resourced to provide timely and effective oversight of counterterrorism measures. Specialized training for judges and lawmakers on terrorism legislation will improve accountability and adherence to due process.
- f. **Engage Civil Society** - Civil society organizations should be actively involved in public awareness, advocacy, and monitoring of human rights compliance. Encouraging partnerships between government and non-state actors will promote transparency and community trust in counterterrorism efforts.
- g. **Promote Human Rights Compliance** - All counterterrorism operations should be conducted with respect for constitutional and international human rights standards. This includes safeguarding due process, ensuring proportionality in the use of force, and protecting the rights of suspects and communities.
- h. **Regional and International Cooperation** - Nigeria should strengthen collaboration with neighboring states, regional bodies, and international partners for intelligence sharing, capacity building, and joint operations while ensuring compliance with human rights obligations.

Implementing these recommendations will enhance the effectiveness, legitimacy, and sustainability of Nigeria's legal and institutional frameworks for combating terrorism.

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