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THE NEED FOR A HUMAN SECURITY APPROACH IN COMBATING TERRORISM IN NIGERIA

By

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Abstract

This paper recognises the fact that terrorism is one of the most difficult crimes in the history of humanity in recent times. It argues that terrorism constitutes a fundamental threat to every civil, social, cultural and political institution of the state and of the people at the expense of human lives and properties. This paper however recognises the fact that there has been an increasinglocal and international quest at finding a lasting solution to the menace of terrorism. Despite this, it argues that though terrorism is a problem with a global character, the solution lies,rather,more in local prescription. For the solutions actually lie in the commitment of states to their human and economic obligations- to proactively, deliberately and conscientiously protect the lives and properties of the people. This paper therefore advocates for the adoption of the Human Security framework in designing a practical counter-terrorism framework in Nigeria's quest for a terrorism free-country. By adopting the Human Security approach, the paper argues that Nigeria would have adopted two mutually reinforcing and effective counter-terrorism approaches in dealing with scourge of terrorism in Nigeria. The paper justifies the effectiveness of the initiative on the basis that the human security approach does not just address crimes or criminal behaviours but also addressesthose factors that make terrorism attractive and which are often ignored in the overall security design.Thus, the crux of this paper is that Nigeria can actually be a state where security of lives and properties is primed if the government can commit themselves to the ideals of the Human Security initiatives rather than relying largely on military might as the strategy for addressing the menace of terrorism.

1.1 Introduction

Terrorism is a global crime.[1]In contemporary times, this crime is described as a crime against humanity.[2]This is not unconnected with the fact that terrorists have no regards for life, rights, freedoms, reasons, institutions or borders. Everyone is at risk and

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[1] Michael Lawless, '*Terrorism: An International Crime*'. Available at http://www.journal.forces.gc.ca/vo9/no2/doc/05-lawless-eng.pdfaccessed on the 13th August, 2016'Country Reports on Terrorism 2014' (2015) available at<http://www.state.gov/documents/organization/239631.pdf> accessed on 7th August, 2016. See also The Office of the United Nations High Commissioner for Human Rights, 'Human Rights, Terrorism and Counter-terrorism'. Fact Sheet No. 32 <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf> accessed 13th August, 2016

[2] Roberta Arnold, 'The Prosecution of Terrorism as a Crime Against Humanity'. Available at<http://www.zaoerv.de/64_2004/64_2004_4_a_979_1000.pdf> accessed on the 13th August, 2016. See also James D. Fry, '*COMMENT: TERRORISM AS A CRIME AGAINST HUMANITY AND GENOCIDE: THE BACKDOOR TO UNIVERSAL JURISDICTION*', UCLA Journal of International Law and Foreign Affairs (2002) p 169

everywhere is their battle ground. Until recently, terrorism was a big issue (and still is)in Nigeria while on the global landscape, major states once consider highly secured due to their advanced military and technological edge have become easy targets for terror attacks. From the Paris attack in France,therefore,to the serial killings in Garissa University College in Kenya to the Egyptian air-crash and the various 'lone-wolf-terrorists' killings in US, Israel and a host of others, the future of humanity with terrorism is grim.[3]

Statistically, the Global Terrorism Database (GTD) recorded that between 1970 and 2015, terrorists carried out over 150,000 terror attacks across the globe.[4] In 2013 alone, over 17,958 (seventeen thousand, nine hundred and fifty eight) people were killed by terroristsacross the globe in an unknown number of terrorist attacks.[5]Nigeria alone recorded well over 12, 000 (twelve thousand) human casualties between 2009 and 2014.[6]These human tragedies obviously do not include the economic, psychological and social cost of the impact of terrorism on the people and the States. Many times, a whole generation is wiped off, communities areoverrun and cities deserted as terrorists unleash terror on the people and their source of livelihood.

The question this paper seeks to address is whether terrorism/terrorist attacks can ever beststopped or prevented. Within the Nigerian context however, can there ever be a time when terrorist activities will be a thing of the past. One is not blinded to the fact that pushing for the total eradication of criminal tendencies or activities in the society is a wild goose chase.One does not however rule out the fact that it is very possible. The possibility of the incidence of terrorists' attacks reducing in Nigeria is thus the crux of this paper. This is particularly important because of the recent achievement made by the Nigerian government in their anti-terrorism crusade in the north-eastern part of the country. The government needs to capitalise on and sustain this achievementthe reduction of the rate of terrorist attacks.

Again, another important question is, given the possibility that the incidence of terrorists attack can be drastically reduced as evidenced in the north-eastern part of the country, what approach should the state employ to achieve this? Theseare the focus of this paper. This paper will make a case for the integration of the Human Security (HS) framework into Nigeria's counter-terrorism plan.[7]The argument for this lies in the fact HS approach to issue of insecurity is two-fold. First, the HS highlights the place of protectingfundamental rights and freedoms as an unassailable means of ensuring security.

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[3] Reuben Young, Defining Terrorism: The Evolution of Terrorism as a Legal Concept in International Law and Its Influence on Definitions in Domestic Legislation, 29 B.C. Int'l & Comp. L. Rev. 23 (2006) <http://lawdigitalcommons.bc.edu/iclr/vol29/iss1/3 accessed 08/09/2015

[4]Global Terrorism Database. Available at <https://www.start.umd.edu/gtd/> accessed on the 12/08/2016

[5] Institute for Economic and Peace, 'Global Terrorism Index Report' (2014), <http://economicsandpeace.org/wp-content/uploads/2011/09/Terrorism-Index-Report.pdf> accessed 10th August, 2016

[6] Banjo Eklor, 'Boko Haram: Death Toll of Victim Crosses Over 12,000 Mark' in *The PM News*.<http://www.pmnewsnigeria.com/2013/08/23/boko-haram-death-toll-of-victims-crosses-12000-mark/> accessed on 7th August, 2016

[7] The United Nations Commission on Human Security, 'Human Security Now', (New York 2003)

Secondly, it places emphasis on the empowerment of the ordinary people. These two planks of operation constitute, in modern times, the backbone of any effective anti-terrorism strategy for major reasons.

One, the protection framework deals primarily with the protection of the "vital core" of "human lives in ways that enhances human dignity and livelihood". This plank encourages governments and every other relevant stakeholderto utilise every legal, economic, social, political and even military resources to ensure that the people are protected from "fear and want."[8]'Fear and want' today appear to be a major factor that triggers insecurity today. '*Vitalcore*'on the other hand is defined by the United Nations Human Security Commission (HSC) as those 'set of elementary rights and freedoms people enjoy'.[9]These rights and freedoms, in the opinion of the HSC,include every "civil and political, as well as economic and social [rights]—as proclaimed in the legally binding conventions and protocols that are derived from the 1948 Universal Declaration on Human Right".[10]Protecting people from terrorism will invariablymean protecting the rights and freedoms of the people from any threat to their lives and sources of livelihood which terrorism obvious stands for today.

Structured into five parts therefore, part one of this paper captures the introductionset out above. Part two examines the concept of terrorism. Part three examines the contextual framework of terrorism prevention. Part fourdiscusses the human security framework using states commitment to the protection of fundamental rights and the empowerment of the peopleas a practical tool in terrorism prevention. Part five concludes with some recommendations.

1.2 The Concept Of Terrorism

It is important to set the context of this discourse straight by stating that terrorism has no universal definition.[11]This absence of a universally acceptable definition however does not remove the fact that there are several definitions of the concept which are relevant for practical and academic purposes.[12]For instance, terrorism is generally referred to as the use of violence or threat of the use of such violence against subjects

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[8] Sabina Alkire 'A Conceptual Framework for Human Security', *WORKING PAPER 2* (Queen Elizabeth House, University of Oxford 2003). P. H. Liotta and Taylor Owen, 'Why Human Security?, in *The Whitehead Journal of Diplomacy and International Relations* *http://www.taylorowen.com/Articles/Owen%20and%20Liotta%20-%20Why%20Human%20Security.pdf*accessed on 5th August, 2016

[9] ibid

[10] ibid

[11] Brian Michael Jenkins, 'The Study of Terrorism: Definitional Problems' *in Rand Corporation.* (Santa Monica, California 1980) available at <http://www.rand.org/content/dam/rand/pubs/papers/2006/P6563.pdf> accessed on the 9th August, 2016

[12] Williams G. Cunningham Jr., 'Terrorism Definitions and Typologies' in *Terrorism: Concepts, Causes, and Conflict Resolution.* Available at <http://www.au.af.mil/au/awc/awcgate/dtra/terrorism_concepts.pdf> accessed on 8th of August, 2016 See also Hoffman, Bruce, '*Inside Terrorism*'.(New York: Columbia University Press) 1998. P 31; Humphreys, Adrian. "One official's 'refugee' is another's 'terrorist'" in the *National Post*, January 17, 2006. See also Ganor, Boaz: Defining Terrorism: Is One Man's Terrorist another Man's Freedom Fighter? Police Practice and Research, 3(4) (2002) pp, 287–304.

contrary to accepted norms.[13] This broad definition is silent about the ideological, religious or cultural motivation for the use of threat of violence of such violence against victims. The reason is partly because not all terrorist activities have any of these colourations. While some may do, not all do. To Bruce Hoffman however, such violence must be perpetuated by some subnational groups or non-state entitieswith the aim of achieving a far-reaching psychological aim beyond the immediate pain inflicted on the victim.[14]

Thus, the primary victim may not necessary be the intended victim. The primary victim however becomes the means of getting to the intended victim which in many cases is the state.[15]Where a person or group of person therefore threaten or uses actual violence against another person with the aim of influence actions beyond the immediate harm done, such threat or actual use of violence is more likely to be taken as an act of terror.[16]

The above is obviously in line with the thoughts of AlexSchmid and Albert Jongmanand othersas they defined terrorismas "...an anxiety-inspiring method of repeated violent action, employed by (semi-)clandestine individual, group, or state actors, for idiosyncratic, criminal, or political reasons, whereby—in contrast to assassination—the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and serve as message generators."[17]

Here, we see that those killed, kidnapped or sexually abused are not the '*enemy*' the terrorists are after. They are just collateral victims of evil machinations. The U.S. Department of State correctly re-echoes this more clearly when it defined terrorism as "the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological." [18] Here, the act of terrorism is premeditated, motivated and perpetrated against non-combatant targets by subnational groups or clandestine state agents with ideological, religious and or religious goals to achieve.[19]

Article 1 (3) of the African Union Convention on the Prevention and Combating of Terrorism (1999)[20] however broadly described terrorism as:

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[13] Miryam Lindberg, 'Understanding Terrorism in the Twenty-First Century' in *Grupo de Estudios Estratégicos GEES.* available at *<http://www.gees.org/files/article/20022010093237_Analisis-07561.pdf* >Accessed 6th August, 2016

[14]Bruce Hoffman, *Inside Terrorism*, 2 ed., Columbia University Press, 2006, p. 41.

[15] ibid

[16] ibid

[17]Schmid, Alex, & Jongman, Albert (1988).*Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature.* Amsterdam: North Holland, Transaction Books, p. 28.

[18] U.S. Department of State: *Patterns of Global Terrorism: 1995*. Washington, D.C.: U.S. Department of State (1996).

[19] ibid

[20] The African Convention on the Prevention and Combating of terrorism

(a) any act which is a violation of the criminal laws of a State Party 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 or private 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

(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, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to(iii).

A series of acts capable of being called terrorist act is listed above. Anyone who does or threatens to do any of the acts mentioned in the above will therefore be considered as a terrorist and punished upon conviction.[21]However, struggles waged by peoples in accordance with the principles of international law for their liberation or self-determination, including armed struggle against colonialism, occupation, aggression and domination by foreign forces are all excluded from the context of terrorism.[22]This differentiation is necessary owing to the dynamic nature of the African continent where the demand for accountable and responsible government may sometimes lead to demonstrations and calls for self-determination. It becomes important make provision for such acts while identify acts which constitute terrorism.

In like manner, the Nigerian Terrorism Prevention (amendment) Act 2013 also defines terrorism by listing possible acts which qualifies as terrorist acts in Nigeria.

[21]Antonio Cassese, 'Terrorism as an International Crime' in Andrea Bianchi (ed), *Enforcing International Law Norms against Terrorism* (Hart Publishing 2004) 213, 219

[22] Article 3 (1) ibid

Section 1 (3) of the Nigerian Terrorism (Prevention) Act[23] (TPA) provides that any acts which...

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

(b) is intended or can reasonably be regarded as having been intended to -

  (i) unduly compel a government or international organization to perform or abstain from performing any act;

  (ii) seriously intimidate a population,

  (iii) seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a country or an international organization, or

  (iv) otherwise influence such government or international organization by intimidation or coercion; and

(c) involves or causes, as the case may be -

  (i) an attack upon a person's life which may cause serious bodily harm or death;

  (ii) kidnapping of a person;

  (iii) destruction to a government or public facility, transport system, an infrastructural facility including an information system, a fixed platform located on the continental shelf, public place or private property likely to endanger human life or result in major economic loss

  (iv) the seizure of an aircraft, ship or other means of public or goods transport and diversion or the use of such means of transportation for any ofthe purposes in paragraph (b) (iv) ofthis subsection;

  (v) the manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of

[23] The Nigerian Terrorism (Prevention) Act 2011(as amended by the Terrorism (Prevention) (Amendment) Act, 2013)

biological and chemical weapons without lawful authority;

(vi) the release of dangerous substance or 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;

...are seen as 'terrorist acts'. These acts must however bedone deliberately or done with malice to cause the result mentioned in Section 1 (3)[24] for it to qualify as terrorists act.Interestingly, beyond identifying particular sets of acts as terrorists act, the TPA further classified act done preparatory to; in furtherance of;act done to promote or assist any one; or acts done to facilitate the commission of any of the acts mentioned in the Section as terrorist acts.[25]Here, mental element stands out. Where there is no 'intention', even when the result of the 'conduct' is the same as any of the 'terrorists' acts' earlier mentioned,the person has not committed a terrorist offence triable under the TPA.[26]

Thus, the very common denominator that runs through the above definitions is the use of violence or the threat of violence against a person or group of persons by any person or group of person.The aim may be to achieve a far-more sinister objective against a larger group or the State, it does not really matter. If it comes with the context of 'terrorists' acts' or 'terrorism' as defined, then, it is terrorism. This definition has no regards for any religious, political or ideological motivation or bias if the culprit registershis displeasure or dissatisfaction by using any of the measures listed in the NTP Act, the AU Convention or other legal instruments, such a person or group of persons would be deemed to have committed a terrorist act.

1.3 The Prevention of Terrorism

The main thrust of terrorism prevention is the avoidance of the rise of terrorism in the first place. Even though the context has been expanded to accommodate efforts aimed at combating terrorist attacks in recent times, the traditional context of usage is originally intended to capturemeasures of ensuring that terrorism does not exists in the first place. For instance, the AU Terrorism Prevention Convention provides that "States Parties shall adopt any legitimate measures aimed at preventing and combating terrorists acts". [27] This broad title clearly illustrates the difference between preventing and

[24] Ibid. Section 1 (2)

[25] Ibid. Section 1 (1)

[26] Akin Oyebode, (2012) *Legal Responses to the Boko Haram Challenge: An Assessment of Nigeria's Terrorism (Prevention) Act, 2011*. Paper delivered at the Oxford Round Table, held at Harris Manchester College, the University of Oxford, England, July 22-26, 2012.

[27] Article 4 (1). Op. cit. fn. 26

combating terrorism. It underscores the importance of states making 'hay while the sun shines' by addressing terrorism's causative factors.

In the same way, the United Nations General Assembly Resolution on Measures to Eliminate International Terrorismcalled upon states "to adopt further measures in accordance with the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism..."[28]If the highlighted phrase is anything to go by, then, efforts aimed at combating terrorism can be said to be different from those aimed at preventing terrorism notwithstanding the fact that both are being usedinterchangeably today.

Prevention and combating terrorism are two clear approaches in the fight against terrorism.[29]Recent efforts from the Nigerian government especially in the North-eastern part of the country can be described as combative measures. Even though not entirely 'preventive' and also not entirely 'combative', the measures adopted are a blend of both, deployed as part of the country's broader counter-terrorism measure. Terrorism prevention practically involves using relevant and appropriate methods, processes, resources, facilitiesin line with international and local standards to discourage recourse to 'terrorists act'. Combating terrorism on the other hand involves engaging terrorist to a standstill[30], largely, using combative methods.[31]

Terrorism prevention therefore extends beyond interrupting attacks to dealing with causes and factors that encourages recourse to terrorism.[32] It goes beyond interrupting the planning and execution of terrorist attacks to dealing with factors that encourages terrorism.[33]Effective counter-terrorism measures must therefore first, address the factors that make recourse to violence, conflicts, crimes, unrest, etc.attractive.[34]Where there are few deviants with tastes for crime, then, efforts can be made to combat them.

The above is of practical importance to Nigeria today because terrorism is a product if acomplex chain of internal and external factors.[35]For instance, when dealing with the issue of how terrorist groups recruit their members, the United Nations High-level Panel on Threats, Challenges and Change advised States to deal with poverty, human rights abuse, non-compliance with democratic principles, foreign occupation etc. first. This is because these are potential causative factors. According to that Panel,

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[28] United Nations General Assembly resolution A/RES/51/210 <http://www.un.org/documents/ga/res/51/a51r210.htm> accessed 09th of September, 2015. See also the General Resolution A/RES/54/110 of the 2nd February 2000 on *'Measures to Eliminate International Terrorism'*

[29] Ibid

[30] See the Proceedings of the International Conference on the Repression of Terrorism, League of Nations Doc. C.94M.47 1938 V (1938), at 49

[31] Naureen Chowdhury Fink and Rafia Barak, "Preventing Conflict and Terrorism: What Role for the Security Council?"Centre on Global Counter Terrorism Cooperation Spring 2013

[32] ibid

[33] ibid

[34] ibid

[35] James Kiras, "Terrorism and Globalization" in (Ed.) John Baylis and Steve Smith *The Globalization of World Politics* (New York: Oxford U P, 2006), p. 482

"...terrorist groups are strongly aided by grievances nurtured by poverty, foreign occupation, and the absence of human rights and democracy."[36]So, to prevent the rise of 'terrorism' or militancy in other parts of the country, the government would do well to address the appearance of these issues before they trigger revolt. The same obviously applies to other crimes as some are fuelled by plethora of these internal and sometimes, external factors dysfunctions in the society which the state is encouraged to look into.[37]These are the focus of terrorism prevention mechanism.

Counter-terrorism however encompasses both the prevention of terrorism and combating terrorism. It is the broad framework that outlines relevant approach to addressing the menace of terrorism. Going byRodham Hillary Clinton, the then United States Secretary of Statedefinition of counter-terrorism in her address to the United Nations High Level Panel on Threats, Challenges and Change, counter-terrorism "...means more than [just] stopping terrorists. It means stopping people from becoming terrorists in the first place. It requires addressing the political, economic and social conditions that make people vulnerable to exploitation by extremists... That means enacting policies that create new opportunities for people to build a better future for themselves, strengthening our commitment to core values, particularly human rights and the rule of law."[38] States must look at the economic-social and cultural context of terrorism in designing counter-terrorism strategy.

Buttressing the same point, the United Nations General Assembly in itsGlobal Counter-Terrorism Strategy(2006) encouraged member States to adopt "measures aimed at addressing the conditions conducive to the spread of terrorism."[39]These condition invariably includes "but not limited to prolonged unresolved conflicts, dehumanization of victims of terrorism in all its forms and manifestations, lack of the rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization and lack of good governance"[40] among others.

Over the years, it is noticed that people resort to arms, violence and protest when government become insensitive to their plights or when states becomes oppressors. Conflicts, human rights violations, discrimination, and political exclusion; rising cost of living; failure to deliver electoral promises among many others have become common grounds for rebellion. Even though one is careful and by no means justifying recourse to violence, aggression, or crimes as alternative of dialogue, it must not also be taken for granted that the state will always have the support of the people even when there is obvious failure to address the demands of the people.[41]

Therefore, in practical terms, the enactment of laws and the adoption of policies including acquisition of large cacheof arms for security institution may not be an absolute

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[36] The United Nations High-level Panel on Threats, Challenges and Change, 'A more secure world: Our shared responsibility' (United Nations publication, Sales N° E.05.I.5).
[37] ibid
[38] UN Security Council, S/PV.6390, 27 September 2010
[39] See United Nations Resolution A/RES/60/288 adopted on the 20/09/2006 at its Sixtieth session
[40] ibid
[41] ibid

bar for crimes if the effect of the social and environmental context of crimes is not addressed. The context of terrorism prevention must therefore not be limited to stopping terrorist attacks but extend also to stopping people from becoming terrorists in the first place. It practically involves giving people an option to live a different life.[42]Stopping one or several terrorist attacks will not sufficiently take care of the problems of terrorism as seen today. For as long as there are one or two terrorist groups hiding somewhere in the country, threats to fundamental rights and freedom will continue to exist. This can however be taken care of if the conditions which make the rise of,terrorism possible are addressed.[43]

Interestingly, options opened to States in this regards are not limited. States have a wide range of options to choose from: military and non-military. Of course, the military option is very necessary especially in extreme cases as what operates in many part of Nigeria today. Beyond this however, the General Assembly in its 2006 Global Counter-Terrorism Strategyadvocated for a strong collaboration between States and the United Nations and its various organsin this fight against terrorism. Since a terrorist threat to one is a terrorist threat to all, states are also encouraged to work with or partner with neighbouring countries in the fight against terrorism. Thus, every state must prohibit incitement to commit terrorist acts by its laws.[44]

The United Nations Office on Drugs and Crime (UNODC)also recommends that states adopts 'proactive', 'forward looking' measures aim at protecting lives in the following ways:

(a) respectthe right to life through commitment to the rule of law and not just punishing deprivation alone[45],

(b) protection of civilians against threats of violence[46],

(c) commitment to the criminalisation of terrorist acts and not just some commitment to punishing criminal acts[47]; and lastly

(d) interruption of terrorist plans and activities should be made a prioritised[48].

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[42] Kathryn Sturman, The AU Plan on Terrorism, Joining the Global War or Leading an African Battle? Available at <https://www.issafrica.org/pubs/ASR/11No4/Sturman.pdf> accessed on 9th, August, 2016

[43] See the Report on The Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach Published by the Organization for Security and Co-operation in Europe (Vienna, 2014) available <http://www.osce.org/atu/111438?download=true> accessed 3rd August, 2016

[44] ibid

[45]The United Nations Office on Drugs and Crime, 'Preventing Terrorist Acts: A Criminal Justice Strategy Integrating Rule of Law Standards in Implementation of United Nations Anti-Terrorism Instruments (New York, 2006)

[46] ibid

[47] ibid

[48] ibid

However, while these are important, it must be pointed out that they are by no means exhaustive. States can address the "environment conducive for the growth of terrorism" from a wide range of angle provided it is within the limit of international standards. Therefore, the market of options from which States can shop from is never exhaustive.

1.4 Human Securities as a Preventive Tool

As earlier noted, the HS is about protecting the people's fundamental rights and freedomin ways that enhances their freedoms and fulfilments.[49]It is about protecting the people by shielding them from critical and perverse "downside risks" of life that menaces human survival, livelihood and dignity.[50] It requires States and other relevant stakeholders to adoptprocesses that prioritise 'protection' and'empowerment', galvanising the utility of every legal social, economic, cultural, political, military resources available to guarantee to the people "freedom from want and freedom from fear."[51] By underscoring the place of *'protection'* and *'empowerment'*in security architecture, people will not only be free from 'fear' but also from 'want'.[52] Their capacity to take actionsthat will impact positively their lives will also not only be protected but expanded.[53]The HS therefore ensures this.

The HS builds on the 'Human Development' (HD)approach which was developed by the United Nations Development Programme in 1994. The HDset the stage for the shifting of focus from the traditional state centred security approach to the people focused security approach which has become the defining factor in security discourse in recent times.[54]However, unlike the HDframework which believes on the availability of opportunities as basis of security,[55]the human security framework focuses on dealing with the downside 'risks'to these'opportunities'. As the HD consistently advocates for "...expanding opportunities for people", human security prioritises the protectingof fundamental rights and the freedoms of the people. At the centre of human security framework therefore is the protection of fundamental rights and freedoms and empowerment of the people.[56]

The HS framework is an important means of addressing the scourge of terrorism in Nigeria today for two reasons. One, it recognise that 'human needs' is a major reason for violence and aggression. If these needs are met, protected or provided, recourse to

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[49] Opp. Cit. fn 7
[50] ibid
[51] ibid
[52] ibid
[53] ibid
[54]UNDP Report on Human Development, 1994
[55]. Ogata, Sadako, "State Security—Human Security." UN Public Lectures, the Fridtjof Nansen Memorial Lecture, UN House, Tokyo, 12 December 2001. www.unu.edu/hq/publiclectures/ogata.pdf> accessed on 09th September, 2015 .
[56] Ogata, Sadako, "From State Security to Human Security." The Ogden Lecture. Brown University, Providence, Rhode Island 26 May, 2002.

violence may be minimal. Conversely, when these are not met, or the sources of meeting these needs are threatened, insecurity sets-in. Therefore, providing specific frameworks for addressing human needs particularly using the instrumentality of the fundamental rights and freedomsprovisions by the state becomes one major way of calming restive nerves.

Instructively, states have the primary obligations not only to recognise but also to protectthese needs. The obligation imposed on the state is broad but necessary. By international standards, every state is under an obligation to give effect to fundamental rights and freedoms as adopted by themwithout discrimination of any kind.This leads to the second reason why the human security framework is important. It is important because it relies on existing States' obligations andhighlights the role of enforcing human rights in the prevention of terrorism. This is obviously not an imposition of some strange duty or the exhumation of some fanciful ideas but the reiteration of existing but often ignored duty which if implemented will save lives. These two planks of the human security framework will be discussed briefly below.

a. Protecting Fundamental Rights and Freedoms

Taking into cognisance the fact that terrorism is first and foremost a direct attack on fundamental rights and freedom, placing emphasis on the protection of fundamental rights cannot be overemphasised. In view of the almost irreversible harm terrorism causes to human rights, cases for the proactive protection of fundamental rights by the state will continue to be made. The duty to do this isobviously on the State and it is a positive duty which requires States to take proactive measure to ensure the protection of beneficiaries of the rights against every form of violations.[57]

States are under obligation to protect the people not only from terrorists but even from state agents who are power-drunk by adopting measures which go beyond the enactment of laws. Indeed, one must say again that the law is good. But, while the law as an instrument of protection is important, the reality is that no law is self-executory.It needs someone to execute it. There is an imaginary gap between the enactment oflaws and the actualisation of the objectives for which the lawswere made. It is thesegaps that criminals latch on to commit crimes. However, the capacity to fill this gap belong only to the state and it is in deploying of relevant political, economic, social and even military resource available to protect the rightsand freedoms that crime can be reduced.

States must therefore not only take a position against arbitrary interference with the enjoyment of these rights but it must be concerned about it and be committed to bringing every arbitrary interference to book. This is important because of the almost irreversible nature of terrorist attacks on the people.The nature of the violated right is of no moment- whether civil and political rights or economic, social and cultural rights.[58] Once it is a right, it should be protected.This is also important because these rights are

[57] See Communication 155/96 between the Social and Economic Rights Action Centre (SERAC) and the Centre for Economic and Social Rights (CESR) v. NIGERIA

[58] ibid

attached to people. Every right that is violated, or freedom denied speak of some persons somewhere that has been violated, hurt or denied an opportunity.

States cannot, in the practical sense of terrorism prevention,rely on the instrumentality of the laws alone to fight against terrorism. Over the years, it has been seen that the effectiveness of the lawis not only dependent on the inherent content of the law but also on the commitment of the state to making it work.[59]Nigeria must go beyond the criminalisation of acts or the recognition of rights and freedoms, there is a dire need for it to embark on effective policing that prioritise intelligence gatherings; quick response to distress calls; prompt and detail investigation; denying terrorism suspects the support, resources and means to organize themselves or to plan and carry out attacks; pursuing terrorist suspects to apprehend them and bring them to justice and a host of others.[60]

If people today can trust the State to protect them when it matters most, there may be no need for crimes, violence or counter violence or even the need to bear arms in self-defence.[61]The reason for violence or counter-violence in many situations is because of the consistent failure to protect rights and freedoms from being violated on the part of those who have the duty protect. Ayn Rand rightly captures this in her argument that when state consistently fails to protect the basis rights and freedoms of the people, such persistent failure:

> would compel every citizen to go about armed, to turn his home into a fortress, to shoot any strangers approaching his door—or to join a protective gang of citizens who would fight other gangs, formed for the same purpose, and thus bring about the degeneration of that society into the chaos of gang-rule, *i.e.*, rule by brute force, into perpetual tribal warfare of prehistoric savages.... [62]

As earlier stated, the nature of the rights is of no moment. The pertinent question is-are these rightsand freedoms protected by the state. For instance, lack of basic economic and socio-cultural rights such as food, clothes and shelter is a recipe for crime. However, if the vulnerableones (the elderly, the sick, the disable, the blind, the children) can be assured of their physiological need (food, clothes and shelter),if children canhave access to qualitative education, if graduates can secure employment,if the sick can have access to affordable and qualitative health care facilities,if people's rights to own properties can be protected, if... etc. can be taken care of by the State, maybe recourse to

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[59] Roberto Unger, 'Law in a Modern Society' (the Free Press, New york: 1976)p 15

[60] Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach. Available at <http://www.osce.org/atu/111438?download=true> accessed on 9th August, 2016

[61] The case of counter-killings in the US

[62]Ayn Rand, 'The Nature of Government' available at <http://www.aynrand.org/site/PageServer?pagename=arc_ayn_rand_the_nature_of_government> accessed 4th August, 2016

crime or violence will not be an alternative.[63]People sometimes find crime as an option and violence as alternative not necessarily because the opportunity cost is low but because they can at least express their dissatisfaction with the present position.

Poverty and unemployment are critical factors that government should be committed to limiting or eradicating. Although, one concedes to the fact that these are not the sole causes of crime, one cannot however ignore the fact that the longer the people are/remain poor, the moreattractivecrime becomes.[64]Ndanusa once noted that one cannot discountenance the 'economic undertone of crime' [65] just as Onuba submitted that "...when you have youth unemployment, poverty, then you create a ready-made potential for battalion of people that can be used by all kind of extremists".[66]This same thought was echoed by Adesinawho posited that "unemployment is a major catalyst for crises when youthful potentials are not effectively harnessed or deployed into something productive'.[67] When a State fails to engage the productive sector of her population or put in place policies to harness their potentials for productive endeavours, such a State is indirectly creating an environment conducive for terrorism.[68]Terrorism also has an economic undertone, and this cannot be disregarded.

b. Empowering the People

The first leg of the human security framework as discussed earlier recognises the pivotal role States can play in preventing terrorism by not limiting itself to just enacting laws. The 'protection' framework demands that States take positive practical steps toward the actualisation of the rights and freedoms. The second framework builds on the first by requesting States to equip the people to live the lives they actually want to live within the ambit of the law. This demand on the State is expected to be done through the creation of enabling environment which allows the people to optimise their capacities.

Empowerment is not a one stop project but a continuous process which span several stages or aspects.[69]As Longwecorrectly itemises,[70]empowerment has five stages:

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[63] A. J. Omede Nigeria, 'Analysing the Security Challenges of the Goodluck Jonathan Administration' in *The Canadian Social Science Journal* (2011) pp. 90-102

[64]Alberto Abadie, 'Poverty, Political Freedom, and the Roots of Terrorism', (Harvard University and NBER 2004) available at<http://www.hks.harvard.edu/fs/aabadie/povterr.pdf> accessed 9th August, 2016. Also Alan B. Krueger and Jitka Malec'kova, 'Education, Poverty and Terrorism: Is There a Causal Connection?' in Journal of Economic Perspectives (Vol. 17, Number 4, 2003) Pp. 119–144

[65]O. S. Adesina, 'Unemployment and Security Challenges in Nigeria' in *The International Journal of Humanities and Social Science* (2013)

[66] F. Onuba: Poverty, unemployment fuelling security crisis – ICSAN published in the Punch Newspaper of September 4, 2014

[67]Opp cit. fn. 39

[68] Ibid

[69] The United Social Department Network, 'Empowerment, What does it mean to you?' available at <http://www.un.org/esa/socdev/ngo/outreachmaterials/empowerment-booklet.pdf> accessed on 10th August, 2016

[70]Longwe, S. 'Gender Awareness: The Missing Element in the Third World Development Project', in T. Wallace and C. March *Changing Perceptions: Writings on Gender and Development*, (Oxford, UK:

The first is the 'welfare stage' where people are directly or indirectly equipped to meet their basic needs.[71]This can come through policies that enable the people to catch in on opportunities which will enhance their capacities to fend for themselves. It is however a stage of help where people are considered as recipients of government political and economic intervention.[72]Many Nigerians appear to be in dire need of this intervention today.

The second stage is the 'access stage'. This stage is the stage where people can access opportunities on an equal and more enduring basis as every other people because of the government policies that allow for it. At this stage, obviously, issues such as food, clothing and shelter are not being raised as what is of importance now is access to education, medical facilities, land for agriculture of housing, credit facilities; equipment, fertilizers, etc.

The third stage is the 'conscientisation and awareness-raising stage'.[73] This stage involves rapid promotional and enlightenment activities of the rights and freedoms. This involves the stage where the people need to know their rights. It involves access to information. The people get to know what truly their rights are and how they can call the government to order.This stage is more of the liberalisation of information and political inclusiveness where everyone has get to know how they fit in into the system.

The fourth stage is an outflow of the third which is basically the stage of involvement, participation and mobilisation.[74]People are equal in decision-making at this stage. Everyone here has asay in governance particularly through the ballot and can also contest elective offices.

The last and final stageis the stage of control. People have control over their life, their body, and their resources. Their decisions over these are recognised as binding and enforceable.[75]

The above '*Logwenian'*graduated stages of empowerments is relevant because it integrates the recognition of diversity of needs and the differing responses that is needed to take care of them. Comparing it with Maslow's thesis on human motivations as expressed in his thesis on the hierarchy of human need[76], one therefore find some parallels that re-emphasises the fact that human needs cannot be ignored. It must be met or ignored at the peril of the state. In fact, Maslow psychosocial analysis of what

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Oxfam 1999)

[71] ibid

[72] ibid

[73] ibid

[74] ibid

[75] Ibid. at this point is the highest level of empowerment where issue such as the right to abortion is recognise, right to take once life is recognise, right to change sexes, even the current definition of marriage in the United States and many western countries can be regards as a form of empowerment.

[76]Maslow, A.H. 'A Theory of Human Motivation' in *Psychological Review* (1943). See also Saul McLeod, 'Maslow's Hierarchy of Needs' (2007) <http://www.simplypsychology.org/maslow.html> accessed 10th August, 2016

motivate people to behave the way they do is an explanation of the often complex 'criminal'motivations for the varying reactions that is seen today[77].

Maslow and '*Logwenian*' theses are relevant in discussing the issue of empowerment today. For instance, Maslow's thesis gives an insight into the reason why crimes or terrorism can be an alternative lifestylebecause basic needs are not met. '*Logwenian*' itemisation of the stages of empowerment illustrates how states can intervene to assist the people. The nature of the need notwithstanding, the state can assistby empowering the people. The reason is not to create an army of lazy people who depends on the state but to help the people from that need stage to a stage where they can reasonably live the kind of lives they desire. Thus, it is the duty of the state, the community and the family around to assist people develop capacities to be who they want to be within the ambit of the law. Government in particular has a leading role in this regard-through deliberate policies and 'strategies'which address social, economic and political factors that mobilise people, the people can be empowered[78].

Empowering people is important because it enables people become independent. Their capacity to act on behalf of themselves and others is not only enhanced but also expanded. It is important to note that those empowered are in a better position to avoid potential and actual pitfalls including religious brainwashing. They are relatively less susceptible to deception, oppression, and victimisation because they are in a position to make informed, practical and logical decisions. They are in a better position to give back to their community.

Empowerment develops the mental and physical capacity of the people.[79]Those empowered are in a position to respect for their rights, dignity and freedom if violated and can initiate changes in thesociety. They can create new opportunities and work and instead of being dependent, they become independent. They can evaluate problems and properpractical solutions within the level of their knowledge. They can organise themselves and mobilize support for the state, the security agencies and the community. They can prevent attacks on their families or protest human rights violations by states or third parties. People empowered are not victims because they are put in a position to think and they have choices.

Empowering people go beyond enacting legislations to providing the socio-political, economic and infrastructural environment needed for the development of capacities. It involves providing education and information so that the people can

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[77] (i) '*biological and physiological needs*: air, food, drink, shelter, warmth, sleep; (ii) '*safety needs*': protection from elements, security, order, law, stability, freedom from fear; (iii) '*love and belongingness needs*': friendship, intimacy, affection and love, - from work group, family, friends, romantic relationships; (iv) '*esteem needs*': achievement, mastery, independence, status, dominance, prestige, self-respect, respect from others and lastly, the (v)'*self-actualization needs*': realizing personal potential, self-fulfilment, seeking personal growth and peak experiences ibid

[78]Opp cit. fn. 7

[79] Overseas Development Institute, 'Understanding and operationalising empowerment' in Cecilia Luttrell and Sitna Quiroz, with Claire Scrutton and Kate Bird (Eds) Working Paper 308 Results of ODI research presented in preliminary form for discussion and critical comment.

scrutinize social arrangements and make informed decision. It involves building public space that tolerates opposition, encourages local leadership and cultivates public discussion. People are empowered when the environment is supportive. When the State allows freedom of the press, freedom of information, freedom of thought, conscience and religion,freedom to organize, with democratic elections and policies of inclusion, people are empowered to be vibrant members of the society. But when the environment is hostile, repressive and intolerant, people lose their ability to effectively interrogate issues and contribute to the development of the community.

1.5 Conclusion

This paper recommends that more people-friendly approach to security should be adopted to deal with the menace of terrorism. People-focused approach does not necessarily mean that the State will not be concerned about national security or matters of national importance but rather that in the design and implementation of security strategies, the interest of the people will be paramount. In fact, the interest of the people should be the first matter of national importance in the security trajectory. Even in the continued fight against terrorism today, no one deserves to die when there is a government in place in Nigeria.

Strategies designed to combating terrorism therefore should be redefined to focus on adding values: economic, social, political, educational etc. to potential victims of terrorist attacks. This is the core of the human security framework. It is a practical tool of terrorism prevention in this twenty-first century because it addresses issue too most often ignored. It addresses the issue of the protection of human needs as couched in the form of rights and freedoms and also requires the State to empower the people. It is not only about criminalising acts and classifying them as 'terrorist acts' that will make terrorism reduced, there must be some economic face to the struggle. On-going military or police efforts today should be complemented by policies that prioritise respect and protection of human rights abuse, creation of jobs opportunities, provision of health care services andeducational opportunities among many others.